



City of Walterboro

UNIFIED DEVELOPMENT ORDINANCE

Adopted August 14, 2012



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ORDINANCE # 2012-09

AN ORDINANCE TO REPEAL CHAPTER 21, ZONING, OF THE 2003 CODE OF ORDINANCES OF THE CITY OF WALTERBORO, SOUTH CAROLINA, AS WELL AS TO REPEAL CHAPTERS 17 AND 24, FLOOD DAMAGE CONTROL AND PLANNING, OF THE 2010 CODE OF ORDINANCES OF THE CITY OF WALTERBORO, SOUTH CAROLINA, AND TO REPLACE SAID CHAPTER 24 WITH A REVISED CHAPTER 24, ENTITLED "PLANNING" WHICH CONTAINS THE "CITY OF WALTERBORO UNIFIED DEVELOPMENT ORDINANCE", AS WELL AS TO REPEAL OTHER SECTIONS OF THE CODES THAT CONFLICT WITH THE PROVISIONS OF THE REVISED CHAPTER 24.

WHEREAS, the City of Walterboro is hereby adopting a revised Land Development and Zoning regulation entitled "City of Walterboro Unified Development Ordinance"; and

WHEREAS, the current Code of Ordinances for the City of Walterboro includes several provisions pertaining to zoning matters; and

WHEREAS, the City of Walterboro Unified Development Ordinance being adopted by this Ordinance was written and compiled at the direction of and under the supervision of the City of Walterboro Planning Commission, which has recommended its adoption, therefore

BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE CITY OF WALTERBORO, IN COUNCIL ASSEMBLED:

SECTION I

The Code entitled "City of Walterboro Unified Development Ordinance" (UDO), prepared by Benchmark CMR, Incorporated, and dated July 19, 2012, is adopted.

SECTION II

All ordinances of a general and permanent nature pertaining to city planning and zoning enacted on or before the date of the final adoption of this ordinance, and not included in the UDO or recognized and continued in force by reference therein, are repealed, including, without limiting the generality of the foregoing, the following:

Specifically, Chapters, Articles, Sections, Subsections and the like from the 2003 Code of Ordinances that remained in effect after the adoption of the 2010 Code of Ordinances as follows:

Section 13.201, subsections (a) and (b), as previously amended.

Section 18.320, Heavy Vehicles Prohibited, as previously amended.

And Chapters, Articles, Sections, Subsections and the like from the 2010 Code of Ordinances as follows:

Chapter 14, Article II, Tree Protection, as previously amended.

Chapter 17, Flood Damage Control.

Chapter 24, Planning.

PROVIDED, NEVERTHELESS, Section 2.7.3 Historic Preservation Overlay (HP-O) is deleted from the Ordinance and not adopted at this time;

PROVIDED, FURTHER NEVERTHELESS, the below listed overlay zones and the guideline pertaining thereto as previously adopted are not repealed and shall continue in full force and effect and shall govern the areas within their respective boundaries as previously adopted. The overlay zones to remain in full force and effect are:

Hickory Valley National Historic District;
Walterboro National Historic District; and
Downtown Improvement District.

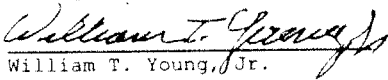
SECTION III

The repeal provided for in Section II hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

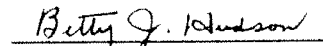
SECTION IV

This Ordinance shall become effective upon adoption.

DONE, this 14th day of August, 2012.


William T. Young, Jr.
Mayor

ATTEST:


Betty J. Hudson
City Clerk

First Reading: June 12, 2012
Public Hearing: July 16, 2012
Second Reading: August 14, 2012

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CHAPTER 1:

PURPOSE AND LEGAL PROVISIONS

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CHAPTER 1: PURPOSE AND AUTHORITY

Section 1.1 Title

- A. The Ordinance shall be known and may be cited as the City of Walterboro Unified Development Ordinance (UDO).
- B. The boundaries of the zoning districts presented in this ordinance are shown on a map entitled Official Zoning Map, City of Walterboro. The Official Zoning Map, together with all explanatory text thereon, is hereby adopted by reference and declared to be part of this Ordinance.
1. If, in accordance with the provisions of this ordinance and South Carolina Code, changes are made in District boundaries portrayed on the *Official Zoning Map*, such changes shall be promptly entered on the Map after adoption with two (2) readings at City Council. No amendment to this ordinance which involves information portrayed on the *Official Zoning Map* becomes official until after such change has been made on the Map.
 2. The *Official Zoning Map* shall be located in the Walterboro City Hall. This copy shall be the final authority as to the current zoning status of land in the City.
 3. No changes of any nature shall be made on the *Official Zoning Map* or its explanatory text except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this ordinance and is punishable as provided by law.

Section 1.2 Authority & Enactment

Pursuant to the authority conferred by the General Statutes of South Carolina Code Sections 6-29-710 and 6-29-1120, as amended, this Ordinance is intended to:

- provide for adequate light, air, and open space;
- prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
- facilitate the creation of a convenient, attractive, and harmonious community;
- protect and preserve scenic, historic, or ecologically sensitive areas;
- regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
- facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements. “Other public requirements” which the local governing body intends to address by a particular ordinance or action must be specified in the preamble or some other part of the ordinance or action;
- secure safety from fire, flood, and other dangers;
- encourage the development of economically sound and stable municipalities and counties;

CHAPTER 1: PURPOSE AND AUTHORITY

- assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes;
- assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas; and
- further the public welfare in any other regard specified by a local governing body,

In accordance with the City of Walterboro's adopted Comprehensive Plan, the City Council of the City of Walterboro does ordain and enact into law the Unified Development Ordinance.

Section 1.3 Applicability

- A. The provisions of this Ordinance shall apply within the municipal boundaries of the City of Walterboro as shown on the official Zoning Map.
- B. Any violation of the previous Zoning Ordinance and Land Development Regulations will continue to be a violation under this Ordinance and be subject to penalties and enforcement under Chapter 10, unless the use, development, construction, or other activity complies with the provisions of this Ordinance, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of this Ordinance.
- C. Any legal nonconformity under the previous Zoning Ordinance and Land Development Regulations will also be a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous regulations continues to exist. If a nonconformity under the previous becomes conforming because of the adoption of this Ordinance, then the situation will no longer be considered a nonconformity.
- D. Variances that have received approval prior to the effective date of this Ordinance, shall remain valid until their expiration date. Construction pursuant to such approval may be carried out in accordance with the development standards in effect at the time that approval was granted, provided that the permit or approval remains valid and has not lapsed.
- E. No provision of this Ordinance shall require any change in the plans, construction, or designated use of any structure for which a Certificate of Zoning Compliance or building permit has been issued prior the effective date of this Ordinance, provided that the Certificate of Zoning Compliance permit does not lapse and remains valid.
- F. Any use that was legally established prior to the effective date of this Ordinance, without Special Exception approval and which after the effective date, is located in a zoning district that requires Special Exception approval for the subject use, shall not be considered

CHAPTER 1: PURPOSE AND AUTHORITY

nonconforming merely as a result of not having secured Special Exception approval. Expansions and modifications of such uses shall be subject to Chapter 13 Nonconformities.

Section 1.4 Conflicting Provisions & Validity

- A. Whenever the regulations of this Ordinance impose more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.
- B. All ordinances in conflict with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.
- C. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 1.5 Conformance with Adopted Plans

- A. The regulations adopted pursuant to this Ordinance shall be consistent with the Comprehensive Plan and any specific plans adopted by the City Council. All new developments shall be designed in conformance with adopted plans including but not limited to the Comprehensive Plan, small area plans, land use plans, parks and recreation plans, transportation plans, and school plans.
- B. Public projects including new streets, structures, utilities, square, park, or other public way grounds, or open space or public buildings for any use, whether publicly or privately owned, shall not be constructed or authorized in the City of Walterboro until the location, character, and extent of it have been submitted to the Planning Commission for review and comment as to the compatibility of the proposal with the Comprehensive Plan in accordance with SC Code 6-29-540. In the event that the Planning Commission finds the proposal to be in conflict with the Comprehensive Plan, the Commission shall transmit its findings and the particulars of the nonconformity to the entity proposing the facility. If the entity proposing the facility determines to go forward with the project which conflicts with the Comprehensive Plan, the entity shall publicly state its intention to proceed and the reasons for the action. A copy of this finding must be sent to the City Council, the Planning Commission, and published as a public notice in a newspaper of general circulation at least 30 days prior to awarding a contract or beginning construction. Telephone, water, sewer, and gas utilities, or electric suppliers, utilities and providers, whether publicly or privately owned, whose plans have been approved by the City Council or state or federal regulatory agency or who are acting in accordance with a legislatively delegated right are exempt from this provision. These utilities must submit construction information to the Planning Commission.

Section 1.6 Vested Rights

Pursuant to the provisions of the Vested Rights Act, Act 287, adopted in 2004 by the South Carolina Legislature, the following standards are established to specify the point at which a development is considered to have obtained a vested right.

- A. A vested right is attached to a development project once the developer or landowner has:
 - 1. Single-phased developments: Satisfied all conditions of site plan approval placed upon the proposed project by City of Walterboro staff and the Planning Commission.
 - 2. Multi-phased developments: Satisfied all conditions of site plan approval that are placed on the proposed phase of development by City of Walterboro staff and the Planning Commission.
- B. Such vested right shall extend for an initial period of two (2) years. Within 120 days of expiration of the initial 2-year vesting period, the developer or landowner may request, in writing, to the Administrator a one (1)-year extension of the vesting period. Extensions of vested rights shall be given in one (1)-year increments and shall not exceed five (5) extensions – for a total vesting period of seven (7) years.
- C. Requests for extensions shall be presented to the Planning Commission for consideration. The Planning Commission must approve the annual extension unless an amendment to the land development regulations has been adopted that prohibits approval. Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable land development regulations.
- D. A site-specific development plan for which a variance, regulation, or special exception is necessary does not confer a vested right until the variance; regulation or special exception is obtained.
- E. Variances or special exceptions approved by the Board of Zoning Appeals prior to Planning Commission approval of a site specific development plan do not create vested rights until the Planning Commission or Planning Department approval of the development plan is obtained and all conditions for approval satisfied.

Section 1.7 Development Agreements

Requests for development agreements shall be processed pursuant to the South Carolina Code of Laws, Title 6, Chapter 31, as amended. Development agreements do not require Planning Commission review.

CHAPTER 1: PURPOSE AND AUTHORITY

Section 1.8 Effective Date

These regulations shall become effective on August 14, 2012. Upon such date, these regulations shall supersede, repeal, and replace the *City of Waltherboro Zoning Ordinance and Land Development Regulations*.

CHAPTER 2: ZONING DISTRICTS

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Section 2.1 Interpretation

2.1.1 Use Interpretation

- A. Each zoning district has uses permitted by right, conditional uses, and special exception uses. Lists are shown for each district placing uses under one of the three categories. **Uses not expressly permitted are prohibited.** The following describes the processes of each of the three categories that the uses are subject to:
1. **Uses Permitted by Right:** Administrative review and approval subject to district provisions and other applicable requirements only.
 2. **Conditional Uses:** Administrative review and approval subject to district provisions, other applicable requirements, and conditions outlined in Chapter 3.
 3. **Special Exceptions:** Board of Zoning Appeals review and approval in accordance with Section 11.3, subject to district provisions, other applicable requirements, and conditions of approval. Some Special Exceptions may also be subject to conditions outlined in Chapter 3.
- B. A mix of two (2) or more uses on the same lot of record is permitted as long as both uses are listed as permitted within the zoning district. The requirements for the most restricted use shall apply. For example, if “Use A” is permitted by right and “Use B” is permitted with a Special Exception, then the property requires a Special Exception.

2.1.2 Interpretation of District Boundaries

The boundaries between Districts are, unless otherwise noted, either the center line of streets or streams, rights-of-way, lot or tract lines, city limits, or such lines extended. Disputes over district boundaries shall be settled by the Board of Zoning Appeals.

Section 2.2 General Provisions

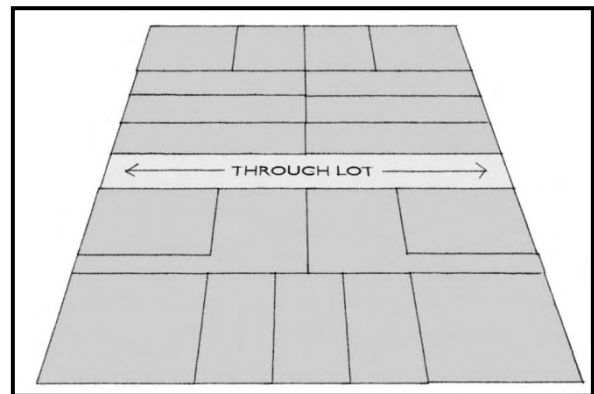
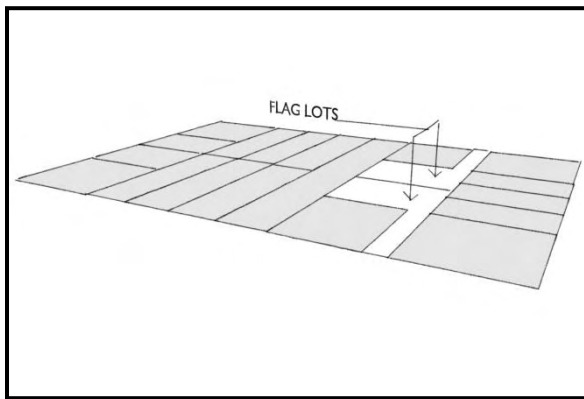
2.2.1 Lots

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in area below the minimum requirements set forth for the District in which it is located. Lots created after the effective date of this Ordinance shall meet the minimum requirements established for the zoning district in which the lot is located.
- B. If the owner of two (2) or more adjacent lots with insufficient land dimensions to meet zoning district requirements decides to build on or sell these lots, (s)he must first combine the lots to comply with the dimensional requirements of the zoning district.
- C. Where a lot of record does not conform to the area requirements of this ordinance, such lot may nevertheless be used as a building site provided that said lot requirements, such as setbacks or maximum lot coverage, are not reduced below the minimum specified for the District by more than 20 percent and provided adequate sewage disposal facilities can be

provided to serve the lot. Decisions on lot requirement reductions of 20 percent or less may be made by the Administrator or may be referred by the Administrator to the Board of Zoning Appeals.

- D. Any lot requiring a reduction in lot requirements of more than 20 percent must be submitted to the Board of Zoning Appeals for review and approval or denial. Approval of reductions must comply with the Board's procedures.
- E. On lots having frontage on more than one (1) street but not located at an intersection, the minimum front yard requirements must be maintained on each street. In no case shall the setback be less than 15 feet.
- F. Lots shall be in proper relationship to road and block design with respect to size, width, depth, grade, and orientation and shall be appropriately designed to accommodate topological conditions and proposed use(s).
- G. All lots shall be directly accessible by public road. Lots within Planned Development Districts (PDDs) may be excluded from this requirement with City Council approval.
- H. All lots shall be aligned at right angles to straight road rights-of-way and radial to curved road rights-of-way as much as practicable.
- I. All lots shall meet the minimum size requirements listed within the relevant zoning district.
- J. Flag lots and double frontage or through lots are not permitted.

FIG. 2.1: FLAG LOT & THROUGH LOT



Section 2.3 Establishment of Zoning Districts

Zoning districts are created to provide comprehensive land use regulations throughout Walterboro. There are eleven (11) zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located. For the purpose of this Ordinance, Walterboro is hereby divided into the following zoning districts. These districts shall comply with all of the general and specific requirements of this Ordinance.

- RCD Resource Conservation District
- SFR Single-family Residential
- MDR Medium Density Residential
- HDR High Density Residential
- NCD Neighborhood Commercial District
- CBD Central Business District
- GCD General Commercial District
- HCD Highway Commercial District
- IICD Interstate Interchange Commercial District
- ID Industrial District
- PDD Planned Development District

No land or structures shall hereafter be constructed, erected, or altered, moved, replaced, or subdivided except in conformity with all the restrictions specified for the zoning district in which it is located.

2.3.1 RCD Resource Conservation District

The intent of this district is to protect areas important to both current and future residents of Walterboro as well as visitors to the City by means of preventing the destruction of, or significant changes to, wetlands and other environmentally sensitive areas. It will encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands and other environmentally sensitive areas. At the same time it will protect unique and unusual natural areas and rare and endangered wildlife species through the maintenance or enhancement of ecological balances.

2.3.2 SFR Single-family Residential District

The intent of this district is for low density residential purposes. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for low-density, single-family dwellings and to discourage any encroachment by commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

2.3.3 MDR Medium Density Residential District

The intent of this district is for medium density, one- and two-family, residential purposes. The regulations that apply to this district are designed to encourage the formation and continuance of a stable, healthy environment for one- and two-family dwellings and to discourage encroachment by commercial, industrial or other use capable of adversely affecting the residential character of the district.

2.3.4 HDR High Density Residential District

The intent of this district is for higher density residential purposes. The regulations that apply within this district are designed to encourage the formulation and continuance of a stable, healthy environment of several different types of dwellings and to discourage unwarranted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character of the district.

2.3.5 NCD Neighborhood Commercial District

The intent of this district is to encourage the formation and continuance of commercial activity which is located and sized so as to provide nearby residential neighborhoods with convenient shopping and services. The NCD also encourages pedestrian-oriented community centers; reduces traffic and parking congestion; discourages large commercial, industrial, and other uses that could threaten the character of the neighborhood.

2.3.6 CBD Central Business District

The intent of this district is to encourage pedestrian-oriented retail and service activities and mix residential and business activity in single buildings. The CBD discourages large commercial uses, industrial uses, and other uses that could threaten the economic and historic character of Walterboro's downtown. In the CBD, the objectives are to maintain a pedestrian scale, to enhance the historic character of existing development and to encourage patronage of CBD businesses by residents of and visitors to Walterboro.

2.3.7 GCD General Commercial District

The intent of this district is to encourage the formation and continuance of a compatible and economically healthy commercial environment for businesses, services, and professional uses and to discourage industrial and other uses that could adversely affect the functioning of commercial districts.

2.3.8 HCD Highway Commercial District

The intent of this district is to encourage the development of large commercial buildings, retail centers, hotels, and other similar activities along major thoroughfares and away from residential and other activities that could be adversely affected by the large volumes of traffic these types of uses generate.

2.3.9 IICD Interstate Interchange Commercial District

The intent of this district is to promote economic activities which are supported by an economic base larger than the City of Walterboro and Colleton County. This district is intended for intensive uses which benefit from locations adjacent to interchanges of Interstate 95 and which will facilitate commercial activity directly related to through traffic on I-95. It is intended to encourage significant investment in property improvements and provide a concentration of economic activity. This district is intended to allow for the convenient provision of services without creating unreasonable traffic congestion and hazards in areas of high volume traffic movement.

2.3.10 ID Industrial District

The intent of this district is to provide an area for research and research-related uses, institutional uses, and industrial uses. This will help enhance the economic vitality of the community by means of providing a suitable environment for uses generally classified as research and development, assembly, high technology production, precision manufacturing, light industry and selected commercial uses. The location and uses will not conflict with the quality of life of the residents of the City of Waltherboro. Uses permitted in this district shall create minimal air, water, heat, light, humidity and noise pollution, hazardous waste, and off-site nuisances.

2.3.11 PDD Planned Development District

The intent of the Planned Development District is to allow for flexibility to improve the design, character, and quality of new mixed use developments and preserve natural and scenic features of open spaces. The text of the plan provides for specific uses, densities, setbacks, and other development requirements for the planned development. These provisions are tailored to the specific development and may vary from the regulations for the other zoning districts. Any PDD approved prior to the adoption of this Ordinance shall not be affected and shall adhere to the provisions under which they were approved. See Section 2.6 for all PDD requirements.

Section 2.4 Permitted Uses Table

2.4.1 Intent

The Permitted Uses Table contains a listing of uses which may be permitted in one or more of the various zoning districts. Uses are listed in alphabetical order within seven (7) categories as follows:

- Residential
- Civic, Government, & Institutional
- Office & Service
- Retail & Wholesale
- Recreation & Entertainment
- Industrial, Warehousing, & Transportation
- Other

2.4.2 Table Key

The following is a list of the meanings of table entries:

- “**P**” indicates that the use is permitted **by right** in the zoning district.
- “**C**” indicates that the use is permitted as a **Conditional Use** with additional conditions outlined in Chapter 3. The section reference number for each of these uses is located in the far right-hand column under “Conditions.”
- “**S**” indicates that the use is permitted as a **Special Exception**, subject approval by the Board of Zoning Appeals, in accordance with Section 11.3.
- “**S/C**” indicates the use is permitted as a **Special Exception** but also has **additional conditions** outlined in Chapter 3.
- A blank space under a zoning district column indicates that a use is not permitted in that district.

SECTION 2.4 PERMITTED USES TABLE

<i>Residential Uses</i>	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)				S/C	S/C	S/C	S/C	S/C			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						
<i>Civic, Government, & Institutional Uses</i>	RCD	SFR	MDR	HDR	NCD	CBD	GCD	HCD	IICD	ID	Conditions
Assembly hall		S/C	S/C	S/C	S/C			P	P		3.3.1
Cemetery (with or without chapel)	S							P			
Colleges, Universities, & associated facilities		S				S	S	S			
Community center		S/C	S/C	S/C	S/C			P			3.3.1
Correctional facility										S	
Daycare center		S/C	S/C	S/C	S/C		C	C	C	S/C	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)		S/C	S/C	S/C	S/C	S/C	C	C		S/C	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											

SECTION 2.4 PERMITTED USES TABLE

<i>Office & Service Uses</i>	RCD	SFR	MDR	HDR	NCD	CBD	GCD	HCD	IICD	ID	Conditions
Alternative financial service institution								C	C		3.4.1
Animal services (no kennels)							P	P	P	P	
Animal services (with kennels)								C	C	S/C	3.4.2
Artist, craftsman					C	C	P	P	P		3.4.3
Automatic teller machine					S	P	P	P	P		
Automotive or boat service, car wash							C	C	C		3.4.4
Bank						P	P	P	P		
Body piercing & tattoo studio								C	C		3.4.5
Catering					P	P	P	P			
Dry cleaning & laundry establishment (non-industrial)					S		P	P	P		
Funeral home, mortuary, crematorium							P	P	P		
Hotel, motel, inn						P	P	P	P		
Medical, dental, & optical clinics (less than 20,000 sq. ft.)					S	P	P	P	P	P	
Personal service uses (barber/beauty shop, spa)					P	P	P	P	P		
Professional office					P	P	P	P	P	P	
Services, other								P	P	P	
<i>Retail & Wholesale Uses</i>	RCD	SFR	MDR	HDR	NCD	CBD	GCD	HCD	IICD	ID	Conditions
Automotive or boat sales, rental								C	C		3.5.1
Bakery (on-site baking & sales)					P	P	P	P	P		
Bar, tavern						P	P	P	P		
Gas sales, storage, distribution							C	C	C	C	3.4.4
Microbrewery, brew pub, brew-on-premises store						P	P	P	P		
Mobile home & portable building sales								C	C		3.5.2
Open air markets (including farmers' markets, produce markets)						C	C	C	C		3.5.3
Pawn shops								P	P		
Restaurant, cafe					P	P	P	P	P		
Retail use (less than 5,000 square feet)					P	P	P	P	P		
Retail use (5,000-20,000 square feet)						P	P	P	P		
Retail use (20,000-50,000 square feet)						S	P	P	P		
Retail use or shopping center (greater than 50,000 sq. ft.)							S	P	P		
Retail use (outside fully enclosed building)								C	C		3.5.4
Wholesale (inside fully enclosed building)								P	P	P	
Wholesale (with outdoor storage)										C	3.9.3
P=Permitted Use C=Conditional Use S=Special Exception Blank=Not Permitted Conditions=See Chapter 3 for Conditional Use											

SECTION 2.4 PERMITTED USES TABLE

<i>Recreation & Entertainment Uses</i>	RCD	SFR	MDR	HDR	NCD	CBD	GCD	HCD	IICD	ID	Conditions
Amusement center					S	C	P	P	P		3.6.2
Amusement park, miniature golf, driving range								P	P		
Athletic club, sports lessons, instructional schools (including art, dance, music, martial arts, and similar instruction inside a fully-enclosed building)					P	C	P	P	P		3.6.2
Boat livery	S										
Campground								C	C		3.6.1
Country club, golf course, tennis club, swimming club & related uses		S	S	S							
Park, playground, square, green, or greenway	P	P	P	P	P	P	P	P	P		
Recreation facility (indoor)					S	C	P	P	P	P	3.6.2
Recreation facility (outdoor)					S		P	P	P	P	3.6.2
Recreation retail use (associated with a park, outdoor recreation facility, wildlife refuge, or similar facility)	P				S						
Sexually oriented business										S	3.6.3
Shooting range (indoor)								S		S	
Theater (indoor)					S	C	C	P	P		3.6.2
Theater (outdoor)						S	S	S	S		
Wildlife refuge (including one dwelling unit for caretaker)	P										
<i>Industrial, Warehousing, & Transportation Uses</i>	RCD	SFR	MDR	HDR	NCD	CBD	GCD	HCD	IICD	ID	Conditions
Airport, heliport										S	
Bus or train station								S	S		
Industrial laundry, drycleaning										P	
Junkyard, salvage yard, recycling operation, or similar use										S	3.7.1
Landfill (construction, demolition, land clearing & inert debris)										S	
Landfill (municipal solid waste)										S	
Manufacturing, processing, & assembly (inside fully enclosed building)									P	P	
Manufacturing, processing, & assembly (outside a fully enclosed building)										S	
Parking garage (principal use)					S	S	S	P	P	P	
Parking lot (surface, principal use)	P					P	P	P	P	P	
P=Permitted Use C=Conditional Use S=Special Exception Blank=Not Permitted Conditions=See Chapter 3 for Conditional Use											

SECTION 2.4 PERMITTED USES TABLE

<i>Industrial (continued)</i>	RCD	SFR	MDR	HDR	NCD	CBD	GCD	HCD	IICD	ID	Conditions
Quarrying, mining operation										S	
Saw mill										S	
Trucking Terminals									P	P	
Warehouse & distribution uses								S	P	P	
Warehouse, mini							C	C		P	3.7.2
Welding shop								P			
<i>Agricultural Uses</i>	RCD	SFR	MDR	HDR	NCD	CBD	GCD	HCD	IICD	ID	Conditions
Activities related to air, soil, water, and other environmental measurements & controls	P										
Agriculture, horticulture, silviculture	P	P	P	P				P	P	P	
Greenhouse or horticultural nursery							P	P	P		
Fish hatchery										P	
<i>Other Uses</i>	RCD	SFR	MDR	HDR	NCD	CBD	GCD	HCD	IICD	ID	Conditions
Accessory structure (non-residential)					C	C	C	C	C	C	3.9.1
Drive-through/Drive-in use (with permitted use)							C	C	C		3.9.2
Outdoor Storage (excluding outdoor sales display)							C	C	C	C	3.9.3
Radio, television station										S	
Telecommunications towers							S/C	S/C		S/C	3.9.4
Temporary use	S	S	S	S	S	S	S	S	S	S	3.9.5
Utility facility (private)		S	S	S	S	S	S	S	S	S	
P=Permitted Use C=Conditional Use S=Special Exception Blank=Not Permitted Conditions=See Chapter 3 for Conditional Uses											

Section 2.5 Dimensional Requirements

2.5.1 General Provisions

- A. Setbacks shall be measured inward toward the center of a lot from all points along the front, side, and rear property lines of the lot. The remaining area of the lot that is not included in any setback areas is the "buildable area" of the lot, the space within which a building may be placed.
- B. Where a property abuts a street right-of-way, the setback shall be measured from the right-of-way line.
- C. A minimum of 25 feet of street frontage is required for each lot. Lot width is measured at the front setback.
- D. On existing double frontage lots, setbacks on both roads shall meet the minimum requirements of front setbacks.
- E. The height of a structure is measured from the base of the structure to its highest point.
- F. Only one (1) principal building and its customary accessory building(s) may be established on any lot, except as allowed in individual districts for mobile home parks, multi-family residential, non-residential and mixed use developments.
- G. Fences, walls and hedges may be placed along the property line or within setback areas.
- H. No planting, structure, fence, wall, or other obstruction to vision that is more than two (2) feet tall as measured at street level shall be placed in the sight triangle. Refer to sight triangle definition in Appendix A.

2.5.2 Dimensional Table

District	Max. Residential Density ¹	Min. Lot Area (sq. ft.)	Min. Lot Width (feet) ²	Max. Lot Coverage (%)	Front Setback (feet) ^{2,3}	Corner Side Setback (feet) ³	Side Setback (feet) ²	Rear Setback (feet) ²	Max. Height (feet) ⁴
RCD	NA	NA	NA	45	25	25	25	10	42
SFR	4 DUA	10,890	100	35	35	25	15	10	42
MDR	5 DUA	8,712	80	35	30	22	12	10	42
HDR	8 DUA	5,445	60	45	25	20	10 (exterior) 0 (interior)	10	42
NCD	8 DUA	5,445	60	45	25	20	0	15	42
CBD	8 DUA	NA	NA	100	0	0	0	0	42
GCD	8 DUA	5,445	50	45	35	20	0	15	42
HCD	8 DUA	5,445	50	45	35	20	0	15	42
IICD	NA	5,445	50	50	35	20	0	15	42
ID	NA	21,780	150	45	35	25	25	25	42

NA=Not applicable

DUA=Dwelling Units per Acre

¹Residential density may be used for Conservation Developments in lieu of minimum lot areas in accordance with Section 3.2.5.

²Minimum lot widths and setbacks in Conservation Developments may be reduced in accordance Section 3.2.5.

³The front and corner side setbacks shall be measured from the right-of-way line.

⁴Maximum of three (3) stories.

2.5.3 Exceptions

- A. The dimensional provisions of this section do not apply to residential accessory structures, which are regulated in Section 3.2.2.
- B. Utility uses as defined by this Ordinance are not subject to the minimum lot sizes set forth for each zoning district.
- C. Projections from a building shall not intrude more than two (2) feet into any required setback area. Projections include eaves, windowsills, other architectural features, and window air conditioning units. Decks and porches are not considered architectural features. Steps and heating and cooling units may not be placed within three (3) feet of a property line.
- D. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, and shall neither apply to monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, radio towers, television towers, masts, aerials, and similar structure, except in the vicinity of airports and as regulated by Section 2.7.1.

- E. The front or side yard requirements for the various districts shall not apply to any lot where the front or side yard setbacks on neighboring developed lots within 100 feet on the same side of the road and in the same zoning district are less than the minimum required front or side yard. In such cases, the front or side setback shall not be less than the average of the existing front or side yards on the adjacent developed lots.

Section 2.6 PDD Planned Development District

2.6.1 Establishment

- A. In accordance with S.C. Code 6-29-740, in order to establish a PDD, the City Council must amend the text of this Ordinance and the Official Zoning Map, after having received a recommendation from the Planning Commission regarding the PDD. The procedures for amendments to this Ordinance and the Official Zoning Map are located in Chapter 14 of this Ordinance.
- B. A site plan and/or preliminary subdivision plat showing the proposed development shall be presented for approval along with the request to establish a PDD. The Site Plan and/or Preliminary Plat shall adhere to the requirements of this section and shall show the information required in Chapter 12.
- C. The City Council action may be to approve the plan and application to establish a PDD, to include specific modifications to the plan, or to deny the application to rezone or establish a PDD. If the plan and/or rezoning are approved, the applicant shall be allowed to proceed in accordance with the approved PDD plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages.
- D. After a PDD plan has been approved, building and sign permits shall be issued in accordance with the approved plan as a whole or in stages, or portions thereof, as approved.

2.6.2 Uses

- A. A PDD may include any use or combination of uses and intensity levels irrespective of prevailing zoning district requirements where it is to be located upon review and recommendation by the Planning Commission and approval by City Council following a public hearing.
- B. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification: retail, office, wholesale, residential, multi-family residential, single-family detached housing, manufactured housing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PDD zoning applies to the land, unless otherwise amended by ordinance.

2.6.3 Development Standards

- A. Minimum area requirements for establishing a PDD shall be 20 acres.

- B. Residential density, setbacks, impervious surface ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water, and sewerage systems, recreation facilities, fire and police protection, etc.
- C. Overall site design shall be harmonious in terms of landscaping, enclosures of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.
- D. Buffer areas shall be required for peripheral uses only, and shall be provided in accordance with Chapter 7. Buffer areas are not required within the PDD.
- E. Off-street parking and loading spaces for each PDD shall comply with the requirements of Chapter 8, as applicable for the uses proposed for the PDD.
- F. Private streets may be permitted in a PDD provided such streets meet the design and construction standards for public streets as outlined in Chapter 9 of this Ordinance.
- G. Signage shall meet the requirements of Chapter 5.
- H. Development of a PDD shall be in accordance with all of Chapter 9 infrastructure requirements.

2.6.4 Amendments to Approved PDD

- A. Except as provided in this section, approved PDD plans shall be binding on the owner and any successor in title.
- B. Minor changes in approved PDD site plans may be approved by the Administrator on application by the applicant, upon making a finding that such changes are:
 - 1. In accord with all applicable regulations in effect at the time of the creation of the PDD district; or
 - 2. In accord with all applicable regulations currently in effect.
- C. Major changes to an approved PDD shall require approval by the City Council following recommendation by the Planning Commission. In reaching a decision as to whether the change is major, the Administrator shall use the following criteria:
 - 1. Any increase in intensity or use resulting in added floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations;
 - 2. Any change in parking areas resulting in an increase/reduction in the number of spaces;
 - 3. Structural alterations significantly affecting the size, form, style, and location of buildings as shown on the approved plan;
 - 4. Any reduction in the amount of open space or buffer area, or any change in the location or characteristics of open space;
 - 5. Any change in pedestrian or vehicular access or circulation.
 - 6. Any change in use or density.

Section 2.7 Overlay Districts

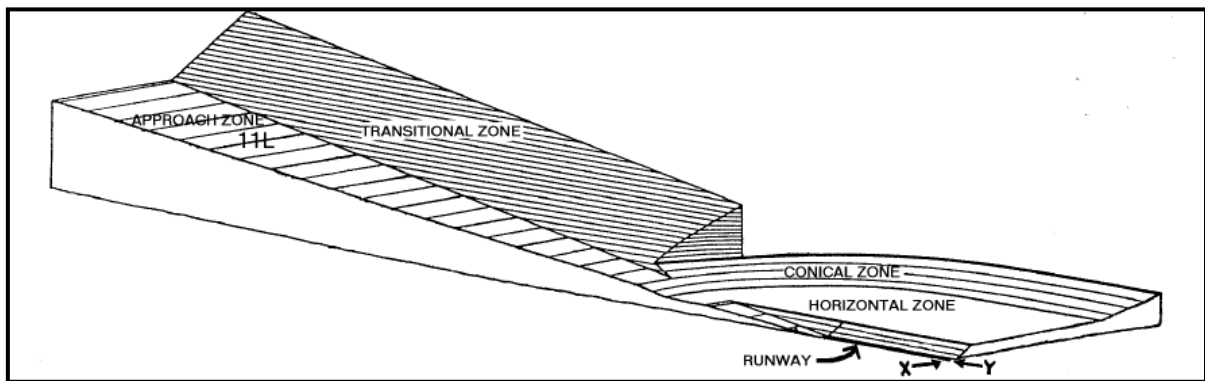
2.7.1 Airport Overlay (A-O)

2.7.1.1 Zones Established

A. In order to carry out the provisions of this Section, there are hereby established certain zones which include all of the areas of the city lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Lowcountry Regional Airport. An area located in more than one (1) of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

1. Airport overlay. A zone that is centered about the runway and primary surface and is capped by the horizontal surface.
2. Approach zone. A zone that extends away from the runway, ends along the extended runway centerline and is capped by the approach surfaces.
3. Conical zone. A zone that circles around the periphery of and outward from the horizontal surface and is capped by the conical surface.

FIG. 2.3: AIRPORT OVERLAY ZONES ILLUSTRATION



- B. Specific geometric standards for these zones are to be found in 14 C.F.R. §§ 77.21-77.25 (2010) or in successor federal regulations.
- C. The Airport Overlay District Map is adopted as an addendum to the Official Zoning Map and is indicated on the Walterboro-Colleton County Airport Commission Airspace Drawings as drawn by Pearson Engineering, dated August 2006.

2.7.1.2 Height Limitations

Except as otherwise provided in this Section, in any zone created by this Section no structure shall be erected, altered or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface of any zone provided for in Section 2.7.1.1 at any point. The height restrictions for the individual zones shall be those planes delineated as surfaces in 14 C.F.R. §§ 77.21-77.25 (2010), or in successor federal regulations.

2.7.1.3 Use Restrictions

Notwithstanding any other provision of this Section, within any zone established by this Section no use may be made of land or water in such a manner as to:

- A. Create electrical interference with navigational signals or radio communications between the airport and aircraft;
- B. Diminish the ability of pilots to distinguish between airport lights and other lights;
- C. Result in glare in the eyes of pilots using the airport;
- D. Impair visibility in the vicinity of the airport;
- E. Create the potential for bird strike hazards; or
- F. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of the aircraft intending to use the airport.

2.7.1.4 Nonconforming Uses

- A. Except as provided in Subsection (B) below, the regulations prescribed by this Section shall not require removing, lowering, changing or altering any structure not conforming to the regulations as of April 27, 2010, nor shall they otherwise interfere with the continuance of a nonconforming use. Nothing contained in this Section shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to April 27, 2010, and has been diligently pursued.
- B. Notwithstanding the provisions of Subsection (A) above, the owner of any existing nonconforming structure or vegetation or any structure or vegetation that may in the future become or be found to be nonconforming, is hereby required to comply with the following:
 - 1. in the case of a nonconforming structure, to permit the installation, operation and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the state Aeronautics Commission or the administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of that airport obstruction; or
 - 2. in the case of nonconforming vegetation, to allow the cutting and complete removal of the vegetation and not just the portion of the vegetation that is found to encroach in the protected airspace.
- C. The markers and lights referenced in this section shall be installed, operated and maintained at the expense of the Walterboro Colleton County Airport Commission.
- D. The cutting and removal of vegetation referenced in this Section shall be at the expense of the Walterboro Colleton County Airport Commission.

2.7.1.5 Permits

- A. No structure shall be erected or otherwise established in any zone created by this Section unless a Certificate of Zoning Compliance therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which it is desired with sufficient specificity to determine whether the resulting structure would conform to the regulations prescribed in this Section. No permit for a structure inconsistent with this Section shall be granted unless a variance has been approved as provided in Subsection (D) below.
- B. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on April 27, 2010, or the effective date of any amendments to the ordinance from which this Section is derived or than it was when the application for a permit was made.
- C. Whenever the Administrator determines that a nonconforming structure has been abandoned or more than 50 percent destroyed, physically deteriorated or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the regulations contained in this Section.
- D. Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this Section may apply for a variance from such regulations to the City Council sitting as the Airport Safety Appeals Board. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. A variance shall be allowed when it is duly found that a literal application or enforcement of the regulations would result in unnecessary hardship and relief granted would not be contrary to the public interest, would not create a hazard to air navigation, would do substantial justice, and would be in accordance with the spirit of this Section.
- E. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate and maintain, at the owner's expense, such markings and lights as may be deemed necessary.

2.7.1.6 Enforcement

The Administrator shall administer and enforce the regulations prescribed in this Section. Applications for permit and variances shall be made to the administrator on a form published for that purpose.

2.7.1.7 Appeals & Judicial Review

- A. Any person aggrieved or affected by a decision of the administrator may appeal to the City Council sitting as the Airport Safety Appeals Board.

- B. Any person aggrieved or affected by a decision of the Airport Safety Appeals Board may appeal to the Circuit Court in the County.

2.7.2 Corridor Overlay (C-O)

2.7.2.1 Purpose

The purpose of this overlay is to protect the capacity and aesthetics of high visibility, highway corridors with design standards in addition to underlying zoning district standards and coordinated with Colleton County where applicable. Highway Corridors are especially important to the future viability and economic development potential of the City.

2.7.2.2 Establishment

- A. The corridors identified are as follows:
1. Bells Highway (SC Hwy 64) from North Jefferies Blvd (US Hwy 15) to city limits
 2. Hampton Street (SC Hwy 63) from South Jefferies Blvd (US Hwy 17-A/SC Hwy 63) to city limits
 3. Hendersonville Highway (US Hwy 17-A) from intersecting point of South Jefferies Blvd (US Hwy 17-A/SC Hwy 63) and Sniders Hwy (SC Hwy 63) to city limits
 4. North Jefferies Boulevard (US Hwy 15) from South Jefferies Blvd (US Hwy 17-A/SC Hwy 63) to city limits
 5. South Jefferies Boulevard (US Hwy 17-A/SC Hwy 63) from North Jefferies Blvd (US Hwy 15) to Sniders Highway (sc Hwy 63)
 6. Sniders Highway (SC Hwy 63) from South Jefferies Blvd (US Hwy 17-A/SC Hwy 63) to city limits
 7. Wichman Street (US Hwy 17-A) from North Jefferies Blvd (US Hwy 15) to city limits
- B. The overlay applies to the public right-of-ways identified as corridors as well as the adjacent private properties that are zoned for commercial use. Commercial Zoning Districts included in these corridors are:
1. Central Business District (CBD)
 2. General Commercial District (GCD)
 3. Highway Commercial District (HCD)
 4. Interstate Interchange Commercial District (IICD)
 5. Neighborhood Commercial District (NCD)

2.7.2.3 Design Requirements

In areas where public landscaping plantings exist or public landscaping project plans and design have been adopted by City Council, landscaping as required in the applicable zone should strive to achieve unity of design. The unity of design should pertain to types of plantings used in public landscaping plantings or proposed to be planted in public landscaping adopted plans, and required street yard landscaping plant types to be installed on properties to be developed or redeveloped.

2.7.2.4 Uses

All uses allowed in the base zoning district shall be allowed in the C-O, except for the following:

- A. Manufacturing, Processing or Assembly
- B. Welding Shop

2.7.3 Historic Preservation Overlay (HP-O)

2.7.3.1 Purpose & Authority

A. The purpose of the Historic Preservation Overlay is to:

1. protect, preserve and enhance the distinctive architectural and cultural heritage of Walterboro, South Carolina;
2. safeguard the heritage of the City of Walterboro by promoting the educational, cultural, economic and architectural history of Walterboro;
3. foster civic pride and beauty;
4. ensure harmonious, orderly and efficient growth and development of Walterboro;
5. strengthen the local economy;
6. stabilize and improve property values in the historic districts and surrounding properties, and
7. improve and maintain property values in the historic districts and surrounding properties, and
8. provide for the designation and preservation of historic properties within the city's limits.

B. The City of Walterboro's intent is to create a sense of general harmony of style, proportion and materials between buildings of historic and contemporary design. The objective is for Walterboro's historic buildings and historic districts to serve as visible reminders of the significant historical and cultural heritage of Walterboro and the State of South Carolina. This Overlay is designed as a tool to assist in the preservation of the unique historical resources for the education and pleasure of present as well as future residents of the City of Walterboro.

C. City Council expressly adopts this Overlay enacted pursuant to the South Carolina Code of Laws 6-29-870 et sequitur, to

1. Make specific provision for the preservation and protection of historic and architecturally valuable districts and neighborhoods, as well as individual historic structures located in areas other than the historic districts, and
2. Protect the unique and special character of the historic districts and properties in the City of Walterboro.

2.7.3.2 Establishment of the Historic Preservation Overlay

A. The Historic Preservation Overlay is hereby established, with boundaries as shown on the Official Zoning Map.

- B. The Historic Preservation Commission is established in Section 10.5 of this Ordinance. The jurisdiction of the Historic Preservation Commission, in general, is hereby restricted to the boundaries of the Overlay and any individual Historic Landmark identified and noted on the Official Zoning Map.

2.7.3.3 Historic Design Guidelines

The Historic Preservation Commission shall utilize the appropriate design guidelines for the review of Certificate of Appropriateness requests as set forth in Section 11.5. Requirements for properties within the historic overlay zones but are considered “non-historic” or “non-contributing” shall be reviewed using the guidelines for new construction.

2.7.3.4 Certificate of Appropriateness Requirements

- A. A Certificate of Appropriateness is a requirement for the demolition, new construction, exterior alteration, rehabilitation, renovation, restoration, exterior painting, or any addition to properties, including walls, fences, steps, walks, terraces, signs, carports, handicapped ramps, and lights.
- B. A Certificate is required for any property located in any of the four areas contained in the Historic Preservation Overlay.
- C. A Certificate is required for any designated Historic Landmark.
- D. Any building permit issued without a required Certificate of Appropriateness shall be considered void.
- E. The Certificate of Appropriateness approval process is in Section 11.5 of this Ordinance.
- F. Any decision made by the Administrator regarding the Historic Preservation Overlay may be appealed to the Historic Preservation Commission beginning with Step 4 in Section 11.5 of this Ordinance.

CHAPTER 3:

CONDITIONAL USES

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Section 3.1 Purpose

The City of Walterboro finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating requirements specific to their design and/or operation. Such conditions ensure compatibility among other uses. This Chapter specifies those conditions that must be met by all the uses listed as Conditional Uses for each district in Chapter 2.

Each use shall be permitted in compliance with all conditions listed for the use in this Chapter. Certain uses are also classified as *Special Exceptions* and require Board of Zoning Appeals approval.

Section 3.2 Residential Uses

3.2.1 Accessory Apartment

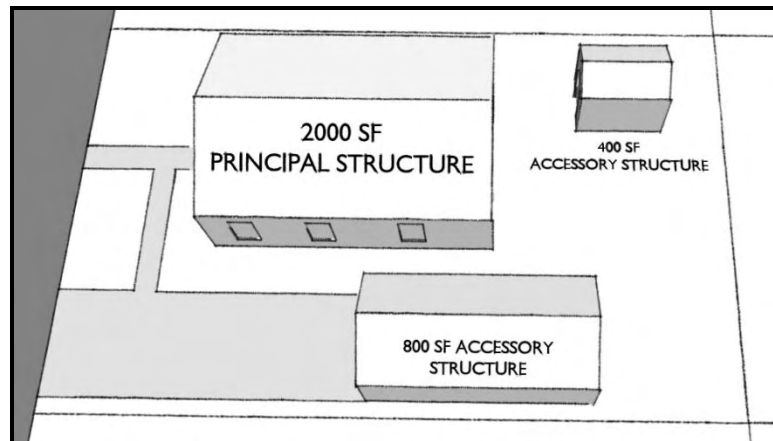
- A. In the SFR, MDR, HDR, NCD, CBD, GCD zoning districts, either the principal dwelling or the accessory apartment must be occupied by the property owner.
- B. In the HCD, IICD, & ID zoning districts accessory apartments shall only be for the resident caretaker or manager of a permitted use.
- C. Evidence of the accessory apartment should not be readily apparent from the street.
- D. The maximum size for an accessory apartment, whether attached or detached, cannot exceed 35 percent of the gross floor area of the principal dwelling.
- E. Lot size shall be at least 50 percent greater in area than the minimum lot requirements for the district in which the apartment is located.
- F. If there is an existing accessory building, a second accessory building may not be erected to allow an accessory apartment unless the lot is at least one-half acre in area.
- G. No more than one accessory apartment shall be allowed per lot.
- H. The accessory apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
- I. The accessory apartment shall not contain more than two (2) bedrooms.
- J. Detached accessory apartments shall be set back not less than 20 feet from the principal dwelling and shall be located to the side or rear of the principal building as per Section 3.2.2 (E).
- K. The footprint of a principal or accessory building may not be enlarged to allow an accessory apartment without first receiving a Special Exception approved from the Board of Zoning Appeals.
- L. A second floor may not be added to an existing accessory building for an accessory apartment without first receiving a Special Exception.
- M. In no case shall the height of an accessory building containing an accessory apartment exceed the height of the principal building, and in each case it must meet setback requirements in the Dimensional Table in Section 2.5.2.

CHAPTER 3: CONDITIONAL USES

3.2.2 Accessory Structure (Residential)

- A. Accessory structures customarily incidental to residential principal uses are permitted.
- B. All accessory structures shall comply with the standards of the district in which they are located.
- C. No accessory structure shall be established or erected prior to the establishment or erection of the principal use to which it is accessory.
- D. No existing accessory use may be expanded or extended except in compliance with the regulations of this Ordinance.
- E. Accessory structures shall only be permitted in the side and rear portions of a lot unless otherwise permitted by Variance.
- F. The following are permitted accessory uses:
 - 1. Private attached and detached garages and carports
 - 2. Storage sheds or tool rooms
 - 3. Detached greenhouses
 - 4. Children's playhouse and play equipment, including basketball apparatus, volleyball nets, swing sets, jungle gyms
 - 5. Private dish antennas/satellite earth stations under two (2) feet in diameter
 - 6. Private above-grade or below-grade swimming pools and pool houses.
- G. The total combined area of accessory structures shall not exceed the size of the principal structure, and no single accessory structure shall exceed 40 percent of the size of the principal structure in square footage.

