

**Town of Holly Hill
Zoning Ordinance**

Amended: October 8, 2024

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Article I: Introductory Provisions

Section 1.1 Title

This Ordinance shall be officially known and cited as the Town of Holly Hill Zoning Ordinance, 2019. It may be referred to in this document simply as "this Ordinance."

Section 1.2 Authority

This Ordinance is enacted pursuant to the statutory authority conferred by Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.

Section 1.3 Effective Date

This Ordinance shall take effect on December 2, 2024 as amended.

Section 1.4 Applicability and Jurisdiction

1.4.1 Generally

This Ordinance shall apply to all development, public and private, within the incorporated areas of the Town of Holly Hill, South Carolina. All structures and land uses constructed or commenced hereafter, and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring hereafter shall be subject to this Ordinance and all other authorities pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.

1.4.2 New or Moved Structures

All structures built hereafter shall comply with all of the regulations of this Ordinance. Any structure moved from one site to another site, including movement within a zoning lot, shall be considered to be a structure built hereafter.

1.4.3 Remodeling

If any structure is hereafter remodeled:

- A. The entire structure as remodeled shall comply with the use regulations of this Ordinance.
- B. Any alterations, enlargements, or additions to the structure shall comply with all applicable density/intensity and dimensional standards of the underlying zoning district.
- C. Off-street parking facilities shall not be reduced below (or if already less than, shall not be further reduced below) the requirements of this Ordinance applicable to a similar new structure or use.

1.4.4 Change in Land Use or Land Classification

If a use of any structure is hereafter changed to another use, then the new use must comply with the use regulations in Article 6 of this Ordinance, but the mere establishment of the new use does

not require the existing structure to comply with the density, intensity and dimensional standards of the underlying zoning district.

Section 1.5 Purpose and Intent

This Ordinance is intended to protect the health, safety, and general welfare of existing and future residents of the Town of Holly Hill by:

- A. Implementing the goals, objectives and policies of the *Comprehensive Plan*;
- B. Providing for adequate light, air, and open space;
- C. Preventing overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
- D. Protecting and preserving scenic, historic, or ecologically sensitive areas;
- E. Regulating the density and distributions 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;
- F. Facilitating 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;
- G. Securing from fire, flood, and other dangers;
- H. Furthering the public welfare in any other regard specified by a local governing body;
- I. Facilitating the creation of a convenient, attractive and harmonious community;
- J. Encouraging the development of an economically sound and stable municipality;
- K. Assuring the timely provision of required streets, utilities, and other facilities and services to new land developments;
- L. Assuring the provision of needed public open spaces, building sites and new land developments through the dedication or preservation of land for recreational, educational, transportation, and other public purposes;
- M. Assuring, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the *Comprehensive Plan*; and
- N. Fostering growth and development, and preserving our natural and cultural resources, always respecting the rights of the individual, including private property rights.

Section 1.6 Commentary

Commentaries may be included in this Ordinance whenever a provision requires additional explanation to clarify its intent. Commentaries have no regulatory effect, but rather are intended solely as a guide for administrative officials and the public to use in understanding and interpreting provisions of the Zoning Ordinance.

Section 1.7 Word Usage and Construction of Language

1.7.1 Meanings and Intent

All provisions, terms, phrases and expressions contained in this Ordinance shall be construed according to the Purpose and Intent set out in Section 1.5.

1.7.2 Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text shall control.

1.7.3 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

1.7.4 Computation of Time

All references to "days" are to the Town of Holly Hill Municipal Government work days unless otherwise expressly stated. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by Holly Hill Municipal Government, that day shall be excluded.

1.7.5 Reference to Other Regulations, Publications and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent editions of such regulation (as amended), resolution, ordinance, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.

1.7.6 Delegation of Authority

Authority to enforce the provisions of this Ordinance falls to the duly appointed Zoning Administrator who shall have all powers and duties authorized by statute or ordinance to enforce the provisions set forth in this Ordinance.

1.7.7 Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. Certain words and

phrases are defined in Article 12 of this Ordinance; those words and phrases shall be construed in accordance with their definitions in Article 12.

1.7.8 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Town of Holly Hill unless otherwise expressly provided. Whenever reference is made to a public official's title or name of a public agency, that reference shall be construed as referring to the most up-to-date title or agency name, or to the relevant successor official or agency.

1.7.9 Mandatory and Discretionary Terms

The words "shall," "will," and "must" are mandatory. The words "may" and "should" are advisory and discretionary terms.

1.7.10 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows: "And" indicates that all connected items, conditions, provisions, or events apply; and "Or" indicates that one or more of the connected items, conditions, provisions, or events may apply.

1.7.11 Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

Section 1.8 Minimum Requirements

The standards of this Ordinance are minimum requirements. The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Ordinance shall not relieve the recipient of responsibility for complying with all other applicable requirements of any other municipal, county, state or federal agency.

Section 1.9 Conflicting Provisions

1.9.1 Conflict with State or Federal Regulations

If the provisions of this Ordinance are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

1.9.2 Conflict with Other Regulations

If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the Town, the more restrictive provision will control. No text amendment, zoning variance or condition of approval attached to any form of development approval under this Ordinance shall have the effect of nullifying, abrogating or diminishing the provisions of any other Town ordinance.

1.9.3 Conflict with Private Easements, Agreements or Covenants

This Ordinance is not intended to abrogate, annul, or otherwise interfere with any private easement, agreement, covenant, restriction or other private legal relationship. The Town is responsible for

enforcing this Ordinance; it does not enforce private agreements, easements, covenants or restrictions to which the Town is not a party. Restrictive covenants affidavit(s) shall be signed by the applicant or current property owner(s) for all permit applications including but not limited to zoning variance applications, applications for rezoning, special exception applications, site plan review applications, subdivision applications and home occupation permits in compliance with State law, “Section 6-29-1145” that states:

- A. In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.
- B. If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:
 - 1. In the application for the permit;
 - 2. From materials or information submitted by the person or persons requesting the permit; or
 - 3. From any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.
- C. As used in this section:
 - 1. 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
 - 2. 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and
 - 3. 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land.

Section 1.10 ZONING MAP

1.10.1 Adoption

The Town of Holly Hill is hereby divided into zoning districts as shown on the Town of Holly Hill Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

1.10.2 Format

The Official Zoning Map is maintained and stored for display or analysis by a digital computer. The digital zoning database is hereby designated, established, and incorporated as a part of these regulations and the originals thereof, which are on file at the Town of Holly Hill, shall be as much a part of these regulations as if they were fully described in these regulations.

1.10.3 Amendments

If amendments are made in zoning district boundaries in accordance with the procedures of Section 3.4, such amendments shall be effective upon final approval of the Ordinance by Town Council and shall be updated by the Zoning Administrator promptly after the amendment has been approved by Town Council.

1.10.4 Location

The original paper version of the Official Zoning Map shall be stored in the office of the Zoning Administrator. In case of any dispute regarding the zoning classification of property subject to this Ordinance, the Official Zoning Map maintained by the Zoning Administrator shall control.

1.10.5 Corrections and Replacement

In the event that the Official Zoning Map becomes damaged, destroyed, or lost, the Town Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting and other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map, as amended. The new Official Zoning Map shall be marked, "This Official Zoning Map, adopted by resolution of the Town Council of the Town of Holly Hill, S.C., on (date) supersedes the Official Zoning Map adopted (date) of the Town of Holly Hill," which statement shall be signed by the Mayor of Town Council, attested by the Town Clerk, and bear the seal of Holly Hill, S.C. Unless the prior Official Zoning Map is lost or has been totally destroyed, the map or any significant parts thereof remaining after partial destruction shall be preserved, together with all records of Holly Hill regarding its adoption and amendment.

1.10.6 Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundary of any zoning district shown on the zoning map the following rules shall apply:

- A. Unless otherwise indicated, district boundaries follow lot lines; center lines of streets, highways, alleys or railroads; center lines of water courses or impoundments of streams, reservoirs, or other bodies of water.
- B. Where so indicated, district boundaries are parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, or the center lines of streams, reservoirs, or other bodies of water, or said lines extended as such distances therefrom as indicated on the zoning map. If no distance is given, distance shall be determined by the use of the scale on the zoning map.
- C. Where any district boundary is indicated on the zoning map as approximately following the corporate limits line of the incorporated place, then such boundary line or corporate limits line shall be construed to be the actual district boundary

Section 1.11 Transitional Provisions

1.11.1 Violations Continue

Any violation of the previous Zoning Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under Article 11, 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 October 19, 1998.

1.11.2 Legal Nonconformities Under Prior Ordinance

Any legal nonconformity under the previous Zoning Ordinance will also be a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous Zoning Ordinance continues to exist. If a nonconformity under the previous Zoning Ordinance becomes conforming because of the adoption of this Ordinance, then the situation will no longer be considered a nonconformity.

1.11.3 Approved Projects

- A. Variances and preliminary subdivision plats that have received approval by October 19, 1998, 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. Construction pursuant to conditional use permits, variances, preliminary subdivision plats, and planned developments that were approved without an expiration date may be carried out in accordance with the development standards in effect at the time that approval was granted, provided that permits for such construction are issued prior to October 7, 2019. As of October 7, 2019, all construction shall be subject to strict compliance with the regulations of this Ordinance.
- B. No provision of this Ordinance shall require any change in the plans, construction, or designated use of any structure for which a zoning permit or building permit has been issued prior to January 2008, provided that permit does not lapse and remains valid.
- C. No previously approved lot shall be deemed an unusable lot under the provisions of this Ordinance.

1.11.4 Special Exception Uses

- A. Any use that was legally established before October 19, 1998, without Special Exception approval and which after October 19, 1998, is located in a zoning district that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a Special Exception. Such uses shall be deemed Uses Permitted by Right, as defined in Article 12 of this Ordinance.
- B. Any use that was legally established before October 19, 1998, with a Conditional Use Permit and which after October 19, 1998, is located in a zoning district that requires Special Exception approval for the subject use and which presently continues as an allowable use, shall not be considered a nonconforming use and shall not require a Special Exception. Such uses shall be deemed Uses Permitted by Right, as defined in Article 12 of this Ordinance.

Section 1.12 Severability

If any Court of competent jurisdiction rules any provision of this Ordinance invalid, that ruling shall not affect any not specifically included in the judgment. If any Court of competent jurisdiction rules invalid the application of any provision of this Ordinance to a particular property, building, or other structure, or use, that ruling shall not affect the application of the Ordinance provisions to any property, building, other structure, or use not specifically included in the judgment. The provisions of this Ordinance are hereby declared to be valid and enforceable, notwithstanding inadvertent and/or clerical error(s); such error(s) as may exist shall not affect the validity or intent of the associated provisions, nor that of the remainder of the Ordinance provisions hereunder.

Article II: Review and Decision-Making Bodies

Section 2.1 Town Council

2.1.1 Review Authority

The Town Council does not act in a review or recommending capacity.

2.1.2 Decision-Making Authority

The Town Council shall have final (local) decision-making authority on the following matters:

- A. Comprehensive Plan Amendments;
- B. Zoning Text Amendments;
- C. Zoning Map Amendments (Rezoning);
- D. Planned Development (PD) Development Plans and PD Zoning Map Amendments; and
- E. Acceptance of public dedications (offered as part of Subdivision Plat process).

Section 2.2 Planning Commission

2.2.1 Review Authority

The Planning Commission acts in a review and recommending capacity on the following matters:

- A. Comprehensive Plan Amendments;
- B. Zoning Text Amendments;
- C. Zoning Map Amendments (Rezoning); and
- D. Planned Development (PD) Development Plans and PD Zoning Map Amendments.

2.2.2 Decision-Making Authority

The Planning Commission shall have final (local) decision-making authority on the following matters:

- A. Public Project Review;
- B. Appeals of Administrative Decisions on Final Subdivision Plats;
- C. Appeals of Administrative Decisions on Subdivision Matters;
- D. Names of New Streets and Roads;
- E. Requests for Street Name Changes; and
- F. Any other matters pursuant to Chapter 29, Title 6, Section 6-29-340 of the Code of Laws of South Carolina, as amended.

2.2.3 Officers, Rules, Meetings, and Minutes

Pursuant to Chapter 29, Title 6 of the Code of Laws of South Carolina § 6-29-350 and § 6-29-360, the Planning Commission shall elect one of its members as chairperson and one as vice-chairperson whose terms must be for one year. It shall appoint a secretary who may be an officer or an employee of the governing authority or of the Planning Commission. The Planning Commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The Planning Commission shall meet at the call of the chairperson and at such times as the chairperson or commission may determine. The Planning Commission may purchase equipment and supplies and may employ or contract for such staff and such experts as it considers necessary and consistent with funds appropriated.

2.2.4 Composition

The Planning Commission shall consist of seven (7) members appointed by the Town Council for overlapping terms of four (4) years each. Members shall serve until their successors are appointed and qualified. The members of the Planning Commission shall serve without compensation from the Town. Any vacancy which may occur on the Planning Commission shall be filled by Town Council appointing a successor to serve out the unexpired term of the vacancy. In appointing members to the Planning Commission the Town Council shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. The membership of the Planning Commission should represent a broad cross-section of the interests and concerns within Holly Hill and Orangeburg County. No member of the Planning Commission may hold an elected public office in Holly Hill.

2.2.5 Removal of Members

Members of the Planning Commission may be removed at any time by Town Council for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, S.C. 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 that, in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

Section 2.3 Board of Zoning Appeals (BZA)

2.3.1 Review Authority

The Board of Zoning Appeals does not act in a review or recommending capacity.

2.3.2 Decision-Making Authority

The Board of Zoning Appeals shall have final decision-making authority on the following matters:

- A. Special Exceptions;
- B. Variances; and

C. Appeals of Administrative Decisions on Zoning Related Matters.

The concurring vote of at least three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation of this Ordinance.

2.3.3 Officers, Rules, Meetings and Minutes

Pursuant to Chapter 29, Title 6 of the Code of Laws of South Carolina § 6-29-790, the Board of Zoning Appeals shall elect one of its members as Chair who shall serve for one year or until reelection or a successor is elected and qualified. The Board of Zoning Appeals shall adopt rules and procedures in accordance with the provisions of this Ordinance not inconsistent with the provisions of Chapter 29 Title 6 of the Code of Laws of South Carolina, as amended. The Board of Zoning Appeals shall appoint a Secretary. The Secretary may be an employee of the Town. Meetings of the Board shall be at the call of the Chair and at such other times as the Board of Zoning Appeals may determine. Public notice of all meetings of the Board of Zoning Appeals shall be provided by publication in a newspaper of general circulation. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote. The Board of Zoning Appeals shall maintain records of its examinations and official actions, all of which, upon approval, shall be filed immediately in the office of the Zoning Administrator. Such records shall be available for public review and inspection during normal business hours.

2.3.4 Composition

The Board of Zoning Appeals shall consist of five (5) members appointed by the Town Council for overlapping terms of four (4) years each. Members shall serve until their successors are appointed and qualified. The members of the Board of Zoning Appeals shall serve without compensation from the Town. Any vacancy which may occur on the Board of Zoning Appeals shall be filled by Town Council appointing a successor to serve out the unexpired term of the vacancy. No member of the Board of Zoning Appeals may hold an elected public office in Holly Hill.

Section 2.4 Zoning Administrator

2.4.1 Review Authority

The Zoning Administrator shall act in a review capacity on the following matters:

- A. Comprehensive Plan Amendments;
- B. Zoning Text Amendments;
- C. Planned Development (PD) Development Plans and PD Zoning Map Amendments;
- D. Preliminary Subdivision Plan for Major Subdivision Development;
- E. Final Subdivision Plans;

- F. Special Exceptions; and
- G. Public Project Review.

2.4.2 Decision-Making Authority

The Zoning Administrator shall have final (local) decision-making authority on the following matters:

- A. Written Interpretations;
- B. Zoning Permits;
- C. Preliminary Subdivision Development Plan;
- D. Final Commercial Development Plan
- E. Final Minor Subdivision Development Plan
- F. Final Major Subdivision Development Plan; and
- G. All other sections of this ordinance and application that require approval and/or interpretation by the Zoning Administrator.

2.4.3 Other Powers and Duties

The Zoning Administrator or his or her designee shall have the following powers and duties in addition to those otherwise set out under this Ordinance:

- A. Maintaining permanent and current records of this Ordinance including, but not limited to, all zoning maps, amendments, special exceptions, variances, appeals, and applications thereof and records of hearings thereon. Such records shall be open to public inspection during business hours;
- B. Providing such clerical, technical, and consultative assistance as may be required by the Board of Zoning Appeals, Planning Commission, Town Council, and other boards, commissions and officials in the exercise of their duties relating to this Ordinance;
- C. Enforcing all provisions of this Ordinance;
- D. Maintaining a record of all applications for zoning permits, including all plats and plans submitted therewith, which record shall be open to public inspection during business hours;
- E. Conducting inspections of structures, land and the uses thereof to determine compliance with this Ordinance;
- F. Receiving, filing, and forwarding to the Board of Zoning Appeals the records of all appeals and variances;
- G. Receiving, filing, and forwarding to the Board of Zoning Appeals all applications for Special Exceptions; and
- H. Reviewing, approving, and issuing Administrative Permits as authorized by this Ordinance and maintain records of these permits.

If the Zoning Administrator finds that any of the provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the

violation and ordering the action necessary to correct it. He 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; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Article III: Development Review Procedures

Section 3.1 General

The general provisions of this Section apply to all development applications and procedures under this Article unless otherwise stated.

3.1.1 Authority to File Applications

Applications for review and approval under this Article may be initiated by: (1) petition of all the owners of the property that is the subject of the application; (2) the owners' authorized agents; or (3) Review and Decision-Making Bodies.

3.1.2 Form of Application

Applications required under this Article shall be submitted in a format and in such numbers as required by the official responsible for accepting the application. Application submittal requirements and format information shall be available to the public at the Town Hall.

3.1.3 Filing Fees

Applications shall be accompanied by the fee amount that has been established by the Town Council for the respective type of application.

3.1.4 Application Completeness and Submission Deadlines

- A. Applications required under this Ordinance shall be considered complete only if they are submitted in the required format, include all mandatory information and are accompanied by the established fee.
- B. Applications for consideration by the Board of Zoning Appeals shall be submitted no later than 12:00 p.m. on the Friday, four (4) weeks prior to the regularly scheduled Board of Zoning Appeals meeting, unless otherwise provided in this Ordinance or as directed by the Chairman of the Board of Zoning Appeals. Application filing deadlines and Board of Zoning Appeals meeting dates are available at the Town Hall. Within 15 days of submittal of the application, staff will determine if the application is complete and can be scheduled for the next available Board of Zoning Appeals meeting. The requirements for applications deemed incomplete by the Zoning Administrator are listed in Section 3.1.4(D) below.
- C. Applications for consideration by the Planning Commission shall be submitted no later than 12:00 p.m. on the Friday, one (1) week prior to the regularly scheduled Planning Commission meeting, unless otherwise provided in this Ordinance or as directed by the Chairman of the Planning Commission. Application filing deadlines and Planning Commission meeting dates are available at the Town Hall. Within 5 days of submittal of the application, staff will determine if the application is complete and can be scheduled for the next available Planning Commission meeting. The requirements for applications deemed incomplete by the Zoning Administrator are listed in Section 3.1.4(D) below.

D. Any application that is determined to be incomplete shall, within 5 days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that it is resubmitted within six (6) months of the date that the application was returned to the applicant. Applications resubmitted more than six (6) months after the date that the application was returned as incomplete shall require repayment of applicable fees, provided, however, that the Zoning Administrator may approve extensions of up to one (1) year from the date that any development application of town significance was returned as incomplete without requiring repayment of applicable fees.

3.1.5 Application Submittal

- A. Whenever the procedures of this Ordinance expressly state that applications are to be submitted after a "pre-application conference," applicants shall be responsible for scheduling and attending such meetings. When pre-application conferences are required, an application shall not be accepted until the pre-application conference has been conducted, and any errors or omissions noted in review of the application for completeness have been addressed by the applicant.
- B. Until an application is deemed complete pursuant to this Article, all related materials shall be treated as proprietary information.

3.1.6 Notices

A. Content

All notices with the exception of Posted Notices required under this Ordinance shall:

(1) indicate the date, time and place of the public hearing or date of action that is the subject of the notice; (2) describe the property involved in the application by street address and, if required, by legal description; (3) describe the nature, scope and purpose of the application or proposal; and (4) indicate where additional information on the matter can be obtained. Posted Notices under this Ordinance shall indicate time and place and indicate where any additional information on the subject of the notice can be obtained.

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Table 3-1, Responsibilities for Procedure Reviews and Notices

Procedure	Review (R), Decision-Making (DM) and Appeal (A) Bodies				Notices See Section 3.1.6			
	Staff	PC	TC	BZA	News	Post	Neighbor	Parties in interest & Community Interest
Comprehensive Plan Amendments	R	R	DM		✓			✓
Ordinance Text Amendments	R	R	DM		✓			✓
Zoning Map Amendments	R	R	DM		✓	✓		✓
Planned Development (PD) Zoning Map Amendment	R	R	DM		✓	✓		✓
Special Exceptions	R			DM	✓	✓		✓
Minor Subdivision Development Site Plan Review	DM			A				
Major Subdivision Development Site Plan Review	DM			A				
Commercial Development Site Plan Review	DM			A				
Variances	R			DM	✓	✓		✓
Written Interpretations	DM			A				
Public Project Review	R	DM			✓			✓
Appeals of Zoning-Related Administrative Decisions				DM	✓	✓		✓
Appeals of Subdivision-Related Administrative Decisions		DM			✓			✓

Notes: In cases where no Appeal Body is shown or where the Town Council is shown as final Decision-Making Body, appeals shall be taken to the Circuit Court as provided by law.

R = Review Body (Responsible for Review and Recommendation)

DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)

A = Authority to hear and decide appeals of Decision-Making Body's action

Neighbor and Community interest notice is a courtesy notice; failure to provide will not invalidate any action taken.

B. Types

1. Newspaper Notice

When the provisions of this Ordinance require that "Newspaper Notice" be provided, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation. Unless otherwise expressly provided in state statutes or this Ordinance, the first required newspaper notice shall be published at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Newspaper Notice shall indicate the time and place or date of action that is the subject of the notice, describe the property involved in the application by street address and, if required, by legal description, describe the nature, scope and purpose of the application or proposal.

2. Posted Notice

When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the subject property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice.

3. Neighbor Notice

When the provisions of this Ordinance require that "Neighbor Notice" be provided, the official responsible for accepting the application shall mail notice to the applicant and all property owners within 300 feet of the subject property. Unless otherwise expressly provided in state statutes or this Ordinance, required Neighbor Notices shall be deposited in the U.S. mail at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice.

4. Parties in Interest

When the provisions of this Ordinance require that notice be sent, the following "Parties in Interest" shall be notified: the applicant and the owner of the property (if other than applicant). Parties in Interest shall mean any individual, associations, corporations or others who have expressed an interest in writing in an application pending before the Zoning Department and that has been received by the Zoning Administrator. It is the responsibility of the Parties in Interest to provide updated contact information to the Zoning Department. The Department will keep the Parties in Interest contact information on file for one year from the initial date received.

3.1.7 Action by Decision-Making Bodies

Unless otherwise expressly stated, Decision-Making Bodies shall be authorized to approve, approve with conditions or deny applications and permit requests based on compliance with the applicable review and approval criteria. Decision-Making Bodies shall also be authorized to refer an application back to a review body or to defer action while additional information is being obtained.

3.1.8 Inaction by Review and Decision-Making Bodies

When a Review or Decision-Making Body fails to take action on an application within the time required, such inaction shall be interpreted as a recommendation of approval of the application, respectively. Time frames for action may be extended if the applicant consents to the extension. When a Review Body fails to take action on an application within the time required, the Decision-Making Body shall be free to proceed with its own action on the matter without further awaiting the recommendation of the Review Body.

3.1.9 Conditions of Approval

Unless otherwise expressly stated, Decision-Making Bodies shall be authorized to impose conditions of approval as allowed by law. Conditions may be those deemed necessary to reduce or minimize any potential adverse impact upon other property in the area or to carry out the general purpose and intent of this Ordinance. All conditions must relate to a situation created or aggravated by the proposed use and be roughly proportional to the impact of the approved use or activity.

3.1.10 Approval Criteria: Burden of Persuasion

In all cases, the applicant shall have the burden of establishing that an application complies with applicable approval criteria.

3.1.11 Public Hearings

A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Ordinance, provided that the continuance is set for a certain date and time and the date and time is announced at the public hearing.

3.1.12 Successive Applications

A. Time Limit

If a final Decision-Making Body denies an application for a Zoning Map Amendment, Planned Development or Special Exception use, an application for the same or more intensive zoning, development or use on the subject parcel, whether the parcel is in its original configuration, expanded or reduced in area, shall not be accepted for 12 months from the date that the Decision-Making Body acted to deny the application.

B. Waivers

The time limit of Section 3.1.12A notwithstanding, Decision-Making Bodies may, after receipt of written petition by the property owner, waive the waiting period requirement by a 2/3 vote of members present and voting. If the time limit is waived, the Decision-Making Body shall give written notice to the Zoning Administrator, directing staff to process the application. All resubmissions shall be processed as new applications, with prescribed fees. All documents and fees required for the respective type of application shall be included with the new application. Denial of the application shall be final and the 12-month waiting period shall be met before further consideration of a similar application on the subject property.

C. Applications Withdrawn Before Public Hearing Notice

Withdrawal of an application by the applicant before advertisement of any public hearing and before any required signs have been posted on the subject property shall be considered a termination of the application. Although no fees shall be refunded, reapplication in such cases shall not be subject to the 12- month waiting period.

D. Applications Withdrawn After Public Hearing Notice

Withdrawals of applications that occur after advertisement of any public hearing or after any required signs have been posted on the subject property shall be treated the same as a denied application. Application processing shall terminate upon receipt of written notice from the applicant or owner. Reapplication shall be subject to a 12-month waiting period unless a waiver is granted in accordance with Section 3.1.12B of this Article.

E. Requests for Postponements of Applications, Reconsiderations of Applications, and Reconsiderations of Conditions of Approval to the Board of Zoning Appeals

Requests for postponements of applications from Board of Zoning Appeals Public Hearings must be made in writing by the applicant. Such requests received after advertisement of any public hearing or after any required signs have been posted on the subject property shall be subject to all applicable application fees as listed in the fee schedule approved by Town Council. For requests for reconsiderations of applications or reconsiderations of conditions of approval to the Board of Zoning Appeals the applicant must file a reconsideration request. If the BZA decides to reconsider an application or conditions of approval, the applicant shall file the applicable Appeal, Special Exception, or Zoning Variance application fee prior to being scheduled for a BZA Public Hearing.

F. Requests for Postponements of Applications to the Planning Commission

Requests for postponements of all applications from Planning Commission meetings, with the exception of subdivision applications, must be made in writing and the letter must be signed by both the property owner(s) and the applicant(s). Postponement requests received within ten (10) calendar days of the Planning Commission meeting for which the application is scheduled shall be considered withdrawals. In the event an application is withdrawn for failure to meet the ten (10) day provision, the applicant must submit a new application in compliance with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance, and all applicable fees must be paid. The Planning Commission may waive the required fees when the request for postponement is made due to extenuating circumstances as determined in the sole discretion of the Planning Commission.

3.1.13 Vested Rights

1. Definition

'Vested right' means the right to undertake and complete the development of property under the terms and conditions provided in this section.

2. Duration

A vested right is established for two (2) years upon the approval of a PD plan, including a phased development plan, and preliminary plan for a Major Subdivision, as provided herein.

A vested right may be extended at the end of the vesting period for an additional 12 months, or 36 months for a phased development plan, upon request by the applicant and a determination by the Planning Commission that there is just cause for extension and that the public interest is not adversely affected.

A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.

3. Amendment

A vested site-specific development plan or vested phased development plan may be amended if approved by the Planning Commission or Town Council, as applicable, pursuant to the provisions of this ordinance.

4. Revocation

A vested right to a site-specific development plan or phased development plan is subject to revocation by the Planning Commission or Town Council, as applicable, upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

5. Applicability of Other Regulations

A vested site-specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;

A vested site-specific development plan or vested phased development plan is subject to subsequent local governmental overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;

A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site-specific development plan or vested phased development plan without consent of the landowner;

The Planning Commission or Town Council, as applicable, must not require a landowner to waive his vested rights as a condition of approval of a site specific development plan or a phased development plan.

6. Vested Right to Run with Property

A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and non-conforming structure and use regulations which do not provide for the grandfathering of the vested right. This Section does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This Section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

Section 3.2 Comprehensive Plan Amendments

3.2.1 Pre-Application Conference and Application Filing

- A. Prior to the submittal of an application for a Comprehensive Plan amendment, applicants shall participate in a pre-application conference scheduled with the Zoning Administrator. A pre-application conference is not required for applications submitted by the Town.
- B. Applications for amendments to the Comprehensive Plan shall be submitted by individuals or groups of individuals to the Zoning Administrator on forms available in the Planning Department.
- C. No application for a Comprehensive Plan Amendment shall be accepted as complete unless it includes the required fee and the following information:
 - 1. Completed Comprehensive Plan Amendment application signed by the current property owner(s) or applicant(s).
 - 2. One (1) paper copy and one (1) digital copy of the applicant’s letter of intent explaining the objective of the proposed amendment(s) and how the criteria listed in Section 3.2.1(B) are met;
 - 3. One (1) paper copy and one (1) digital copy of the proposed changes to the Comprehensive Plan based on the current Comprehensive Plan in effect and showing proposed text deletions as strike-through text and proposed text additions in bold, italic text. Proposed changes to any Comprehensive Plan map shall be illustrated in a map format similar to the existing Comprehensive Plan maps and shall be labeled as “proposed amendment”; and
 - 4. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
- D. Applications for Comprehensive Plan Amendments shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.
- E. The applicant may hold a community workshop for the proposed Comprehensive Plan amendment. The purpose of a community workshop is to ensure early citizen participation in an informal forum, in conjunction with development applications and to provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. The workshop shall ensure that citizens and property owners have an adequate opportunity to learn about applications that may affect them and to work with the

applicant to resolve any concerns at this stage of the process. A community workshop is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors. If the applicant chooses to hold a community workshop, a summary of the workshop may be submitted with the application for the Comprehensive Plan amendment.

3.2.2 Zoning Administrator Review and Report

The Zoning Administrator shall review each proposed Comprehensive Plan amendment and distribute the application to other agencies and reviewers. Based on the results of those reviews, the Zoning Administrator shall provide a report on the proposed amendment to the Planning Commission. The Zoning Administrator shall have at least 30 calendar days to conduct required reviews.

3.2.3 Planning Commission Review and Recommendation

Newspaper notice of Planning Commission meeting on Comprehensive Plan amendments shall be provided at least 15 calendar days before the hearing. Newspaper and Parties in Interest notice shall be provided in accordance with Section 3.1.6 of this Chapter. The Planning Commission shall review the proposed amendment and adopt a resolution, by majority vote of the entire membership, recommending that the Town Council approve, deny, or approve with conditions the proposed amendment. Planning Commission may hold a special meeting to gather community input as outlined in Section 3.2.1(E) of this Ordinance prior to making a recommendation to Town Council.

3.2.4 Public Hearing Notice

Newspaper Notice of public hearings on Comprehensive Plan amendments shall be provided at least 30 calendar days before the hearing.

3.2.5 Town Council Hearing and Decision

- A. After receiving the recommendations of the Planning Commission, the Town Council shall take action to approve, approve with conditions or deny the proposed Comprehensive Plan amendment based on the Approval Criteria of Section 3.2.6. Town Council shall hold a public hearing prior to giving second reading to Comprehensive Plan amendment applications.
- B. A simple majority vote of the entire membership of Town Council shall be required to approve, approve with conditions, or disapprove the amendment.
- C. Comprehensive Plan amendments shall be adopted by ordinance.

3.2.6 Approval Criteria

Comprehensive Plan amendments may be approved by the Town Council only if they determine that the proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan and that any one of the following criteria has been met:

- A. There was a significant error in the original Comprehensive Plan adoption;
- B. In adopting the Comprehensive Plan, the Town Council failed to take into account facts, projections or trends that were reasonably foreseeable to exist in the future;
- C. Events, trends, or facts after adoption of the Comprehensive Plan have changed the Town Council's original findings made upon plan adoption;

- D. Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area, making the proposed amendment necessary; or
- E. The proposed Comprehensive Plan amendment is consistent with the Comprehensive Plan future land use recommendations of the adjacent unincorporated County that have adopted extra-territorial jurisdiction for the subject parcel(s).

3.2.8 Notice of Decision

Following final action by the Town Council, the Zoning Administrator shall be responsible for providing the applicant with written notice of the decision.

Section 3.3 Zoning Regulations Text Amendments

3.3.1 Application Filing

- A. Applications for amendments to the text of this Ordinance shall be submitted to the Zoning Administrator on forms available at Town Hall.
- B. No application for a Zoning Regulations Text Amendment shall be accepted as complete unless it includes the required fee and the following information:
 - 1. Completed Zoning Regulations Text Amendment application signed by the current property owner(s) or applicant(s);
 - 2. One (1) paper copy and one (1) digital copy of the applicant's letter of intent explaining the proposed amendment(s) and how it meets the criteria listed in Section 3.3.6;
 - 3. One (1) paper copy and one (1) digital copy of the proposed text amendment based on the current Ordinance in effect and showing proposed deletions as strike-through text and proposed additions in bold, italic text;
 - 4. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with state law, if applicable; and
 - 5. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Article.
 - 6. Applications for Zoning Regulations Text Amendments shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.

3.3.2 Public Hearing Notice

Notice of the Town Council's public hearing shall be provided in accordance with the requirements of Section 3.1.6. Newspaper Notice of a public hearing regarding any proposed amendments to Article 10, General Provisions and Regulations, shall be made at least fifteen (15) calendar days prior to a public hearing on any proposed amendments.

3.3.3 Zoning Administrator Review and Report

The Zoning Administrator shall review each proposed text amendment in light of the Approval Criteria of Section 3.3.6 and provide a report to the Planning Commission. The Zoning

Administrator shall have at least 30 calendar days to conduct required reviews. *3.3.4 Planning Commission Review and Recommendation*

The Planning Commission shall review the proposed amendment and take action by majority vote of the entire membership, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission's recommendation shall be based on the Approval Criteria of Section 3.3.6. The Planning Commission shall submit its recommendation to the Town Council within thirty (30) calendar days of the Planning Commission meeting at which the amendment was introduced.

3.3.5 Town Council Hearing and Decision

After receiving the recommendation of the Planning Commission, the Town Council shall take action to approve, approve with conditions or deny the proposed text amendment based on the Approval Criteria of Section 3.3.6. Town Council shall hold a public hearing prior to giving second reading to zoning text amendment applications. A simple majority vote of Town Council members present and voting shall be required to approve the amendment.

3.3.6 Approval Criteria

Text amendments to this Ordinance may be approved if the following approval criteria have been met:

- A. The proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition;
- B. The proposed amendment is consistent with the adopted Town of Holly Hill Comprehensive Plan and its goals; and
- C. The proposed amendment is to further the public welfare in any other regard specified by Town Council.

3.3.7 Final Action

Text amendments shall be adopted by ordinance.

3.3.8 Notice of Decision

Following final action by the Town Council, the Zoning Administrator shall be responsible for providing the applicant with written notice of the decision.

3.3.9 Pending Text Amendments

No application for a Zoning Permit, Building Permit or Certificate of Occupancy shall be accepted for property within any area involved in or affected by a pending Ordinance text amendment if the Zoning Permit, Building Permit or Certificate of Occupancy would allow uses or activities that would be forbidden under the proposed amendment. This prohibition on acceptance of applications shall apply from the date that the application is filed until action on the amendment is taken by Town Council.

Section 3.4 Zoning Map Amendment (Rezoning)

3.4.1 Application Filing

- A. Applications for amendments to the Official Zoning Map (rezoning) shall be submitted to the Zoning Administrator on forms available at Town Hall. If the property is subject to potential annexation, the annexation application shall satisfy the requirements of this Section 3.4.1.
- B. Upon submission of a Rezoning application, no additional rezoning applications shall be accepted for the subject property until the original application has been withdrawn or the Town Council has rendered its final decision and all applicable time limits on refileing have expired.
- C. No application for a Zoning Map Amendment shall be accepted as complete unless it includes the required fee and the following information:
 - 1. Completed Zoning Map Amendment application signed by the current property owner(s);
 - 2. A copy of an approved and recorded plat, that, in the discretion of the Zoning Administrator, shows current property boundaries;
 - 3. A copy of the current, recorded deed;
 - 4. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with state law; and
 - 5. Any other information that the Planning Commission determines is reasonably necessary to make an informed decision as to whether the application complies with the standards of this Section.
- D. Applications for Zoning Map Amendments shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.

