Article VII: Conditional Uses and Additional Regulations

**Section 7.1 Purpose**

The conditional use zoning procedure is essentially a combination of a rezoning map amendment and text amendment. It is designed to provide for a land use within an area that is not permitted by the established zoning district but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions. The granting of a conditional use classification shall not be for all of the uses permitted in a district but shall be only for the specific conditional use or uses named in the ordinance approving the conditional zoning district.

**Section 7.2 Applicability**

This section applies to any application for reclassification of a tract, parcel or land area to a conditional use zoning district. Conditional use zoning districts may be applied as parallel districts to any of the base zoning districts. Conditional zoning districts may not be applied to the overlay district of Article 5, Overlay Zoning District.

The requirements and additional regulations of this Article shall apply to all conditional uses listed on Table 6-1, Use Matrix.

**Section 7.3 Initiation**

A proceeding for approval of a conditional use zoning district shall be initiated by filing an application with the Zoning Administrator. The application shall be signed and filed by the owner or, with the owner’s specific written consent, a contract purchaser or owner’s agent of a property included within the boundaries of a proposed conditional rezoning. The applicant may submit an application for a conditional use permit concurrent with the application for a conditional use zoning district. No separate conditional use permit application shall be required for a conditional rezoning. The application for a conditional use zoning district shall be the same as that for a rezoning.

**Section 7.4 Decision**

The procedure for approving a conditional use classification shall be the same as required for a rezoning, and as further provided herein. In approving the conditional use classification for recommendation to the Town Council, the Planning Commission may impose such requirements and safeguards as indicated by Section 7.4.1 as are necessary to protect adjoining property, and may specifically authorize the location of uses, subject to the requirements set forth in Section 7.4.2.

*7.4.1 Criteria*

Notwithstanding any provision of this Article to the contrary, a conditional use may be permitted as provided in this section so long as the criteria for approval of a rezoning are met.

*7.4.2 Development Constraints*

In considering a request for a conditional use classification, the Planning Commission shall determine the use and development conditions which ensure compatibility with surrounding properties. Development constraints that may be specified as a requirement for a conditional use classification shall be limited to the following:

1. Range of allowable uses (Reference Table 6.1, refer to Definitions page “Conditional Use”).
2. Protective screening and/or buffering of property perimeter.
3. Protective screening/location of dumpsters, mechanical systems and loading docks.
4. Landscaping relative to screening, buffering and ingress/egress control and not solely for beautification purposes.
5. Lighting.
6. Height limitations.
7. Setbacks.
8. Parking. The location of parking and in some instances reduction in the amount of parking to be allowed.
9. Access, circulation, ingress and egress.
10. Hours of operation for special conditional uses permitted in, or adjacent to, residential zoning districts.
11. Signage.
12. Performance standards relative to: air pollution, noise, glare and heat, vibration, noxious odors, toxic and liquid wastes, fire and explosion, radioactivity and electromagnetic radiation.
13. Building design.
14. Traffic/ road conditions need to support development project being recommended.

**Section 7.5 Manufactured Housing**

Manufactured housing, where permitted by this Ordinance, shall:

1. Be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations (see https://www.scstatehouse.gov/coderegs/Chapter%2079.pdf).
2. Be covered with a non-reflective exterior material customarily used on conventional dwellings. The exterior material must extend to the ground, however, where a solid brick or masonry perimeter foundation is used, the exterior covering need not extend below the top of the foundation.
3. Have a pitched roof with a minimum of two (2) inch vertical rise for each 12 inches of horizontal run. Said roof shall consist of shingles or comparable roofing material customarily used for conventional dwellings.
4. Be not less than 18 feet wide and have a roof overhang of not less than eight (8) inches, measured from the vertical side of the structure.
5. Have installed, constructed, and attached firmly to the manufactured home and anchored securely to the ground, in accord with applicable building codes, stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home.
6. Be placed on the lot in such a manner that is compatible with and reasonably similar in orientation to neighboring site built housing.
7. Have all moving or towing apparatus removed or concealed, including hitch, wheels and axles.
8. Meet the habitability requirements of Section 7-6.

Additionally, all manufactured homes shall follow the below regulations in all zoning districts.