FIG. 3.1 ACCESSORY STRUCTURE SIZE



- H. The maximum height for accessory structures shall be the height of the principal structure. Accessory structures that are greater than 15 feet tall shall meet the district setbacks set forth Table 2.5.2 on page 2-13. Accessory structures that are less than 15 feet tall shall meet the following setbacks:

District	Max. Height-15 feet		
	Front ^{1,2} (feet)	Side ² (feet)	Rear ² (feet)
SFR	35	5	5
MDR	30	5	5
HDR	25	5	5
NCD	25	5	5
GCD	35	5	5
HCD	35	5	5
CBD	35	5	5
IICD	35	5	5
ID	35	5	5

¹No accessory structure shall be located in front of the front building wall of the principal structure.

²Detached garages shall be set back a minimum of 20 feet from any front or corner side setback.

- I. No manufactured home, mobile home, shipping container, recreational vehicle or similar structure or non-structure shall be used as an accessory building or used as a sign in any manner.

3.2.3 Bed & Breakfast Inn

- A. The bed and breakfast inns **shall only be permitted in the Single-Family Residential zoning district east of Jefferies Boulevard.**
- B. The primary use of the structure must remain as a single family residence.
- C. The duration of a guest stay may not exceed thirty (30) consecutive days.
- D. The residence must be owner-occupied.
- E. No more than five (5) guest rooms may be established.
- F. The resident owner shall maintain a current guest register listing the names, addresses and dates of occupancy of all guests.
- G. The property owner shall provide a minimum of two (2) family parking spaces and one (1) additional space per guest room. All parking must be on site and may not fall within the required setbacks.
- H. The bed and breakfast shall be subject to all business licenses, revenue collection ordinance and other codes of the City of Walterboro and State of South Carolina.
- I. Meals may be served only to resident guests.
- J. No special events or functions, for which the owner receives compensation, may be held at the bed and breakfast.
- K. All parking shall be located to the side or rear of the home.
- L. Approval of a property for use as a bed and breakfast establishment shall be transferable with the sale of the property, provided the new property owner certifies compliance with the above stated provisions as part of the issuance or transfer of a business license for the new bed and breakfast establishment.

3.2.4 Boarding or Rooming House

- A. The maximum number of guest bedrooms shall be five (5).
- B. The boarding house shall be operated by a resident manager.
- C. The use shall be located in a structure which was originally constructed as a dwelling.

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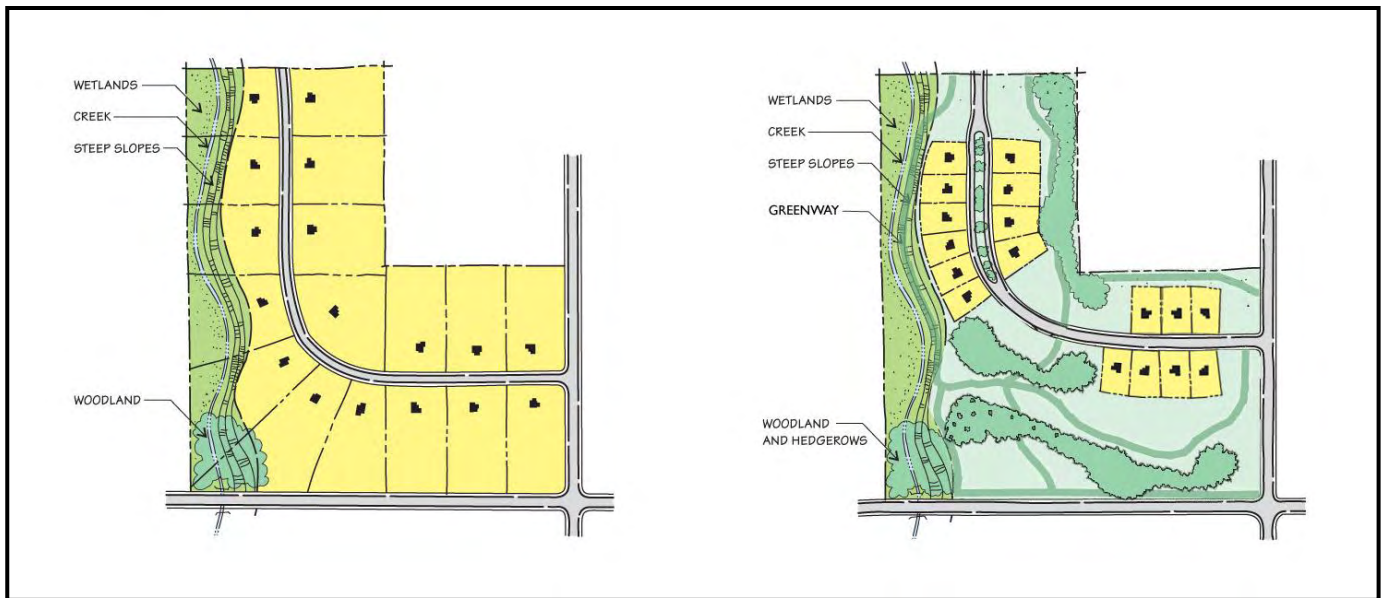
- D. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight residents and guests of the facility.
- E. The parking area shall be located to the side or rear of the building and shall be screened with landscaping from adjacent properties.

3.2.5 Conservation Development

The purpose of Conservation Development design is to preserve agricultural and forestry lands, natural and cultural features, and environmentally sensitive areas that would be likely lost through conventional development approaches. Lot widths and setbacks in residential districts may be reduced subject to the following requirements:

- A. The development density shall not exceed the overall density permitted in the zoning district in which the development is located.
- B. The district setbacks set forth in Section 2.5 shall apply along the boundaries of the development. Setbacks within the development shall be set forth as part of the design process as outlined in Subsection (D) below.
- C. A minimum of 50 percent of the total area of the development shall be set aside in Common Open Space and shall meet the requirements of Section 6.6.
- D. Each Master Plan for a Conservation Development shall follow a four-step design process as described below. When the conceptual Master Plan is submitted, applicants shall be prepared to demonstrate to the City that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots and greenway lands.
 - 1. During the first step all potential Conservation Areas (both Primary and Secondary) shall be identified, using the Existing Features Plan described in Section 6.2. Primary Conservation Areas shall consist of wetlands, floodplains, steep slopes (greater than 25%), and other environmentally protected areas. Secondary Conservation Areas shall include the most sensitive and noteworthy natural, scenic and cultural resources including viewsheds, rock outcroppings, specimen trees, significant tree stands, and historic sites.
 - 2. During the second step, potential building sites are tentatively located. Because the proposed location of the buildings within each lot represents a significant decision with potential impacts on the ability of the development to meet the requirements of the Ordinance, applicants shall identify tentative house sites on the conceptual Sketch Plan. House sites should be located not closer than 50 feet to Primary Conservation Areas.
 - 3. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids, or at least minimizes, adverse impacts on both the Primary and Secondary Conservation Areas. Wetland crossings shall be avoided. Street connections shall be provided to minimize the number of cul-de-sacs and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels).
 - 4. The fourth step is simply to draw in the lot lines where applicable.

FIG. 3.2 CONSERVATION DEVELOPMENT EXAMPLE



Source: Southeastern Wisconsin Regional Planning Commission (SEWRPC). "Conservation Subdivision Design." 2002 & modified by Benchmark, CMR, Inc., 2009

3.2.6 Family Care Homes for the Handicapped

In accordance with SC Code 6-29-770(E) Family Care Homes for the Handicapped are deemed residential uses and are permitted in all districts where single-family residential homes are permitted subject to the following conditions:

- A. No more than nine (9) mentally or physically handicapped residents other than the homeowner and the homeowner's immediate family are permitted to live in a Family Care Home.
- B. The operator of the home shall give prior notice to the local governing body advising of the exact site of the proposed home. The notice must identify the individual responsible for site selection.
- C. If the City objects to the selected site, it must notify the individual responsible for site selection within 15 days of receiving notice and must appoint a representative to assist in selecting a comparable alternate site. This triggers the following:
 1. The site selection representative of the entity proposing the project and the City representative select a third mutually agreeable person.
 2. The three (3) people have 45 days to make a final site selection by majority vote.
 3. This final site selection is binding for both the proposing entity and the governing body.
 4. In the event that no selection has been made at the end of the 45 day period, the entity selecting the site may select the site without further proceedings.
- D. A home shall be licensed with the State of South Carolina before operating.
- E. Prospective residents of these homes must be screened by the licensing agency to ensure that the placement is appropriate.
- F. The licensing agency shall conduct reviews of these homes no less frequently than every six (6) months for the purpose of promoting the rehabilitative purposes of the homes and their confirmed compatibility with their neighborhoods.
- G. No exterior signage is permitted.
- H. No lockdown, violent, or dangerous residents.

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- I. Only incidental and occasional medical care may be provided.

3.2.7 Home Occupation

3.2.7.1 Customary Home Occupation

- A. A home occupation, or home-based business, is that accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling.
- B. The primary use of the structure must remain as a residential dwelling. No more than 25 percent, to a maximum of 750 square feet, whichever is less, shall be used for the purposes of a home occupation.
- C. A home occupation shall be conducted solely by resident occupants plus no more than one (1) additional full-time equivalent employee.
- D. There shall be no outside storage or processing. All activity must be conducted within a pre-existing structure.
- E. The activity shall produce no alteration or change in the residential character or outside appearance of the primary structure.
- F. No goods are located on site except for samples or designs produced on site.
- G. The activity shall be subject to all business licenses, revenue collection ordinance and other codes of the City of Walterboro and the State of South Carolina.
- H. Activities specifically prohibited include repair or service of motor vehicles and other large equipment; service or manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightly appearance, heat, glare, vibration, smoke, dust, electrical interference, unhealthy conditions or odor; and any activity which may affect surrounding property.
- I. There shall be no exterior display or signage allowed except for one (1), unlighted sign less than two (2) square feet in size mounted on a wall of the principal building.
- J. No traffic or parking activity, sewerage or water use shall be generated by the activity in greater volumes than would normally be expected in a residential neighborhood; any need for parking generated by such home occupation shall be met off the street and other than in a required front yard.

3.2.7.2 Child Care Home Occupation

In addition to the requirements for a Customary Home Occupation, the following requirements shall apply to a Child Care Home Occupation:

- A. Child Care Home Occupations shall be limited to a maximum of six (6) children in addition to any children of the operator.
- B. A minimum of 100 square feet of outdoor play area per child shall be provided in the rear yard. This area shall be fenced to a minimum height of four (4) feet.
- C. A minimum of one (1) off-street parking space shall be required for each two children in addition to the minimum number of parking spaces required for a residence as set forth in Section 8.3.

3.2.8 Mobile Home Park

The intent of these Mobile Home Park (MHP) conditions is to ensure the provision of a high quality residential environment, to meet the needs of inhabitants of mobile home parks, to protect mobile home parks from encroachment by incompatible uses, and to encourage the consolidation

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. Such permit may be renewed on a one-time only basis (for a period of no greater than six (6) months) by the Administrator.

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Section 3.3 Civic, Government, & Institutional Uses

3.3.1 Assembly Hall, Community Center

Assembly halls and community centers in the SFR, MDR, HDR, or NCD districts shall have maximum hours of operation from 10AM until midnight.

3.3.2 Daycare Center

- A. Hours of operation shall be limited from 7:00am to 7:00pm
- B. The lot on which the daycare center is located shall have access onto an arterial or collector street in residential zoning districts.
- C. Evidence that the facility will meet the minimum requirements to qualify for a State of South Carolina License is satisfied shall be submitted with the application.
- D. Evidence shall be submitted indicating that adequate access to and from the site, as well as adequate space off the road right-of-way, is provided for the safe pick-up and discharge of clients and is provided in such a manner that traffic generated by the facility is not disruptive to adjacent residentially developed properties.
- E. Fencing and/or screening shall be provided that assures the protection of clients receiving care, protects adjacent residentially developed properties from trespass, effectively screens the view of any outdoor recreational areas, and reduces noise associated with the operation of the use.

3.3.3 School & Associated Facilities (public & private, elementary & secondary)

- A. Schools in the CBD shall be limited to maximum hours of operation of 7:00am until midnight.
- B. Site plans submitted for review shall include the following information in addition to the standard site plan requirements of Chapter 12:
 - 1. Total student capacity of the school as designed;
 - 2. Total number of employees on the largest shift;
 - 3. Number and dimensions of designated parking spaces for school buses;
 - 4. Number of designated parking spaces for employees, visitors, and students;
 - 5. Location of student drop-off points with stacking spaces identified;
 - 6. Location of all proposed and future athletic fields and structures, including the total number of seats for spectators and the location of concession stands, if any are anticipated;
 - 7. Proposed public roadway improvements; and
 - 8. Existing and proposed infrastructure improvements.
- C. A lighting plan shall be submitted indicating the locations of outdoor lighting fixtures and ensuring that outdoor lighting from athletic field and security lighting will not spill over onto adjacent properties.
- D. A report indicating estimated water usage for structures, landscaping, and athletic fields shall be submitted with the application.
- E. The project shall meet all applicable requirements of this Ordinance.
- F. The project shall meet all service provision criteria as set forth below:
 - 1. Water Supply – identification of public or private utility source and capacity of water supply or identification of water source through a water resource study.

- 2. Wastewater Treatment Method – provider and capacity of wastewater treatment source.
- G. The minimum lot size shall be, with respect to non-charter public schools, as required by the Colleton County School Board. The lot size shall be adequate to accommodate all activities. The proposed manner to handle the maximum number of participants and patrons for any single event shall be provided while also adhering to safe vehicular and pedestrian circulation.
- H. There shall be a minimum of two (2) access points to the site. Access points shall separate student drop-off areas and visitor parking from bus traffic. If school buses are used, then at least one access shall be limited to school employee and bus use during normal school hours. All access points shall be located to provide maximum visibility and safety. No driveway shall be permitted in a location that will hinder or congest traffic movement on a public street.
- I. The site shall be designed so as to take advantage of shared use opportunities, such as use for parks and recreation activities as needed by the City of Walterboro and/or Colleton County.
- J. All State permits and licenses that are required for the facility or evidence that the facility can meet all requirements shall be submitted with the application.

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Section 3.4 Office & Service Uses

3.4.1 Alternative Financial Service Institution

- A. The business shall be located no closer than 3,000 feet, measured lot line to lot line, from the nearest alternative financial services institution
- B. The business institution must be located either:
 - 1. within a group nonresidential development, shopping center, or the like with all structures constituting a minimum of 30,000 heated square feet; or
 - 2. wholly within the confines of a grocery store or general merchandise retail establishment having a minimum of 30,000 heated square feet with no separate access to the exterior of the building.
- C. An alternative financial services institution that does not comply with the standards set forth in this Section shall not be reestablished after vacancy, abandonment, or discontinuance for any consecutive 30-day period. An alternative financial services institution shall not be relocated without compliance with the standards set forth in this Section.

3.4.2 Animal Services (with kennels)

- A. No outdoor containment of animals shall be located less than 100 feet from any residentially zoned property.
- B. Kennel areas must be surrounded by an opaque fence of not less than six (6) feet in height and enclosed as to prevent escape.
- C. Kennels shall be designed to effectively buffer noise audible to surrounding properties.
- D. All animals shall be kept indoors overnight.

3.4.3 Artist, Craftsmen

- A. All activities associated with the business shall take place in a fully enclosed building.
- B. No noise, odor, or light trespass on adjacent properties shall be created.

3.4.4 Automotive & Boat Service, Car Wash

- A. The lot shall front on a collector or arterial street and have direct access thereto. Proposals for lots with double frontage that desire multiple driveways shall be limited to one curb cut on the higher classified street. Additional cuts shall be on streets of lower classification.
- B. Driveways shall not be located within 300 feet of any intersecting street or within 750 feet of driveways intersecting the same street and serving another existing or approved motor vehicle services. These distances shall be measured centerline to centerline.
- C. Adequate provision shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids. Hazardous materials and byproducts such as fuel, lubricants, antifreeze (ethylene glycol), asbestos, freon, carbon monoxide, automobile batteries, and solvents must be registered, stored, handled, and disposed of in accordance with all State and Federal regulations.
- D. Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, and similar equipment shall be entirely enclosed within a building.
- E. All outdoor storage must be screened in accordance with Section 7.6.
- F. The number of vehicles temporarily stored outdoors shall not exceed the number of service bays at the establishment. No vehicles may be parked outside of a screened storage area overnight.

- G. Canopy overhangs shall be at least five (5) feet from property lines and street rights-of-way.
- H. Certification by a registered, licensed engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing storm drainage system.
- I. All garbage and refuse shall be stored in mechanical loading containers located at the rear of the lot or building, but not less than 20 feet from any adjacent property lines.
- J. A photometric lighting plan shall be submitted with the site plan that includes fixture details, light intensity contours and overlap, and a statement regarding light trespass on adjacent properties. Lighting shall not exceed six (6) footcandles anywhere on the site and shall not exceed one (1) footcandle at the property line.
- K. No outdoor servicing, repair or disassembly of vehicles shall be permitted.
- L. All carwashes shall comply with SCDHEC regulations concerning runoff and obtain a National Pollutant Discharge Elimination System (NPDES) "General Permit for Vehicle Wash Water Discharges."

3.4.5 Body Piercing & Tattoo Studios

- A. All body piercing and tattooing shall take place in an area of the establishment that cannot be viewed by other customers or by the general public from any public or private street right-of-way or any area commonly accessed by the public (i.e. parking lots, mall corridors, promenades, sidewalks), whether on the same or a nearby property.
- B. Window signs and displays shall be limited to business identification, open and closed signs, and hours of operation.

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Section 3.5 Retail & Wholesale Uses

3.5.1 Automotive or Boat Sales, Rental

- A. A permanent structure with permanent restroom facilities built in accordance with SC Building Code shall be located on the premises.
- B. The lot shall front on a collector or arterial street and have direct access thereto.
- C. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.
- D. No vehicle or boat shall be stored or displayed within the right-of-way of any public street.

3.5.2 Mobile Home and Portable Building Sales

- A. No mobile home or portable building shall be located within 50 feet of a street right-of-way.
- B. Display homes along the street shall be parallel to the street and be set up to look like residences, including skirting.
- C. Unassembled structures shall not be visible from the street.
- D. Access drives shall be paved at least 50 feet from the street.

3.5.3 Open Air Market (including farmers' markets, produce markets)

- A. All sales shall take place under cover of an approved structure or tent.
- B. Adequate restroom facilities shall be provided. These facilities shall not be located between the market and the street right-of-way and shall be screened from view.
- C. Trailers for delivery or pick-up may be stored temporarily on-site for not more than three (3) days at a time and shall be to the rear of the permanent structure.
- D. When the open air market is not open for business, all items shall be removed or screened from view.

3.5.4 Retail Use (outside fully enclosed building)

- A. A permanent structure with permanent restroom facilities built in accordance with SC Building Code shall be located on the premises.
- B. Items for sale shall not be displayed within any right-of-way.
- C. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.

Section 3.6 Recreational & Entertainment Uses**3.6.1 Campground**

- A. All spaces for camping and recreational vehicles shall be located at least 100 feet from any adjoining lot line.
- B. Each recreational vehicle parking area shall be connected to an approved water supply system which provides an accessible, adequate, safe and potable supply of water.
- C. An adequate and safe sewer system shall be provided in all recreational vehicle parking areas.
- D. A buffer installed in accordance with Section 7.3.1 shall be provided where the use adjoins residentially-zoned or residentially-developed property.
- E. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the Plumbing Code, as amended, shall be provided. The service building shall be conveniently located within a radius of 300 feet to spaces which it serves.
- F. The storage, collection and disposal of trash and refuse shall comply with all applicable city, county and state regulations.
- G. No person, recreational vehicle, or tent may occupy the campground for a period in excess of 30 days. A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained.

3.6.2 Recreation or Entertainment Use (in CBD)

Maximum hours of operation are 8:00am to midnight if located in the CBD or within 100 feet of residentially-zoned or used property.

3.6.3 Sexually Oriented Business***3.6.3.1 Purpose***

It is the purpose of this Section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. 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 article to restrict or deny access by adults to sexually oriented materials protected by the first amendment nor 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 article to condone or legitimize the distribution of obscene material. All other regulations and standards covering the ID shall also apply to sexually oriented businesses.

3.6.3.2 Permit Required

- A. A sexually oriented business is prohibited from operating within the city limits without a valid Certificate of Zoning Compliance issued by the City. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may

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be easily read at any time. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him from the requirement of obtaining a Certificate of Zoning Compliance from the City.

- B. The application for a Certificate of Zoning Compliance must be accompanied by a sketch plan, drawn to scale, showing the property and the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram must be drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- C. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit as applicant. If the business owner or operator is other than an individual, each person who has a 10 percent or greater interest in the business must sign the application for a permit. If a corporation is listed as owner of the business or as the entity that wishes to operate such a business, each individual having a ten (10) percent or greater interest in the corporation must sign the application for a permit.
- D. Before a Certificate of Zoning Compliance can be issued, the premises must be inspected and found to be in compliance with all applicable statutes and regulations by DHEC, the Public Safety Department, and the Planning and Codes Department. Inspections shall be completed within 21 days of receipt of a complete application for a Certificate of Zoning Compliance. At the conclusion of its inspection, each department or agency shall indicate in writing the results of the inspection, date it, sign it, and forward a copy of the inspection to the Administrator.
- E. Within 30 days after receipt of a complete application, the Administrator shall either approve or deny the Certificate of Zoning Compliance.
- F. The permit application shall be denied by the Administrator if he finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the City.
- G. If the application is denied, the Administrator shall notify the applicant of the denial in writing and shall state the reason(s) for the denial.
- H. If a person applies for a permit for a particular location within a period of twelve (12) months from the date of denial of a previous application for a permit at the location, and there has not been an intervening change in the circumstances that could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied.
- I. The annual fee for a sexually oriented business permit is set forth in the City of Waltherboro Comprehensive Fee Schedule. Said fee is in addition to the City of Waltherboro Business License and other applicable fees or permits.

3.6.3.3 Permit Expiration

- A. Each permit shall expire one (1) year from the date of issuance and may be renewed only by making application as provided herein.
- B. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit will not be affected.
- C. If a permit expires, or an application for permit renewal is denied, the applicant shall not be issued a permit for one (1) year from the date of denial. If, subsequent to denial, the

Administrator finds that the basis for denial of a renewal permit has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date of denial.

3.6.3.4 Suspension of Permit

- A. The Administrator may suspend a permit at any time if he or she determines that a permittee is not in compliance with any portion of this sub-section or if the sexually oriented business is in violation of a building, fire, health, or zoning statute, code or regulation. Such determination shall be based on investigation by the department or agency charged with enforcing said rules or laws.
- B. In the event of a violation, the Administrator shall promptly notify the permittee of the violation in writing. The permittee shall have seven (7) days from being notified to correct the violation. If the permittee fails to correct the violation before the expiration of the seven-day period, the Codes Enforcement Officer shall suspend the permit and shall notify the permittee in writing of the suspension.
- C. The suspension shall remain in effect until the violation has been corrected.

3.6.3.5 Revocation of Permit

- A. The Administrator shall revoke a permit if a cause for suspension in Section 3.6.3.4 (above) occurs and the permit has been suspended within the preceding 12 months.
- B. When the Administrator revokes a permit, the revocation shall continue for one (1) year from the date the revocation becomes effective. If, subsequent to revocation the zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date the revocation became effective.

3.6.3.6 Transfer of Permit

A permittee shall not transfer his permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the permit application.

3.6.3.7 Location of Sexually Oriented Business

- A. A sexually oriented business may be located only within a designated Industrial District (ID).
- B. No sexually oriented business shall be permitted within 750 feet of:
 - 1. Any religious institution
 - 2. Any public or private daycare center, kindergarten, elementary or secondary school
 - 3. The boundary of any designated residential zoning district
 - 4. A public park, landscaped area designed for public use or recreation area
 - 5. The property line of a lot devoted to residential use
- C. For purposes 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 church or public or private daycare center, kindergarten, elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.

- D. A sexually oriented business shall not be operated within 500 feet of another sexually oriented business.
- E. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private day care center, kindergarten, elementary or secondary school, public park, residential district or residential lot within 750 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit has expired or been revoked.

3.6.3.8 Advertising, Parking and Lighting

- A. Any activity prohibited by any applicable state statute or local ordinance shall not be advertised at any sexually oriented business.
- B. Displays or exhibitions of materials and/or performances at any sexually oriented business shall not be visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business provided that the name of the business is not expressed in sexually explicit or offensive nomenclature.
- C. No portion of the interior premises of any sexually oriented business shall be visible from outside the premises.
- D. All off-street parking areas shall be located in front of the building for safety reasons. All off-street parking and premise entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1.0) foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premise.

3.6.3.9 Hours of Operation

No sexually oriented business shall remain open for business, nor shall any employee of such business engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 1:00 AM and 9:00 AM on any particular day and between 12:01AM Sunday and 9:00 AM Monday.

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 3: CONDITIONAL USES

Section 3.9 Other Uses

3.9.1 Accessory Structure (non-residential)

- A. All accessory structures shall comply with the district setbacks.
- B. Accessory structures shall only be permitted in the side or rear yard, unless otherwise stated in this Ordinance.
- C. No accessory use shall be established or erected prior to the establishment or erection of the principal use to which it is accessory.
- D. No existing accessory use may be expanded or extended except in compliance with the regulations of this Ordinance.

3.9.2 Drive-through Use

- A. Stand alone drive through ATMs may be permitted as accessory uses (i.e. in a shopping center parking lot).
- B. Drive-through lanes shall not be located to the front of a building or facing the primary street.
- C. Vehicle storage for drive-throughs shall be located outside of and physically separated from the right-of-way of any street. This area shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way. There shall be adequate vehicular stacking area so that vehicles waiting for the drive-through do not back up into the street.

3.9.3 Outdoor Storage (non-residential)

- A. All outdoor storage shall be located in the side or rear yard only.
- B. All outdoor storage shall be screened from view of the street with an opaque screen meeting the requirements of Section 7.6.

3.9.4 Telecommunications Tower

3.9.4.1 Purpose

This Section applies to any structure designed to receive telecommunication and data communications signals from orbiting satellites including, but not limited to, antennae, satellite receiving dishes, and telecommunications towers.

3.9.4.2 Special Exception Process for Telecommunications Towers

Telecommunications towers are permitted only as a Special Exception. Special exceptions are reviewed by the Board of Zoning Appeals in accordance with Section 11.3. Additional factors or those which should be given special consideration by the Board of Zoning Appeals concerning telecommunication towers include the following factors:

- A. The design, location, and height of the proposed tower must not detract from the aesthetic and neighborhood character or impair the use of neighboring properties. Additional consideration must be given to properties located within the Historic Preservation Overlay or in close proximity to the Historic Preservation Overlay.
- B. The applicant must demonstrate that additional height is necessary for providing service to occupants of an area within the City.

- C. The applicant must demonstrate that the tower is designed to fall in such a way that provide for public safety, specifically that the tower's fall zone does not include residential property or residentially-zoned land.
- D. Whether all other provisions of this Ordinance have been met.

3.9.4.3 Development Standards for Telecommunications Towers

The following development standards shall apply to all telecommunication towers:

A. Setbacks

- 1. Telecommunication towers shall be set back a distance equal to the height of the tower plus 50 feet from any residential structure. This setback may be waived or reduced by the owner of the affected residential structure through a notarized affidavit.
- 2. Telecommunication tower setbacks from all lot lines shall be a minimum of 20 feet plus the linear measurement of the tower's fall zone as certified by a Registered Professional Engineer.
- 3. Guy wire anchors, equipment buildings, and other facilities supporting telecommunication towers shall satisfy the minimum setback requirements in the underlying zoning district.
- 4. All setback distances for towers shall be measured from the outermost edge of the base of the tower.

B. Lighting. Telecommunication towers shall only be illuminated as required by FCC, Federal Aviation Administration, or other applicable regulatory agency. Night-time strobe lighting shall not be incorporated unless required by state or federal regulations.

C. Appearance. Telecommunication towers shall have either a galvanized steel or neutral color finish unless otherwise required by the Federal Aviation Administration.

D. Signage. No commercial signs or advertising shall be placed on communication towers. Signs pertaining to trespassing, emergency, or other information required by state or federal regulations are allowed.

E. Security Fencing. Telecommunication towers shall be enclosed by security fencing not less than six (6) feet in height. Razor wire shall not be permitted on fences. Access to communication towers shall be through a lockable gate.

F. Landscaping. The visual impacts of telecommunication towers shall be mitigated to the extent reasonably possible. At a minimum, the following landscaping requirements shall be met in order to screen the tower and support facilities from adjacent properties and roadways:

- 1. A continuous hedge of evergreen shrubs, at least 24 inches high at planting, shall be planted a maximum of five (5) feet apart around the outside perimeter of the security fence around the tower site, except for access driveways. These shrubs shall have an expected height of at least six (6) feet within two (2) years and twelve (12) feet at maturity.
- 2. Existing native vegetation shall be preserved where possible to meet these screening requirements.
- 3. These requirements may be waived or reduced in those instances where the applicant provides written, notarized statements from adjacent property owners agreeing to a waiver or reduction in landscaping requirements. In no instance shall these

CHAPTER 3: CONDITIONAL USES

landscaping requirements be waived or reduced along any public roadway, nor along portions of the tower site that can be seen from any public roadway.

3.9.4.4 Roof-Mounted Telecommunications Towers

Roof-mounted telecommunication towers may not be located in any residential district and shall not extend more than 20 feet above the highest part of the structure on which it is located.

3.9.4.5 Location Requirements

An applicant for a new telecommunication tower shall have made a reasonable attempt to co-locate proposed antenna(s) on existing towers, buildings, or other structures. A telecommunication tower shall not be approved unless the applicant provides written documentation that no existing structure is available or sufficient to accommodate the proposed antenna(s) by providing evidence of any of the following:

- A. Existing structures located within the geographic area in which the applicant's antenna must be located are of insufficient height to meet the applicant's technical design requirements.
- B. Existing structures do not have sufficient structural strength to support the applicant's proposed antenna.
- C. The applicant's proposed antenna would cause electromagnetic interference with antennae on existing structures, or antennae on existing structures would cause interference with the applicant's proposed antenna.
- D. The fees, costs or other contractual provisions required by the owner of the existing structure for co-location or the engineering costs to adapt an existing structure for co-location are unreasonable given current market rates in the region.
- E. The applicant shall be required to allow other users to co-locate on the proposed communication tower when constructed. Telecommunications towers:
 1. Less than 180 feet in height shall provide space for at least one (1) co-location.
 2. Over 180 feet in height shall provide space for at least two (2) co-locations.
 3. Over 220 feet in height shall provide space for at least four (4) co-locations.
 4. All communication towers shall be structurally engineered to support the appropriate number of co-locations.

3.9.4.6 Telecommunication Tower Application Submittals

All applications for new telecommunication towers shall include the following items:

- A. A site plan drawn to scale (no more than 1 inch = 50 feet), signed and sealed by a South Carolina Registered Professional Engineer, showing:
 1. Boundaries of the property involved. Location of the proposed tower, existing and proposed buildings, parking, driveways, guy anchors (if any), and other improvements.
 2. Location of adjacent structures, roads, driveways, and other improvements.
 3. Proposed landscaping and fences.
 4. Proposed setbacks of existing and proposed structures from adjacent properties, residential structures, and road rights-of-way.

- B. A map of the geographic area in which the applicant's antenna must be located to reasonably serve the applicant's coverage area, showing all existing and approved tower sites and all other structures equal to or greater than 75 percent of the height of the proposed tower within this area.
- C. Written documentation that co-location on existing towers or structures in the vicinity of the proposed tower was attempted by the applicant but found unfeasible with reasons explained. This documentation should include, at the least, verification by Registered Professional Engineer that no alternative to the construction of a new tower exists.
- D. Copies of all applicable submissions made by the applicant to any state or federal regulatory agency relative to the proposed project, including written statement from the Walterboro-Colleton County Airport Commission indicating conformance with airport approach patterns.
- E. Elevation drawings showing the height and design of the tower, materials to be used, color and lighting. For applications requiring special exception review, the applicant shall also submit visual renderings of the proposed tower as it will look from public roadways and adjacent non-commercially zoned areas.
- F. A report, signed and sealed by a South Carolina Registered Professional Engineer, that describes the tower height and design and demonstrates the tower's compliance with the structural requirements of the *Standard Building Code* and the co-location requirements of this Ordinance. The engineering report shall further certify that the tower will satisfy minimum wind load standards imposed by the American Society of Consulting Engineers and shall certify the tower's fall zone.
- G. A notarized affidavit that states the applicant's willingness to allow co-location on the proposed tower at a fair market rate and in a timely manner to any other service provider licensed by the federal communications commission for the City of Walterboro market area.
- H. Identification of the owners of all antennae and equipment to be located on the site.
- I. Written authorization from the owner of the site, if different from the tower owner, to apply for approval of the proposed tower

3.9.4.7 Abandoned Telecommunication Towers.

- A. A telecommunication tower not used for communication purposes for a period of 120 consecutive days shall be presumed to be abandoned.
- B. The owner of such tower shall notify the city and remove the tower and all associated structures, equipment, foundations and other improvements within 60 days.
- C. Removal costs shall be the responsibility of the tower owner. The tower owner may apply to the city for a one-time extension of an additional 120 days upon proof that a licensed antenna will be in use on the structure prior to the end of the 120-day extension period.

CHAPTER 3: CONDITIONAL USES

3.9.5 Temporary Uses

The Administrator is authorized to issue a temporary certificate of zoning compliance for temporary uses, as follows. Temporary retail sales shall be subject to the “soliciting peddlers, soliciting and transient merchants” requirements in Section 8, Article 3 of the City Code.

- A. Religious meeting in a tent or other temporary structure for a period not to exceed 30 days.
- B. Contractor's offices, equipment sheds, and construction trailers in any district may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one (1) of the residential units being constructed. All construction trailers shall be located at least 10 feet from any street right-of-way and not be placed in any required rear or side yard setback.
- C. Carnival, circus, or fair, for a period not to exceed 21 days, subject to the approval of the City Council.
- D. Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.
- E. A manufactured home for business purposes, in GC, HC, and IIC districts, for a period not to exceed one (1) year. A temporary certificate of zoning compliance issued under this subsection shall be void and such use declared illegal if the foundation of the permanent structure to replace the manufactured home has not been poured or constructed within ninety (90) days of the issuance of the temporary certificate.
- F. Yard sales shall be limited to three (3) consecutive days and shall be limited to three (3) permits per calendar year for any person and/or address.
- G. Public or private schools may install temporary manufactured classroom units with the issuance of a Certificate of Zoning Compliance.

CHAPTER 4: BUILDING DESIGN REQUIREMENTS

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CHAPTER 4: BUILDING DESIGN REQUIREMENTS

Section 4.1 Purpose and Applicability

The purpose of this Chapter is to ensure architectural compatibility and the establishment and preservation of architectural character throughout the City. Enumerated in the sections below are general requirements for all buildings as well as requirements specific to building use, typology, and location.

Section 4.2 General Guidelines for All Buildings

- A. Adjacent buildings should be compatible in regards to spacing, setbacks, proportions, materials, massing, and scale.
- B. The primary entrance shall be architecturally and functionally designed on the front façade facing the primary public street.
- C. The front façade of the principal structure shall be parallel to the front lot line and street.
- D. Prominently visible roof-mounted mechanical or utility equipment should be screened. The method of screening or painting should be architecturally integrated with the structure in terms of materials, color, shape and size. Roof-mounted equipment should be located out of the line of sight, where feasible.



Screened Roof-top Equipment



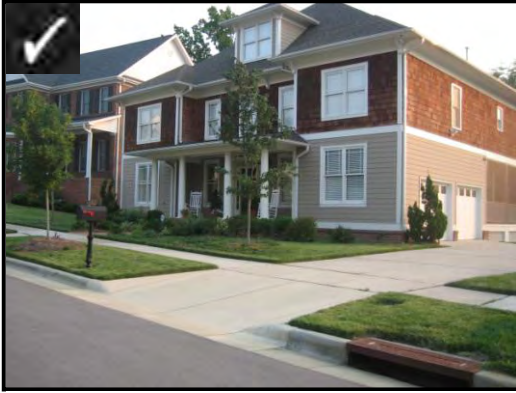
Unscreened Roof-top Equipment

CHAPTER 4: BUILDING DESIGN REQUIREMENTS

Section 4.3 Residential Buildings

These requirements shall apply to all new residential construction that is not located within a Historic Preservation Overlay.

- A. Exterior materials shall be durable and residential in character. Exterior wall materials shall be wood, brick, stone, stucco, vinyl, or similar materials. Roof materials shall be asphalt shingles, standing seam metal, slate, or similar materials.



Wood Shingles and Clapboard Siding

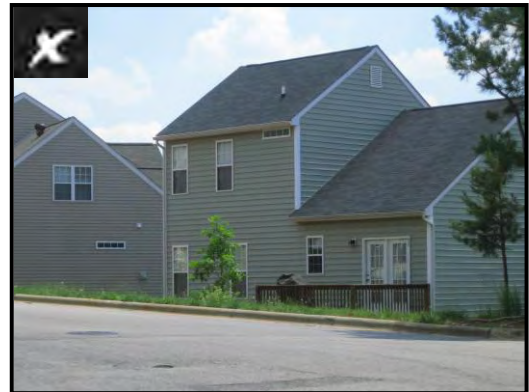


Asphalt Shingles for Siding

- B. Roofs shall be in scale with the house and shall have an overhang of nine (9) inches or more to facilitate proper water run-off.



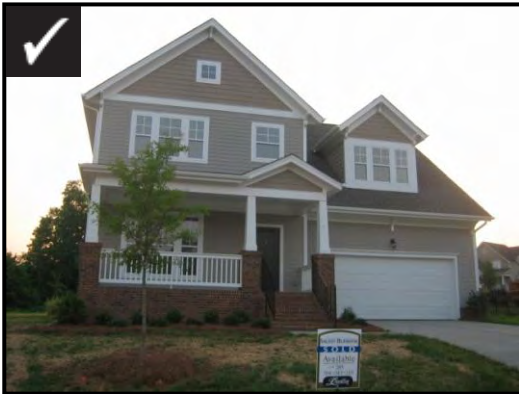
Approximately 12-inch Overhang



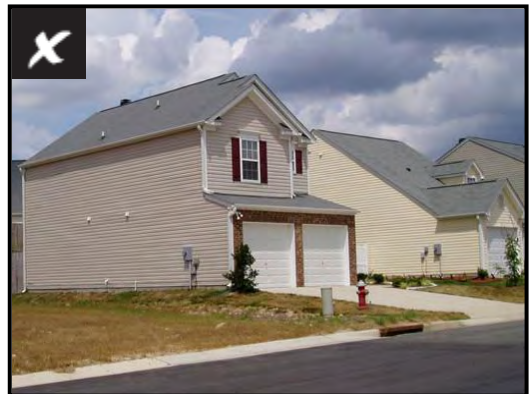
Less than 9-inch Overhang

CHAPTER 4: BUILDING DESIGN REQUIREMENTS

- C. Front loaded garages shall not have visual prominence on the front façade and shall not compose more than 50 percent of the total length of the front elevation.

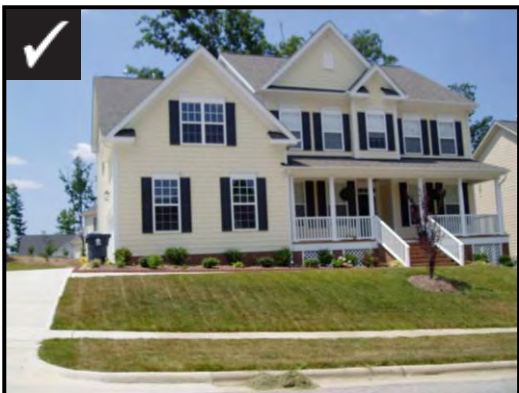


Recessed Garage



Prominent Garage

- D. Attached garages for more than two (2) cars should not, wherever possible, face the primary street. Such garages on corner lots may face the non-fronting street.

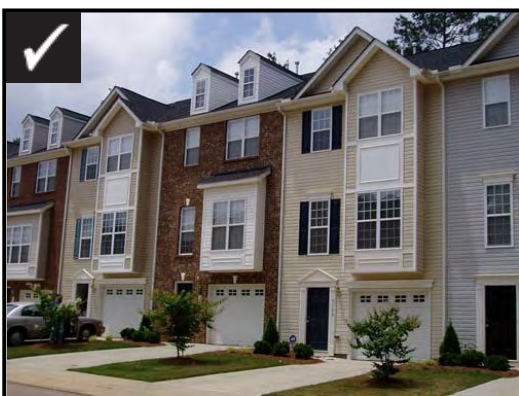


Side-loaded Three-Car Garage

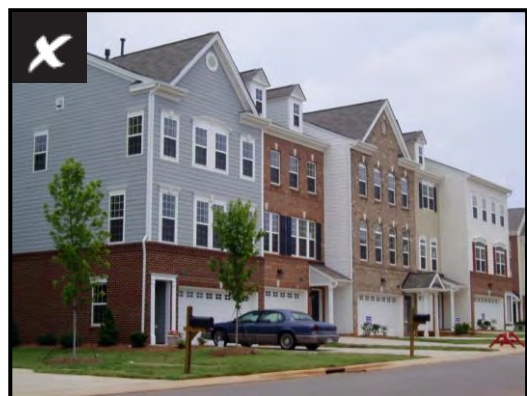


Front-loaded Three-Car Garage

- E. Multiple-car garages on the front façade of any single-family attached or multi-family dwelling unit should utilize separated individual doors.



Single-Car Garage on Front Facade



Two-Car Garage on Front Facade

CHAPTER 4: BUILDING DESIGN REQUIREMENTS

- F. Two-family (duplex) residences shall be designed in such a way that the primary entrances are not both on the same plane of the front façade. Two-family residences are preferred on corner lots with one unit's primary entrance facing one fronting street and the other units facing the other fronting street.



Entrance on Different Plane of Facade



Entrance on Same Plane of Facade

Section 4.4 Non-residential Buildings

These requirements shall apply to all new non-residential construction that is not located within a Historic Preservation Overlay.

4.4.1 Materials & Color

- A. Front facades and exterior walls visible from the public right(s)-of-way shall be at least 75 percent brick, decorative concrete block, stucco, stone, or other materials similar in appearance and durability. Vinyl siding, standard concrete block, cast concrete, metal, and wood may be used on building walls not visible from a public street or as minority elements or accent materials on walls that are visible from the public street provided that they do not compose greater than 25 percent of the façade. Two (2) wall materials may be combined horizontally on one façade. The heavier material should be below. Pitched roofs should be clad in standing seam metal, slate, asphalt shingles, or similar material. All accessory buildings shall be complementary in appearance and architecture to the principal structure.



Brick Facade



Standard Concrete Block and Metal Facades

CHAPTER 4: BUILDING DESIGN REQUIREMENTS

- B. Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. The use of high-intensity, metallic, fluorescent, or neon colors is not permitted. Variations in color schemes are encouraged in order to articulate entryways, architectural features and public amenities so as to give greater recognition to these features.



Muted Neutral Colors



High-intensity Colors

4.4.2 Building Design

- A. Roof pitches less than 3:12 and flat roofs should incorporate a parapet wall on all sides visible from the adjacent street. Parapet walls should have decorative cornices or caps. Roof lines should be varied to reduce the scale of structures and visual interest.



**Parapet with Decorative Cap
& Varied Roof Line**



**Parapet on Front Façade Only-No
Decorative Cap**

CHAPTER 4: BUILDING DESIGN REQUIREMENTS

- B. Facades greater than 50 feet in length should incorporate recesses, fenestrations, and projections along at least 20 percent of the length of the façade.

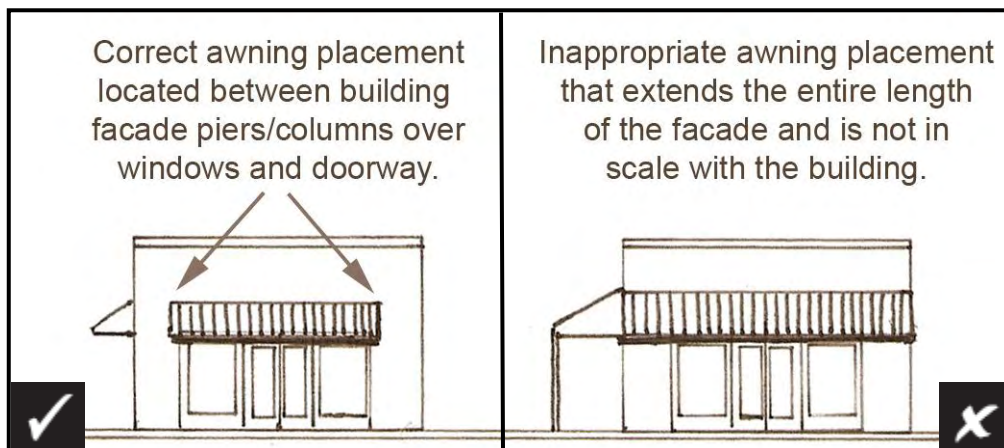


Façade with Recesses & Projections



Façade without Recesses & Projections

- C. When used, awnings should be placed at the top of window or doorway openings, and should not extend beyond such openings. No awning shall extend more than the width of the sidewalk or 10 feet, whichever is less. Awnings shall be self-supporting from the wall. No supports should rest on or interfere with the use of pedestrian walkways or streets. In no case, shall any awning extend beyond the street curb or interfere with street trees or public utilities.



CHAPTER 4: BUILDING DESIGN REQUIREMENTS

Section 4.5 Design Requirement Evaluation

4.5.1 Administrative Design Evaluation

All building design requirements for properties not located in the Historic Preservation Overlay shall be evaluated by the Administrator during the Certificate of Zoning Compliance approval process outlined in Section 11.2.

4.5.2 Planning Commission Design Evaluation

The Administrator may request that the Planning Commission evaluate alternate design plans, building materials or construction techniques when unreasonable or impractical situations would result from the application of the building design standards of this Chapter for properties not located in a Historic Preservation Overlay. Such situations may result from unique site conditions, innovative design applications, and/or unified development design. The Planning Commission may issue a Design Waiver in accordance with Section 11.4.

CHAPTER 5:

SIGNS

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CHAPTER 5: SIGNS

Section 5.1 Purpose and Applicability

- A. The purpose of this section is to support and complement the various land uses allowed in the City of Walterboro by the adoption of policies and regulations concerning the placement of signs. The outdoor placement of signs is a legitimate use of private property, but the erection of signs should be controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on roadways, as well as protect the public investment in such roadways. The provisions of this section are also intended to promote the reasonable, orderly, and effective display of such signs, displays, and devices. It is also the intent of this section to prevent signs from dominating the visual appearance of the area in which they are located and to enhance the overall appearance of Walterboro.
- B. Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign, without first having obtained a Sign Permit for such sign from the Administrator as required by this Ordinance. A fee, in accordance with a fee schedule adopted by the City Council, shall be charged for each such permit issued.

Section 5.2 General Provisions

5.2.1 Sign Design Guidelines

- A. Materials, colors, scale, and shapes of proposed signs should be compatible with the buildings and the surrounding area of its location.
- B. All signs must be composed of durable all-weather materials and all painting and lettering must be completed in a professional manner.
- C. Signage plans are required for sign permits covering any of the following:
 - 1. Two (2) or more adjacent properties under the same ownership;
 - 2. A single lot with more than one (1) principal use, such as a shopping center; and
 - 3. A Planned Development District.

The plan shall specify standards for consistency in size, color, style, material, and location. Once approved by the Administrator, the plan is binding on all uses occupying the affected lots.

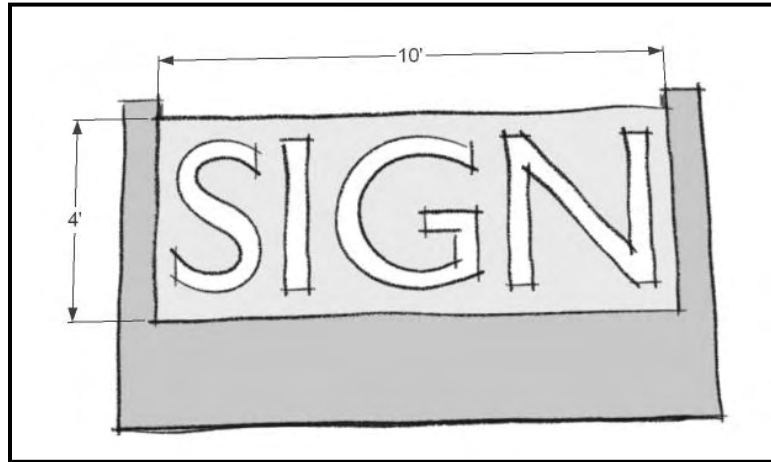
5.2.2 Maximum Number of Signs Allowed

- A. Unless otherwise specified in this Chapter, no establishment shall have more than one (1) primary identification sign.
- B. Corner lots may be permitted to have one (1) sign per street frontage.
- C. Accessory structures subordinate to the principal structure are permitted one (1) wall sign.