3.4.2 Public Hearing Notice

Newspaper, and Posted Notice of the Town Council's public hearing on the question of rezoning shall be provided in accordance with the requirements of Section 3.1.6 of this Article. Notwithstanding the provisions of Section 3.1.6, any notices under this Section 3.4.2 need only be made by Newspaper and Posted Notice as described in Section 3.1.6.

3.4.3 Reserved

3.4.4 Planning Commission Review and Recommendation

The Planning Commission shall review the proposed zoning map amendment and adopt a resolution, by simple majority vote of the entire membership, recommending that the Town Council approve or deny the proposed zoning map amendment. In the case of annexations, the Planning Commission shall recommend a zoning district classification to be assigned to the property upon annexation. The Planning Commission's recommendation shall be based on the Approval Criteria of Section 3.4.6 of this Article. The Planning Commission shall submit its recommendation to the Town Council within thirty (30) calendar days of the Planning Commission meeting at which the zoning map amendment was introduced.

3.4.5 Town Council Decision

After receiving the recommendation of the Planning Commission, the Town Council shall take action to approve or deny the recommendation of the Planning Commission based on the Approval Criteria of Section 3.4.6. A simple majority vote of Town Council members present and voting shall be required to approve the amendment.

3.4.6 Approval Criteria

Zoning map amendments may be approved by Town Council only if the proposed amendment meets one or more of the following criteria:

- A. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Ordinance;
- B. The proposed amendment will allow development that is compatible with existing uses, recommended density, established dimensional standards, and zoning of nearby properties that will benefit the public good while avoiding an arbitrary change that primarily benefits a singular or solitary interest;
- C. The proposed amendment corrects a zoning map error or inconsistency;
- D. The proposed amendment addresses events, trends, or facts that have significantly changed the character or condition of an area.

[Commentary-This provision does not require that the Applicant submit a special study in every instance of a zoning map amendment request.]

3.4.7 Final Action

Zoning map amendments shall be adopted by ordinance.

3.4.8 Notice of Decision

Following final action by the Town Council, the Zoning Administrator shall be responsible for providing the applicant with written notice of the decision and for revising the Official Zoning Map, if the amendment was enacted.

Section 3.5 PD, Planned Development Zoning District

3.5.1 Establishment of a PD

A PD is a planned development that may include any use or combination of uses and intensity levels regardless of prevailing zoning district requirements where it is to be located.

PDs shall be established on the official Zoning Map by the same procedure as for amendments generally (Section 3.3 and Section 3.4), and in accord with the requirements of this section.

Additionally, a prefix and number indicating the particular district, as for example "PD-02-1" (Zone-Year-Number), shall identify each PD, together with whatever other identification appears appropriate.

3.5.2 Permitted Uses in PD

Any use or combination of uses meeting the objectives of this section may be established in a PD upon review and approved amendatory action by the Planning Commission and Town Council. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. 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 PD zoning applies to the land, unless otherwise amended by Ordinance.

3.5.3 Development Standards

1. Qualifications and Minimum Area Required

Qualifications for the establishment of a PD shall include the conditions contained in Section 5.3. There shall be no minimum site area requirement for a PD as long as the PD meets all requirements of Article 4 of this Ordinance.

2. Overall Site Design Criteria

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.

3. Specific Site Design Criteria

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.

Additional design criteria shall be as prescribed in Article 9 General Provisions and Regulations.

4. Parking and Loading

Off-street parking and loading spaces for each PD shall comply with the requirements of Section 8 of this ordinance.

5. Buffer Areas

Buffer areas shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses prescribed by Article 8 Buffer areas are not required for internal use.

6. Streets and Street Improvements

Private streets may be permitted in a PD; provided such streets meet all applicable street and road design standards contained in Article 10; further provided that an acceptable maintenance plan is submitted to and approved as part of the PD plan.

7. Landscaping and Common Open Space

Landscaping and open space requirements for each PD shall comply with the provisions of Article 8 of this Ordinance.

8. Signage

Signage shall be in harmony and scale with and reflective of the proposed PD.

3.5.4 Plan Requirements

Preliminary plan requirements, final pre-construction plan requirements and final as-built plat requirements shall be as prescribed in Section 3.7 of this Ordinance.

3.5.5 Financial Guarantees

Where public improvements and/or "common" amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PD Plan.

Where proposed or required improvements have not been completed by the applicant/developer prior to the scheduled target date and certified by the Zoning Administrator, the applicant/developer may provide financial guarantees acceptable to the Town to ensure the proper installation of such required improvements. The nature and duration of the guarantees shall be structured to achieve this goal without adding unnecessary costs to the developer.

3.5.6 Action by Planning Commission and Council

Action by the Planning Commission and/or Council may be (1) to approve the Plan and application to establish a PD, (2) to include specific modifications to the Plan, or (3) to deny the application to rezone or establish a PD. If the Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PD 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. If the application is denied, the applicant shall be so notified.

3.5.7 Administrative Action

After a PD Plan has been approved and the zone classification established on the official zoning map, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages, or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

3.5.8 Changes in Approved PD Plans

Except as provided in this section, approved PD Plans shall be binding on the owner and any successor in title.

Any change in use from one use group to another shall constitute a change requiring the reestablishment of the PD through the amendatory process.

Section 3.6 Special Exceptions

3.6.1 Application Filing

- A. Applications for Special Exceptions shall be submitted to the Zoning Administrator on forms available at Town Hall.
- B. Upon submission of a Special Exception application, no additional Special Exception applications shall be accepted for the subject property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refileing have expired.
- C. Special Exception applications shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.
- D. No application for a Special Exception shall be accepted as complete unless it includes the required fee and the following information:
 - 1. Completed Special Exception application signed by the current property owner(s).
 - 2. Applicant's letter of intent explaining the proposed use and how it meets the Approval Criteria of Section 3.6.5.
 - 3. Site plan drawn to an engineer's scale showing the property dimensions, dimensions and locations of existing and proposed structures and improvements, parking areas, Grand trees, wetlands, holding basins and buffers when applicable. However, if the property was developed before October 1998, no site improvements have been made since, and the proposed use does not require site improvements, as determined by the Zoning Administrator, the applicant may submit an aerial photograph printed to engineer's scale showing the property lines, locations of existing structures and improvements, parking areas, etc. as the site plan. One (1) 24 x 36 copy and five (5) 11 x 17 copies shall be submitted.
 - 4. A copy of a legible approved and recorded plat.
 - 5. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with State law.
 - 6. Any other information that the Zoning Administrator determines is necessary to make an informed decision as to whether the application complies with the standards required by Section 3.6.
- E. All proposed Special Exception uses, except placement of Manufactured Housing, shall satisfy the Site Plan Review process.

3.6.2 Public Hearing Notice

Newspaper, Parties in Interest and Posted notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Article.

3.6.3 Zoning Administrator Review and Report

The Zoning Administrator shall review each proposed Special Exception in light of the Approval Criteria of Section 3.6.5 of this Article, and if deemed necessary, distribute the application to other agencies and reviewers. Based on the results of those reviews, the Zoning Administrator shall provide a report on the proposed Special Exception to the Board of Zoning Appeals.

3.6.4 Board of Zoning Appeals Hearing and Decision

- A. The Board of Zoning Appeals shall hold at least one (1) public hearing on the proposed Special Exception. Within a reasonable time after the close of the public hearing, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Special Exception based on the Approval Criteria of Section 3.6.5.
- B. A majority of the Board of Zoning Appeals constitutes a quorum.
- C. A majority of the members present and voting are required to approve a Special Exception.

3.6.5 Approval Criteria

- A. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:
 - 1. Is consistent with the recommendations contained in the Comprehensive Plan and the character of the underlying zoning district “Purpose and Intent”;
 - 2. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;
 - 3. Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;
 - 4. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;
 - 5. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and
 - 6. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.
- B. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

3.6.6 Final Decision and Orders

Final decisions and orders of the Board must be in writing and be filed with the Zoning Administrator as a public record. Final decisions shall be available for public inspection during regular office hours. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board.

3.6.7 Notice of Decision

The written final decision shall be mailed to applicant and published once in a newspaper of general circulation in the Town.

3.6.8 Appeals

Any person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the Town may appeal a final decision of the Board of Zoning Appeals to the Holly Hill Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

3.6.9 Lapse of Approval

An approved Special Exception shall lapse and be of no further effect twelve (12) months after the date that the Special Exception was approved by the Board of Zoning Appeals unless a complete application of a Zoning Permit is submitted in accordance with Section 3.8, or if no Zoning Permit is required, unless construction or development has commenced and is being diligently pursued.

One (1) one-year extension of a Special Exception approval may be allowed if construction or development has commenced and is being diligently pursued. Applications for extensions of Special Exception approvals shall be submitted to the Zoning Administrator on forms available at Town Hall at least fifteen (15) days prior to the expiration of the Special Exception approval.

Section 3.7 Site Plan Review for Residential and Commercial Projects

3.7.1 Applicability

Except as expressly exempted in Section 3.7.4, the Site Plan Review procedures shall apply to any of the following residential or commercial projects: (A) new development, redevelopment and property improvements that increase by more than 25 percent (25%) the area devoted to vehicular use, or the gross floor area of buildings; (B) any change in use to a more intensive use, as determined by the Zoning Administrator; and (C) any earth disturbing activity greater than or equal to 5,000 square feet. The entire site shall be brought into compliance with all applicable Ordinance standards at the time of Site Plan Review.

3.7.2 Definitions

Major Subdivision Development Plan

All divisions of land resulting in five (5) or more lots, building sites or other divisions, including

all division of land involving a new street or change in existing streets, and includes re-subdivisions 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 street or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record. For the purposes of Site Plan Review, all subdivisions utilizing clustering are considered Major Subdivision Developments.

Minor Subdivision Development Plan

All divisions of land resulting in four (4) or less lots, building sites or other divisions.

Commercial Development Plan

All development of commercial projects that result in: (A) new development, redevelopment and property improvements that increase by more than 25 percent (25%) the area devoted to vehicular use, or the gross floor area of buildings; (B) any change in use to a more intensive use, as determined by the Zoning Administrator; and (C) any earth disturbing activity greater than or equal to 5,000 square feet.

For the purposes of this Section, a change in use to a more intensive use shall include any occupancy of a building that has not been occupied by a business for more than two (2) years as determined by Town records or other reasonable investigation.

3.7.3 Exemptions

Applications for placement of manufactured housing units and proposals for single family residential development on existing approved and recorded plats shall be expressly exempt from the Site Plan Review procedures of this Section.

3.7.4 Applications for Major, Minor Subdivision or Commercial Development Plan Review

Minor Subdivision Development Plan - Applications for Site Plan Review of Minor Subdivision Development Plans must be submitted to the Zoning Administrator on forms available at Town Hall. Upon submission of an application for Site Plan Review, no additional applications for Site Plan Review shall be accepted for the subject property until the original application has been withdrawn or the Zoning Administrator has rendered its final decision and all applicable time limits on refilling have expired. Formal approval for applications is also received from other relevant Town departments.

Major Subdivision Development Plan - Applications for Site Plan Review of Major Subdivision Development Plans must be submitted to the Zoning Administrator on forms available at Town Hall. Upon submission of an application for Site Plan Review, no additional applications for Site Plan Review shall be accepted for the subject property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refilling have expired. Formal approval for applications is also received from other relevant Town departments.

Commercial Development Plan - Applications for Site Plan Review of Commercial Development Plans must be submitted to the Zoning Administrator on forms available at Town Hall. Upon submission of an application for Site Plan Review, no additional applications for Site Plan Review shall be accepted for the subject property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refilling have expired. Formal approval for applications is also received from other relevant Town departments.

3.7.5 Approval Criteria

A Site Plan application may not be approved unless the Zoning Administrator finds that the proposed project complies with all applicable provisions of this Ordinance and all County, State and Federal regulations. Written plans and approval must be provided to the Zoning Administrator from South Carolina Department of Health and Environmental Control (SCDHEC) and/or Orangeburg County for all stormwater infrastructure, if applicable, before Site Plan Approval. Written plans and approval from South Carolina Department of Transportation (SCDOT) and/or Orangeburg County must be provided to the Zoning Administrator for all transportation infrastructure, if applicable, before Site Plan Approval; including all Transportation Impact Studies that may be required.

3.7.6 Appeals

Appeals shall be processed in accordance with the procedures of Section 3.13 of this Article. Applications for Appeals of approved site plans shall clearly state the error in any order, requirement, decision or determination that was made by the administrative official when approving the site plan.

3.7.7 Amendments

The procedure for amending a Site Plan shall be the same as required for the original approval.

Section 3.8 Zoning Permits

3.8.1 Applicability

Except as expressly exempted in Section 3.8.2 of this Article, a Zoning Permit shall be required before any of the following activities:

- A. The issuance of a building permit under Orangeburg County Building Code;
- B. Excavation preparatory to constructing a structure for which a building permit is required;
- C. Improving any zoning lot by grading, filling, or surfacing, or by constructing a driveway in conjunction with the construction of a single-family residence, or by constructing or enlarging parking areas containing more than six parking spaces;
- D. Change in the use classification of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot;

- E. Installation of any sign (on-premises or off-premises);
- F. Moving of any house or mobile home;
- G. Prior to obtaining a business license;
- H. Any earth disturbing activity; or
- I. Clearing and grubbing, including and grading, drainage, or the construction of roads or utilities in a subdivision.

3.8.2 Exemptions

A. Agriculture

A Zoning Permit shall not be required with respect to any parcel of land being used for a bona fide, principal agricultural use as of October 1998, including: farming, dairying, pasturage, agriculture, horticulture, floriculture, viniculture, animal and poultry husbandry, forestry, and other uses or enterprises customarily carried on in the field of general agriculture, including the necessary accessory uses for packing, treating, or storing of produce, in any zoning district. The operation of any accessory use shall be secondary to that of the normal agricultural activity.

B. Utility Lines

A Zoning Permit shall not be required for a service connection with established electric distribution or transmission lines, water lines, sewer, gas or other pipelines, provided that such facilities shall comply with all other applicable standards of this Ordinance. Installation of new main or distribution trunk lines for water, sewer or gas shall not be exempt.

C. Fences

A Zoning Permit shall not be required for the installation of any fence that is less than six (6) feet in height and exempt from Orangeburg County Building Code requirements, as amended. Fence installation must also comply with the vision clearance requirements of Section 4.1 of this Ordinance.

3.8.3 Application Filing

Applications for Zoning Permits shall be filed with the Zoning Administrator on forms available at Town Hall. Zoning Permit applications shall include the following information:

- A. For all new construction or changes in building footprint, applications shall include a site plan drawn to engineer's scale that shows proper dimensions, dimensions and locations of all existing and proposed structures and accessories, setbacks, driveways, and wetlands, if applicable;
- B. Applications shall include an approved, recorded plat indicating Town Parcel ID Number or if an approved, recorded plat is not available, the application shall include a Parcel Boundary Map showing the subject parcel, surrounding properties, and Town Parcel ID Number;
- C. Proposed construction, including accessory uses and structures, if occurring on more than one abutting lot of record, shall not be placed on property lines and must meet all setback requirements;

- D. Applications shall include paid receipt(s) from local providers for public water and/or sewer, or a letter from the utility company stating the fee(s) have been paid. If water and/or sewer service is not available, a well and/or septic tank permit final approval from SC DHEC shall be required;
- E. For all structures requiring a new address (e.g., new building construction, power poles, irrigation systems, or accessory structures with electrical service), written address confirmation must be obtained from Town Hall and Orangeburg County E911. A site plan showing the location of the proposed structure and street access is required for address confirmation. The site plan should also show the street access for all existing structures; and
- F. Commercial, Multifamily, Office, Industrial and other nonresidential uses require Site Plan Review approval prior to an application for a Zoning Permit.

3.8.4 Zoning Administrator Review and Action

- A. When an application is made for a Zoning Permit for improvements and uses that comply with all requirements of this Ordinance, the Zoning Administrator shall issue a Zoning Permit and return a signed copy of the application, including plan, to the applicant within ten (10) working days of receipt of the application.
- B. When the Zoning Administrator receives a Zoning Permit application for improvements or uses that do not comply with all requirements of this Ordinance, the Zoning Administrator shall deny the Zoning Permit application, and within ten (10) days of receipt of the application, return the application, including plan, to the applicant along with written notice of the denial. The written notice shall state the reasons for the denial and cite the sections of this Ordinance with which the application does not comply.
- C. When a Zoning Permit application includes a request for a Variance or an Appeal of an Administrative Decision, the Zoning Administrator shall transmit such application, together with all supporting information, within 30 working days of receipt of the application, to the Board of Zoning Appeals for their review. Upon receipt of a written order from the Board of Zoning Appeals, the Zoning Administrator shall complete the ordered action within ten (10) working days of receipt of the order.

3.8.5 Effect of Permit Issuance

- A. After a Zoning Permit is issued for construction requiring a building permit, the Building Inspection Department shall issue a building permit when the requirements of the Building Codes have been met.
- B. After a Zoning Permit is issued for a use or construction not requiring a building permit, the applicant may proceed to carry out the improvement described in the approved Zoning Permit application.

3.8.6 Lapse of Approval

- A. A Zoning Permit issued for construction that requires a building permit shall lapse and be of no further effect if a building permit is not issued within six (6) months of the date of issuance of the Zoning Permit.
- B. A Zoning Permit issued for use or construction that does not require a building permit shall lapse and be of no further effect if the authorized development has not commenced within six (6) months, or if after the development has commenced, the work is suspended or abandoned for a period of more than one (1) year.
- C. Zoning Permit extensions, for periods of up to 90 days, shall be approved by the Zoning Administrator. No more than four (4) 90-day extensions will be allowed. An application for a Zoning Permit extension shall be submitted to the Zoning Administrator prior to the expiration of the Zoning Permit.

Section 3.9 Certificates of Occupancy

3.9.1 Applicability

No structure or zoning lot or part thereof for which a Zoning Permit has been issued shall be used or occupied until the Building Inspection Department has, after final inspection, issued a Certificate of Occupancy indicating that the use or structure complies with all applicable requirements of the Zoning Permit and this Ordinance. This Certificate of Occupancy may be combined with or made a part of the Certificate of Occupancy required under the Building Code. The issuance of a Certificate of Occupancy shall not be construed as waiving any provision of this Ordinance or the applicable Zoning Permit.

3.9.2 Utility Connections

- A. Electric or gas utility companies or cooperatives shall not provide their respective utility until receipt of an approved Certificate of Occupancy.
- B. Temporary electrical power permits shall require authorization from the Zoning Administrator prior to such services being provided by the utility companies.

Section 3.10 Zoning Variances

3.10.1 Applicability; Limitations

The Board of Zoning Appeals shall be authorized to approve Zoning Variances to any zoning related dimensional, design or performance standard set forth in this Ordinance, provided that the Approval Criteria of Section 3.10.6 are met and provided that such Zoning Variance does not have the effect of:

- A. Permitting a use, activity, business or operation that is not otherwise allowed by the Use Regulations of the underlying zoning district;

- B. Allowing the physical extension of a Nonconforming Use, except as expressly allowed in Article 9;
- C. Increasing the density of a residential use above that permitted by the underlying district;
- D. Varying the sign regulations of this Ordinance;
- E. Varying or waiving the General Provisions and Regulations contained in Article 10; or
- F. Varying or waiving any other standard of this Ordinance that is expressly stated as being ineligible for a Zoning Variance.

3.10.2 Application Filing

- A. Applications for Zoning Variances shall be submitted to the Zoning Administrator on forms available at Town Hall.
- B. Zoning Variance applications shall comply with Section 3.1.4, Application Completeness and Submission Deadlines, of this Ordinance.
- C. No Application for a Zoning Variance shall be accepted as complete unless it includes the required fee and the following information:
 1. Completed Zoning Variance Application signed by the current property owner(s).
 2. Applicant's letter of intent explaining the requested Zoning Variance and how it meets the Approval Criteria of Section 3.10.6.
 3. Site plan drawn to engineers scale showing the property dimensions, dimensions and locations of existing and proposed structures and improvements, parking areas, trees, wetlands, holding basins and buffers when applicable. One (1) 24 x 36 copy and five (5) 11 x 17 copies shall be submitted.
 4. A copy of a legible approved and recorded plat.
 5. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.
 6. Any other information that the Zoning Administrator determines is necessary to make an informed decision as to whether the application complies with the standards required by Section 3.10.
- D. All proposed Zoning Variances, except single family residential development, shall satisfy the Site Plan Review process.
- E. Separate applications and fees shall be filed for more than one Variance request to each requirement of this Ordinance.

3.10.3 Public Hearing Notice

Newspaper, Parties in Interest and Posted notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Article.

3.10.4 Zoning Administrator Review and Report

The Zoning Administrator shall review each proposed Zoning Variance in light of the Approval Criteria of Section 3.10.6, and if deemed necessary, distribute the application to other agencies

and reviewers. The Zoning Administrator shall provide a report on the proposed Zoning Variance to the Board of Zoning Appeals.

3.10.5 Board of Zoning Appeals Hearing and Decision

- A. The Board of Zoning Appeals shall hold at least one (1) public hearing on the proposed Zoning Variance. Within a reasonable time after the close of the public hearing, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Zoning Variance based on the Approval Criteria of Section 3.10.6.
- B. A majority of the Board of Zoning Appeals constitutes a quorum.
- C. A majority of the members present and voting are required to approve a Zoning Variance.

3.10.6 Approval Criteria

- A. The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship.
- B. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:
 - 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - 2. These conditions do not generally apply to other property in the vicinity;
 - 3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
 - 4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;
 - 5. The Board of Zoning Appeals shall 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 Nonconforming 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 if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance.
 - 6. The need for the variance is not the result of the applicant's own actions; and
 - 7. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.
- C. In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

3.10.7 Final Decisions and Orders

Final decisions and orders of the Board must be in writing and be filed in the Office of the Zoning Administrator as a public record. Final decisions shall be available for public inspection during regular office hours. 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 in interest by mail.

3.10.8 Notice of Decision

The written final decision shall be mailed to all parties in interest by mail.

3.10.9 Appeals

Any person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the Town may appeal a final decision of the Board of Zoning Appeals to the Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

3.10.10 Lapse of Approval

An approved Zoning Variance shall lapse and be of no further effect twelve (12) months after the date that the Zoning Variance was approved by the Board of Zoning Appeals unless a complete application of a Zoning Permit is submitted in accordance with Section 3.8 of this Article, or if no Zoning Permit is required, unless construction or development has commenced and is being diligently pursued.

One (1) one-year extension of a Zoning Variance approval may be allowed if construction or development has commenced and is being diligently pursued. Applications for extensions of Zoning Variance approvals shall be submitted to the Zoning Administrator on forms available in the Planning Department at least fifteen (15) days prior to the expiration of the Zoning Variance approval.

Section 3.11 Written Interpretations

3.11.1 Application Filing

Applications for Written Interpretations of this Ordinance shall be submitted to the Zoning Administrator on forms available at Town Hall.

3.11.2 Zoning Administrator Review and Decision

Within 30 working days of receipt of a complete application for a Written Interpretation, the Zoning Administrator shall: (1) review and evaluate the application in light of this Ordinance, the Comprehensive Plan and any other relevant documents; (2) consult with other staff as necessary; and (3) render a written interpretation.

3.11.3 Form

The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

3.11.4 Official Record of Interpretations

An official record of interpretations shall be kept on file at Town Hall. The record of interpretations shall be available for public inspection during normal business hours.

3.11.5 Appeals

Appeals of the Zoning Administrator's written interpretation shall be taken to the Board of Zoning Appeals in accordance with procedures of Section 3.13. If the appeal results in a change of interpretation, the new interpretation shall be filed in the official record of interpretations.

Section 3.12 Appeals of Zoning-Related Administrative Decisions

3.12.1 Authority

The Board of Zoning Appeals shall be authorized to hear and decide appeals only on zoning related matters where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of any of the zoning-related regulations of this Ordinance.

3.12.2 Right to Appeal

Appeals of Administrative Decisions on zoning-related matters may be filed by any officer, board, or bureau of the Town, or by any person with a substantial interest in a decision of an administrative official.

3.12.3 Application Filing; Timing

Applications for Appeals of Administrative Decisions on zoning-related matters shall be submitted to the Zoning Administrator on forms available at Town Hall. Appeals of Administrative Decisions to grant or deny a Zoning Permit shall be filed within 30 calendar days from the date of the Administrative Decision.

3.12.4 Effect of Filing

Any permits, decisions or determinations which are the subject of an appeal shall be temporarily suspended upon filing a complete application for an appeal, unless the official responsible for issuing the permit or making the decision or determination which is being appealed certifies to the Board of Zoning Appeals, after the appeal is filed, that because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, action upon any such permits, decisions or determinations shall not be stayed other than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record upon proper notice and hearing. However, in the absence of a certification that a stay would cause immediate peril to life or property, any work purported to be undertaken pursuant to an appealed permit, decision or determination after actual notice of the appeal has been received shall be subject to Article 10, Violations, Penalties, and Enforcement, of this Ordinance.

3.12.5 Record of Administrative Decision

The official whose decision is being appealed shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed is taken.

3.12.6 Public Hearing Notice

Newspaper, Parties of Interest and Posted Notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Article.

3.12.7 Board of Zoning Appeals Review and Action

- A. The Board of Zoning Appeals shall hold at least one public hearing on the appeal, and within a reasonable time following the close of the public hearing, take final action based on the procedures and requirements of this Section.
- B. In exercising the appeal power, the Board of Zoning Appeals shall have all the powers of the official from whom the appeal is taken, and the Board of Zoning Appeals may reverse or affirm, wholly or in part, or may modify the decision being appealed.
- C. If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct issuance of a permit. The Board of Zoning Appeals in execution of the duties specified in this Article may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.
- D. A quorum of the Board of Zoning Appeals shall be achieved when the number of members in attendance equals more than $\frac{1}{2}$ of the total membership of the Board of Zoning Appeals. At least $\frac{2}{3}$ of the members present and voting shall be required to reverse any order, requirement, decision, or determination of any administrative officer or agency.

3.12.8 Approval Criteria; Findings of Fact

An appeal shall be sustained only if the Board of Zoning Appeals finds that the administrative official erred. The decision of the Board of Zoning Appeals shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. Those written findings shall be delivered to parties in interest by mail and permanently filed at Town Hall.

3.12.9 Appeals

Any person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the Town may appeal a final decision of the Board of Zoning Appeals to the Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

Section 3.13 Appeals of Subdivision-Related Administrative Decisions

3.13.1 Authority

The Planning Commission shall be authorized to hear and decide appeals only on subdivision related matters (including determinations of [subdivision application] incompleteness) where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of any of the general provisions and development regulations of Article 10 of this Ordinance.

3.13.2 Right to Appeal

Appeals of Administrative Decisions on subdivision-related matters may be filed by any officer, board, or bureau of the Town, or by any person with a substantial interest in a decision of an administrative official.

3.13.3 Application Filing: Timing

Applications for Appeals of Administrative Decisions on subdivision-related matters shall be submitted to the Zoning Administrator on forms available at Town Hall. Appeals of Administrative Decisions on subdivision matters shall be filed within 30 calendar days of the date of written notice of the decision being appealed.

3.13.4 Effect of Filing

Any permits, decisions or determinations which are the subject of an appeal shall be temporarily suspended upon filing a complete application for an appeal, unless the official responsible for issuing the permit or making the decision or determination which is being appealed certifies to the Planning Commission, after the appeal is filed, that because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, action upon any such permits, decisions or determinations shall not be stayed other than by a restraining order, which may be granted by the Planning Commission or by a court of record upon proper notice and hearing. However, in the absence of a certification that a stay would cause immediate peril to life or property, any work purported to be undertaken pursuant to an appealed permit, decision or determination after actual notice of the appeal has been received shall be subject to Article 11, Violations, Penalties, and Enforcement, of the Ordinance.

3.13.5 Record of Administrative Decision

The official whose decision is being appealed shall transmit to the Planning Commission all papers constituting the record upon which the action appealed is taken.

3.13.6 Public Hearing Notice

Newspaper Notice of the Planning Commission's public hearing shall be provided in accordance with the requirements of Section 3.1.6 of this Article.

3.13.7 Planning Commission Review and Action

- A. The Planning Commission shall hold at least one (1) public hearing on the appeal and, within a reasonable time following the close of the public hearing, take final action based on the procedures and requirements of this Section. When the appeal relates to a determination of (application) incompleteness, the Planning Commission shall hear and take action on the appeal within 30 calendar days of the date of the appeal.
- B. In exercising the appeal power, the Planning Commission shall have all the powers of the official from whom the appeal is taken, and the Planning Commission may reverse or affirm, wholly or in part, or may modify the decision being appealed.
- C. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence, and to that end shall have all the powers of the officer from whom the appeal is taken.
- D. A quorum of the Planning Commission shall be achieved when the number of members in attendance equals more than ½ of the total membership of the Planning Commission. At least 2/3 of the members present and voting shall be required to reverse any order, requirement, decision, or determination of any administrative officer or agency.

3.13.8 Approval Criteria: Findings of Fact

An appeal shall be sustained only if the Planning Commission finds that the administrative official erred. The decision of the Planning Commission shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. Those written findings shall be delivered to Parties in Interest by mail and permanently filed at Town Hall.

3.13.9 Appeals

Any person with a substantial interest in a decision of the Planning Commission or any officer, board, or bureau of the Town may appeal a final decision of the Planning Commission to the Circuit Court. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Planning Commission is mailed.

Section 3.14 Addressing and Street Names

3.14.1 Authority

The Zoning Administrator, in conjunction with Orangeburg County E911, shall be authorized to assign and change physical addresses as provided for in Chapter 12.04, Section 12.04.010 of the Town of Holly Hill Code of Ordinances, and §23- 47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended.

The Planning Commission shall be authorized to approve the name of a new street or road within the jurisdiction of the Town, as provided for in the Code of Laws of South Carolina §6-29-1200 and §23-47-60 et. seq. of the Code of Laws of South Carolina (1976) as amended. The Planning Commission may delegate this authority to the Zoning Administrator.

3.14.2 Application Filing

Applications for the following shall be submitted to the Zoning Administrator on forms available at Town Hall:

- A. Requests for Reservations of Street Names; and
- B. Requests for Street Name Changes.

3.14.3 Street Names

- A. Requests for Reservations of Street Names:

All street names shall comply with Chapter 12.04, Section 12.04.010 of the Town of Holly Hill Code of Ordinances, and §23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended. Street names proposed by the applicant shall be approved by the Planning Commission.

- A. Requests for Street Name Changes

The Planning Commission shall be authorized to approve requests for street name changes within the jurisdiction of Holly Hill, including but not limited to the naming of existing unnamed easements, rights-of-way and other access types where there is no street name or the current street name poses a threat to the efficient provision of emergency services. Requests for street name changes shall be in accordance with the Code of Laws of South Carolina §6-29-1200 and §23-47-60 et. seq. of the Code of Laws of South Carolina (1976), as amended, and Chapter 12.04, Section 12.04.010 of the Town of Holly Hill Code of Ordinances.

Section 3.15 Development Agreements

Development Agreements are hereby authorized for land development in the Town of Holly Hill, subject to and in accordance with the South Carolina Local Government Development Agreement Act in Section 6-31-10 et seq., Code of South Carolina, 1976, as amended. Requests for Development Agreements shall be processed pursuant to Section 6-31-10 et seq., Code of Laws of South Carolina, 1976, as amended.

Article IV: Base Zoning Districts

Section 4.1 Establishment of Districts

4.1.1 Zoning Districts

For the purpose of this Ordinance, the Town of Holly Hill is hereby divided into the following zoning districts:

Table 4-1, Zoning Map Descriptions and Designations

Map Symbol	District Description	Comprehensive Plan Land Use Designation
R-1	Low-Density Residential District	RSF, Single-Family Residential
R-2	Medium-Density Residential District	RSF and RMF, Multi-Family Residential
R-3	High-Density Residential and Manufactured Housing District	RMF and RMH, Manufactured Housing
C-1	Central Commercial District	Com, Commercial
C-2	General Commercial District	Com, Commercial
C-3	Limited Commercial District	Com, Commercial
LI	Light Industrial District	IND, Industrial and Com

4.1.2 Zoning District References

References in this Ordinance to “nonresidential” zoning districts shall be construed as references to all base zoning districts beginning with the letters “C” (Commercial), “I” (Industrial). References to “residential” zoning districts shall be construed as references to all base zoning districts beginning with the letter “R”.

4.1.3 Zoning District Hierarchy

Under the hierarchy established by this Ordinance, the R-1 district is the most restrictive base zoning district, while the C-3 district is the least restrictive base zoning district. The table of Section 4.1.1 presents the districts in order, from most to least restrictive. The Planned Development, Overlay and Special Purpose zoning districts are not included in the zoning district hierarchy.

4.1.4 Density

Density refers to the number of permitted dwelling units per unit of land area. Density is calculated by dividing the number of dwelling units on a site by the gross area (in acres) of land to be developed. The number of dwelling units allowed on a site is based on the presumption that all other applicable standards of this Ordinance shall be met. The maximum density established for a

district is not a guarantee that such densities may be obtained, nor shall the inability of a development to achieve the stated maximum density be considered sufficient justification for varying or otherwise adjusting other density, intensity or dimensional standards of this Ordinance.

4.1.5 Lot Area

A. Measurement

Lot area refers to the horizontal land area within lot lines.

B. Exceptions

No zoning permit, building permit or development approval may be issued for a lot that does not meet the minimum lot area requirements of this Ordinance except in the following cases:

1. Nonconforming lots may be used in accordance with the provisions contained in Article 9 of this Ordinance.
2. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area shall be exempt from minimum lot area standards.

C. Absence of Sewer or Water

In the absence of public water or public sewer, no zoning permit or building permit shall be issued.

4.1.6 Setbacks

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located.

A. Exceptions to Setbacks

Every part of a required setback must be open and unobstructed from the ground to the sky except as set out in this subsection.

1. Trees, shrubbery or other landscape features may be located within any required setback; however, they shall be selected for site specific conditions.
2. In all zoning districts, fences, hedges, and walls may be located within any required setback, provided that no fence, wall or hedge shall obstruct the view of vehicular access to any roadway between three (3) and six (6) feet in height above grade.
3. Driveways may be located in front and side street setbacks.
4. Sidewalks may be located within any required setback.
5. Utility lines, wires and associated structures, such as power poles, may be located within any required setback.
6. Uncovered porches, uncovered steps to building entrances, uncovered patio decks and uncovered balconies may extend up to five (5) feet into any required front, rear or side street setback.
7. Satellite dish antennas may be placed in required rear setbacks.
8. Mechanical equipment, including Heating Ventilation and Air Conditioning (HVAC) equipment, may be extended up to five (5) feet into required side or rear setbacks in all zoning districts.

B. Front Setbacks on Narrow Streets

Where a lot abuts a dedicated street (that has been accepted for street maintenance) with a right-of-way width of less than fifty (50) feet, the required front setback shall be measured from the centerline of the right-of-way, provided all building code and fire/safety requirements are met.

C. Front Setbacks on Narrow Ingress/Egress Easements

Where a lot abuts an ingress egress easement (that has not been accepted for street maintenance) with a width of less than fifty (50) feet, and is used as a primary access point to the lot as indicated on an approved plat recorded prior to October 1998, the required setback shall be measured from the centerline of the easement, provided all building code and fire/safety requirements are met. There shall be a minimum twenty-five (25) foot setback between the edge of the easement to the front of any structure.

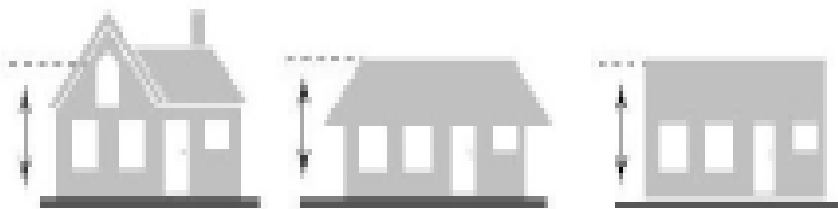
D. Setbacks on Corner and Double-Frontage Lots

On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street. The remaining lot lines will be subject to side setback standards. There is no rear lot line.

4.1.7 Building Height

Building height refers to the vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs.

Figure 4-1, Building Heights



A. Fences or Walls

In the case of fences or walls, height shall be measured from ground level on the higher side of the fence or wall.

B. Exceptions to Height Limits

Unless otherwise expressly stated, the height limitations of this Ordinance shall not apply to any of the following:

1. Electrical power transmission lines;

2. Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas or chimney flues; or
3. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building, if such structure does not occupy more than 30 percent of the area of the roof.

4.1.8 Building Coverage

Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than fire escapes, canopies and the first two (2) feet of a roof overhang. Swimming pools (excluding the pool decking) shall be included in building coverage.

Section 4.2 Purpose of Districts

The zoning districts established in this Ordinance are for the purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, and all of the purposes set forth in S.C. Code § 6-29-710. The following statements of intent shall be used in interpretation and application of the district regulations.

The residential district regulations are designed to encourage a stable and healthy environment for residential purposes and to discourage encroachment by commercial, industrial or other uses adversely affecting the residential character of the district.