1. **Age and Build**: All manufactured homes must be built according to the Federal Manufacturing Housing Construction and Safety Standards Code (24 CFR 3280), enacted June 15, 1976. Manufactured housing built prior to the effective date of that Code shall not be permitted to be placed or relocated for any use within the town limits, or Orangeburg County, for reasons of safety, except for relocation to a manufactured-home dealer’s lot or to an authorized recycling, salvage, or landfill facility.
2. **Foundation Screening**: All manufactured homes, whether on temporary or permanent foundations, shall have adequate visual screening between the walls and the ground surface to conceal all utilities, foundations, wheels, and other items, and to protect children from possible harm under manufactured homes. Such screening may consist of brick, masonry, vinyl, or similar materials compatible with the exterior sheathing, designed and manufactured for outdoor installation, and in compliance with Orangeburg County building codes.
3. **Outdoor Storage Facilities**: All manufactured homes shall provide access to adequate outdoor storage space for the purpose of storing furniture, tools, outdoor equipment, and other items which cannot easily be accommodated inside. They shall be of such design and construction as to enhance the appearance of the premises and shall be of durable, weather resistant materials. Where adequate, the enclosed foundation crawl space of manufactured homes may be used for this storage.
4. **Installation**: A manufactured home must be properly installed per Manufacturer’s Installation Manual. In the event that the Manual is not provided, the home must be installed according to Section 19-425.39, Manufactured Home Minimum Installation, as promulgated by the South Carolina Manufactured Housing Board. Additionally, manufactured homes must be installed by an installer or contractor licensed by the South Carolina Manufactured Housing Board. The manufactured home shall be no more than ten (10) years old at the time of placement or installation on the site.

**Section 7.6 Mobile Homes**

Mobile homes, as defined by this Ordinance, are not permitted, established or reestablished in the Town of Holly Hill. Where in existence at the time of adoption of this Ordinance, such use may be continued, provided they are maintained in habitable condition, and the underside is "skirted" with material approved by the Zoning Administrator to prevent the mobile home from presenting an unsightly or disheveled appearance.

The term "habitable" means that there is no defect, damage, or deterioration to the home that creates a dangerous or unsafe situation or condition; that the plumbing, heating and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place. Further, the term habitable includes the provision of the following facilities:

1. **Sanitary Facilities**. Every mobile home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.
2. **Hot and Cold Water Supply**. Every mobile home shall have connected to the kitchen sink, lavatory, and tub or shower cold and hot running water. All water shall be supplied through an approved distribution system connected to a potable water supply.
3. **Heating Facilities**. Every mobile home shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each home shall be provided with an alternative system, approved by the Zoning Administrator.
4. **Cooking and Heating Equipment**. All cooking and heating equipment and facilities shall be installed in accordance with Federal Manufactured Home Construction and Safety Standards.
5. **Smoke Detector**. Every mobile home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm.
6. **Carbon Monoxide Detector**. Any home/facility that has natural gas, propane gas, or butane gas must have a carbon monoxide detector installed.
7. The Zoning Administrator shall periodically inspect existing mobile homes for compliance with the provisions of this Section. Units found not to be in compliance shall be cited in accord with the provisions of Article 11. Mobile homes existing at the time of adoption of this Ordinance shall have six (6) months to meet the skirting requirements of this Section.

**Section 7.7 Manufactured Home Parks**

The establishment and operation of a manufactured home park in the Town of Holly Hill shall comply with the following design and development standards:

1. The park site shall be not less than two (2) acres, and have not less than 200 feet frontage on a public dedicated and maintained street or road.
2. The park shall be served by public water and sewer systems, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.
3. All dwelling spaces shall abut upon an all-weather surface driveway of not less than eighteen (18) feet in width which shall have unobstructed access to a public street.
4. A description of the procedures of any proposed home owners association or other group maintenance agreement must be submitted to and approved by the Town Attorney.
5. All on-site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than 400-foot intervals.
6. Each individual home site shall be at least 30 feet from any other site.
7. All homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.

(8) Not less than 10 percent of the park site shall be set aside and developed for common open space and recreation usage.

(9) Space Numbers: Permanent space numbers shall be provided on each mobile home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.

(10) The maximum number of manufactured home spaces shall not exceed seven (7) per acre.

(11) Two (2) parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas.

(12) In the development of a park, existing trees and other natural site features shall be preserved to the extent feasible.

(13) License Required, Revocation: A license shall be requisite to the opening or operation of a manufactured home park and shall be subject to annual renewal.

Said license may be revoked by the Zoning Administrator for a violation of this Ordinance or other applicable ordinances and regulations governing the operation of such uses.