5.2.3 Sign Area

Measurement of a sign face for compliance with this ordinance does not include foundations or supports, but only the face of the sign from edge to edge. Double facing signs are only measured on one (1) side. Multiple signs on one (1) post and signs composed of more than one (1) piece are measured cumulatively as one (1) sign face. See Fig. 5.1

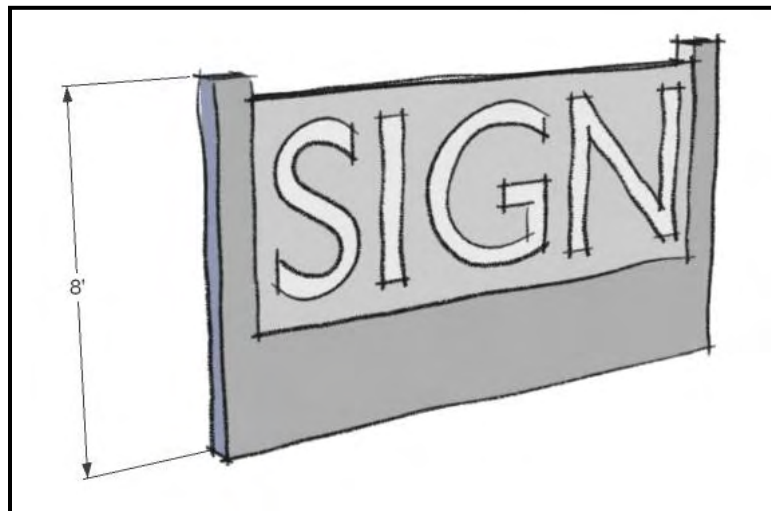
FIG. 5.1: SIGN AREA



5.2.4 Sign Height

- A. The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps, spires, and finials shall not extend more than two (2) feet from the top of the sign. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street. See Fig. 5.2.
- B. Signs extending over pedestrian walkways shall have a minimum clearance of eight (8) feet above the walkway directly below the sign. Signs extending over parking areas shall have a minimum clearance of fourteen (14) feet above the driving surface directly below the sign.

FIG. 5.2: SIGN HEIGHT



CHAPTER 5: SIGNS

5.2.5 Sign Placement

- A. At intersections, no sign shall be in the sight triangle as defined by this Ordinance.
- B. Unless otherwise specified in this Chapter, all signs shall be located on-premises and not within a right-of-way. Only the following signs are permitted in public rights-of-way: governmental public information signs, traffic control and emergency signs, historical signs and markers, and postings of legal notice.
- C. The Administrator or his designee may remove and destroy or otherwise dispose of any sign placed on public property or within any public right-of-way. Penalties may be levied for each such sign as outlined in Section 10.8 of this Ordinance.

5.2.6 Sign Illumination

Illuminated signs shall conform to the following:

- A. All illuminated signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.
- B. External light sources shall not be visible from the right-of-way nor cause glare hazards to pedestrians, motorists, or adjacent properties.
- C. All lighting shall meet all applicable electrical codes.
- D. Illuminated signs must not resemble traffic or emergency lighting that could cause drivers to become disoriented.

5.2.7 Electronic Message Displays

- A. Electronic message displays are permitted on interstate signs and freestanding signs for commercial uses in zoning districts for which internally illuminated signs are permitted on parcels that front on a four-lane or greater arterial roadway. These signs are not permitted in the Historic Preservation Overlay.
- B. An electronic message display board shall not have any distracting appearance of motion, flashing, blinking, shimmering, varying of light intensity, flipping, crawling, or any other message changing mechanism which gives the impression or appearance of movement.
- C. The area occupied by electronic message display board may comprise no more than 24 square feet of a permitted freestanding sign.
- D. An electronic message display board that is readily visible to drivers of vehicles on any public right-of-way must have characters of sufficient size to be easily discerned and must not constitute a safety hazard by distraction of drivers.
- E. The display may change no more frequently than 10 seconds. For time and/or temperature signs, the display may change no more frequently than seven (7) seconds.

5.2.8 Maintenance and Upkeep of Signs

All signs and all components thereof, including supports, braces, and anchors shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this Ordinance (unless deemed a legal nonconforming sign by Chapter 13 of this Ordinance). Any sign which is determined by the Administrator or building inspector as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance.

CHAPTER 5: SIGNS

Section 5.3 Signs That Do Not Require a Permit

The following types of signs are exempt from permit requirements and may be placed in any zoning district. Such signs shall otherwise be in conformance with all applicable requirements contained in this Ordinance. All such signs (except government signs) shall be located outside of the street right-of-way and shall not be illuminated.

- A. **Civic Signs (off-premises).** Signs which denote the location of religious, charitable, fraternal, military or service organizations.

Max. Area	12 square feet per organization, up to 18 square feet per sign structure
Max. Height	6 feet tall
Max. Number	2 off-premises signs per organization
Min. Setback	Outside of right-of-way
Other	NA

NA=Not Applicable



Off-Premises Civic Sign

- B. **Construction/Contractor's and Subdivision Project Signs.** Signs to identify future occupants, home builders, contractors, and architectural or engineering designers during the period of construction.

Max. Area	32 square feet per site
Max. Height	8 feet tall
Max. Number	1 per contractor
Min. Setback	Outside of right-of-way
Other	Signs shall be removed no later than 30 days after completion



Construction Sign

- C. **Directional Signs (on-premises).** Signs that are located on the premise/property to provide directions.

Max. Area	12 square feet
Max. Height	6 feet tall
Max. Number	2 per entrance/exit
Min. Setback	Outside of right-of-way
Other	Signs shall contain no copy other than directional information.



On-premises Directional Sign

- D. **Flags.** Flags or insignia of any nation, organization of nations, state, county or municipality, any religious, civic or fraternal organization, or any educational or cultural facility and/or any one corporate flag per lot.

Max. Area	45 square feet
Max. Height	maximum district height
Max. Number	4 per lot of record
Min. Setback	Outside of right-of-way
Other	Feather flags are not permitted.

NA=Not Applicable



Flags

- E. **Government Signs.** Signs posted or authorized by various local, state, and federal agencies in the performance of their duties including providing community information and facilitating economic development. Such signs include regulatory signs, traffic signs, welcome signs, bulletin board, and directory signs.

Max. Area	NA
Max. Height	maximum district height
Max. Number	NA
Min. Setback	May be located in right-of-way
Other	NA

NA=Not Applicable



Government Sign

- F. **Wayfinding signs (city-sponsored).** City-sponsored wayfinding signs may be posted within the City of Walterboro. Such signs shall direct travelers and tourists to points of interest including Historic Downtown Walterboro, government facilities, cultural arts facilities, galleries, accommodations, restaurants, and shops.

Max. Area	16 square feet
Max. Height	10 feet
Max. Number	NA
Min. Setback	May be located in right-of-way
Other	<ul style="list-style-type: none"> • Text on directory signs shall be generic in nature and not list the name of any specific business. • The City shall install and maintain the signs and shall have discretion over the text posted on the signs.



City-sponsored Wayfinding Sign

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

J. Temporary Signs.

Temporary signs shall not be located within a public street right-of-way or sight triangle and shall not be attached to trees or utility poles or on publicly-owned property. Temporary signs shall not be illuminated except for temporary holiday decorations. Temporary signs that do not fit into one of the following categories are not permitted.

1. **Political Signs.** Signs displaying support for or opposition to a candidate, political party, or referendum.

Max. Area	10 square feet
Max. Height	NA
Max. Number	1 per candidate/referendum per lot of record
Min. Setback	Outside of right-of-way
Other	Must be removed within 10 days after the election.



2. **Real Estate Signs (On-premises).** On-premises real estate signs advertise the sale or lease of the property on which said sign is located.

Max. Area	6 square feet for individual single-family residential properties & 32 square feet for multi-family residential properties, non-residential properties, vacant properties, subdivisions, & PDDs
Max. Height	4 feet tall for individual single-family residential properties & 8 feet tall for multi-family residential properties, non-residential properties, vacant properties, subdivisions, & PDDs
Max. Number	1 per street frontage per lot of record
Min. Setback	Outside of right-of-way
Other	<ul style="list-style-type: none"> • Shall be removed within 7 days of the sale or lease of the property. • Signs advertising lots for sale within an approved subdivision may be posted at the entrance to the subdivision and shall be allowed until 75 percent of the lots are sold within the subdivision.



NA=Not Applicable

CHAPTER 5: SIGNS

3. **Temporary Holiday Decorations.** Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday/celebration.

Max. Area	NA
Max. Height	NA
Max. Number	NA
Min. Setback	Outside of right-of-way
Other	Shall be removed within 30 days of applicable holiday.

NA=Not Applicable



Holiday Decorations

4. **Window Signs (temporary).** Signs temporarily attached or temporarily painted to a window or door, announcing sale or special features.

Max. Area	50 percent of window area
Max. Height	NA (structure mounted)
Max. Number	NA
Min. Setback	NA (structure mounted)
Other	<ul style="list-style-type: none"> • Signs that exceed 50% of the area of said window shall be treated as wall signs. • Signs shall be removed within two (2) days after the termination of such sale or special event. • Permanent window signs are treated as wall signs

NA=Not Applicable



Temporary Window 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.



Neighborhood Identification Sign

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 (E) 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

- 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)

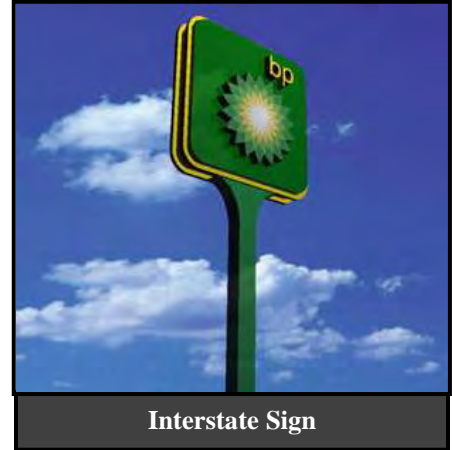
L: Illumination Allowed

*: 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

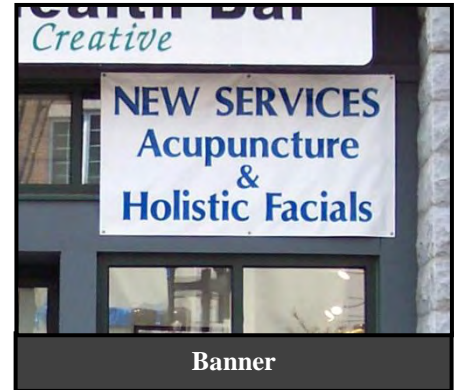
C: Sign permitted for Civic, Government, & Institutional uses & Recreation uses only (see Section 2.4 Permitted Uses Table)

L: Illumination Allowed

*: External illumination only

NA=Not Applicable

- 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	
ICD	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.



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

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



Billboard

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.

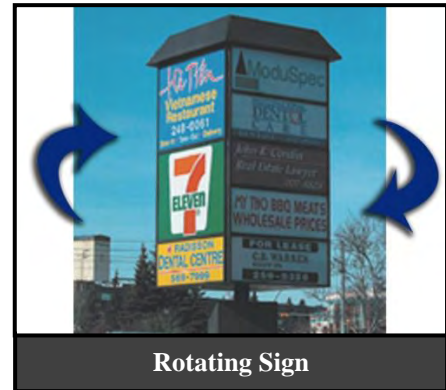


- K. Parked vehicles with messages (exempting vehicles with commercial advertising which are used regularly and customarily to transport persons or property for business).



Vehicle Sign

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



Rotating Sign

- M. Roof signs.



Roof Sign

- 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.



Transportable Sign

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

CHAPTER 6: ENVIRONMENTAL PROTECTION & OPEN SPACE

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CHAPTER 6: ENVIRONMENTAL PROTECTION & OPEN SPACE

Section 6.1 Purpose

The purpose of this Chapter is:

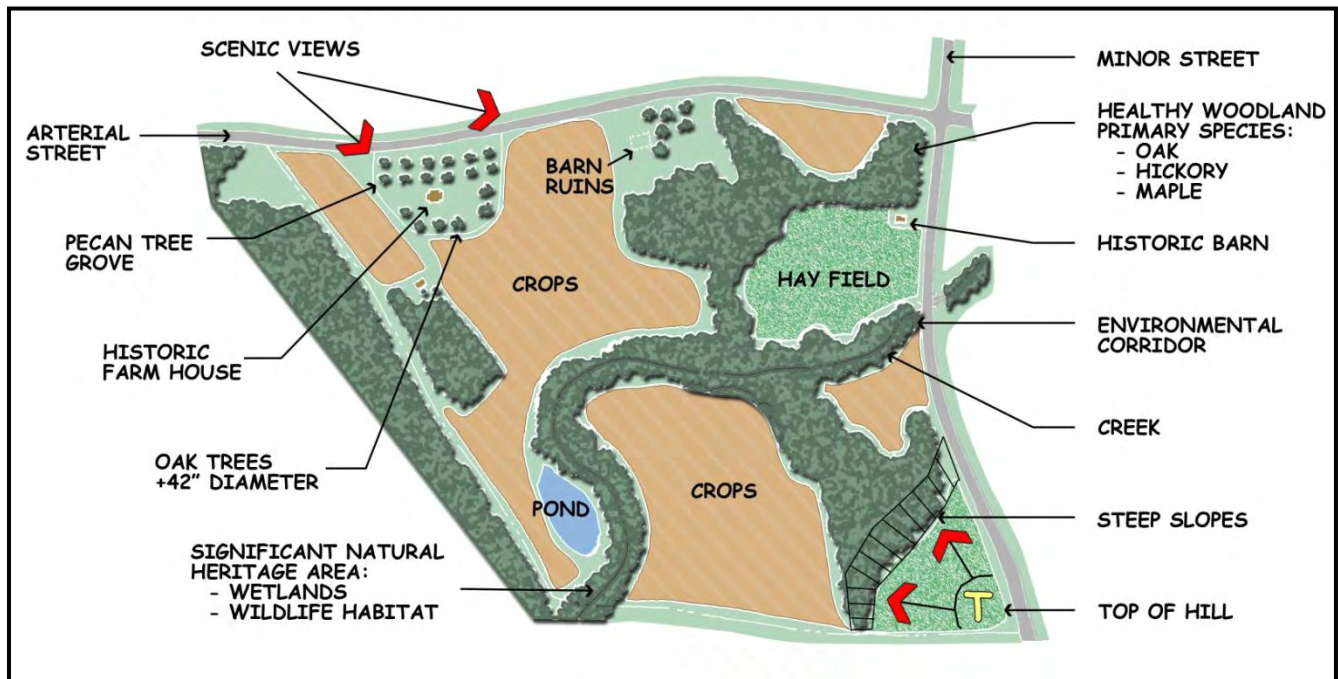
- To protect existing environmental resources including streams, wetlands, floodplains, soils, forest stands, specimen trees and other significant vegetation and wildlife.
- To protect life and property
- To promote the preservation of open space in environmentally sensitive areas
- To provide recreational amenities for the residents of the City.

Section 6.2 Environmental Assessment & Existing Features Plan

- A. Existing Features Plans are required for the Sketch Plan step of all subdivisions of greater than five (5) lots and with Site Plan applications for developments of greater than one (1) acre and shall be submitted in accordance with Section 12.2. This plan shall include soils, topography, ecology, drainage, past uses, adjacent uses, and existing vegetation, structures, roads, and utilities. See Fig. 6.1 on following page.
- B. Site design shall take the Existing Features Plan into consideration with regard to existing and adjacent land uses, the *City of Waltherboro Comprehensive Plan*, and other plans. The design shall provide adequate internal access and safe and suitable external access that is well integrated with existing roads, prevent adverse impacts to adjacent land uses, provide adequate usable open space and connections to existing parks and recreational activities as possible, and assure compatibility with the City's future growth plans. See Fig. 6.1 on following page.
- C. Natural features of the site shall be preserved and impacts to sensitive environmental areas minimized to the extent practicable when designing the development. The design shall also avoid impacts to ground water and aquifer recharge by avoiding clear cutting, reducing impervious cover, and other activities. The following natural features and resources shall be identified:
1. watercourses
 2. wetlands
 3. unique natural areas
 4. floodplains and floodways
 5. endangered species habitats
 6. historic structures
 7. any flowering tree two (2) inches in diameter at breast height (DBH) or larger and all other trees of 10 inches DBH or larger
 8. large stands of trees
 9. viewsheds
 10. steep slopes

CHAPTER 6: ENVIRONMENTAL PROTECTION & OPEN SPACE

FIG. 6.1: EXAMPLE EXISTING FEATURES PLAN



CHAPTER 6: ENVIRONMENTAL PROTECTION & OPEN SPACE

Section 6.3 Tree Protection

6.3.1 Applicability

- A. This Section shall apply to all protected trees located within rights-of-way, parks, public places, and private property located within the corporate limits of the City of Waltherboro as amended. Protected tree shall mean any flowering tree two (2) inches in diameter at breast height (DBH) or larger and all other trees of 10 inches DBH or larger. See Fig. 6.2 on the following page.
- B. Utility companies, electric suppliers and governmental agencies in the course of constructing or maintaining easements for water, sewer, electricity, gas, drainage, telephone or television transmission or rights-of-way shall only be exempt from the provisions of this Section if the applicable company, supplier or agency has executed an agreement with the city which, at a minimum: recognizes the need to minimize trimming of protected grand trees which do not substantially interfere with the intended purposes of construction and maintenance; follows ISA Best Management Practices for utility pruning; identifies the saving of grand trees as a factor to be considered in the design process; and allows for a consultation process with the city prior to the commencement of major construction or maintenance or the removal of grand trees. A breach of such agreement constitutes a violation of this Section and a loss of the exemption provided for herein.

6.3.2 Tree Removal & Protection

- A. It shall be unlawful for any person to fell, injure or destroy any living or dead protected tree within the corporate limits of the City of Waltherboro, except with approval of a Tree Permit as provided for in Section 11.6.
- B. Reasonable measures must be taken during construction or development and shown on a tree protection and site mobilization plan to protect remaining trees from damage or injury in the following ways:
 - 1. Prior to any construction, tree protective barriers (such as silt fencing or orange safety fencing) shall be placed around all landscaping to be saved or around root protection area(s), to prevent damage to existing landscaping (See Fig. 6.3). These barricades shall be installed prior to grading, construction, or other land disturbing activity, and cannot be constructed from any material not substantial enough to protect the roots, trunks, and crown of the tree. The barricade standards or rails shall be placed a minimum distance of six (6) feet from the edge of the trunk and no less than the dripline of the tree.
 - 2. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, storage of heavy equipment are allowed in the tree and root protection area, or within the dripline of trees to be retained.
 - 3. Paving of area within an existing tree's dripline is strongly discouraged.
 - 4. Root pruning should be kept to an absolute minimum.
 - 5. No ropes, signs, wires, unprotected electrical installation or other device or material, shall be secured or fastened around or through a tree or shrub.
 - 6. Unprotected electrical service wires should not be allowed to come into contact with any tree.

FIG. 6.2 TREE MEASUREMENT TERMS

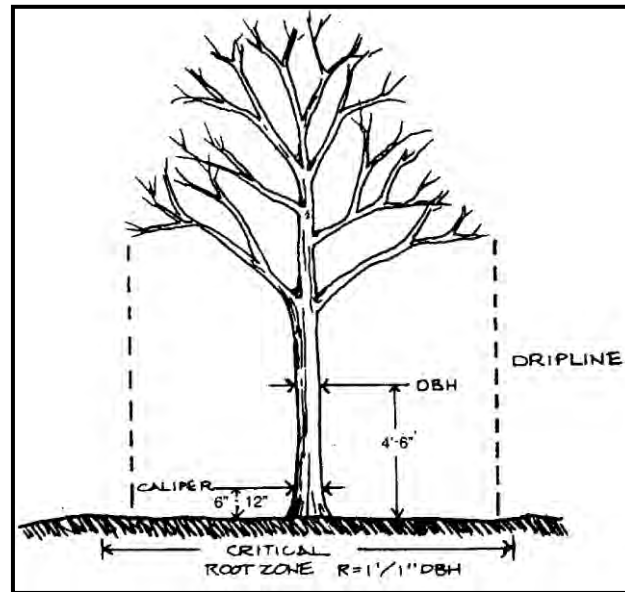
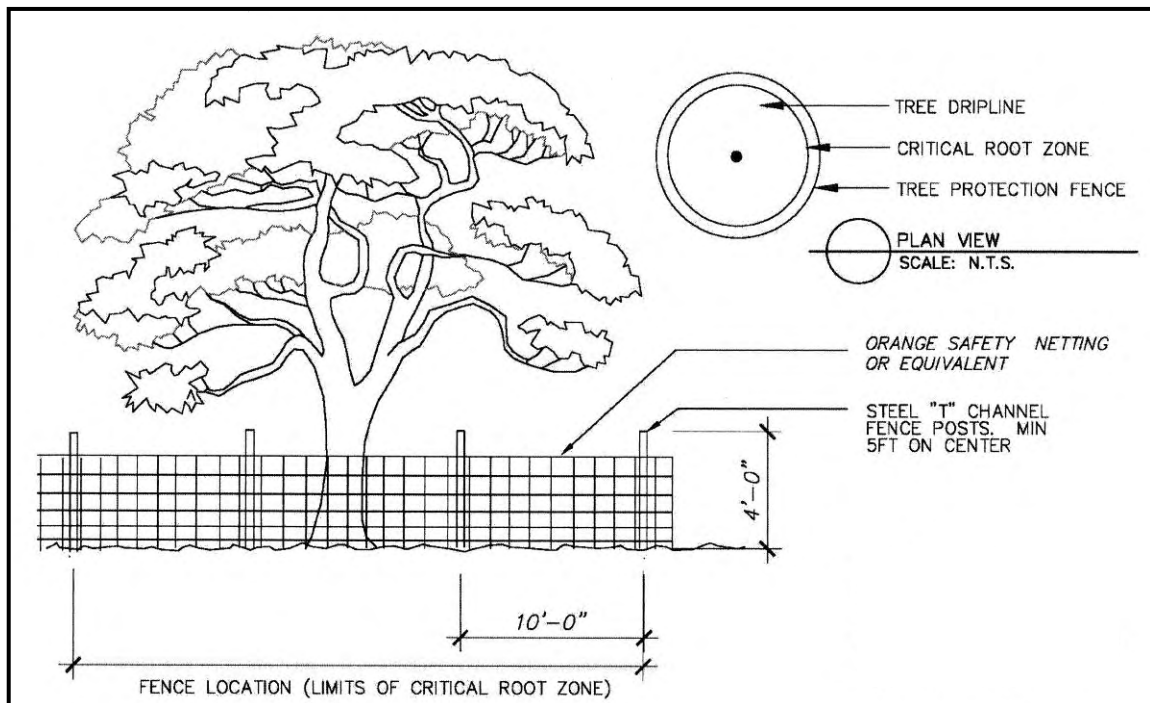


FIG. 6.3 TREE PROTECTION DETAIL



CHAPTER 6: ENVIRONMENTAL PROTECTION & OPEN SPACE

6.3.3 Mitigation

- A. The removal of any protected tree authorized by permit shall be mitigated by planting new trees from the *South Carolina Urban Species Guide*. The replacement trees shall have a minimum two (2) inch DBH; provided, however, for protected flowering trees replacement flowering trees of one (1) inch DBH minimum are acceptable. The number of trees required shall have a total DBH equal twenty-five (25) percent of the total diameter of the trees requiring mitigation, except for grand trees which shall require a minimum of 12 inches DBH of mitigation per grand tree. A grand tree shall mean any tree of 24 inches DBH or larger.
- B. All mitigation shall be carried out on the site from which the trees were removed, unless otherwise approved by the Tree Committee.
- C. The removal of any protected tree authorized by permit on lots containing owner-occupied single-family dwellings may be exempt from mitigation on a case-by-case basis as determined by the Tree Committee. The Tree Committee will take into account the reason(s) for the removal, impact on the tree population density of the neighborhood and the lot configuration, financial hardship for the property owner, and any other pertinent factors in its mitigation recommendation. In no circumstances will mitigation exceed the parameters outlined in Subsection (A).
- D. In lieu of on-site mitigation, the property owner or developer may elect to contribute the amount specified on the adopted Comprehensive Fee Schedule times the total diameter in inches of the required mitigation trees. The funds generated by this mitigation provision shall be deposited in the City Tree Fund.
- E. Protected trees removed without a permit shall be mitigated at a rate of 100 percent of the diameter of the protected trees removed, unless otherwise approved by the Tree Committee. Illegally removed trees shall be mitigated on site unless otherwise approved by the Tree Committee.
- F. All trees planted as mitigation shall be properly maintained for a minimum period of 24 months after planting. Any trees which fail to survive for 24 months shall be replaced during this period, and all replacement mitigation tree(s) shall be properly maintained and replaced as required of mitigation trees by this subsection.
- G. Trees removed because they are dead do not require mitigation if the loss of the tree is of no fault of the owner/resident or any other person in order to circumvent the purpose of this ordinance.
- H. The removal of pine trees by permit does not require mitigation, unless multiple trees are removed so as to constitute clear-cutting. The mitigation for the permitted clear-cutting of pine trees may be reduced or exempted on a case-by-case basis as determined by the Tree Committee. The Tree Committee will take into account the reason(s) for the removal, impact on the tree population density of the neighborhood and the lot configuration, financial hardship for the property owner, and any other pertinent factors in its mitigation

CHAPTER 6: ENVIRONMENTAL PROTECTION & OPEN SPACE

recommendation. In no circumstances will mitigation exceed the parameters outlined in this Subsection (A).

- I. Trees identified by the *South Carolina Exotic Pest Plant Council Non-Native Plant Species List* do not require mitigation.

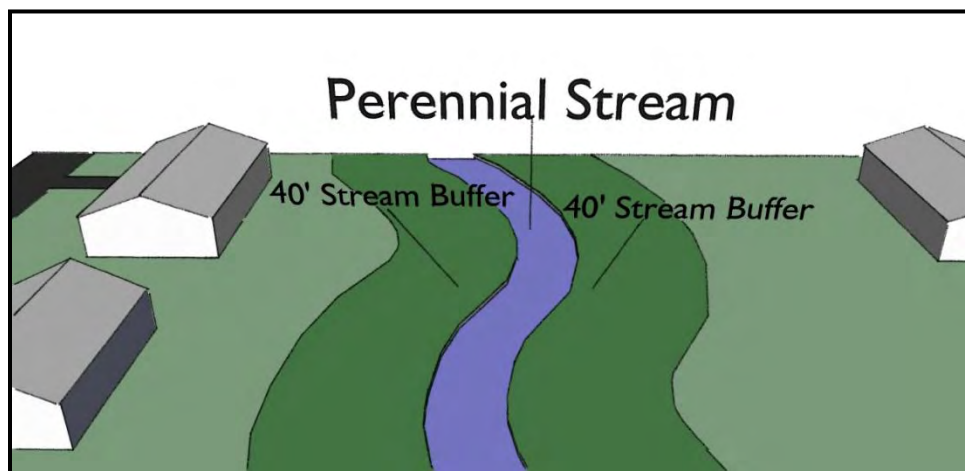
6.3.4 Administration

- A. The Administrator and/or other designee(s) of the City Manager shall administer this Section and shall consult with the City Manager, the City Parks Director and persons knowledgeable about trees as needed.
- B. During the period of an emergency, such as during the recovery period following a tornado, hurricane, ice storm, flood or any other act of nature or disaster, the requirements of this Section may be waived by the City Manager for a period not to exceed thirty (30) days. The waiver period may be extended for a longer period by the action of City Council. In such cases, the waiver shall apply only to felled or severely damaged trees which pose a safety hazard.

Section 6.4 Stream & Wetlands Buffers

Buffers shall be established on all perennial streams and wetlands. The buffer shall be located a minimum of 40 feet from each side of the stream bed or wetland delineation. Buffers shall remain undisturbed except that narrow pervious walking paths may be utilized as part of the open space for a development.

FIG. 6.4: STREAM BUFFER PROTECTION



CHAPTER 6: ENVIRONMENTAL PROTECTION & OPEN SPACE

Section 6.5 Flood Damage Control

6.5.1 Statutory Authorization

The State Legislature has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

6.5.2 Findings of Fact

The City flood hazard areas are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Such flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed or otherwise unprotected from flood damages.

6.5.3 Statement of Purpose

The purpose of this Section shall be to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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

6.5.4 Objectives

This Section has the following objectives:

- A. Protection of human life and health;
- B. Minimization of expenditure of public money for costly flood control projects;
- C. Minimization of the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

CHAPTER 6: ENVIRONMENTAL PROTECTION & OPEN SPACE

- D. Minimization of prolonged business interruptions;
- E. Minimization of damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;
- F. Maintenance of a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood-blight areas; and
- G. Notification of potential home buyers that property is in a flood area.

6.5.4 Applicability of Section

This Section shall apply to all areas of special flood hazard within the City's jurisdiction.

6.5.5 Establishment of Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Hazard Boundary Map (FHBM).

6.5.6 Development Permit Required

A development permit shall be required in conformance with the provision of this Section.

6.5.7 Compliance Required

No structure or land hereafter shall be located, extended, converted or structurally altered without full compliance with the terms of this Section and other applicable regulations.

6.5.8 Conflicts; Greater Restrictions Prevail

This Section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Section and another provision conflicts or overlaps, whichever imposes the more stringent restrictions shall prevail.

6.5.9 Interpretation

In the interpretation and application of this Section, all provisions shall be:

Considered as minimum requirements;

Liberally construed in favor of the governing body; and

Deemed neither to limit nor repeal any other powers granted under State statutes.

6.5.10 City's Disclaimer of Liability

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

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6.5.11 Administrator & Responsibilities

The Building Official or designated employee is hereby appointed to administer and implement the provisions of this Section. The duties of the Building Official or designated employee shall include, but shall not be limited to the following:

- A. Review all development permits to ensure that the permit requirements of this Section have been satisfied.
- B. Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- C. Notify adjacent communities and the State Water Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- D. Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings.
- F. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed.
- G. In coastal hazard areas, certification shall be obtained from a registered professional engineer or architect that the building is designed to be securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.
- H. In coastal high hazard areas, the Building Official shall review plans for adequacy of breakaway walls, as provided herein.
- I. When floodproofing is utilized for particular building, the Building Official shall obtain certification from a registered land surveyor, professional engineer or architect.
- J. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, as provided herein.
- K. When base flood elevation data or floodway data have not been provided in accordance with the flood control damage Section, the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of the flood control damage Section.

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- L. All records pertaining to the provisions of this section shall be maintained in the office of the Building Official and shall be available for public inspection.

6.5.12 Permit Procedures

- A. A development permit, issued by the Building Official, is required prior to commencement of any development activity. Permit applications shall be in a form prescribed by the Building Official. Such forms may require applicants to provide:
 - 1. Plans, in duplicate, drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; and
 - 2. Existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.
- B. Specifically, the following information shall be required:
 - 1. The elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
 - 2. The elevation in relation to mean sea level to which any nonresidential building will be floodproofed; and
 - 3. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

6.5.13 Variance Procedures, Requirements and Appeals

- A. The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Section.
- B. The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this Section.
- C. Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the court of common pleas.
- D. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this section.
- E. In passing upon such applications, the Board of Zoning Appeals shall consider the following:
 - 1. All technical evaluations;
 - 2. All relevant factors;
 - 3. All standards specified in other sections of the Section;
 - 4. The danger that materials may be swept onto other lands to the injury of others;
 - 5. The danger to life and property due to flooding or erosion damage;
 - 6. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 7. The importance of the services provided by the proposed facility to the community;
 - 8. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

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9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The compatibility of the proposed use with existing and anticipated development;
11. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
12. The safety of access to the property in times of flood for ordinary and emergency vehicles;
13. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
14. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems and streets and bridges.

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level; providing subsections 1 through 14 of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- F. Upon consideration of the factors listed subsection (e) of this section, and the purposes of this Section, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.
- G. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result therefrom.
- H. Conditions for variances:
 1. Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 2. Variances shall be issued only upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that the failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lower floor elevation than the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 4. The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

6.5.14 Special Flood Hazard General Requirements

In all areas of special flood hazard the following provisions shall be required:

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

6.5.15 Special Flood Hazard Mobile Home Requirements

All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

- A. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring two additional ties per side;
- B. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
- C. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- D. Any additions to the mobile home be similarly anchored.

6.5.16 Subdivision Proposal Standards

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

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- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or five acres.

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Section 6.6 Open Space Requirements

6.6.1 Applicability

The requirements of this Section apply to new developments with greater than five (5) residential dwelling units in which the construction of new streets is proposed. Developments in which all lots are (5) acres or more are exempt from this provision.

6.6.2 General Provisions for Open Space

- A. Land designated as open space on the approved development plan shall be maintained as open space and may not be separately sold, subdivided, or developed.
- B. Access from a public or private street shall be provided to all designated open space with a minimum 15 foot wide access to the open space area. Lakes or ponds within the development used as open space shall provide adequate community access beyond this 15 foot minimum as determined by the Administrator.
- C. Open space shall be contiguous wherever possible.

6.6.3 Minimum Open Space Dedication

Open space shall be dedicated in accordance with the table below. Percentages are based on total development area.

Density (DUA)	Percent Open Space*
0.2 DUA or less	0%
0.21 DUA-2.0 DUA	5%
2.1 DUA-4.0 DUA	10%
More than 4.0 DUA	15%

*Conservation Development minimum open space dedication shall meet the requirements of the Section 3.2.5.

How to Calculate DUA (Dwelling Units Per Acre):

$$\frac{\text{Total Number of Dwelling Units}}{\text{Total Development Area in Acres}} = \text{DUA}$$

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6.6.4 Types of Open Space

All required open space shall be classified in accordance with this Section. Dedicated open space shall fit into one or more of the following categories and be classified as private common area open space or public open space. The Existing Features Plan should be used as a guide for the City and the developer to determine the most appropriate open space type and location. Also City and County plans, particularly park and open space plans, shall be considered when evaluating the most appropriate open space type.

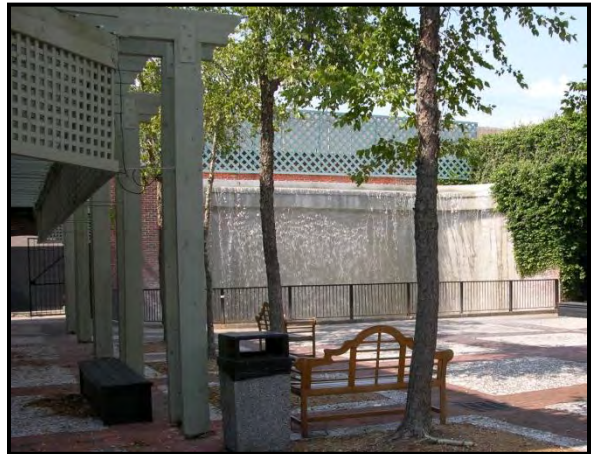
A. **Playground**-Playgrounds are for active recreational use and provide sunny and shaded play equipment and play areas for children as well as open shelter with benches. Playgrounds may be part of other types of open space, such as parks, or may stand alone.

- Minimum Size: 10,000 square feet



B. **Square**-Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of 50 percent of their perimeter. Squares are encouraged to be entirely bounded by streets and/or lanes. Squares shall be planted parallel to all streets and shall contain canopy trees along street frontages.

- Minimum size: 2,000 square feet



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- C. **Park**-Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 10 percent of their perimeter. Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited and landscaping shall be installed in a manner that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses and community gardens.

- Minimum size: 1 acre



- D. **Green**- The green is an open space which is more natural. Like the square, it is small and surrounded by buildings. Unlike the square, it is informally planted and may have irregular topography. Greens are usually landscaped with trees at the edges and open lawns at the center. Greens should contain no structures other than benches, pavilions, and memorials; paths are optional.

- Minimum size: 20,000 square feet



- E. **Greenway**-Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways are typically more natural and may contain irregular topography. Greenways shall be used for certain active recreational uses including, at a minimum, trails for walking, jogging, and biking. Greenways shall connect points of interest in the community such as schools, parks, and other civic uses.



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- F. **Greenbelt**-Greenbelts run along the perimeter of a neighborhood, and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor or industrial district, or a developed area from agricultural areas or adjacent cities. Greenbelts differ from the other types of open spaces in that they are left natural, and are not intended for recreational use.



- G. **Agricultural Preserve**-Open spaces designated as Agricultural Preserves shall be used for active farming in the form of crop cultivation, the keeping of livestock, or equestrian facilities. Agricultural Preserves are encouraged to protect areas of agricultural and rural heritage and promote compatible active agricultural operations.

- Minimum size: 5 acres



- H. **Nature Preserve**-Open spaces designated as Nature Preserves shall be left largely undisturbed except for the optional clearing of underbrush for the provision of a walking trail (mulch or other natural material only). Nature Preserve areas are encouraged to protect large stands of trees, wildlife, and natural water features. Nature Preserves are the preferred form of open space for steep slopes in excess of 25 percent grade.

- Minimum size: 3 acres



6.6.5 Open Space Ownership & Maintenance

- A. Open space may be owned or administered by one or a combination of the following methods:
- Fee simple ownership by a unit of government or private non-profit land conservancy;
 - Common ownership by Homeowners Association;
 - Split deeded ownership by individual property owners within the subdivision;
 - By individual private ownership such as a farmer, developer or other private entity that maintains the open space in accordance with the purposes of this Chapter. (i.e. farming, equestrian facility).
 - Deed restricted open space easements on individual private properties.
- B. The City Council shall have the authority to accept or reject land dedications made as a requirement of this Section.
- C. The owner of dedicated open space shall be responsible for the continuing upkeep and proper maintenance of the same.
- D. In the case of common ownership by a Homeowners Association, the restrictive covenants shall provide that, in the event the Homeowners Association fails to maintain the open space according to the standards of this Ordinance, the City may, following reasonable notice, demand that deficiency of maintenance be corrected, or enter the open space to maintain it. The cost of such maintenance shall be charged to the Homeowners Association.
- E. The developer shall place in a conspicuous manner upon the Final Plat of the subdivision a notation concerning control of open space.
- F. The developer will provide proof of registration of the Sections of Incorporation with the appropriate state agency for the formation of the Homeowners Association to the Administrator.
- G. Homeowners' Associations or similar legal entities that are responsible for the maintenance and control of open space areas and common areas shall be established by the developer who shall record in the Register of Deeds a declaration of covenants and restrictions that will govern the association or similar legal entity. A copy of the recorded document shall be provided to the Administrator and such document shall include, but not be limited to, the following:
1. Provision for the establishment of the association or similar entity is required before any lot in the development is sold or any building occupied and membership shall be mandatory for each homeowner and any successive buyer.
 2. The association or similar legal entity has clear legal authority to maintain and exercise control over such common open space areas.
 3. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas. Further, assessments levied can become a lien on the property if allowed in the master deed establishing the homeowners association or similar legal entity.

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4. The open space restrictions must be permanent, not just for a period of years.
5. The association or similar legal entity must be responsible for liability insurance, applicable taxes and the maintenance of open space and other facilities under their control.
6. The association or similar legal entity must be able to adjust the assessment to meet changing needs.
7. The association shall be responsible for maintaining all public storm water drainage systems and easements within the subdivision not being maintained by the City, County, State or other approved entity.
8. It shall be expressly stated within the restrictive covenants/homeowners association documents that it will be the responsibility of the developer or successors or assigns to enforce such covenants or restrictions until such time as control has been transferred to the Homeowners Association Board of Directors. It shall be the sole responsibility of the developer, successor or assigns to correct any deficiencies prior to transfer of control over to the Homeowners Association Board of Directors.

6.6.6 Payment-in-Lieu of Dedication

- A. If open space within a development is physically impractical due to unusual conditions then the City may accept a fee paid in lieu of dedication.
- B. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be accounted for by the City, and the funds shall be used by the City for the purposes of acquiring and developing recreation, greenway and open space areas as shown on the land development plan or in the parks and recreation and greenway/bikeway master plans and for no other purposes. The depository for such funds may be the same as permitted other funds of the City, pending their expenditure in accordance with the terms of this code; such funds may be invested as other funds of the City. The City may, at its discretion, add additional monies to the fund for the purposes of purchasing open space and recreational land to be used for recreational purposes.
- C. Refunds shall not be granted to the developer should the project not be constructed after recording of Final Plat or if a reduction in density occurs.
- D. Such payment in lieu of dedication shall be the product of the current assessed market value of the land to be subdivided (as established in Subsection E below) multiplied by the number of acres to be dedicated.
- E. The current assessed market value of the gross land area of the development or subdivision at the time of submission of the required plan and/or plat shall be used to determine the land value. The current assessed market value shall be the appropriate value as determined by and maintained on file in the Colleton County Tax Office. The average value per gross acres shall be calculated from this total tax value and applied to the required recreational land area in order to determine the land value.

$$\frac{\text{TOTAL MARKET VALUE OF UNDEVELOPED PROPERTY}}{\text{TOTAL ACRES OF UNDEVELOPED PROPERTY}} \times \text{ACRES OF REQUIRED OPEN SPACE} = \text{PAYMENT}$$

CHAPTER 7:

LANDSCAPING REQUIREMENTS

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CHAPTER 7: LANDSCAPING REQUIREMENTS

Section 7.1 Purpose and Applicability

7.1.1 Purpose

The purpose of this Chapter is to enhance the appearance of the built environment and blend new development with the natural landscape, as well as regulate the installation and long-term management of trees and shrubs and to minimize potential nuisances, such as visual impacts, noise, dust, odor, litter, and glare of lights, from adjacent properties. Existing vegetation should be retained where possible to ensure a natural established landscape.

7.1.2 Applicability

- A. All new developments (except for infill single-family detached residential uses on existing lots) shall be designed in accordance with the requirements of this Chapter. Any expansion of an existing building or parking area or a significant change of use also requires compliance with the requirements of this Chapter, to the greatest extent possible as determined by the Administrator.
- B. Generally, the responsibility for screening is that of the more intense land use. However, new developments with a less intense use being constructed next to an existing more intense use shall provide the required landscaping on the new development's property.
- C. In cases where an existing, landscaped or vegetated area is located on the same property as the proposed development, further plantings and or improvements shall not be required so long as said screened area is of sufficient width and contains adequate and sufficient materials to meet the requirements of this Ordinance. If the landscaped or vegetated area is deficient, the developer shall make needed improvements and/or additions to satisfy the landscaping requirements and intent of this Ordinance.
- D. The vacancy or non-use of an adjoining parcel shall not constitute grounds for providing relief to the landscaping requirements contained in this Ordinance.

Section 7.2 General Provisions

- A. To the extent that existing natural vegetation located on the same parcel of land as the proposed development can meet the required landscaping levels of this Section, the use of such materials is encouraged. In such case, these areas shall be designated on the development plan as undisturbed vegetation areas.
- B. No structure other than a wall, fence, sidewalk, mailbox, sign, landscape feature or driveway shall be permitted within a required landscaping area. No off-street parking may take place in any required landscaping area. Where plant materials are required, the required amount of plant materials shall be installed on the side of any wall or fence opposite the new development.

CHAPTER 7: LANDSCAPING REQUIREMENTS

Section 7.3 Landscaping Types and Requirements

The provisions of this Section are designed to specifically address the application of landscape resources to varying styles of development and the impact of such applications on the appearance, health, and financial well-being of the community. The provisions are broken into four (4) landscaping categories:

- A. Buffer Yards
- B. Building Yards
- C. Parking Lot Yards
- D. Street Yards

7.3.1 Buffer Yards

- A. Buffer yards are intended to screen non-residential development from residentially used or zoned property. Buffers shall be measured from the subject property line into to the site to be developed. Buffer yard width shall not affect the required building setback for each zoning district as set forth in Section 2.5. The following table establishes the minimum buffer width for a new or expanding non-residential development, multi-family residential development, or mobile home parks adjacent to residentially-zoned property (SFR, MDR, HDR) or property with an existing single-family or two-family residential use:

Zoning District of New or Expanding Non-Residential Development	Minimum Buffer Yard Width
RCD	0 feet
SFR	10 feet
MDR	10 feet
HDR	10 feet
NCD	15 feet
CBD	0 feet
GCD	15 feet
HCD	20 feet
IICD	25 feet
ID	30 feet

- B. Buffer yards shall function as opaque screens with a minimum height of six (6) feet. Composition of a required buffer yard shall include a wall or solid fence as well as a landscaped berm, planted vegetation, existing vegetation, or any appropriate combination of these elements to achieve adequate screening. Plantings should be staggered throughout the buffer yard and be planted to reduce gaps. At a minimum buffer yards shall include all of the following vegetation:

Vegetation Type	Number Required
Large Trees*	1 per 100 linear feet of property line
Medium or Small Trees	2 per 100 linear feet of property line
Shrubs	1 per 5 linear feet of property line

* Under overhead utility lines, two (2) small trees shall be used in lieu of each large tree required.

CHAPTER 7: LANDSCAPING REQUIREMENTS

- C. Vegetation shall be selected from the plant list in Section 7.4.1. At least 25 percent of the required trees, and at least 75 percent of the required shrubs, shall be evergreen species locally adapted to the area. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental planting may be required in addition to existing vegetation.

See Fig. 7.3 for example Buffer Yard.

7.3.2 Building Yards

- A. The intent of Building Yards is to create a buffer between buildings and parking areas for pedestrians entering and exiting buildings and to improve the appearance of building entrances. Building yard width shall be based on the total area of the building. Widths shall be measured from the applicable building wall. Building yards shall be required on any side of a building where parking area is adjacent to a building façade with a general access entrance to the building. This shall not apply to the CBD or to single-family or two-family dwellings. The table below establishes the minimum building yard width and required composition of the building yard:

Total Building Area	Minimum Building Yard Width	Minimum Small Trees Required	Minimum Shrubs Required
Less than 2,500 square feet	3 feet	NA	1 per 5 linear feet of building yard
2,500-5,000 square feet	5 feet	1 per 50 linear feet of building yard	1 per 5 linear feet of building yard
5,000-30,000 square feet	8 feet	1 per 50 linear feet of building yard	1 per 5 linear feet of building yard
30,000-60,000 square feet	10 feet	1 per 30 linear feet of building yard	1 per 2 linear feet of building yard
Greater than 60,000 square feet	12 feet	1 per 30 linear feet of building yard	1 per 2 linear feet of building yard

NA=Not applicable

- B. Building yards may be crossed by entrance walkways of no greater than 10 feet in width. Vegetation shall be selected from the plant list in Section 7.4.1. At least 25 percent of the required trees, and at least 75 percent of the required shrubs, shall be evergreen species locally adapted to the area.

See Fig. 7.3 for example Building Yard.

7.3.3 Parking Lot Yard

- A. Parking lot landscaping is required within all parking lots of greater than 10 spaces except motor vehicle or boat sales display areas. Instead, perimeter landscaping around motor vehicle or boat sales display areas shall be utilized at the same rate as required in Subsection B below.

CHAPTER 7: LANDSCAPING REQUIREMENTS

- B. A minimum of one (1) large tree shall be located within 60 feet of every parking space (See Fig. 7.1 & 7.3). The measurement shall be taken from the base of the tree. Additionally, no more than four (4) parking rows shall be located back-to-back without the separation of a landscaping area a minimum of 10 feet wide (See Fig. 7.2).
- C. Large trees shall be planted in a manner that provides shade for parking area at maturity. Two (2) small trees shall be used in lieu of large trees under overhead utility lines. Each planting area shall be a minimum of 100 square feet, with a minimum dimension of 10 feet. Planting areas shall be protected with wheel stops or other stopping device.