R-1, Low-Density Residential District. The R-1 District is intended to be single-family residential areas with detached units and low densities, large lots. Use regulations allow for limited recreational uses which are compatible with the character of the district.

R-2, Medium-Density Residential District. The R-2 District is intended to accommodate a variety of mid-range density dwelling units on small parcels. The R-2 District allows for multi-family dwellings in a compatible residential setting with single-family dwellings.

R-3, High-Density Residential District. The intent of the R-3 District is to accommodate higher density .

C-1, Core Commercial District. The intent of the C-1 District is to promote the concentration and vitality of commercial and business uses characterized primarily by retail, wholesale, office and service establishments in the central business area of Holly Hill. Residential uses are permitted on upper levels of commercial structures.

C-2, General Commercial District. The C-2 District provides for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. A wide range of business and commercial uses are permitted herein.

C-3, Limited Commercial District. The C-3 District allows for a mix of uses that accommodate office, institutional, light commercial, and residential uses in areas of transition, or suitable for such development. The locations of the C-3 District should be in proximity to residential areas and/or on the periphery of such areas, moderating transition between residential and commercial areas.

LI, Light Industrial District. The intent of the LI District is to accommodate wholesaling, distribution, storage, processing and light manufacturing uses in an environment suited to such uses and operations while promoting land use compatibility within the community.

Section 4.3 Establishment of Official Zoning Map

The boundaries of the zoning districts established by this ordinance shall be as shown on the Town of Holly Hill Official Zoning Map.

The official copy of the Town of Holly Hill Zoning Map shall be maintained in the office of the Town Zoning Administrator. All zoning district boundaries shall be clearly shown on the Official Zoning Map, and amendments shall be recorded immediately after adoption. The official copies of the Zoning Map shall be dated and attested by the signatures of the Mayor, Council and Town Zoning Administrator, and shall be available for public inspection. The Official Zoning Map and any amendments adopted by Town Council shall constitute the final authority for determination of zoning district boundaries. Such changes made in district boundaries or other matters portrayed on the Official Zoning Map shall be entered and dated by the Town Zoning Administrator within fifteen (15) working days after the amendment has been approved by Town Council. It shall be unlawful for any other person to make unauthorized changes to the Official Zoning Map. Any amendment to the Official Zoning Map shall become effective immediately upon action by the Town Council.

Section 4.4 Interpretation of District Boundaries

The Zoning Administrator shall interpret the Zoning Map and determine the location of zoning district boundaries, using the following rules of interpretation:

1. District boundaries indicated as approximately following the center lines of streets, alleys, railroads, or bodies of water shall be construed to follow those center lines.
2. District boundaries indicated as approximately following platted lot lines or tax map lot lines shall be construed as following those lot lines.
3. District boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.
4. District boundaries indicated as approximately parallel to or extensions of features indicated in subsections above shall be so construed for the distances indicated on the Zoning Map. Distances not specifically indicated shall be determined by scale of the map.

Section 4.5 Lot Divided by District Boundaries

No structure or accessory use may be placed, structurally altered, or have a change in use where the structure or use is or would be included within two (2) or more zoning districts unless such structure or use conforms to the requirements of all applicable district regulations.

Section 4.6 Annexation

The zoning district shall be designated for property annexed by ordinance as follows:

1. After receiving an annexation petition from a property owner (for 100% annexation method) or certifying the results of an election (as required by other annexation methods), the Planning Commission, shall review the petition or certification and make a recommendation to Town Council for a zoning district classification expressly contingent upon successful annexation.
2. The process for designating a zoning district classification, including notice of public hearings, shall conform to Section 3.4 of this Ordinance.
3. The zoning classification, as assigned by Town Council pursuant to Section 3.4 of this Ordinance, shall become effective on the effective date of the annexation ordinance. Permits for permitted uses may be issued upon the effective date.

Article V: Overlay Zoning District and PD, Planned Development District

Section 5.1 General

5.1.1 Establishment of Districts

The following Overlay and Special Purpose Zoning Districts are established:

Table 5-1, Overlay and Special District Zoning

District Name	Type
FH, Flood Hazard Overlay	Overlay Zoning District
Downtown Commercial Corridor Overlay	Overlay Zoning District
PD, Planned Development District	Special District

5.1.2 Procedure for Establishment

Overlay and Special Purpose zoning districts shall be established, changed or modified in accordance with the procedures applicable to all zoning districts as described in Article IV of this Ordinance.

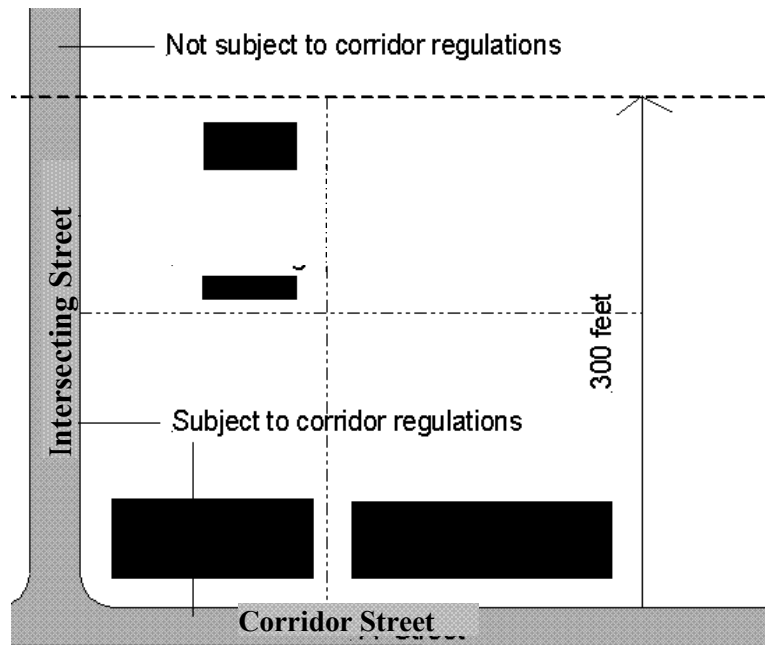
5.1.3 Overlay Zoning District Applicability

The overlay zoning districts only apply to parcels indicated on the corresponding Overlay Zoning District Maps. In the event that the definite boundaries of the district cannot be ascertained, Corridor Overlay Districts shall be deemed to encompass the depth of the lots fronting on both sides of the corridor street up to three hundred (300) feet and all property within three hundred (300) feet of the edge of the right of way which utilizes the corridor street for direct access, unless otherwise specified.

The streets designated in Section 5.3 Table 5-1, Column B, are referred to as Corridor Streets (see Figure 5-1).

A street that intersects a designated Corridor Street is referred to as an Intersecting Street (see Figure 5-1).

Figure 5-1, Corridor and Intersecting Streets



5.1.4 Overlay Zoning District Effect

- A. The overlay zoning districts contained in this Ordinance are zones that impose a set of additional requirements or relax a set of requirements imposed by the underlying zoning district. Therefore, compliance with Article 3, Section 3.4 Zoning Map Amendment (Rezoning), of this Ordinance, is not required for parcels within these overlay zoning districts to be developed in compliance with the overlay zoning district regulations, including but not limited to the use regulations and density, intensity and dimensional standards of the overlay zoning districts. Development of parcels within the overlay zoning districts shall comply with all other applicable requirements and processes of this Ordinance.
- B. If the land use recommendation for a parcel in an overlay zoning district, as shown on the overlay zoning district map, is not utilized, the regulations of the underlying zoning district shall apply.

Section 5.2 FH, Flood Hazard Overlay District

The Flood Hazard Overlay District includes (1) flood plains, (2) areas of shallow flooding, (3) areas of special flood hazard, and (4) floodways. The development of these areas, as reflected on Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) for Holly Hill, may not occur where alternative locations exist, because of the inherent hazards and risks involved. Before a building permit and/or a development permit are issued, the applicant shall demonstrate that new structures cannot be located out of the Flood Hazard Overlay District. Where there is no alternative to a location in a Flood Hazard Overlay District, proposed development shall be regulated by the following.

5.2.1 Findings of Fact

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

5.2.2 Statement of Purpose

It is the intent of this Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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

5.2.3 Objectives

The objectives of this Section are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplains;

6. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. To ensure that potential property buyers are notified that property is in a flood area.

5.2.4 Lands to Which This Section Applies

This Section 5.2 shall apply to all areas of special flood hazard within the jurisdictional boundaries of Holly Hill.

5.2.5 General Development Standards

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized.

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

1. **Anchoring** - All new construction and substantial improvements of existing structures shall be anchored to prevent floatation, collapse, or lateral movement of the structure.
2. **Flood Resistant Materials and Equipment** - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, Flood Damage – Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency (Reference 5-1, Flood Damage – Resistant Materials Requirement available at https://www.fema.gov/media-library-data/20130726-1502-20490-4764/fema_tb_2_rev1.pdf.)
3. **Minimize Flood Damage** – All new construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
4. All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, 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;
5. Manufactured homes shall be anchored to prevent floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
7. 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;
8. On-site waste disposal systems shall be located and constructed to avoid impairment or contamination during flooding; and

9. Any alteration, repair, reconstruction, or improvement to a structure that is not in compliance with the provisions of this Ordinance, shall be undertaken only if non-conformity is not furthered, extended, or replaced.

5.2.6 Specific Development Standards

In all areas of special flood hazard where base flood evaluation data are available, the following shall be required.

1. Residential Construction - New Construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the base flood elevation. A pre-construction and post-construction flood evaluation certificate shall be submitted. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, creating a fully enclosed area, said enclosed area shall:
 - a. be designed to preclude permanent living space;
 - b. be useable solely for parking vehicles, building access, or storage; and
 - c. include openings sufficient to facilitate unimpeded movement of floodwaters and/or be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters.

Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- a. provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade;
 - c. openings may be equipped with screens, louvers, valves, or other breakaway coverings or devices provided they permit the automatic flow of floodwaters in both directions; and,
 - d. fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side.
2. Non-Residential Construction - New construction or substantial improvements of any commercial, industrial, or non-residential structure shall have the lowest floor elevated no lower than one foot above the level of the base flood elevation. No basements are permitted. Structures located in A-Zones may be flood proofed in lieu of elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic loads and the effect of buoyancy. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Agricultural structures may be wet-flood proofed in accord with Technical Bulletin 7-93, Wet Flood Proofing Requirements for Structures Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program, document number FIA-TB-7.
3. Temporary Development - All applicants for a temporary use must submit to the Zoning Administrator, prior to the issuance of a development permit, a written plan for the removal of any temporary use or structure in the event of a hurricane or flash flood warning notification.

The plan shall be reviewed and approved in writing, and must include the following information:

- a. a specified time for which the temporary use will be permitted,
 - b. the name, address, and phone number of the individual responsible for the removal of said use,
 - c. the time frame prior to the event at which any structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification),
 - d. a copy of a contract or agreement with a trucking company to insure the availability of removal equipment when needed,
 - e. designation of a location outside the floodplain to which said temporary structure will be moved, and
 - f. a plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.
4. Accessory Structures - An accessory structure, the cost of which is greater than \$3,000, must comply with the elevated structure requirements of this section. When accessory structures of \$3,000 or less are to be placed in the floodplain, such structures shall:
- a. not be used for human habitation (including work, sleeping, living, cooking, or restroom areas); and
 - b. be designed to have low flood damage potential, be constructed and placed on the building site so as to offer minimum resistance to floodwaters, and be firmly anchored to prevent flotation, collapse, or lateral movement.
5. Floodways-The following provisions shall apply within floodways:
- a. No encroachments, including fill, new construction, substantial improvements, additions, or other developments shall be permitted unless it has been demonstrated through hydraulic analysis that the proposed encroachment would not result in any increase in the flood level during the occurrence of a flood.
 - b. Where no such increase is certified, new construction and substantial improvements may be permitted in compliance with the requirements of this section.
 - c. Permissible uses exempt from such certification include general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses, lawns, gardens, play areas, picnic grounds, hiking and horseback riding trails, provided that they do not employ structures or fill.
6. Standards for Streams and/or Floodways Without Established Base Flood Elevations - Development contiguous to small streams shall adhere to the following:
- a. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 40 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is

provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of base flood discharge.

- b. Where no such increase is certified, new construction and substantial improvements may be allowed within such areas provided all applicable provisions of this section are satisfied.

7. Standards for Subdivision Proposals -

- a. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- b. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazard; and,
- c. Base flood elevation data shall be provided for subdivision proposals and other proposed developments greater than the lesser of five (5) lots or five (5) acres.

8. Standards for Areas of Shallow Flooding (AO Zones) –

- a. Development within the areas subject to shallow flooding in the AO Zone shall adhere to all development standards of this section.

5.2.7 Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance 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 ordinance shall not create liability on the part of Holly Hill Council or by any officer or employee thereof for any flood damages that result from reliance on this or any administrative decision lawfully made hereunder.

Section 5.3 Downtown Commercial Corridor Overlay District

5.3.1 Establishment of Corridor Overlay District

The following overlay district is hereby established:

Table 5-2, Corridor District Established

A	B
Overlay District	Corridor Streets Generally
DC, Downtown Commercial Overlay	1. US 176 (Old State Road) between Hampton Avenue and Hart Street

5.3.2 Purpose

The DC, Downtown Commercial Overlay District, is designed for that portion of the C-1, C-2, and C-3 districts that contains the heart of traditional commercial activity in Holly Hill along US

176 (Old State Rd) between Hampton Avenue and Hart Street. This overlay is created with an emphasis on maintaining the integrity of the traditional storefront building facades in the area, coordinating parking design and access, and encouraging greater pedestrian activity and use.

Old State Road is the focal point of economic and pedestrian activity with the town's commercial center. Accordingly, a high level of community design should be required in order to preserve and to provide a unique, signature gateway into the town, to facilitate the creation of a convenient, attractive and harmonious community, to reduce vehicular congestion by encouraging pedestrian trips, and to encourage economic development activity. This district is created with an emphasis on maintaining the integrity of the traditional storefront building facades in the area, coordinating parking design and access, and encouraging greater pedestrian activity and use. The district standards bring pedestrian destinations close to the street, provide an interesting environment, and provide a scale appropriate to the speed of persons traveling by foot.

The Downtown Commercial Overlay District furthers the following public purposes:

- a. To protect the unique identity of the area and promote linkages between public, retail, residential, civic and service uses;
- b. To support and increase pedestrian activity by establishing a uniform "build-to" line, ground floor retail uses and storefront shopping at the street level;
- c. To provide opportunities for promoting the historic diversity of land uses within the district;
- d. To provide for urban design features such as lighting, coordinated signage, street furniture and landscaping to provide visual cues that tie the district together;
- e. To ensure architectural compatibility and aesthetic harmony of structures located on Old State Road between Hampton Avenue and Hart Street;
- f. To protect and promote the appearance and character of Old State Road;
- g. To encourage infill development by providing relief from parking, transportation capacity and landscaping standards applicable to other parts of the town; and
- h. To assure respect for the character, integrity, and quality of the built environment of Old State Road without stifling compatible innovative architecture or beneficial economic development.

5.3.3 Applicability

This section applies to any lot or parcel within the DC, Downtown Commercial Overlay Corridor District as designated on the Official Zoning Map. No building permit shall be issued for development on a lot or parcel within the DC District unless the proposed use, establishment or building complies with the standards described in this section.

5.3.4 Permitted Uses

Within the DC, Downtown Commercial Overlay District, all uses permitted in the underlying C-1, C-2, C-3, Commercial Districts are permitted subject to the standards established in this section. This section supplements any other requirements of this Article, including any regulations or permissions relating to use, density or design established in the C-1, C-2, and C-3 Commercial Districts.

In order to promote pedestrian activity and to avoid the impacts of traffic crossing sidewalks, all uses and buildings shall conform to the following:

- a. The first floor (street level) of any multistory building shall devote the first floor area to retail, commercial and service uses, as listed below. For clarification, churches are not considered to be a retail, commercial or service use. Such buildings shall include said uses along not less than fifty percent (50%) of their street frontage.

- | | |
|---|------------------------------------|
| 1. Convenience Retail | 6. General Business Services |
| 2. Food Stores, Bakery Shops | 7. Personal Service Establishments |
| 3. Museums, Art Galleries | 8. Primary Retail Establishments |
| 4. Restaurants, Bars, Ice Cream Parlors | 9. Secondary Retail Establishments |
| 5. Professional Office Uses | 10. Movie Theaters |

- b. In addition to the uses listed above, residential dwellings shall be permitted above the first floor of any building with commercial and/or retail uses on the first floor.

5.3.5 *Development Standards*

Buildings that line Old State Road shall be located and designed so that they provide visual interest and create enjoyable, human-scale spaces. Key objectives include:

- a. Buildings should be designed to be compatible, in form and proportion, with the traditional and historic pattern of development on the street.
- b. Buildings or groups of buildings should include a variety of forms, materials and colors, while maintaining a unified appearance.
- c. Buildings should include a richness of architectural detail to help define their scale.
- d. Buildings should extend to the back of the sidewalk to create a uniform block face.

5.3.6 *Setbacks*

Building facades shall comply with the following setback standards. Corner lots are deemed to have two (2) frontages and shall conform to the setback requirements for both facades.

5.3.7 *Front Setback*

Buildings shall be setback a minimum of zero (0) feet and a maximum of five (5) feet from the edge of the right of way. The maximum setback does not apply to the following elements:

- a. Any area not to exceed fifty percent (50%) or forty (40) lineal feet of frontage, whichever is less, included within a courtyard; and
- b. Any recessed entryway or outdoor dining area.
- c. No new doors shall swing into the minimum setback, except for emergency exit doors.
- d. Pedestrian areas, including plazas, street arcades, courtyards, and outdoor cafes may be permitted within the sidewalk portion of the public right of way subject to any required encroachment permits or agreements from the town or the South Carolina Department of Transportation. Such areas shall be setback a minimum of five (5) feet from the back of the curb.

5.3.8 *Side Setbacks*

Buildings shall be setback zero (0) feet from the side property line, except however that the setback may be between five (5) feet and ten (10) feet from the side lot line in order to accommodate a passageway between the street and the alley or a side entrance or a joint courtyard or plaza with an adjacent property. In no event will the side setback be more than ten (10) feet.

5.3.9 Rear Setbacks

Buildings shall be setback a minimum of three (3) feet from the rear property line. However, if parking, loading or vehicular access is provided to the rear of the principal structure, the minimum setback shall be ten (10) feet. Accessory buildings, including those on service lanes, shall be set back a minimum of three (3) feet from the rear property line.

5.3.10 Frontage

There is no minimum or maximum frontage established. However, buildings with large frontages are required to modulate their facades pursuant to 5.3.12.4 .

5.3.11 Maximum and Minimum Height

The maximum height shall be as provided for the C-1, C-2, and C-3 Commercial Districts in Table 6-2, Dimensional Standards. The minimum height shall be twenty-four (24) feet above the elevation of the sidewalk measured from the center of the front property line or two (2) stories, whichever is greater.

5.3.12 Building Design

5.3.12.1 Orientation

Buildings shall be oriented to the street. A building is oriented to the street where:

- a. The setback standards established in 5.3.6, are met.
- b. Principal entrances to buildings face a street or open to a square, plaza, or sidewalk.
- c. The principal entrance does not open onto an off-street parking lot.
- d. All street level uses with sidewalk frontage are furnished with an individual entrance and direct access to the sidewalk in addition to any other access that may be provided.
- e. Off-street parking does not lie between the building's principal entrance and the street.
- f. Pedestrian access from the public sidewalk, street right of way, or driveway to the principal structure is provided on a hard surface.

5.3.12.2 Grade

Buildings shall be aligned with the finished grade of the street except as otherwise provided herein. The principal entry for a civic use or a civic building may include a stoop, portico, colonnade or a portal.

5.3.12.3 Fenestration, Openings, and Storefronts

This section applies to all storefronts and any use other than those described in 5.3.12. This section does not apply to the conversion of a residential building to a commercial use.

5.3.12.4 Facades

Facades facing or visible from Old State Road shall include at least four (4) of the following elements:

- a. A pediment. (*See Definitions*)
- b. A cornice adjoining the top of the roof or top of the facade. (*See Definitions*)
- c. Windows in each story above the ground level. Individual window openings shall not exceed four (4) feet horizontally and eight (8) feet vertically.
- d. Architectural treatment to articulate the middle of any two-story building, or the first and second floors of a building exceeding two (2) stories, including molding, a canopy, a transom, or similar elements.
- e. A recessed entryway consistent with the requirements of 5.3.12.7.

Figure 5-2, Facades

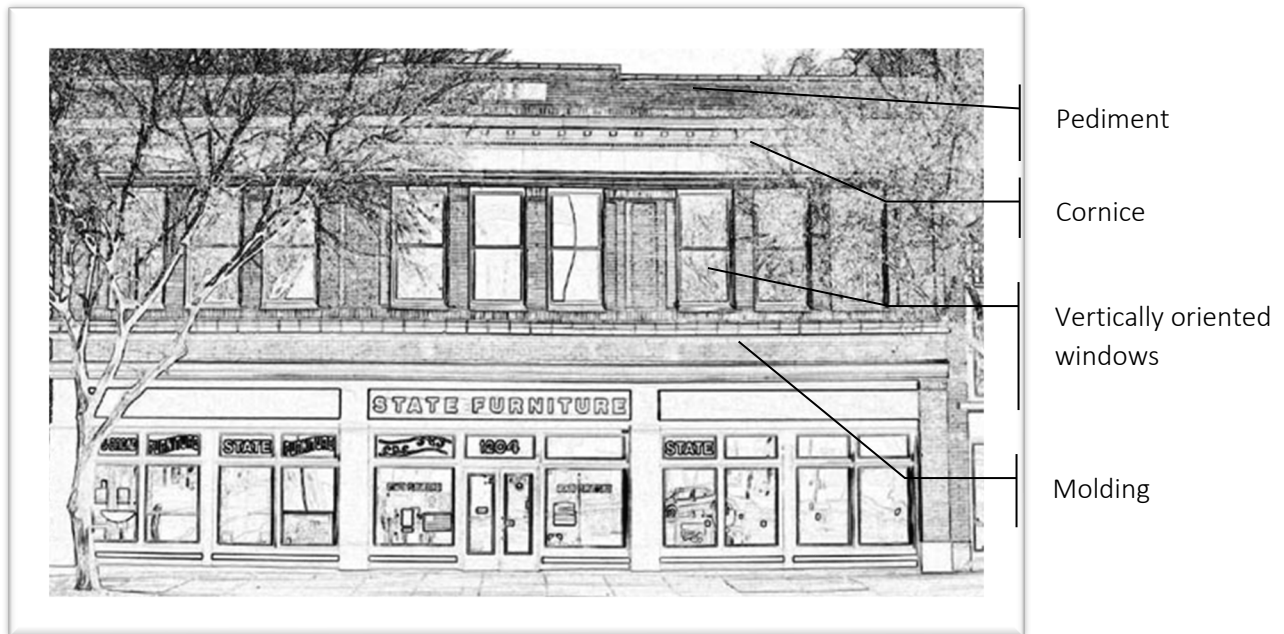
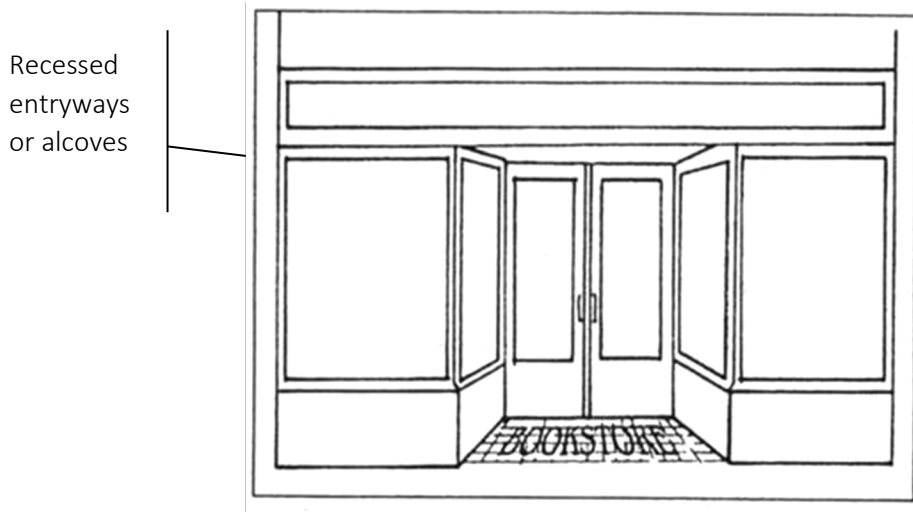


Figure 5-3, Entryways or Alcoves



5.3.12.5 Windows

Between sixty percent (60%) and ninety percent (90%) of the length, and at least fifty percent (50%) of the surface, of the first floor street frontage shall be in transparent public entrances or windows including retail display windows. Between ten percent (10%) and fifty percent (50%) of the surface of the front facade of each floor above the first floor street frontage shall be in transparent windows.

5.3.12.6 Building Modulation

Building frontages that face public streets and exceed a width of twenty (20) feet must include vertical piers or other vertical visual elements to break the plane of the building frontage. Such vertical piers or vertical elements must be spaced at uniform or near uniform intervals of fifteen (15) feet to thirty-five (35) feet along the entire building frontage. Vertical visual elements may include entryways, windows, columns, colonnades, or other form of modular fenestration.

5.3.12.7 Entryways

Recessed entryways are permitted in order to provide a sense of entry and to add variety to the streetscape. The floor area of a recessed entryway shall not be less than fifteen (15) square feet. Door openings shall not exceed six (6) feet horizontally, and ten (10) feet vertically. Overhead doors for loading docks, delivery, and distribution shall be permitted only on the rear of the building.

5.3.12.8 Canopies

Canopies, awnings and similar appurtenances are encouraged at the entrances to buildings and in open space areas. Such features may be constructed of rigid or flexible material designed to complement the streetscape of the area. Such features shall not obscure the upper stories or a sign panel located above the first floor. Any such feature may extend from the building to within two (2) feet of the back of the curb. Vertical supports for such features are not allowed in the public

right of way. No canopy shall extend into the public right of way unless any encroachment permit or agreement required by the town, and to the extent required by SCDOT, has been approved and issued.

5.3.12.9 *Wall Materials*

Hard surfaced exterior wall materials permitted for downtown buildings include brick, limestone, architectural split-face concrete blocks, parged block, painted brick, stone, terra cotta, stucco, plaster or fiber cementitious board siding. Vinyl, wood, plastic, metal, structural or unfinished concrete, painted concrete blocks, and tinted or reflective glass are not permitted as the primary exterior finish surface. However, vinyl, wood, plastic, or glass block may be used as access elements surrounding a doorway or window.

5.3.12.10 *Window Frames*

Window frames should be metal, wood or vinyl, and must be painted or vinyl clad.

5.3.12.11 *Doors*

Doors may be solid or hollow core metal, aluminum, fiberglass or wood, and may be either solid or have glass or louvers. Glass in any door shall be transparent or leaded glass. Doorframes may be metal or wood, and must be painted or stained. Solid doors shall have raised panels and/or louvers.

5.3.13 *Sign Design and Placement*

5.3.13.1 *Applicability*

Signs will comply with Article 9, Sign Regulations, and the following provisions.

Figure 5-4, Freestanding Sign

5.3.13.2 *Freestanding Signs*

No freestanding signs are permitted except as provided below:

- a. One (1) sign per building may be located in lieu of a canopy sign if a wall or canopy sign does not provide adequate visibility.
- b. The sign may be located on the sidewalk in the right of way if an encroachment permit or agreement required by the town and SCDOT has been approved and issued.
- c. The sign shall not exceed eight (8) feet in height.
- d. The sign panel or message area shall not exceed six (6) square feet in area.



The sign shall not obstruct or interfere with pedestrian traffic, parking or lines of sight required for traffic safety.

5.3.13.3 Monument Signs

Ground mounted or monument signs are permitted under the following conditions:

Figure 5-5, Monument Sign



Such signs shall not exceed five (5) feet in height and ten (10) square feet in area.

- a. Such signs shall not be located within the public right of way.
- b. Such signs shall be set back from the right of way no less than one (1) foot.
- c. Such signs shall not obstruct or interfere with pedestrian traffic, parking or lines of sight required for traffic safety.

5.3.13.4 Wall Signs

Figure 5-6, Wall Signs



Wall signs shall be placed in existing architectural sign panels integral to the building facade when such a sign panel exists. Wall signs shall have a

maximum sign surface on each wall or facade not to exceed five percent (5%) of the building facade or wall area to which the sign is attached, up to a maximum of twenty (20) square feet. The maximum area shall be measured as a percentage of the wall or facade to which the sign is attached, whichever results in a smaller area. Only those areas of the wall or facade that are visible from the public right of way shall be considered in computing this percentage; areas obstructed by adjacent buildings or structures shall not be included.

5.3.13.5 Projecting Signs and Marquee Signs

Figure 5-7, Projecting Signs and Marquee Signs



A building is permitted one projecting or marquee sign in addition to a wall sign. A projecting or marquee sign shall not be permitted if the building employs a freestanding, monument, canopy or awning sign. The maximum sign surface shall not exceed five percent (5%) of the building facade or wall area to which the sign is attached, up to a maximum of twenty (20) square feet. The maximum area shall be measured as a percentage of the wall or facade to which the sign is attached, whichever results in a smaller area. A minimum overhead clearance of eight (8) feet from the sidewalk must be maintained.

5.3.13.6 Canopy and Awning Signs

Figure 5-8, Canopy and Awning Signs



A canopy or awning may be used as a sign surface only if:

- a. No wall sign is included on the same facade.
- b. The message does not exceed ten (10) inches in height or the fringe or drip-flap portion of a canvas awning, whichever is less.
- c. The message does not extend in any direction above, below or beyond the canopy edge.
- d. The message is an integral part of the canopy or awning covering.
- e. Signage on the canopy or awning sign does not exceed one-half ($\frac{1}{2}$) of the area bounded by the edges of the canopy or awning visible from the public right of way.

5.3.13.7 Outdoor Display and Sale

Goods shall not be displayed or stored on the exterior of the building except under a porch roof, eave or overhang permanently affixed to the building. Outdoor displays shall not restrict free pedestrian movement and a walkway of not less than five (5) feet wide shall be maintained between the doorway(s), exit(s) and the public sidewalk. Exterior merchandise displays are not permitted on the right of way, front or side yards, open porches or other outside areas except for forty-eight (48) hours during permitted special events for no longer than forty-eight (48) hours. Longer term or permanent exterior merchandise displays may be permitted if the outdoor display or sale, or both, is conditionally approved.

5.3.14 Access

Driveways and access points to public and private parking lots, loading areas and service areas shall adhere to the following:

- a. Driveways providing ingress and egress onto side streets and alleys are preferred. Existing or newly created alleys from a side street are the preferred access drive to parking areas. Only one (1) access point to a parking, loading or service area (other than an alley) shall be permitted per block face from any side street adjoining Old State Road. There is no limit on the number of openings or access points from an alley and alleys may function as parking area drive aisles.

- b. No driveway or access point shall exceed twenty (20) feet in width.
- c. Separation of driveways or access points from an alley, if permitted, shall be no less than twenty-four (24) feet.
- d. No driveway or access point from any public right of way that reduces on-street parking shall be permitted except for parking areas that are available for use by the general public.

5.3.15 Landscaping

A traditional downtown is characterized by buildings that are arranged on small lots with buildings typically consuming the entire street frontage at or very close to the property line. Parcels developed or redeveloped with structures or uses that do not consume the entire street frontage or are set back, such as parking, whether landscaped or not, can create undesirable appearances. Accordingly, no landscaping is required for lots or parcels abutting Old State Road except as provided in this section.

5.3.15.1 Setbacks

Existing buildings that are set back further than three (3) feet from the front or side property line shall provide a buffer strip along the front or side lot line of the setback area consistent with the landscaping standards contained in Article 8 Section 8.4, Landscaping. The buffer strip shall be the full width of the setback for setbacks of less than five (5) feet in width, and a full five (5) feet for setbacks exceeding five (5) feet in width.

5.3.15.2 Unpaved Areas

All lot areas not covered by buildings, hard surfaces including entryways, pedestrian plaza areas or paved surfaces shall be landscaped.

5.3.15.3 Street Trees and Plantings

One (1) street tree shall be planted for every sixty (60) feet of street (Old State Road or side street) frontage unless existing trees are in place that meet this standard. At planting, each tree must have a minimum height of six (6) feet and a three (3) inch caliper. Required trees and plantings shall be planted on the right of way or in the setback.

5.3.15.4 Parking Lot Landscaping

A minimum of one (1) medium or large shade tree shall be planted for every ten (10) parking spaces. Trees shall be located in islands interspersed throughout the parking lot. At planting, each tree must have a minimum height of six (6) feet and a two (2) inch caliper. Parking lot islands shall cover an area of not less than one hundred twenty-five (125) square feet with no dimension less than nine (9) feet.

Section 5.4 PD, Planned Development District

5.4.1 Purpose

The purpose of the PD District is to encourage flexibility in the development of land in order to promot

e its appropriate use; to improve the design, character and quality of new development; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features of open space. This district is intended for use in the undeveloped areas of the town where planned development offers a superior response to less coordinated single-lot development, as permitted elsewhere in this Ordinance.

5.4.2 Area and Ownership

In order to qualify as a PD District a project request shall meet the following requirements:

5.4.2.1

The site shall be in single ownership or control, or if in several ownerships, the application for amendment to this Chapter shall be filed jointly by all of the owners.

5.4.2.2

A Planned Development must be comprised of five (5) contiguous acres or more.

The proposed development shall be consistent with the Comprehensive Plan.

5.4.2.4

The applicant shall demonstrate that the proposed development accomplishes the objectives of Article 1 to a greater extent than land developed under any other zoning district, including a base zoning district.

5.4.3 Procedures

The creation of a PD District designation is a two (2) step process involving both a rezoning and General Development Plan approval.

5.4.3.1

A PD District may be established on the Official Zoning Map in the same manner and in the same form prescribed for in Section 3.4 for other zoning districts.

5.4.3.2

The General Development Plan and administrative review requirements of this section are required after a map amendment is approved. Such requirements and all additional requirements of this section and Section 3.4 shall be addressed prior to the issuance of a building or development permit. A properly approved detailed site plan or subdivision (preliminary and final) or both shall be required prior to a request for a building or development permit. The requirements are specified in Article 3, Development Review Procedures.

5.4.4 Permitted Uses

Any use included in the ordinance rezoning the site to the PD District is permitted in such district. A listing of proposed uses including type and number of dwelling units within a particular PD District shall be included in the approved General Development Plan as part of the regulations applying to the district. Upon approval of the General Development Plan by the Planning

Commission and Town Council, the list shall be adopted as part of the regulations applying to that particular PD District. Thereafter, the uses permitted in the district shall be restricted to those listed, approved and adopted.

5.4.4.1

Permitted uses within a PD District are not subject to the restrictions of Article 6, Use Regulations or the Use Matrix. However, the ordinance rezoning the tract and approving the General Development Plan shall include a list of uses, hereinafter entitled the “PD Use List,” from the Use Matrix that are permitted in the PD District. The definition of uses included in the Use Matrix shall be used to interpret the PD Use List, unless a different definition is provided in the PD Use List.

5.4.5 *Criteria and Development Standards*

Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. A variety of building types, heights, facades, setbacks and size of open spaces shall be encouraged.

5.4.5.1

The land uses within a PD District shall not be subject to any of the dimensional or density provisions of Article 10. Dimensional standards shall conform to the following, unless a different standard is included in the PD District rezoning ordinance:

- a. Maximum height is forty-five (45) feet, except where otherwise permitted.
- b. Maximum gross density is twelve (12) residential units per gross acre.
- c. The maximum floor area ratio for non-residential uses is two point four (2.4). A minimum of ten percent (10%) and a maximum of seventy percent (70%) of the total project floor area shall be reserved for non-residential uses. For purposes of this Article, semi-detached and two-family dwelling units are presumed to have fifteen hundred (1,500) square feet of floor area unless the specific dimensions are known at the time that the PD District rezoning is approved.
- d. The maximum Impervious Surface Ratio is sixty percent (60%) of the total site area.

5.4.5.2

Open space, parks, and recreation shall comprise a minimum of twenty-five percent (25%) of the total site area. Portions of street rights of way that include street trees, sidewalks, and landscaped areas may be counted toward meeting open space requirements.

5.4.5.3

PD District zoning is intended to permit flexibility in the design, construction, and processing of residential, commercial, and/or industrial developments of a quality that could not be achieved by complying with the design and development standards of another zoning district. Therefore, the design elements as set forth in Table 5-2 shall be adhered to in the design of a Planned Development and shall be used in the town’s review of proposed PD District projects.

5.4.5.4

In addition to the requirements of Article 8, Supplemental Regulations, areas designated for parking shall be physically separated from public streets and shall be designed in a manner conducive to safe ingress and egress. Access points to internal public streets or internal circulation drives should be no more than three hundred (300) feet apart.