(14) Site Plan Required: A Site Plan showing the above required data, and in all other respects meeting the minimum requirements for a Building Permit shall accompany all applications to establish a manufactured home park.

**Section 7.8 Townhouses**

Due tothe unique design features of townhouses, the dimensional requirements of Table 6-2, Dimensional Standards are hereby waived to the extent necessary to permit townhouses and the following design requirements imposed for all such projects:

(1) Such projects shall have a minimum of 0.5 acres.

(2) Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same front line.

(3) Side yard setbacks at the end unit shall be as required for the district in which the project is to be located, with not less than 20 foot distance between buildings in the project area.

(4) Rear yard setbacks shall be 20 feet.

(5) Minimum lot width shall be 18 feet.

(6) Front yard setbacks shall be as prescribed by Table 6-2, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.

**Section 7.9 Patio and Zero Lot Line Housing**

Due to the unique design features of patio and zero lot line housing, the dimensional requirements of Table 6-2 are hereby waived to the extent necessary to permit such housing and the following requirements imposed:

(1) Such projects shall have a minimum of 1.5 acres.

(2) Minimum lot area shall be 3,000 square feet per dwelling unit, on average.

(3) Minimum lot width shall be 40 feet.

(4) Where a unit is to be constructed at or on the property line, a five (5) foot maintenance easement shall be provided on the adjoining lot.

(5) A minimum patio or yard area of 700 square feet shall be provided on each lot, not more than 15 percent of which shall be impervious.

(6) At least one side yard extending not less than five (5) feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five (5) feet.

(7) The side yard of the exterior units shall be six (6) feet from the "outside" property line.

(8) Rear yard setbacks shall be not less than ten (10) feet.

(9) Front yard setbacks shall be as prescribed by Table 6-2, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.

**Section 7.10 Bed and Breakfast Inns**

Bed and Breakfast Inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where permitted by this Ordinance, shall:

(1) Be occupied by the owner/manager.

(2) Only be permitted in older residential structures that are recognized as architecturally, historically or culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience, character, or economic revitalization of the area and/or continued use of the property in question for residential purposes.

(3) Serve no scheduled meal other than breakfast; however, lunch and dinner meals may be prepared and served for business meetings, clubs, social gatherings, private parties, together with catering for parties on and off premises.

(4) Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guest rooms above the number of bedrooms in the original structure.

(5) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.

(6) Provide off-street parking on the basis of one (1) space per guest room, plus two (2) spaces for the owner/manager; further provided that sufficient off-street parking space shall be available on site to accommodate business and club meetings, social gatherings, and private parties, where proposed by the applicant.

(7) Be permitted one (1) non-illuminated identification sign, not to exceed four (4) square feet in area.

**Section 7.11 Accessory Apartments**

Accessory apartments, where permitted as conditional uses, shall meet the following conditions:

(1) The principal structure (dwelling) must be owner occupied.

(2) The apartment, whether attached or detached, cannot exceed 50 percent of the gross floor area of the principal dwelling, or contain more than two (2) bedrooms.

(3) The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.

(4) An accessory apartment may be accessory only to a single unit dwelling, and not more than one (1) apartment shall be allowed per dwelling or lot.

(5) Minimum lot size shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment is to be located.

(6) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than ten (10) feet from the principal dwelling.

(7) Evidence of the accessory apartment should not be apparent from the street

(8) A third off-street parking space shall be required.

**Section 7.12 Open Storage**

Open storage as an accessory use may be permitted where indicated by Table 6-1; provided such storage area does not occupy over 20 percent of the building area, is not located in the required setback area, and is relatively obscured from public view by screening or placement on the lot.

**Section 7.13 Mini-warehouses**

Due to the need to better integrate mini-warehouses into the urban fabric of the community, the following standards shall be observed:

(1) **Size.** Mini-warehousing sites shall not exceed two (2) acres.

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

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

(4) **Storage Only**. No business activities other than rental of storage units shall be conducted within or from the units.

(5) **Storage Space**. The storage space or gross floor area of a single unit shall not exceed 300 square feet.

**Section 7.14 Communications Towers and Antennae**

Where conditionally permitted by Table 6-1, communications towers and antennae shall adhere to the following regulations.

(1) All new towers shall be mounted on mono poles, without need for guy wires, and designed to accommodate additional antennae equal in number to the applicant's present and future requirements.

(2) All applicable safety code requirements shall be met, including requirements for lighting, except that strobe lights shall not be installed for night usage.