FIG. 7.1 EXAMPLE PARKING LOT YARD

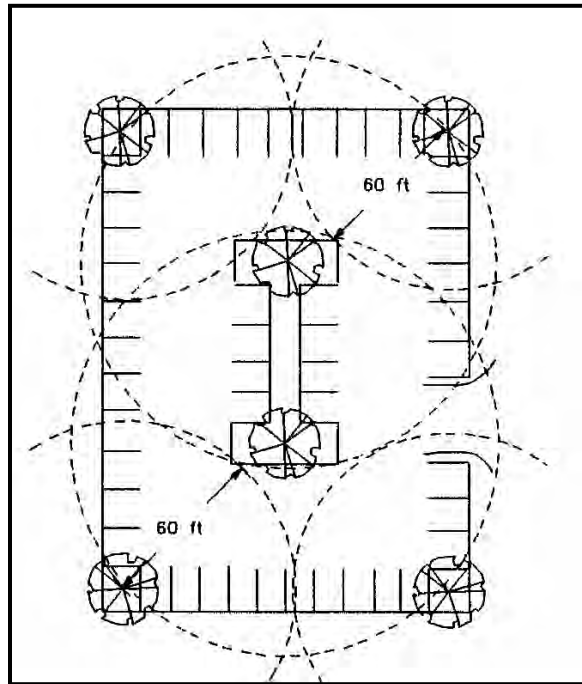


FIG. 7.2 EXAMPLE LANDSCAPING AREA FOR LARGE PARKING LOTS



Landscaping Area Separation



No Landscaping Area Separation

CHAPTER 7: LANDSCAPING REQUIREMENTS

7.3.4 Street Yards

- A. Street yards are required along all public streets for all uses except single-family and two-family residential. Street yards shall not be required in the CBD except where off-street parking areas abut public streets. Street yards shall be located entirely on the subject property and shall be measured from right-of-way line into the site to be developed. Street yard width shall not affect the required building setback for each zoning district as set forth in Section 2.5. All street yards shall be a minimum of 10 feet wide.
- B. At a minimum street yards shall include the following vegetation. Trees within street yards may count as parking lot yard trees if they are located within 60 feet of parking spaces.

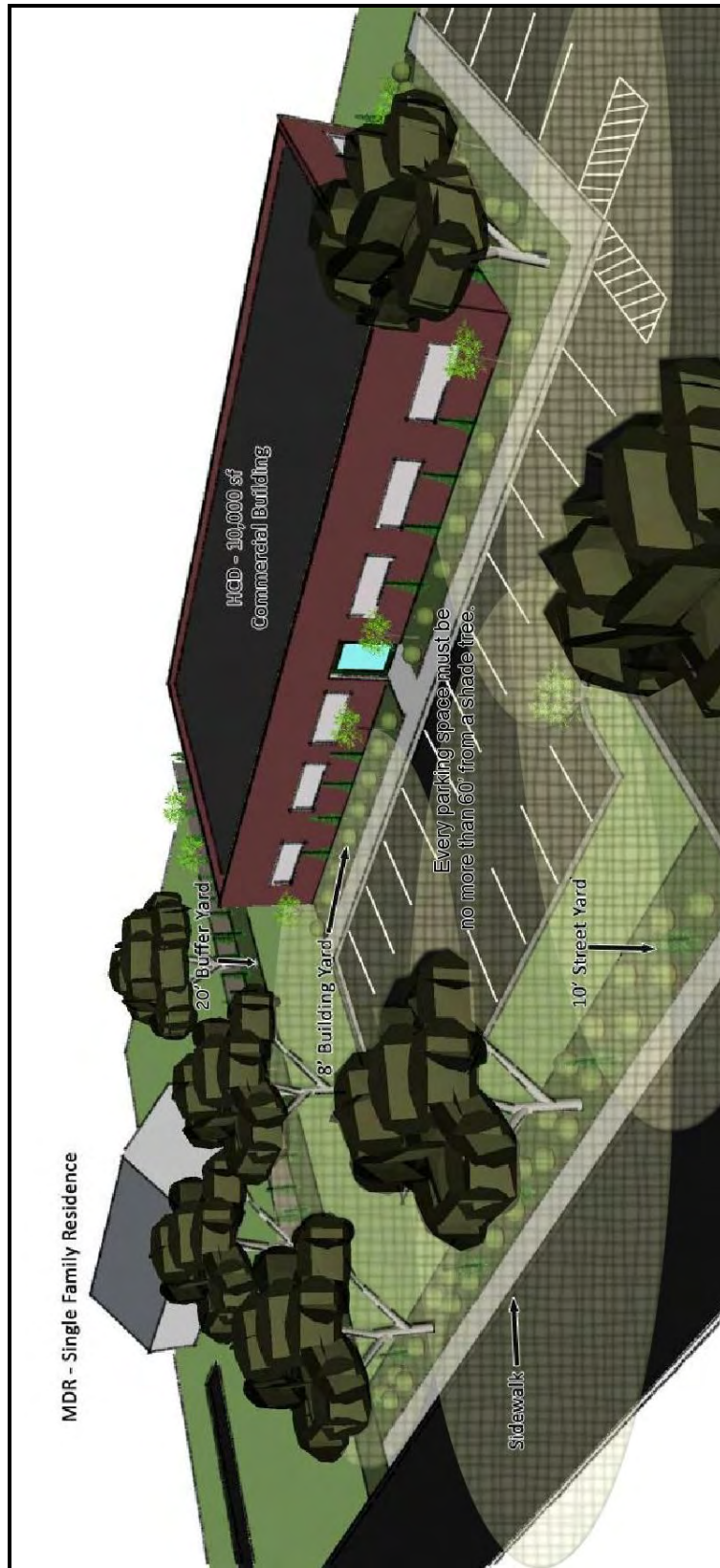
Vegetation Type	Number Required
Large Trees*	2 per 100 linear feet of property line
Shrubs	1 per 5 linear feet of property line

* Under overhead utility lines, two (2) small trees shall be used in lieu of each large tree required.

- C. Vegetation shall be selected from the plant list in Section 7.4.1. At least 25 percent of the required trees, and at least 75 percent of the required shrubs, shall be evergreen species locally adapted to the area. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental planting may be required in addition to existing vegetation.

See Fig. 7.3 for example Street Yard.

FIG. 7.3 EXAMPLE SITE WITH ALL REQUIRED LANDSCAPING



CHAPTER 7: LANDSCAPING REQUIREMENTS

Section 7.4 Landscaping Installation and Maintenance

7.4.1 Plant List

The following plant list is not all-inclusive, and similar alternatives may be approved by the Administrator:

Large Trees						
50 feet or taller, suitable for areas with more than 200 square feet of total planting area; in a planting strip at least 7 feet wide; or place at least 6 feet from pavement or wall.						
Common/Scientific Name	Height & Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous/ Evergreen	Remarks
Ash, green <i>Fraxinus pennsylvanica</i>	60-70' h 45' w	FS	M	F	D	Native. Tolerates wet or dry sites, confined spaces. Large surface roots. Good cultivars. Zones 3-9
Beech, American <i>Fagus grandifolia</i>	50-75' h 40-80' w	PS/FS	L	S	D	Native. Needs ample room above and below ground. Acid soil. Fruit attracts wildlife, no litter. Zones 4-9
Blackgum <i>Nyssa sylvatica</i>	65-75' h 25-35' w	PS/FS	H	S	D	Native. Soil pH below 6 best, texture tolerant, drought tolerant, wet soil tolerant. Fruit attracts wildlife, some litter. Zones 4-9
Deodar Cedar <i>Cedrus deodara</i>	40-60' h 25-30' w	PS/FS	M	F	E	India. Drought tolerant, pH adaptable. Needs room for wide lower branches. Protect from strong winds. Zones 7-8
Cryptomeria, Japanese <i>Cryptomeria japonica</i>	50-60' h 15-20' w	FS	L	S	E	Japan. Prefers acid soil, texture adaptable. Drought tolerant, shelter from wind. Zones 6-8
Cypress, bald <i>Taxodium distichum</i>	60-80' h 25-35' w	FS/PS	M	F	D	Native. Drought & wet tolerant. 'Knees' form in wet areas. Tolerates compaction. Zones 4-11
Cypress, pond <i>Taxodium ascendens</i>	50-60' h 50-60' w	PS/FS	H	F	D	Native. Soil adaptable below 7.5. Knobby 'knees' form in moist areas. Attracts wildlife. No litter. Zones 5-9
Dawn redwood <i>Metasequoia glyptostroboides</i>	70-90' h 25-35' w	FS/PS	H	F	D	China. Avoid high pH soils & salt. Good for urban & moist areas. Zones 5-8
Ginkgo <i>Ginkgo biloba</i>	50-75' h 50-60' w	PS/FS	H	S	D	China. Soil texture, pH & drought tolerant once established. Fall color is bright yellow. Females have smelly fruit. Zones 4-8

CHAPTER 7: LANDSCAPING REQUIREMENTS

Large Trees (continued)						
Common/Scientific Name	Height & Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous/ Evergreen	Remarks
Hickory, pignut <i>Carya glabra</i>	50-65' h 30-40' w	PS/FS	M	M	D	Native. Soil texture adaptable. Drought tolerant. Nuts attract wildlife. Zones 4-9
Hickory, shagbark <i>Carya ovata</i>	60-80' h 25-35' w	PS/FS	H	S	D	Native. Soil texture adaptable. Abundant nuts attract wildlife. Shaggy bark attractive. Zones 4-8
Katsura tree <i>Cercidiphyllum japonicum</i>	40-60' h 35-60' w	PS/FS	M	F	D	China. Soil adaptable, even moisture. Drought tolerant once established. Numerous shallow roots. Use mulch. Zones 4-8
Loblolly bay <i>Gordonia lasianthus</i>	50-60' h 10-15' w	S/PS	H	S	E	Native. Needs shade. Soil adaptable, moist. Showy white flowers. Shallow root system needs mulch & water during drought. Zones 7-9
Magnolia, Southern <i>Magnolia grandiflora</i> 'Claudia Wannamaker'	60-80' h 30-40' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin, protect from mechanical injury. White showy blooms in spring & summer. Good cultivars. Zones 7-9
Maple, red <i>Acer rubrum</i>	60-75' h 25-35' w	PS/FS	H	F	D	Native. Prefers acidic soil, texture tolerant, wet tolerant. Bark is thin. Fruit attracts wildlife. Many cultivars. Zones 4-9
Maple, sugar <i>Acer saccharum</i>	50-80' h 35-50' w	S/FS	L	M	D	Native. Soil adaptable. Use in cooler portions of state. Roots need ample space. Shallow roots benefit from mulch. Zones 4-8
Oak, laurel/darlington <i>Quercus laurifolia</i>	60-70' h 50' w	PS/FS	H	F	SE	Native. Soil adaptable. Roots will heave sidewalks. Acorns attract wildlife, creates some litter. Zones 6-10
Oak, live <i>Quercus virginiana</i>	60-80' h 60-120' w	PS/FS	H	M	E	Native. Soil adaptable. Roots will eventually heave sidewalks. Good wind resistance. Some litter. Zones 8-10
Oak, shumard <i>Quercus shumardii</i>	60-80' h 40-50' w	FS	M	F	D	Native. Soil texture adaptable, acidic. Urban tolerant. Acorns attract wildlife. Some litter. Zones 5-9

CHAPTER 7: LANDSCAPING REQUIREMENTS

Large Trees (continued)						
Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous/ Evergreen	Remarks
Oak, southern red <i>Quercus falcata</i>	60-80' h 60-70' w	FS	M	M	D	Native. Acidic soil, all textures, urban tolerant. Fruit attracts wildlife, no significant litter. Zones 7-9
Oak, scarlet <i>Quercus coccinea</i>	60-75' h 45-60' w	FS	M	M	D	Native. Acidic soil, all textures. Needs ample root space. Nuts attract wildlife. Some litter. Zones 5-8
Oak, swamp chestnut <i>Quercus michauxii</i>	60-70' h 30-50' w	PS/FS	M	M	D	Native. Acidic soil, all textures, occasional wet. Leaf litter persistent, acorns for wildlife. Zones 6-9
Oak, white <i>Quercus alba</i>	60-100' h 60-80' w	PS/FS	H	M	D	Native. Acidic soil, all textures. Protect roots from disturbances. Nuts attract wildlife. Some litter. Zones 3-9
Oak, willow <i>Quercus phellos</i>	60-75' h 40-60' w	FS	M	F	D	Native. Acidic soil, all textures, occasional wet, drought, urban tolerant. Nuts attract wildlife. Some litter. Zones 5-9
Pine, loblolly <i>Pinus taeda</i>	50-80' h 30' w	FS	M	F	E	Native. Soil texture adaptable, acidic. Thick bark- resistant to fire. Needle drop prolific. Pinecones attract wildlife. Zones 6-9
Pine, longleaf <i>Pinus palustris</i>	60-80' h 30-40' w	FS	M	F	E	Native. Soil texture adaptable. Beautiful bark. Needle and cone drop prolific. Drought tolerant once established. Zones 7-10
Sassafras <i>Sassafras albidum</i>	30-60' h 25-40' w	PS/FS	M	M	D	Native. Acidic soils, wet. Showy yellow bloom in spring. Good fall color. Blue fruit, attracts wildlife. Smaller mature size on coast. Zone 4-9
Sycamore, American <i>Platanus occidentalis</i>	75-90' h 60-70' w	FS	L	F	D	Native. Soil pH and texture adaptable. Prefers moist soil. Roots may heave sidewalks. Showy bark. Zones 4-9

CHAPTER 7: LANDSCAPING REQUIREMENTS

Large Trees (continued)						
Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous/ Evergreen	Remarks
Tulip poplar Liriodendron tulipifera	80-120' h 25-40' w	FS	H	F	D	Native. Acidic soil, occasional wet. Avoid drought & salt. Showy greenish-yellow blooms in spring. Some leaf drop in high heat. Zones 4-9
Zelkova, Japanese Zelkova serrata	50-90' h 50-75' w	FS	H	M	D	Japan. Soil adaptable. Drought & urban tolerant once established. Cultivar 'Green Vase' elm-like. Zones 5-8

Medium Trees						
25 feet - 50 feet , suitable for spaces with 100 to 200 square feet of total planting space; in a planting strip at least 4-7 feet wide; or place at least 4 feet from pavement or wall.						
Common Name/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous/ Evergreen	Remarks
Crapemyrtle, Japanese Lagerstroemia fauriei	35-50' h 25-35' w	FS	H	M	D	Japan. Soil adaptable. Urban tolerant. White showy flowers. Beautiful bark. May be resistant to powdery mildew. Zones 6-9
Dogwood, flowering Cornus florida	20-30' h 20' w	PS	M	M	D	Native. Part shade. Drought sensitive, low salt tolerance, needs good drainage. White showy flowers. Horizontal branching pattern. Zones 5-9
Elm, lacebark Ulmus parvifolia 'Drake'	40-50' h 35-50' w	FS	H	F	D	Asia. Soil adaptable. Drought tolerant once established. Thin bark. Urban tolerant. Zones 5-9
Goldenraintree Koelreuteria paniculata	30-40' h 30-40' w	FS/PS	M	M	D	China. Soil adaptable. Salt, drought, urban tolerant. Bright yellow flowers in spring. Zones 5-8
Holly, East Palatka Ilex x attenuata	30-45' h 10-15' w	FS	M	M	E	Florida natural hybrid. Urban & drought tolerant once established. Red berries attract wildlife. Zones 7-9
Holly, American Ilex opaca	40-50' h 15-25' w	FS	M	S	E	Native. Salt and drought tolerant once established. Red berries attract birds, no litter. Zones 5-9
Holly, Nellie R. Stevens Ilex x	20-30' h 10-15' w	FS	H	M	E	Hybrid. Soil texture tolerant. Needs male and female plants for berries. Drought tolerant. Showy red berries & deep green leaves. Zones 6-9

CHAPTER 7: LANDSCAPING REQUIREMENTS

Medium Trees						
Common Name/Scientific Name	Height & Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous/ Evergreen	Remarks
Holly, Savannah <i>Ilex x attenuata</i>	30-45' h 6-10' w	FS	M	M	E	Hybrid. Acidic soil, urban tolerant. Red berries attract birds, no litter. Zones 6-9
Holly, weeping yaupon <i>Ilex vomitoria</i>	20-30' h 6-12' w	FS	M	M	E	Native. Soil & pH adaptable. Thin bark. Flowers attract bees. Zones 7-10
Hophornbeam, American <i>Ostrya virginiana</i>	30-40' h 25-35' w	PS/FS	M	S	D	Native. All soils except wet. Salt sensitive, drought & urban tolerant. Small nutlets attract wildlife. Zones 3B-9
Hornbeam, American <i>Carpinus caroliniana</i>	20-40' h 20-30' w	PS	M	S	D	Native. Soil adaptable, occasionally wet, salt sensitive. Good climbing tree due to strong wood and low branches. Zones 3B-9
Hornbeam, European <i>Carpinus betulus</i>	30-40' h 15-20' w	PS	M	S	D	Europe. Soil adaptable. Urban tolerant. Fruit attracts birds, no litter problem. Good screen. Zones 5-7
Loquat <i>Eriobotrya japonica</i>	20-30' h 30-35' w	PS/FS	M	M	E	China. Southern range only. Texture tolerant. Well drained soil, afternoon shade. Orange or yellow fruit attracts wildlife, litter. Zones 8-10
Magnolia, sweetbay <i>Magnolia virginiana</i>	40-50' h 15-25' w	PS	M	M	D	Native. Acidic soil. Tolerates wetlands. Flood & drought tolerant. Showy, white, fragrant flowers. Zones 5-9
Magnolia, Southern <i>Magnolia grandiflora</i> 'Bracken's Brown Beauty'	30-50' h 15-30' w	FS	H	M	E	Native. Soil adaptable. White showy blooms in summer & early fall. Smaller leaves than species. Zones 6-9
Maple, hedge <i>Acer campestre</i>	30-35' h 30-35' w	PS/FS	H	S	D	Europe. Soil adaptable, no compacted soil. Drought tolerant in part shade. Urban tolerant. Good screen plant. Good fall color. Zones 5-8
Maple, trident <i>Acer buergerianum</i>	30-40' h 25' w	PS/FS	H	M	D	China. Acidic, well drained soil. Urban, salt & wind tolerant. Attractive bark. Zones 5-8
Oak, Chinese evergreen <i>Quercus myrsinifolia</i>	20-40' h 20-30' w	FS	H	S	E	China. Soil adaptable, all textures. Bark smooth, gray, beech-like. New foliage emerges purple-bronze color. Zones 7-9

CHAPTER 7: LANDSCAPING REQUIREMENTS

Medium Trees (continued)						
Common Name/Scientific Name	Height & Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous/ Evergreen	Remarks
Oak, overcup <i>Quercus lyrata</i>	35-50' h 35-50' w	FS	H	M	D	Native. Soil adaptable, wet & drought tolerant once established. Urban tolerant. Acorns attract wildlife, significant litter. Zones 5-9
Palm, cabbage <i>Sabal palmetto</i>	40-50' h 10-12' w	PS/FS	H	S	E	Native. Soil tolerant, frond and fruit litter messy. Needs irrigation until established as all cut roots die back. Southern region only. Zones 8B-11
Palm, windmill <i>Trachycarpus fortunei</i>	20-40' h 6-10' w	PS/FS	M	S	E	China. Soil texture adaptable. Drought tolerant once established. Protect from wind. Southern range of state only. Zones 8A-10B
Persian parrotia <i>Parrotia persica</i>	20-40' h 20-40' w	PS/FS	H	S	D	Iran. Soil adaptable, not wet. Drought tolerant once established. Attractive bark, thin bark. Urban tolerant. Zones 5-8
Pistache, Chinese <i>Pistacia chinensis</i>	25-35' h 25-35' w	FS/PS	H	M	D	China. Soil texture, pH, drought, urban tolerant. Fruit causes some litter. Zones 6-9
Redbud, eastern <i>Cercis canadensis</i>	20-30' h 15-30' w	PS	M	F	D	Native. Light, rich, moist soil, texture adaptable. Showy purple blooms in spring. Cultivar 'Texas White' good. Short lived. Zones 4-9
Redcedar, eastern <i>Juniperus virginiana</i>	40-50' h 8-25' w	FS	H	F	E	Native. Soil pH and texture tolerant. Blue fruit attracts wildlife. Good wind break, urban tolerant. Zones 3-9
Silverbell, Carolina <i>Halesia carolina</i>	20-40' h 15-30' w	PS/FS	H	M	D	Native. Acidic soil. Drought sensitive in full sun, roots need room. Showy white blooms in spring. Zones 5-8
Snowbell, Japanese <i>Styrax japonicus</i>	20-30' h 15-25' w	PS/FS	H	M	D	Japan. Acidic loamy soil. Afternoon shade, protect from wind. Attractive exfoliating bark. White showy blooms in spring. Zones 6-8
Stewartia, tall <i>Stewartia monadelphica</i>	25-35' h 15-25' w	PS/FS	H	S	D	Japan. Acidic soils. Thin bark, attractive bark. White, camellia-like blooms in summer. Part shade best in 8B. Zones 6-8

CHAPTER 7: LANDSCAPING REQUIREMENTS

Medium Trees (continued)						
Common Name/Scientific Name	Height & Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous/ Evergreen	Remarks
Yellowwood, American Cladastris kentukea	30-50' h 40-50' w	PS/FS	H	M	D	Native. Needs pruning while young. White fragrant blooms. Tolerates urban conditions. Zones 4-8

Small Trees						
Less than 25 feet, useful under utility lines; areas with less than 100 square of total planting area; a planting strip with a width of at least 4 feet; or planted at least 2 feet from pavement or wall.						
Common Name/Scientific Name	Height & Width	Sun/ Shade	Insect & Disease Resistance	Growth Rate	Deciduous/ Evergreen	Remarks
Chastetree, cutleaf Vitex negundo- 'Heterophylla'	10-15' h 10-15' w	PS/FS	M	F	D	Africa. Soil & pH adaptable. Avoid wet soil. Showy lavender blooms attract bees. Zones 6-8
Cherry, Okame Prunus x incamp 'Okame'	15-25' h 20' w	PS/FS	M	M	D	Hybrid. Soil texture and pH adaptable. Roots need room. Pink showy blooms. Fruit attracts birds. Zones 7-9
Dogwood, Japanese Cornus officinalis	20' h 25' w	PS/FS	M	S	D	Japan. Soil adaptable, salt sensitive. Showy blooms in spring, fruits in fall. Zones 5-8
Dogwood,kousa Cornus kousa	15-20' h 15-20' w	PS/FS	M	S	D	Japan. Soil adaptable. Part shade, needs water. Roots need room. Showy white blooms in spring. Fruit attracts birds. Zones 5-8
Dogwood, pagoda Cornus alternifolia	15-20' h 15-20' w	PS/FS	M	S	D	Native. Part shade. Soil adaptable, mulch needed. Creamy white blooms in spring. Fruit attracts birds. Zones 3-7
Fringetree Chionanthus virginicus	12-15' h 10-15' w	PS/FS	M	S	D	Native. Acidic soil. Thin bark easily damaged. Urban tolerant. Showy white blooms in spring. Fruit attracts birds. Zones 4-9
Fringetree, Chinese Chionanthus retusus	20' h 10-15' w	PS/FS	H	S	D	China. Acidic soil, occasionally wet. Shelter from wind. White showy blooms in spring. Fruit attracts wildlife. Zones 6-8
Holly, Foster's Ilex x attenuata 'Fosteri'	15-25' h 8-12' w	PS/FS	M	S	E	Hybrid. Acidic soil, occasionally wet. Drought tolerant. Red berries attract birds, no litter. Zones 6-9

CHAPTER 7: LANDSCAPING REQUIREMENTS

Small Trees (continued)						
Common Name/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous/ Evergreen	Remarks
Holly, yaupon <i>Ilex vomitoria</i>	15-20' h 15-20' w	S/FS	M	M	E	Native. Soil & pH greatly adaptable. Urban tolerant. Thin bark. Red berries attract wildlife. Zones 7-10
Maple, amur <i>Acer ginnala</i>	15-20' h 15-20' w	PS/FS	H	M	D	Japan. Soil adaptable. Drought tolerant once established. Showy white to yellow blooms in spring. Bright red fruit, some litter. Zones 3-8
Magnolia, star <i>Magnolia stellata</i>	15-20' h 10-15' w	PS/FS	M	S	D	Japan. Acidic rich soil, all textures. Not drought tolerant. White or pink showy blooms in spring. Zones 4-8
Magnolia, Southern <i>Magnolia grandiflora</i> 'Little Gem'	20-25' h 10-15' w	PS/FS	M	M	E	Native. Soil adaptable. Bark is thin, protect from mechanical injury. White showy blooms in summer and early fall. Zones 7-9
Palm, pindo <i>Butia capitata</i>	15-25' h 10-15' w	PS/FS	H	S	E	Brazil. Soil adaptable. Drought tolerant. Showy orange or yellow fruit attracts wildlife, significant litter. Southern range only. Zones 8B-11.
Redbud, Chinese <i>Cercis chinensis</i>	10-15' h 6-10' w	PS/FS	M	F	D	China. Light, rich, moist soil. Showy purple blooms in spring. Zones 6-9
Waxmyrtle <i>Myrica cerifera</i>	15-20' h 20-25' w	PS/FS	M	F	E	Native. Soil & pH adaptable, urban tolerant. Blue berries attract wildlife. Zones 8-11

KEY			
<u>Sun/shade exposure:</u>	<u>Growth rate:</u>	<u>Pest resistance:</u>	<u>Type:</u>
FS = Full sun	S = Slow (less than 1' per year)	H = High	D = Deciduous
PS = Part sun	M = Medium (1-2' per year)	M = Medium	E = Evergreen
S = Shade	F = Fast (more than 2' per year)	L = Low	SE = Semi Evergreen
The City of Walterboro is located in Zone 8.			

Source: Strother, Ellen A.V., Donald L. Ham, and Liz Gilland. *South Carolina Urban Tree Species Guide*. South Carolina Forestry Commission.

CHAPTER 7: LANDSCAPING REQUIREMENTS

Deciduous Shrubs	
Botanical Name	Common Name
<i>Alnus serrulata</i>	smooth alder
<i>Amelanchier arborea</i>	downy serviceberry, shadbush, Juneberry
<i>Amorpha fruticosa</i>	false indigo, Indigo bush
<i>Aronia melanocarpa</i>	black chokeberry
<i>Baccharis halimifolia</i>	sea myrtle, groundsel bush
<i>Callicarpa americana</i>	American beautyberry, French mulberry
<i>Calycanthus floridus</i>	Carolina allspice, sweet shrub
<i>Castanea pumila</i>	Chinquapin
<i>Ceanothus americanus</i>	New Jersey tea, red root
<i>Cephalanthus occidentalis</i>	buttonbush
<i>Clethra alnifolia</i>	summer sweet
<i>Comptonia peregrina</i>	sweet fern
<i>Cornus alternifolia</i>	pogoda dogwood, alternate- leaved dogwood
<i>Cornus racemosa</i>	gray dogwood
<i>Corylus americana</i>	American hazelnut or filbert
<i>Corylus cornuta</i>	beaked hazelnut or filbert
<i>Diervilla sessilifolia</i>	southern bush honeysuckle
<i>Dirca palustris</i>	leatherwood, ropebark
<i>Erythrina herbacea</i>	coral bean
<i>Euonymus americana</i>	strawberry bush, brook euonymus, hearts-a-bustin'
<i>Euonymus atropurpurea</i>	wahoo, burning bush
<i>Forestiera acuminata</i>	swamp privet
<i>Fothergilla major</i>	witch alder
<i>Frangula caroliniana</i>	Carolina buckthorn
<i>Hydrangea arborescens</i>	wild hydrangea
<i>Hypericum hypericoides</i> ssp. <i>hypericoides</i>	St. Andrew's cross
<i>Hypericum prolificum</i>	shrubby St. John's wort
<i>Ilex verticillata</i>	winterberry, black alder
<i>Itea virginica</i>	Virginia willow, sweetspire, tassel-white
<i>Lindera benzoin</i>	spicebush
<i>Lycium carolinianum</i>	Christmas berry, matrimony vine
<i>Lyonia ligustrina</i>	male-berry, male-blueberry
<i>Physocarpus opulifolius</i>	ninebark
<i>Rhododendron arborescens</i>	smooth azalea
<i>Rhododendron atlanticum</i>	dwarf, or coastal azalea
<i>Rhododendron calendulaceum</i>	flame azalea
<i>Rhododendron canescens</i>	wild, piedmont, or sweet azalea
<i>Rhododendron periclymenoides</i>	pinxterbloom azalea
<i>Rhododendron viscosum</i>	swamp azalea
<i>Rhus aromatica</i>	fragrant sumac
<i>Rhus copallinum</i>	dwarf or winged sumac

CHAPTER 7: LANDSCAPING REQUIREMENTS

Deciduous Shrubs (continued)	
Botanical Name	Common Name
<i>Rhus glabra</i>	smooth sumac
<i>Rhus hirta</i>	staghorn sumac
<i>Rosa carolina</i>	Carolina rose
<i>Rosa setigera</i>	Illinois or prairie rose
<i>Rubus occidentalis</i>	black raspberry, thimbleberry
<i>Rubus odoratus</i>	thimbleberry
<i>Sambucus canadensis</i>	elderberry, common elder
<i>Sambucus racemosa</i> var. <i>pubens</i>	scarlet elderberry, red-berried elder
<i>Spiraea tomentosa</i>	steeplebush, hardhack
<i>Staphylea trifolia</i>	bladdernut
<i>Stewartia malacodendron</i>	silky camellia
<i>Styrax americanus</i>	American silverbells
<i>Symphoricarpos orbiculatus</i>	coralberry, Indian currant
<i>Vaccinium arboreum</i>	sparkleberry, farkleberry
<i>Vaccinium corymbosom</i>	highbush blueberry
<i>Viburnum acerifolium</i>	maple leaf viburnum
<i>Viburnum dentatum</i>	southern arrowwood
<i>Viburnum nudum</i>	possumhaw viburnum
<i>Viburnum nudum</i> var. <i>cassinoides</i>	wild raisin
<i>Viburnum prunifolium</i>	black haw, nanny berry
<i>Viburnum rufidulum</i>	southern or rusty black haw

Evergreen Shrubs	
Botanical Name	Common Name
<i>Epigaea repens</i>	trailing arbutus
<i>Gaultheria procumbens</i>	wintergreen, checkerberry
<i>Gaylussacia brachycera</i>	box huckleberry
<i>Gordonia lasianthus</i>	loblolly bay, gordonia
<i>Ilex glabra</i>	inkberry, bitter gallberry
<i>Ilex vomitoria</i>	yaupon
<i>Juniperus communis</i>	common juniper
<i>Kalmia angustifolia</i>	sheep laurel, lambkill kalmia
<i>Kalmia latifolia</i>	mountain laurel
<i>Leucothoe axillaris</i>	coast leucothoe
<i>Myrica cerifera</i>	wax myrtle, southern bayberry, candleberry
<i>Rhododendron carolinianum</i>	Carolina rhododendron
<i>Rhododendron catawbiense</i>	purple rhododendron, red laurel
<i>Rhododendron maximum</i>	rosebay, great laurel
<i>Serenoa repens</i>	saw palmetto

Source: Pittman, Albert. *South Carolina Native Plant Listings*. US Department of Transportation Federal Highway Administration. <http://www.fhwa.dot.gov/environment/rdsduse/sc.htm>

CHAPTER 7: LANDSCAPING REQUIREMENTS

7.4.2 Prohibited Plants

Plants that are listed on the *South Carolina Exotic Pest Plant Council Non-Native Plant Species List* are prohibited.

7.4.3 Plant Installation Standards

The following standards shall apply to all new plant material installed as part of a screen required under these regulations:

- A. Minimum tree caliper measured six (6) inches above ground on all large maturing trees shall be four (4) inches and the minimum height shall be eight (8) feet.
- B. No trees identified as large trees shall be planted under overhead utility lines or within five (5) feet of a utility easement. This does not include low-voltage insulated or covered lines of 240 volts or less or telephone or cablevision lines.
- C. All plant material installed shall be free from disease.
- D. Plant materials shall be planted in accordance with generally accepted and recommended planting and growing practices.
- E. All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.
- F. All plant material shall be planted in a manner which is not intrusive to utilities or pavement.

7.4.4 Landscaping Maintenance

Plantings, fences, walls, or berms that are required landscaping shall be properly maintained. The owner of the property where landscaping is required shall be responsible for the maintenance of all landscaping materials. Such maintenance shall include all actions necessary to keep the landscaped area free of litter and debris; to keep plantings healthy; to keep plant growth from interfering with safe vehicular and pedestrian travel, or use of parking areas, or from creating nuisances to adjoining properties; and to keep walls, fences, and berms in good repair and neat appearance. Any vegetation that is part of a required landscaping area shall be replaced within one (1) year in the event that it dies. All landscaping materials shall be protected from damage by erosion, motor vehicles, or pedestrians which could reduce the effectiveness of the required landscaping.

7.4.5 Visibility at Intersections

Except as herein provided, on a corner lot in any district, no hedge, shrubbery, tree, natural growth, sign, fence, wall, or other obstruction shall be placed or maintained within a sight triangle as defined by this ordinance.

CHAPTER 7: LANDSCAPING REQUIREMENTS

Section 7.5 Fences and Walls

- A. In all zoning districts, a permit shall be required prior to the erection of a fence.
- B. Prior to the issuance of a permit for a fence within the Historic Preservation Overlay (HP-O), the property owner must obtain a Certificate of Appropriateness.
- C. The finished side of any fence primarily visible from the right-of-way shall face the right-of-way.
- D. Any fence shall be constructed in a durable fashion of brick, stone, other masonry materials, or wood, vinyl, wrought iron or other material specifically designed as fencing materials or any combination thereof which may be approved by the Administrator.
- E. Fences may be located up to the property line, but shall not be located in any right-of-way or sight-triangle.
- F. Entrance gateways to residential subdivisions, all agricultural uses, and the Resource Conservation District (RCD) are exempt from the following fence and wall standards. Except as otherwise noted in this Ordinance, fences or walls are permitted in the various districts subject to the following regulations:

	Residential Districts (SFR, MDR, HDR)		Non-residential Districts (CBD, GCD, HCD, IICD, ID)	
	Front Yards	Side & Rear Yards	Front Yards	Rear & Side Yards
Min. Height	2 feet	n/a	n/a	n/a
Max. Height²	4 feet	6 feet	8 feet	8 feet
Materials¹	<ul style="list-style-type: none"> • brick • panelized wire • stone • stucco • vinyl • wood • wrought iron 	<ul style="list-style-type: none"> • brick • chain link • panelized wire • privacy screening • stucco • stone • vinyl • wood • wrought iron 	<ul style="list-style-type: none"> • brick • panelized wire • stone • stucco • vinyl • wood • wrought iron 	<ul style="list-style-type: none"> • brick • chain link³ • panelized wire • Stone • stucco • vinyl • wood • wrought iron

1: Materials may include a combination of the listed permitted materials for each fence type. Residential front yard fences shall not be opaque.

2: Unless a higher fence exists on a common property line of an adjacent lot, in which case the proposed fence can be no higher than that fence

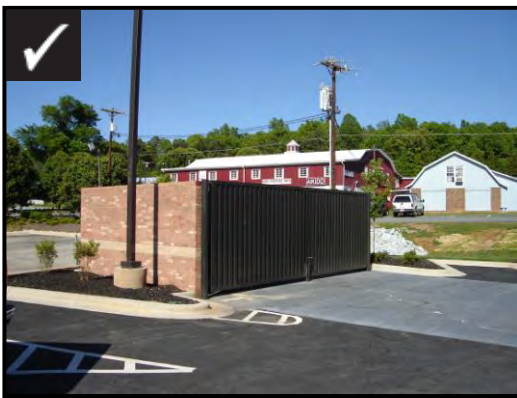
3: Barbed wire on top of security fences is permitted for rear yard fences not visible from a street.

CHAPTER 7: LANDSCAPING REQUIREMENTS

Section 7.6 Screening Requirements

The screening requirements of this Section shall apply to the garbage containers, mechanical equipment, and outdoor storage for all new and expanding non-residential and multi-family development:

- A. Any permitted outdoor storage or utility structures shall be screened in the form of a berm, wall or fence and natural plantings as to provide an opaque screen for outdoor storage, waste containers, and utility structures. The screen shall exceed the height of the storage or equipment by a minimum of one (1) foot and shall not exceed the height limitations set forth in Section 7.5 for fences and walls and shall not interfere with the operation of utility equipment.
- B. Dumpsters and other waste collection containers shall not be located in the front yard of any structure.
- C. Ground-mounted mechanical equipment shall be located in the rear or side yard and screened from view of the street. Roof-mounted mechanical equipment shall be screened from view by a parapet wall or screen wall matching the primary building materials.
- D. Any fencing used to fulfill the requirements of this Section shall be supplemented with landscaping. Chain link fence with slats shall not be used to meet the requirement of this Section.
- E. All screens shall utilize building materials and design which are compatible with those used for the exterior of the principal building.



Solid Masonry Screen with Gates



Not fully screened

CHAPTER 7: LANDSCAPING REQUIREMENTS



**Mechanical Equipment Screened
with Landscaping**



Mechanical Equipment Not Screened

CHAPTER 8:

PARKING & DRIVEWAYS

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Section 8.1 Purpose and Applicability

- A. The purpose of this Section is to ensure that adequate and well-designed parking is provided for developments in the City of Walterboro.
- B. Unless otherwise specified and except for minimum parking spaces required, the requirements of this Chapter does not apply to single-family and two-family residential uses.
- C. Unless otherwise specified, at the time of the construction of any principal building, or when a structural alteration or other changes in a principal building produces an increase in floor area or capacity, or when a significant change of use occurs, areas for parking motor vehicles on site are required according to the standards shown in Section 8.3.

Section 8.2 Off-Street Parking Requirements

8.2.1 General Provisions

- A. Required off-street parking shall be on the same lot as the building or use for which it is to be used except as provided for in Section 8.4.1.
- B. All off-street parking areas shall be landscaped in accordance with Section 7.3.3.
- C. No off-street parking area shall be located over septic tank field.
- D. Off-street parking areas shall be properly maintained in all respects. In particular, off-street parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
- E. All parking, including for single-family and two-family residential, shall be in designated areas and shall not take place on lawn or landscaped areas.
- F. No automotive sales or repair is permitted in off-street parking areas.

8.2.2 Parking Lot Design

- A. Off-street parking areas shall be designed so that parked vehicles do not encroach upon, extend onto, or cause vehicles to back into public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure. Curbs or bumpers are required around landscaped areas and shall be a minimum of six (6) inches high. Parking areas for greater than 10 parking spaces shall have curb and gutter, unless the site is designed using non-structural vegetative conveyances and Low Impact Development (LID) controls as set forth in the *South Carolina Stormwater Management and Control Handbook*.
- B. Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles.
- C. Parking areas accommodating five (5) cars or more shall have individual spaces marked.

- D. Islands planted with grass, landscaping, or parking lot trees as required by Section 7.3.3 shall be located at the ends of parking aisles for traffic and drainage control.
- E. No surface parking or circulation driveway is permitted within any required or established buffer area, except that driveways providing access to the parking area may be installed across these areas.
- F. A secure bicycle rack is encouraged for all parking lots greater than 15 spaces. Bicycle parking may be placed in the front yard.
- G. Parking areas to be used at night are to be adequately lighted in accordance with Section 9.2.3.
- H. For non-residential uses (except for civic uses and developments in the IICD and ID zoning districts), a maximum of two (2) rows of parking spaces may be located in the front yard of the principal building. All other parking shall be located in either the rear or side yards of the principal building (See Fig. 8.1). For large-scale developments with large parking areas that have more than two (2) rows of parking in front, parking may be shared and screened with outparcel buildings as shown in Fig. 8.2.

FIG. 8.1: EXAMPLE OF PARKING AREA

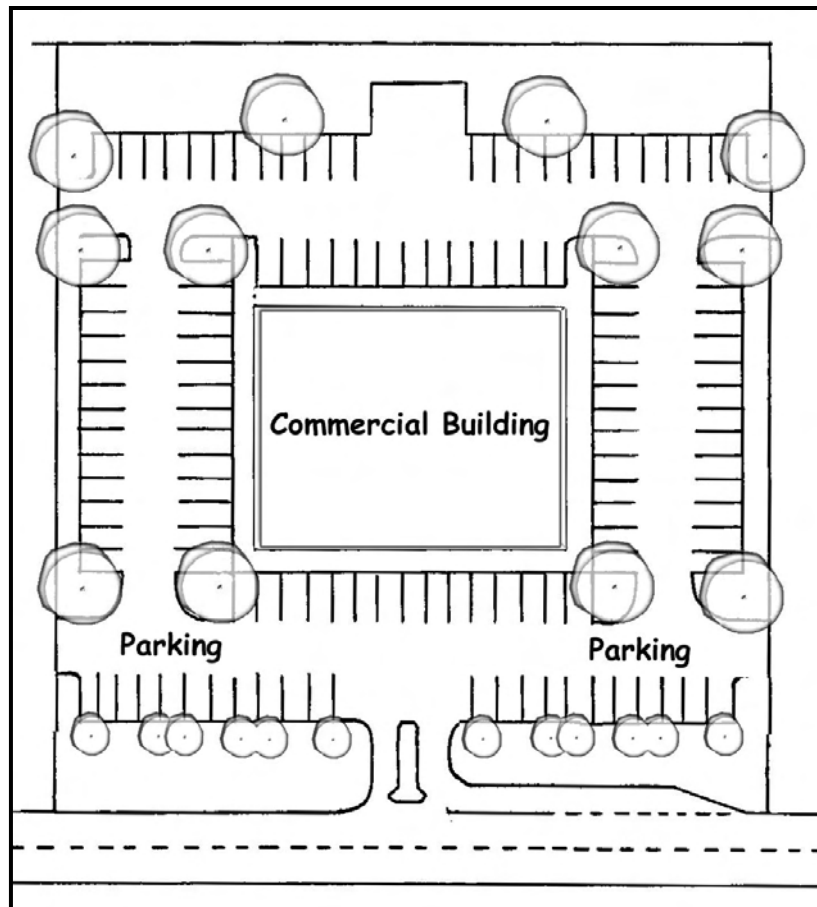
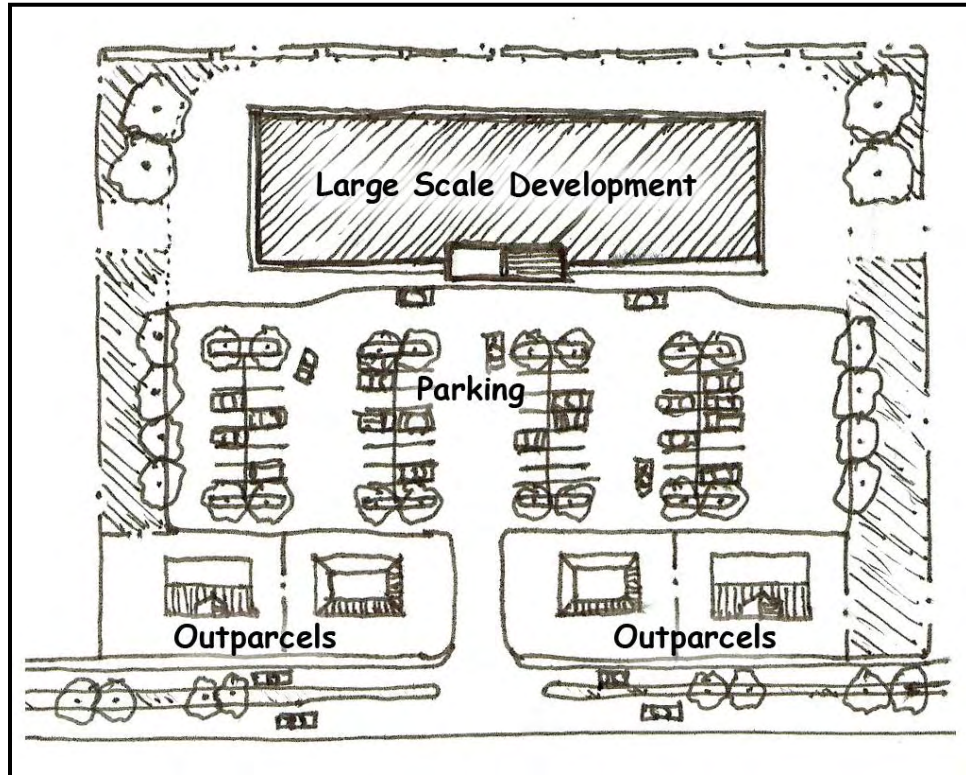


FIG. 8.2: EXAMPLE OF PARKING AREA FOR LARGE SCALE DEVELOPMENT



8.2.3 Parking Surface

All parking lots shall be paved with cement, asphalt, crushed stone, semi-pervious pavers, or similar material not including gravel. Permeable areas are required to reduce the impact of storm water run-off created by development. Paving with impervious surfaces (which are those that do not absorb water and include concrete and asphalt) shall be limited to 80 percent of the parking area surface.

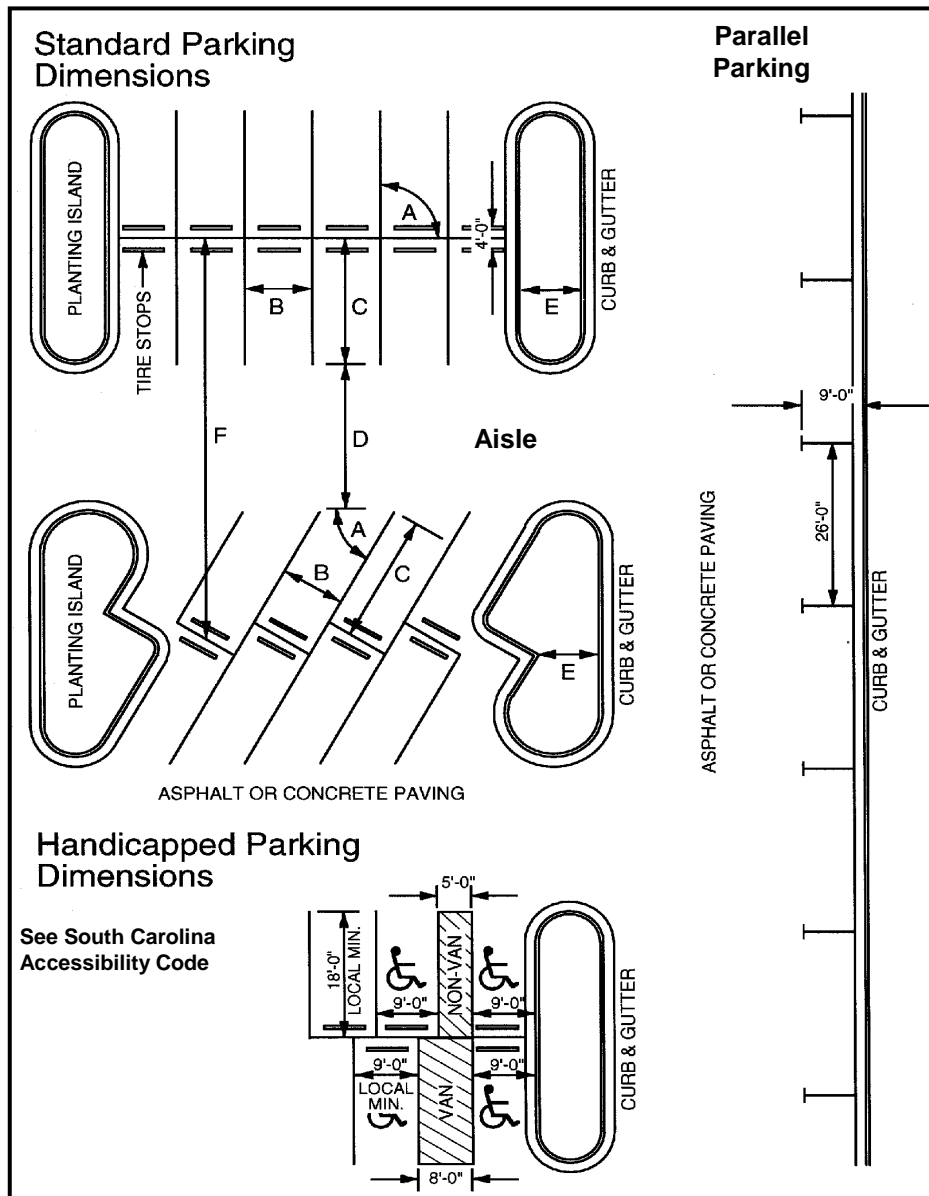
8.2.4 Parking Dimensions

Parking shall meet the following dimensional requirements. See Fig. 8.3.

Angle (A)	Stall Width (B)	Stall Depth (C)	Aisle Width (D)		Planting Island Width (E)	Parking Bay Width (F)	
			One-way aisle	Two-way aisle		One-way aisle	Two-way aisle
0°*	9.0 ft.	26.0 ft.	12.0 ft.	20.0 ft.	7 ft.	30 ft.	38 ft.
45°	9.0 ft.	18.0 ft.	12.0 ft.	24.0 ft.	7 ft.	44 ft.	56 ft.
60°	9.0 ft.	18.0 ft.	18.0 ft.	24.0 ft.	7 ft.	46 ft.	58 ft.
90°	9.0 ft.	18.0 ft.	Not permitted	24.0 ft.	7 ft.	Not permitted	60.0 ft.