5.4.5.5

In addition to the requirements of Article 8, Supplemental Regulations, buffer yards or landscaping may be required by the Planning Commission between uses within any PD District or along the perimeter of a PD District.

Table 5-3, Design Elements for A Planned Development

	A	B
<p>1. Architectural Elements. All of the following shall apply:</p>		<ol style="list-style-type: none"> 1. Building height, rhythm, articulation, massing and bulk shall be compatible with the individual site attributes and with the surrounding neighborhoods. 2. Distinctive architectural details such as covered front entryways, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features shall be provided on each dwelling, or principal structure. 3. Garage fronts shall be de-emphasized and shall not be the most prominent architectural feature of a house. This can be accomplished by providing side access garages, detached garages, and/or L-shaped floor plans. Front access garages shall be recessed from the front elevation of the structure at least ten (10) feet in order to provide interest and relief from the street. The garage area may not exceed forty percent (40%) of the front facade of the structure. The front elevation shall include a porch or similar entrance designed for people rather than automobiles.
<p>2. Recreational Elements. All of the following shall apply:</p>		<ol style="list-style-type: none"> 1. At least twenty percent (20%) of the residential units shall be located within 1,000 feet of an open space or park. 2. Recreation and open space facilities should be aligned with the community parks and open space network, as provided in any adopted land use plans or parks and recreation master plans. 3. Neighborhood scale recreation facilities and amenities should be provided which are functional. If detention or retention areas are used for recreational amenities, they should be designed to have the appearance of natural ponds or hillsides rather than stormwater management facilities. Such areas should include natural vegetation, turf or landscaping within all areas not permanently covered with standing water.
<p>3. Additional Elements. The following shall apply:</p>		<ol style="list-style-type: none"> 1. Sidewalks should be included along at least 70% of the linear frontage of all planned collector or arterial streets within or adjacent to the development. 2. A customized entrance may be provided at the entry street intersecting an arterial or collector street which features a waterfall,

A	B
	sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details, boulevard median, or other similar treatment.

Article VI: Use Regulations

Section 6.1 General

No use shall be permitted pursuant to this Article, and no development permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a Permitted Use, Conditional Use or a Special Exception in the Use Matrix, Table 6-1, and all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as principal uses or buildings within each zoning district shall be those uses listed in the Use Matrix, Table 6-1.

6.1.1 Interpretation

The use categories listed in the Column A of the Use Matrix, Table 6-1, are defined in this Article, the Land-Based Classification Standards (LBCS) published by the American Planning Association (APA), the North American Industrial Classification System (NAICS), or in other resources cross-referenced in this Article.

6.1.2 Accessory and Temporary Uses

Permitted accessory uses and permitted temporary uses are set forth in the Use Matrix, Table 6-1, and Article 7 and 10. If a use is listed as prohibited in a zoning district, but is permitted as an accessory use in Section 10.11, the use is permitted only as an accessory use to a principal use or principal building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a principal use or principal building on the same lot, tract or parcel to which that use is accessory.

6.1.3 Uses Not Listed

The Zoning Administrator shall make a determination if a use not mentioned in the Use Matrix, Table 6-1, can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the Planning Commission at a regularly scheduled meeting. It is the intent of this Article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a conditional use permit. Uses not listed as a permitted or conditional use are presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Zoning Administrator shall determine whether a materially similar use exists in this section. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, the matter may be referred to the Planning Commission for interpretation or for recommendation to the Town Council for amendment to this Article to establish a specific listing for the use in question.

6.1.3.1

The Zoning Administrator may determine that a use is materially similar if:

- a. The use is listed as within the same structure or function classification as the use specifically enumerated in the Use Matrix, Table 6-1, as determined by the LBCS of the APA. The use shall be considered materially similar if it falls within the same LBCS classification or meets the requirements of sections (b.) below.
- b. If the use cannot be located within one of the LBCS classifications pursuant to section (a.) above, the Administrator shall refer to the most recent edition of the North American Industry Classification Manual (NAICS). The use shall be considered materially similar if it falls within the same industry classification of the NAICS.

6.1.3.2

In order to assist in interpretation of the Use Matrix, Table 6-1, the LBCS and NAICS numbers precede each use in the Use Matrix.

In interpreting the Use Matrix, the following rules of construction shall apply:

- a. If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar NAICS code number. The numbers increase as the classifications get more specific.

Example: Community Homes are coded as NAICS classification 623210. This is a specific subclass of group 623 entitled "Nursing and Residential Care Facilities." Community Homes are permitted in the District X. However, other "Nursing and Residential Care Facilities" listed in NAICS group 623 are not permitted in District X. These uses will fall within the LBCS Function classifications 1210 (Retirement housing services), 1220 (Congregate living services), 1230 (Assisted-living services), 1240 (Life care or continuing care services), and 1250 (Skilled-nursing services).

- b. Some uses are listed separately, but fall within the same LBCS or NAICS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS or NAICS classification.

Example: "Restaurant, with incidental consumption of alcoholic beverages" is coded as LBCS Structure 2220. A "Restaurant, no consumption of alcoholic beverages permitted" is also coded as Structure 2220. The former is listed as a prohibited use in District X. It is not considered a permitted use in X simply because it falls within the same LBCS classification as the latter use.

Section 6.2 Establishment of Tables

The uses permitted in the base zoning districts established by Article 4, and the dimensional standards of each district are set forth herein. These requirements are presented through the use of tables, in Section 6.3.

Table 6.1 sets forth district uses. Table 6.2 sets forth lot area, yard, setbacks, height, density, floor area and impervious surface dimensional standards for all districts.

Section 6.3 Use of Tables

Table 6-1, Use Matrix

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "_ " means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

A	Zoning Districts										Required Off-Street Parking Space(s)
	E	F	G	H	I	J	K	L			
Use	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial				

1.0 Accessory Buildings and Uses (subject to Section 10.10)

1.1	Accessory buildings and uses as permitted in Article 10 and this Table				A	A		C	C	C	A	None
1.2	Bars, alcohol serving, accessory to restaurant			722410	--	--	--	P	P	P	--	None
1.3	Bus shelters				--	A/C	A/C	P	A	A	A	None

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

		Zoning Districts									Required Off-Street Parking Space(s)	
A					E	F	G	H	I	J	K	L
Use					R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
1.4	Drive-in window or drive-through facilities (banks, laundries, fast foods, and similar uses) where Principle Use is permitted in the district				--	--	--	A/C	A	A	--	None
1.5	Outdoor sales and display areas				--	--	--	A/C	A/C	A/C	--	None
1.6	Storage of construction materials and equipment, generally				--	--	--	--	--	A	P	None
1.7	Outdoor storage of supplies, material or specialized equipment.				--	--	--	--	--	--	P	None
1.8	Storage of construction equipment, outdoor, incidental to construction activities				A	A	A	A	A	A	A	None
2.0 Residential Uses												
2.1	Accessory Dwellings (Carriage Houses, Granny Flats, Echo Homes)				C	C	C	A	A	A/C	A/C	None
2.2	Duplex				--	P	P	--	--	--	--	2 per unit
2.3	Manufactured Home				--	C	P	--	--	--	--	2 per unit
2.4	Multifamily Dwelling, apartments				--	--	P	C	C	C	--	2 per unit

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

		Zoning Districts									Required Off-Street Parking Space(s)	
A					E	F	G	H	I	J	K	L
Use					R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
2.5	Cottage Homes, Patio Homes and Zero Lot Line Units				--	C	P	--	--	--	--	2 per unit
2.6	Quadraplex				--	--	P	--	--	--	--	1.5 per 1 bedroom unit; 2 per unit all others
2.7	Room renting, no more than four tenants			7213	--	C	P	C	C	C	--	0.5 per tenant
2.8	Single room occupancy units				--	--	P	P	P	C	--	1 per unit
2.9	Single-family detached dwelling				P	P	P	--	P	P	--	2 per unit
2.10	Townhouse				--	P	P	--	--	--	--	2 per unit
2.11	Triplex				--	--	P	--	--	--	--	1.5 per 1 bedroom unit; 2 per unit all others

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

A	Land Use Coding			Zoning Districts							Required Off-Street Parking Space(s)
			D	E	F	G	H	I	J	K	L
Use			NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	

3.0 Accommodations and Group Living

3.1	Bed and Breakfast		721191	C	C	C	P	P	P	--	1 per bedroom
3.2	Room and Boarding House		721310	--	P	P	--	P	--	--	1 per bedroom
3.3	Dormitories		72131	--	--	P	--	P	--	--	1 per bedroom
3.4	Group Homes		623220	--	--	--	--	P	--	--	1 per bedroom
3.5	Hotels or Motels			--	--	--	P	P	--	P	2 per unit
3.6	Housing for the Elderly, including assisted-living services, retirement housing, continuing care services,		623110	C	P	P	--	P	P	--	0.5 per bed
3.7	Tourist Home			P	P	P	P	P	P	P	2 per unit

4.0 Commercial Uses

4.1	Animal Hospitals, Veterinary services		541940	--	--	--	--	P	--	P	1 per 350 s.f. GFA
4.2	Appliance Repair		811412	--	--	--	--	--	P	P	1 per 350 s.f. GFA

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
4.3	Appliance sales, or sales and service			443111	--	--	--	P	P	--	P	1 per 350 s.f. GFA
4.4	Automobile and truck rental			53211	--	--	--	--	--	--	P	1 per 600 s.f. GFA
4.5	Automobile retail sales and/or repair			811191	--	--	--	--	--	--	P	1 per 600 s.f. GFA
4.6	Bakeries, retail, including manufacturing of goods for sale on the premises only			311811	--	--	--	P	P	A	P	1 per 150 s.f. GFA
4.7	Bank, credit union, or savings institution without accessory drive-through windows and ATMs; not including noncredit lending agencies such as payday loan facility or payday loan agency			52211	--	--	--	P	P	P	P	1 per 350 s.f. GFA
4.8	Bar or Tavern			722410	--	--	--	P	P	--	--	1 per 150 s.f. GFA
4.9	Book stores			451211 453310	--	--	--	P	P	P	--	1 per 350 s.f. GFA
4.10	Bus, truck, recreational vehicle, or other large vehicle sales or repair				--	--	--	--	--	--	P	1 per 600 s.f. GFA
4.11	Business Service Centers, including blueprinting, printing, Photostating and copying			56143	--	--	--	P	P	P	P	1 per 350 s.f. GFA
4.12	Camera supply store			443130	--	--	--	P	P	P	--	1 per 350 s.f. GFA

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A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
4.13	Car Wash, Automobile Laundries			811192	--	--	--	--	C	C	P	None
4.14	Child Care			624410	C	C	C	P	P	P	P	1 per 200 s.f. GFA
4.15	Clothing Stores			4481	--	--	--	P	P	--	--	1 per 350 s.f. GFA
4.16	Convenience stores (no gasoline sales)			445120	--	--	--	--			C	1 per 350 s.f. GFA
4.17	Convenience stores selling gasoline			447110	--	--	--	--		--	CP	1 per 350 s.f. GFA
4.18	Equipment and Supplies Wholesale, Retail Sales, Rental or Leasing			421410 - 421490	--	--	--	--	--	--	P	1 per 5,000 s.f. GFA
4.19	Farm landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries and other incidental sales of products or related items)				--	--	--	--	P	P	P	1 per 1,000 s.f. GFA
4.20	Film development			812921 812922	--	--	--	P	P	--	--	1 per 350 s.f. GFA
4.21	Financial offices				--	--	--	P	P	P	--	1 per 350 s.f. GFA
4.22	Fireworks (Class C, seasonal and year around)				--	--	--	--	S	--	--	None

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A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
4.23	Flea markets, used merchandise (indoors)			453310 454390	--	--	--	P	P	S	P	1 per 350 s.f. GFA
4.24	Floor coverings, carpet and tile shops			442210	--	--	--	P	P	--	P	1 per 350 s.f. GFA
4.25	Flower shop, florists			453110	--	--	--	P	P	P	--	1 per 350 s.f. GFA
4.26	Furniture stores, new furniture			442110 442299	--	--	--	P	P	--	P	1 per 350 s.f. GFA
4.27	Gasoline stations / Service Stations				--	--	--	--		--	C	1 per 500 s.f. GFA
4.28	Gift store			453220	--	--	--	P	P	P	--	1 per 350 s.f. GFA
4.29	Grocery stores			445110	--	--	--	P	P	C	P	1 per 350 s.f. GFA
4.30	Hardware stores			444130	--	--	--	P	P	--	P	1 per 350 s.f. GFA
4.31	Heating and air service			235100	--	--	--	--	P	C	P	1 per 500 s.f. GFA
4.32	Heavy machinery sales, repair and maintenance			811310	--	--	--	--	--	--	P	1 per 1,000 s.f. GFA
4.33	Home Occupations (Subject to Section 10.12)				A	A	A	A	A	A	--	None

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A		Land Use Coding			Zoning Districts							Required Off-Street Parking Space(s)
		D	E	F	G	H	I	J	K	L		
Use		NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial			
4.34	Ice cream parlors	722213	--	--	--	P	P	P	--	1 per 350 s.f. GFA		
4.35	Industrial equipment, plumbing supplies and other heavy consumer goods not otherwise listed, sales and service, with or without outdoor storage	444190 811310	--	--	--	--	C	--	P	1 per 500 s.f. GFA		
4.36	Laundry and drycleaners (coin-operated)	812310	--	--	--	P	P	--	P	1 per 500 s.f. GFA		
4.37	Laundry and drycleaners (drop-off and pick-up only)		--	--	--	P	P	P	P	1 per 500 s.f. GFA		
4.38	Legal offices	541110	--	--	--	P	P	P	--	1 per 350 s.f. GFA		
4.39	Lumber yard and building material sales, wholesale or retail	444190 421320	--	--	--	--	--	--	P	1 per 1,000 s.f. GFA		
4.40	Manufactured home, modular home, mobile home, or storage building sales	45390	--	--	--	--	--	--	-P	1 per 1,000 s.f. GFA		
4.41	Motorcycles, retail sales and/or repair	441221 891490	--	--	--	--	--	--	P	1 per 600 s.f. GFA		
4.42	Newsstands	451212	--	--	--	P	P	P	P	None		

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A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
4.43	Nurseries and greenhouses, commercial			1114	--	--	--	--	C	--	P	1 per 1,000 s.f. GFA
4.44	Office, bank credit union or saving institution building, with drive-through facility			51-55 61 92	--	--	--	P	P	P	--	1 per 350 s.f. GFA
4.45	Pawnshops and secondhand goods, retail sales				--	--	--	C	C	--	--	1 per 500 s.f. GFA
4.46	Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments)			812	--	--	--	P	P	P	--	1 per 350 s.f. GFA
4.47	Pet store or pet supply store			453910	--	--	--	P	P	P	--	1 per 350 s.f. GFA
4.48	Pharmacy or Drugstore with other retail sales			446110	--	--	--	P	P	--	--	1 per 350 s.f. GFA
4.49	Photography studio			541921	--	--	--	P	P	P	--	1 per 350 s.f. GFA
4.50	Rentals; Truck, Utility, RV, Trailer			53212	--	--	--	--	--	P	P	1 per 500 s.f. GFA
4.51	Restaurants				--	--	--	P	P	P	P	1 per 150 s.f. GFA
4.52	Retail sales or service establishments, not listed elsewhere, and conducted within an enclosed building			4445	--	--	--	C	C	--	--	1 per 350 s.f. GFA

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A		Land Use Coding			Zoning Districts							Required Off-Street Parking Space(s)
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
4.53	Shoe repair				--	--	--	P	P	C	--	1 per 350 s.f. GFA
4.54	Shoe store			448210	--	--	--	P	P	C	--	1 per 350 s.f. GFA
4.55	Shopping Center, including between 30,000 to 100,000 gross square feet of building area and between three to ten acres of site area			44-45	--	--	--	C	P	P	P	By Individual Review
4.56	Shopping, Home improvement Center			444130	--	--	--	P	P	--	P	1 per 350 s.f. GFA
4.57	Shopping, malls, shopping centers, or collection of shops not otherwise enumerated				--	--	--	C	C	--	--	By Individual Review
4.58	Tailor or Dressmaking (not including textile manufacturing)			315211 315212	--	--	--	P	P	P	--	1 per 350 s.f. GFA
4.59	Tanning salons			812199	--	--	--	P	P	P	--	1 per 350 s.f. GFA
4.60	Tattoo parlors				--	--	--	--	--	--	C	1 per 350 s.f. GFA
4.61	Tobacco, Hookah, Vaping Establishments				--	--	--	--	--	--	P	

5.0 Industrial Uses

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
5.1	Carpentry, floor, and tile contractor			235510 235520	--	--	--	--	--	--	P	1 per 500 s.f. GFA
5.2	Contractors' offices with outdoor storage areas (including equipment storage)			23110- 235990	--	--	--	--	--	--	P	1 per 1,000 s.f. GFA
5.3	Contractors' offices without outdoor storage areas			23110- 235990	--	--	--	P	P	P	P	1 per 350 s.f. GFA
5.4	Electrical component assembly operations			334418	--	--	--	--	S	--	P	1 per 500 s.f. GFA
5.5	Food Manufacturing and Bakeries			311	--	--	--	--	C	--	P	1 per 500 s.f. GFA
5.6	Industrial parks				--	--	--	--	--	--	P	By Individual Review
5.7	Laboratories and other facilities for research and testing of products			54138	--	--	--	--	--	--	P	By Individual Review
5.8	Laboratories: dental, medical and optical			621511	--	--	--	--	C	--	P	1 per 500 s.f. GFA
5.9	Light assembly of pre-manufactured parts				--	--	--	--	--	--	P	1 per 500 s.f. GFA

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A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
5.10	Machine shop, welding shop (enclosed buildings)			332710	--	--	--	--	--	--	P	1 per 1,000 s.f. GFA
5.11	Metal shops			234990 3335	--	--	--	--	--	--	P	1 per 1,000 s.f. GFA
5.12	Newspaper production			511110	--	--	--	--	--	--	P	1 per 1,000 s.f. GFA
5.13	Recycling Centers				--	--	--	--	--	--	P	1 per 1,000 s.f. GFA
5.14	Salvage Yards				--	--	--	--	--	--	C	1 per 1,000 s.f. GFA
5.15	Scrap metal collection and processing, including collection of aluminum cans, including outdoor operations			421930	--	--	--	--	--	--	C	1 per 1,000 s.f. GFA
5.16	Scrap metal collection and processing, including collection of aluminum cans, provided all operations are within an enclosed building			421930	--	--	--	--	--	--	P	1 per 1,000 s.f. GFA

Warehousing and Storage Uses

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
6.1	Mini Warehouse/Self-Storage				--	--	--	--	S	--	C	1 per 6 storage units
6.2	Refrigerated warehouse or cold storage				--	--	--	--	--	--	C	1 per 500 s.f. GFA
6.3	Storage of equipment for use in activities associated with the Principal Use, and not for sale or resale (subject to Article 10)				--	--	--	--	A	--	C	None
6.4	Warehouse and distribution structures, generally			493	--	--	--	--	--	--	C	1 per 1,000 s.f. GFA

7.0 Assembly, Institutional and Entertainment

7.1	Adult Uses (subject to Section 7.16)				--	--	--	--	--	--	C	1 per 350 s.f. GFA
7.2	Bingo establishments			713290	--	--	--	--	P	--	--	1 per 350 s.f. GFA
7.3	Bowling alley				--	--	--	--	P	--	--	2 per lane
7.4	Churches, synagogues, parish houses, Sunday school buildings, convents and similar uses and their customary uses including child care on the premises during worship services				P	P	P	P	P	P	P	1 per seat in main assembly room

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A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
7.5	Community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation				A	A	A	P	P	P	--	1 per 350 s.f. GFA
7.6	Entertainment establishments, such as lounges, discos, nightclubs, private clubs, and music or dance establishments (not including Adult Businesses)			722410	--	--	--	P	P	--	--	1 per 350 s.f. GFA
7.7	Fitness centers and recreational sports, gym, health spa, massage parlor, swimming pool/auditorium, racquet club or athletic club			71394 512131	--	--	--	P	P	P	--	1 per 350 s.f. of GFA; 1 per 4 members
7.8	Golf courses, public and private, and driving ranges				S	S	--	--	P	--	--	2 per hole
7.9	Golf, miniature				--	--	--	--	P	--	P	2 per hole
7.10	Open space, park or active recreational uses operated on a non-commercial basis			712190	P	P	P	P	P	P	P	None
7.11	Private or non-profit clubs, including country clubs, athletic clubs, lodges, fraternal organizations, and swimming clubs on a noncommercial membership basis. Includes social, fraternal, social service, union and civic organizations.			71391	--	--	--	P	P	--	--	1 per 4 members

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A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
7.12	Recreation or amusement enterprises conducted inside or outside a building for profit, not otherwise listed			71399	--	--	--	--	P	--	--	By Individual Review
7.13	Recreation, indoor commercial (e.g., billiards, darts, and video games)			71312	--	--	--	P	P	--	--	1 per 350 s.f. GFA
7.14	Recreation, outdoor commercial (including amusement parks, paintball)			71311	--	--	--	--	--	--	C	By Individual Review
7.15	Skating Rink - Ice Or Roller Skating				--	--	--	--	P	--	--	1 per 350 s.f. GFA
7.16	Sports stadiums, arenas, circuses, coliseums, or assembly halls, less than two (2) acres (including parking areas)			711211	--	--	--	--	P	--	C	By Individual Review
7.17	Swimming Pool				P	P	P	A	A	A	--	By Individual Review
7.18	Temporary carnivals, rides, ferris wheels				--	--	--	--	P	--	P	By Individual Review
7.19	Theaters (outdoor)			512131	--	--	--	--	P	C	P	By Individual Review
7.20	Theaters or auditoria (indoor)			512131	--	--	--	P	P	P	P	1 per 5 seats

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A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
7.21	Zoos, botanical gardens, & arboreta			71213	--	--	--	--	P	P	--	1 per 1,000 s.f. GFA

8.0 Public, Institutional or Community Facilities

8.1	Cemeteries				--	--	--	--	--	C	--	None
8.2	Crematorium & Embalming			81222	--	--	--	--	--	--	P	1 per 500 s.f. GFA
8.3	Day Care Facility			6244	C	C	C	P	P	P	P	1 per 200 s.f. GFA
8.4	Funeral homes			81221	--	--	--	--	P	P	P	5, plus 1 per 2 seats
8.5	Hospitals, sanitariums			622	--	--	--	--	P	--	--	0.5 per bed
8.6	Libraries			51412	--	--	--	P	P	P	--	1 per 350 s.f. GFA
8.7	Medical and dental clinics or offices, ambulatory or outpatient care, family planning and care, and blood or organ banks				--	--	--	P	P	P	--	1 per 150 s.f. GFA

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A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
		D	E	F	G	H	I	J	K	L		
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
8.8	Museums and art galleries			71211	--	--	--	P	P	P	--	1 per 1,000 s.f. GFA
8.9	Schools, academic, nursery and preschool, grade schools, elementary, middle, and high school			6111	P	P	P	--	P	P	--	5 per classroom, plus 10 admin. spaces
8.10	Schools, academic, continuance, alternative, adult, colleges and universities, and technical, trade, and other specialty schools			6113	--	--	--	P	P	P	P	5 per classroom, plus 2 per admin. office
8.11	Schools, art, music, dance, dramatics, or other fine arts			611610	--	--	--	P	P	P	P	1 per 200 s.f. GFA
8.12	Schools, specialty including beauty, business management, computer training, driving education, flight training, and sports or recreation education				--	--	--	P	P	P	P	5 per classroom, plus 2 per admin. office
8.13	Social assistance, welfare and charitable services (excluding day care and community food services)			624110-624310	--	--	--	C	P	P	P	1 per 500 s.f. GFA
8.14	Specialized training and vocational rehabilitation services				--	--	--	P	P	P	P	1 per 350 s.f. GFA
8.15	Studios for artists, designers, musicians, photographers, sculptors			71211	A	A	A	P	P	P	P	1 per 350 s.f. GFA

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
8.16	U.S. Postal Services			491110	--	--	--	P	P	P	P	1 per 350 s.f. GFA

9.0 Public Administration

9.1	Public Administration; general government			92	--	--	--	P	P	P	P	1 per 350 s.f. GFA
9.2	Justice, Public Order, and Safety			922190	--	--	--	P	P	--	--	1 per 350 s.f. GFA
9.3	Courts			922110	--	--	--	P	P	--	--	1 per 350 s.f. GFA
9.4	Correctional Institutions			922140	--	--	--	--	--	--	P	1 per jail cell, plus 1 per 250 s.f. GFA
9.5	Fire protection			922160	P	P	P	P	P	P	P	4 per bay
9.6	Public Finance activities			921130	--	--	--	P	P	P	--	1 per 350 s.f. GFA

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

		Land Use Coding			Zoning Districts							Required Off-Street Parking Space(s)
A				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
9.7	Other General Government Support			921190	--	--	P	P	P	P	--	1 per 350 s.f. GFA

10.0 Transportation Uses and Structures

10.1	Bus maintenance, including repair and storage				--	--	--	--	P	--	P	1 per 500 s.f. GFA
10.2	Bus passenger stations/terminals				--	--	--	C	P	C	P	1 per 500 s.f. GFA
10.3	Freight terminals & truck terminals			484110-484230	--	--	--	--	S	--	P	1 per 500 s.f. GFA
10.4	Parking lots, parking structures or underground parking areas				--	A	A	A	P	P	P	By Individual Review
10.5	Taxi stands				--	--	--	A	A	A	P	None
10.6	Transportation Services			485991	--	--	--	C	P	--	--	1 per 500 s.f. GFA
10.7	Transportation by Air			48111								

11.0 Utility Uses and Structures

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)
		D	E	F	G	H	I	J	K	L	
Use			NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
11.1	Cell towers, communication towers, and antennae (subject to Section 7.14)		5133	--	--	S	S	C	C	P	None
11.2	Gas or electric generation distribution facilities, compressor stations, or substations		2211	S	S	S	P	P	P	P	1 per 500 s.f. GFA
11.3	Power generation plants			--	--	--	--	--	--	P	1 per 500 s.f. GFA
11.4	Public utility storage and service yards		561210	--	--	--	--	S	--	P	1 per 500 s.f. GFA
11.5	Radio / Television Station with Transmitter Tower		5131	--	--	--	--	C	P	P	1 per 500 s.f. GFA
11.6	Radio and TV stations and studios with no tower transmissions			--	--	--	P	P	P	P	1 per 500 s.f. GFA
11.7	Sewage treatment plant, pump stations, or (major) lift stations		22132	--	--	C	--	--	--	P	1 per 500 s.f. GFA
11.8	Solid waste collection centers, solid waste transfer stations, recyclable materials, yard waste and similar items			--	--	--	--	C	P	P	1 per 500 s.f. GFA

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "-" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

A		Land Use Coding			Zoning Districts						Required Off-Street Parking Space(s)	
				D	E	F	G	H	I	J	K	L
Use				NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	LI, Limited Industrial	
11.9	Utility lines (including electric lines, phone and cable lines, distribution circuits, gas and fuel lines, water lines, steam and air conditioning lines, irrigation channels, and sewer and waste water lines)				P	P	P	P	P	P	P	1 per 500 s.f. GFA
11.10	Water supply facilities including pump stations, dams, levees, culverts, water tanks, wells, treatment plants, reservoirs, and other irrigation facilities				--	--	C	--	P	C	P	1 per 500 s.f. GFA

12.0 Agriculture Production and Services

12.1	Agricultural uses including raising crops, horticulture, orchards, forestry, and related uses, excluding livestock, unless otherwise listed in this matrix			11	P	P	P	--	--	--	--	None
12.2	Kennels, animal pounds and shelters			81291	--	--	--	--	C	--	P	1 per 1,000 s.f. GFA

13.0 Signs (See Article 9)

Table 6-1, Use Matrix, Key: "P" means permitted as of right, as a primary or an accessory use, "S" means permitted only as a Special Exception, "C" means permitted as a Conditional Use, "A" means permitted only as an accessory use, "_" means prohibited. "A/C" means that the accessory use requires a Conditional Use Permit. Refer to Article 12 or the sources referred to under "Land Use" for specific definitions of uses.

A	Land Use Coding			Zoning Districts							Required Off-Street Parking Space(s)
			D	E	F	G	H	I	J	K	L
Use			NAICS	R-1, Low-Density, Single-Family Residential	R-2, Medium Density, Multi-Family Residential	R-3, High-Density, MH Residential	C-1, Central Commercial	C-2, General Commercial	C-3, Limited Commercial	L1, Limited Industrial	

14.0 Temporary Uses (See Section 7.17)

15.0 Home Occupations (See Section 10.12)

Section 6.4 Dimensional Standards in Base Zoning Districts

General

This section establishes minimum and maximum standards for the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings pursuant to S.C. Code § 6-29-720.

No land or building shall hereafter be used or occupied, and no building or structure, or part thereof, shall be constructed, erected, altered or moved unless in conformity with all of the regulations specified in this section for the zoning district in which it is or will be located. No building permit shall be issued unless the proposed building or structure conforms to the standards established in this section.

Non-residential uses shall conform to the requirements of the Dimensional Standards, Table 6-2, and the following additional requirements. The requirements established below supersede the requirements of Table 6-2 to the extent of any inconsistency for non-residential uses in residential districts:

- a. The minimum setbacks for lot lines adjoining residential districts shall be fifteen (15) feet.
- b. The maximum height for buildings or structures on lots adjoining residential districts shall not exceed thirty-five (35) feet, except as provided in the LI, Light Industrial District.

6.4.1 Residential Density

No building, structure or land shall hereafter be used or occupied in excess of the prescribed density regulations, nor accommodate a greater number of dwelling units than prescribed for in the zoning district in which it is or will be located in accordance with the limitations established in Table 6-2, Dimensional Standards.

6.4.2 Dimensional Standards for Lots

No permit for development shall be issued for a lot that does not meet the lot area requirements of Table 6-2, Dimensional Standards, except for Nonconforming Lots of Record, or developments subject to maximum density in lieu of minimum lot size requirements (see Table 6-2, Column C).

6.4.3 Setbacks, Generally

{Commentary - Setbacks are the required distance between the lot line or right of way and structures. Yards are the areas within the setbacks. See Article 12 for definitions. }

Building setbacks for each zoning district are set forth in Table 6-2, Dimensional Standards.

Setbacks for buildings or structures are measured as the distance between the furthest vertical wall plane of a principal structure and the property line of the lot on which the structure is located, except as modified by the standards of this section.

Where a yard abuts a street, the setback shall be measured from the abutting street right of way line. Whenever a lot abuts upon a service lane or an alley, one-half (1/2) of the service lane or alley width may be considered as a portion of the required yard.

{Commentary - Typically, the side and rear setback is measured from the property line, while the front setback is measured from the right of way because the front yard adjoins the street.}

Setbacks shall be unobstructed from the ground to the sky except as specified in this section.

Whenever more than one (1) principal building is to be located on a lot, the required yards shall be maintained around the group of buildings. Buildings shall be separated by a horizontal distance of at least twice the amount of the required side setback.

6.4.3.1 Front Setbacks

The minimum or maximum front setback may be adjusted for any lot where the average established front setback on developed lots located within two hundred (200) feet on each side of such lot, and fronting on the same street as such lot, is less or more than the minimum or maximum required setback. In such cases, the minimum or maximum front setback on such a lot may be less or more than the required front setback, but shall not vary by more than three (3) feet from the average of the existing front setbacks on the developed lots within two hundred (200) feet of each side. Where the applicant requests an adjustment in the front setback, the applicant shall provide the average setback measurements based upon public records or actual measurements. Where the Zoning Administrator requires an adjustment in the maximum front setback, such information shall be provided by the Zoning Administrator. The Administrator is also authorized, but not required, to provide data pertaining to the average setback for designated areas of the town for purposes of this section.

Where a lot fronts on two (2) non-intersecting streets, or two (2) intersecting streets forming an angle of sixty (60) degrees or less, front yards setbacks shall be provided on both streets.

Where a principal use building or structure is oriented to face away from the street on which it fronts, said building or structure shall conform to the required front yard setback for the district in which it is located. Any accessory use(s) prohibited from required front yards within such districts are prohibited within the required front yard setback from a principal use building or structure facing away from the street.

Where a frontage is divided among districts with different front yard requirements, the deepest front yard applies to the entire frontage.

No structure other than a driveway, sign, fence, gate, sidewalk or berm shall be erected or permitted to be located in a required front yard area.

Table 6-2, Dimensional Standards

Zoning District		Minimum Lot			Maximum Gross Density (du/g.a.) (C)	Floor Area Ratio (Non-Res.) (D)	Impervious Surface Ratio	Minimum Lot Frontage (ft.)	Maximum Building Height (ft.) (B)	Minimum Yard and Building Setback (A)					
		Residential (sq. ft.)	Non-Residential (Sq. ft.)	Width (ft.)						Minimum Front (ft.)	Maximum Front (ft.)	Minimum Side (Res) (ft.)	Minimum Side (Non-Res) S (ft.)	Minimum Rear (Res.) (ft.)	Minimum Rear (Non-Res.) (ft.)
1.	R-1, Single-Family Residential	10,000	15,000	80	4.0	.25	0.2	40	35	25	40	10	30	20	50
2.	R-2, Mixed Residential	(E)	15,000	50	8.0	.25	0.4	40	35	15	40	5	30	15	40
3.	R-3, Mixed and MH Residential	(E)	10,000	50	10.0	.35	0.4	15	35	5	40	5	20	10	40
4.	C-1, Central Commercial	—	1,500	15	—	—	—	—	35	—	—	—	(F)	—	(F)
5.	C-2, General Commercial	6,000	6,000	60	4.0	—	0.7	50	35	25	40	5	5	20	20
6.	C-3, Limited Commercial	6,000	6,000	60	4.0	.35	0.7	50	35	25	40	5	5	20	20
7.	LI, Light Industrial	—	20,000	100	—	—	0.9	100	—	25	40	—	5	—	20

Notes to Table 6-2:

Generally the requirements for the parameters set forth in the columns above, relate to the zoning district specified in the row under Column A. A “—” indicates that the requirement does not apply within the particular zoning district. Fractions shall be rounded up.

Refer to Article 10 Section 10.5 and 10.6 for yard and setback requirements.

References to Table 6-2:

- (A) Measurement from property line
- (B) Measurement from average elevation of the finished grade at the building line to the highest point on the roof
- (C) Measurement in dwelling units per gross acre
- (D) Measurement as percent of total lot area
- (E) 6,000 sq. ft. for single-family dwelling; 12,000 sq. ft. for duplex; 2,500 sq. ft. for each unit over two (2), where permitted in Table 6-1
- (F) No setback requirements except where a building or use is contiguous to a residential use in a Residential Zone District, then a minimum setback equal to the setback required in the contiguous residential district shall be required

Irrespective of the height limits prescribed in Table 6-2, Dimensional Standards, the following height limits shall apply to freestanding structures not intended for human occupancy as listed in Table 6-3, Exceptions to Height Limitations.

Table 6-3, Exceptions to Height Limitations

Structure		Height Limit
1.	Airway beacons	None
2.	Construction cranes	
3.	Structures for essential services	
4.	Windmills	
5.	Smokestacks	
6.	Antennae	See Section 7.14 and 10.9
7.	Transmission towers	
8.	Flagpoles	The maximum height permitted in the district or forty-five (45) feet, whichever is less.
9.	Monuments	

Section 6.5 Zero Lot Line Units

Figure 6-1, Zero Lot Lines



Purpose

The purpose of this section is to provide reasonable design standards for detached single family dwelling development with zero lot lines. In a zero lot line development, houses are shifted to one side of the lot. This provides for greater usable yard space on each lot. These developments require that planning for all house locations in a subdivision are done at the same time. Because the exact location of each house is predetermined, greater flexibility in site development standards is possible while assuring that the single-family detached character of a neighborhood is maintained.

Applicable Standards

Zero lot line homes shall conform to the standards contained in this section and all other applicable standards in this Ordinance.

Overhang Easement Required

The eaves on the side of a house with a reduced setback may project a maximum of fifteen (15) inches over the adjacent property line. In this case, an easement for the eave projection shall be recorded on the deed for the lot where the projection occurs.

Maintenance Easement Required

An easement to allow for maintenance or repair shall be provided when the eaves or side wall of a house are within five (5) feet of the adjacent property line. The easement on the adjacent property shall provide at least five (5) feet of unobstructed space between the furthestmost projections of the structure and be wide enough to allow five (5) feet between the eaves or side wall and the edge of the easement.

Side Wall Windows

If the side wall of the house is on the property line, or less than three (3) feet from the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not permitted. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a semi-transparent or opaque window, are allowed provided they are permitted by the International Building Code.

Minimum Distance between Structures

In no case shall the reduced setbacks result in a distance of less than ten (10) feet between residential structures.