(3) Towers or antennae shall not be painted or illuminated unless otherwise required by state or federal regulations. However, if painted, they shall be done so in muted gray colors.

(4) No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.

(5) Towers or antennae shall be exempt from the maximum height requirements of this Ordinance, except as provided in Section 10.9.

(6) Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:

(a) $200 processing fee.

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

(c) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].

(d) A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the town.

(e) A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSVEWTIA 222 (latest revision) standards.

(f) Identification of the owners of all antennae and equipment to be located on the site.

(g) Written authorization from the site owner for the application.

(h) Evidence that a valid FCC license for the proposed activity has been issued.

(i) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

(j) A written agreement to remove the tower and/or antenna within 180 days after cessation of use. The agreement must include a closure plan and financial guarantees ensconcing removal within a said time frame.

(k) A certificate from a registered engineer showing that the proposed facility will contain only equipment meeting FCC rules, together with a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to $1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the city, in form approved by the town attorney.

**Section 7.15 Apartments in Commercial Districts**

Use of the upper floors of commercial buildings in all Commercial Districts may be converted to residential apartments; provided ground floors remain for business and/or commercial use; further provided that off-street parking requirements shall not apply to apartment uses, but may be provided in contiguous zone districts, notwithstanding restrictions against off-street parking facilities in such districts. All buildings must adhere to all National/State Fire and Safety Regulations, including fire walls and fire escape routes.

**Section 7.16 Adult Uses**

*7.16.1 Location*

Due to potentially objectionable operational characteristics of sexually oriented or adult uses, and the detrimental effect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be tempered by the supplemental siting criteria of this section.

No such use shall be located within 600 feet (measured in a straight line) of the nearest property line of:

(1) a residentially zoned lot,

(2) a church or religious institution,

(3) a public or private school or educational facility,

(4) a public park or recreational facility, or

(5) any other adult or sexually oriented business.

*7.16.2 License Required*

It shall be a misdemeanor for a person to operate a sexually oriented business without a valid Permit and/or License, issued by the town for the particular type of business.

(1) An application for a permit and/or license must be made on a form provided by the Office of the Zoning Administrator.

(2) The premises must be inspected and found to be in compliance with the law by health, fire and building officials.

*7.16.3 Expiration of License*

Each permit and/or license shall expire one year from date of issuance and may be renewed only by making application as provided herein.

*7.16.4 Fees*

The annual fee for a sexually oriented business permit and/or license is a minimum of five hundred dollars ($500).

*7.16.5 Inspection*

(1) An applicant or permittee and/or licensee shall permit the Zoning Administrator and representatives of the police, health or fire departments or other town departments or agencies involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

(2) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

*7.16.6 Suspension*

The Zoning Administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if determined that a permittee and/or licensee or an employee of a permittee and/or licensee has:

(1) Violated or is not in compliance with any section of this Ordinance.

(2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises.

(3) Refused to allow an inspection of the sexually oriented business premises as authorized by this Section.

(4) Knowingly permitted gambling by any person on the sexually oriented business premises.

*7.16.7 Revocation*

(1) The Zoning Administrator shall revoke a permit and/or license if a cause of suspension occurs and the permit and/or license has been suspended within the preceding twelve (12) months.

(2) The Zoning Administrator shall revoke a permit and/or licenseif determined that:

(a) A permittee and/or licensee gave false or misleading information in the material submitted to the building department during the application process.

(b) A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.

(c) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises.

(d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.

(e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises.

(f) A permittee and/or licensee is delinquent in payment to the town or state for any taxes or fees past due.

**Section 7.17 Temporary Uses**

*7.17.1 Permit Required*

The Zoning Administrator is authorized to issue a permit for temporary uses as specified herein. No temporary use may be established without receiving such permit.

Temporary use permits may be renewed no more than twice within one calendar year, provided that said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Zoning Administrator.

*7.17.2 Type and Location*

The following temporary uses and no others may be permitted by the Zoning Administrator subject to the conditions herein.

(1) Religious meetings in a tent or other temporary structure in the C-2 District for a period not to exceed ten (10) days.

(2) Open lot sales of Christmas trees in the C-1, C-2, C-3, and LI Districts for a period not to exceed forty-five (45) days.

(3) Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one (I) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.

*7.17.3 Removal*

Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

*7.17.4 Off-Street Parking*

Unless specified by Table 6-1 for a specific use, a minimum of five (5) off-street parking spaces shall be required, and ingress/egress areas shall be clearly marked.