*0° parking space is a parallel parking space

FIG. 8.3 PARKING DIMENSIONS POINTS OF MEASUREMENT



This figure identifies the points of measurement for the table above including (A) angle, (B) stall width, (C) stall depth, (D) aisle width, (E) planting island width, and (F) parking bay width.

Section 8.3 Number of Parking Spaces Required

- A. All developments, except those in the CBD, shall provide a sufficient number of on-site parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- B. When determination of the number of parking spaces required by the Parking Requirements Table results in a requirement of a fractional space, any fraction of $\frac{1}{2}$ or less may be disregarded, while a fraction in excess of $\frac{1}{2}$ shall be counted as one parking space.
- C. The City recognizes that the Parking Requirements Table set forth in this Section cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority is authorized to determine the parking requirements using the Table as a guide.
- D. See the Parking Requirements Table on the following page for minimum parking space requirements. The Administrator may reduce the minimum number of parking spaces required by up to 10 percent if the applicant can demonstrate that the number of required parking spaces is excessive or inadequate due to use or property constraints. The Zoning Board of Appeals may grant a reduction or increase in the parking requirements set forth in Section 8.3 of more than 10 percent if it is determined that the reduced or increased number of parking spaces can satisfy demand or is necessary to satisfy demand.
- E. When two (2) or more uses share a parking area, the total number of spaces cannot be less than the sum of the spaces required for each use, except as permitted by Section 8.4.1.
- F. The minimum number of handicap accessible spaces shall be provided as follows:

Total Number of Spaces Provided	Total Minimum Number of Accessible Spaces	Minimum Van Accessible Spaces (96-inch isle)
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2% of total parking provided	1/8 of total accessible spaces
1,001 and over	20 plus 1 for each 100 over 1,000	1/8 of total accessible spaces

- G. An increase of up to 10 percent in required parking lot trees may allow a development to reduce the number of required parking spaces by an equal percent.

SECTION 8.3 PARKING REQUIREMENTS TABLE

RESIDENTIAL	MINIMUM NUMBER OF SPACES
Accessory apartments	1 per unit
Bed and breakfast inns	1 per guest room + 2 for owner
Boarding or rooming houses	1 per bedroom
Family care homes for the handicapped	1 + 0.5 per bed
Home occupations	1 space in addition to residential use requirement
Manufactured homes in MHP	2 per unit
Multi-family dwellings	2 per unit
Single-family dwellings, detached	2 per unit
Two-family dwellings (duplexes)	2 per unit
CIVIC, GOVERNMENT, & INSTITUTIONAL	MINIMUM NUMBER OF SPACES
Assembly halls	1 per 5 seats
Cemeteries	NA
Colleges, Universities, & associated facilities	1 per 4 students
Community Center	1 per 300 square feet of gross floor area
Correctional facility	1 per employee on peak shift
Daycare Center	2 per classroom + 1 per 150 square feet of gross floor area
Government offices	1 per 300 square feet of gross floor area
Hospitals & medical treatment facilities (greater than 20,000 sq. ft.)	1 per 400 square feet of gross floor area
Instructional Schools (karate, dance gymnastics, music, art, & similar instruction)	1 per 300 square feet of gross floor area
Libraries, museums, art galleries, art centers, & similar uses	1 per 300 square feet of gross floor area
Post Office	1 per 300 square feet of gross floor area
Religious institutions & related uses	1 per 3 seats
Research Facilities	1 per 2 employees on peak shift
Residential care facilities	1 per bed + 1 per 150 square feet of office space
Schools, elementary & middle	1 per classroom & administrative office
Schools, high	10 per classroom & 1 per administrative office
Schools (trade & vocational)	1 per 4 students
Visitors' center & public information facilities	1 per 300 square feet of gross floor area
OFFICE & SERVICE	MINIMUM NUMBER OF SPACES
Alternative financial service institution	1 per 300 square feet of gross floor area
Animal services	1 per 250 square feet of gross floor area
Artists, craftsmen	1 per employee at peak shift + 1 per each company vehicle at peak shift
Automatic teller machine	2 spaces
Automotive or boat service	4 spaces per service bay + 1 per employee at peak shift

SECTION 8.3 PARKING REQUIREMENTS TABLE

OFFICE & SERVICE (continued)	MINIMUM NUMBER OF SPACES
Banks	1 per 150 square feet of gross floor area
Body piercing & tattoo studios	1 per 300 square feet of gross floor area
Catering	1 per 300 square feet of gross floor area
Dry cleaning & laundry establishments (non-industrial)	1 per 300 square feet of gross floor area
Funeral homes, mortuaries, crematoriums	1 per 50 square feet of assembly area, parlors
Hotels, motels, & inns	1 per room + 1 per 250 square feet of additional floor area excluding hallways
Medical, dental, & optical clinics	1 per 250 square feet of gross floor area
Personal services (barber/beauty shop, spa)	1 per 300 square feet of gross floor area
Professional Offices	1 per 300 square feet of gross floor area
Services, other	1 per 300 square feet of gross floor area
RETAIL & WHOLESALE	MINIMUM NUMBER OF SPACES
Automotive or boat sales, rental	1 per 300 square feet of gross floor area + 1 per employee at peak shift + 1 per vehicle stored on site
Bakery (on-site baking & sales)	1 per 300 square feet of gross floor area
Bar, tavern	1 per 4 seats
Gas sales, storage, distribution	1 space per 300 square feet of gross floor area
Micro-brewery	1 space per 300 square feet of gross floor area
Open air markets (including farmers' markets, produce markets))	1 per 250 square feet of gross floor area
Pawn shops	1 per 250 square feet of gross floor area
Restaurants	1 per every 3 seats
Retail uses	1 per 250 square feet of gross floor area
Wholesale	1 per 400 square feet of gross office & sales floor area + 2 per each 3 employees at peak shift
RECREATION & ENTERTAINMENT	MINIMUM NUMBER OF SPACES
Amusement center	1 per 100 square feet of gross floor area
Amusement park, miniature golf, driving range	1 per 250 square feet or 2 per tee
Athletic Club	1 space per 300 square feet of gross floor area
Boat livery	NA
Campgrounds	1.5 per campsite at campground (1 at each campsite)
Country club, golf course, tennis club, swimming clubs & related uses	1 per every 4 persons of max. capacity
Parks, playgrounds and squares (public)	1 per 2000 square feet of outdoor space
Recreation facility	1 per every 4 persons of max. capacity
Sexually oriented business	1 per 250 square feet of gross floor area
Shooting range (indoor)	1 space per 300 square feet of gross floor area
Theater (indoor)	1 per 3 seats

SECTION 8.3 PARKING REQUIREMENTS TABLE

RECREATION & ENTERTAINMENT (continued)	MINIMUM NUMBER OF SPACES
Theater (outdoor)	1 per every 4 persons of max. capacity
Wildlife refuge	NA
INDUSTRIAL, WAREHOUSING, & TRANSPORTATION	MINIMUM NUMBER OF SPACES
Airports & heliports	1 per employee + spaces required to satisfy projected peak parking demands
Bus & train stations	1 per employee + spaces required to satisfy projected peak parking demands
Industrial laundry, drycleaning	1 per employee at peak shift + 1 per each company vehicle at peak shift
Junk yards, salvage yards, recycling operations, and similar uses	1 per 2 employees on peak shift + 1 per 5,000 square feet devoted to material storage + 1 per company vehicle
Landfill	1 per 2 employees on peak shift
Manufacturing, processing, & assembly	1 per employee at peak shift + 1 per each company vehicle at peak shift
Quarrying, mining operations	1 per employee at peak shift + 1 per each company vehicle at peak shift
Saw mills	1 per employee at peak shift + 1 per each company vehicle at peak shift
Trucking terminals	1 per employee at peak shift + 1 per each company vehicle at peak shift
Warehouse & distribution uses	1 per 2,000 square feet of gross floor area + 1 per employee at peak shift
Warehouse, mini	1 per 4,000 square feet of gross floor area
Welding shop	1 per employee at peak shift + 1 per each company vehicle at peak shift
AGRICULTURAL	MINIMUM NUMBER OF SPACES
Agriculture, horticulture, silviculture	1 per employees on peak shift
Greenhouse or horticultural nursery (no on-premises sales)	1 per employee at peak shift + 1 per each company vehicle at peak shift
Greenhouse or horticultural nursery (with on-premises sales)	1 per 800 square feet of gross sales floor area
Fish hatchery	1 per employee at peak shift + 1 per each company vehicle at peak shift
OTHER	MINIMUM NUMBER OF SPACES
Drive-through/Drive-in uses	Adequate stacking space
Radio, television station	1 per employee at peak shift + 1 per each company vehicle at peak shift
Temporary Uses	Adequate for use
Utility facilities	1 per employee at peak shift + 1 per each company vehicle at peak shift

Section 8.4 Shared Parking and Connectivity

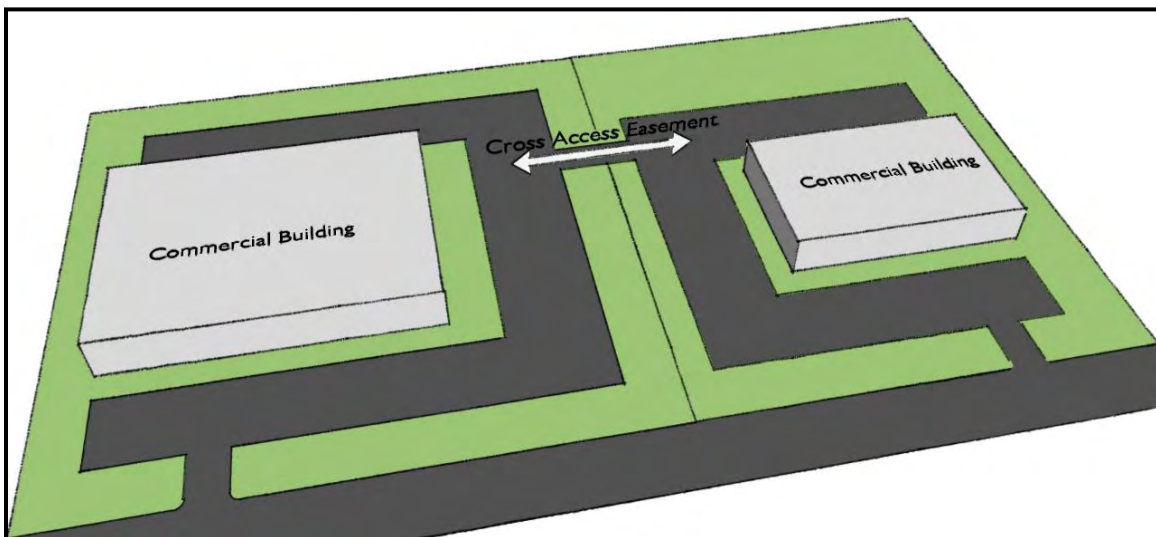
8.4.1 Shared Parking

The joint use of shared off-street parking between two uses may be made by contract by two or more adjacent property owners. The Administrator may reduce parking requirements when uses in the same or adjacent development have different peak parking hours and provide written evidence of willingness to share spaces. This request must be accompanied by adequate proof of parking use.

8.4.2 Parking Connectivity

- A. Adjacent parking lots shall be interconnected between the sites unless natural features prevent connection.
- B. Driveway stubs shall be provided to adjacent properties on major thoroughfares in the same zoning district as the property that is being developed.

FIG. 8.3 PARKING CONNECTIVITY



Section 8.5 Loading Area Requirements

- A. Every commercial and industrial activity shall have space for off-street loading on the same lot and behind the activity that it serves to accommodate the delivery or shipment operations in a safe and convenient manner.
- B. All loading must be done from the side or rear of the structure, and no vehicle being loaded or unloaded shall be parked in a public street or extend into a public walkway.
- C. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following Table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this Section. However, the permit issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Gross Leasable Area of Building	Number of Spaces ¹
1,000 – 19,999	1
20,000 – 79,999	2
80,000 – 127,999	3
128,000 – 191,999	4
192,000 – 255,999	5
256,000 – 319,999	6
320,000 – 391,999	7
Plus one space for each additional 72,000 square feet or fraction thereof.	

¹Minimum dimensions of 12 feet X 55 feet and overhead clearance of 14 feet from street grade required.

- D. Loading and unloading areas shall be so located and designed so that the vehicles intended to use them can:
1. maneuver safely and conveniently to and from a public right-of-way, and
 2. complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
- E. Whenever there exists a lot with one or more structures on it constructed before the effective date of this Ordinance, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this Section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this Section to the extent reasonably possible.

Section 8.6 Parking of Heavy Vehicles

- A. It shall be unlawful for any person to park or leave unattended any truck, tractor, trailer unit, or other such vehicle, with over a two-ton load capacity or which weighs more than 10,000 pounds (Tare Weight), on or within any area of the City, including streets or other public right-of-ways, that are zoned as single family residential (SFR), medium density residential (MDR) or high density residential (HDR); provided, however, the Board of Zoning Appeals may grant a resident of such an area a special exception to this prohibition, if in its opinion the hardship to the resident caused by the strict application of this Ordinance outweighs the public interest served by this prohibition. In making this determination, the Board of Zoning Appeals may consider the following factors:
1. The vehicle is parked entirely on private property which is occupied by the owner of the vehicle.
 2. The vehicle is not visible from a neighbor's house.
 3. The vehicle does not detract from the appearance of the neighborhood.
 4. The private property is of sufficient size to accommodate the vehicle without encroaching upon the various front, rear and side yard setbacks set forth in this Ordinance.
 5. There are no substantive objections from the vehicle owner's neighbors relative to excessive noise, hours of operation, or appearance.
 6. All vehicles must be operative at all times with only minor maintenance procedures permitted.
- B. For the purpose of this Section, "Tractor Trailer Unit" shall encompass the entire unit or the tractor alone or the trailer alone.
- C. Nothing in this Section shall be construed to prohibit or otherwise limit the temporary loading and unloading of vehicles, nor shall the prohibitions herein pertain to emergency stops and parking.
- D. Nothing in this section shall be construed to prohibit or otherwise limit the parking of recreational vehicles or school buses upon private property in residential zoning districts.

Section 8.7 Driveways

- A. All driveways that access state maintained roads shall meet SCDOT driveway requirements.
- B. All exits from an off-street parking area shall be designed to necessitate forward motion when entering roads. No entrance or exit can be placed closer than 50 feet from an intersection.
- C. Driveways shall be not less than 10 feet in width for single-family and two-family residential uses.
- D. Driveways shall be not less than 10 feet in width one-way traffic and 18 feet in width for two-way traffic for all non-residential and multi-family residential uses. Ten (10)-foot wide driveways are permissible for two-way traffic when:
 - 1. The driveway is not longer than 50 feet; and
 - 2. The driveway provides access to not more than five (5) parking spaces; and
 - 3. Sufficient turning space and stacking area is provided so that vehicles need not back into a public street.
- E. In no case shall a driveway width exceed 36 feet, except as required by SCDOT.
- F. Only one (1) combined entrance and exit connection will be permitted where the frontage is less than 300 feet.
- G. Driveways shall be as nearly perpendicular to the street right-of-way as possible and shall line up with other driveways across the street and be shared between adjacent uses wherever possible.
- H. For circumstances not covered by this Section, please refer to SCDOT Access and Roadside Management Standards (ARMS) book.

CHAPTER 9: INFRASTRUCTURE

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CHAPTER 9: INFRASTRUCTURE

Section 9.1 Street Standards

9.1.1 Conformance with Long Range Transportation Plan (LRTP)

The location and design of new streets shall be in conformance with the SCDOT Statewide Transportation Improvement Program (TIP), the Rural Planning Organization's Long Range Transportation Plan, and the vision of the City's Comprehensive Plan.

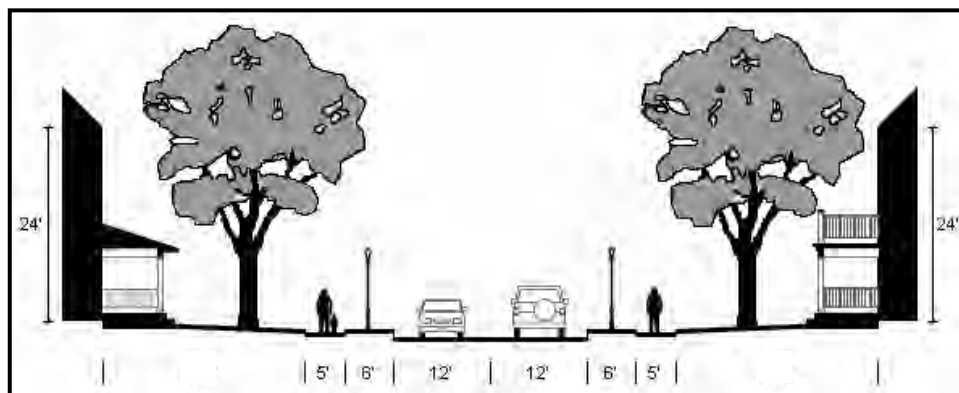
9.1.2 General Street Design

- A. Street systems shall be designed to permit safe, orderly, and efficient movement of traffic with consideration taken for the existing topography. Linkages to existing and proposed city and county roads and between adjacent residential developments must be provided.
- B. All roads are to be constructed to the specifications of the *South Carolina Standard Specifications for Highway Construction Manual*.
- C. Construction of alleys is permitted in commercial and industrial developments to provide loading and service access. Alleys must be paved.
- D. Roads within areas of potential flooding shall be constructed on the ten-year flood line, as shown on FEMA maps, at a minimum.
- E. Roads should include extra area for bike lane or shared lane.

9.1.3 Sidewalks

- A. Sidewalks shall be required for new development and redevelopment along all existing streets and along both sides of new streets within new subdivisions.
- B. Sidewalks within the I-95 Business Loop Corridor shall be installed in accordance with the applicable I-95 Business Loop Streetscape Corridor Plan proposed road section for the portion of the corridor in which the development is located.
- C. All other sidewalks not located within the I-95 Business Loop Corridor shall be at least five (5) feet wide and be constructed to SCDOT standards. The sidewalk shall be separated from the street by a minimum six (6) foot planting strip (See Fig. 9.1). See Figure 9.2 on the following page for the I-95 Business Loop Corridor Context Map.

FIG. 9.1: EXAMPLE STREET SECTION



City of Walterboro Unified Development Ordinance

FIG. 9.2: I-95 BUSINESS CORRIDOR LOOP CONTEXT MAP



CHAPTER 9: INFRASTRUCTURE

9.1.4 Cul-de-sacs

- A. Roads permanently closed at one (1) end (cul-de-sacs) shall not exceed 1,700 feet in length from the right of way to the street's beginning to its end, including the entire width of the paved area of a turn around.
- B. All dead end roads, including temporary roads extending further than one (1) property length, shall have a turn-around at the closed end. The turnaround shall have a minimum right-of-way radius of 50 feet and a minimum curb radius of 40 feet.
- C. If the road length does not exceed 300 feet and if construction difficulties will not permit a turnaround, the use of "Y" or a "T" or other turning space of a design which will allow a vehicle with a wheel base of at least 20 feet to complete a turning movement with a maximum of one (1) backing movement, may be permitted.

9.1.5 Access Management, Driveways, and Connectivity

9.1.5.1 Development Access

At least two (2) entry points will be provided in all developments. The Administrator may allow other alternatives if the curb cuts for the two (2) accesses cannot meet the minimum distance allowed according to SCDOT regulations at any location.

9.1.5.2 Restriction of Access

Where a development abuts or contains an existing or proposed thoroughfare, the City may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate separation of through and local traffic.

9.1.5.3 Reserve Strips

Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property (except those required by the City to prevent access to thoroughfares) shall not be permitted.

9.1.5.4 Driveways

New driveways shall meet the requirements of Section 8.7.

9.1.5.5 Through Traffic

Residential collector streets and minor streets shall be laid out in such a way that their use by through traffic will be discouraged. The intent of the street design is to provide multiple connections to existing and future developments, disperse traffic, and maintain reduced speeds. Roads shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

9.1.5.6 Intersections

- A. All roads shall intersect at ninety (90) degrees, or as close as possible and no more than two (2) streets shall intersect at any one (1) point. Roads intersecting at opposite sides of another road shall have their center lines directly opposite.

- B. An approved SCDOT permit is required for connection to any existing State road. This permit is required prior to any construction on the road.

9.1.5.7 Traffic Control Signs, Signals, and Markings

Design and placement of traffic signs shall conform to the U.S. Department of Transportation's *Manual of Uniform Traffic Control Devices for Streets and Highways*. A minimum of two (2) street signs shall be provided at each four-way intersection and one (1) at each three-way intersection.

9.1.5.8 Connectivity

- A. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.
- B. Where it is deemed necessary and beneficial to the interconnectivity of local land development by the Administrator, proposed roads shall be extended by dedication to the boundary of the developing property and a temporary turn around provided within the existing right of way (stub out). A sign shall be erected at the temporary turn around that informs the public of the intended future connection of the road to future development. The road shall be designated and constructed as a public road and shall be required except when the Administrator determined that:
 - 1. Physical barriers or environmentally sensitive area be crossed (for example, railroad, watercourses, steep topography, or flood area)
 - 2. There is a large discrepancy in the size of the adjacent parcel (A smaller parcel being subdivided may not have to provide a stub to a much larger parcel, if other, more desirable, interconnections are available to the large parcel).
 - 3. The stub road would connect to property for which development rights have been sold for a public purpose and access to the property is not desirable for orderly development of the road network.
 - 4. The stub road would cause the existing roads to go over the capacity for which the roads were initially designed.

9.1.6 Street Names and Signs

- A. The *South Carolina Comprehensive Planning Enabling Act of 1994*, gave responsibility for naming roads to Planning Commissions. The City of Walterboro Planning Commission delegates this responsibility to the Colleton County Office of E-911 to ensure that there is no duplication or near duplication of street names.
- B. Street name signs shall be installed by the developer at all intersections inside the City limits in accordance with City Standards.

9.1.7 Right-of-Way Dedication

Proposed developments that adjoin existing streets maintained by either the City or SCDOT shall dedicate the additional street right-of-way necessary to meet the minimum width requirements for the type of classification of the adjoining street. When any part of the development is on both

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sides of an existing street, the entire minimum right-of-way shall be provided. When the development is located on only one side of an existing street, one-half of the minimum right-of-way, measured from the centerline of the existing street, shall be provided. The dedication requirements of this Section shall not apply to infill single-family residential and two-family residential lots fronting on existing streets that have already been accepted for maintenance by the City or SCDOT.

Section 9.2 Utility Standards

9.2.1 Water & Sanitary Sewer Systems

- A. All new developments and subdivisions within the City of Walterboro shall be provided with water supplies and sanitary sewer systems conforming to the requirements of the South Carolina Department of Health and Environmental Control.
- B. All new development shall connect to the City's water and sewer systems according to City standards.
- C. The City may, in order to serve future development, require the developer to install certain oversized water and sewer improvements and/or to increase such improvements to a size and/or extend beyond that necessary for the needs created by a non-residential development. In such cases, the City may enter into an agreement to reimburse the developer for the oversizing and/or extension based upon rates as agreed to by the City.
- D. All proposed water and sewer facilities are subject to the review and approval of the City's Engineer prior to the application for a permit from the correct permitting authority.
- E. If substandard water and sewer services are within the immediate vicinity of the project and would require extending or accessing these facilities for the purpose of the development, then the developer is responsible for upgrading the facilities at no additional expense to the City to meet the minimum design standards of SCDHEC.

9.2.2 Utility Location

- A. Utilities located in public rights-of-way shall be located in accordance with SCDOT standards.
- B. Utility easements, wherever required, shall be a minimum of twenty (20) feet wide as approved by the utility provider. No structures or trees shall be placed in the easement. The property owner shall maintain easements. Only easements accepted by the City for public maintenance shall be maintained by the City. Access to easements by appropriate entities (utility providers, the County, and/or the City) shall be provided in the deed to properties with easements.

9.2.3 Lighting

9.2.3.1 Applicability

The provisions of this Section shall apply to the installation of all outdoor lighting within the jurisdiction of this Ordinance except that the following shall be exempt from this Section:

- A. Outdoor lighting associated with single-family or two-family residential uses.
- B. Outdoor lighting installed for governmental purposes by local, state or federal governmental units and their agents.
- C. Outdoor lighting required to be installed by laws or regulations of a local, state or federal governmental units.

9.2.3.2 Prohibited Outdoor Lighting

The following types of outdoor lighting are prohibited unless exempt by Section 9.2.3.1 above:

- A. Light fixtures that imitate an official highway or traffic control light or sign.
- B. Light fixtures in the direct line of vision with any traffic control light or sign.
- C. Light fixtures that have a flashing or intermittent pattern of illumination.
- D. Privately-owned light fixtures located in the public right-of-way.
- E. Light fixtures that are a source of glare by their design, orientation or intensity.
- F. Searchlights.
- G. Unshielded open vertical light fixtures.
- H. Lighting that violates the requirements of Section 2.7 regarding the Airport Overlay (A-O)

9.2.3.3 Plan Approval Required

Outdoor lighting for non-residential developments is subject to approval by the Administrator. The lighting plan shall show sufficient information to determine compliance with the standards of this Section and may require a photometric plan upon determination of the Administrator. The Administrator may consider and grant modifications, requiring such conditions as will secure, insofar as practicable, the objectives of the requirements modified.

9.2.3.4 Outdoor Lighting Requirements

- A. Outdoor lighting fixtures shall be installed in a manner to protect the street and neighboring properties from direct glare or hazardous interference of any kind. Glare or hazardous interference are situations where the sensation produced by luminance within the visual field is sufficiently greater than the luminance to which the eyes are adapted, such as to cause annoyance, discomfort, or loss in visual performance and visibility.
- B. Outdoor lighting shall be constructed and operated to minimize the spillover of obtrusive light onto property outside the boundaries of the property on which the lighting is sited which could result in annoyance, discomfort or distraction to persons on the other property.

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- C. Canopy lights shall be recessed into the canopy to minimize light spillover.



Recessed Lights



Projecting Lights

- D. All outdoor lighting fixtures, subject to this Section, except for temporary and emergency lighting, that would otherwise cause glare or obtrusive spillover shall be shielded, recessed or otherwise oriented or treated in such a way to prevent glare or obtrusive spillover.
- E. As a general principle, all outdoor lighting shall be directed downward and away from adjoining property and streets.
- F. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield. Floodlights and display lights shall be positioned such that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to and away from the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.
- G. The mounting height of all outdoor lighting shall not exceed 30 feet above finished grade, except that the mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80 feet from finished grade.
- H. All light fixtures shall meet the IESNA definition of cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within 25 feet of any public street right-of-way. Alternatively, directional fixtures (such as floodlights) may be used provided they shall be aimed and shielded in accordance with this Section.
- I. Sign lighting shall be regulated in accordance with Chapter 5.

9.2.3.5 Street Lighting Provisions

Streetlights shall be provided by the developer at all intersections and at a minimum spacing of 300 feet along all new roads.

Section 9.3 Stormwater Management

9.3.1 Stormwater System Requirements

- A. The internal storm drainage system shall be designed to accommodate the appropriate design storm based on the location of the street/development. The roadway drainage system (the pavement, curb and gutter) must be designed for a 10-year storm return frequency design shall be followed as outlined in the most recent SC Stormwater Management and Sediment Control Handbook for all properties located within the City. Any structure or system not located in the public right-of-way shall be maintained by the property owner.
- B. Any offsite stormwater runoff onto the proposed development must be accommodated. Design parameters and coefficients used in all calculations for offsite stormwater shall be based on the projected buildout of the basin. The design storm shall be dictated by these standards with due consideration given to downstream system capacity.
- C. In general, ditches shall be constructed to provide drainage from the road and adjacent areas. The ditches shall be built with sufficient depth and width to carry the expected volume of water. The side slopes shall be graded so that they can be stabilized and to prevent vehicles from becoming stuck if they slide into the ditch. A 10-year storm return frequency design shall be followed as outlined in the most recent South Carolina Stormwater Management and Sediment Control Handbook for all properties located within the City.
- D. All development shall be subject to the provisions of the most current South Carolina Stormwater Management and Sediment Control Handbook and developers/subdividers of any proposed development/subdivision must obtain a permit from the South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management (OCRM).
- E. If a OCRM permit is not required, then any residential development with an overall density of greater than two (2) dwelling units per acre requires a drainage plan that meets OCRM standards. Any non-residential development requires a drainage plan.

9.3.2 Easements

- A. Drainage easements shall be provided along all streams, water course, or drainage ways. The easement shall conform to the water course and shall be a minimum of twenty (20) feet wide. The Administrator, with approval of the City Manager, may require additional width when deemed necessary to provide for adequate storm water flow, maintenance, or improvements. Only easements accepted by the City for public maintenance shall be maintained by the City. Access to easements by appropriate entities (utility providers, the County, and/or the City) shall be provided in the deed to properties with easements.
- B. No fences or structures shall be constructed across an open drainage channel that will reduce or restrict the flow of water. The Administrator may require any water course or stormwater management facility to be located within dedicated a drainage easement officially recorded at the Colleton County Register of Deeds as a "public storm drainage easement" that provides sufficient width for maintenance.

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- C. Where easements are required, they shall be noted on the Final Plat.

9.3.3 Grading Standards

- A. No grading shall take place on a site without first obtaining the appropriate development permit as set forth in Chapter 11.
- B. All grading shall follow the requirements of the *South Carolina Stormwater Management and Sediment Control Handbook*.
- C. No grading shall take place in an undisturbed stream or wetland buffer as required by Section 6.4.
- D. Developments shall be designed and constructed with a positive drainage flow away from buildings and towards approved stormwater management facilities.
- E. All disturbed areas within the dedicated right-of-way and easements of any development street shall be restored with vegetation and the landscaping standards of Chapter 7 shall be met.

Section 9.4 Fire Protection Standards

9.4.1 Fire Hydrants

- A. Fire hydrants shall be installed and spaced throughout each subdivision to maintain a 500 foot radius between hydrants. The location and spacing of hydrants shall be approved jointly by the Walterboro Department of Public Safety and the Public Utilities Department.
- B. Unless no practicable alternative is available, water lines shall not be dead-end lines.

9.4.2 Fire Suppression Requirements

- A. For any subdivision without a fire suppression rated water system, that either has or has access to an adequate permanent surface water supply (100,000 gallon storage in a 50-year drought), the applicant shall be required to install a dry fire hydrant system. An all-weather access road for fire-fighting equipment shall be provided by the applicant to this permanent surface water supply.
- B. Where the subdivision is neither served by a public water system nor has or is adjacent to an adequate permanent surface water supply, such subdivision shall be thoroughly reviewed by the Administrator and the applicant to determine if there are alternative measures to ensure adequacy of fire protection. Where deemed necessary and without creating an undue hardship on the applicant, the Administrator may require the applicant to install alternative fire protection measures.

Section 9.5 Garbage & Refuse Collection

- A. All nonresidential development shall be required to provide one (1) or more dumpsters for solid waste collection that are:
 - 1. Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way;
 - 2. Located in the side or rear yard; and
 - 3. Screened with an opaque fence or wall and gate in accordance with Section 7.6.
- B. The method of garbage disposal shall be indicated on each Site Plan or Preliminary Plat that is submitted.

Section 9.6 Surveying & Markers

All land developments within the jurisdiction of this title shall be surveyed, platted, and marked in accord with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 21. This manual is hereby adopted by reference and is as much a part of this title as if contained herein.

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CHAPTER 10: ADMINISTRATION

Section 10.1 Purpose

The purpose of this Chapter is to set forth the powers and duties of the Administrator, Board of Zoning Appeals, Planning Commission, Historic Preservation Commission, Tree Protection Committee, and City Council as they relate to this Ordinance. This Chapter also establishes the penalties for violation of the UDO.

Section 10.2 Administrator

- A. It shall be the duty of the Administrator or his designee to administer and enforce the provisions of this Ordinance.
- B. Powers and duties of the Administrator include the following:
 - 1. Interpreting this UDO and approving/disapproving subdivisions of land and certificates of zoning compliance.
 - 2. Administering permits and fee collection.
 - 3. Processing applications to the Planning Commission for rezonings.
 - 4. Processing applications to the Board of Zoning Appeals for variances and special exceptions.
 - 5. Maintaining the *Official Zoning Map* and public records related to zoning.
 - 6. Investigating and resolving complaints.
 - 7. Enforcing this Unified Development Ordinance.
 - 8. Other duties assigned by Ordinance, City Manager, or City Council.
 - 9. Staffing the Planning Commission, Board of Zoning Appeals, and Historic Preservation Commission.
- C. Appeals from decisions of the Administrator shall be referred to the Board of Zoning Appeals.

Section 10.3 Board of Zoning Appeals

10.3.1 Membership

- A. The Board shall be composed five (5) persons who are citizens of Walterboro.
- B. All members shall be appointed to staggered terms of three years by the City Council, and after that time until their successors are appointed.
- C. A vacancy in the membership must be filled for the unexpired term by appointment of City Council.
- D. The City may remove any member of the Board for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, SC Code §30-4-70 (a) (1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact, which in

the discretion of the Council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

- E. None of the members shall hold any elected public office or position in the City or Colleton County.

10.3.2 Procedures

- A. The Board shall elect one of its members chairman, who shall serve for one year or until (s)he is re-elected or his successor is elected and qualified. The Board shall appoint a secretary who may be an officer of the City.
- B. The Board shall adopt rules of procedure in accordance with the provisions of this ordinance.
- C. Meetings of the Board must be held at the call of the chairman and at such other times as the Board may determine. Public notice of all meetings of the Board of Appeals shall be provided by publication in a newspaper of general circulation in the municipality or county.
- D. In cases involving variances or special exceptions conspicuous 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.
- E. The chairman or, in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena.
- F. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the Board and must be a public record.
- G. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least fifteen days' public notice of it in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.
- H. The Board of Zoning Appeals may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board in the execution of the duties specified in this Chapter may subpoena witnesses and in case of contempt may certify this fact to the Colleton County circuit court.
- I. All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board, which must be delivered to parties of interest by certified mail.

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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;

- b. These conditions do not generally apply to other property in the vicinity;
- c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

C. **Special Exceptions.** To permit uses by special exception subject to the terms and conditions for the uses set forth in the Permitted Uses Table in Section 2.4 as Special Exceptions. Special Exceptions shall be approved in accordance with the procedures set forth in Section 11.3.

10.3.5 Contempt and Penalty

In case of contempt by a party, witness, or other person before the Board of Zoning Appeals, the Board may certify this fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

10.3.6 Appeal from the Board of Zoning Appeals

- A. A person who may have a substantial interest in any decision of the Board of appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the Board to the circuit court in and for the County by filing with the Clerk of the Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the decision of the Board is mailed.
- B. Upon the filing of the appeal, the clerk of the circuit court shall give immediate notice of it to the secretary of the Board and within 30 days from the time of the notice the Board shall file with the clerk a certified copy of the proceedings held before the Board of appeals, including a transcript of the evidence heard before it, if any, and the decision of the Board including its findings of fact and conclusions.
- C. The filing of an appeal in the circuit court from a decision of the Board shall not ipso facto act as a supersedeas, but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.
- D. At the next term of the circuit court or in chambers, upon 10 days' notice to the parties, the presiding judge of the circuit court of the county shall proceed to hear and pass upon the appeal on the certified record of the Board proceedings. The findings of fact by the Board of Zoning Appeals shall be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence. In the event the judge determines that the certified record is insufficient for review, the matter may be remanded to the Board of Zoning Appeals for rehearing. In determining the questions presented by the appeal, the court shall determine only whether the decision of the Board is correct as a matter of law.

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- E. In the event that the decision of the Board is reversed by the circuit court, the Board is charged with the costs, and the costs must be paid by the governing authority, which established the Board of Zoning Appeals.

10.3.7 Appeal to the Supreme Court

A party in interest who is aggrieved by the judgment rendered by the circuit court upon the appeal may appeal in the same manner as provided by law for appeals from other judgments of the circuit court in law cases.

Section 10.4 Planning Commission

10.4.1 Membership

Membership of the Walterboro Planning Commission shall be as follows:

- A. The Commission shall be composed of five (5) citizens of the City of Walterboro.
- B. All members shall be appointed to three year staggered terms by the City Council, and after that time until their successors are appointed.
- C. A vacancy in the membership must be filled for the unexpired term by appointment of City Council.
- D. The City may remove any member of the Commission for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, SC Code §30-4-70 (a) (1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact, which in the discretion of the Council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.
- E. None of the members shall hold any elected public office or position in the City or Colleton County.

10.4.2 Procedures

Procedures of the Walterboro Planning Commission shall be as follows:

- A. The Commission shall elect one of its members chairman, who shall serve for two years or until (s)he is re-elected or his successor is elected and qualified.
- B. The Commission shall appoint a secretary who may be an officer of the City.
- C. The Commission shall adopt rules of procedure in accordance with the provisions of this Ordinance.
- D. Meetings of the Commission must be held at least once per month, unless there is no business before it.

- E. Meetings may be held at the call of the chairman and at such other times as the Commission may determine.
- F. Public notice of all meetings of the Commission shall be provided to interested citizens.
- G. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the Commission and must be a public record.

10.4.3 Powers & Duties

The Planning Commission prepares and periodically makes recommendations of revision the City of Walterboro Comprehensive Plan, as well as all development plans and programs for the City and all implementation measures required to carry out the goals of the Comprehensive Plan, including:

1. The Unified Development Ordinance which includes zoning, subdivision, land development, and historic preservation regulations
2. The *Official Zoning Map*.
3. The Capital Improvements Program. The Commission shall catalog public improvements needed in the City, place them in a logical chronological order, and rank them. An annual list of priority projects should be forwarded to the City Council.
4. Design waivers in accordance with Section 11.4.

Section 10.5 Historic Preservation Commission

10.5.1 Membership

- A. The Historic Preservation Commission shall consist of five (5) qualified members, who shall be appointed by City Council from the following fields or areas:
 1. architecture
 2. history or history education
 3. engineering or construction industry
 4. at large
 5. at large
- B. While any and all citizens of the City of Walterboro are encouraged to participate, those with a specific interest in historical preservation, architecture, and/or education will be given first consideration. Should a professional from the noted fields not be available to serve, City Council may appoint the next most qualified individuals. City residents shall be considered first for positions on the Historic Preservation Commission. Should a qualified city resident not be available to serve under any of the categories, City Council may appoint a non-city resident.
- C. None of the members may hold any other public office or position in the City.

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- D. Members shall serve a term of two (2) years. Terms shall be staggered, so that the terms of three (3) members shall expire in each odd-numbered year, and terms of two (2) members shall expire in each even-numbered year.
- E. Members shall serve until their successors are appointed and qualified.
- F. A member who replaces another member in mid-term shall serve out the remainder of the term. Commission members may be appointed to succeed themselves.
- G. Newly appointed members shall have voting privileges beginning with the first regular meeting after their appointment.
- H. Members may be removed at any time by City Council.
- I. Members shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the City with prior authorization of the City Manager.

10.5.2 Procedures

- A. As required by S.C. Code Section 6-29-870 (D), the Commission shall:
 - 1. Hold an annual organization meeting and shall elect a chair and vice-chair from among its members, each of whom shall serve for one year or until he/she is re-elected or his/her successor is elected and qualified;
 - 2. Appoint a secretary, who may be a City employee designated for this purpose by the City Manager.
 - 3. Adopt rules of procedure in accordance with the laws of the State of South Carolina; and the Code of Ordinances of the City of Walterboro.
 - 4. Keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact;
 - 5. Keep records of its examinations and other official actions, all of which immediately shall be filed at City Hall and shall be maintained as public record; and
 - 6. The chair or, in the absence of the chair, the vice chair may administer oaths and compel the attendance of witnesses by subpoena.
- B. Meetings of the Commission shall be held monthly if there is business before the Commission. Additional meetings may be held at the call of the chairman and at such other times as the Commission may determine. A quorum, consisting of a majority of the seated members of the Commission, must be present for the conduct of business.
- C. Commission members need to have appropriate knowledge and understanding of historical preservation issues.

10.5.3 Powers & Duties

The Historic Preservation Commission shall promote the purposes and objectives of this Ordinance by exercising the following powers and functions.

10.5.3.1 General

Generally the Historic Preservation Commission may:

- A. Review and recommend to the Planning Commission and City Council the designation of individual historic properties or districts for inclusion in the Historic Overlay through the map amendment procedures outlined in Chapter 14 of this Ordinance;
- B. Review plans and applications, as hereinafter provided, for all exterior modifications visible from the street, to structures and all new construction within the areas regulated by this ordinance;
- C. Review and approve, approve with modifications, or deny approval for such plans and applications to the Commission, in accordance with the prescribed procedures and guidelines;
- D. Any recommended design guidelines to be utilized by the Commission in the fulfillment of their responsibilities must be approved by City Council;
- E. Delegate its decision making authority to City Staff to approve, approve with conditions, or deny, in whole or in part, applications for a Certificate of Appropriateness;
- F. Define the procedures for such delegated authority in its by-laws issuing a Certificate of Appropriateness;
- G. Take steps to encourage or bring about the preservation of Cultural Resources;
- H. As directed by the City Council, review and comment on land use, housing, redevelopment and other types of planning and programs undertaken by any agency of the City, the county or state as they relate to the Cultural Resources of the City;
- I. Recommend to the City Council the purchase of fee or less-than-fee interests in property for purposes of historic preservation;
- J. Accept preservation easements on behalf of the city for the preservation of Cultural Resources, including the interior of privately-owned buildings or structures;
- K. Investigate and report to the City Council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic preservation;
- L. Promote the preservation and historic character of Cultural Resources, Historic Landmarks and buildings or structures in Historic Districts;

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- M. As directed by the City Council, cooperate with local, county, state and federal governments in the pursuit of the objectives of historic preservation;
- N. Identify and report to City Staff any observations of benign neglect of any Cultural Resources, Historic Landmarks and Buildings or Structures in Historic Districts;
- O. Participate in, promote and conduct public information, educational and interpretive programs pertaining to Cultural Resources;
- P. Perform any other functions requested by the City Council; and

10.5.3.2 Historic Resources Inventory

The Historic Preservation Commission shall:

- A. Establish and maintain a list of those Cultural Resources determined by the Commission as being historically significant. The Commission shall also publicize and periodically update this Historic Resources Inventory.
- B. Give notice to the owner of property being considered for inclusion on the Inventory, and if included, mailed notice of the decision shall be provided to said owner. Appeal to the City Council by any party may be filed within 10 days of said notice.

10.5.3.3 Historic Designation

A. Criteria for Designation

The Historic Preservation Commission shall prepare a local inventory of buildings, structures, objects, cultural resources and sites more than fifty (50) years old or of special significance and make recommendations for historic designation to the City Council based on the following criteria:

- 1. A Cultural Resource may be designated a Historic Landmark if it:
 - a. Has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation;
 - b. Is the site of an event significant in history;
 - c. Is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation;
 - d. Exemplifies the cultural, political, economic, social, ethnic, aesthetic, engineering, architectural or historic heritage of the community, state, or nation;
 - e. Individually, or as a collection of resources, embodies distinguishing characteristics of type, style, period, or specimen in architecture or engineering;
 - f. Is the work of an architect/designer or master craftsmen whose work has influenced significantly the development of the community, state, or nation;
 - g. Contains elements of design, detail, materials, or craftsmanship which represents a community;
 - h. Represents an established and familiar visual feature of the neighborhood or community;

- i. Is one of the few remaining examples in the city, region, state or nation possessing distinguishing characteristics of an architectural or historical type or specimen; and
 - j. Has yielded, or may be likely to yield, information important to prehistory or history.
- 2. A group of Cultural Resources may be designated by the City Council upon the recommendation of the Commission as a Historic District if:
 - a. The majority of the properties reflect significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning; or
 - b. The majority of the properties convey a sense of historic or architectural cohesiveness through their design, setting, materials, workmanship or association; or
 - c. The majority of the properties have historic significance and retain a high degree of integrity; or
 - d. The area in general is associated with a historically significant period in the development of the community or is associated with special historical events; or
 - e. The majority of the properties embody distinctive characteristics of a style, type, period or method of construction, or are a valuable example of the use of indigenous materials or craftsmanship; or
 - f. The majority of the properties represent the works of notable builders, designers, or architects.

B. Designation Nomination

- 1. A Historic Landmark or Historic District may be nominated by the City Council, the Historic Preservation Commission, the Planning Commission, the owner of the building (s) or structure (s) to be designated or by an established community-based organization whose purpose is to promote historic preservation.
 - a. Any Nomination for a Historic Landmark or a Historic District must initially be brought before the Historic Preservation Commission.
 - b. The Historic Preservation Commission will present the findings to the Planning Commission and City Council regarding the designation of individual historic properties or districts for inclusion in the Historic Overlay through the map amendment procedures outlined in Chapter 14 of this Ordinance;
- 2. No city permits shall be issued for any reason while a Historic Landmark or Historic District Nomination is pending, except for ordinary maintenance and repair that does not diminish the integrity of the Cultural Resource.

C. Notification

- 1. Notice of the date, time, place and purpose of the hearing before the Commission shall be given in a newspaper of general circulation not less than 10 days nor more than 30 days prior to the date of the hearing.

CHAPTER 10: ADMINISTRATION

2. For a Historic Landmark, a Nomination Notice shall be mailed to the owner(s) of the property being considered and to property owners within a 300 foot radius of the Nominated Resource, not less than 10 days prior to the hearing date.
3. For a Historic District, a Nomination Notice shall be mailed to the owner(s) of property within the potential Historic District, not less than 10 days prior to the hearing date.

D. Designation Hearing

The Commission shall hold a public hearing to discuss the matter. If the Commission votes in support of a Historic Landmark or Historic District designation at the hearing, it shall forward a recommendation to the City Council for the designation of the Nominated Resource(s) as a Historic Landmark or Historic District based on the criteria set forth in this Section and the facts presented in connection with the application.

E. Designation Resolution

1. A Historic Landmark or Historic District shall be designated by a numbered resolution of the City Council. The Council shall consider the facts and findings submitted in the Commission's recommendation.
2. Each such designating resolution shall include a description of the characteristics of the Historic Landmark or Historic District which justify its designation, a description of the key features that should be preserved, a description of the location and boundaries of the Historic Landmark or Historic District (including assessor parcel numbers) and a map. A list of all Contributing Resources in a Historic District shall be included with the designation resolution.

F. Notice of Action.

1. Staff shall transmit a notice of the resolution to the owner(s) of the designated Cultural Resource.
2. Staff shall also cause a copy of the designating resolution to be recorded in the office of the Register of Deeds.
3. Notice of the designation shall also be transmitted to the departments of Planning and Codes, Public Safety, Public Works, the assessor and the recorder of Colleton County, and any other interested departments and governmental and civic agencies.
4. Each city department and division shall incorporate the notice of designation into its records, so that future decisions regarding or affecting any Historic Landmark or Historic District will have been made with the knowledge of the designation, and in accordance with the procedures set forth in this Section.
5. The Planning Department shall be responsible for keeping records of all Historic Landmark and Historic District designations.

G. Repeal or Amendment of Designation.

The City Council, after recommendation of the Commission, shall consider a repeal or amendment of a previously approved Historic Landmark, Historic District or Contributing Resource in a Historic District designation in the same manner provided by this Section for the designation of the Historic Landmark, Historic District or Contributing Resource if it no longer meets the designation criteria.

10.5.3.3 Design Review

- A. Approve, approve with conditions or deny applications for a Certificate of Appropriateness as provided for in Section 11.5.
- B. Prepare and recommend for City Council approval design guidelines for the review of an application for a Certificate of Appropriateness.
- C. Act as an advisory body to the Planning Commission on design review actions that are final with the Planning Commission and do not require a Certificate of Appropriateness, but which involve Historic or Cultural Resources.
- D. Act as an advisory body to the City Council and provide comments on the impacts of proposed work for any proposed project which requires special considerations [pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.]

NOTE: *Section 106 (16 U.S.C. 470f) The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.*

- E. Render advice and guidance, upon the request of the property owner or occupant, on new construction or on the restoration, alteration, decoration, or maintenance of any Cultural Resource.

CHAPTER 10: ADMINISTRATION

Section 10.6 Tree Protection Committee

10.6.1 Membership

- A. City Council shall appoint a Tree Protection Committee comprised of seven (7) city residents from the following fields or areas:
 - 1. landscape design
 - 2. utility company
 - 3. forestry
 - 4. city historic district
 - 5. at large
 - 6. at large
 - 7. at large
- B. Should a city resident not be available to serve under any of the categories, City Council may appoint a non-city resident.
- C. Tree Protection Committee members shall serve two (2) year staggered terms.
- D. The Tree Protection Committee is staffed by the Parks Director.

10.6.2 Powers & Duties

The Tree Protection Committee shall have the following duties:

- A. Advise the city on needed revisions to Section 6.3 regarding tree protection;
- B. Review and recommend disposition of permit requests not specifically authorized under Section 6.3; and
- C. Review permit requests and advise City Council on appeals filed pursuant to Section 6.3.