Setbacks Delineated

The reduced setbacks shall be clearly denoted on the preliminary subdivision plan and final plat.

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:

- a. Range of allowable uses (Reference Table 6.1, refer to Definitions page “Conditional Use”).
- b. Protective screening and/or buffering of property perimeter.
- c. Protective screening/location of dumpsters, mechanical systems and loading docks.
- d. Landscaping relative to screening, buffering and ingress/egress control and not solely for beautification purposes.
- e. Lighting.
- f. Height limitations.
- g. Setbacks.
- h. Parking. The location of parking and in some instances reduction in the amount of parking to be allowed.
- i. Access, circulation, ingress and egress.
- j. Hours of operation for special conditional uses permitted in, or adjacent to, residential zoning districts.
- k. Signage.
- l. Performance standards relative to: air pollution, noise, glare and heat, vibration, noxious odors, toxic and liquid wastes, fire and explosion, radioactivity and electromagnetic radiation.
- m. Building design.
- n. 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.

- a. **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.
- b. **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.
- c. **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.
- d. **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 to the 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.
- (7) The minimum lot size for a Townhouse is 2,500 square feet.

Section 7.9 Cottage Homes, Patio Homes and Zero Lot Line Homes

Due to the unique design features of cottage, 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 for patio homes and zero lot line homes and 30 feet for cottage homes.
- (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.
- (10) A cottage neighborhood development shall include at least four (4) cottages and no more than twelve (12). Each cluster must have its own open space and parking. Each cottage must be within 20 ft. of open space.
- (11) Parking for Single Family Detached Cottage Homes shall be provided in the rear of the lot and shall be accessed from the front street or by an alley with a minimum 20 ft. right of way. Required parking shall be contained within the residential lot.

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 license if 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 Accessory Buildings and uses permitted in Article 10 and this Table (1.1)

Where conditionally approved by Table 6-1, all permanent or temporary accessory building shall adhere to the following regulations:

- (1) Such uses are required to obtain a permit from the Zoning Administrator before establishing the use
- (2) The owners or permittees are required to submit a site plan showing size, location and screening type and locations.

- (3) Shall be screened so that no portion of the accessory building can be seen from all adjacent the right of ways

Section 7.18 Retail Sales or Service Establishments, not listed elsewhere, and conducted within an enclosed building

Where conditionally approved by Table 6-1, all Retail Sales or service establishments that fall under Section 4.5.2 of Table 6-1 shall adhere to the following regulations:

- (1) Size: The Building size cannot exceed 40,000 sq feet. The use can exceed the building size limit if the lot is over 5 acres and approved by the Zoning Administrator.
- (2) If the use is located along US 176 (Old State Road), the buildings must meet the regulations set forth in the Downtown Commercial Overlay District
- (3) To limit over-concentration of small box variety stores and to allow for more diverse retail options, no small box variety store shall be located within one (1) mile of any other small box variety store inside or outside the Town limits of Holly Hill. The required separation distance shall be measured in a straight line from the nearest point on the lot line of the property occupied by a small box variety store to the nearest point on the lot line of the subject property.

Section 7.19 Convenience Stores (no gasoline sales), Convenience Stores Selling Gasoline and Gasoline Stations/ Service Stations

Where conditionally permitted by Table 6-1, new properties with either of these uses shall not be located within one-half mile from each other. The required separation distance shall be measured in a straight line from the nearest point on the lot line of the property occupied by such use to the nearest point on the lot line of the subject property.

Section 7.20 Car Washes, Automobile Laundries or Car Care Centers

Where conditionally permitted in Table 6-1, new properties with these uses shall not be located within one-half mile from each other. The required separation distance shall be measured in a straight line from the nearest point on the lot line of the property occupied by such use to the nearest point on the lot line of the subject property.

Section 7.21 Cemeteries

Where conditionally permitted by Table 6-1, all cemeteries shall adhere to the following regulations.

- (1) All new cemeteries must be built in conjunction with a place of worship and approved by the Zoning Administrator.

Section 7.22 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 (1) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.
- (4) Special Events – Festivals, carnivals, concerts, civic or youth events or any other event may be permitted on public or private property.
- (5) Food Trucks - Applicants must provide copies of the Special Events Permit, SCDHEC approval and approval by the Orangeburg County Fire Marshall. Applicants must make accommodations for their own power needs. Food trucks may be set up at the following locations:
 - a. Town Parks – Food trucks may set up at Folk Park and Gilmore Park for one day at a time as part of a Special Event.
 - b. Residential Zoning Districts – Food trucks may set up on properties zoned residential for one day at a time with a Special Event Permit. If applicable, applicants must also provide approval from their neighborhood Home Owner’s Association (HOA).
 - c. Town Hall – Food trucks may be set up in an approved location in the Town Hall parking lot for no more than forty-five (45) days at a time. Food trucks set up on Town Hall property may be eligible for two renewals to this permit.

In approving such a temporary use permit, the Zoning Administrator may authorize conditions regarding duration of the use, hours of operation, signage, lighting, etc. and such conditions shall be made part of the permit issued. Violations of such conditions shall be considered a violation of this Ordinance.

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.

Article VIII: Supplemental Regulations

Section 8.1 Purpose

This Article provides additional and general provisions intended to enhance the community by ensuring land use compatibility, screening of unsightly uses, ensuring adequate provision of open space, and the protection of trees within the Town. Additionally, this Article provides parking and off-street parking and loading regulations.

Section 8.2 Applicability

The provisions of this Article apply to uses and structures in all districts unless specified otherwise in this Article.

Section 8.3 Buffer Areas

8.3.1 Definition

A buffer area is a unit of yard, together with plantings, fences, walls and other screening devices required thereon. Buffer areas can be natural vegetation or of manmade materials. Natural vegetation that exists in a buffer area on a lot to be developed shall be utilized. The zoning administrator has the authority to allow existing natural vegetation to be utilized in the place of new plantings. Buffer areas must be shown on site plans.

8.3.2 Purpose

The purpose of a buffer area is to ameliorate any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

8.3.3 Location

Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. For purposes of complying with this Section, they shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any required front, side or rear yard setback. Where specified by this Section, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

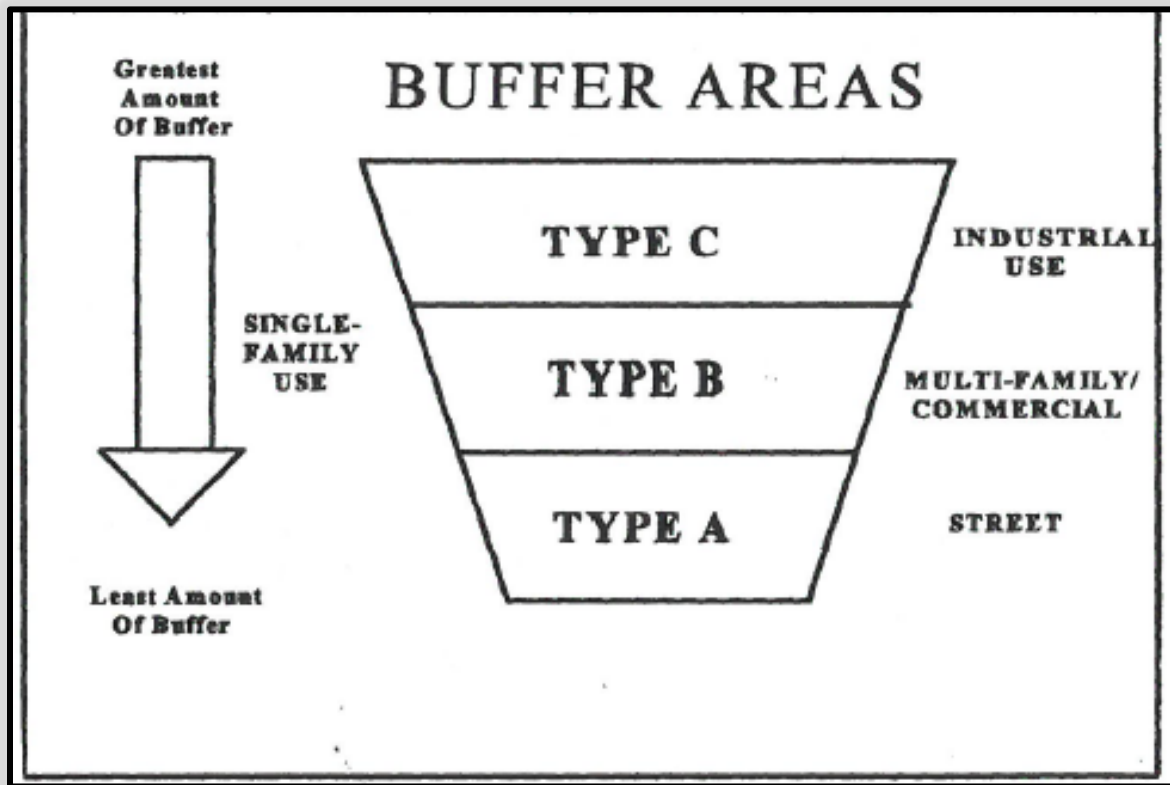
8.3.4 Buffer Area Requirements

Buffer areas along the perimeter of lots, but not in a street right-of-way, which areas may be used for passive recreation only, shall be maintained by property owners as follows:

Table 8-1, Land Use and Buffer Sizes

TYPE	LAND USE	WHERE REQUIRED	BUFFER SIZE AND PLANTS REQUIRED
A	Multi-family complex, manufactured home park, non-residential use not adjacent to residential district, and all surface parking lots	Along street rights-of-way, except drive-ways & visibility angles.	<u>Minimum buffer width:</u> Ten (10). <u>Plants required per 100 feet of street frontage:</u> Twelve (12) ornamental shrubs, Two (2) evergreen understory trees, and grass or other ground cover. Shrubs may be clustered. Knee walls are encouraged where parking fronts a right of way or driveway.
B	Multi-family complex, manufactured home park, commercial or institutional use adjacent to single-family residential use not separated by street or alley.	Along adjacent residential property lines.	<u>Minimum buffer width:</u> Fifty (5) feet. <u>Plants required per 100 linear feet:</u> Two (2) deciduous canopy trees 40 to 60 feet on center, and eight (8) evergreen plants ten (10) feet on center.
C	Industrial, warehouse, outdoor sales or storage use adjacent to residential district not separated by street at least 18 feet wide.	Along adjacent residential district lines.	<u>Minimum buffer width:</u> One Hundred (100) feet. <u>Plants required per 100 linear feet:</u> Two (2) deciduous canopy trees 40 to 60 feet on center, and 17 evergreen plants or understory trees in double staggered rows ten (10) feet on center.
Plant Standards:	<u>Minimum installation height:</u> Evergreen understory trees - Six (6) feet; deciduous canopy trees - Eight (8) feet; ornamental shrubs- One (1) foot; standard shrubs- Two (2) feet. <u>Minimum mature size:</u> Evergreens – Ten (10) feet; deciduous trees - 25 feet.		
Substitutions :	<u>Existing plants:</u> Existing plants meeting minimum standards may be retained to meet buffer requirements. <u>Evergreens:</u> Evergreen plants may be substituted for deciduous plants. <u>Fence or wall:</u> Where existing lot use, size, shape, configuration, topography or unusual circumstances prevent reasonable compliance with buffer landscaping requirements, the Zoning Administrator may approve substitution of an opaque fence or wall at least six (6) feet in height, but not exceeding ten (10) feet in height, for a Type B or Type C buffer. Fences and walls shall be neat in appearance and have a finished surface facing adjacent property.		

Figure 8-1, Buffer Areas – All Types



8.3.5 Design Standards

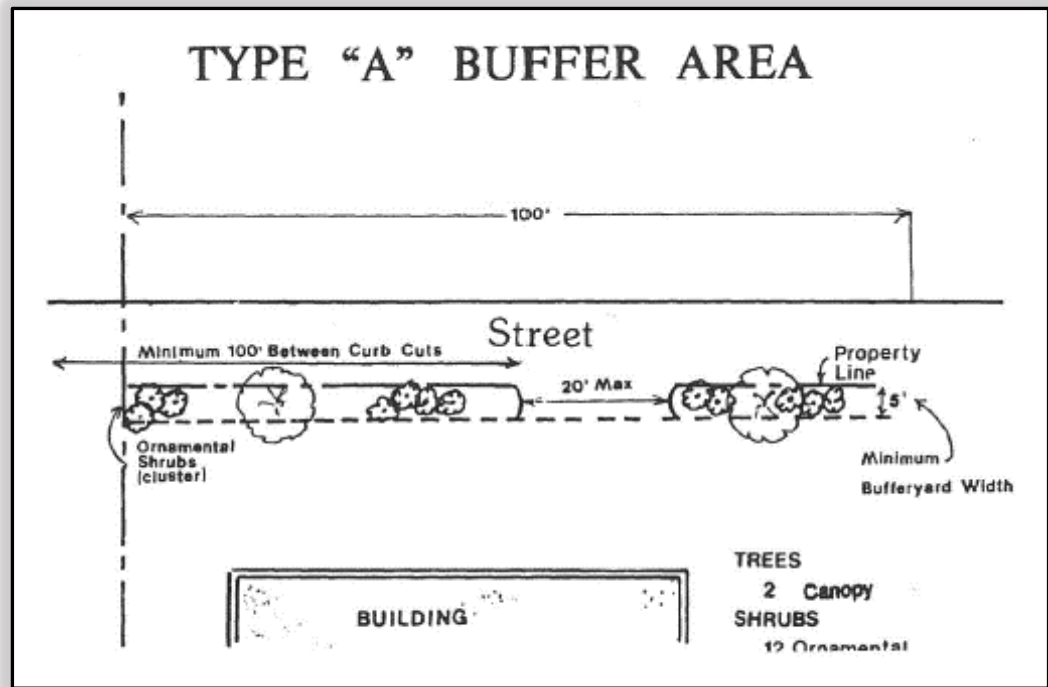
Three (3) types of buffer areas are required by this Ordinance, Type A, Type B, and Type C. Descriptions of each follows:

Type “A” Buffer Area.

Consists of low density landscaping and minimal acceptable separation between uses. The buffer area shall be not less than ten (10) feet in width. Per 100 linear feet of frontage, the buffer area shall consist of a combination of not less than 12 ornamental shrubs, two (2) understory trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival.

Figure 8-2 shows an example of Type “A” Buffer Areas.

Figure 8-2, Type “A” Buffer Areas



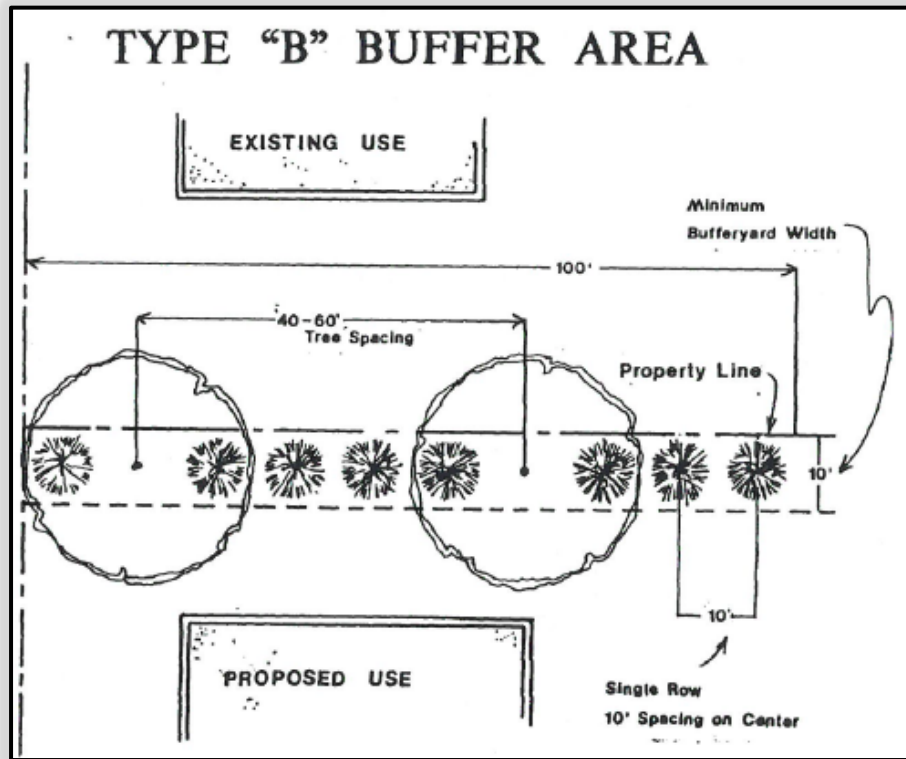
Type “B” Buffer Area.

Consists of a medium density screening intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 50 feet.

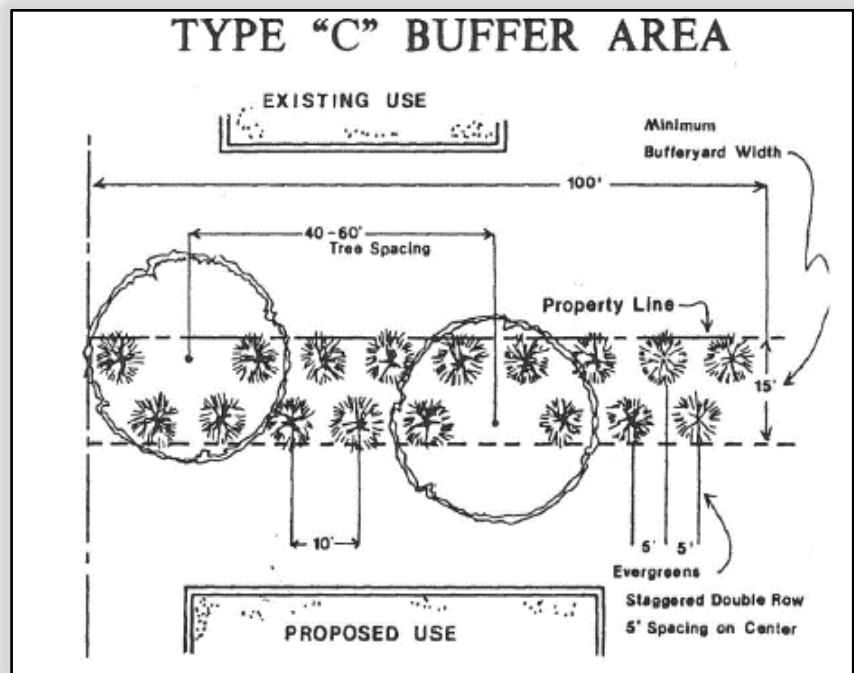
Per 100 linear feet the screen shall consist of a combination of two (2) deciduous trees planted 40 to 60 feet on center and eight (8) evergreen plants 10 feet on center.

An example site plan is illustrated by the diagram on the following page. Refer to Figure 8-3.

Figure 8-3, Type “B” Buffer Areas



**Figure 8-4,
Type “C” Buffer Areas**



Type “C” Buffer Area.

Type “C” Buffer Area is a high density screen intended to exclude all visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 15 feet. Per 100 linear feet the screen shall consist of a combination of two (2) deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double-staggered row 10 feet on center. Refer to Figure 8-4.

8.3.6 Buffer Area Specifications

1. Minimum Installation Size.

At installation or planting, all evergreen (understory) trees used to fulfill buffer area requirements shall be not less than six (6) feet in height, and all deciduous (canopy) trees shall be not less than eight (8) feet in height, except for ornamental shrubs for Type A Buffer Areas. At installation or planting, all ornamental shrubs shall be not less than one (1) foot in height, and all standard shrubs shall be not less than two (2) feet in height.

2. Minimum Mature Size.

At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging 10 feet in height, and deciduous plant material used for screening shall average 25 feet in height.

3. Staggered Planting.

Where required, evergreen and deciduous plant material shall be planted in at least two (2) rows and in an alternating fashion to form a continuous opaque screen of plant material.

8.3.7 Substitutions

The following substitutions shall satisfy the requirements of this Section:

1. Existing Plant Materials.

Existing trees of four (4) inches or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Zoning Administrator.

2. Fence or Wall.

Where, owing to existing land use, lot sizes, or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this Section cannot reasonably be met, the developer(s) may request and the Zoning Administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the provisions of this Section.

The Zoning Administrator may approve substitution of an opaque fence or wall at least six (6) feet in height, but not exceeding ten (10) feet in height, for a Type B or Type C buffer. Fences and walls shall be neat in appearance and have a finished surface facing adjacent property.

All fences and walls used as part of the buffer area requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate.

8.3.8 Responsibility

It shall be the responsibility of the proposed new use to provide the buffer area where required by this Ordinance. Existing uses are not required to install such buffers.

8.3.9 Required Maintenance

The maintenance of required buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed and replaced; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

8.3.10 Use of Buffer Areas

A buffer area may be used for passive recreation; however no plant material may be removed. All other uses are prohibited, including off-street parking.

Section 8.4 Screening

8.4.1 Definition

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

8.4.2 Purpose

The purpose of screening is to minimize if not eliminate entirely the visual impact of open storage areas and refuse disposal facilities.

8.4.3 Where Required

Screening specified by this section shall be required of all open storage areas, existing or proposed, visible from any public street, including open storage areas for building materials, appliances, trash containers of four (4) or more cubic yards, salvage materials and similar unenclosed uses. All existing open storage areas shall be made to comply with the provisions of this section within six (6) months of the effective date of this Ordinance. Failure to comply within said time period shall constitute a violation of this Ordinance, subject to the penalties contained in Article XI.

8.4.4 Type Screening Required

Screening shall be accomplished by an opaque divide not less than six (6) feet high. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth

berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Zoning Administrator.

Section 8.5 Landscaping

8.5.1 Definition

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

8.5.2 Purpose

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public right-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land; to promote public health and safety through the reduction of noise pollution, storm water run-off, air pollution, visual pollution and artificial light glare.

8.5.3 Where Required

No proposed commercial, institutional, industrial or other non-residential use shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this Section. No existing building, structure or vehicular use area shall be expanded or enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site. Enlargements involving less than 50 percent shall meet the requirements of this enlargements only. Landscaping is not required for existing uses. Variations of the size, type and color of vegetation utilized in the landscaping is encouraged.

8.5.4 Landscaping Plan

A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

1. Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
2. Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

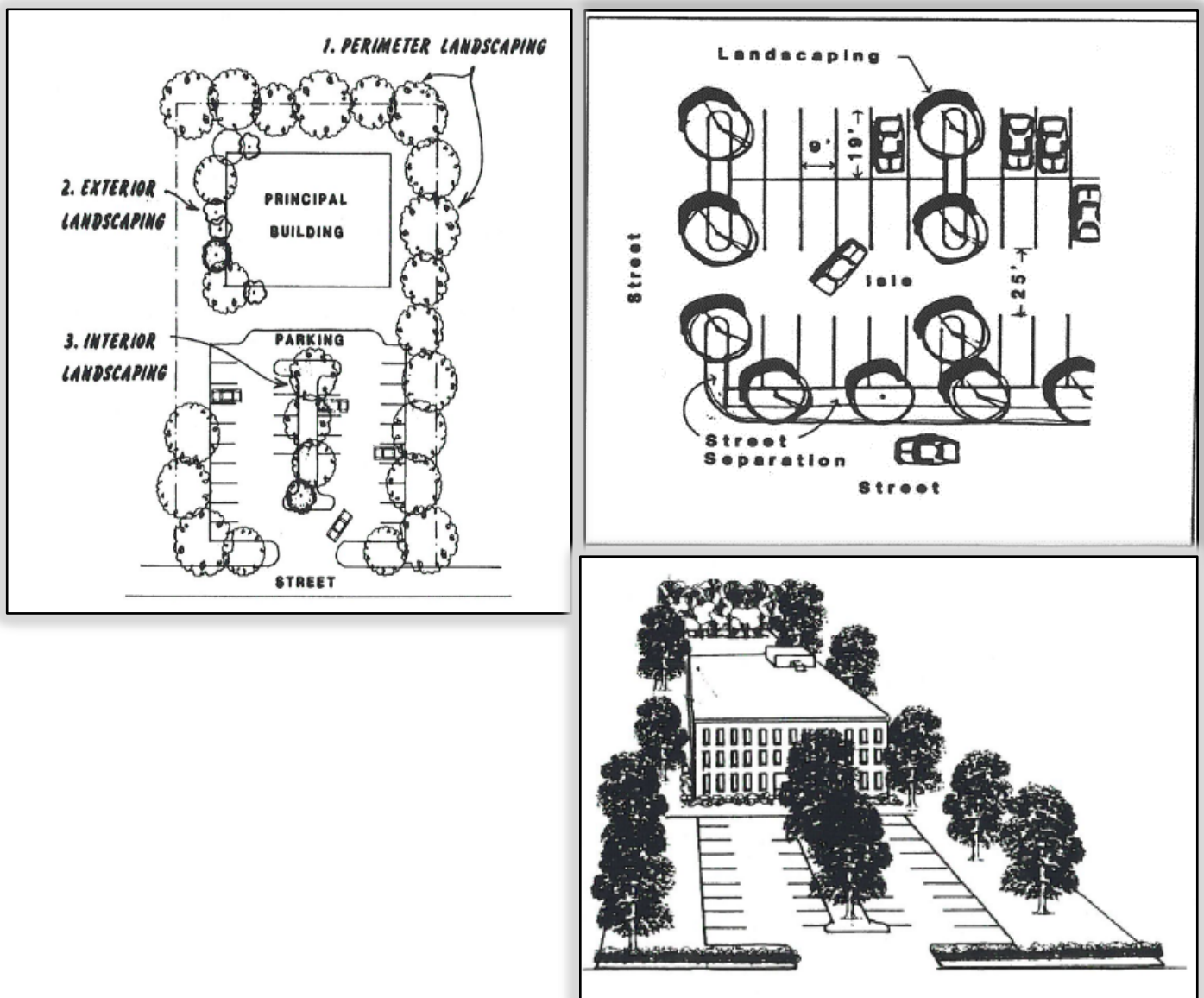
Identify all existing trees 12” diameter in required setback areas.

8.5.5 Landscaping Requirements

Required landscaping shall be provided as follows:

1. Along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this Article to buffer and separate incompatible land uses. Refer to Figure 8-3. The amount specified shall be as prescribed by Section 8-1.
2. Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces. Landscaped areas shall be not less than 5'X6' and located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site.

Figure 8-5, Typical Landscaping Site Plan



At a minimum, interior lot landscaping shall be provided in the following amounts:

Table 8-2, Minimum Percent of Land Use for Interior Landscaping

LAND USE	% of Lot
Institutional	15%
Industrial/ Wholesale/ Storage	10%
Office/Professional	10%
Commercial/Retail/Service	5%
Buffer Area landscaping may provide up to 50% of the above requirement. Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.	

8.5.6 Landscape Areas

All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six (6) inches in height. The barrier need not be continuous. Refer to Table 8-2.

Landscaped areas must be at least 25 square feet in size and a minimum of three (3) feet wide to qualify.

Landscaped areas adjacent to parking spaces shall be landscaped so that no plant material greater than 12 inches in height is located within two (2) feet of the curb or other protective barrier.

8.5.7 Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 8.6 Open Space

8.6.1 Definition

Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance.

8.6.2 Purpose

The purpose of this Section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential subdivisions. This Open Space can have active or passive uses.

8.6.3 Open Space Landscaping Requirements

The following open space landscaping requirements shall apply to land uses in all zoning districts:

Table 8-3, Open Space Landscaping Requirements

LAND USE	OPEN SPACE REQUIRED	LANDSCAPING
Single-family and two-family residential	15% of land area.	Grass, shrubs and trees selected by owner.
Clustered residential developments	20% of land area.	Grass, shrubs and trees selected by owner.
Townhouse projects	15% of land area.	Grass, shrubs and trees selected by owner.
Manufactured home park	2,500 square feet for each acre or major fraction of an acre in the park.	Greenbelt along all interior lot lines.
Multi-family residential, commercial and industrial, except surface parking lots	20% of land area. Required buffer areas, woodlands and wetlands may be used to satisfy requirements.	Grass, shrubs and trees selected by owner.
Surface parking lots	100 square feet of planted area for each 20 parking spaces. Required buffer areas may be used to satisfy requirements.	One evergreen or deciduous tree for each 20 parking spaces. Grass and shrubs selected by owner.

8.6.4 Common Open Space Plan

Proposed uses/projects set forth in 8.6.3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

1. Designate areas to be reserved for open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
2. Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.

3. Specify the manner in which common open space shall be perpetuated, maintained and administered.

8.6.5 Types of Common Open Space and Required Maintenance.

The types of common open space which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each are as follows:

1. **Natural areas** of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
2. **Recreational areas** are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.
3. **Greenways** are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances, or unhealthy conditions.
4. **Landscaped areas, lawns and required buffer areas**, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two (2) percent of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned and weeded regularly.

8.6.6 Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this Section by any of the following mechanisms or combinations thereof:

1. Dedication of and acceptance by the Town.
2. Common ownership of the open space by a home-owner's association which assumes full responsibility for its maintenance.
3. Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the Town may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such

maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

Section 8.7 Tree Protection

8.7.1 Purpose

The purpose of this Section is to prevent the clear cutting of building sites, a practice which destroys the balance of nature, leads to sedimentation and erosion, contributes to air and water pollution, and unnecessarily robs the community of valuable natural resources.

8.7.2 Existing Trees of Significance

Because any healthy tree greater than twelve inches in diameter is a valuable natural resource, by virtue of its age and size and its contribution to the environment, all said trees meeting this measurement shall be referred to as “significant trees” and protected to the extent practical and feasible.

A Tree Survey will be required for all new Major Subdivision Developments and Commercial Developments.

All existing significant trees located in all required yards, open space and buffer areas shall be flagged and shown on the required plat or site plan for a building permit or grading permit.

No more than 25 percent of said trees shall be felled and removed, except by order of the Board of Zoning Appeals owing to unique circumstances surrounding the development of the property.

Where, due to unusual topographic conditions or circumstances peculiar to a given site, more than 25 percent of the trees to be preserved must be felled, replacement trees measuring not less than two (2) inches in diameter shall be planted in like number. To the extent possible, said trees shall be integrated into the required landscaping.

8.7.3 Removal of Existing Trees of Significance

Removal of existing significant trees shall be prohibited prior to securing a grading and/or building permit. However, in the event that a tree poses a severe or imminent threat to public safety or property, the Zoning Administrator or his designee may waive the requirements of this Section. Written findings must later be issued, outlining the threat which initiated the removal. The Zoning Administrator or his designee may require replacement of any trees which are removed where it is determined that the threat resulted from negligence.

8.7.4 Significant Trees Removed Without Permits

Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this Section, replacement trees shall be planted in accordance with a replacement schedule approved by the Board of Zoning Appeals.

The Zoning Administrator or his designee shall recommend the number, species, diameter, and location of replacement trees, according to the following criteria:

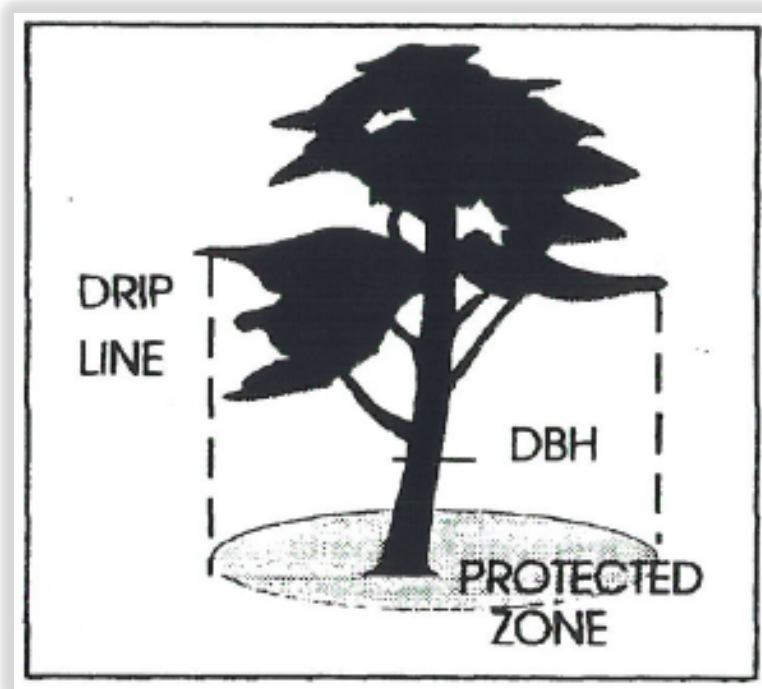
1. Combined diameter of replacement trees is equal to or greater than three (3) times the diameter of the tree removed or;
2. Individual replacement trees are of the largest transplantable diameter available.

Where significant tree removal is necessitated by emergencies or death and disease of trees due to natural causes, as determined by the Zoning Administrator or his designee, replacement will not be required.

8.7.5 *Development Precautions*

After the necessary permit approvals have been granted, and before any site work has begun, the developer shall cause protected trees to be marked with surveyor's flagging. During development, a minimum protective zone, marked by barriers, shall be established at the "drip line" and maintained around all trees to be retained as required by this Section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage of materials within this protected zone. Refer to Figure 8-6.

Figure 8-6, Minimum Tree Protective Zone



8.7.6 *Significant Trees Prohibited*

Cutting, etc. of

No person shall cut down, remove, relocate, damage, destroy, or in any manner abuse any significant tree on any lot or tract or public right-of-way in the Town unless authorized by the terms of this Section or unless approved by the Zoning Administrator.

Section 8.8 Off-Street Parking

Off-street parking spaces required by district regulations shall be located on the same lot as the

principal use, or on a lot within 400 feet of the main entrance to the principal use which under the same ownership as the principal use or has been legally restricted for parking in connection with the principal use, and shall have required buffer and landscaped areas.

Required off-street parking for a commercial or industrial use may extend up to 120 feet into a residential zoning district provided: (1) the parking area adjoins the property on which the principal commercial or industrial use is located; (2) the parking area access is to the same street as the principal use; and (3) the parking area has a Type B buffer area along residential lot lines and required landscaping.

Combined parking areas serving two (2) or more principal uses shall contain spaces equal in number to the total of spaces required for all principal uses served.

Section 8.9 Parking Space Requirements

Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required. Refer to Table 8-4. Where off-street parking for ten (10) or more vehicles is required, the off-street parking spaces shall meet the following design and development standards:

Table 8-4, Parking Space Requirements

Parking Detail	Requirement
Parking space dimensions:	<u>Angle parking</u> : Nine (9) feet by 19 feet; provided, 10% may be 8.5 feet by 18 feet; <u>Parallel parking</u> : Nine (9) feet by 24 feet; <u>Handicapped</u> : 12 feet by 20 feet, or eight (8) feet by 20 feet, with eight (8) foot isle.
Minimum isle widths:	<u>90 degree parking</u> - 25 feet; <u>60 degree parking</u> - 18 feet; <u>45 degree parking</u> - 13 feet; <u>parallel parking</u> - 10 feet. Minor street rights-of-way may be considered as isles for adjacent off-street parking.
Paving and marking requirements:	A parking area in a Major Subdivision or Commercial Development, including driveways, containing ten (10) or more parking spaces shall be surfaced with an all-weather impervious material, and spaces shall be marked with painted lines. Pervious materials may be allowed for overflow parking as approved by the Zoning Administrator. . Parking lot construction shall be designed to minimize off-site storm water run-off.
Lighting requirements:	A parking area open for night use shall have a minimum of one 9,000 lumen overhead light for each 25 parking spaces, or major portion thereof.

Parking Detail	Requirement
Drainage:	Parking lots shall be designed so as not to drain into or across public sidewalks or onto adjacent property, except into a natural watercourse or a drainage easement. In developed areas, exemptions from this requirement may be made by the Zoning Administrator as this condition may not be possible to meet. An alternate provision for adequate drainage must be made.
Parking spaces for handicapped persons:	One (1) parking space for handicapped persons shall be provided for each 25 parking spaces, or fraction thereof, except for dwellings of less than three (3) units, meeting federal and State requirements, with access to ramps, walkways, and entrances without moving behind parked vehicles.
Separation from Walkways and Streets:	Off-street parking spaces shall be separated from walkways, sidewalks, streets or alleys, and required yards and buffer areas by a wall, fence, curbing, or other approved protective barrier.

Section 8.10 Off-Street Loading and Unloading Spaces

All uses shall provide off-street loading and unloading space so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walkway, alley, or private street. Refer to Table 8-5.

Each lot used for commercial or industrial purposes, or multi-family residences with more than ten (10) units, shall provide off-street space for loading and unloading as follows:

Table 8-5, Off Street Loading and Unloading

Detail	Requirement		
Access	Each space shall have access from an alley or public street.		
Dimensions	Each space shall be a minimum of 12 feet by 40 feet, clear of obstructions.		
Spaces required:	Use	Gross Floor Area [square feet]	No. of Spaces
	Retail Business	For each 5,000	1
	Wholesale/Industrial	0 - 25,000	1
	Governmental	25,000 - 40,000	2
	Institutional	40,000 - 100,000	3
	Educational/Medical	100,000 - 160,000	4
	Assembly*	160,000 - 240,000 *each additional 100,000	5 1
Multi-family residence with 10 or more units		1	

Section 8.11 Approval of Parking and Off-Street Loading Plans

Designs and plans for areas to be used for off-street parking and off-street loading and unloading shall be subject to approval by the Zoning Administrator, who may withhold a permit or take other action if the layout of either would create avoidable safety or traffic congestion issues, pending acceptable modification of the layout, or appeal to the Board of Zoning Appeals.

Section 8.12 Parking of Unlicensed Vehicles

In a residential district, any vehicle or trailer subject to State licensing which does not display a current license plate shall be parked or stored within an enclosed building or parked behind the building set-back line and covered with a waterproof tarp or located under a shed roof.

Section 8.13 Parking of Recreational, Oversize and Emergency Vehicles

A. Recreational Vehicles

A recreational vehicle (including motor homes, travel or camper trailers, pickup campers, boats, and boat trailers) may be parked or stored on any lot in a residential zoning district in accordance with the following standards:

1. On an interior lot, the recreational vehicle is parked in an enclosed building, or in the rear yard, or in the side yard not projecting beyond the front of the roof line of the principal dwelling on the lot.
2. On a corner lot, the recreational vehicle is parked in an enclosed building, or in the rear yard, or in the side yard not projecting beyond the front of the roof line of the principal dwelling on the lot; if parked in the rear or side yard, the recreational vehicle must be completely screened by evergreen vegetation from view from all streets that run along the rear yard or side yard in which it is parked.
3. The recreational vehicle is parked or stored entirely on the residential lot in a safe and orderly condition, and if parked or stored on a driveway, it shall not be a hazard to persons or vehicles entering or exiting the driveway, persons passing on the sidewalk, or persons in vehicles passing on any adjoining street.
4. The combined total number of recreational vehicles and oversized vehicles permitted so parked or stored on any residential lot shall be limited to three (3), not including those kept in a garage or other enclosed building.
5. A recreational vehicle may be parked anywhere on a residential lot for a period not to exceed 24 hours for the purposes of loading and unloading.
6. A recreational vehicle shall not be used for the purposes of permanent human habitation while parked or stored on any residential lot.

B. Oversize Vehicles Other Than Recreational Vehicles

1. Any vehicle or combination of vehicles exceeding 26,000 pounds Gross Vehicle Weight Rating (GVWR), or any vehicle designed to transport 16 or more passengers including the driver, or any vehicle placarded for hazardous materials shall be prohibited in a residential

zone except to allow deliveries or provide services to residents.

2. Any vehicle which has an overall vehicle length exceeding 22.5 feet in length or eight (8) feet in height, excluding trailer hitches, winches, handicapped accessories, roof racks, etc. must be located and screened in the same manner as a recreational vehicle as set forth in Section 8.13. The total combined number of those oversize vehicles and recreational vehicles permitted, parked or stored on any residential lot shall be limited to three (3).
3. No such vehicle may be parked on a lot in a residential zone unless the lot is occupied by a single-family dwelling and the vehicle is operated by the occupant of the dwelling.
4. This section shall not apply to any vehicle kept in a garage or other enclosed building.

C. **Emergency Vehicles**

One emergency vehicle may be located on a lot occupied by a single-family dwelling as long as the vehicle complies with the standards for recreational vehicles in Section 8.13, and the vehicle does not use its siren or flashing lights while on the lot. Emergency vehicles may be located in a multi-family or attached single-family residential property in an area screened from view.

For the purposes of this section, an emergency vehicle is an ambulance or a tow truck displaying a decal in a prominent location verifying that it is licensed by the State of South Carolina to provide emergency road service.

Section 8.14 Residential Use Standards

8.14.1 Residential Housing Developments.

A. Permit and Plan Submittal: All Residential Developments consisting of five (5) or more dwelling units (attached or detached) shall submit a Major Subdivision Development Plan and meet the requirements listed in Section 8.14.1B.

B. General Design Standards

1. **Group and Multifamily Developments** (where there is no subdivision of land). All internal roads and/or driveways within a multifamily apartment or condo development shall be designed to have a minimum width of twenty-four (24) feet with extruded curbs and gutter and shall be to meet SCDOT Standards.
2. **Streets** (involving the subdivision of land where parcels and/or dwelling units are accessed from a dedicated public or private street). All new streets, alleys, and other infrastructure improvements shall be constructed in accordance with the Holly Hill Zoning Ordinance. The Zoning Administrator shall have the authority to consider alternative street designs and/or require additional measures to ensure public safety and/or address road maintenance concerns.
3. **Street Lights.** Adequate street lighting shall be provided in all residential housing developments.

4. Public Sidewalk. A public sidewalk, not less than five (5) feet in width, shall be required within the right-of-way along all adjacent streets. Sidewalks shall be constructed of concrete with a minimum thickness of at least four (4) inches. Sidewalks shall align vertically and horizontally with abutting sidewalks and shall comply with the Accessibility Guidelines of the Americans with Disabilities Act (ADA) and the building codes administered by the Town of Holly Hill.

5. Varied façade. The façade and the roof shall be varied by such features as projections, porches, bay windows, dormers, and by staggering the front walls at the front building line. When the garage is on plane with the front façade of a residential building the garage shall make up no more than 30% of the façade. If the garage is setback from the front façade of the residential building, the garage shall make up no more than 40% of the front façade.

6. All new residential developments that use vinyl siding are required to utilize the most recent and longest lasting grade of vinyl siding.

7. All other requirements of this Ordinance shall apply.

Sec. 8.14.2 - Cluster Subdivision Developments

This section is intended to encourage residential subdivision developments that cluster homes to preserve open space for recreational and environmental reasons. A residential cluster development allows the subdivision of land into lots of varying sizes, which provides home buyers a choice of lot sizes according to their needs and a more economical product by reducing the developers overall cost required for the installation of sewer, roads, and other infrastructure.

A. Purpose. It is the purpose of this ordinance to permit residential cluster and open space development in order to:

- 1) Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;
- 2) Protect environmentally sensitive areas of a development site and preserve on a permanent basis open space, tree cover, natural drainage ways and other natural features;
- 3) Decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development;
- 4) Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the length of streets;
- 5) Promote opportunities for social interaction by providing incentives to encourage community recreational spaces, sidewalks and walking and hiking paths in open space areas; and
- 6) Facilitate the economic and efficient provision of public services.

B. Applicability and General Provisions. A residential Cluster and Open Space

Development shall be permitted in all residential districts.

C. Permit and Plan Submittal: All Cluster Subdivision Developments shall submit a Major Subdivision Development Plan.

D. Development Standards. The following development standards shall apply to Cluster-Single Family Developments:

1) Minimum tract area shall be two (2) acres and shall consist of contiguous parcels, not divided by an existing public or private road or a recreational or navigable body of water.

2) **Setbacks.** Perimeter: No structure shall be erected within twenty-five (25) feet of the developments external lot line. Internal: Buildings shall be setback a minimum of twenty (20) feet from all internal public and/or private streets.

3) **Management, Dedication and Maintenance of Common Open Space Ownership.**

All common open space, any common areas or common facilities within the cluster residential development shall be permanently protected by recorded covenants and restrictions and shall be conveyed by the property owner(s) to a homeowners association or other legal entity under the laws of the State of South Carolina.

The person(s) or entity identified above, as having the right to ownership or control over open space, shall be responsible for its continuing upkeep and proper maintenance.

4) All other requirements of this Ordinance shall apply.

Section 18.14.3 - Attached Single Family Dwelling

Attached single-family dwellings are subject to the following standards:

1. **Minimum size.** The minimum area for an attached single-family housing development shall be .05 contiguous acres.

2. **Number of attached units.** The maximum number of units that may be attached is eight (8) dwelling units.

3. **Access.** Access to and from homes within the development shall be restricted to streets which are internal to the development.

4. **Entry design.** Each dwelling unit shall have its own ground-floor entrance that faces an adjacent street or common open space.

5. **Driveway design.** Driveways shall maintain a minimum length of twenty (20) feet measured from the closest edge of the sidewalk. The driveway of each dwelling unit shall at a minimum be separated by a three-foot-wide grass or landscaped strip beginning at the closest edge of the sidewalk.

6. All other requirements of this Ordinance shall apply.

Article IX: Sign Regulations

Section 9.1 Purpose and Scope

The purpose of this Article is to provide fair and comprehensive regulations that will eliminate confusing, distracting, and unsafe signs, assure the efficient transfer of information, and foster a good visual environment for the Town of Holly Hill, enhancing it as a place in which to live, to visit, and to conduct business.

It is declared that the regulation of signs within the Town of Holly Hill is necessary and in the public interest:

1. To provide a pleasing overall environmental setting and good community appearance, which is deemed vital to the economic development and attractiveness of the town;
2. To create a more productive, enterprising, professional business atmosphere
3. To allow signs appropriate to the planned character and development of each zoning district;
4. To ensure that permitted signs do not become a hazard or nuisance;
5. To promote traffic safety;
6. To prevent business and advertising signs from conflicting with public safety signs;
7. To prevent the overcrowding of land;
8. To protect and enhance the value of properties; and
9. To promote the overall general public health, safety, morals, convenience, order, prosperity, and welfare of the Town of Holly Hill.

Section 9.2 General Provisions

The regulations set forth in this Article shall apply and govern in all districts. No sign shall be erected, altered or maintained unless it is in compliance with the regulations of this Article:

1. A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the Zoning Administrator.
2. All signs must be constructed of durable materials, maintained in good condition and shall not be permitted to become dilapidated or a hazard to the health, safety or general welfare of the community.
3. The Zoning Administrator or designated agent shall require the property owner or tenant to remove, replace or repair the sign as is deemed appropriate by the Zoning Administrator.
4. Any signs, display or device allowed under this Article may contain, in lieu of any other copy, an otherwise lawful noncommercial message that does direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting and spacing requirements of this Article.
5. All signs shall comply with exiting state and federal laws.

Section 9.3 Definitions

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

Abandoned sign: A sign which was erected on property in conjunction with a particular use which has been discontinued for a period of sixty (60) days or more, or a sign with the content pertaining to a time, event or purpose which no longer applies.

Animated sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner: Any sign of light-weight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame or one or more edge. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Canopy sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Commercial message: Any sign wording, logo, other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Flag: Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity. Each lot is permitted to have one pole either attached or freestanding containing such flag.

Freestanding sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Portable signs, pole signs and monument signs which fit these criteria are classified as a freestanding sign.

Incidental sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone" and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Monument sign: A low-profile, freestanding that may be externally illuminated, erected with its base on the ground, designed to incorporate design and building materials which complement the architectural theme of the buildings on the site.

Nonconforming sign: Any sign lawfully existing at the adoption or amendment of this ordinance may continue in use and be maintained in a proper manner but may not be changed or enlarged unless it is in conformity of all the requirements of this ordinance.

Pennant: Any light-weight plastic, fabric or other material, whether or not containing a message of any kind suspended from a rope, wire or string, usually in series, designed to move in the wind.

Person: Any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

Portable sign: Any sign which usually rests on the ground on wheels or metal legs, and may be temporarily anchored by cables attached to stakes driven into the ground.

Prohibited signs: shall be defined by example as follows:

- (1) No sign displaying intermittent lights resembling the flashing lights customarily used in traffic signals or on police, fire or rescue vehicles is permitted, nor shall any sign use the words "stop", "danger" or any other word, phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver.
- (2) Except as provided in this Article, no signs, whether temporary or permanent, except traffic signs, signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.
- (3) Signs painted on or attached to trees, fences and telephone or other utility poles or signs painted on rocks or other natural features or painted on the roofs of buildings are prohibited.
- (4) Signs which display intermittent or flashing lights or moving parts.
- (5) Portable or mobile signs utilizing any type of illumination or electrical connections, except within the commercial and industrial districts.
- (6) Signs that create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
- (7) Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals.
- (8) Abandoned signs.
- (9) Searchlights and beacons.
- (10) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign. (This does not apply to allowed portable signs, lettering on buses, taxis or vehicles operating during the normal course of business.)
- (11) Inflatable signs and tethered balloons.

Projecting sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Roof sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Roof sign, integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sandwich board and pedestal sign: A freestanding movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. (Also known as "A" and "T" stands.)

Sign: Any material, structure or device used or located out-of-doors or on the exterior of any building including the exterior of windows for the purpose of displaying, illustrating or directing attention to an advertisement, announcement, notice or name or emblem for the identification of a person, place, object or product.

Sign area: The area of a sign shall be that area which is contained within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between elements of such sign. It shall include any material or color forming an integral part of the display or used to differentiate such signs from its background, but shall not include supports. Where two sides of a double-faced sign are not more than 24 inches apart at the widest point, the sign area shall be computed by measuring one face only.

Temporary sign: Any sign that is used only temporarily and is not permanently mounted.

Wall sign: Any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window sign: any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window glass panes and is visible from the exterior of the window.

Section 9.4 Signs Allowed by Right

1. Any sign required by law or constructed by a governmental agency for traffic or directional purposes.
2. **Official Notices** - any notices by a court, public agency or office.
3. **Political Signs** – Political signs, erected in connection with elections or political campaigns are permissible in all zoning districts provided such signs are no larger than sixteen (16) square feet in area and are removed no later than two (2) weeks following the election.
4. **Real Estate Signs** – One non-illuminated “for sale”, “for rent”, “for lease” or similar sign not exceeding six (6) square feet in area in a residential district, or twenty (20) square feet in a non-residential districts. Real estate signs must be located at least ten (10) feet from a street right-of-way or on the front wall of a building.
5. **Identification Signs** - One (1) non-illuminated professional, business, or residence name plate not exceeding two (2) square feet in area mounted flat against the wall of a building is permitted in all zoning districts.

6. **Holiday Decorations** – Signs or other material temporarily displayed on traditionally accepted civic, patriotic or religious holidays.
7. **Directional Signs** – Signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four (4) square feet in surface area for each exposed face, parking lot directional signs shall not project higher than three (3) feet in height, as measured from the established grade of the parking area.
8. **Temporary Subdivision Signs** – Temporary signs, not exceeding twenty (20) square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision not less than ten (10) feet from a street right-of-way or subdivision boundary line and spaced not less than three hundred (300) feet apart. Temporary subdivision signs shall be removed when seventy-five percent (75%) of the subdivision lots are conveyed.
9. **Construction Signs** – One non-illuminated sign, not exceeding fifty (50) square feet in area displaying the names of the building, contractors, architects, engineers, owners, and financial, selling and development agencies, is permitted on the premises for work involving construction, alteration, or removal. The sign shall be removed from the site within thirty (30) days after completion of the project.
10. **Special Event Signs** – Signs indicating that a special event such as a fair, carnival, circus, festival, special event, or similar happening is take place on the lot on which the sign is located. Such signs may be erected not sooner than thirty (30) days before the event and must be removed not later than three (3) days after the event.
11. **Noncommercial or Civic Event Signs** – Temporary signs or banners erected for not more than fourteen (14) days announcing a noncommercial and civic or philanthropic event in any district. Such signs shall be limited to one (1) per lot with the written permission of the property owner.
12. **Temporary banners and other temporary professional made signs** – Temporary professionally made signs or banners erected for not more than thirty (30) days announcing a commercial event. Such signs and banners are allowed in the Commercial and Light Industrial zoning districts only. Such signs or banners shall be limited to two (2) per lot and shall be setback a minimum of ten (10) feet from the public right-of-way. The maximum sign area of the sign or banner shall not exceed thirty (30) square feet. The sign and/or banner mat be attached to a building and/or poles on the lot.
13. **Sandwich Board (A-Frame) Signs** – One (1) such sign per business is allowed in the Commercial and Light Industrial zoning districts provided the signs do not exceed twenty-four (24) inches in width and thirty-six (36) inches in height.

Section 9.5 Signs in the Public Right-of-Way

No sign shall be allowed in the public right-of-way, including the railway right-of-way, except for the following:

1. Public signs erected by or on behalf of a government body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
2. Informational signs of a public agency or utility regarding its facilities;

3. Emergency signs;
4. Directional signs;
5. Signs of a temporary nature not to exceed 24 hours duration for such events as yard sales, auctions, public gatherings, etc; and
6. Governmental signs

9.5.1 Signs Forfeited

Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the town shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal.

9.5.2 Non-Profit Street Banners

Banners advertising events of public interest sponsored by non-profit, non-commercial agencies and which are placed at street locations specifically authorized for display by the Town Council may be approved. Permits are required for all such banners on forms provided by the Zoning Administrator.

9.5.3 Private Signs on Public Property or Right of Way

Private signs shall not be placed on any public property or right of way without an approved encroachment permit authorizing such sign. The Zoning Administrator may remove signs found to be in violation of this section without prior notification to the property owner.

Section 9.6 Temporary Signs

9.6.1 Allowable Period

Signs announcing or promoting a temporary cause or event may be erected no earlier than thirty (30) days prior to an event and shall be removed within two weeks following the completion of the event for which the sign was displayed.

9.6.2 Frequency

Temporary signs may be erected on a parcel in compliance with this Article for no more than thirty (30) days in any one hundred eighty (180) day period.

9.6.3 Definition

For purposes of this section, a “temporary cause or event” means an event that occurs only on a scheduled date or time period and for a specific purpose, regardless of whether the event is for commercial or non-commercial purposes. Examples include elections, grand openings of new businesses, buildings or developments under construction, church revivals and similar types of events.

9.6.4 Size

The allowable maximum size of temporary signs is established in Table 9-2, Maximum Total Sign Area by Use or Number, Dimensions and Location of Individual Signs. The maximum square

footage of temporary signs is in addition to the maximum square footage of all signs specified in Table 9-2. Up to two (2) temporary signs may be placed on a parcel provided the maximum square footage is not exceeded.

9.6.5 Illumination

Temporary signs may not have any illumination.

9.6.6 Placement in Right of Way

Temporary signs may not be placed within any public right of way unless placed in accordance with Section 9.5. Temporary signs may be placed on public property by the public jurisdiction that owns the property.

Section 9.7 Removal of Signs

1. The lawful use of any permanently mounted sign existing at the time of the adoption of this Ordinance may be continued as a non-conforming use.
2. Any sign which has been abandoned for a period of three (3) consecutive months shall be removed and any sign which is in violation of this Ordinance at the time of its passage and which is subsequently destroyed or substantially damaged shall be removed or brought into conformity. When there is a change in the name of the business or of the principal product sold by a business after the adoption of this Ordinance and there are non-conforming signs on the building or site, such signs shall be removed or brought into conformity. An order under this section shall be issued in writing by the Zoning Administrator to the owner of such sign, or of the building or premises on which such sign is located, to comply within a stated period of time not less than thirty (30) days. Upon failure to comply with such notice, the Zoning Administrator may authorize removal of the sign and any costs of removal may be collected by the Town in accordance with South Carolina law.
3. Temporary signs shall be removed within two (2) weeks following completion of the event or project for which they were displayed.
4. Any nonconforming sign which is not permanently mounted shall be removed or brought into conformity no later than the effective date of this ordinance.

Section 9.8 Permitted Signs

Table 9-1, Permitted Sign by Type, Use, and Zone

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
Use or Zoning District	Free Standing	Canopy	Identification	Marquee	Wall	Projecting Sign	Roof Sign	Window	Banner	Flag	Portable	Electronic Readerboard	Flashing Sign	Changeable Copy	Balloon Sign	Temporary
1. Single Family Dwelling Units (R-1, R-2)	A	--	A	--	--	--	--	--	--	A	--	--	--	--	--	A
2. Townhouse (R-2)	A	--	A	--	--	--	--	--	--	A	--	--	--	--	--	A
3. Multi-Family Dwelling Structure (R-2)	A	--	A	P	P	P	--	--	--	A	--	--	--	--	--	A
4. Manufactured or Mobile Home (R-3)	A	--	A	--	--	--	--	--	--	A	--	--	--	--	--	A
7. General Commercial (C-2)	P	P	P	P	P	--	--	A	A	A	P	P	--	P	--	A
8. Limited Commercial (C-3)	P	P	P	P	P	P	--	A	--	A	P	P		P	--	A
9. Central Commercial (C-1)	P	P	P	P	P	--	--	A	--	A	P	P	--	P	--	A
14. Limited Industrial (LI)	P	P	P	P	P	--	--	A	--	A	P	P	--	--	--	A
16. Institutional ⁽¹⁾	P	--	P	P	P	--	--	--	--	A	P	--	--	P	--	A

Notes to Table 9-1

- a. "A" means that the sign is allowed without a sign permit.
- b. "P" means that the sign is allowed if a sign permit is issued, and is not allowed without a sign permit.
- c. "--" means that the sign is not allowed.
- d. (1) The term "Institutional" means uses where general public access is allowed and the uses are located in residential districts. Institutional uses include schools, churches, parks, etc.

Descriptions of Sign Types

Column A – Use or Zoning District

Zoning district applies to the district as established in Article 4, Base Zoning Districts. Use is more precise than the zoning district. If there is a conflict between district and use, use shall prevail.

Column B – Freestanding Signs

A "Freestanding Sign" means any sign supported by one (1) or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure. For the purposes

of Tables 9-1 and 9-2, a freestanding sign includes ground and monument signs and does not refer to an off-premise sign or billboard.

Freestanding signs are subject to the following additional restrictions:

1. Not more than one (1) freestanding sign is permitted for any developed site, lot or parcel; and
2. Freestanding signs are not permitted on undeveloped lots or parcels, except as permitted in Section 9.6.

Within nonresidential districts, a freestanding sign shall contain only noncommercial messages, the address and name of the occupant, or a commercial message drawing attention to an activity legally offered on the premises. Within residential districts, freestanding signs are limited to address signs and temporary signs advertising "property for sale", "yard sale", "garage sale" or signs displaying a noncommercial message

Column C – Canopy Signs

A "Canopy Sign" means any sign attached to or constructed in or on a canopy.

Column D – Identification Signs

An "Identification Sign" means any wall sign which is limited to the name, address and street number of a building, institution or person and to the activity carried on in the building or institution. Identification signs include nameplates and building name signs. A "nameplate" means a sign affixed to a building in such a manner as to become an integral part thereof, and which provides the name or address, or both, of the owner or occupant of a building or premises.

Column E – Marquee Signs

A "Marquee Sign" is a sign painted on, attached to or hung from a marquee. A "marquee" means a hood or awning of permanent construction without pillars or posts which is supported from a building wall and extends beyond the building, building line or property line.

Column F – Wall Signs

A "Wall Sign" means any sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building. A wall sign may be internally illuminated.

Column G – Projecting Signs

A "Projecting Sign" means any sign affixed to, projecting from, and supported by a building. Such sign shall be extended no more than six (6) feet from the building to which it is affixed. Only one (1) projecting sign is permitted per building frontage, provided, however, that multi-tenant buildings in non-residential districts may include one (1) projecting sign per tenant in addition to wall signs, and provided that such signs are spaced not closer than twenty (20) feet horizontally from another projecting sign.

Column H – Roof Signs

A "Roof Sign" means any sign erected upon, against or directly above a roof or roof eaves, or on top or above the parapet, or on a functional architectural appendage above the roof.

Column I – Window Signs

A “Window Sign” means any sign installed inside a building within six (6) inches of a window or on the inside surface of a window that is visible from outside the building. This term does not include merchandise located in a window. Window signs are limited in size to ten percent (10%) of the window area through which it is visible.

Column J – Banners

A “Banner” means any sign of lightweight fabric, plastic or similar material mounted at one (1) or more edges to a pole or other structure. National flags, state and municipal flags, and official flags of businesses, institutions or other organizations shall not be considered banners. Banners are prohibited. However, signs constructed as banners of flexible material may be securely affixed on all four sides to a rigid and stable surface or sign frame and utilized as a temporary sign.

Column K – Flags

A “Flag” means any flag, including a flag of the United States, the state of South Carolina, and any other flag sanctioned by these regulations, provided that such a flag shall not exceed twenty-four (24) square feet in area and shall not be flown from a pole more than the maximum height permitted in the district or forty-five (45) feet, whichever is less). Flags must be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes or the state of South Carolina for the state flag. Any flag not meeting these conditions shall be considered a banner sign and shall be subject to regulations as such. One (1) flag and flagpole is allowed on a parcel without consideration of total signage allowed. Flags and flagpoles in excess of one (1) shall be included in the maximum square footage of allowable signage. All flagpoles shall comply with the setback requirements for freestanding signs.

Column L – Portable Signs

A “Portable Sign” means any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, service or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian public. Portable signs may not be lighted and may be used as temporary signs only.

Column M – Electronic Readerboards

An “Electronic Readerboard” means a sign which displays messages in alternating light cycles. Electronic readerboards shall consist of a black or dark background with white, red or yellow letters or numbers. Changes to the light pattern shall occur no more than once in any ten (10) second period and shall not include fading, flashing, scrolling or sliding transitions or moving animation. The changeable message portion of the sign may occupy up to fifty percent (50%) of the area of the sign of which it is a part.

Column N – Flashing Signs

A “Flashing Sign” means a sign that contains an intermittent or sequential flashing light source.

Column O – Changeable Copy Signs

A “Changeable Copy Sign,” also known as a “readerboard,” means any sign designated so that letters or numbers attached to the sign can be periodically changed to a different message.

Changeable copy signs must be a part of a larger wall or freestanding sign and are allowed to occupy up to thirty percent (30%) of the area of the sign of which it is a part.

Column P – Balloon Signs

A “Balloon Sign” means any lighter than air or gas filled inflatable object attached by a tether to a fixed place.

Column Q – Temporary Signs

Permissible temporary signs are specified in Section 9.6. Temporary signs include signs advertising property for sale, special events, grand openings and political campaigns.

Section 9.9 Permitted Sign Characteristics

Table 9-2, Sign Characteristics

Zoning District	R-1	R-2	R-3	C-1	C-2	C-3	LI
Electronic Animated			P (a)	P (a)	P (a)	P (a)	P (a)
Non-electronic changeable copy	P	P	P	P	P	P	P
Electronic changeable copy			P (b)	P (b)	P (b)	P (b)	P (b)
Indirect illumination	P	P	P	P	P	P	P
Internal Illumination	P	P	P	P	P	P	P
Exposed bulb illumination							
Signs with physically moving parts							

P=Permit Required

Notes to Table 9-2

- a. Signs with electronic animation characteristics are permitted on free standing signs only as allowed in applicable zoning districts provided sign graphics and/or text remain static for no less than ten (10) seconds.
- b. Signs with electronic changeable copy characteristics are permitted on free standing signs only in applicable zoning districts provided text remains static for no less than ten (10) seconds.

Section 9.10 Number, Dimension and Location of Permitted Signs

Table 9-3, Number, Dimension and Location of Permitted Sign

Zoning District	R-1	R-2	R-3	C-1	C-2	C-3	LI
Sign Type							
Free Standing Signs (not including Sandwich Board signs)							
Number permitted per lot	(a)	(a)	(a)	1	1	1	1 per street entrance
Maximum sign area (Sq. Ft.)	12 ft.	12 ft.	12 ft.	50 ft. (b)	75 ft. (b)	75 ft. (b)	75 ft. (c)
Minimum setback from property line	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Maximum Height	8 ft.	8 ft.	8 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Off Premise Signs							
Number permitted per lot				(d) (e) (f)	(d) (e) (f)	(d) (e) (f)	(d) (e) (f)
Maximum sign area (Sq. Ft.)				250 ft.	300 ft.	300 ft.	250 ft.
Minimum setback from property line				10 ft.	10 ft.	10 ft.	10 ft.
Maximum Height				25 ft.	35 ft.	35 ft.	35 ft.
The maximum allowable sign area for signs with electronic animation and electronic changeable copy characteristics is 25% of the maximum allowable sign for the zoning district of which the sign will be located.							
Building Signs							
Number permitted (per business)	1	1	1	1	1	1	1
Maximum sign area (Sq. Ft.)	5 ft.	5 ft.	5 ft.				
Maximum sign area (% of wall area)				15 (g) (i)	10 (h) (i)	10 (h) (i)	15 (g) (i)
Maximum Height (Roof Signs)				20 ft. from the base of the roof	10 ft. from the base of the roof	10 ft. from the base of the roof	20 ft. from the base of the roof

Notes to Table 9-3

One (1) subdivision, manufactured home park, and multi-family development monument sign per street entrance into such development is allowed in applicable zoning districts provided the sign meets all applicable requirements of the Holly Hill Zoning Ordinance and a sign permit is approved by the Zoning Administrator.

- a. One (1) monument sign for a church, institutional, public facility or permitted commercial

use (not including home occupational uses) are allowed in the applicable zoning districts provided the sign meets all applicable requirements of this Ordinance and a sign permit is approved by the Zoning Administrator.

- b. The maximum sign area for multi-tenant signs in Commercial zoning districts displaying the names of two (2) or more businesses may be increased by fifteen (15) square feet.
- c. The maximum sign area for multi-tenant signs in and LI zoning districts displaying the names of two (2) or more businesses may be increased by twenty (20) square feet.
- d. Off Premise signs are only allowed along US 176 frontages.
- e. No Off Premise signs shall be located less than one thousand (1,000) feet from another such off-premise sign on the same side of the highway.
- f. No Off Premise signs shall be located less than two hundred (200) feet from any residential zoning districts.
- g. A maximum sign area of 15 % of the total wall area (not including the roof) of the building side facing the primary street frontage is permitted to be displayed on the wall or roof facing the primary street frontage.
- h. A maximum sign area of 10 % of the total wall area for per wall for each remaining side is permitted to be displayed one each of the remaining building walls or roofs.
- i. A projecting sign may extend outward from the wall of a building not more than six and one-half (6 ½) feet, but shall not be closer than eighteen (18) inches to the vertical plane at the street curb line.

Section 9.11 Signs in PD Zoning District

Signs located in PD districts will be approved in the overall site plan approval process for such a development.

Section 9.12 Sign Permit Procedures

Permits for all allowed signs are required. Unless otherwise provided for in this ordinance, no sign or sign structure, regardless of its cost of construction, shall be erected, replaced, relocated, constructed, changed or altered until after a permit for the same has been issued by the Zoning Administrator.

All applications for sign permits shall be made with the Town of Holly Hill Zoning Administrator. The following information shall be submitted with an application for a sign permit:

- a. Identification of ownership of property on which sign is to be erected.
- b. Name and address of the owner of the sign.
- c. Site plan sketch showing the location of the sign with respect to the property and right-of-way lines and any buildings, parking areas, and other improvements to the property.
- d. Exact size, shape, configuration, design, area, height, number, and type of sign to be erected.

- e. The value of the sign or sign structure.
- f. Any other information, specifications, photographs or the like deemed necessary by the Zoning Administrator in order to assure compliance with the Town Ordinance.

Permit applications shall be acted upon by the Zoning Administrator within thirty (30) days of receipt, excluding holidays and weekends. Before issuing a permit, the Zoning Administrator shall collect the fees as established by Town Council.

Section 9.13 Signage Plan Required

A Signage Plan shall be a prerequisite to the issuance of any sign permit involving:

1. Two (2) or more contiguous lots or parcels under the same ownership,
2. A single lot or parcel with more than one (1) principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one (1) free-standing sign, and
3. The identification or announcement of a land subdivision or development project.

The plan shall contain all information required for sign permits as outlined in Section 9.10 and shall specify standards for consistency among all signs on the lot or parcel affected by the plan with regard to:

1. Lettering or graphic style;
2. Lighting;
3. Location of each sign on the buildings;
4. Material; and
5. Sign proportions.

The Signage Plan for all zone lots with multiple uses or multiple users, shall limit the number of free-standing signs to a total of one (1) for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs; however the maximum sign area may be increased by 25%.

Once approved by the Zoning Administrator, the Signage Plan shall become binding on all business and uses occupying the affected zone lots, but may be amended by filing a new or revised plan that conforms with all requirements of this Ordinance.

If any new or amended Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this Ordinance in effect on the date of submission.

Article X: General Provisions and Development Regulations

Section 10.1 Street Standards

Each principal building shall be located on a lot or parcel having direct vehicular and pedestrian access to a publicly dedicated or publicly maintained street; or approved private street.

10.1.1 Purpose

The purpose of this Section is to:

- a. Ensure that the design of streets conforms to the recommendations of the Comprehensive Plan;
- b. Provide for the safety of both vehicular and pedestrian traffic;
- c. Provide for livable residential and commercial environments;
- d. Provide economy of land use, construction, and maintenance; and
- e. Provide safe and efficient access to property.

10.1.2 Shared System

The road system shall respect the function of streets as the shared domain of drivers, pedestrians and bicyclists. Street widths shall be adequate to accommodate vehicles and emergency services, but not excessively wide so as to encourage speeding. To the extent possible the street system shall incorporate pedestrian amenities including sidewalks, center medians, landscaping strips between the curb and sidewalk, street trees and narrow intersection radii so as to improve the walkability of the streetscape.

10.1.3 Land Use Context

The street network shall respect the context of the land use and design of the neighborhood it serves. Streets in new neighborhoods, including conventional subdivisions, and Planned Developments (PDs), shall provide a high level of access, connectivity and a sense of enclosure in design.

10.1.4 Connectivity and Cul-de-Sacs

The street system shall balance the public goal of connectivity with market demands for privacy. While this Section does not ban cul-de-sacs, cul-de-sacs and dead-end streets shall be reserved for situations involving unique topography, environmental restrictions or similar considerations.

10.1.5 System Design

The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed, the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

10.1.6 Residential Design

In residential subdivisions, the road system shall be designed to serve the needs of the neighborhoods while addressing the needs of the town wide circulation pattern necessary to functionally move traffic.

10.1.7 Pedestrian System Design

The pedestrian system shall be located as required for safety. In standard residential developments, sidewalks shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. In Planned Developments, walks may be placed away from road systems, but they may also be required parallel to the street for safety reasons.

10.1.8 Bike Paths

Though not required, bike paths are encouraged as part of any new development, particularly in neighborhoods, Planned Developments, and as connections to major hubs throughout the community.

Section 10.2 Street Hierarchy

10.2.1 Classification

Streets are classified in a street hierarchy system with design tailored to function. The street hierarchy system consists of four (4) categories that include arterial, collector, subcollector and local streets. These street categories may be classified further as alleys, lanes, streets, collectors and arterials in accordance with the Street Design Criteria in Table 10-2. The functional description of each of the classes is set forth in Table 10-1, Street Classification.

10.2.2 Design

All streets shall conform to Town standards for the street as classified and defined in Tables 10-1 through 10-4 and as established in this Section. The projected annual daily traffic (ADT) volume of a proposed street segment shall determine the classification. The type of street section proposed under each classification shall be determined based on the land use, type of residential unit proposed and to provide a mix of the types of street developed in the town.

10.2.3 Applicability to Private Streets

The requirements of this Section apply to both public and private streets.

Table 10-1, Street Classification

A Street Classification	B Definition	C Average Daily Traffic (ADT) Range	D Subdivision- Designations
1. Local	The local street is the lowest-order street and usually carries limited through traffic. Property designed local streets provide direct access to residential lots and short travel distances from residences to higher order streets. Traffic speeds are low, lane capacity and design speed are not controlling factors, and minor delays are inconsequential considerations. Drivers and residents expect to drive carefully to avoid pedestrians and children.	0 to 600	Alley Lane Small Street
2. Subcollector	A subcollector is a relatively low-volume street that provides passage to and between local streets and also conveys traffic to and from higher order collectors and arterials. The subcollector provides frontage and access to residential lots like a local street.	600 to 2,500	Large Street Rural Street Boulevard Street
3. Collector	The Collector is the principal traffic corridor within residential and commercial areas. Collectors carry relatively high traffic volumes and convey traffic from arterial streets to lower-order streets. The Collectors primary function is to facilitate free flow of traffic. Residential lots shall not front on collector streets and access to individual residential lots shall not be permitted. Deceleration lanes are required to provide access to most parcels fronting on collector streets and intersecting streets.	2,500 to 15,000	Collector 1 Collector 2
4. Arterial	An arterial is a high volume street. Its function is to conduct traffic between communities and activity centers and to connect communities and activity centers to higher level arterials including freeways and interstate highways.	Over 15,000	Arterial 1 Arterial 2

Section 10.3 Street Design Criteria

The street design criteria in Table 10-2 shall be utilized for streets that are the responsibility of the South Carolina Department of Transportation (SCDOT) for operation and maintenance, and are on the SCDOT highway network system. The notes to Table 10-2 follow Table 10-3, Pedestrian Walkway Design Criteria.