Section 10.7 City Council

- A. The City Council shall hold the following powers and duties related to this Ordinance:
 - 1. To review, hold public hearings, and make decisions for Text Amendments and Map Amendments to this Ordinance and the Official Zoning Map upon recommendation by the Planning Commission in accordance with Chapter 14; and
 - 2. To make decisions on any amendments to the Comprehensive Plan, and other land use plans which may be adopted from time to time.
- B. The duties of the City Council in connection with this Ordinance shall not include the hearing and passing upon of disputed questions that may arise in connection with the enforcement thereof, but the procedure for determining such questions shall be as prescribed in this Ordinance. Such matters are to be reviewed by the Board of Zoning Appeals as per Section 10.3.3(A).

Section 10.8 Violations & Penalties

- A. Any person violating any provision of this Ordinance shall be subject to penalties as set forth in Section 1-7 of the City Code of Waltherboro.
- B. If the Administrator shall find that any of the provisions of this Ordinance are being violated, (s)he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrator shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; and discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
- C. Any person may file a written complaint whenever a violation of this Ordinance occurs or is alleged to have occurred. Such complaint, stating fully the causes and basis thereof, shall be filed with the Administrator. The Administrator shall properly record such complaint, immediately investigate, and take action as provided by this Ordinance.
- D. The Administrator shall deny a Certificate of Zoning Compliance for any use or work that fails to comply with this Ordinance. The Administrator and/or any other appropriate City official shall withhold all other City permits for work that violates this Ordinance.
- E. The Administrator is authorized to issue a stop work order requiring work to cease until specified code violations are corrected. Failure to comply with a stop work order of the Administrator is a misdemeanor punishable under the general penalty provisions of City code.
- F. Nothing contained in this Section shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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

11.1.3 Fees

- A. The City of Waltherboro shall maintain a fee system to help defray administrative costs and the expenses of legal notices and hearings.
- B. No permit or approval shall be issued until fees have been paid in full, nor shall any action be taken on proceedings before the Planning Commission, Historic Preservation Commission, Tree Protection Committee, or Board of Zoning Appeals until applicable fees have been paid in full.

Section 11.2 Certificates of Zoning Compliance

11.2.1 General Provisions

- A. No land shall be developed or building or other structure erected, constructed, moved, added to, or structurally altered without a Certificate of Zoning Compliance issued by the Codes Enforcement Officer. A Certificate of Zoning Compliance is required in advance of the following:
 - 1. The issuance of a building permit.
 - 2. Grading or filling a lot.
 - 3. Changing the use of any part of a structure or lot, including the increase of the number of dwelling units on a lot.
 - 4. Extension of utilities to a given site.
 - 5. Constructing, erecting, moving, adding to, or structurally altering a sign that is required to have Certificate of Zoning Compliance in accordance with Chapter 5.
- B. Notwithstanding any other provisions of this Ordinance, no Certificate of Zoning Compliance is necessary for the following uses:
 - 1. Street construction or repair
 - 2. Electric power, telephone, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way
 - 3. Specific signs exempted in Chapter 5 of this Ordinance.
 - 4. Mailboxes, newspaper boxes, birdhouses, flag poles, pump covers, doghouses, satellite dishes and similar structures as determined by the Administrator.
 - 5. Interior alterations and renovations which do not alter the footprint, elevation, height, or use of an otherwise conforming use and/or structure.
- C. No Certificate of Zoning Compliance shall be issued by the Administrator unless that activity, structure, or sign is in conformity with the provisions of this Ordinance, or until Variance approval is granted from the Board of Zoning Appeals as provided for in Section 10.3.3.
- D. If the work described in any Certificate of Zoning Compliance has not begun within six (6) months from the date of issuance thereof, the certificate shall expire and be cancelled by the Administrator. Written notice thereof shall be given to the persons affected.

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

- E. Certificates of Zoning Compliance are issued under this Ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any certificate issued, and all development shall occur strictly in accordance with such approved plans, applications, and conditions or requirements lawfully imposed by the permit-issuing authority.

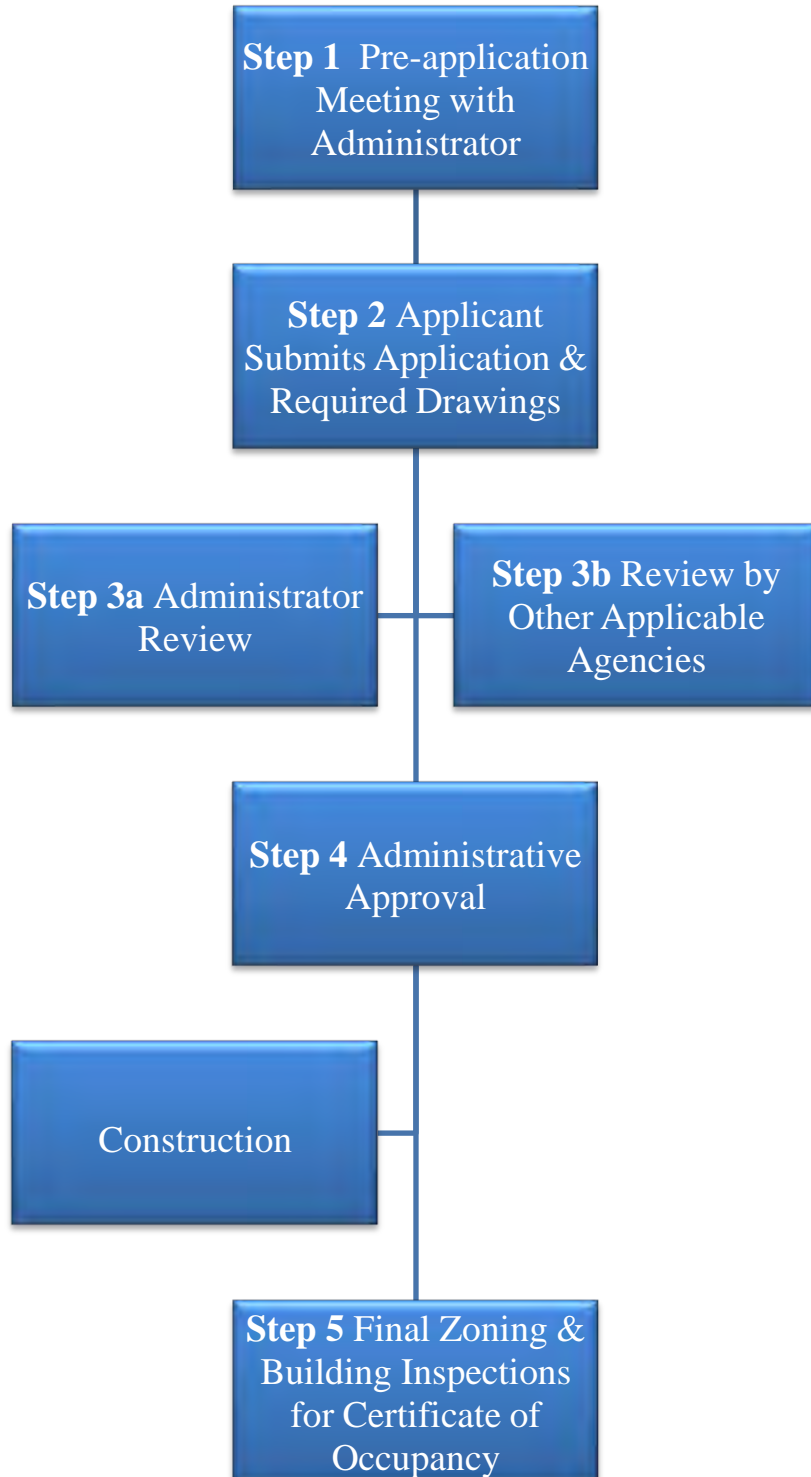
11.2.2 Application Procedures & Approval Process

- A. Applications for Certificate of Zoning Compliance will be accepted only from persons having the legal authority to take action in accordance with the certificate. 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 Certificates of Zoning Compliance must be complete before the Administrator is required to consider the application. An application is complete when it contains all the information necessary for the Administrator to determine whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance.
- C. A completed application form for a Certificate of Zoning Compliance 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. For single-family and two-family residential structures, a Plot Plan with the following information shall be submitted to the Administrator with the Certificate of Zoning Compliance application and fee:
 - 1. The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
 - 2. The location of said lot with respect to adjacent rights-of-way;
 - 3. The shape, dimensions, and location of all buildings, existing and proposed, on said lot;
 - 4. The nature of the proposed use of the building or land, including the extent and location of the use, on said lot;
 - 5. The location and dimensions of off-street parking and driveways;
 - 6. The proposed impervious area including all buildings, driveways, sidewalks, and patios;
 - 7. Building elevations of the front façade in accordance with Section 12.5; and
 - 8. Any other information which the Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.
 - 9. Tree survey in accordance with the requirements of Section 6.3
- E. For all other developments requiring a Certificate of Zoning Compliance, a Site Plan shall be submitted in accordance with Section 12.4 and follow the approval process outlined below. Any development project requiring a Special Exception, shall follow the approval process

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

outlined in Section 11.3 prior to issuance of a Certificate of Zoning Compliance by the Administrator.

CERTIFICATE OF ZONING COMPLIANCE (WITH SITE PLAN) APPROVAL PROCESS



CHAPTER 11: REVIEW & APPROVAL PROCEDURES

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

- 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 recommended.
- B. Before submitting a Certificate of Zoning Compliance application and Site Plan, the developer may 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 development plan requirements of Section 12.4 and other required materials.

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

- A. The Administrator and other applicable agencies shall review the Site Plan in accordance with the requirements of this Ordinance and any other applicable requirements.
- 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. Administrative Approval

If a Site Plan is found to meet all of the applicable regulations of this Ordinance, then the Administrator shall issue a Certificate of Zoning Compliance. The developer may then obtain a building permit and begin construction.

Step 5. Final Building & Zoning Inspections for Certificate of Occupancy

Prior the issuance of a Certificate of Occupancy by the building inspector, the Administrator or his designee shall conduct a final zoning inspection to ensure that the

approved plan has been followed and all required improvements have been installed to City standards.

11.2.3 Certificate of Occupancy

- A. It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or parts thereof, created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy has been issued.
- B. A temporary certificate of occupancy, valid for a period not exceeding six (6) months, may be issued during the alteration or repair of any building which shall allow partial occupancy of a building provided that conditions and safeguards are provided that will protect the safety of the occupants and the public.

11.2.4 Right of Appeal

If a Certificate of Zoning Compliance is denied, then the applicant may appeal the action of the Administrator to the Board of Zoning Appeals in accordance with Section 10.3.3. Such appeal shall be made within 30 days of such permit denial.

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

Section 11.3 Variances/Special Exceptions

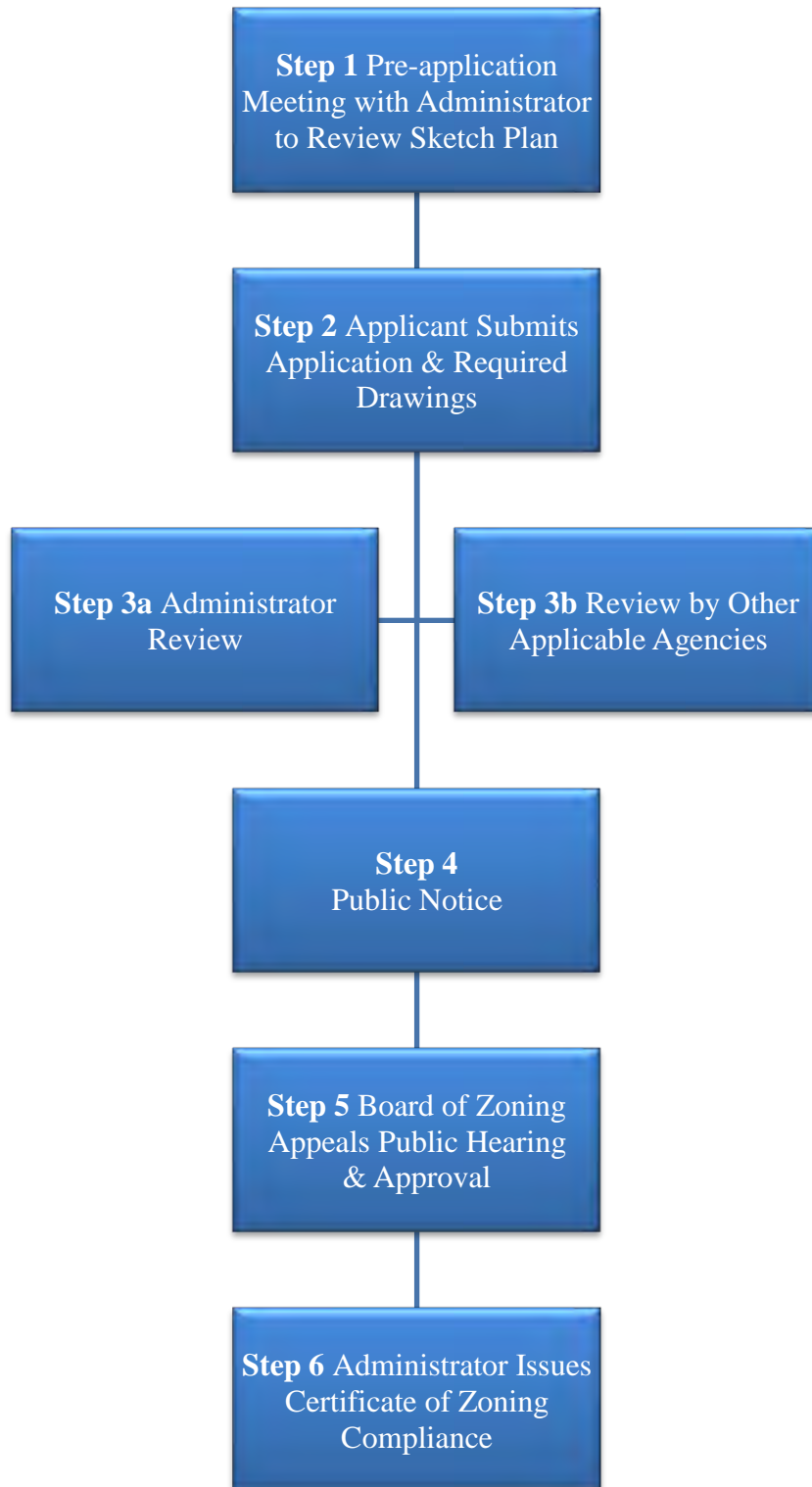
11.3.1 General Provisions

- 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:

SPECIAL EXCEPTION APPROVAL PROCESS



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.

- 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.

Section 11.4 Design Waivers

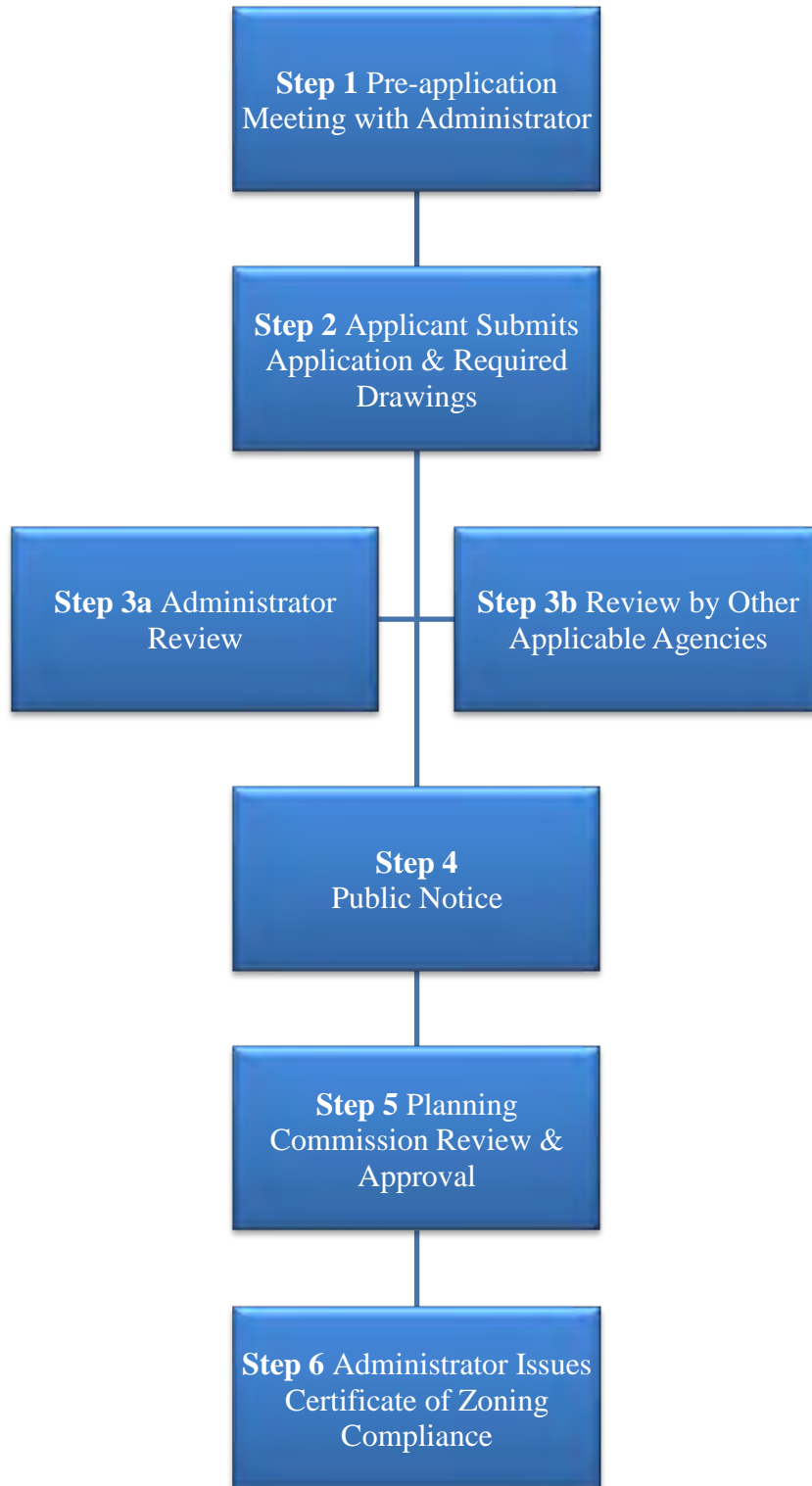
11.4.1 General Provisions

- A. The Administrator may request that the Planning Commission evaluate alternate design plans, building materials, or construction techniques that do not meet the building design requirements of Chapter 4.
- B. The Planning Commission shall evaluate the design and issue a Design Waiver if unreasonable or impractical situations would result from the application of the building design standards of Chapter 4. Such situations may result from unique site conditions, innovative design applications, and/or unified development design.
- C. This process shall not apply to any property located in a Historic Preservation Overlay. Such properties shall be subject to the Certificate of Appropriateness process outlined in Section 11.5.

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

11.4.2 Approval Process

DESIGN WAIVER APPROVAL PROCESS



CHAPTER 11: REVIEW & APPROVAL PROCEDURES

Step 1. Pre-Application Meeting with Administrator

- A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the Administrator concerning the application of this Ordinance to the proposed development is required.
- B. The Administrator shall review the building design drawings for general compliance with the requirements of this Ordinance. The Administrator shall advise the applicant or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.

Step 2. Applicant Submits Application & Required Drawings

The applicant shall submit the applicable application, fee, and building elevations that meet the requirements of Section 12.5 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 application and drawings in accordance with the requirements of this Ordinance and any other applicable requirements.
- 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 Planning Commission meetings shall be given in accordance with SC Code Section 30-4-10, et seq.

Step 5. Planning Commission Review & Approval

- A. The Planning Commission shall approve, approve with conditions, or deny the request following the review. In granting a Design Waiver, the Planning Commission shall make written findings that the applicable regulations of the district in which it is located are fulfilled, and that design waiver is granted due to unreasonable or impractical situations would result from the application of the building design standards of Chapter 4 and that such situations result from unique site conditions, innovative design applications, and/or unified development design.
- B. The Administrator shall notify the applicant or his/her authorized agent in writing of the decision of the Planning Commission within five (5) working days of the decision.

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

Step 6. Administrator Issues Certificate of Zoning Compliance

Following approval of a Design Waiver, 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.

11.4.3 Appeal

- A. In accordance with Sections 6-29-900 et seq., S.C. Code of Laws, any person having a substantial interest in a decision of the Commission may appeal to the Circuit Court for Colleton County, by filing with the Clerk of Court a written petition setting forth plainly, fully and distinctly why the decision is contrary to law.
- B. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the Commission's decision.

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 (HP-O).

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.

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- B. The Administrator and Commission shall also use the Secretary of Interior's Standards for Rehabilitation as guidelines in making its decisions. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application. The Secretary's Standards for Rehabilitation are:
1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

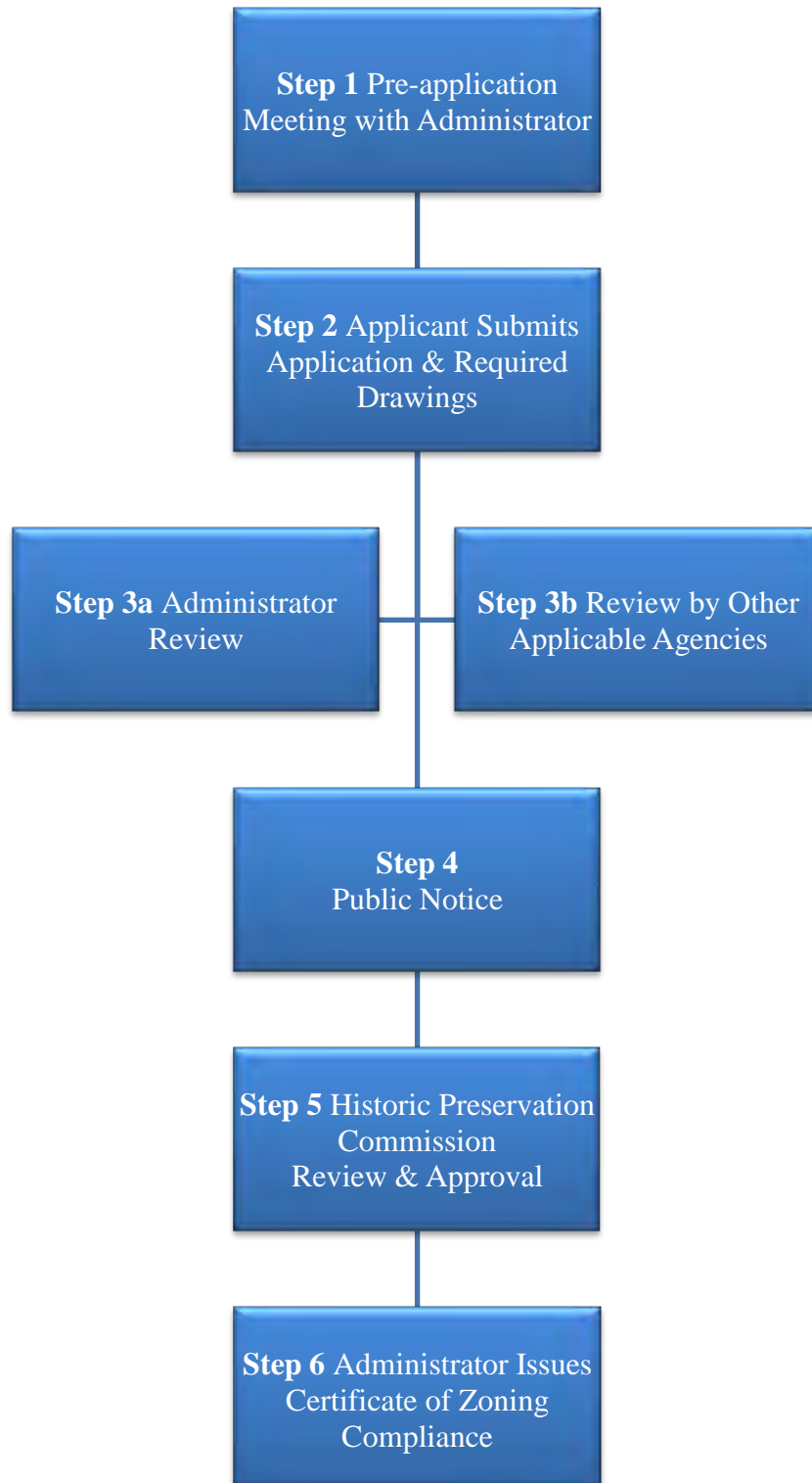
11.5.4 Application Procedures & Approval Process

- A. The property owner or a representative requesting approval for demolition, new construction, exterior alteration, rehabilitation, renovation, restoration, exterior painting, or any addition to properties in the HP-O shall submit an application requesting the issuance of a Certificate of Appropriateness.
- B. The application shall be submitted on a form provided by the City together with such supporting materials as required herein and submitted to the Administrator.

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

- C. Prior to beginning any project, applicants should review the applicable adopted Design Guidelines for properties located in the HP-O.
- D. Completed applications shall be submitted to the Administrator seven (7) or more days prior to the regularly scheduled monthly meeting of the Historic Preservation Commission in order for the item to be placed on the agenda for review. Incomplete applications will be returned.
- E. Applications must identify the applicable design standard(s) and show that the proposed action complies with such standard(s). Drawings are required for exterior alterations to existing structures and for all new construction. Plans and exterior elevations shall be drawn to scale, with sufficient detail to show, insofar as they relate to exterior appearance, the architectural design; proposed materials, textures and paint determined to be historically accurate and that do not detract from the district. Plan or site layout, including all improvements such as walls, fences, walks, carports, terraces, plantings, accessory buildings, signs, handicapped ramps, steps, stairs and lights. Drawings shall be signed by the architect or draftsman, and submitted in multiple copies as directed by designated City officials. Material samples may be requested to be provided by Historic Preservation Commission at its discretion.

CERTIFICATE OF APPROPRIATENESS APPROVAL PROCESS



Step 1. Pre-Application Meeting with Administrator

- A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the Administrator concerning the application of this Ordinance to the proposed work is required.
- B. The Administrator shall review the proposed plans for general compliance with the requirements of this Ordinance and adopted Design Guidelines. The Administrator shall advise the applicant or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.

Step 2. Applicant Submits Application & Required Drawings

The applicant shall submit the applicable application, fee, drawings, 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 drawings in accordance with the requirements of this Ordinance and any other applicable requirements.
- 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: SC State Historic Preservation Office, 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 Historic Preservation Commission meetings shall be given in accordance with SC Code Section 30-4-10, et seq.

Step 5. Historic Preservation Commission Review & Approval

- A. The Commission shall review each plan and application for the demolition, new construction, exterior alteration, modification or addition to any property, for compliance with the requirements and standards established in this Ordinance.
- B. The Commission shall review an application and decide whether the proposed action complies with the intent of this Ordinance and the adopted Design Guidelines.
- C. The applicant shall have the right to be heard before the Commission and make such presentation as he/she deems appropriate to explain the application and answer questions posed by the Commission members.

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- D. The Commission may request the submission of additional or clarifying information and materials, and may postpone action on an application to a special meeting or the next regularly scheduled monthly meeting to consider this input.
- E. The Commission may postpone action on an application to a special meeting or the next regularly scheduled monthly meeting in order to provide notice to affected property owners, or call a public meeting or public hearing on the application. The Commission shall take action on an application no later than the second regularly scheduled monthly meeting following the time submission of the application, unless the applicant agrees to the postponement of action; provided, however, that the time limits for demolition shall be as stated herein below. If the Commission fails to act with this time period, the application shall be considered approved.
- F. In acting upon the application the Commission shall:
 - 1. Either issue a Certificate of Appropriateness, including such conditions as it deems appropriate in conformance with the standards herein, or
 - 2. Deny the application.
- G. Actions shall be taken by majority vote of those Commission members in attendance.
- H. The Certificate shall be signed by the Chair of the Commission, the applicant, another commissioner, and a representative of the City's Planning Department. The completed original of the signed Certificate shall be delivered to the City's Planning Department.
- I. Denials shall include a statement in the record of the reason(s) therefore, and the Administrator shall so inform the applicant in writing.

Step 6. Administrator Issues Certificate of Zoning Compliance

Following approval of a Certificate of Appropriateness by the Historic Preservation Commission, 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.

11.5.5 Certificate of Appropriateness Expiration

- A. A Certificate of Appropriateness shall become void unless construction is commenced within one (1) year of date of issue.
- B. Furthermore, such Certificates will expire if the work is not completed within two (2) years of the date of issuance.

11.5.6 Withdrawal, Revision, Submission of a New Application

- A. An applicant may withdraw and re-submit his/her application at any time during the review process.

- B. An applicant may request postponement of review and revise his/her application at any time during the review process; revisions must be submitted within seven (7) days of the Commission's regularly scheduled monthly meeting to be placed on the agenda; however, the Commission may waive this requirement, or may schedule a special meeting to act on a revised application.
- C. If an application is denied by the Commission, a new application may be submitted at any time if there is a substantial change in the plans for the proposed work; however, if no substantial change is made, a new application may not be filed for a period of six (6) months following the Commission's denial.

11.5.7 Exceptions & Exemptions to Specific Standards

- A. The City recognizes that from time to time, these standards of the Historic Preservation Overlay may present difficulties to property owners who wish, to repair, use or adaptively reuse structures within the HP-O which could cause a substantial hardship. Accordingly, the Historic Preservation Commission may, but is not required to, grant an exception to adopted Design Guidelines if it expressly finds:
 - 1. The proposed action will maintain the overall appearance of period authenticity; and
 - 2. New, replacement or repaired features will be consistent with the architectural features of the structure; and
 - 3. The proposed action will not adversely affect other structures in the vicinity, or diminish the character of a Historic District.
- B. In reviewing a request for an exception, the Commission may require the property owner to provide materials and documents regarding the condition of the structure, available alternatives to the proposed action, costs and financing options.
- C. A property owner may apply to the Historic Preservation Commission for a substantial hardship exemption caused by unusual and compelling circumstances, based on one or more of the following:
 - 1. The property cannot reasonably be maintained in the manner dictated by the Ordinance or Design Guidelines.
 - 2. There are no other reasonable means of saving the property from deterioration or collapse.
 - 3. The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.
- D. The owner may be required to submit documentation to show that the Design Guidelines cannot be complied with and earn a reasonable rate of return on the investment in the property. Information required may include:
 - 1. Costs of the proposed development with and without modification needed to comply with the design guidelines as determined by the Commission.
 - 2. Structural report and/or a feasibility report.

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3. Market value of the property in its present condition and after completion of the proposed project.
 4. Cost of the property, date purchased, relationship, if any, between seller and buyer, terms of financing.
 5. Annual gross income from the property with operating and maintenance expenses, depreciation, and annual cash flow before and after debt service for the past two years.
 6. Any other information considered necessary by the Commission to determine whether or not the property may yield a reasonable return.
- E. All exceptions or exemptions must be specified in a written attachment to the Certificate of Appropriateness.

11.5.8 Demolition

- A. No Certificate of Appropriateness that proposes removal or demolition of a building or structure in the Historic Preservation Overlay shall be issued unless findings are made on each of the following factors:
1. The architectural significance of the building or structure;
 2. The historical significance of the building or structure;
 3. The structural integrity of the building or structure;
 4. The location of the building or structure within or in close proximity to a contributing structure.
 5. The economic feasibility of rehabilitating the building or structure including the economic return on the property after rehabilitation has been complete;
 6. The applicant's plans for the property if the Certificate of Appropriateness is approved; and
 7. Any other factors which further the purposes and objectives of this ordinance.
- B. If a building is declared unsafe and an immediate danger to the safety of the public by the Building Inspector, the building may be demolished without evaluation of the above factors.

11.5.9 Appeal

- A. In accordance with Sections 6-29-900 et seq., S.C. Code of Laws, any person having a substantial interest in a decision of the Commission may appeal to the Circuit Court for Colleton County, by filing with the Clerk of Court a written petition setting forth plainly, fully and distinctly why the decision is contrary to law.
- B. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the Commission's decision.

Section 11.6 Tree Permits

11.6.1 General Provisions

Tree Permits shall be reviewed as follows in accordance with the requirements of Section 6.3.

11.6.2 Minor Tree Permits

Tree Permits may be issued by the Administrator without consultation of the Tree Protection Committee to a tree owner or his agent when one or more of the following conditions exist:

- A. Tree(s) is/are dead.
- B. Tree(s) pose(s) an imminent safety hazard to nearby buildings, persons, utility lines or vehicular traffic.
- C. Trees are located in the footprint of a proposed building or drive which cannot be reasonably relocated.
- D. Trees are being cut as a commercial timber operation; provided a 25-foot wide perimeter buffer of all existing trees is maintained in an undisturbed manner. All proposed commercial timber operations and all requests for tree removal permits for trees located in a Historic Preservation Overlay, with the exception of Subsections A and B, must be reviewed by the Tree Protection Committee. The Tree Protection Committee may apply restrictions to safeguard the integrity of the historic districts.
- E. Trees grown specifically for sale by commercial nurseries are exempt from the provisions of this Section with respect to their removal from the commercial site upon which they are grown.
- F. Protected trees required to be removed to carry out a permitted wetland alteration and/or mitigation plan approved by the Army Corps of Engineers or SC Office of Coastal Resource Management are exempt from the provisions of this Section.
- G. The topping or removal of trees which violate the provisions of Airport Overlay.
- H. Removal because of density or interference with the development of other trees.
- I. Removal of pine trees, unless permit is for multiple trees in which removal would constitute clear-cutting.
- J. Trees identified by the *South Carolina Exotic Pest Plant Council Non-Native Plant Species List*.

11.6.3 Major Tree Permits

- A. All Tree Permit applications for lot clearing and/or removal of multiple trees, for the development or redevelopment of property, except individual single family homes and single unit duplex construction projects, shall be accompanied by a tree survey, tree removal plan, and mitigation plan in accordance with Section 12.6. Surveys for non-residential and multi-

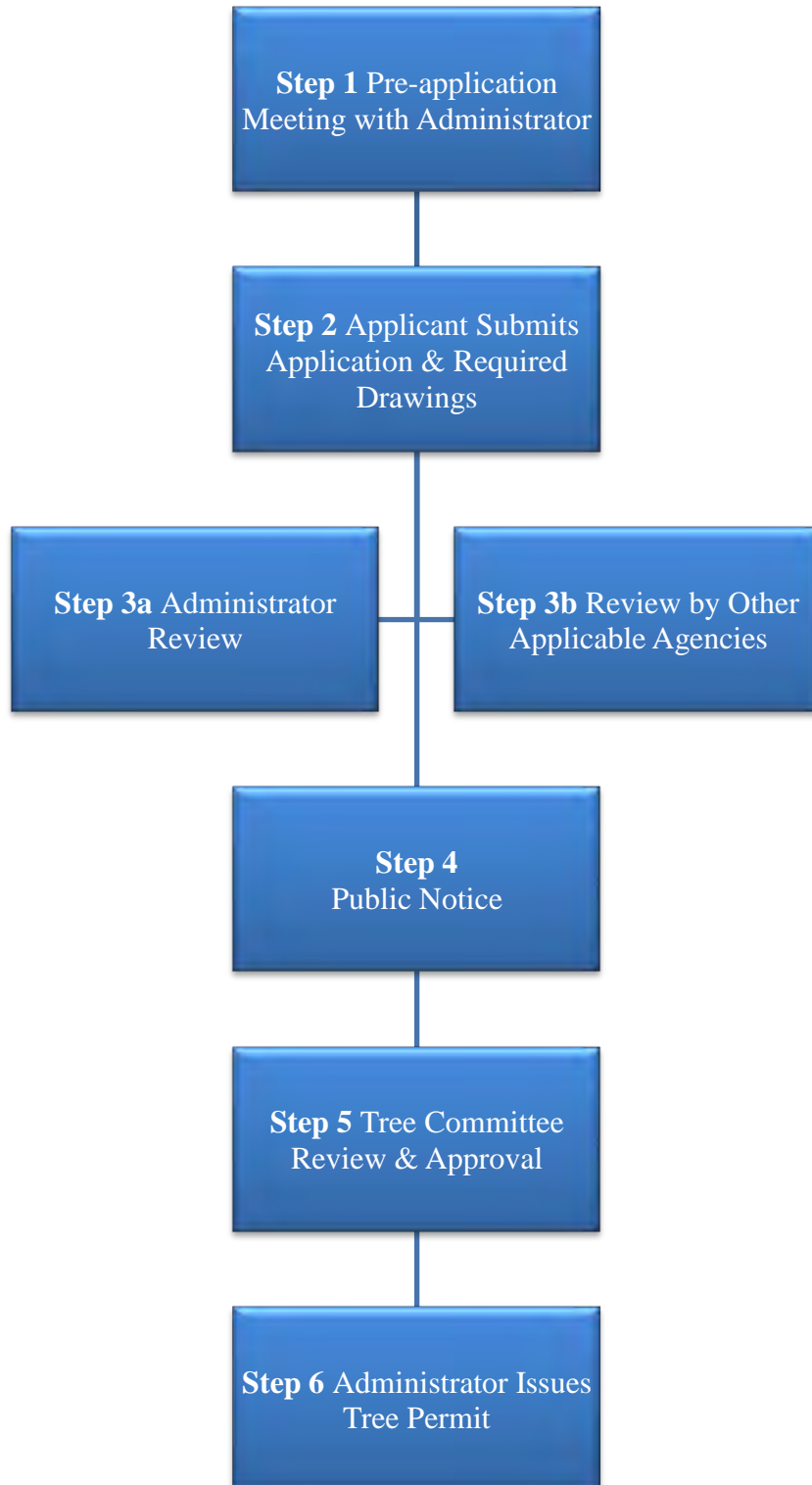
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family residential development shall be prepared by a SC licensed landscape architect, surveyor or civil engineer.

- A. For individual single-family homes and single unit duplex construction projects, a reasonably accurate survey showing the location, size and species (common name) of any protected trees proposed to be removed must be shown. This survey need not be prepared by a licensed professional.
- B. All Major Tree Permits shall be reviewed as follows:

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MAJOR TREE PERMIT APPROVAL PROCESS



CHAPTER 11: REVIEW & APPROVAL PROCEDURES

Step 1. Pre-Application Meeting with Administrator

- C. To minimize planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the Administrator concerning the application of this Ordinance to the proposed removal of trees is required.
- D. The Administrator shall review a draft tree removal plan for general compliance with the requirements of this Ordinance. The Administrator shall advise the applicant or his authorized agent of the regulations pertaining to the proposed development and the procedures to be followed.

Step 2. Applicant Submits Application & Required Drawings

The applicant shall submit the applicable application, fee, and a Tree Survey, Removal, & Mitigation Plan that meets the requirements of Section 12.6 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 application and drawings in accordance with the requirements of this Ordinance and any other applicable requirements.
- 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 Tree Protection Committee meetings shall be given in accordance with SC Code Section 30-4-10, et seq.

Step 5. Tree Protection Committee Review & Approval

- A. The Tree Protection Committee shall approve, approve with conditions, or deny the request following the review.
- B. The Administrator shall notify the applicant or his/her authorized agent in writing of the decision of the Tree Protection Committee within five (5) working days of the decision.

Step 6. Administrator Issues Tree Permit

Following approval by the Tree Protection Committee, the Administrator shall issue the Tree Permit. All additional conditions or requirements shall be entered on the Tree Permit. All additional conditions or requirements are enforceable in the same manner and to the same extent as any other applicable requirement of this Ordinance.

11.6.4 Appeal

Any person aggrieved or affected by an Administrator decision pursuant to this Section may appeal the decision to Tree Protection Committee. Any person aggrieved or affected by a Tree Protection Committee decision pursuant to this Section may appeal the decision to City Council. All requests for appeal shall be filed with the City Manager within 30 days of notification of denial of the permit request.

Section 11.6 Subdivisions

11.6.1 Subdivisions Defined

- A. All plats and proposed subdivisions shall be reviewed by the Administrator for initial determination as to whether the proposed subdivision is to be classified as a subdivision or is exempt from subdivision requirements.
- B. If the Administrator determines that a division of land does not meet the definition of a subdivision as set forth by SC Code 6-29-1110(2) (see Appendix A Definitions), then the division shall be considered a subdivision exemption and shall not be subject to the development review process. The Administrator shall ensure that resultant lots comply with the dimensional, frontage, and access requirements of the zoning district in which the property is located. If the Administrator determines that the proposed division is exempt from the subdivision provisions of this Ordinance, the plat shall be endorsed with the following certificate, signed and dated by all record property owner(s) with direct interest in the property, and the Administrator:

Certificate of “No Approval Required”

This division of land does not meet the definition of a subdivision as set forth by SC Code Section 6-29-1110 (2) and is not subject to the subdivision standards or development review process of the City of Walterboro. The minimum lot requirements for the subject zoning district have been met.

Walterboro UDO Administrator

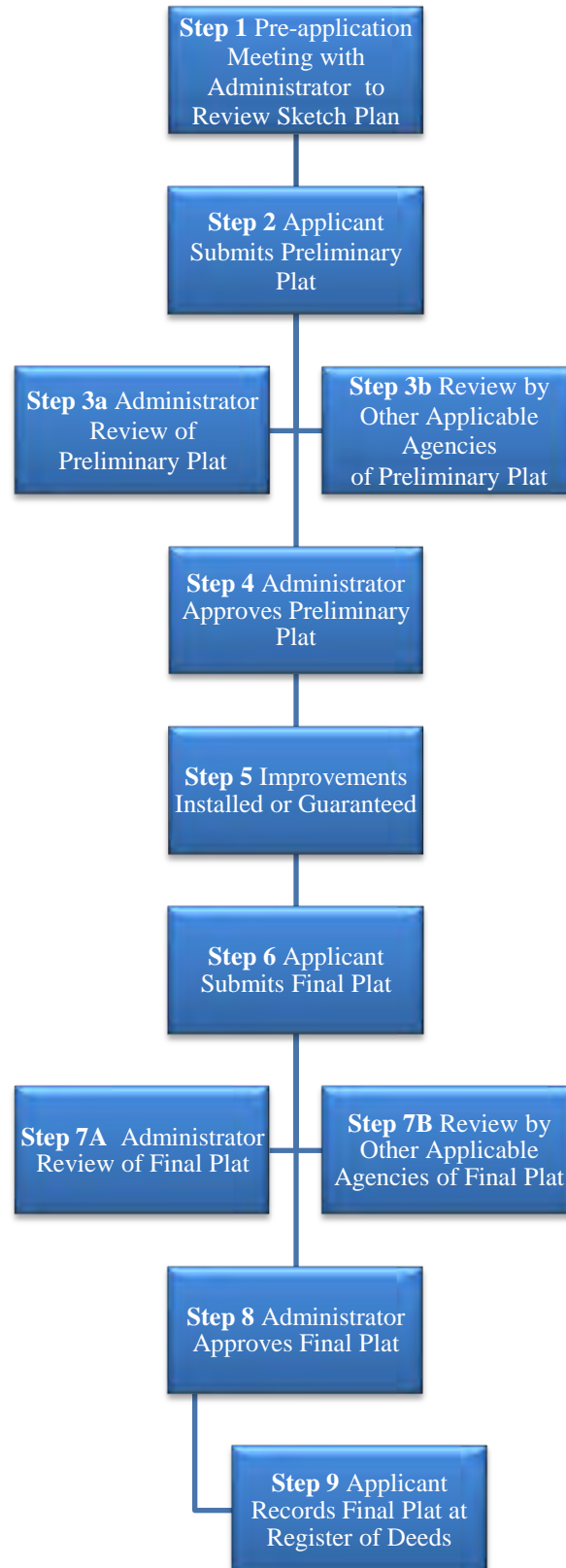
Date

11.6.2 Approval Process

All Subdivisions shall be approved in accordance with the Section. If a subdivision involves the creation of less than five lots and does not involve the construction or dedication of street right-of-way or extension of utilities, then Steps 2 through 5 may be skipped for an abbreviated approval process.

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SUBDIVISION APPROVAL PROCESS (INCLUDES CONSERVATION DEVELOPMENTS)



CHAPTER 11: REVIEW & APPROVAL PROCEDURES

Step 1. Pre-Application Meeting with Administrator

- A. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the Administrator concerning the application of this Ordinance to the proposed development is required.
- B. Before submitting an application authorizing a development that consists of or contains a Subdivision, 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 Preliminary Plat

The applicant shall submit to the Administrator a completed application form, a complete Preliminary Plat in accordance with Section 12.7, and a filing fee as established by the City Council.

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

- A. The Administrator and other applicable agencies shall review the Preliminary Plat in accordance with the requirements of this Ordinance and any other applicable requirements.
- 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. Administrator Approves Preliminary Plat

After all comments have been addressed by the applicant, so that all requirements of this Ordinance and other applicable local, state, and federal requirements have been met, the Administrator shall approve the Preliminary Plat.

Step 5. Improvements Installed and Inspected or Guaranteed

- A. The applicant shall proceed with the installation of improvements as shown on the

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

Preliminary Plat and in accordance with Chapter 9 infrastructure requirements.

- B. Approval of the Final Plat shall be subject to the developer having installed the required improvements or having guaranteed, to the satisfaction of the City, the installation of said improvements. The City's Engineer shall inspect the improvements to ensure compliance with City standards prior to approval of the Final Plat. Underground utilities shall be inspected by the City's consulting engineer before they are covered.
- C. Where the required improvements have not been completed prior to the submission of the Final Plat, the approval of said plat shall be subject to the developer guaranteeing the installation of the improvements with a Letter of Credit and Agreement including a detailed listing and estimate of cost of all improvements to be installed within a specific development such as roads and utilities. This listing does not include existing improvements. When the itemized estimate is approved by the City Manager, the developer presents an irrevocable Letter of Credit for the total of improvements plus 25 percent.

Step 6. Applicant Submits Final Plat

- A. The applicant shall submit the applicable application, fee, and the Final Plat that meets the requirements of Section 12.8 and other required materials.
- B. The Final Plat shall constitute only that portion of the approved Preliminary Plat which the developer proposed to develop and record at the time of submission.

Step 7a & b Administrator and Other Applicable Agency Review

- A. The Administrator and other applicable agencies shall review the Final Plat Site Plan in accordance with the requirements of this Ordinance and any other applicable requirements.
- 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, Fire Marshal, Police 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.
- C. The Administrator shall check the Final Plat for conformance with the approved Preliminary Plat, and with the requirements of these regulations. The Administrator shall notify the developer in writing of any non-compliance with these regulations or any deviation from the approved Preliminary Plat.

Step 8. Administrator Approves Final Plat

After all comments have been addressed by the applicant, so that all requirements of this Ordinance and other applicable local, state, and federal requirements have been met, the Administrator shall approve the Final Plat.

Step 9. Applicant Records Final Plat at Register of Deeds

- A. Final plat approval allows the applicant to record the plat with the Register of Deeds and to proceed with the sale or transfer of lots.
- B. The Final Plat shall be properly signed and executed as required for recording by the Register of Deeds of Colleton County. The approved Final Plat must be recorded with the Register of Deeds of Colleton County within 30 days after approval by the Administrator, otherwise approval shall be void.

11.6.3 No Subdivision or Improvements Without Plat Approval

- A. No subdivision plat or phase thereof shall be accepted for filing by the Office of the Colleton County Register of Deeds without the approval of the Administrator affixed to the plat.
- B. No grading or physical improvements to land to be subdivided may be commenced except in accordance with and pursuant to the approved Preliminary Plat.
- C. No Certificate of Zoning Compliance shall be issued by the City of Walterboro and no building permit shall be issued for the construction of any building on any lot within a proposed subdivision until a Final Plat of said subdivision has been approved in a manner as prescribed by this Ordinance and recorded at the Colleton County Register of Deeds Office.

11.6.4 Preliminary Plat Validity

- A. The applicant shall submit an amended application for review as an original application if he/she proposes to substantially amend or modify his/her application after the Administrator has approved the Preliminary Plat. This shall not apply to minor changes. A change may be considered a minor change if it does not involve any of the following:
 - 1. any substantive change in a condition of approval;
 - 2. an increase in the number of building lots proposed;
 - 3. any substantial change in the location of, or any decrease in, the amount of open space, buffers, or areas reserved for recreational use;
 - 4. any substantial change in pedestrian and/or vehicular access or circulation including road classification;
 - 5. any change in the provision of services such as water supply and wastewater disposal;
 - 6. any substantial change in the location of utilities or other easements.
- B. The approval of a Preliminary Plat shall be effective for two (2) years from the date of approval by the Administrator. By the end of that time period, the Final Plat shall have been approved by the Administrator. If the Final Plat has not been recorded during that time period, up to five (5) annual extensions may be granted by the City Council upon application in accordance with Section 1.6.

11.6.5 Plat Approval Not Acceptance of Dedication Offers

Approval of a plat does not constitute acceptance by the City of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the City may accept any such offer of dedication by resolution of the City Council.

CHAPTER 11: REVIEW & APPROVAL PROCEDURES

11.6.6 Protection Against Defects

- A. Whenever occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then the performance bond or the surety that is posted shall guarantee that any defects in such improvements or facilities that appear within one (1) year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.
- B. Whenever all public facilities or improvements intended for dedication are installed before occupancy, use, or sale is authorized, then the developer shall post a performance bond or other sufficient surety to guarantee that he/she will correct all defects in such facilities or improvements that occur within one year after the offer of dedication of such facilities or improvements is accepted.
- C. The City's Engineer shall certify to the City that all facilities and improvements to be dedicated to the City have been constructed in accordance with the requirements of this Ordinance. This certification shall be a condition precedent to acceptance by the City of the offer of dedication of such facilities or improvements.
- D. For purposes of this Section, the term "defects" refers to any condition in publicly dedicated facilities or improvements that requires the City to make repairs in such facilities over and above the normal amount of maintenance that they would require. If such defects appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this Ordinance.

11.6.7 Maintenance of Dedicated Areas Until Acceptance

All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

CHAPTER 12:

DEVELOPMENT PLAN REQUIREMENTS

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CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS

Section 12.1 Purpose and Applicability

The purpose of this Chapter is to provide uniform standards for all development plans requiring approval by the City of Waltherboro in accordance with Chapter 11. Every development plan shall include notes and graphics depicting the requirements of all applicable sections of this Ordinance.

Section 12.2 Existing Features Plan

12.2.1 Existing Features Plan Submittal Requirements

Two (2) copies with Sketch Plan

12.2.2 Plan Labeling

Plans analyzing each site's existing features are required for all Subdivisions of greater than five (5) lots and for developments of greater than one (1) acre, as they form the basis of the design process for building locations, lot lines, street alignments, and conservation areas. Detailed requirements for the Existing Features Plan shall include, at the minimum:

- A. Property Boundaries;
- B. Topographical contour lines, a minimum of five (5) foot intervals;
- C. The location of severely constraining elements such as steep slopes (over 20 percent), wetlands, watercourses, perennial streams, intermittent streams and 100-year floodplains, and all rights-of-way and easements; and
- D. The location of significant features such as woodlands, treelines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, streets, tracks and trails.
- E. Tree Survey, Removal, & Mitigation Plan in accordance with Section 12.6.

Section 12.3 Sketch Plans

12.3.1 Sketch Plan Submittal Requirements

- A. Two (2) copies for review by the Administrator
- B. Digital copy in PDF format (if Administrator deems necessary)

12.3.2 Plan Labeling

A Sketch Plan is drawn to illustrate the conceptual layout for building sites, street alignments, and conservation areas, taking into account the special conditions identified in the Existing Features Plan (if required). This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. The applicant shall submit a Sketch Plan drawn at a scale no smaller than 100 feet to one (1) inch, unless the project is so large the Administrator determines a scale of 200 feet to one (1) inch is adequate. The Sketch Plan shall contain the following information:

- A. Name of proposed development
- B. Sketch vicinity map

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

CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS

Section 12.5 Building Elevations

12.5.1 Building Elevation Submittal Requirements

- A. Two (2) copies for review by the Administrator
- B. Seven (7) copies for review by the Planning Commission of Design Waiver requests
- C. Seven (7) copies for review by the Historic Preservation Commission of Certificate of Appropriateness requests
- D. Digital copy in PDF format (if Administrator deems necessary)

12.5.2 Plan Labeling

Building elevations shall include the following:

- A. Front elevations for single-family and two-family residential new construction and additions
- B. All elevations for multi-family residential and non-residential new construction and additions
- C. All elevations for which new construction, addition or exterior alterations are proposed for properties located in the Historic Preservation Overlay.
- D. Dimensions including building height, width, and roof slope
- E. Exterior wall materials
- F. Roof materials
- G. Front façade window dimensions including sill height, window height, window width, and window area (for non-residential buildings)
- H. Any information necessary to determine compliance with the adopted Design Guidelines for properties located in the Historic Preservation Overlay.

Section 12.6 Tree Survey, Removal, & Mitigation Plans

12.6.1 Tree Survey, Removal, & Mitigation Plan Submittal Requirements

- A. Two (2) copies for review by the Administrator
- B. Seven (7) copies for review by the Tree Protection Committee
- C. Digital copy in PDF format (if Administrator deems necessary)

12.6.2 Plan Requirements

- A. The location, diameter at breast height (DBH) and species (common name) of all protected trees at the time of the survey;
- B. A clear designation of all protected trees proposed for removal; and
- C. A mitigation plan showing the location, size and species (common name) to be planted, if required by Section 6.3.

Section 12.7 Preliminary Plats

12.7.1 Preliminary Plat Submittal Requirements

- A. Three (3) full-size paper copies for review by the Administrator and other applicable agencies
- B. Digital copy in PDF format

12.7.2 Preliminary Plat Labeling

- A. Title Block: Subdivision name, subdivider's name, north arrow, scale (denoted graphically and numerically), date of plat preparation, location of subdivision (township, county and state), name and seal of registered land surveyor preparing the plat.
- B. Vicinity Map: A sketch vicinity map showing the location of the subdivision in relation to the surrounding area.
- C. Existing Features Plan as set forth in Section 12.2.
- D. Site Data: Acreage in total tract, smallest lot size, total number of lots, lineal feet of streets
- E. City Limits and Zoning: Indicate both on and adjacent to the land to be subdivided the location of City limits, zoning of property, and location of zoning lines if property is located in more than one zone.
- F. Tract Boundaries: Exact boundaries of the tract or portion thereof to be subdivided, with all bearings and distances accurately shown.
- G. Property Lines: Property lines, tax parcel numbers, owners' names of record of all adjoining properties and/or adjoining subdivision of record which intersect with the perimeter of the tract being subdivided.
- H. Proposed Lot Layout: All proposed lot and street right-of-way lines with approximate dimensions, lot and block numbers, all easements, designation of any dedication or reservations to be made, building setback lines (if applicable), and proposed use of land if other than single family residences.
- I. Street Layout: Proposed streets and alleys, showing pavement widths; rights-of-way; curbing if any; percent of finished grades, street names, and a street profile drawn to the scale of one inch equals 40 feet horizontal, and one inch equals four feet vertical.
- J. Street Maintenance: Statement whether streets are private or are to be taken over by the City of Waltherboro or SCDOT.
- K. Provision of water and wastewater disposal shall be indicated by one of the following methods:
 - 1. Water and Sewer Layout:
 - 2. Location plans for individual water supply and septic system as required by SCDHEC

CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS

- L. Stormwater Drainage Facilities: All subdivisions of greater than five lots shall provide a drainage plan that meets OCRM standards. If required, an approved OCRM Permit from SCDHEC shall be provided.
- M. Driveway Permits: Any driveway permits required and approved by SCDOT.
- N. Other Improvements: Proposed location and description of any other improvements including, but not limited to, school sites, pedestrian or bike ways, reserved open space or recreational facilities (indicate whether public or private), commercial areas, or buffer strips.
- O. Certifications: The following Certifications shall be shown on the Preliminary Plat
- 1. Certificate of Survey and Accuracy**
As required by the *Minimum Standards Manual for the Practice of Land Surveying in South Carolina*.
 - 2. Certificate of Approval for Preliminary Plat**
I hereby certify that the preliminary subdivision plat shown hereon has been found to comply with the Unified Development Ordinance of the City of Walterboro, South Carolina and that this plat is approved.

UDO Administrator

Date

Section 12.8 Final Plats

12.8.1 Final Plat Submittal Requirements

The Final Plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of South Carolina. The Final Plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in the *Minimum Standards Manual for the Practice of Land Surveying in South Carolina*. The Final Plat shall be of a size suitable for recording with the Colleton County Register of Deeds and shall be at a scale of not less than one (1) inch equals 100 feet. Maps may be placed on more than one (1) sheet with appropriate match lines. The following number of copies shall be submitted for review:

- Three (3) copies for review by the Administrator and other applicable agencies
- Two (2) mylar copies for signature
- One (1) copy of recorded plat for file
- Digital copy in PDF format (seal not required)

12.8.2 Final Plat Labeling

- A. Title Block: Subdivision name, north arrow, scale denoted graphically and numerically, date of plat preparation, and township, county and state in which the subdivision is located, and the name(s) of the owner(s) and the registered surveyor responsible for the subdivision (including the seal and registration number of the registered surveyor).

CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS

- B. Tract Boundaries: The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings, and the location of intersecting boundary lines and adjoining lands.
- C. Adjoining Property Owners: The owner names, deed references, and tax parcel numbers of adjoining properties and adjoining subdivisions of record (proposed or under review).
- D. Location of Improvements: All visible and apparent rights-of-way, watercourses, utilities, roadways, and other such improvements shall be accurately located where crossing or forming any boundary line of the property shown.
- E. Engineering Data: Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets.
- F. Monuments: The accurate locations and descriptions of all monument, markers and control points.
- G. Lot and Block Numbers: The blocks numbered consecutively throughout the entire subdivision, and the lots numbered consecutively throughout each block.
- H. Setback Lines: Minimum building setback lines, if applicable.
- I. Streets: Street names, right-of-way lines, and percents grade of all streets and the location and width of all adjacent streets and easements. Designation shall be made as to whether said streets are to be designated as public or private.
- J. Right-of-Way: The location and dimensions of all rights-of-way, utility or other easements, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use with the purpose of each stated.
- K. Flood Information: The location of the floodway and flood fringe boundaries, if applicable.
- L. Open Space: The location of dedicated open space with a note that the land shall not be developed for any purposes other than the designated open space type.
- M. Forms of Final Certifications: The following certificates shall be shown on the original and all copies of the Final Plat.

1. Certificate of Survey and Accuracy

As required by the *Minimum Standards Manual for the Practice of Land Surveying in South Carolina*.

CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS

2. Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plat of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets, school sites, recreation areas, and other public services and facilities as noted on this plat.

Date

Owner

Owner

3. Certification of Approval of the Installation and Construction of Streets, Utilities and Other Required Improvements

I hereby certify (1) that streets, utilities and other required improvements have been installed in an acceptable manner and according to City specifications and standards in the subdivision entitled _____ or, (2) that a guarantee of the installations of the required improvements in an amount and manner satisfactory to the City of Walterboro has been received.

Public Works Director

Date

4. Certificate of Approval for Final Plat

I hereby certify that the final subdivision plat shown hereon has been found to comply with the Unified Development Ordinance of the City of Walterboro, South Carolina and that this plat is approved.

UDO Administrator

Date

CHAPTER 13:

NONCONFORMITIES

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CHAPTER 13: NONCONFORMITIES

Section 13.1 Purpose & Applicability

- A. The purpose of this Chapter is to regulate and limit the continued existence of uses and structures established prior to the effective date of this Ordinance (or any amendment subsequent thereto) that do not conform to this Ordinance.
- B. Many nonconformities may continue, but the provisions of this Chapter are designed to minimize substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming properties in order to preserve the integrity of the area in which it is located and the intent of this Ordinance.
- C. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. In no case, however, shall work costing more than 60 percent of the taxed value of the structure be done, singularly or cumulatively, within any five (5) year period.

Section 13.2 Nonconforming Lots

Where the owner of a lot at the time of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site, provided that the lot requirements are not reduced below the minimum specified in this chapter by more than 20 percent. The use of substandard lots of record is encouraged, but the setbacks must be approved by the Board of Zoning Appeals. Any lot of record existing at the time of the adoption of this Ordinance, which has a lot area which is less than that required by this Ordinance, shall be subject to the following exceptions and modifications:

- A. The maximum lot coverage by buildings on such lot, subject to all other requirements, shall not exceed 60 percent.
- B. When two (2) or more adjoining lots with contiguous frontage are in one (1) ownership and those lots, individually, are smaller in area than required in this Ordinance, then that group of lots shall be considered as a single lot or several lots of minimum permitted area for the district in which they are located. In no case of adjoining lots may more than one (1) combined lot be divided so as to result in lots containing less than the minimum permitted area for the zoning district in which the property is located. If, however, the owner of two (2) or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots he must first combine the lots to comply with the requirements of this Ordinance. Any lot requiring waivers below the 20 percent minimum set forth in this section may be approved by the Board of Zoning Appeals provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

Section 13.3 Nonconforming Uses

- A. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the district in which they are located. However, to avoid undue hardship, the lawful use of any building or land use at the time of the enactment of this Ordinance may be continued even though such use does not conform to the provisions of this Ordinance, except that the nonconforming building, use, or portions thereof, shall not be:
1. Changed to another nonconforming use.
 2. Reused or re-occupied after a discontinuance of use or occupancy for a period of six months or more.
 3. Replaced or re-established with a similar building or use after physical removal or relocation from its site.
 4. Repaired, rebuilt, or altered after damage exceeding 50 percent of its replacement cost at the time of destruction. Reconstruction or repair, when permitted, must begin within six (6) months after damage is incurred.
 5. Enlarged or altered in a manner which increases its nonconformity. A use shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.
 6. Does not violate a regulation of the City of Waltherboro.
- B. Nothing in this Section shall be deemed to prevent strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with public safety.
- C. Nothing herein shall prevent the maintenance, repair and extension of a single-family dwelling that is nonconforming as to use, provided it is done in conformance with the dimensional requirements of the zoning district in which it is located, nor prevent the maintenance, repair, extension, or construction of a residential accessory building or swimming pool, provided done in conformance with the requirements of this Ordinance.

Section 13.4 Nonconforming Structures

This category includes any structure not in conformance with the restrictions of this Ordinance after the effective date of adoption. Such nonconformities shall include, but not be limited to, height, lot coverage, and setback. Such nonconforming structures shall be allowed to remain with the following conditions:

- A. A nonconforming structure may not be enlarged or altered in any dimension that increases the nonconformity except where maintenance and repair are necessary to keep the structure in sound condition.
- B. When any nonconforming structure is removed, it may not be replaced with another nonconforming structure.

CHAPTER 13: NONCONFORMITIES

- C. When any nonconforming structure is damaged, repair must follow the guidelines listed in Section 13.5.
- D. Structural alterations as required by law or ordinance to secure the safety of the structure are permissible.
- E. Conforming uses, except Sexually Oriented Businesses, may be established or re-established in nonconforming buildings or structures provided that off-street parking is provided as required by this Ordinance and provided no other provision of this Ordinance for the establishment of new uses is violated.

Section 13.5 Reconstruction of Damaged Structures

- A. Any nonconforming structure, or any structure containing a nonconforming use, which has been damaged by fire, wind, flood or other causes, shall not be rebuilt, altered or repaired after damage exceeding 50 percent of its market value (as indicated on the most recent tax notice) immediately prior to damage.
- B. Nothing herein shall prevent the reconstruction of a nonconforming single-family dwelling that was destroyed by fire or natural disaster provided such reconstruction conforms to the dimensional requirements of the zoning district in which it is located

Section 13.6 Nonconforming Signs

- A. Signs existing at the time of the enactment of this Ordinance and not conforming to the provisions herein, but which were constructed in compliance with previous regulations and ordinances, shall be regarded as nonconforming signs and subject to the following regulations:
 - 1. Nonconforming signs shall not be structurally enhanced or modified so as to prolong the life of the sign.
 - 2. No changes in the existing nonconforming signs shall be allowed except for those repairs which are necessary to keep the sign in good working order.
 - 3. All nonconforming signs are required to be brought into compliance when there is a change in business use or name, or if the sign becomes damaged to an amount greater than 50 percent of its replacement cost. This does not apply to individual business panel changes on nonconforming multi-tenant signs.
- B. Nonconforming portable and temporary signs that do not conform with the requirements of Chapter 5 shall be removed within 180 days of the effective date of this Ordinance.
- C. Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign in sound condition are permitted. If repair or maintenance of a nonconforming sign results in the removal of the sign frame structure for any length of time, the replaced sign frame structure and any copy placed on it shall be in conformance with this Ordinance.

- D. If a nonconforming sign is blank or advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within 180 days after the use has ceased operation or the service or commodity has ceased being offered. Advertising that the property is for sale or lease does constitute continued use of the sign.

Section 13.7 Nonconforming Landscaping, Buffering, & Screening

- A. Except as herein provided, any expansion of an existing use or structure, parking area, or a significant change of use which is deficient in landscaping and/or buffering, shall not occur without the screening and/or landscaping required by Chapter 7 having first been provided on-site. The CBD district is exempt from this requirement. The requirements of Chapter 7 shall be met to the greatest extent possible as determined by the Administrator.
- B. Nonconforming automobile storage, junk yards, and salvage yards shall provide an opaque screen in accordance with the screening requirements in Section 7.6 for outdoor storage no later than one (1) year after the adoption of this Ordinance.

Section 13.8 Nonconforming Parking and Loading

- A. On any lot in any zoning district, except the CBD district, which contains a use which does not comply with the off-street parking and loading regulations contained in Chapter 8 of this Ordinance, no expansion or any significant change of use shall be approved which would result in a need to increase the number of off-street parking and/or loading spaces required (except as herein provided), until the requisite number of off-street parking spaces and all paving requirements have been met.
- B. A Certificate of Zoning Compliance may be issued when there has been a significant change of use and the number of off-street parking spaces required for the new use (per Chapter 8 of this Ordinance) is within 10 percent or 10 spaces, whichever is less, of the number of off-street parking spaces actually provided. Such relief may be granted on a one-time only basis per lot or planned development.

CHAPTER 14: AMENDMENTS

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CHAPTER 14: AMENDMENTS

Section 14.1 Purpose

The purpose of this Chapter is to set forth procedures for amending the text of this Ordinance and the zoning classification of land as shown on the Official Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in light of changed conditions or changes in public policy. Procedures for making amendments to the Unified Development Ordinance text or Zoning Map are also set forth. These decisions should be made in conformity with the City's Comprehensive Plan.

Section 14.2 Text Amendments

14.2.1 Text Amendment Initiation

Any text amendment may be initiated by the City Council or Planning Commission on its own resolution, by a government agency, or by any other person living or owning property within the City or Walterboro in accordance with the procedures set forth herein.

14.2.2 Text Amendment Applications

- A. An application form and fee, as set by the City Council, shall be submitted by the applicant to the Administrator. The application shall include a description of the proposed change. The application form and fee shall be waived for any amendment request submitted by a City of Walterboro official or agency acting on behalf of the City of Walterboro. Completed applications shall be forwarded by the Administrator to the Planning Commission at their next regularly scheduled meeting.
- B. A text amendment application shall be submitted to the Administrator at least 15 days prior to the Planning Commission's meeting at which the application is to be considered.
- C. The application shall contain a reference to the specific section, subsection, paragraph or item proposed to be changed, as well as the wording of the proposed change, and the reasons therefore.

Section 14.3 Map Amendments

14.3.1 Map Amendment Initiation

- A. Only the City Council, Planning Commission, or property owners of a lot or parcel may request an amendment of the *Official Zoning Map*, also referred to as a rezoning, for that lot or parcel.
- B. For Planned Development District map amendments, only an owner of a legal or equitable interest in the property may initiate the amendment.
- C. Where City limit boundaries are proposed for change by virtue of annexation, the City Council will request study and receive recommendation from the Walterboro Planning

Commission regarding proposed zoning districts for the area to be annexed prior to a referendum for such annexation. No property shall be annexed without a zoning designation.

14.3.2 Map Amendment Applications

- A. An application form and fee shall be submitted by the applicant to the Administrator. The application shall include a description of the proposed change. The application form and fee shall be waived for any amendment request submitted by a City of Waltherboro official or agency acting on behalf of the City of Waltherboro. Completed applications shall be forwarded by the Administrator to the Planning Commission at their next regularly scheduled meeting.
- B. An application for amendment shall be submitted to the Administrator at least 15 days prior to the Planning Commission's meeting at which the application is to be considered.
- C. For all map amendments (rezonings), applications shall contain a statement regarding the consistency of the request with adopted City plans and the surrounding area.
- D. For Planned Development District map amendments, the application shall be accompanied by a description of the use or uses proposed and any conditions being proposed by the applicant. In addition to the application, the applicant shall submit a site- specific plan drawn to meet the requirements of Chapter 12, as applicable.

CHAPTER 14: AMENDMENTS

Section 14.3 Amendment Approval Process

Amendments to the text of this Ordinance or the Official Zoning Map shall follow the approval process outlined below:



Step 1. Pre-Application Meeting with Administrator (optional)

- A. To minimize costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the Administrator concerning the application of this Ordinance to the proposed development is recommended.
- B. The Administrator shall review the amendment request for general compliance with the requirements of this Ordinance and consistency with the Comprehensive Plan. The Administrator shall advise the applicant or his authorized agent of the procedures to be followed.

Step 2. Applicant Submits Application

The applicant shall submit the applicable application, fee, 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 application and drawings in accordance with the requirements of this Ordinance and any other applicable requirements.
- B. Other applicable agencies may provide comments to the Administrator regarding the amendment request. 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, Health Department, Board of Education, Rural Planning Organization, US Army Corps of Engineers, contracted expertise, and other agencies as needed.
- C. The Administrator shall advise the Planning Commission on the consistency of the amendment request with the Comprehensive Plan and the relationship of the request to the rest of the Unified Development Ordinance.

Step 4. Public Notice

Notice of Planning Commission meetings shall be given in accordance with SC Code Section 30-4-10, et seq. If the applicant requesting the map amendment will be permitted to speak at the Planning Commission meeting regarding the request, then letters notifying the adjacent property owners and other interested parties about the request shall be sent at least 10 days prior to the Planning Commission meeting in accordance with SC Code Section 6-29-760 (B).

Step 5. Planning Commission Review & Recommendation

- A. The Planning Commission shall evaluate the proposed amendment on the consistency of the amendment request with the Comprehensive Plan and the relationship of the request to the rest of the Unified Development Ordinance.
- B. The Planning Commission shall make a recommendation to the City Council to:
 - 1. Approve the amendment as presented;

CHAPTER 14: AMENDMENTS

2. Approve the amendment with changes; or
 3. Deny the amendment.
- C. If the Planning Commission fails to make a recommendation within 30 days of the initial review, then the amendment request shall be forwarded to the City Council as a recommendation for approval.

Step 6. Public Notice

Notice of public hearing for amendments shall be given in accordance with SC Code Section 6-29-760(B) as follows:

- A. A notices indicating the time and place of the hearing shall be published in a newspaper of general circulation at least 15 days prior to the hearing.
- B. Notice shall be mailed to the list of groups requesting notice on zoning proceedings.
- C. For map amendments, conspicuous notice shall be posted on or adjacent to the affected property, with one notice visible from each public street bordering the property.

Step 7. City Council First Reading

The City Council shall read the amendment request at a public meeting.

Step 8. City Council Second Reading and Public Hearing

At least six (6) days after the first reading, the City Council shall read the amendment a second time and hold a hearing to accept public comment on the proposed amendment.

Step 9. City Council Votes on Amendment

- A. The City Council shall evaluate the proposed amendment on the consistency of the amendment request with the Comprehensive Plan and the relationship of the request to the rest of the Unified Development Ordinance.
- B. The City Council shall vote to:
 1. Approve the amendment as presented;
 2. Approve the amendment with changes; or
 3. Deny the amendment.

Step 10 Administrator Updates UDO or Official Zoning Map

If the City Council approves the amendment, then the Administrator shall update the UDO or the Official Zoning Map to reflect the approved amendment within five (5) working days of said approval. A written record of the type and date of such change shall be maintained by the Administrator or City Clerk.

Section 14.5 Resubmission of Request

- A. Application for amendment the *Official Zoning Map* shall not be initiated for the same parcel or parcels of property, or any part thereof more often than once every twelve (12) months.
- B. The Administrator may allow re-submission of such petition within said one (1) year period if he determines that, since the date of action on the prior petition:
 - 1. There has been a significant change in the zoning district classification of an adjacent piece of property; or
 - 2. The City Council has amended the Comprehensive Plan or other adopted plan that changes public policy regarding how the property affected by the amendment should be developed;
 - 3. Construction or expansion of a street, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification; or
 - 4. There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.

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APPENDIX A: DEFINITIONS

Section A.1 Purpose

For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined herein.

Section A.2 Interpretation

- A. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- B. Any word denoting gender includes the female and the male.
- C. The word “shall” is always mandatory.
- D. The word “may” is permissive.
- E. The word “lot” includes the words “plot” and “parcel.”
- F. The word “structure” includes the word “building.”
- G. The term “street” shall include the word “road”.
- H. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- I. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- J. The term “Planning Commission” refers to the Waltherboro Planning Commission.
- K. The terms “Council,” “City Council,” or “Mayor and Council” refer to the legally constituted and elected governing body of the city.
- L. The term “Board of Zoning Appeals” refers to the Board of Zoning Appeals of the City.
- M. The term “Zoning Map,” shall mean the Official Zoning Map of the City of Waltherboro.
- N. The term “Administrator” shall mean the Zoning Administrator, Subdivision Administrator, Flood Control Administrator, or Unified Development Ordinance Administrator of the City of Waltherboro.
- O. The terms “Ordinance” and “Unified Development Ordinance” shall be synonymous and refer to the “City of Waltherboro Unified Development Ordinance.”

Section A.3 Acronyms

Below is a list of acronyms (other than zoning districts) and their meanings found throughout the Ordinance:

- BFE: Base Flood Elevation
- DUA: Dwelling Units per Acre
- FEMA: Federal Emergency Management Agency
- FIRM: Flood Insurance Rate Maps
- HOA: Homeowners Association
- OCRM: Ocean and Coastal Resource Management
- SC: South Carolina
- SC DHEC: South Carolina Department of Health and Environmental Control
- SCDOT or DOT: South Carolina Department of Transportation
- ROW: Right-of-way
- UDO: Unified Development Ordinance
- US: United States of America

Section A.4 Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicated a different meaning. Definitions that are specific to certain zoning overlay are denoted in parentheses.

Abandonment

A use shall be deemed to be abandoned when:

- The use is discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature); or
- The premises are devoted to another use; or
- When the characteristic equipment and furnishings of a non-conforming nonresidential use have been removed from the premises and have not been replaced by the same or similar equipment within 180 days; or
- Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise the property for sale or for lease.

Access

The right and or ability of pedestrians and vehicles to enter and leave property.

Accessory Apartment

A second dwelling unit either added to or in a single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility.

APPENDIX A: DEFINITIONS

Accessory Use

A use of a structure or property subordinate to the principal use of the structure on a lot used for purposes customarily incidental to the main or principal use of the structure and located on the same lot.

Addition

An extension or increase in the footprint or floor area of an existing building or structure.

Adjacent

Having common property boundaries or lot lines or are located directly across a street right-of-way.

Administrator

The appointed City staff member that administers this Ordinance.

Agricultural Use

The use of land or property to raise, harvest or store crops, feed, breed, or manage livestock, or to produce plants, trees, fowl or animals, including the preparation of the products raised thereon and disposed of by marketing or other means.

Airport

The Lowcountry Regional Airport.

Airport elevation

The highest point on any usable landing surface expressed in feet above mean sea level.

Alley

A public or private way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration of Building

Any changes in the supporting members of a building such as bearing wall, columns or girders, any addition or reduction to a building, any change in use, or any relocation of a building from one (1) location or position to another.

Alteration (Historic Preservation Overlay)

Any exterior change or modification, through public or private action, of any Historic Landmark, Cultural Resource or of any property located within a Historic Preservation Overlay including, but not limited to, exterior changes to or modification of a building or structure, architectural details or visual characteristics such as: surface texture, grading, surface paving, new structures, disturbance of archeological sites or areas, and the placement or removal of any exterior objects such as: signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

Alteration, Substantial (Historic Preservation Overlay)

The expansion of the exterior envelope of a building or structure resulting in an increase of more than 100 square feet or the additional enclosure or removal of a porch, or any other change as may be defined in any design guidelines that may be adopted by the City Council.

Alternative Financial Service Institution

A business, other than a bank, credit union, savings bank or other depository institution, that provides one or more of the following services:

- **Check-cashing services.** Services that involve cashing checks, drafts, and money orders for a fee, service charge, or other consideration that are regulated pursuant to the provisions of Chapter 41 of Title 34 of the S.C. Code of Laws.
- **Deferred-presentment services.** Services that involve either (a) accepting a check from a borrower drawn on the borrower's bank account to be presented for payment at a later date for a fee or (b) authorization to debit borrower's bank account at a later date. This practice is sometimes known as "payday lending."
- **Title-lending services.** Services that involve short-term secured loans that are secured by the title to a motor vehicle and are regulated by S.C. Code Ann. § 37-3-413.

Amendment, Text

A change to any text of the City of Walterboro Unified Development Ordinance.

Amendment, Zoning Map (Rezoning)

A change of the zoning designation of a property or properties on the City of Walterboro Zoning Map.

Amusement Center

A business operating one (1) or more pool tables or a business operating three (3) or more video games, pinball machines or similar devices.

Animal Services

A public or private facility for medical or surgical treatment, grooming, breeding, selling, or boarding of animals.

Apartment building

A multi-family residential building or portion thereof which provides three (3) or more dwelling units which share means of egress and other essential facilities.

Appeal

A request by an applicant for the Board of Zoning Appeals to review a decision or interpretation by the Administrator.

Approach surface (Airport Overlay)

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPENDIX A: DEFINITIONS

Artist, craftsman

A professional who creates a low volume of unique works of art, sculpture, pottery, furniture, jewelry, or similar items. Higher volume and mass-produced items shall be considered manufacturing.

Assembly halls

Places of gathering for social events, group meetings, sporting events, performing arts events, or similar events.

Automotive or Boat Services

Any building, premises, and land, in which or upon the primary use of land is a business which involves the maintenance, servicing of automobiles, boats, or similar vehicles including any parking, service, preparation or repair work conducted. This definition includes but is not limited to auto body shops, auto service stations, car washes, gas stations, and oil/lube servicing. This does not include the sale of parts or related products (i.e. auto parts store).

Automobile Service Station

Buildings and premises on any parcel or lot where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation) where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and permitting the sale of cold drinks and packaged goods as accessory only to the principal operation

Awning

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

Bar

A commercial establishment in which the primary activity is the consumption of alcoholic beverages and the primary source of income is from the sale of alcoholic beverages.

Bed and Breakfast Inn

A secondary use of a single family residence as a place of lodging for guest where rooms and meals may be provided for compensation.

Benign Neglect

When an owner allows a building within the Historic Preservation Overlay or a Historic Landmark to become so decrepit that further failure to maintain would result in the loss of the historic character of the structure.

Block

A unit of land bounded by streets or by a combination of streets and public land, waterways, or any other barrier to the continuity of development.

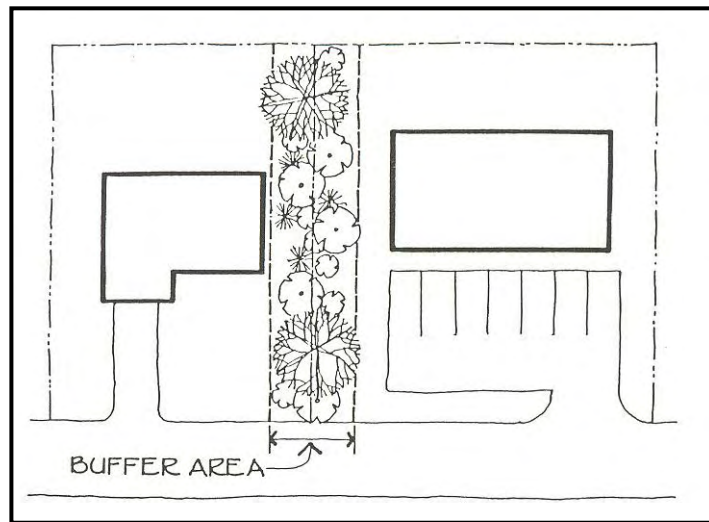
Boarding House

A building or portion thereof which contains not more than five (5) rooms designed or intended to be used for residential occupancy for compensation. It may also serve meals for compensation to the boarders.

Buffer

A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area includes any required screening or landscaping for the site.

FIG. A.1: BUFFER



Buffer, Vegetative (Undisturbed Buffer)

An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Buildable Area

The area of a lot remaining after the minimum yard and open space requirements of this Ordinance have been met.

Building

Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, process, equipment, or goods.

Building Envelope

The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks or build-to lines, buffers, easements, or other applicable regulations.

APPENDIX A: DEFINITIONS

Building Footprint

The land area on which a building is located or proposed for location.

Building Line

A line which represents the distance that a building or structure must be set back from a lot boundary line or street right-of-way line. In all cases, the building lines of a lot shall be determined to run parallel to right-of-way lines and lot boundary lines.

Building Permit

A permit obtained from the City of Waltherboro Building Inspector which sets the inspection schedule and construction techniques for a project.

Build Out

The completed construction of all phases of a development as allowed by all Ordinances which regulate an area. The scale of build out can be from a single lot to the entire City's jurisdiction.

Build-to Line

The line at which construction of a building is to occur on a lot. A build to line runs parallel to the front property line and is established to create an even building facade line on a street.

Built-upon Area

Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g., tennis courts), etc. (**Note:** Wooden slatted decks and the water area of a swimming pool are considered pervious).

Caliper

The size of tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured 12 inches above the ground for trees larger than four (4) inches.

Campgrounds

Land containing two (2) or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are used for recreation or vacation purposes. A manufactured home park shall not be deemed a campground.

Campsite

Any plot of ground within a campground intended for the exclusive occupancy by a cabin, recreation vehicle, or tent.

Canopy

A permanent structure other than an awning attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Cemetery

Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries.

Certificate of Appropriateness

A certificate issued pursuant to the Historic Preservation Overlay regulations approving such plans, specifications, statements of work and any other information which is reasonably required to make a decision on any and/or all proposed projects of property and/or buildings located within a Historic Overlay or a Historic Landmark.

Certificate of Occupancy (CO)

A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

Certificate of Zoning Compliance

Written permission issued by the Administrator or his designee for the construction, or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities.

Change of Use

Any use of a building or land that substantially differs from the previous use. Substantial difference shall mean a change from one land use category to another in the Permitted Uses Table, a large increase in the required parking for a use, or a use that requires a Special Exception.

Church

See “Religious Institution”.

City Tree Fund

The fund set up by the City into which is deposited or credited the funds collected and any other funds collected by the city and designed to go into the fund by the City Council or City Manager; out of which payments shall only be made for the sole purpose of purchasing, planting, installing, maintaining or removing trees as necessary along streets, in public parks and other City owned or controlled public places, within the city limits of the City of Waltherboro.

Civic Uses

Uses intended to serve as public gathering places. Such uses include governmental offices, churches or other places of worship, schools, post offices, and non-profit or charitable clubs and organizations.

Clear-cutting

The removal of one-half or more of the protected trees on a lot or parcel.

APPENDIX A: DEFINITIONS

Commercial Nursery

A place where young trees or plants are grown for sale. Commercial nurseries must be properly zoned and must meet all city business license regulations.

Commercial Timber Operation

The process of removing timber for the purpose of sale of the resource for lumber, poles or forestry by-products. Commercial timber operations are limited to lots of two (2) acres or larger.

Commercial Use

All retail sales establishments, office uses (i.e.: medical and financial), service industry uses (i.e.: restaurants, hotels/motels/inns), wholesale businesses, and general business (i.e.: mini-storage, automotive repair).

Common Open Space

Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

Common Open Space, Improved

Common open space which has been improved with recreational areas and amenities such as, but not limited to, ballfields, tennis courts, swimming pools, nature trails, clubhouses, etc.

Communications offices

Newspaper, internet, telephone, and similar communications businesses with no retail sales or visible towers or transmission equipment.

Conditional Use

A use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would not be injurious to the public, health, safety, welfare, morals, order, comfort, convenience, appearance or general welfare.

Condominium

The ownership of single units in a multi-unit structure with common areas and facilities, real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Conical surface (Airport Overlay)

A surface extending horizontally 20 feet for every one (1) foot vertically from the periphery of the horizontal surface.

Construction (Historic Preservation Overlay)

Any work for the exterior of any structure in a Historic Preservation Overlay or a Historic Landmark.

Construction Trailer

A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

Contiguous

Next to, abutting, or touching and having a boundary, or portion thereof, which is contiguous including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term "contiguous" shall also mean "abutting" or "adjacent".

Contributing Resource (Historic Preservation Overlay)

A feature, structure, object or site within a Historic Preservation Overlay that embodies the significant physical characteristics and features, or adds to the historical associations, historic architectural qualities or archaeological values identified for the Historic District, and was present during the Period of Significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period.

Correctional Facility

A facility operated by Colleton County, State of South Carolina, the federal government (or a private contractor thereof) used for the temporary incarceration of persons after arrest or pending hearing or trial or for the incarceration and or housing of persons serving sentences or incarceration or housing of persons serving criminal sentences.

Country Club

A private recreational facility open to members and their guests. Uses at a country club frequently include golf courses, swimming pools (outdoors), tennis courts, clubhouses, and similar uses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a free-standing entity or as part of a residential community or planned residential development.

Crushed Stone

A very finely ground stone dust heavily packed to be used as a paving surface.

Cul-De-Sac

The turn around at the end of a dead-end street.

Cultural Resource (Historic Preservation Overlay)

Any improvement, building, structure, archaeological feature, natural feature, district, object or site of historic, aesthetic, educational, cultural or architectural importance. Examples of a "Cultural Resource" include, but are not limited to: automobile, bridge, canal, dam, earthwork, fence, kiln, railroad grade, sign, and trolley car.

APPENDIX A: DEFINITIONS

Cut-off

The point at which all rays emitted by a lamp, light source, or luminaire are completely eliminated (cut-off) at a specific angle above the ground.

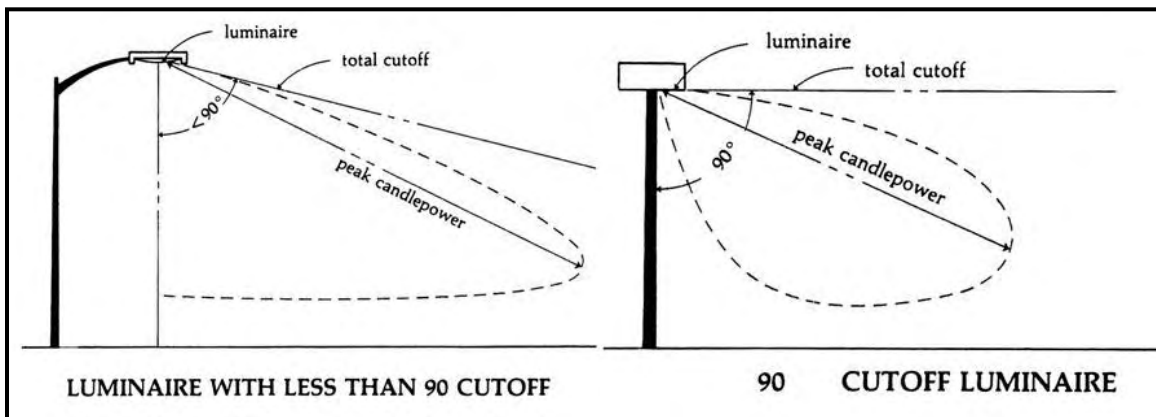
Cut-off Angle

The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted

Cut-off Light (Fixture)

A light with elements such as shields, reflectors, or refractor panels that direct and cut off light at a cut-off angle that is less than 90° .

FIG A.2: CUT-OFF LIGHT (FIXTURE)



Daycare Center

A place where daytime care is provided to more than six (6) children, handicapped persons, or senior citizens unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult within an occupied residence. Persons who are related by blood or marriage to the attendant adult shall not be counted as patrons of the daycare center.

Dedication

A gift by the owner of a portion of his property to another party without any compensation being given for the transfer. Dedication typically refers to right-of-way for streets and utilities or open space dedicated for parks, playgrounds, etc. The dedication is made by written instrument on a plat and is completed with an acceptance by the other party, typically a government body.

Density

A ratio expressed as the number of dwelling units per acre (DUA). The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open spaces. Unless otherwise stated in this Ordinance, density requirements are expressed in units per gross acre.

Detention

The collection and storage of surface water for subsequently controlled discharge at a rate which is less than the rate of inflow.

Development

The construction of any building or structure, any increase in impervious area, the making of any material change in the use of any structure or land, or the division of land into two (2) or more parcels, lots, building sites or building units.

Diameter at Breast Height (DBH)

Diameter of the main trunk of a tree at a height of fifty-four (54) inches above the normal ground height at the base of the tree.

Distribution Use

A use in which products or goods are brought in or manufactured on-site and are trucked off-site.

District

The term applied to various geographical areas of the City of Waltherboro for purposes of interpreting the provisions of this Ordinance. The Districts are designated with the use of symbols on the Official Zoning Map. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this Ordinance.

Disturbed Ground

Any area of ground on a site which during construction is dug up, filled, graded, built on or used for storage or parking.

Drainage Basin

A drainage area or watershed contributing to the flow of water in a receiving body of water.

Drainage Facility

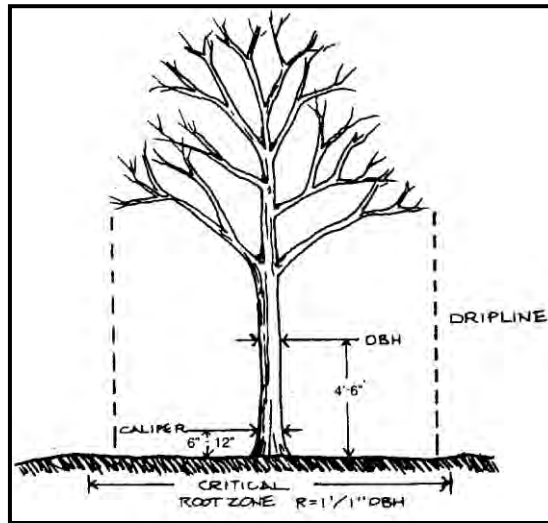
Any component of the drainage system.

Drip Line

An imaginary vertical line extending from the outer most portion of the tree canopy to the ground.

APPENDIX A: DEFINITIONS

FIG A.3: DRIPLINE



Drive-through use

A facility designed to enable a person to transact business while remaining in a motor vehicle. This includes drive-in facilities in which vehicles pull into a designated parking spot to transact business.

Dwelling

A building or portion of a building arranged or designed to provide living quarters for one (1) family. The terms "dwelling" and "residence" shall be interchangeable.

Dwelling, Attached

A dwelling in a group of two (2) or three (3) dwellings having a common party wall with one (1) or more dwellings, or a dwelling having a common party wall with a nonresidential structure.

Dwelling, Detached

A dwelling with no common party walls with another dwelling or structure.

Dwelling, Multi-family

The development of three (3) or more attached dwelling units, used or designed and rented as dwellings for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. This includes townhomes, apartments, quadraplexes, triplexes, and more than one duplex (two-family dwelling).

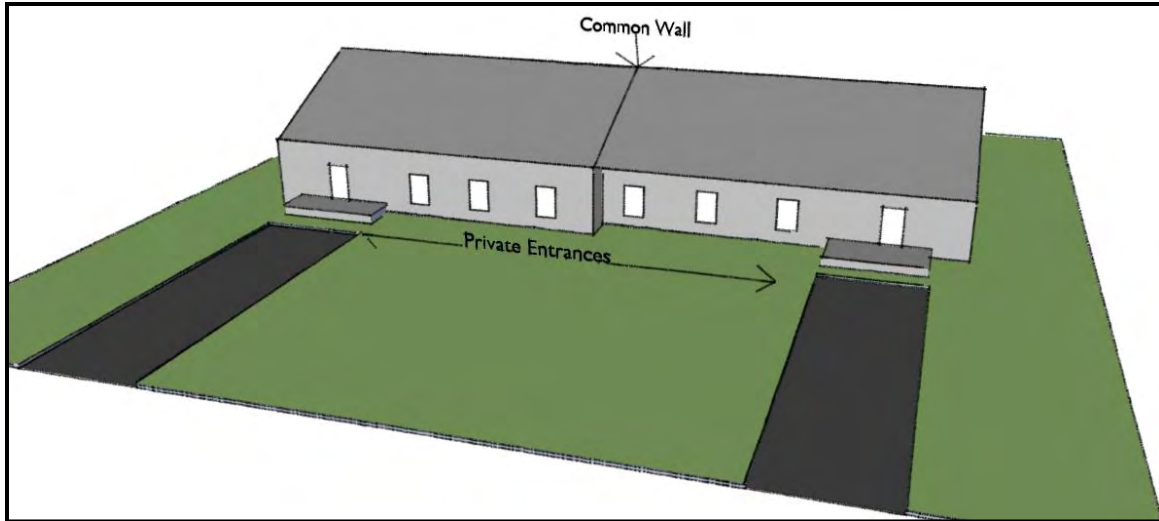
Dwelling, Single-family (detached)

A separately owned residence for use by one family as a housekeeping unit with space for eating, living, cooking, and sanitation where the dwelling unit is on a separate lot of record, no lot contains more than one dwelling unit, no dwelling unit shares a wall with another dwelling unit, and each dwelling unit is surrounded on all sides by yard.

Dwelling, Two-Family

An attached dwelling designed for or occupied by two (2) families in separate dwelling units living independently of each other.

FIG A.4: TWO-FAMILY DWELLING (DUPLEX)



Dwelling Unit

A dwelling unit is a single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Demolition (Historic Preservation Overlay)

The complete destruction of a building or structure or removal of more than 30 percent of the perimeter walls, or removal of any portion of a street-facing façade.

Design Guidelines (Historic Preservation Overlay)

The policies, principles and guidelines contained in a document prepared by the Historic Preservation Commission and adopted by the City Council which illustrates appropriate and inappropriate methods of rehabilitation, alteration, and construction.

Easement

A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

Emergency Services

Public safety department, emergency medical technicians, ambulatory services, or similar services that respond in the event of an emergency.

Encroachment

The part of a structure which intrudes into an easement, dedicated right-of-way, or required setback.

APPENDIX A: DEFINITIONS

Engineering Drawings (Construction Drawings)

The drawings necessary to prepare a site for construction, guide the construction of improvements, and complete the site following construction of improvements. These plans may include an overall site plan, grading plan, soil and erosion control plan, landscaping plan, lighting plan, site details, street cross sections, storm water detention details, etc.

Equestrian Facilities

Businesses that specialize in the boarding of horses, horse riding, riding lessons, equestrian competition, or similar equestrian uses.

Existing grade

The existing or natural slope of land expressed in terms of vertical drop per horizontal distance of land.

Exterior Architectural Feature (Historic Preservation Overlay)

The architectural elements embodying style, design, general arrangement and components of all the outer surfaces of an improvement including, but not limited to: the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvements.

Family

One (1) or more persons living together as a housekeeping unit in a dwelling unit.

Farm

Any tract of real property which is principally used to raise, harvest or store crops, feed, breed or manage livestock or to produce plants, trees, fowl or animals, including agriculture operations, useful to man including the preparation of the products raised thereon for man's use and disposed of by marketing or other means, including agriculture.

Feature (Historic Preservation Overlay)

Fixtures, components or appurtenances attached to, contiguous to or otherwise related to a building, structure or property including, without limitation: materials, landscaping, setbacks, distinguishing aspects, roof attributes, overlays, moldings, sculptures, fountains, light fixtures, windows, and monuments. "Feature" may include interior areas of publicly-owned buildings and structures that are accessible or made available to the public.

Finished Grade

The resultant slope of land following alteration as part of a development activity expressed in terms of vertical drop per horizontal run of lands, streets, embankment, etc.

Flood Control Definitions

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

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Appeal means a request for a review of the designated official's interpretation of any provision of this article or a request for a variance.

Area of shallow flooding means a designated AO or VO Zone on a Community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year; delineated on (FIRM) as zone A, AE, A 7-30, A 99, AA, AO, AH, V, VO, VE, or VI 30.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Coastal high hazard area means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI-30, VE or V.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

APPENDIX A: DEFINITIONS

Elevated building means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Existing mobile home park or *mobile home subdivision* means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of the ordinance from which this article is derived.

Expansion to an existing mobile home park or *mobile home subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed, including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Study is the official report provided by the FEMA which contains flood profiles, as well as the flood boundary floodway map (FBFM) and the water surface elevation of the base flood.

Floodplain is land, typically adjacent to a body of water, with an elevation at or below the base elevation of the 100 year flood frequency.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Functionally dependent facility means a facility which cannot be used for its intended purpose, unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term "functionally dependent facility" does not include long-term storage, manufacture, sales, or service facilities.

Habitable floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. The term "habitable floor" does not include a floor used only for storage purposes.

Mean sea level means the average height of the sea for all stages of the tide.

Mobile home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "mobile home" does not include recreational vehicles or travel trailers.

New construction means buildings for which the "start of construction" commenced on or after the initial adoption of this provision.

New mobile home park or mobile home subdivision means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed on or after the effective date of the ordinance from which this article is derived.