Table 10-2, Street Design Criteria

	Design Factor	Greenway	Alley	Local	Subcollector	Collector	Arterial
1.	Right of Way (ft)	14	20	48	58	60	(1)
2.	Travel Lanes	2	1	2	2	2	(1)
3.	Parking Lanes	0	0	0-1	1	1	(1)
4.	Pavement Width (ft)	8	10	24	30	32	(1)
5.	Corner Radius (ft)	-	15	15	15	25	(1)
6.	Centerline Radius (ft)	95	50	90	90	250	(1)
7.	Drainage	-	-	CG	CG	CG	(1)
8.	Median	-	-	-	-	-	(1)
9.	Block Length (ft)	-	-	700	-	-	(1)
10.	Sidewalks	-	-	2	2	2	(1)
11.	Planting Strip (ft)	-	-	3	4	4	(1)
12.	Bike Lanes	-	-	-	Yes	Yes	(1)
13.	Trees	Yes	-	Yes	Yes	Yes	(1)
14.	Grade (%)	15	10	15	8	8	(1)

The width and design of all new sidewalks and pedestrian walkways shall be consistent with the standards established in Table 10-3, Pedestrian Walkway Design Criteria.

Table 10-3, Pedestrian Walkway Design Criteria

Design Factor	Sidewalk	Path	Promenade	Greenway
Right of Way (ft)	N/A	5-10	30-45	20-100
Pavement Width (ft)	5-20	0-9	18-24	10-16
Corner Radius (ft)	-	-	15	10
Centerline Radius (ft)	-	-	-	95
Drainage	CG, SW-1 side	CG, SH, SW	CG, SW	CG, SH, SW
Pavement	Hard Surface	-	Hard Surface	Hard Surface
Median	-	-	Intermittent	Intermittent
Trees	Determined by adjacent street	Yes	Yes	Yes
Grade (%)	Same as street	15	8	15

Notes to Tables 10-2 and 10-3

- a. The meaning of the following terms is as set forth in the SCDOT, Standard Specifications for Highway Construction, which document is hereby incorporated by reference: Acceleration and Deceleration Lanes, Base Course, Crossover, Culvert, Median, Parking Lane, Pavement, Pavement Structure, Right of Way, Road, Roadbed, Roadside, Roadside Development, Roadway, Shoulders, Sidewalk, Skew or Skew Angle, Specifications, Street, Structures, Subbase, Subgrade, Substructure, Traffic Lane and Traveled Way.

- b. Where a number is stated as a range, the street may include any dimension or number within the range at the discretion of the applicant.
- c. Right of Way – Right of way width depends on the number of travel lanes and parking lanes provided and is expressed in a range. Right of way width shall be a minimum of the lesser of the numbers shown. The dimensions are in feet. The right of way includes the travel lanes, medians, planting strips, sidewalks and bike lanes.
- d. Travel Lanes – Refers to the number of travel lanes required. Travel lanes should be a minimum of ten (10) feet in width for alleys, local streets and rural streets; eleven (11) feet in width for subcollectors; and twelve (12) feet in width for all other streets.
- e. Parking Lanes – Refers to the minimum number of parking lanes. If parking lanes are required they shall be located on the outside of the travel lanes. If two (2) lanes are required, one (1) parking lane shall be provided on each side of the street. Access, subcollector and collector streets that include a center median may provide a parking lane adjacent to each side of the median provided the design speed of the street is thirty-five (35) miles per hour or less. Parking lanes shall be a minimum of eight (8) feet in width.
- f. Pavement Width – Refers to the minimum width of the traveled way and any parking lanes, in feet, from curb face to curb face. All streets listed in Tables 10-1, Street Classification, and 10-2, Street Design Criteria, shall be paved with a hard surface and have rolled curbs. Gravel or other loose surfacing material is not permitted. Surface material for the various pedestrian walkway types is specified in the table.
- g. Corner Radius – Refers to the minimum radius, in feet, of the curb located at the street intersection of a block corner.
- h. Centerline Radius – Refers to the radius described by the radius of the circle formed by a curve which is tangent to the centerline of the road.
- i. Drainage – “CG” means curb and gutter. “SW” means swale. “SH” means shoulder. All curbed streets shall be built in accordance with SCDOT requirements for vertical curb and gutter construction. Curb and gutters shall be at least eighteen (18) inches in width. Curb and gutter sections for lanes and street medians shall be at least twelve (12) inches.
- j. Median – Where median widths are specified, a median of not less than the designated width shall be provided and shall be landscaped at a density equivalent to a subdivision entrance as set forth in Section 8.5, Landscaping. Medians shall be a minimum of seventy-five (75) square feet in size. Structures and plantings within the island shall not obscure the visibility of cars entering a cross street for a distance of twenty (20) feet back from the curb face of the cross street, unless a larger setback is required due to inadequate sight distance as a result of horizontal or vertical curve alignment or other conflicts.
- k. Block Length – Refers to the maximum block length permitted, in feet, for each street type. Block length is determined by the distance between the rights of way of intersecting streets. For the purposes of block length, lanes and alleys are not considered intersecting streets.
- l. Sidewalks – Refers to the number of sidewalks required. Sidewalks for boulevards, avenues and collector streets shall have a minimum width of six (6) feet and a maximum width of twenty (20) feet. Sidewalks for all other classifications shall have a minimum width of five (5) feet. Sidewalks shall include additional width where required by the Americans with

Disabilities Act. A minimum six (6) foot paved shoulder shall be included on any street with a design speed of forty-five (45) miles per hour or greater where curb and gutter and sidewalk are not provided.

- m. Planting Strip – Refers to the minimum width of the planting strip, located between the curb and sidewalk parallel with the street.
- n. Bike Lanes – On access and subcollector streets, bicyclists should be considered a normal part of the vehicle mix on the street and, accordingly, no separate lanes or markings are required. On collector streets, bicyclists shall be accommodated with five (5) feet wide bike lanes. Applicants may also provide separate routes for bicyclists in lieu of a bike lane.
- o. Subdivision and Street Trees – Street trees shall generally be located within the right of way on both sides of and parallel to the street. Where sidewalks are installed, street trees shall be located between the sidewalk and the curb. Planting strips for street trees shall be a minimum of four (4) feet in width. Subdivision trees shall be planted in the front setback behind the right of way line and shall be in addition to other landscaping requirements contained in this Ordinance.
- p. Grade – Refers to the maximum slope of a street, expressed as the percentage (%) of the change in elevation relative to the horizontal distance.

Table 10-4, Bikeway Design Width

Type	Minimum Width
On-Street Demarcated	5 Feet Including Gutter
On-Street Unmarked	4 Feet Including Gutter
Off-Street Two-Way Separated	10 Feet
Off-Street Multi-purpose	15 Feet

Section 10.4 Corner Lots

Where a side yard abuts a street, the minimum side yard requirements along the street shall be not less than the minimum front yard setback prescribed by Table 6-2 for the district in which the corner lot is located.

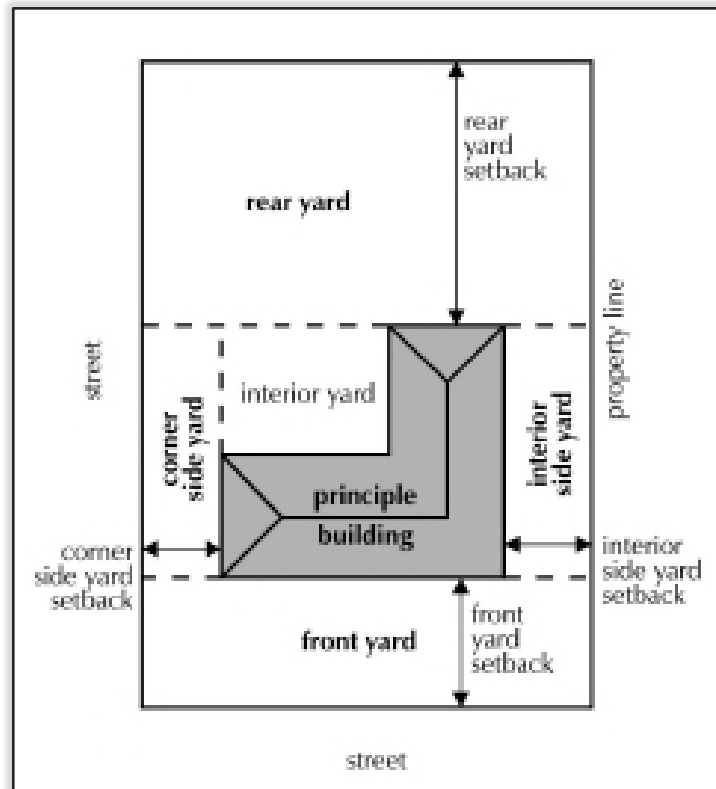
Section 10.5 Front and Side Yard Requirements

The front yard setback requirements of this Ordinance shall not apply on any lot where fifty percent or more of the frontage between two (2) intersecting streets or within 200 feet on each side of such lot is improved with buildings that are setback from the street line or where all of the buildings, though occupying less than fifty percent but more than twenty percent of such frontage, are setback from the street line. In such cases the average alignment of the existing buildings shall be the minimum setback line. For the purpose of this Ordinance, the frontage along the side line of a corner lot is excluded.

Section 10.6 Measurement of Front, Side and Rear Yards: Determination of Buildable Area

The required front, side and rear yards for individual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side or rear lot shall be known as the buildable area within which the approved structure(s) shall be placed.

Figure 10-1, Yards and Setbacks Illustration



Section 10.7 Visibility at Street Intersections

On corner lots in any zoning district established by this Ordinance no fence, wall, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision shall be permitted between the heights of two and a half (2 ½) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot. However, freestanding poles and support structures are allowed within the corner setback with a minimum vertical clearance of 9 feet.

Figure 10-2, Intersection Visibility Illustration

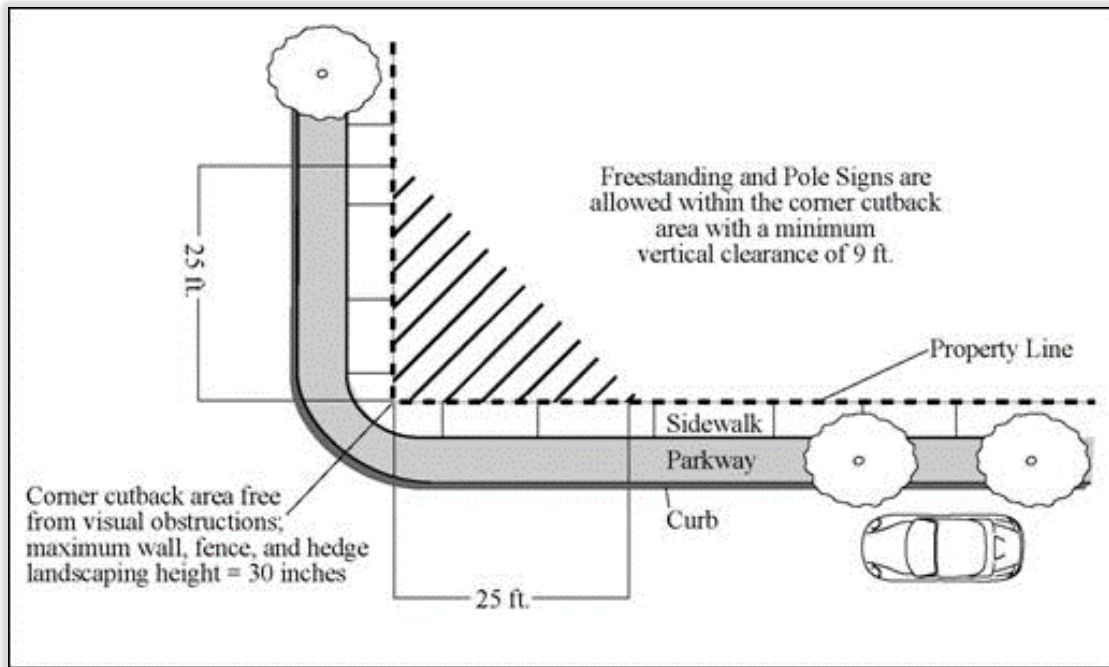
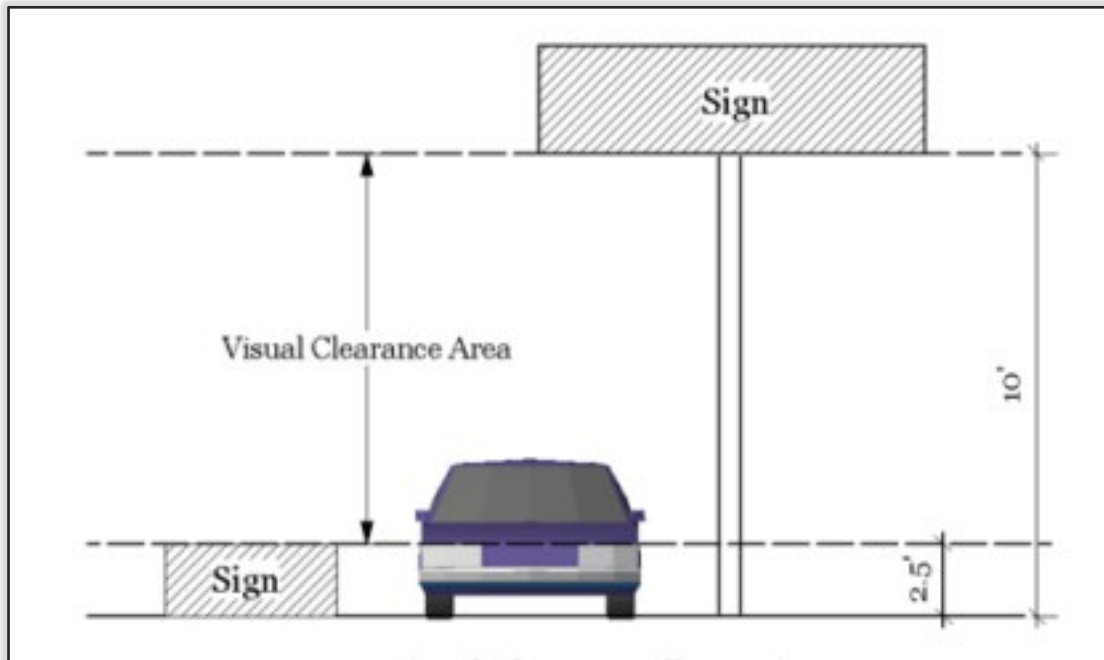


Figure 10-3, Sign Visual Clearance Area at Intersection



Section 10.8 Visibility at Private Drives and Entrances Intersecting with Public Streets

At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge or other planting or sign forming a material impediment to visibility over a height of two and one half (2 ½) feet shall be erected, planted, placed or maintained.

Section 10.9 Exceptions to Height Regulations

The height limitations established by this Ordinance shall not apply to spires, belfries, cupolas, antennas, water tanks, transmission towers, silos, chimneys, smokestacks, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 10.10 Accessory Uses

This section applies to any subordinate use of a building or other structure, or use of land which is:

- a. Conducted on the same lot as the principal use to which it is related, and
- b. Clearly incidental to, and customarily found in connection with, such principal use.

10.10.1 Generally

Accessory buildings and uses may be located in required yards, under the following conditions set forth in Table 10-5, Accessory Uses or Accessory Structures. No accessory use shall be located in any required buffer yard unless otherwise permitted herein. Any reference to an accessory use in

this Section refers to any accessory use, accessory building, or accessory structure, unless otherwise provided herein.

10.10.2 Establishment

Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established. In no instance shall an accessory building or use be established on a vacant lot. Accessory buildings shall not be used for dwelling purposes, except where permitted in the Use Matrix, Table 6-1, or in PD districts.

Table 10-5, Accessory Uses or Accessory Structures

	Accessory Uses	Permissible Location	Setback or Building Separation	Maximum Height	Additional Standards
1.	Accessory Structures and Buildings. Buildings and structures including detached garages, tennis courts, sheds, accessory dwelling units, and similar uses.	Side or rear yard.	Three (3) feet in residential districts. However, for accessory structures that exceed 800 square feet of ground floor area, the setback shall be five (5) feet. In commercial districts the setback shall be the same as permitted for primary structures. Accessory structures shall be separated from all primary structures and any other accessory structures by no less than three (3) feet unless attached to a primary structure by a covered breezeway or hallway.	Shall not exceed the height of the principal building.	Shall not exceed 800 square feet in gross floor area or 50% of the floor area of the principal structure or principal use, whichever is greater. The total ground floor area of all accessory structures and buildings shall occupy no more than 30% of the required side and rear yards.
2.	Fences and Walls <i>(See Section 10.10.3)</i>				
3.	Kennels, Pens, Dog Runs, Horse Stables, and any other structure that may be used to house animals.	Rear yard only	20 feet. Horse stables shall be no closer than 100 feet to any adjoining residential property line.	See 1, above	No more than a total of three (3) dogs or cats, 4 months of age or older, may be kept on any residential premises. No more than two (2) horses may be kept on any residential property. All horses shall be provided with a stable. No other livestock shall be allowed within any residential zone.

	Accessory Uses	Permissible Location	Setback or Building Separation	Maximum Height	Additional Standards
4.	Off-Street Parking	Side or rear yard only in residential districts and, may not be located in any required front yard except for necessary driveways.	No specific setback requirements in residential districts. See Article 12 for commercial districts.	See 1, above	See Article 8
	Outdoor Dining	Side, rear, or rear yard in commercial districts	Location approved by Zoning Administrator.	Shall not exceed the height of the principal building.	<p><i>Furniture.</i> Tables and chairs for outdoor dining areas shall be constructed of heavyweight, high-quality materials like metal or wood. Lightweight materials such as plastic or vinyl which may be blown astray by moderate winds shall be prohibited.</p> <p><i>2.Music.</i> Exterior sound systems may be permitted to play soft music to assist in masking the clamor of the street noise and add to the ambiance of the dining experience provided the music does not become so loud that it becomes a nuisance to people on adjacent properties or within the right-of-way.</p> <p><i>3.Trash.</i> Where trash receptacles are used, they shall be frequently emptied and cleaned so that they do not attract pests nor create foul odors.</p> <p><i>4.Extension cords.</i> Extension cords shall not be used in a manner that might create a tripping hazard.</p>

	Accessory Uses	Permissible Location	Setback or Building Separation	Maximum Height	Additional Standards
5.	Satellite Dish and Home TV Antennas	Rear yard only in residential districts. Side and rear yards in commercial districts.	Ten (10) feet	See 1, above	Digital television satellite dishes may be located on roofs and side or rear exterior walls in all districts.
6.	Signs	See Article 9	See Article 9	See Article 9	See Article 9
7.	Storage of equipment for use in activities associated with the principal use only, and not for sale, resale or any commercial use in another location.	Indoors or in rear yard only	See 1, above	See 1, above	Outdoor storage areas shall be screened from view from the front property line by a minimum Class A buffer or the principal building.
8.	Swimming pools	Side and rear yards.	Ten (10) feet	See 1, above	All lighting shall be shielded or directed away from adjoining residences.

10.10.3 Fences and Walls

Purpose

This section establishes standards for walls and fences that are erected where desirable for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions. The standards are designed to ensure that the design is functional and compatible with existing and proposed site architecture. The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

Applicability

This section applies to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material constructed in a required setback anywhere in the town. Walls or fences that are not located in required building setbacks may be constructed to the height of the principal structure at the eaves shall be constructed of a material that is similar to or consistent

with the architectural design of the building or structure and approved by the Zoning Administrator.

Location

Any required yard.

Setbacks

No setback is required in side and rear yards adjacent to another property. In front yards and side yards adjacent to a street a fence or wall may be constructed at the back of the sidewalk provided it is not located within any right of way. Where no sidewalk exists, a wall or fence must be set back not less than eighteen (18) inches from the public right of way.

Maximum Height

- a. Fences up to four (4) feet high are allowed in required front yard setbacks, in areas of the lot between the front elevation of the building or structure and the street and in side yards adjacent to a street between the front and rear walls of the building or structure.
- b. Fences up to eight (8) feet high are allowed on side or rear yard setbacks adjacent to another property.
- c. In the IND, Industrial District, there is no limitation as to fence height except for parcels or portions of parcels fronting or adjacent to a residential or commercial district. In no event shall a fence or wall be constructed where it will obstruct a sight triangle or site distance at any driveway, street or alley intersection.

10.10.4 Accessory Dwelling Units

Applicability

This section applies to any building or portion of a building, including the principal building, used as a dwelling unit and which is additional to the use of a principal building. Accessory dwelling units may be rented as residential units.

Standards

- a. Not more than one (1) accessory dwelling unit may be established on a lot, where permitted by the Use Matrix, Table 6-1.
- b. One (1) detached accessory unit in addition to other permitted detached accessory structures may be permitted on the same lot. Accessory units may be created as a second story within another permitted detached accessory structure provided that the height does not exceed the height of the principal structure.
- c. An accessory dwelling shall not exceed two (2) stories or the height of the principal dwelling unit.
- d. Accessory dwelling units shall not exceed a gross floor area of one thousand (1,000) square feet or more than fifty percent (50%) of the principal structure's floor area, whichever is less, and shall include no more than two (2) bedrooms.

- e. At least one (1) parking space shall be provided per accessory dwelling unit. Parking spaces shall be located on the side or rear and behind the face of the principal building.
- f. A detached accessory dwelling shall include at least one (1) of the following design elements: a pitched roof; a dormer located above each window; or windows oriented so that the length of the vertical side is at least two (2), and not more than three (3) times, the horizontal length.

Section 10.11 Setback and Other Yard Requirements for Accessory Uses

In any district, all accessory uses operated in structures above ground level shall observe all setbacks, yard and other requirements set forth for the District within which they are located.

Section 10.12 Home Occupations

This section applies to any occupation, profession, activity or use carried on by any member of the immediate family residing on the premises, that is clearly incidental, and a secondary use of a residential dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood, and has the following characteristics:

- a. Is conducted entirely on the premises of the subject's home;
- b. Displays no products from the street and may not involve retail trade on the premises; except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises;
- c. Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazards, unhealthy or unsightly conditions; and
- d. Is not visibly evident from outside the structure except for an identification sign which shall conform to the requirements for signage in a residential zoning district (Article 9, Signs).

Standards

Home occupations are permitted in any dwelling unit subject to the following provisions:

- a. The appearance of the dwelling unit shall not be altered.
- b. The home occupation shall not affect the residential character of the neighborhood and shall not be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, increased traffic or the emission of odors, sounds, or vibrations.
- c. No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted.
- d. The home occupation shall not involve the use of advertising signs on the premises or on any other advertising medium which calls attention to the fact that the dwelling unit is being used for a home occupation except for an identification sign which shall conform to the requirements for signage in a residential zoning district permitted pursuant to Article 9, Signs.
- e. The home occupation shall be conducted solely by resident occupants of the dwelling unit and one (1) additional employee or volunteer.

- f. The home occupation shall be conducted entirely within the dwelling unit or within in an accessory structure located on the same parcel as the dwelling unit except for those necessary outdoor activities related to the care of children. No more than twenty five percent (25%) of the gross area of the dwelling unit shall be used for the home occupation.
- g. A home occupation which utilizes an accessory building, whether attached or detached, shall not occupy a floor space greater than five hundred (500) square feet.
- h. The use of electrical or mechanical equipment that would change the fire rating of the dwelling or create visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the dwelling unit is prohibited.
- i. The home occupation shall not involve the use of commercial vehicles for delivery of materials to and from the premises.
- j. The home occupation does not generate additional traffic in excess of ten (10) vehicle trips per day or otherwise increase traffic or on street parking that would be inconsistent with a residential area.
- k. No direct on premises selling of retail goods shall be allowed except that non-durable articles (consumable products) that are incidental to a service, which service shall be the principal activity in the home occupation, may be sold on the premises. Telephone solicitation is permitted.

Prohibited Uses

The following uses are prohibited as home occupations:

- a. Vehicle painting, service or repair;
- b. Animal hospitals, kennels, stables, hospitals, or obedience/training schools;
- c. Restaurants;
- d. Automobile and/or body and fender repair;
- e. Food handling, processing or packing;
- f. Repair, manufacturing, and processing uses; however, this shall not exclude the home occupation of small scale skilled trades including a dressmaker, tailor, gunsmith, jeweler, watchmaker, etc, where goods are not manufactured for stock, sale or distribution;
- g. Construction trades where activities or the storage of materials or equipment associated with the conduct on the business are conducted on the premises; and
- h. Service trades where automobile or truck fleets are customary to the conduct of the business.

Section 10.13 Nonconforming Uses

10.13.1 Permitted Continuation

It is the purpose of this Section to permit nonconforming uses to continue, under regulations herein contained, until the same are voluntarily or involuntarily removed, but not to encourage their perpetual survival.

10.13.2 No Enlargement or Extension

It is further the intent of this Section that nonconforming uses shall not be enlarged, extended, reconstructed or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

10.13.3 Incompatible with Permitted Uses

Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

10.13.4 Nonconforming Uses Defined

Within districts established by this Ordinance or amendments thereto, there exist lots, structures, site improvements, activities and uses of land or structures, and characteristics of uses, which were lawful before the effective date this Ordinance was enacted, amended or otherwise made applicable to such lots, structures, improvements, activities and uses of land or structures, but which now do not conform to the regulations of the district in which they are located. These lots, structures, site improvements, activities and uses of land or structures are defined as nonconforming uses, nonconforming buildings or structures or nonconforming site improvements.

10.13.5 Determination of Nonconforming Uses

Nonconforming uses and activities shall be determined pursuant to the Use Matrix, Table 6-1.

10.13.6 Determination of Nonconforming Lots, Building and Structures

Nonconforming lots, buildings and structures including signs shall be determined by the prescribed dimensional and design standards for lots, buildings and structures located in base zoning districts, special zoning districts, overlay zoning districts and signs provided for in this Ordinance.

10.13.7 Determination of Nonconforming Site Improvements

Nonconforming site improvements shall be determined by the prescribed improvement standards related to parking, drainage, landscaping, buffers and other standards contained in this Ordinance.

Section 10.14 Nonconforming Lots of Record

10.14.1 Preexisting Nonconforming Lot

Where a lot of record at the time of the effective date of this Ordinance has less area, width or depth than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for any use permitted within the district in which it is located, provided that the setback requirements as provided for in Table 6-2 are reduced by no more than forty percent (40%).

10.14.2 Subsequent Nonconforming Lot

Where the owner of a lot that was subdivided subsequent to the effective date of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of Table 6-2, such lot may be used as a building site provided the proposed structure conforms to the minimum setback requirements only after a variance has been granted by the Board of Zoning Appeals.

10.14.3 Required Combination of Subsequent Nonconforming Lots

If the owner of two (2) or more adjoining undeveloped lots with substandard dimensions, any one (1) of which was subdivided subsequent to the effective date of this Ordinance, wishes to build upon any of the nonconforming lots, the lots must be combined and if the resulting lot or lots conform to the dimensional requirements of Table 6-2 they may be used as a building site or sites. If the resulting lot or lots does not conform to the dimensional requirements of Table 6-2, the owner may appeal for a variance.

Section 10.15 Change of Nonconforming Use

10.15.1 Change to Different Nonconforming Use Prohibited

A nonconforming use of land, building or structure may not be changed to another nonconforming use.

10.15.2 Expansion Prohibited

A nonconforming use of land, building or structure may not be enlarged or expanded.

10.15.3 Reversion of Nonconforming Use Prohibited

Whenever a nonconforming use of land, building or structure has been changed to a conforming use of land, building or structure, it shall not be allowed to revert to any nonconforming use.

10.15.4 Change in Ownership

A change in ownership does not affect a nonconforming use.

Section 10.16 Nonconforming Buildings, Structures and Site Improvements

10.16.1 Applicability

Nonconforming buildings, structures and site improvements are buildings or structures that are nonconforming in height, area, setback, bulk or other dimensional requirements and sites that are nonconforming as to site improvement requirements including the amount of parking, parking lot design, drainage, landscaping, buffers and any other site improvement provisions of this Ordinance.

10.16.2 Repair and Reconstruction from Damage

If a nonconforming building or structure is damaged by any cause whatsoever to an extent less than fifty percent (50%) of the fair market value based upon the most recent market value as determined by the Orangeburg County Assessor's Office, as applicable, prior to the damage, it may be repaired or reconstructed and used as before the time of damage, provided that such repair or reconstruction is substantially completed within twelve (12) months of the date of such damage and provided the degree of nonconformity is not increased in any respect.

If a nonconforming building or structure is damaged by any cause whatsoever to an extent equal to or exceeding fifty percent (50%) of the fair market value based upon the most recent market value as determined by the Orangeburg County Assessor's Office prior to the damage, it may not be repaired or reconstructed, except in conformity with this Ordinance.

10.16.3 Renovation and Expansion

A nonconforming building or structure may be renovated provided the estimated cost of the renovation does not exceed fifty percent (50%) of the fair market value of the nonconforming building or structure based upon the most recent market value as determined by the Orangeburg County Assessor's Office, as applicable, and the renovations serve to reduce the nonconformities associated with site improvements.

A nonconforming building or structure may be expanded provided the estimated cost of the expansion does not exceed fifty percent (50%) of the fair market value of the nonconforming building or structure based upon the most recent market value as determined by the Orangeburg County Assessor's Office, as applicable and the Zoning Administrator finds that the expansion does not increase any nonconformity to more than fifty percent (50%) of the dimensional standard established in this Ordinance and the expansion serves to reduce the nonconformities associated with site improvements.

A site that is nonconforming as to site improvements may be improved provided the estimated cost of the improvements does not exceed seventy-five percent (75%) of the estimated replacement cost of the existing nonconforming site improvements as determined by the Zoning Administrator, and the proposed site improvements serve to reduce the nonconformities associated with existing site improvements.

A renovation, expansion or improvement of a nonconforming building, structure or site that is disapproved by the Zoning Administrator may be appealed to the Board of Zoning Appeals.

Section 10.17 Abandonment of Nonconforming Uses, Buildings, Structures and Site Improvements

10.17.1 Abandonment of Use or Activity

No nonconforming use or activity of land, building or structure shall be resumed if it has been abandoned for a continuous period of six (6) months. This condition shall apply whether or not the equipment or fixtures have been removed. After the specified time period referenced herein, the property shall not again be used except in conformity with the use regulations of the district in which such lot, building or structure is located.

10.17.2 Abandonment of Building, Structure or Site

No use or occupancy of a nonconforming building, structure or improved site shall be resumed if it has been abandoned for a continuous period of six (6) months. After the specified time period referenced herein, the lot, building, structure or improved site shall not again be used except in conformity with the dimensional and site improvement regulations of the district in which such lot, building or structure is located or is renovated.

10.17.3 Definition

For purposes of this section, “abandon” or “abandonment” means discontinuance of the nonconforming use or any use of the nonconforming building or structure regardless of the property owner’s intent to relinquish the right to so use the property. A building, land, structure or activity is considered abandoned when:

- a. It has been intentionally discontinued, remains idle or unused;
- b. Necessary utilities, such as water, sewer or electricity have been discontinued for any reason including a failure to pay fees, rates or other required charges lawfully established by the service provider; or
- c. The principal buildings or structures are no longer actively occupied.

Article XI: Violations, Penalties and Enforcement

Section 11.1 Ordinance Compliance Required

- A. No activity regulated by this Ordinance shall be undertaken except in full compliance with the express provisions of this Ordinance.
- B. No activity that is the subject of any permit or approval issued pursuant to the provisions of this Ordinance shall be undertaken except in full compliance with the subject permit or approval, including any attached conditions.
- C. The commencement or continuation of any activity regulated by this Ordinance that is not in compliance with the express provisions of this Ordinance, or that is not in compliance with the express provisions of any permit or approval, including any attached conditions, shall be a violation of this Ordinance, and subject to enforcement under the terms of this Ordinance and South Carolina law.

Section 11.2 Violations

All of the following constitute violations of this Ordinance:

- A. To use or attempt to use land or a building in any way not consistent with the requirements of this Ordinance;
- B. To erect or attempt to erect a building or other structure in any way not consistent with the requirements of this Ordinance;
- C. To engage or attempt to engage in the development or subdivision of land in any way not consistent with the requirements of this Ordinance;
- D. To transfer title to any lots or parts of a development unless the subdivision has received all approvals required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate County office;
- E. To submit for recording with a County office any subdivision plat that has not been approved in accordance with the requirements of this Ordinance;
- F. To install or use a sign in any way not consistent with the requirements of this Ordinance;
- G. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity; requiring one or more approvals or permits under this Ordinance without obtaining all such required approvals or permits;
- H. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more approvals or permits under this Ordinance in any way inconsistent with any such approval or permit and any conditions imposed;

- I. To violate the terms of any approval or permit granted under this Ordinance or any condition imposed on such approval or permit;
- J. To obscure or obstruct any notice required to be posted or otherwise given under this Ordinance;
- K. To violate any lawful order issued by any person or entity under this Ordinance; or
- L. To continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

Section 11.3 Enforcement Responsibility, Complaints, Authority

11.3.1 Responsibility

The responsibility for the enforcement of this Ordinance is delegated to the Zoning Administrator. The Zoning Administrator may utilize other Town Department/Agencies as necessary to enforce the provisions of this Ordinance. See Article 2, Zoning Administrator.

The Zoning Administrator shall serve as liaison between the Planning Commission and the Town Council, shall meet with the Planning Commission at all regularly scheduled and called meetings, advise the Commission of development plans and issues within the community, carry out the directives of the Commission, and serve in a staff capacity to the Commission.

11.3.2 Notice

If the Zoning Administrator finds that any of the provisions of this Ordinance are being or have been violated, the Administrator may notify in writing the person responsible for such violation, setting forth the nature of the violation and the action necessary to correct it.

11.3.3 Complaints

- A. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file in writing a complaint with the Town. Such complaint shall state fully the causes and basis thereof.
- B. The Zoning Administrator shall properly record such complaint, immediately investigate to determine the validity of the charge, and take whatever action is necessary to assure compliance with this Ordinance.

11.3.4 Authority

Any staff member of the Planning Department who is authorized by Town Council shall have the authority to enforce the provisions of this Ordinance.

Section 11.4 Remedies and Enforcement Powers

On behalf of the Town, the Zoning Administrator may take any one or more of the following actions as a remedy for any violation of this Ordinance:

- A. Withholding and/or revocation of any approvals or permits required by this Ordinance or direct other officials to withhold such approval or permits;
- B. Issuing stop orders against any work undertaken by an entity not having a proper approval or permit required by this Ordinance;
- C. Issuing stop orders against any actions in violation of this Ordinance;
- D. Bringing an action for an injunction (or, in appropriate cases, for mandamus) to prevent the violation and/or to prevent the occupancy or use of any site or structure involved in the violation;
- E. Bringing an action for injunction or mandamus to abate a violation; or
- F. Deferral or postponement of zoning applications scheduled for public meetings or hearings in accordance with Article 11.8.

A violation of this Ordinance is considered a misdemeanor.

Section 11.5 Private Enforcement Actions

Any individual who is specifically damaged by any violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land. This is in addition to the right of the Town to bring an enforcement action.

Section 11.6 Sign Violations

11.6.1 Signs Subject to Impoundment

In addition to other remedies and enforcement powers of this Ordinance, the Zoning Administrator shall have the authority to remove and hold any of the following types of signs or sign structures.

- A. Any prohibited sign, as noted in Article 9, is subject to impoundment without notice to the owner.
- B. Any sign that is installed or used in any way that is not consistent with the requirements of this Ordinance, provided that notice has been given as set forth in Section 11.3.2 and no action has been taken by the owner within the specified time frame.
- C. Additionally, the land owner and/or candidate, party, organization, or business entity explicitly listed on a sign, may be designated as the sign owners or the responsible parties for the purpose of enforcement action.

11.6.2 Recovery of Impounded Signs

The owner of an impounded sign or sign structure may recover same upon the payment of \$50.00 for each sign. In the event it is not claimed within ten (10) days from the date of impoundment, the Zoning Administrator shall have authority to dispose of such sign or sign structure without notification and without compensation to the owner.

Section 11.7 Violations Continued

Any violation of the previous Zoning Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance, unless the use, development, construction, or other activity complies with all applicable provisions of this Ordinance, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before October 19, 1998. Any prior lack of enforcement shall not constitute any degree of recognition, approval or other entitlement.

Section 11.8 Other Enforcement Actions

11.8.1 Zoning Map Amendment Requests

An application (along with related documents and fees) for a zoning map amendment shall not be accepted or processed when the property owner(s) has been notified, pursuant to 11.3.2, that a violation of this Ordinance exists on or in the use of land that is the subject of the requested zoning change. The Zoning Administrator, after consideration of the specific case, may waive this requirement and direct staff to process the application if it is found that a zoning map amendment serves to remedy the violation. However, this waiver does not release the property owner, applicant, and/or designated agent from compliance with Article 11 of this Ordinance nor does it guarantee approval of the requested zoning map amendment. If the zoning map amendment is disapproved by Town Council, the property owner, applicant, and/or designated agent has a maximum of 30 calendar days from the date of disapproval to bring the subject property into compliance.

11.8.2 Board of Zoning Appeals Requests

An application (along with related documents and fees) to go before the Board of Zoning Appeals (BZA) shall not be accepted or processed when the property owner(s) has been notified that a violation of this Ordinance exists on or in the use of land that is the subject of the request. The Zoning Administrator may, after consideration of the specific case, waive this requirement and direct staff to process the application, if the BZA request serves as a remedy for the violation. However, this waiver does not release the property owner, applicant, and/or designated agent from compliance with Chapter 11 of this Ordinance.