Start of construction means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation. As used in this definition the term "permanent construction" does not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways, excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the term "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes within mobile home parks or mobile home subdivisions, the term "start of construction" means the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed, including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities, is completed.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

Substantial improvement.

(1) The term "substantial improvement" means any improvement, repair, reconstruction or alteration to a structure the cost of which equals or exceeds 50 percent of the market value of the structure, either:

- a. Before the repair or improvement is started; or
 - b. In the case of damage, the value of the building prior to the damage occurring.
- (2) "Substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

APPENDIX A: DEFINITIONS

(3) The term "substantial improvement" does not include:

- a. Any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions.
- b. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Garage, private

An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

Garage, public

Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting or equipping of automobiles or other vehicles.

Garage, repair

A building and premises designed or used for repairing motor vehicles, provided that body work and painting shall be conducted within fully enclosed buildings, and provided further that self-propelled vehicles in the process of repair shall be stored in a fully enclosed and secluded area.

Gated Community

A residential development that has restricted access at entrance gates.

Golf Course

A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters.

Good Repair (Historic Preservation Overlay)

The level of maintenance and repair which clearly furthers the continued availability of buildings and structures for lawful reasonable uses and prevents deterioration, dilapidation and decay of buildings and structures.

Government Offices

A structure or group of structures intended to carry out the necessary day-to-day functions of federal, state, county, or local government including government offices and public works facilities. This shall not include emergency services, animal control with kennels, park-related structures, colleges and universities, schools, utility facilities, correctional institutions, landfills or related structures, or hazardous material storage as these uses are defined separately herein.

Grade

The slope expressed in terms of vertical drop per horizontal distance of land, streets, embankment, etc.

Grade of Street

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.

Gravel

Rock that is more than 0.10 inches in diameter and less 2.5 inches in diameter and not as finely ground as crushed stone.

Gross Floor Area

The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and maintenance crawlspaces or unused attics. This term also excludes pedestrian walkways and common areas within enclosed shopping areas.

Ground Cover

Low growing plants such as grasses, ivies, creeping bushes and similar decorative plantings. Where required by this Ordinance, ground covers shall have the capability of soil stabilization and erosion control.

Group Home

See Residential Care Institution.

Habitable Space

Space in a structure for living, sleeping, eating or cooking. Maintenance or utility space, parking garages and similar areas are not considered as habitable space.

Hazard to air navigation (Airport Overlay)

An obstruction determined by the state Aeronautics Commission or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the state.

Height (Airport Overlay)

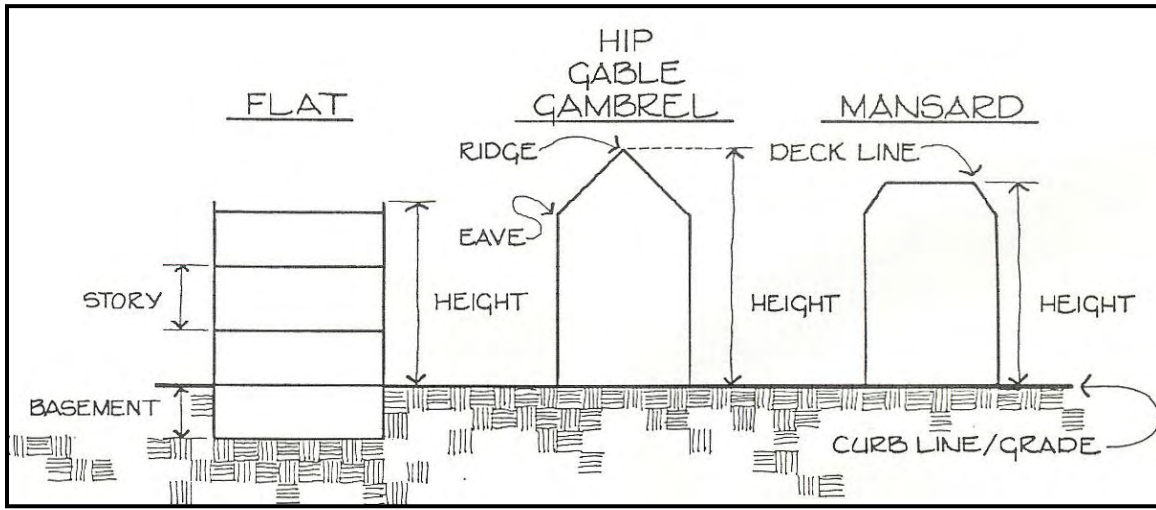
For the purpose of determining the height limits in all Airport Overlay zones, the datum shall be mean sea level elevation unless otherwise specified.

Height, building

The vertical distance from the average grade of a structure at ground level to the top of the highest roof beam of the roof, provided that chimneys, spires and other permitted appendages not be included in the height measurement.

APPENDIX A: DEFINITIONS

FIG. A.5: BUILDING HEIGHT FOR DIFFERENT ROOF TYPES



Historic District, Local

Any delineated geographic area having historical significance, special character or aesthetic value which serves as an established neighborhood, community center or distinct section of the city, possessing a significant concentration of Cultural Resources united historically or aesthetically by plan or by physical development, and which is officially designated as such by City Council resolution.

Historic Landmark, Local

Any Cultural Resource which the City Council officially designates by resolution as worthy of protection.

Historic Nomination

A nomination for listing a site as a local Historic Landmark or a local Historic District.

Historic Preservation Overlay (HP-O)

The overlay zoning district that provides regulations for those areas designated as National Register Historic Districts, Local Historic Districts, and Local Historic Landmarks.

Historic Resources Inventory

A listing of Cultural Resources having historic significance to the City of Waltherboro.

Home Occupation

An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Home Occupation, Child Care

A home occupation that may provide care for up to six (6) children at any given time within a residence occupied by the operator. Registration is required if a person provides care to more

than one unrelated family of children on a regular basis (more than two days a week and more than four hours a day).

Horizontal surface (Airport Overlay)

A horizontal plane 150 feet above established airport elevation, the perimeter of which in plan view coincides with the perimeter of the horizontal zone.

Hospital

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services, and staff offices.

Hotel

A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreation facilities.

Impervious Surface

A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, swimming pool surrounds and other similar structures. Slatted decks are not considered impervious.

Impervious Surface Ratio

The gross area of all impervious surfaces on a lot divided by the lot area.

Industrial Development

Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Infill

The development of new buildings on vacant sites in a primarily built-up area.

Institutional Use

A use of a semi-public nature that typically serve community needs including but not limited to daycares, colleges, private schools, hospitals, research facilities, museums, residential care facilities, and other long-term medical care facilities.

Instructional School

A private business that instructs students on skills that may include but are not limited to dance, gymnastics, martial arts, art, and music.

APPENDIX A: DEFINITIONS

Improvement

The construction of buildings and the establishment of basic services and amenities associated with the development activity including, but not limited to, streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreational facilities, (i.e., lakes, swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks, etc.).

Improvement (Historic Preservation Overlay)

Any building, structure, place, fence, gate, wall, parking facility, or other object constituting a physical feature which is not a natural feature.

Integrity (Historic Preservation Overlay)

The survival of a sufficient amount of a Cultural Resource's character-defining materials, design features and building fabric, in a manner that allows the observer to interpret the character of the Cultural Resource during its period of significance.

Inverted Crown

A road or street cross where the center of the road or street profile is lower than the edges of the profile to allow for storm water to drain toward the center of the road or street for removal through a storm water drainage system.

Junkyard (Salvage yard)

Any land or land and structure in combination in which structures are incidental to the operation of the principal activity, used for the storage, baling, packing, sorting, handling, disassembling, purchase or sale of any materials which are used, salvaged, scrapped or reclaimed, but are capable of being reused in some form, including but not limited to metals, rags, fibers, paper, cloth, rubber, rope, bottles machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe, pipe fittings, tires, wrecked or inoperable motor vehicles, and motor vehicle parts.

Kennel

A commercial enterprise that involves the containment and boarding of animals.

Landscape Plan

The landscape plan is a detailed map which, at a minimum, illustrates the location, type and quantity of required landscaping.

Lined Channels

The use of plastics, concrete, stone, asphalt or similar material to define a drainage channel.

Loading Space, Off-Street

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Local Fire Official

The duly appointed official of the City charged with overseeing fire protection within the City.

Lot

An area designated as a separate and distinct parcel of land on a legally recorded subdivision plot or in a legally recorded deed as filed in the official records of the county. The terms “lot,” “plot,” “lot of record,” “property” and “tract,” whenever used in this chapter, are interchangeable.

Lot Area

The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street.

Lot Depth

The average horizontal distance between the front and rear lot lines.

Lot, Irregularly Shaped

Lots located at corners or intersections, which create shapes with three sides or with more than four sides and contain corner angles greater or less than 90 degrees. The front yard of such lots shall be determined with respect to adjacent homes, and the maintenance of street vistas.

Lot Line

A line bounding a lot that divides one lot from another or from a street or any other public or private space.

Lot Line, Front

In the case of an interior lot, the lot line separating said lot from the street; in the case of a corner lot or through lot, the lot line separating said lot from the street that is designated as the front street in the request for a permit.

Lot Line, Rear

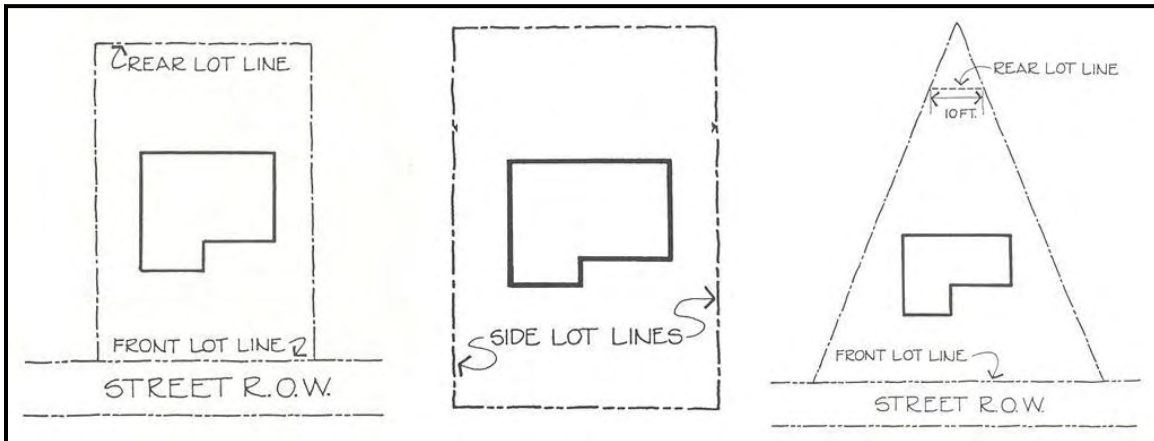
A lot line which is opposite and most distant from the front lot line, and in the case of an irregular or triangular-shaped lot, a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot Line, Side

Any lot line that is not a front lot line or rear lot line; a lot line separating a lot from a side street is an exterior lot line, while a lot line separating a lot from another lot, or lots, is an interior lot line.

APPENDIX A: DEFINITIONS

FIG A.6: LOT LINES



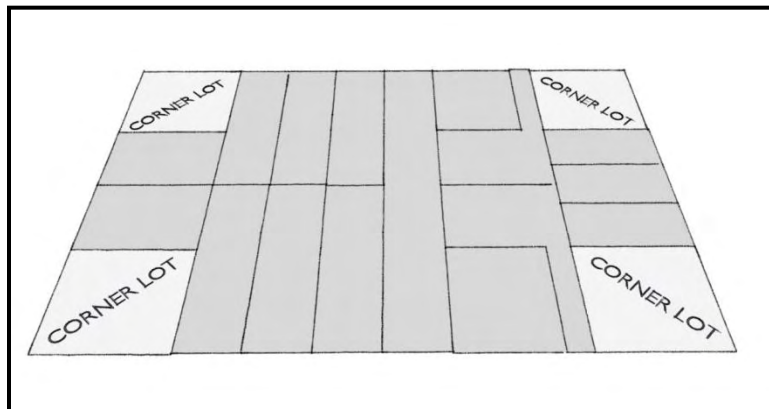
Lot, Substandard

Where the owner of a lot at the time of the adoption of the zoning ordinance does not own sufficient land to enable him/her to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site, provided that the lot requirements are not reduced below the minimum specified in the zoning ordinance.

Lot Types

Corner Lot. A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lines to the lot meet at an interior angle of less than 135°.

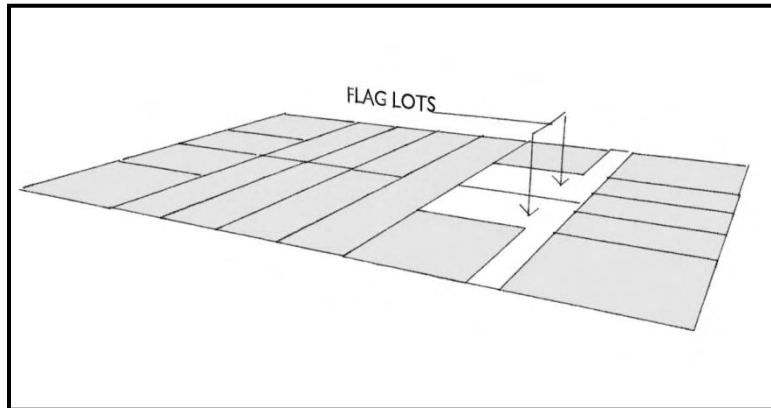
FIG. A.7: CORNER LOT



Double Frontage Lot. See Through Lot.

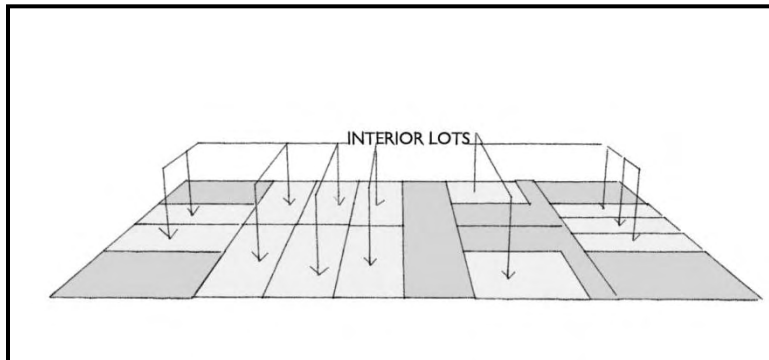
Flag Lot. An irregularly shaped lot where the building portion of the lot is connected to its street frontage by an arm or "pole" of the lot. The pole portion does not meet the minimum lot width of the district, but the building portion of the lot does.

FIG. A.8: FLAG LOT



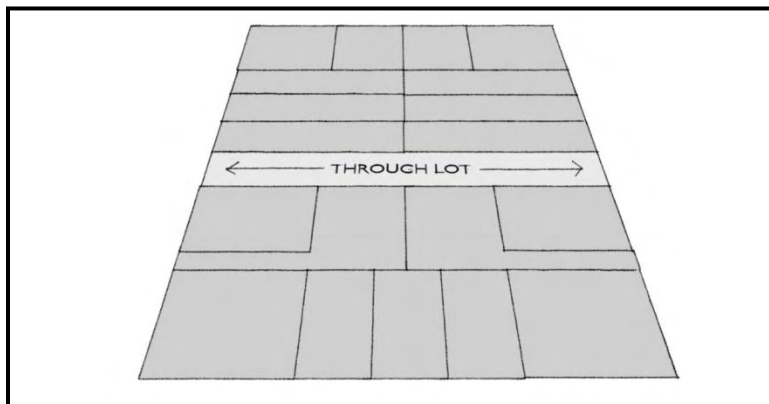
Interior Lot. A lot other than a corner lot with frontage on only one street.

FIG. A.9: INTERIOR LOT



Through Lot. A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage or reverse frontage lots.

FIG. A.10: THROUGH LOT



APPENDIX A: DEFINITIONS

Reverse Frontage Lot. A lot on which the frontage is at right angles or approximate right angles (interior angles less than 135°) to the general pattern in the area. A reverse frontage lot may also be a corner lot, an interior lot or a through lot.

Lot Width

The distance from side lot line to side lot line measured at the required minimum front yard setback parallel to the front property line. For flag lots, the front setback shall be set at the location where the minimum lot width is first met.

Manufactured Home

Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site.

Minimum Maintenance Requirements (Historic Preservation Overlay)

Those regulations adopted by the City requiring property owners to maintain the buildings, structures and land in the Historic Preservation Overlay or a Historic Landmark.

Mining

The act or process of digging, excavating or tunneling for the purpose of removing some natural material, for sale or trade.

Mobile Home

A single-family or multifamily dwelling unit, or unit used for business, designed or built to be towed on its own chassis, suitable for year-round occupancy, placed on a foundation so as to be substantially affixed to the site, and connected to a water supply, waste disposal system or electrical supply similar to immobile housing or immobile business structures.

Mobile Home Park

A parcel of land which has been planned and improved for the placement of five (5) or more mobile homes.

Manufacturing, processing, & assembly

The assembly, fabrication, production or processing of goods and materials. This shall not include resource extraction and recycling or salvage operations.

Massing

The shape and form buildings assume through architectural design. There are ten architectural design elements which create urban space. A specific project may not need to incorporate all ten elements

1. **Building Silhouette** - similar pitch and scale to a roof line.
2. **Spacing between building facades** - setbacks or notches between primary facades which frame the structure.

3. ***Setback from property line*** - building setback and/or primary facade setback from property line.
4. ***Proportion of windows, bays, and doorways*** - vertical or horizontal elements tied together in bands across facade lengths.
5. ***Proportion of primary facade*** - size of facades similar in area and height to width ratios.
6. ***Location and treatment of entryways*** - important visual commonality between structures.
7. ***Exterior materials used*** - similar materials and treatment add to detail and monumentality of a building.
8. ***Building Scale*** - similarity of building height and configuration.
9. ***Landscaping*** - ties together buildings and defines space.
10. ***Shadow patterns form decorative features*** - the light and dark surfaces from materials used and projections from window bays and setbacks create visual breaks.

Mini-Warehouse

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis that does not include outdoor storage.

Mixed-use Building

A minimum of a two (2) story building in which the ground floor contains a commercial enterprise and at least one (1) of the floors above contains residential units.

Modular Dwelling

A one-family detached dwelling made of prefabricated materials or parts which is designed to be constructed onto a permanent foundation and built to South Carolina Building Code standards.

Modular Dwelling, Off-frame

A dwelling unit which is constructed in compliance with the South Carolina Building Code and is brought to the site and set in place on a permanent foundation by a crane. A steel frame is not used for the support of the structure.

Modular Dwelling, On-frame

A dwelling unit which is constructed in compliance with South Carolina Building Code on a steel frame and is brought to the site on steel frames and the axles are removed. The steel frame is used to support the structure on top of a permanent foundation.

Motel

A building in which lodging is provided and offered to the public for compensation, which is open to transient or permanent guests. The word “motel” includes the term “hotel.”

National Register Historic District (Historic Preservation Overlay)

The official inventory of districts, sites, buildings, structures and objects significant to American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (as amended). (16 U.S.C. 470-470t, 36 C.F.R. Part 67, 63).

APPENDIX A: DEFINITIONS

Natural Feature

A planting, land form, rock outcropping, body of water or other object of the native landscape on property which has historical significance.

Nightclub

An establishment that is either public or private in which people gather for dancing and/or listening to taped or live music and there is the sale and consumption of alcoholic beverages on premises.

Nominated Resource (Historic Preservation Overlay)

A property for which a letter has been sent to the owner of the property indicating that the property is being considered for designation as a Historic Landmark or as part of a Historic District.

Nominated Notice (Historic Preservation Overlay)

A letter sent to the owner of a Nominated Resource indicating that the property will be considered for designation as a Historic Landmark or as a Historic District.

Nonconforming Lot

Any lot of record which does not meet the minimum yard or area requirements established in these regulations at the time of this Ordinance's adoption or any amendment thereto.

Nonconforming Sign

A sign that, on the effective date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one or more of the regulations set forth in this Ordinance.

Nonconforming Structure

Any structure lawfully existing on the effective date of these regulations, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of these regulations or any amendment thereto.

Nonconforming Use

A use of land, building or structure lawfully existing at the time this ordinance or subsequent amendment hereto became effective, which does not conform to the use requirements of the district in which it is located.

Non-Contributing Resources (Historic Preservation Overlay)

All properties or structures within a Historic District that are not identified as Contributing Resources.

Nursery

A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes.

Nuisance

Any activity which is judged by the City Council or the appropriate agency thereto to emit noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation, or other injurious or obnoxious conditions beyond the premises of such activity, or which poses a documented threat to water or wetlands within the city limits of the City of Waltherboro.

Obstruction (Airport Overlay)

Any structure, growth, or other object including a mobile object, which exceeds a limiting height in the Airport Overlay.

Office Use

Professional occupations within a building or buildings which do not generally involve the on-site sale of goods to customers.

On-site

On or within the area contained in the development permit application or within other areas which, pursuant to this ordinance may be included in defining the site's said referenced purpose.

Opaque Screen

The composition of a buffer that completely screens a use from adjacent properties using one or combination of the following: evergreen landscaping, solid fence or wall, or landscaped berm.

Open Air Market

A business that operates on a regular basis that depends on the sale of items outside of an enclosed permanent structure.

Open Space

Any area which does not consist of buildings, streets, right of ways, parking, or easements, and serves as a passive or active recreational area, as conservation land for important vistas and topographic features, or as pervious area for watershed requirements. This area provides, or has the potential to provide, environmental, social and/or economic benefits to the community whether direct or indirect. Open space is categorized by type and includes playgrounds, plazas, squares, parks, greens, greenways, greenbelts, and nature preserves.

Ordinary Maintenance and Repair (Historic Preservation Overlay)

Any work, the sole purpose and effect of which is to correct deterioration, decay or damage, including repair of damage caused by fire or other disaster and which does not result in a change in the historic appearance and materials of a property and does not require an alteration.

Outdoor Storage

The storage of goods, products, or vehicles as an accessory use by their owner or on a commercial basis outside of a permanently constructed building.

Outparcel

A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a

APPENDIX A: DEFINITIONS

structure with an intended use.

Overlay District

A set of regulations which add an additional layer of design provisions to an underlying regulating district.

Owner

An owner of property or the authorized agent of an owner.

Package Treatment Plant

A small self-contained sewage treatment facility built to serve developed areas which lie beyond the service area of sanitary sewers.

Parapet

That portion of a building wall that extends above the roof line.

Parcel

A defined area or piece of land, the term itself not importing any precise dimension.

Park

Areas developed either for passive or active recreational activities. Parks may include, but shall not be limited to walkways, benches, open fields, multi-use courts, playgrounds, swimming and wading pools, amphitheaters, etc. The term "park" shall not include zoos, travel trailer parks, amusement parks, or vehicle, equestrian or dog racing facilities.

Parking Bay

A parking module consisting of one or more sets of one (1) or two (2) rows of parking spaces and the aisle from which motor vehicles enter and leave.

Parking Lot

Any public or private open area used for the express purpose of parking automobiles and other vehicles.

Parking, off-street

The storage space for one (1) automobile of not less than nine (9) feet by eighteen (18) feet, plus the necessary access space, and located outside the dedicated street right-of way, other than handicapped spaces.

Parking Space

A space provided within any public or private open area used for the express purpose of parking automobiles or other vehicles, of not less than nine (9) feet by eighteen (18) feet.

Parking Space, parallel

A zero (0) degree parking space not less than nine (9) feet by twenty-six (26) feet as per Table 8.2.4 on page 8-5.

Pedestrian-Oriented Development

Development which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option or choice of not having to use a car to accomplish certain trips, and will provide a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.

Period of Significance (Historic Preservation Overlay)

The time from a building, structure or neighborhood's history during which it gained historic significance.

Person

Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.

Personal Service Uses

Services provided by licensed professional stylists, aestheticians, and therapists including but not limited to hair care, nail care, waxing, massage therapy, and similar spa services.

Photometric

Data regarding the luminous intensity of light sources on a particular site.

Pitch, Roof

The slope of a roof expressed as rise over run. (i.e. for a roof that rises four inches vertically for every 12 inches it runs horizontally the pitch is 4:12)

Plan, Existing Features

A plan submitted with the Sketch Plan that shows the existing features of a site including but not limited to topography, watercourses, stands of trees, significant trees, rock outcroppings, and environmentally sensitive areas.

Planned Development

An area planned as a single entity containing one or more residential, commercial, and mixed-use clusters located on tracts or lots.

Plan, Site-Specific

A plan which has been submitted to the Administrator by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

Plan, Sketch

An informal plan, indicating major features of a tract, its surroundings and the general layout of a proposed subdivision.

APPENDIX A: DEFINITIONS

Plat, Final

A map of all or a portion of a subdivision that is the legal instrument for recordation. Final plats shall be consistent with the approved Preliminary Plat and be reviewed and recorded following the installation or guarantee of improvements.

Plat, Preliminary

A subdivision plan indicating the proposed layout of a subdivision and engineering documents prior to the installation of improvements.

Pre-development Conditions

Those conditions which existed before alteration, resulting from human activity, of the natural topography, vegetation and rate, volume or direction of surface or ground water flow as indicated by the best available historical data.

Premises

A lot or other tract of land including the buildings or structures thereon.

Preservation (Historic Preservation Overlay)

The identification, study, protection, renovation, restoration, rehabilitation or enhancement of Cultural Resources.

Preservation Easement (Historic Preservation Overlay)

A right by the owner of the easement (the city) to require acts appropriate to the preservation of buildings, structures or their interiors having historical, architectural or cultural interest or value.

Primary surface (Airport Overlay)

A surface, with a specified width, longitudinally centered on the airport runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 hundred feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal Structure

A building in which is conducted the principal use on the lot on which said building is situated or the main building on a parcel of land.

Principal Use

The primary or predominant use of any lot.

Produce Stand

The sale of any form of agricultural or horticultural products at a retail stand.

Property

An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of the County.

Proposed Project (Historic Preservation Overlay)

Any alteration, addition, renovation, restoration, or rehabilitation to a property or any new construction, whether or not a permit is required.

Public Way

Any outdoor place regularly accessible by the public. This includes, but is not limited to, streets, alleys, sidewalks, parks, paths and roads.

Quasi-public

Commissions, boards, authorities, public service districts created by local or state legislation to serve a limited and specific public purpose.

Receiving Waters

Any water bodies, watercourses, or wetlands into which surface waters flow either naturally, in man-made ditches, or in a closed conduit system.

Recreation Facility, Indoor

A facility that is developed for active recreational pursuits within a fully-enclosed building. This may include bowling alleys, skating rinks, and similar uses.

Recreation Facility, Outdoor

A facility that is developed for active recreational pursuits outside a fully-enclosed building. This may include driving ranges, batting cages, tennis courts, and similar uses.

Recreation Vehicle

A vehicular-type unit without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. A recreation vehicle shall not be considered as being a single-family dwelling.

Rehabilitation (Historic Preservation Overlay)

The act or process of returning a building or structure to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the Cultural Resource which are significant to its historical, architectural and cultural value.

Religious Institution

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Daycare centers (which have enrollment capacities in excess of 25 enrollees) and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

Relocation (Historic Preservation Overlay)

The act or process of moving a building or structure from one site to another site, or to a different location on the same site.

APPENDIX A: DEFINITIONS

Renovation (Historic Preservation Overlay)

The act or process of returning a building or structure to a state of utility through repair or alteration which makes possible a contemporary use.

Repair Services (indoor)

The repair of any item that takes place entirely within an enclosed structure with no outdoor storage.

Reserve strip

A narrow area of land that prevents access to or from adjoining properties.

Residential Care Institution

An institutional facility maintained for the purpose of providing skilled rehabilitative, nursing care, medical care, or other supervisory care in a residential setting at a lower level than that available in a hospital.

Residential Use

Any use occurring within a building or portion of a building to provide living quarters for one (1) or more families.

Restaurant

A commercial establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Restoration (Historic Preservation Overlay)

The act or process of accurately recovering the form and details of a building or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

Retention

The collection and storage of runoff without subsequent discharge to surface waters.

Retail Uses

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Rezoning

See Amendment, Zoning Map.

Right-of-Way

Land subject to use as a street, alley or cross walk, or for drainage or other public purposes.

Roof Line

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Rooming House

See “Boarding House”.

Runway (Airport Overlay)

A specified area on an airport prepared for landing and takeoff of aircraft.

Screening

A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses or around outdoor storage or mechanical equipment.

Secretary of Interior’s Standards for Rehabilitation Projects

The *U.S. Secretary of the Interior’s Standards for Rehabilitation of Historic Buildings*, issued by the National Park Service (36 Code of Federal Regulations Part 67), together with the accompanying interpretative *Guidelines for Rehabilitating Historic Buildings*, as they may be amended from time to time.

Sediment

Fine particulate material, whether mineral or organic, that is temporarily in suspension or has settled in a water body.

Service Uses

Uses that include the provision of work that does not typically result in ownership of physical goods and that create benefits by facilitating a change in customers, a change in their physical possessions, or a change in their intangible assets. (i.e. dry cleaning, appliance repair, etc.)

Setback

A required yard between a street right-of-way or lot line and the principal building on a lot. Parking is permitted in setback areas.

Setback, Front

The required distance from the fronting or primary street right-of-way to a structure.

Setback, Rear

The required distance from the rear property line to a structure

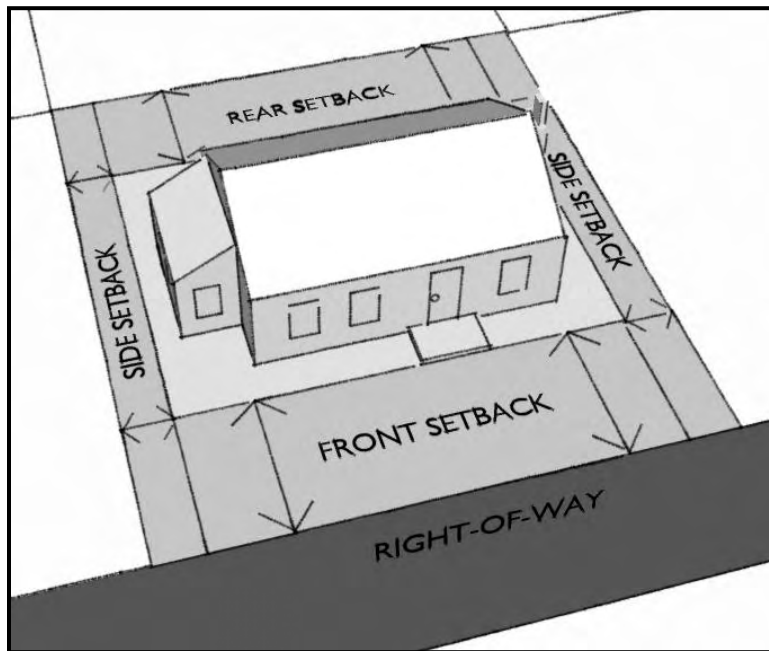
Setback, Side

The required distance from the side property line to a structure.

Setback, Side Corner

The required distance from the non-fronting or non-primary street right of way to a structure.

FIG. A.11: SETBACKS



Setback, Sign

The required distance from the property line or right-of-way to the nearest point of the sign or its supporting member.

Sexually Oriented Business

An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio, or sexual encounter center. The following words, terms and phrases, when used in this document, shall have the meaning ascribed to them as it relates to Sexually Oriented Businesses:

1. **Adult arcade.** Any place to which the public is permitted or invited wherein coin-operated or 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 five (5) or fewer 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.”
2. **Adult bookstore, adult novelty store, or adult video store.** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any 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, or paraphernalia which are designed for use in connection with “specified sexual activities.”
 - c. 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, novelty store, or video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”
- d. An establishment will not be considered an adult bookstore, novelty store, or video store if the establishment demonstrates that the items of adult material offered for sale or rental comprise less than ten (10) percent of the inventory of stock used in trade and/or publicly displayed in the establishment and which are not accessible to minors.
3. **Adult cabaret.** A nightclub, bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
 - a. Persons who appear in a state of nudity or semi-nudity; or
 - b. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
 - 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.”
 4. **Adult car wash.** A car wash where some or all of the employees are semi-nude or nude and/or where “specified anatomical areas” are exhibited.
 5. **Adult health club, adult massage parlor, or adult bath house.** A health club, massage parlor, or bath house where some or all of the employees are nude or semi-nude, or in which “specified anatomical areas” are exhibited by an employee, or where “specified sexual activities” occur.
 6. **Adult motel.** A hotel, motel or similar commercial establishment which 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 has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions.
 7. **Adult motion picture theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.” This definition does not include motion picture theaters which feature materials which have received ratings by the Motion Picture Association of America of General Audiences “G”, Parental Guidance suggested “PG”, Parents Strongly Cautioned “PG 13”, Restricted “R” or which have equivalent ratings or content as established by a similar nationally recognized rating agency.
 8. **Adult theater.** A theater, concert hall, auditorium, or similar commercial establishment which features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
 9. **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
 10. **Escort agency.** A person or business association who furnish escorts as one of its primary business purposes for a fee, tip or other consideration

APPENDIX A: DEFINITIONS

11. ***Nudity or state of nudity.*** The appearance of a human bare buttock, anus, male genitals, female genitals, or full female breast without a fully opaque cloth covering over the entire nipple and areola.
12. ***Permittee.*** A person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as the applicant on an application for a permit.
13. ***Semi-nude.*** A state of dress in which clothing covers no more than the genitals, pubic regions, and areola of the female breast.
14. ***Specified anatomical areas.*** Specified anatomical areas means and includes any of the following:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola.
 - b. Human male genitals in a discernable turgid state, even if completely and opaquely covered.
15. ***Specified sexual activities.*** Specified sexual activities mean and include 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 above.

Shopfront

A business or retail use. The facade of a shopfront is aligned directly on the building line with the entrance at grade. This is typical for sidewalk retail. Shopfronts often have awnings or a colonnade.

Shopping Center

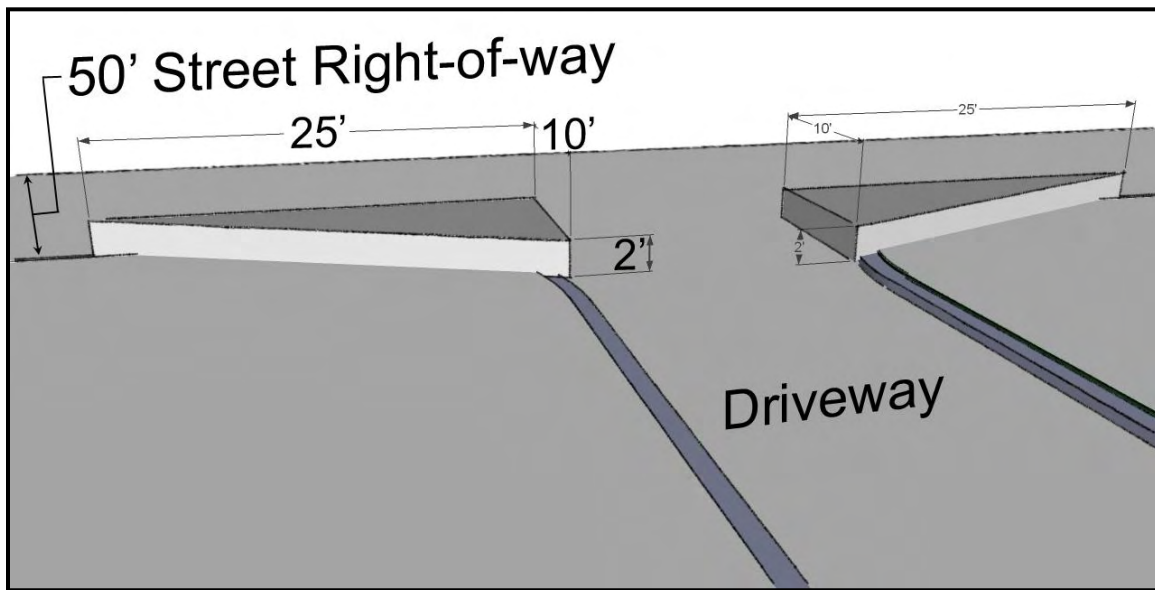
A group of three (3) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

Sight Distance Triangle

The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway) within which no planting, structure, sign, fence, wall, or obstruction greater than two (2) feet in height shall be placed or maintained. The following are the distances used to establish a sight triangle as measured from an intersecting right-of-way:

Right-of-Way Width (feet)	Distance (feet)
Driveway	10
50	25
60	30
70	35
80	40
90	45
100 or greater	50

FIG. A.12: SIGHT TRIANGLE



Sign (*see Chapter 5 for sign type pictures and illustrations*)

Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

Sign, Advertising

A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or noncommercial copy.

Sign Area

The entire face of a sign including the advertising surface and any framing, trim, or molding, but

APPENDIX A: DEFINITIONS

not including the supporting structure. In computing area, only one side of a double-faced sign shall be considered.

Signs, Banner

Temporary signs advertising a special sale, event, or feature that are made of vinyl, fabric, or similar material.

Signs, Billboard

Large off-premises advertising signs.

Signs, Building Marker

A sign etched into masonry, bronze or similar material on a building that identifies the name of the building, designer, year constructed, or provides similar information.

Signs, Canopy and Awning

Signs attached to or painted or printed onto a canopy or awning. For the purposes of the Ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

Signs, Civic (off-premises)

Signs which denote the location of religious, charitable, fraternal, military or service organizations.

Signs, Construction/Contractor's or Subdivision Project

Signs that identify future tenants, home builders, contractors, and architectural or engineering designers during the period of construction.

Signs, Directional (on-premises)

Signs that are located on the premise/property to provide directions for entrances and exits to the property. Such signs contain no copy other than directional information.

Sign, Directory

A sign on which the names and locations of occupants or the use of a building or property is identified.

Signs, Flashing

Signs that use an intermittent or flashing light source or windblown and/or mechanical moved reflective material to attract attention.

Signs, Freestanding

Signs that are not affixed to a building and is securely and permanently mounted in the ground.

Signs, Government

Signs posted or authorized by various local, state, and federal agencies in the performance of their duties including providing community information and facilitating economic development.

Such signs include regulatory signs, traffic signs, welcome signs, bulletin boards, and wayfinding signs.

Signs, Illuminated

Signs lit from either internal or external light sources.

Signs, Incidental

Signs used in conjunction with equipment or other functional elements for a use or operation 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, Legal and Warning

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.

Signs, Monument

Free-standing permanent ground signs in which the bottom of the signs are no more than three (3) feet from the ground.

Signs, Neighborhood Identification

Signs which display only the name of recognizable communities or subdivisions.

Signs, Occupant/Street Number

Signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc., which serve to identify the address of the structure or occupant.

Signs, Permanent

Signs that have a face made of durable, rigid all-weather material.

Signs, Off-Premises

Signs that draw attention to or communicate information about businesses, services, commodities, that exist or are conducted, sold, offered, maintained or provided at locations other than the premises where the signs are located. This includes billboards.

Signs, On-Premises

Signs that draw attention to or communicate information about businesses, services, commodities, that exist or are conducted, sold, offered, maintained or provided on the premises where the signs are located.

Sign, Placard

A small sign attached to a wall face near the building entrance which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of the occupant or building.

APPENDIX A: DEFINITIONS

Sign, Pole

A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such sign is more than three (3) feet from the ground.

Signs, Political

Temporary signs displayed during a period prior to an election, primary, or referendum to advocate or denounce a particular candidate or cause.

Sign, Portable

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; or umbrellas used for advertising.

Sign, Principal Use

A sign which constitutes the sole and/or principal use of land.

Sign, Projecting

Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted and has two sign faces perpendicular or close to perpendicular to the wall face.

Sign, Pylon

A sign that is supported by two (2) posts that are wide enough to keep the sign structure from appearing top heavy.

Signs, Real Estate

Temporary signs that advertise the sale or lease of a property. Signs shall be removed within seven (7) days of the sale or lease of the property. Signs advertising lots for sale within an approved subdivision may be posted at the entrance to the subdivision and shall be allowed until 75 percent of the lots are sold within the subdivision.

Sign, Roof

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Signs, Special Event

Temporary signs erected by public or non-profit organizations such as schools and churches for promoting public events such as fund drives, fairs, festivals, sporting events, etc.

Signs, Stadium

Signs located within a stadium intended to be read only by persons seated within the stadium.

Sign, Vehicular

Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property, and said vehicles are not used in the normal day to day operations of said

business. For the purposes of this Ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

Sign, Wall

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support and is parallel to the wall face. Signs directly painted on walls shall be considered wall signs.

Signs, Wayfinding (city-sponsored)

Signs that direct travelers and tourists to points of interest including the Central Business District, government facilities, cultural arts facilities, galleries, accommodations, restaurants, and shops. This shall not include signs installed and maintained by SCDOT.

Signs, Window (temporary)

Signs temporarily attached or temporarily painted to a window or door, announcing sale or special features.

Signs, Yard Sale

Temporary signs displayed for the purpose of advertising yard sales.

Site

A space or piece of ground occupied or planned for occupation by structures or a set of structures and support improvements.

Stormwater Runoff

Rain which falls onto impervious surfaces and is not absorbed into the ground immediately. Stormwater runoff carries pollutants from paved surfaces into streams and rivers and causes flooding by speeding up the rate of water flow into streams and rivers.

Street, arterial (minor)

A SCDOT designated roadway, as depicted on their “Functional Classification Map for the City of Waltherboro”, that carries a mix of local and through traffic and which links collector roads, and sometimes local streets, with principal arterials.

Street, arterial (principal)

A SCDOT designated roadway, as depicted on their “Functional Classification Map for the City of Waltherboro”, that is primarily intended to provide traffic service between urban areas.

Street, collector

A public or private way designed primarily to contact residential service streets with arterial streets or to provide a direct connection between two (2) arterial streets and may be expected to carry a significant volume of traffic having neither origin nor destination on the street.

Street, local

A public or private way used primarily for providing direct access to abutting property.

APPENDIX A: DEFINITIONS

Street, marginal access

Streets that run parallel to an arterial street to provide access to abutting properties and separation from through traffic. They serve to reduce the number of access points which intersect the larger street thereby increasing the efficiency and safety of traffic flow along the major street while providing access to abutting development.

Street Orientation

The direction of the architectural front facade of a building in relation to the street.

Street, private

A right-of-way which has not been dedicated or publicly accepted by SCDOT, Colleton County, or the City.

Street, public

A dedicated public right-of-way which affords means of access to abutting property and which has been accepted for maintenance by the County, City, or SCDOT. For the purposes of these regulations, the term street or streets shall also mean avenues, boulevards, roads, lanes and other public ways.

Street Right-of-Way

An area of land occupied or intended to be occupied by a public street, for such purpose, areas claimed by a municipality or the State of South Carolina for such purposes, or actually used for such purposes.

Structure

Anything constructed, erected or established including, but not limited to the following: Buildings, signs, seawalls, mobile homes, fences, screen enclosures and patio walls.

Subdivision (SC Code Section 6-29-1110(2))

A division of a tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:

- The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;
- The devision of land into parcels of five (5) or more acres where no new street is involved; or
- The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

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.

APPENDIX A: DEFINITIONS

Tract

A defined area or piece of land, the term itself not importing any precise dimension.

Transitional surface (Airport Overlay)

A surface which extends outward perpendicular to the runway centerline extended at a slope of seven (7) feet horizontally for every one (1) foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces

Tree

A species of perennial woody plants which at maturity are generally 15 to 20 feet or more in height, with a single trunk, un-branched for at least three (3) feet above the ground, and having a more or less definite crown. *(The specifications apply to the species, not to every individual within the species.)*

Tree, Flowering

Any tree species designated as such by City Council or the Tree Committee, and shall include, but not be limited to, the following:

- AMERICAN TEA OLIVE-OSMANTHUS AMERICANUS
- BLACK LOCUST-ROBINIA PSEUDOACACIA
- CAROLINA SILVERBELL-HALESIA CAROLINA
- CRABAPPLE-MALUS ANGUSTIFOLIA
- DOGWOOD-CORNUS FLORIDA
- GRANCY GRAYBEARD-CHIONANTHUS VIRGINICUS
- HAWTHORN-CRATAEGUS SPP
- LIVE OAK
- LOBLOLLY-BAY-GORDONIA LASIANTHUS
- PAWPAW-ASIMINA TRILOBA
- PERSIMMON-DIOSPYROS VIRGINIANA
- RED BAY-PERSEA BORBONIA
- REDBUD-CERCIS CANADENSIS
- SERVICEBERRY-AMELANCHIER ARBOREA
- SOUTHERN CATALPA-CATALPA BIGNONIOIDES
- SOUTHERN MAGNOLIA-MAGNOLIA GRANDIFLORA
- SWEET BAY MAGNOLIA-MAGNOLIA VIRGINIANA
- WILD PLUMS AND CHERRIES-PRUNUS SPP

NOTE: Some of these species attain diameters at breast height (DBH) in excess of 10 inches when mature.

Tree, Grand

Any tree having a diameter breast height (DBH) of twenty-four (24) inches or larger.

Tree, Protected

Any flowering tree two (2) inches in diameter at breast height (DBH) or larger, and all other trees with a DBH of ten (10) inches or larger.

Use

The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied and maintained.

Utility, private

Any privately owned company or corporation which provides the general public or residents within a private development with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other services.

Utility, public

Any agency which, under public franchise or ownership provides the general public with electricity, gas, heat, steam, communication rail transportation, water, sewage collection or other services.

Variance

A departure from the strict terms or expressed provisions of this Ordinance granted by the Board of Zoning Appeals under the conditions of this Ordinance.

Vegetation

All plant growth, especially trees, shrubs vines, ferns, mosses and grasses.

Vehicle Storage

The outdoor storage of vehicles for an automobile service use. This does not include inoperable vehicles (junk vehicles) which would constitute a junkyard.

Vested Right

The right to undertake and complete a development or use of property under the terms and conditions of an approved Site Specific Plan currently in effect or as otherwise allowed by law.

Viewshed

The physical area within view from a defined observation point on a development site.

Visual Screen

A visually solid device which effectively blocks the view of the object or objects required to be screened.

Vocational School

A center for higher education that teaches specific job skills.

Warehouse Use

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one (1) or more lessees of space in the facility or both, with access to contents only through management personnel. This does not include mini-warehousing or mini-storage.

APPENDIX A: DEFINITIONS

Water body, man-made

Any man-made pond, lake, lagoon channel, wetland, marina, or basin which ordinarily or intermittently contains water and which has a discernible shoreline.

Water body, natural

A natural pond, lake, channel, wetland, marsh, creek), sound, or ocean which ordinarily or intermittently contains water and which has a discernible shoreline.

Wetlands

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be identified using the most recent edition of the US Army Corps of Engineers Wetlands Delineation Manual and applicable supplements.

Wholesale

A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations".

Yard

The space between a principal building on a lot and each lot line or street right-of-way bordering the lot.

Yard, Front

An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house. In instances where the street right-of-way line goes to the centerline of the street, the front setback shall be measured at a point 30 feet from the centerline.

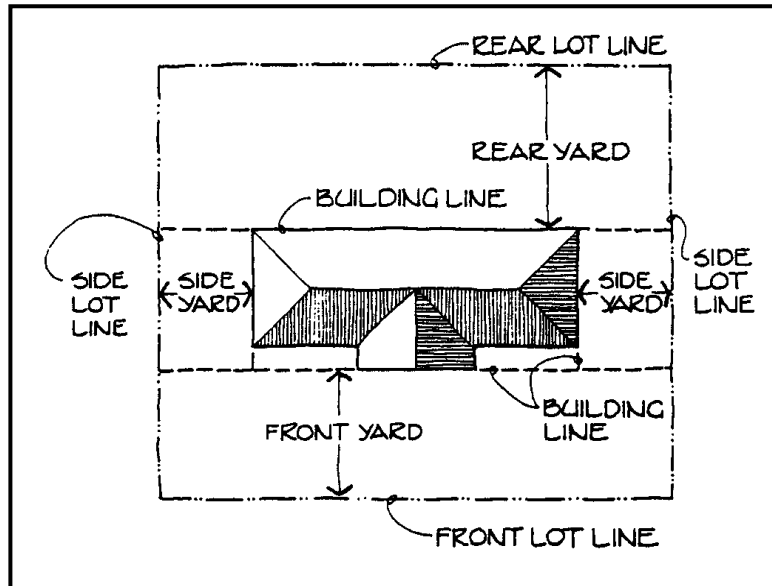
Yard, Rear

An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, Side

A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

FIG A.13: FRONT, SIDE, & REAR YARDS



Yard Sale

An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants.

Zero Lot Line

The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zoning District

See definition of "district."

Zone (Airport Overlay)

Areas, generally described in three (3) dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, and capped at specific vertical limits by the surfaces of the zone.

Zoning Administrator

See "Administrator".