11.8.3 Contempt Before the Board of Zoning Appeals

In case of contempt by any party, witness or other person before the Board of Zoning Appeals, such Board may certify such fact to the Circuit Court of the County wherein such contempt occurs and the judge of the court, after hearing, may impose such penalty as the facts authorize or require.

11.8.4 Other Actions

Nothing herein shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

Article XII: Definitions

Section 12.1 Applicability

This Article provides definitions to many of the words and terms used in this Ordinance. Words not listed in this section shall be defined by reference to: (1) Chapter 2 of the International Building Code; or, if not defined therein, in (2) the Webster's New International Dictionary; or, if not defined therein, in (3) the South Carolina Code, which documents are hereby incorporated by reference as if set forth in their entirety herein. Unless otherwise expressly stated, the following terms shall, for the purposes of this Article, have the meaning herein indicated. Words and terms defined elsewhere in this document shall be given the meanings set forth therein.

Words 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.

The word “shall” is always mandatory.

The word “may” is permissive.

The word “lot” includes the word “plot” or “parcel”.

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

The word “used” or “occupied” as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words “intended,” “arranged,” or “designed to be used or occupied”. An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.

The word “map” or “zoning map” shall mean the Official Zoning Map of the Town of Holly Hill, South Carolina.

The term “Planning Commission” refers to the Planning Commission of the Town of Holly Hill. The term Council, Mayor and Council, or Town Council shall mean the legally elected governing body of the Town of Holly Hill. The term “Board of Zoning Appeals” refers to the Board of Zoning Appeals for the Town of Holly Hill.

Section 12.2 Definitions

Abandonment

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting

Having a common border with, or being separated from such a common border by a right of way, service lane or easement.

Accessory Apartment

A second dwelling unit either in or added to an existing 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 facilities with the provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory Structure

A structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimum flood damage potential. Detached garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Accessory Use

A use incidental to, and on the same lot as, a principal use.

Addition (to an existing building)

An extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a fire wall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

ADT (Average Daily Traffic)

The average number of cars per day that pass over a given point.

Adult Businesses or Uses

The definition of adult businesses or uses specifies the following types of establishments. Any business activity, establishment, store or club or other uses that involves:

- a. Persons appearing live before the public or audiences in a state of semi-nudity for any form of compensation or consideration;
- b. Live performances characterized by specified sexual activities;
- c. Sale or rental in any form of films, motion pictures, video cassettes, slides or other photographic reproductions characterized by depiction or description of specified sexual activities or anatomical areas;
- d. Coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or image producing devices maintained to show images to five (5) or fewer persons per machine at any one time, and where the image so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas;
- e. As one of its principal business purposes, offering for sale or rental for any form consideration audio recordings in any form of books, magazines, periodicals, other printed matter, or visual representations depicting or describing specified sexual activities or specified anatomical areas, or instruments, devices or paraphernalia designed for use in connection with specified sexual activities.

Aisle

The travel way by which cars enter and depart parking spaces.

Alcove

See "Recessed Entryway."

Alley

A public or private way permanently reserved as a secondary means of access to abutting property generally running either parallel or perpendicular to a street and situated to the rear and sides of platted lots. (Also Service Lane)

Antenna

Communication equipment that transmits or receives electromagnetic radio frequency signals used in the provision of Wireless Services.

Animal Shelter, Domestic

A pen, shelter or structure where no more than three (3) dogs or small domestic animals, not to include horses, cows, goats, swine and fowl of any kind, are boarded or kept.

Apparatus

Pumpers, tankers or other equipment used in suppressing fires.

Appeal

A request for a review of the Administrator's interpretation of any provision of this Ordinance.

Applicant

Any person or his duly authorized representative who submits an application as defined herein.

Application

Any application for approval of a development proposal, as defined herein.

Application for Development

The application form and all accompanying documents required by ordinance for approval of a subdivision plat or site plan.

Application for Development Approval

Any application for approval of a rezoning, subdivision plat, building permit, conditional use permit, variance, appeal, site plan or general development plan.

Approving Authority

The Holly Hill Planning Commission, unless otherwise specifically stated by ordinance.

Arcade

An area contiguous to a street or plaza that is open and unobstructed to a height of not less than twelve (12) feet, which is supported on one (1) side by columns or piers, and which is accessible to the public at all times. Landscaping or fountains may occupy any portion of an arcade, so long as an unobstructed area of not less ten (10) feet is available for pedestrian movement. The term "arcade" does not include off-street loading areas, driveways, or off-street parking area. The floor of any arcade shall be level with the adjoining street or plaza.

Arcade, Internal

A street arcade that fronts on and adjoins a plaza or other space internal to a building lot rather than the front lot line.

Arcade, Street

An arcade that adjoins a front lot line, is not less than ten (10) feet nor more than thirty (30) feet in depth (measured perpendicular to the front lot line), and extends the full length of, or at least fifty (50) feet along the front lot line, whichever is the greater distance; or on a corner lot, is bounded on two (2) sides by the two (2) intersecting street lines, and has a minimum linear dimension of ten (10) feet.

Area of Special Flood Hazard

For purposes of Article 5, the land in the floodplain within a community subject to a one (1) percent or greater chance of being equaled or exceeded in any given year.

Arterial Street

A route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. For purposes of this Ordinance, an "Arterial Street" includes any of the following segments:

- a. US 176

Auto-Oriented Uses

Any of the following structure types, as defined in the Land-Based Classification Standards (Structure and Function classifications):

LBCS Code(s)	Structure or Use Type	Structure
2110	Office building with drive-through facility	Function
2110	Automobile sales or service establishment	Function
2120	Heavy consumer goods sales or service	
2210	Shop or store building with drive-through facility	
2250	Warehouse discount store building	
2270	Gasoline station	
2280	Automobile repair and service structures	
2593	Car care center	
2620-2636	Heavy industrial structures and facilities and oil refineries	
2700-2782	Warehouse or storage facility	

Awning

A shelter projecting from and supported by the exterior wall of a building and designed to be collapsible, retractable and generally constructed of fabric or similar non-rigid material.

Bar

Any establishment, whether public or operated as a private club, including cocktail lounges, etc., serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises, and where the purchase of food is at the option of the customers and not required by the operator.

Barrier Curb

A steep-faced curb intended to prevent encroachments. See **curb**.

Base Flood

For purposes of Article 5, the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation

The crest elevation in relation to a mean-sea level expected to be reached by the one percent (1%) annual chance flood, i.e., the 100-year flood.

Base Zoning District

Any of the following: R-1, R-2, R-3, C-1, C-2, C-3, LI.

Basement

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

Bed and Breakfast Inn

A dwelling unit, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the dwelling unit shall live on the premises.

Berm

A mound of soil, either natural or manmade, used to obstruct views.

Bicycle Path

A pathway usually separated from roadways, designed specifically to satisfy the physical requirements of bicycling.

Billboard

A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any other use of premises wherein it is displayed or posted.

Block

A combination of building lots serviced by service lanes, the perimeter of which abuts public use tracts, generally streets.

Boarding House

A building, other than a hotel, apartment building, or bed and breakfast, where for compensation and by pre-arrangement for definite periods, lodging, and meals are provided for three (3) or more persons.

Bracket Sign

A freestanding sign that projects perpendicular from one (1) or more posts or a solid monument-type base.

Buffer

An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, designed to limit continuously the view of, and/or sound from, the site to adjacent sites or properties.

Building

Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals or property.

Building Elevations

Drawings that show the front, back and sides of a building as seen from street level, and include the design, materials, colors, dimensions and final appearance of doors, windows, outer surfaces, signage, roof and architectural details. Elevations are drawn to scale.

Building Envelope

The portion of a lot or parcel available for the construction of a building or structure after the delineation of required setbacks in the zoning district, riparian buffers, landscape buffers, open space, stormwater treatment and detention areas, and other open space.

Building, Height of

The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs, measured from the curb level if the building is not more than ten (10) feet from the front lot line or the average grade at the foundation in all other cases.

Building Line

That line which represents the distance a structure must be set back from a lot boundary line or a street right of way line or a street centerline according to the terms of this Ordinance. In all cases, the building line of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right of way lines, street centerlines or other boundary lines. Also, “setback”.

Caliper

The diameter of a tree trunk measured in inches. This is calculated to be six (6) inches from ground level for trees up to four (4) inches in diameter; and twelve (12) inches above ground level for trees over four (4) inches in diameter.

Canopy

A non-retractable covered or enclosed rigid structural framework attached to and extending outward from the exterior wall of the building, and includes but is not limited to such structures as theater marquees, but does not include any structurally integrated architectural feature such as lintels, sills, moldings, architraves and pediment or any structure over gasoline pumps.

Canopy Tree

Any overhanging layer, shelter or shade formed by the branches and leaves of a tree, whether or not all direct sunlight is able to reach the understory.

Channel

The bed and banks of a natural stream which conveys the constant or intermittent flow of the stream.

Child Care Facility

A building or structure where care, protection, and supervision are provided, on a regular schedule, to at least seven (7) children.

Child Care Family Home

A private residence where care, protection, and supervision are provided, for a fee, to no more than six (6) children at one (1) time, including children of the adult provider.

Civic Building

Any of the following structure types, as defined in the Land-Based Classification Standards (“LBCS”), Structure and Function classifications:

LBCS Code(s) Structure or Use Type Structure

3000-3950 Public assembly structures. Examples include theaters (3100) and churches (3500)

4000 Institutional or community facilities. Examples include hospitals (4110) and schools or university buildings (4200 – 4230)

Clear-Cutting

The indiscriminate removal of trees, shrubs or undergrowth with the intention of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of non-native trees and shrub species when the soil is left relatively undisturbed, removal of dead trees or normal mowing operations.

Clear Height

For a building story, the vertical dimension that extends from the finished floor to the ceiling, and unobstructed by pipes, utilities or similar permanent barriers to physical movement.

Clear Zone

An area beyond the curb radius, so specified, which shall be kept clear of all objects to provide emergency vehicle clearance.

Club, Private

An organization catering exclusively to members and their guests including buildings and grounds with commercial activities serving the membership only.

Cluster Subdivision Development

A form of development for single-family residential subdivisions that permits a reduction in lot area and build requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

Collector Street

Any street segments that are not identified as an “Arterial Street” herein.

Column

A cylindrical support consisting of a capital, shaft and a base.

Commercial Recreational Activities

Billiard parlors, bowling alleys, machine arcades (excluding video poker), skating rinks and movie theaters. Does not include bingo establishments.

Commercial Use

An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Commercial Zoning District

Any C-1, C-2, C-3 base zoning district.

Committed Development

A proposed development that has received final subdivision plat approval or, for a proposed development that does not involve the subdivision of land, an approved master plan or site specific development plan.

Common Open Space

Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complimentary structures and improvements.

Community Park

A park that is intended for use by all residents of the town. The town hereby finds and determines that the designation “Community Park” does not depend exclusively upon its size, location or function, and that the design, accessibility and layout of any park may be used to determine whether it is a Community Park.

Comprehensive Plan

A comprehensive long-range plan intended to guide the growth and development of Holly Hill. The plan for the town that meets the requirements of SC Code 6-29-510 et. Seq. and includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.

Concept Plan

A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Conditional Use

A use of land or structure which is permitted in a district under conditions specified in the zoning ordinance.

Condominium

An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential or commercial building. A condominium may include, in addition, a separate interest in other portions of such real property.

Cornice

The horizontal top of a facade that projects from the surface, typically where the roof overhangs the wall.

Courtyard

A pedestrian arcade, patio, promenade or mall, whether covered by a roof or not, within or between any structure or buildings upon which the principal or main entrance to one (1) or more retail businesses therein are located.

Cul-De-Sac (Also cul de sac)

A local street with only one (1) outlet and having the other end for the reversal of traffic movement.

Culvert

A structure designed to convey a water course not incorporated in a closed drainage system under a road or pedestrian walk.

Curb

A stone, concrete or other improved boundary marking the edge of the roadway or paved area.

Decision maker

The entity or agency which has authority to render a final decision as to the approval, conditional approval, or denial of an application. The Decision maker for development proposals subject to this Ordinance shall be as designated in Article 2, Review and Decision-Making Bodies.

Dedication

An act transmitting property or interest thereto.

Density

The permitted number of dwelling units per gross acre of land to be developed.

Developer

The legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Development

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdivision of land. The following activities or uses shall be considered "development," as defined herein:

- a. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- c. Commencement of grading drilling, or excavation on a parcel of land, except to obtain soil samples.
- d. Demolition of a structure.
- e. Clearing of land as an adjunct of construction.
- f. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- g. The subdivision of land.

The following operations or uses shall not be considered "development" as defined herein:

- a. Work by a road agency for the maintenance or improvement of a road, if the work is carried out on land within the boundaries of the right of way.
- b. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights of way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like.
- c. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- d. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
- e. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
- f. A change in use of land or structure from a use within a class specified in an ordinance or rule

to another use in the same class.

- g. A change in the ownership or form of ownership of any parcel or structure.
- h. The creation or termination of riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development," as designated in an ordinance, rule or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of the activities set forth in subsection (1), above.

Development Proposal

Any of the following: an application for an administrative permit, zoning amendment, conditional rezoning, conditional use permit, site plan, general development plan, subdivision plat or variance.

Development Regulation

Zoning, subdivision, site plan, flood plain regulation or other governmental regulation of the use and development of land.

Driveway

A paved area used for ingress or egress of vehicles and allowing access from a street to a building or other structure or facility.

Duplex

One (1) single-family dwelling attached to one (1) other single-family dwelling by a common vertical wall, and each dwelling located on the same lot.

Dwelling

A structure or portion thereof that provides living facilities for one (1) or more families.

Dwelling, Attached

A single-family dwelling attached to two (2) or more single-family dwellings by common vertical walls, i.e. Townhouse, Duplex, Triplex or Quadraplex

Dwelling, Cottage Home

A single-family unit on a separate lot that is characterized by small houses that are arranged around a common open space or courtyard, with parking screened from public view.

Dwelling, Detached

A dwelling which is not attached to any other dwelling by any means.

Dwelling, Garden Apartment

A multi-family dwelling up to three (3) stories in height.

Dwelling, Mid and High-Rise

Multi-family dwellings four (4) or more stories in height.

Dwelling, Multi-Family

A building containing more than two (2) dwelling units.

Dwelling, Patio Home

A single-family unit on a separate lot with open space setbacks on three (3) sides and with a court. The term is synonymous with zero (0) line dwellings.

Dwelling, Quadruplex

Four (4) attached dwellings in one (1) structure in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with adjoining units.

Dwelling, Semi-Detached

One (1) single-family dwelling attached to one (1) other single-family dwelling by a common vertical wall, and each dwelling located on a separate lot.

Dwelling, Single-Family

A building containing one (1) dwelling unit.

Dwelling, Townhouse

A single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire resistant walls.

Dwelling, Two-Family, Duplex

A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from the ground to the roof of an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit

One (1) or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one (1) family with separate toilets and facilities for cooking and sleeping.

Easement

A right granted for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Elevated Building

A non-basement building built to have the lowest floor elevation above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Enclosed Sidewalk Cafe

See “Outdoor Cafe.”

Entryway

The horizontal ground surface extending from the public right of way to a door or similar building entry.

Escrow

A deed, a bond, money or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

Existing Manufactured Home Park or Manufactured Home

For purposes of Article 7, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a

minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before 1998.

Facade

The building wall or elevation parallel or most closely parallel to a frontage or property line.

Family

One (1) or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of five (5) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family. Specifically excluded under this definition are persons living in boarding houses, fraternities, sororities and clubs. Notwithstanding this definition, a family shall be deemed to include five (5) or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

Farm

A parcel of land used for growing or raising agricultural products, including related structures thereon.

Farmers Market

A market conducted outdoors or in an unenclosed structure where retail sales and demonstration of community supported agricultural products, including fruit, produce, ornamental crops, eggs and other agricultural products, and homemade value added products, including baked goods, jam and jellies, pickles and relish, dried fruits, syrup and honey, are permitted. A farmers market does not include the sale and demonstration of mass-produced items, used clothing, furniture, appliances and other similar products.

Fence

A structure, other than a building, which is a barrier used as a boundary or means of protection or confinement.

Flea Market

An occasional sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

Flood

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Area

Any area of the town subject to the 100-year flood and so designated by the Flood Insurance Rate Map, as amended from time to time.

Flood Hazard Boundary Map (FHBM)

For purposes of Article 5 an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined

as Zone A.

Flood Insurance Rate Map (FIRM)

For purposes of Article 5 an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood-Resistant Material

For purposes of Article 5, any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material which is water soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings which restrict evaporation from below and materials which are impervious, but dimensionally unstable, are not acceptable. Materials which absorb or retain water excessively after submergence are not flood resistant.

Floodplain

Floodplain area means any land area susceptible to being inundated by water from any source.

Floodproofing

Structural additions, changes, or adjustments to structures subject to flooding which will reduce or eliminate flood damages of water and sewer facilities, structures, and contents of buildings.

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood or base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point.

Floor

The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. Term does not include floor of a garage used solely for parking vehicles.

Floor Area

Area of all floors of buildings or structures.

Floor Area, Gross

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of walls. It does not include unenclosed porches, or attics not used for human occupancy, or any floor spaces in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this ordinance, or any such floor space intended and designed for heating and ventilation equipment.

Floor Area Ratio

Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Food Truck

A food truck is defined as a fully enclosed vehicle equipped with facilities for preparing, cooking and selling various food products and operating at an approved fixed location as an extension of a retail food establishment. A food truck must be permitted by the South Carolina Department of Health and Environmental Control (SCDHEC) in order to operate.

Fringe or Drip-Flap

The portion of a canopy awning that hangs from the edge of the horizontal or angled top of the awning.

Front Porch

A front porch is an un-air-conditioned roof structure attached to the front of the unit.

Frontage

The front or frontage is that side of a lot abutting on a street or road and ordinarily regarded as the front of the lot. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under lots in this (definitions) section.

Frontage Line

The shorter building lot line which coincides to the right of way of the street or square. In the case of a building line abutting upon only one street, the frontage line is the line parallel to and common with the edge of sidewalk. In the case of a corner lot, the part of the building lot having the narrowest frontage on any street shall be considered the frontage line.

Grade

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line.

Grading

The movement of earth by mechanical means to alter the gross topographic features, including elevation and slope, to prepare a site for final grading and construction of facilities, including roads, utilities, structures and parking lots.

Gross Density

The total number of dwelling units subject to an application for development approval, divided by the total land area, expressed in number of acres that are the subject of the application.

Hard Surface

A ground surface covered with cobblestones, clay-fired bricks, concrete precast paver units or other decorative ingredient that creates an impervious or semi-impervious surface. A graded natural surface or one covered with rolled stone or loose gravel is not considered a hard surface.

Height

The vertical distance of a structure or vegetation measured from the average grade elevation within 20 feet of the structure to the highest point of the structure.

Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Home Occupation

Any occupation within a dwelling, including a hobby and clearly incidental thereto, carried on by a member or members of the family residing on the premises and not more than one additional person, provided that:

- a. No exterior indication of the use or change in character or exterior appearance is evident other than a sign permitted by these regulations
- b. The maximum floor area used for such operation shall not exceed 600 square feet or 25 percent of the gross floor area of the dwelling
- c. No display of products shall be visible from the street
- d. No disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition is created.

Household Pets

Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, tropical fish and rodents.

HUD

The United States Department of Housing and Urban Development.

HUD Code

The regulations promulgated by the United States Department of Housing and Urban Development pursuant to the 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act.

Impervious Surface

A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks swimming pools or patios.

Impervious Surface Ratio

The impervious surface ration is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Improvements

Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.

Indoor

An activity that occurs exclusively within an area surrounded on all sides by roofs and walls.

Industry, Heavy

A use engaged in the basic processing and manufacturing of products predominately from extracted or raw materials.

Industry, Light

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Institutional Uses

Uses which are supportive of the residential community, providing indoor space for recreation, hobbies, meetings, education, day care and head start services, and worship as well as cultural facilities, group quarters for religious groups and the infirm or elderly.

Junk

Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.

Junk Yard

A parcel of land on which waste material or inoperable vehicles and other machinery are collected, stored, salvaged or sold.

Kennel

An establishment licensed to operate a facility housing dogs or other household pets and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

Kennel, Private

Any building designed or arranged for the care of dogs and cats belonging to the owner of the principal use, kept for purposes of show, hunting or as pets.

Land-Disturbing Activity

Any grading, scraping, excavating or filling of land; clearing of vegetation; and any construction, rebuilding or alteration of a structure or any activity which may result in soil erosion from and the movement of sediments into waters or onto lands within the Town, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family residence, agricultural practices and the cutting of firewood for personal use.

Land Surveyor

Any person registered to practice professional land surveying by the South Carolina Board of Engineering Examiners.

Landscape Architect

A landscape architect properly registered and licensed in the state by the State Board of Licensing Examiners.

Landscaped Area

An area that is permanently devoted to and maintained for the growing of shrubbery, grass and other plant material.

Livestock

Any animal bred or kept for use or profit, excluding dogs, cats and horses.

Live-Work Unit

A building in which offices, studios or other commercial uses are located on the first floor and a

dwelling unit is located above the first floor.

Local Street

A street designed and used primarily for access to lots within a subdivision or neighborhood. Streets which are not classified as arterial streets, collector streets or subcollector streets shall be classified as Local Streets.

Lot

A designated parcel, tract or area of land established by a plat and to be used, developed or built upon as a unit.

Lot Area

The size of a lot measured within the lot lines and expressed in terms of acres or square feet.

Lot, Corner

A lot abutting upon two (2) or more streets at their intersection.

Lot Coverage

Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot Depth

The mean horizontal distance between the front and rear lot line.

Lot, Double Frontage

A lot having a frontage on two (2) non-intersecting roads, as distinguished from a corner lot.

Lot, Flag

Lots or parcels that the Town has approved with less frontage on a public street than is normally required for a lot in the zone. The panhandle or flagpole is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.

Lot Line, Front

On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or on a through lot, the lot line abutting the street providing the primary access to the lot; or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Lot of Record

A lot or parcel of land the plat or deed of which has been recorded in the County of Orangeburg.

Lot, Substandard

A lot or parcel of land that has less than the required minimum area, depth or width as established by the zone in which it is located. Generally, such lot or parcel was of record as a legally created lot on the effective date of this Ordinance.

Lot, Through

A lot having its front and rear yard each abutting on a street.

Lot, Width

The horizontal distance between side lot lines, measured at the required front setback line.

Major Subdivision Development Plan (Preliminary Plat)

A map and construction plans indicating the proposed improvements and layout of lots in a subdivision which forms the basis for consideration and preparation of a final plat.

Mandamus

A writ issued by a superior court commanding the performance of a specified official act or duty.

Manufactured Home

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

Manufactured Home Park

A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

Maximum Density

The total number of dwelling units authorized by an application. Maximum density does not include accessory dwelling units.

Median

That portion of a divided highway separating lanes of traffic proceeding in opposite directions.

Mini-Warehouse

A structure comprised of individual rental units for the purpose of storage, separated by permanent walls with individual exterior doors and each unit generally not exceeding three hundred (300) square feet in floor area.

Mixed Use Building

A building that contains mixed commercial and residential uses where commercial use are located primarily on the first floor, with dwelling units occupying the second floors or above.

Mobile Home

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

Modular Building Unit

Means a building including the necessary electrical, plumbing, heating, ventilation and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to an another site. This term is not limited to residential dwellings. (The South Carolina Modular Building Construction Act, S.C. Code §23-43-20).

Modular Home

A factory-built, single-family structure that conforms to the Building Code rather than to the HUD Code.

Net Density

The number of residential units in a project or on a site excluding designated open space, parks, lakes, streets, alleys and other areas where development is not permitted by this Ordinance, local ordinances, or by state or federal law.

Nonconforming Building or Structure

Any building or structure including sign that does not meet the prescribed dimensional and design standards for lots, buildings and structures located in base zoning districts, special zoning districts, overlay zoning districts and signs provided for in this Ordinance for the district in which such building or structure is located.

Nonconforming, Legally

Within districts established by this Ordinance or amendments thereto, there exist lots, structures, buildings, signs, site improvements, activities, and uses of land or structures, and characteristics of uses which were lawful before the effective date of this Ordinance was enacted, amended or otherwise made applicable to such lots, structures, activities and uses of land or structures, but which now do not conform to the regulations of the district in which they are located. These lots, structures, buildings, signs, site improvements, activities and uses of land or structures are defined as legally nonconforming.

Nonconforming Site

Any previously improved site that does not meet the prescribed parking, landscaping, buffer, drainage or other site design and improvement standards contained in this Ordinance for lots, buildings and structures located in base zoning districts, special zoning districts and overlay zoning districts provided for in this Ordinance for the district in which such building or structure is located.

Nonconforming Use

A use or activity which lawfully existed prior to the adoption, revision, or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the use district in which it is located.

Nonresidential Use

A land use other than a residential land use as listed in Article 6, Use Regulations, Section 6.3, Use Tables 2, and related accessory uses.

Office

A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

Off-Street Parking Space

A parking space provided in a parking lot, parking structure or private drive way.

On-Street Parking Space

A parking space that is located on a dedicated street right of way.

Open Space

Any parcel or area of land or water set aside, dedicated, designated or reserved for public or private use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be natural or may be improved as a natural area, greenbelt, park, playground or a landscaped traffic management amenity including a traffic circle, roundabout or close.

Open Space Ratio

The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the total site area.

Outdoor Cafe (also Sidewalk Cafe)

An "outdoor cafe" is a portion of an eating or drinking place, located outdoors on or adjacent to a public sidewalk that provides waiter or waitress service and is either an enclosed or unenclosed outdoor cafe as defined herein. No portion of an outdoor cafe shall be used for any purpose other than dining and circulation therein. An "enclosed outdoor cafe" is an outdoor cafe, which is contained within a one-story structure constructed predominantly of light materials such as glass, slow burning plastic or lightweight metal. An "unenclosed outdoor cafe" is a space on or adjacent to the sidewalk, which contains readily removable tables, chairs or railings. An unenclosed outdoor café is open to the sky except that it may have a retractable awning or umbrellas. For purposes of this Ordinance, "readily removable" shall mean that no object which is part of the unenclosed outdoor cafe, such as a table, chair, planter or any other fixture, shall be leaded, cemented, nailed, bolted, power riveted, screwed in or affixed, even in a temporary manner, to either the pavement or sidewalk in which it is placed, to the building or to any other structure which it abuts.

Park

A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens.

Parking Bay

Two (2) parallel or near parallel rows of off-street parking spaces. The two (2) rows may be separated and served by a drive aisle or may be separated by a landscape strip or pavement marking and served by two (2) separate parallel drive aisles.

Parking Lane

A lane usually located on the sides of streets, designed to provide on-street parking for vehicular traffic.

Parking Lot

An area not within a building where motor vehicles and bicycles may be stored for the purposes of temporary, daily or overnight off-street parking.

Passageway

A connector providing access exclusively to pedestrians and located between buildings. Passageways provide shortcuts through blocks, or connect rear-parking areas with street frontages.

Paved Surface

A ground surface covered with poured cement, asphalt, pavers or other impervious surface. A graded natural surface or one covered with rolled stone or loose gravel is not a paved surface.

Pediment

A triangular space that forms the gable of a low-pitched roof and that is usually filled with relief sculpture in classical architecture.

Pen

An enclosure for domestic animals or an area of property specifically partitioned or fenced for use by a domestic animal. A fenced yard is not considered a pen.

Permeable Pavement

A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system uses either porous asphalt, pervious concrete or pavers interlaid in a bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures and water which allow for passage of runoff and air.

Plan, Sketch

An informal plan not necessarily to exact scale, indicating the existing features of a tract proposed for subdivision, as well as its surroundings, and including a general layout of the proposed development.

Planned Development (PD)

A development of land under unified control and management that is planned and developed as a whole in a single development operation or programmed series of development phases pursuant to an approved General Development Plan and within a Planned Development zoning district. A Planned Development is a mixed use development that includes housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments characterized by a unified site design for a mixed use development. The development may include streets, circulation ways, utilities, buildings, open spaces and other site features and improvements.

Planning Commission

The duly designated Planning Commission of the Town of Holly Hill established in accordance with S.C. Code §6-29-350.

Plat

A diagrammatic plan or map showing the boundaries which results from the division of any tract of land into two (2) or more parcels.

Plaza

A paved or hard-surfaced area reserved for pedestrians and surrounded on at least two (2) sides by buildings.

Portico

A porch with a roof supported by columns.

Principal Entry

An entry into a building that faces or adjoins a sidewalk or a plaza, and that is open to customers, employees and other users of a building during normal business hours. A loading area does not constitute the “Principal Entry” for a building.

Principal Use

The main use of land or structures, as distinguished from a secondary or accessory use.

Property Owner

The person(s) at the date of the application whose name appears on the county tax records as an owner of the property in question.

Proposed Development

The development requested by an applicant which includes all buildings and land uses subject to an application.

Public Facilities

Streets, police facilities, fire protection facilities, community parks, water facilities, sewer facilities, and storm drainage facilities.

Recessed Entryway

A recess or niche located on the front facade of a building and which leads to a principal entry. A recessed entryway is unenclosed on the side adjoining the sidewalk, plaza or public right of way, enclosed on the opposite side with a wall containing a doorway, and enclosed on the other sides.

Recreational Facility

Any park, recreation c or recreational structure owned or operated by the Town of Holly Hill.

Recreational Vehicle

A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Religious Land Uses

Churches, synagogues, parish houses, Sunday school buildings, convents and similar uses and their customary uses including child care on the premises during worship services.

Residential Zoning District or Residential District

Any of the following: R-1, R-2, R-3.

Restaurant

Any establishment, whether open to the public or operated as a private club, including drive ins, whose primary business is serving meals prepared on the premises for consumption on the premises. Any defined portion of the restaurant where alcoholic beverages, including beer and wine, are served but the purchase of food is optional shall be clearly subordinate to the main dining area, where the purchase of food is expected and required by the operator.

Retail, Convenience

Convenience retail establishments are those providing convenience items and services to the general public, including barber and beauty shops, grocery stores, hardware, etc.

Retail, Primary

Primary retail establishments are those selling commodities in small quantities to the consumer, usually low bulk comparison items which are normally found in department stores and stores selling general merchandise, variety merchandise, shoes, millinery, clothing, jewelry, etc.

Retail, Secondary

Secondary retail establishments are those selling primary one-stop shopping items usually high bulk and very often more expensive items than those found in a primary retail establishments, including stores selling appliances, radio, television, floor coverings, furniture, etc.

Right of Way

A strip of land occupied or intended to be occupied by a street, railroad, road, electric transmission line, gas pipe line, water main, sanitary or storm sewer main, walkway, shade trees or another special use.

Riparian Buffer

Also called a riparian corridor, it is the area of land adjacent to and generally parallel to a stream or the edge of a body of water. It is twenty-five (25) feet in width on both sides of the stream measured from the stream banks and around all bodies of water as measured from the high water mark. It includes the stream banks. Typically, riparian buffer areas are forested.

Road or Roadway

See "Street".

Road, Private

A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.

Road, Public

All public property reserved or dedicated for street traffic.

Road, Street or Thoroughfare

The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic.

Satellite Dish Antenna

A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas) and microwave antennas.

School

A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, middle schools and high schools.

Screen

A structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

Section 1316 of the National Flood Insurance Act of 1968

For purposes of Article 5, the Act provides that no new flood insurance shall be provided for any

property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

Setback

The horizontal distance between the building line and the related front, side or rear property line.

Shopping Center

A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

Shopping centers are further defined by size and building area:

- a. Shopping Center, Community Center (general merchandise with two (2) or more anchors) including between 100,000 to 400,000 gross square feet of building area and between ten (10) to thirty (30) acres of site area.
- b. Shopping Center, Neighborhood Center including between 30,000 to 100,000 gross square feet of building area and between three (3) to ten (10) acres of site area.
- c. Shopping Center, Regional Center (enclosed mall with two (2) or more anchors) including between 400,000 to one (1) million gross square feet of building area and between ten (10) to one hundred (100) acres of site area.
- d. Shopping Center, Super Regional (similar to regional, but has three (3) or more anchors) including at least 500,000 gross square feet of building area and more than one hundred (100) acres of site area.

Shoulder

The graded part of the right of way that lies between the edge of the main pavement (main travel way) and the curb line.

Sight Triangle

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign

See Article 9.

Site Analysis

The analysis of the characteristics of the entirety of a site proposed for development including all land that may be reserved for future development and land reserved for natural open space or recreation. The site analysis includes location; geology and soils; topography evaluated at five percent (5%) slope intervals; significant topographical features, including ridges, outcroppings, bluffs, etc.; wetlands, streams, floodplains, floodways, water bodies and other water features; existing vegetation and tree cover; visual and view features; environmental characteristics, including endangered and threatened flora and fauna; tree cover; structures; road networks; past, present and proposed uses of the site; and others.

Site Plan

An accurately scaled development plan that illustrates the existing conditions on a land parcel

depicting the details of a proposed development.

Small Box Variety Store

A retail store typically fifteen thousand (15,000) square feet or less that sells at retail an assortment of physical goods, products, or merchandise directly to the consumer, including food or beverages for off-premises consumption, household products, personal grooming and health products, and other consumer goods. A store that exceeds fifteen thousand (15,000) square feet is not necessarily excluded from this definition if it still coincides with the remaining characteristics described herein and the intent of associated regulations. Small box variety stores do not include small box stores that:

- (1) Contain a prescription pharmacy;
- (2) Sell gasoline or diesel fuel;
- (3) Primarily sell specialty food items (e.g. meat, seafood, cheese, or oils and vinegars);
- (4) Dedicate at least fifteen (15) percent of shelf space to fresh or fresh frozen foods; or
- (5) Dedicate less than five (5) percent of shelf space to food sales.

Special Exception

An authorization by the Board of Zoning Appeals pursuant to S.C. Code §6-29-800 provided that the terms and conditions in the Zoning Ordinance are met.

Stoop

A raised platform located at the entry of a building and approached by steps. A stoop may have a roof.

Story

See “International Building Code.”

Street

Any vehicular way, including all existing state, county or municipal roadways and any proposed roadways.

Street Furniture

Man-made, above ground items that are usually found in street rights of way, including streetlights, benches, planters, landscaping, canopies, waste receptacles, and bollards.

Street Network

The Street system within the incorporated areas of the town which consists of the Arterial Streets and Collector Streets as defined herein.

Street Tree

A tree located between the back of a street curb and the sidewalk, generally within the street right of way.

Structural Alteration

Any change except those required by law, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

Structure

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

Subdivider

A subdivider is a person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this Ordinance, or the authorized agent of such persons, firm or corporation for the purpose of proceeding under this Ordinance.

Subdivision

All divisions 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

Subdivision, Major

All divisions of land resulting in five (5) or more lots, building sites or other divisions, including all division of land involving a new street or change in existing streets, and includes re-subdivisions 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 street or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record.

Subdivision, Minor

All divisions of land resulting in four (4) or less lots, building sites or other divisions.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Refer to the definition of "substantial improvement".

Substantial Improvements

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. Before the repair or improvement is started; or
- b. If the structure has been damaged and is being restored, to the condition that existed before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either:

- a. Any project for improvement of a structure to comply with existing state or local codes which are solely necessary to assure safe living or occupancy conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Surveyor

A land surveyor properly registered and licensed in the state by the state board of land surveyors.

Tavern

See "Bar."

Tourist Home

A private dwelling unit that is used as a temporary accommodation to overnight guests for a fee, not exceeding a week at a time, and not more than once every six (6) months.

Tree

Any self-supporting woody perennial plant which has a caliper of two (2) inches or more and which normally obtains a height of at least ten (10) feet at maturity, usually with one (1) main stem or trunk and many branches.

Understory Tree

A small deciduous tree that forms the layer of vegetation under the canopy tree in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Use, Accessory

See Building, Accessory.

Use

The purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Principal

The primary purpose for which land is used.

Utility

Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by a local government.

Variance

A variance is a modification granted by the Board of Zoning Appeals from the terms of the relevant regulations of this Ordinance when strict application would result in an unnecessary hardship (S.C. Code §6-29-800). For purposes of Article 3, a "variance" means the grant of relief from a term or terms of Article 3.

Vegetation

Any object of natural growth.

Violation

For the purposes of Article 11, the failure of a structure or other development to be fully compliant with these regulations.

Woodland

An area of contiguous wooded vegetation where the branches and leaves form a continuous canopy. A woodland may be delineated through an aerial photograph or a ground survey. A woodland includes understory and both large and small trees.

Yard

An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

Yard, Front

A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, Rear

A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Required

That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Ordinance.

Yard, Side

A yard extending the full length of the lot in the area between the side lot line and a side building line.

Zoning District

A specifically delineated area or district within which regulations and requirements govern the use, placement, spacing and size of land and buildings.