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**ZONING ORDINANCE  
CALHOUN COUNTY, SOUTH CAROLINA**

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**ARTICLE I  
AUTHORITY**

**Section 1:1.           Zoning ordinance published separately.**

The zoning ordinance shall be published in a separate volume, a copy of which shall be filed with the County Administrator.

**Section 1:2.           Authority and title.**

This zoning ordinance is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code sections 6-29-310, et seq. This ordinance may be cited as “Calhoun County Zoning Ordinance, 2015.”

**Section 1:3.           Jurisdiction and purpose.**

The provisions of this ordinance shall apply to all land and improvements within the unincorporated areas of Calhoun County, South Carolina. The purpose of the zoning ordinance is to implement the land use element of the comprehensive plan for those purposes set forth in S.C. Code Section 6-29-710.

## **ARTICLE II INTERPRETATION AND DEFINITIONS**

### **Section 2:1. Interpretation.**

- 2:2.1. Words used in this ordinance shall have their customary and ordinary meanings as defined in a standard dictionary, except for specific words and phrases defined in this ordinance.
- 2:2.2. The present tense includes the past and future tenses. Singular words shall include the plural, and plural words shall include the singular.
- 2:2.3. The word “person” includes an individual, a firm, association, partnership, trust, company, corporation or any other legal entity.
- 2:2.4. The word “shall” is mandatory; the word “may” is permissive.
- 2:2.5. References to NAICS codes shall mean those codes assigned to businesses in the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget. NAICS codes may be listed in the tables of uses for each district as an aid in interpretation and determination of those specific uses included in a general class of uses.

### **Section 2:2. Definitions.**

- 2:2.1. Accessory. A building or use subordinate to and serving a principal building or use which is subordinate in area, extent or purpose to the principal building or use served; designed for the comfort, convenience or necessity of occupants of the principal use served; located on the same lot as the principal building or use served, except for permitted off-site accessory uses; and which meets all setback requirements for the principal structure. Accessory uses shall include, but not be limited to: barns, sheds, home tennis courts, swimming pools, boat houses, docks, automobile garages, decks, patios, and private recreation areas.
- 2:2.2. Alley. A minor right-of-way used or intended to be used primarily for service access to the rear or side of properties otherwise abutting a street. An alley is not considered to be a street for purposes of this ordinance.
- 2:2.3. Alteration of building. Any change in the supporting members of a building, such as bearing walls, columns, or girders; any addition or reduction to a building.

- 2:2.4.        Antenna.    Any device for radiating or receiving electromagnetic waves, including, but not limited to, radio, television, telephone, communication, microwave, and satellite dish antennas.
- 2:2.5.        Apartment.    A portion of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or family.
- 2:2.6.        Automobile service station.[See NAICS Codes 447110 and 447190.] Use involving the sale of gasoline, lubricating oils, merchandise such as tires, batteries, auto parts, minor repairs, and may include limited sale of groceries or carwashes, but may not include storage of dismantled or wrecked vehicles or parts.
- 2:2.7.        Bed and breakfast.    [See NAICS Code 721191.] An owner occupied dwelling or portion thereof offering five or fewer guest rooms to transient lodgers in return for compensation, with or without meals. If meals are served, they shall be restricted to breakfast only. The use of a dwelling as a Bed and Breakfast Inn shall not be considered as an accessory use or a customary home occupation.
- 2:2.8.        Boarding house.    [See NAICS Code 721310 - rooming and boarding houses.] A dwelling other than a motel or hotel in which rooms are rented, with or without meals, on a fee basis. A structure in which five (5) or more rooms are rented shall be classified as a hotel or motel.
- 2:2.9.        Buildable area.    That portion of a lot which may be used or built upon in accordance with zoning district regulations.
- 2:2.10.       Building.    Any structure having a roof supported by columns or walls and which is designed for shelter, support or enclosure of persons, animals or property of any kind.
- 2:2.11.       Camper.    A mobile home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, mounted on two or more wheels, self-propelled or towed, and not used for residential purposes in the County.
- 2:2.12.       Common Open Space. Land and/or water bodies used for recreation, amenity, or buffer. Common Open Space included on a Rural Residential Site Plan may also include Working Farms.
- 2:2.13.       Community residential care facility.    An institution providing for a period exceeding 24 consecutive hours room, board, some personal assistance in feeding, dressing or other living activities to two or more individuals not related to the operator, including chemical abuse residential treatment facility or half-way house providing inpatient or detoxification services.
- 2:2.14.       Conditional use.    A use permitted by the district regulations upon compliance with specified conditions without review by the Board of Zoning Appeals.

- 2:2.15. Critical Root Zone. The soil surrounding a tree that contains the tree's critical roots. Critical roots are the minimum amount of roots a tree needs for survival.
- 2:2.16. Day care. The care, supervision or guidance of an unrelated person, unaccompanied by the parent, guardian or custodian, on a regular basis for periods of less than 24 hours per day in a place other than the operator's own home.
- 2:2.17. DBH. Diameter at breast height, a standard method for expressing the diameter of the trunk of a standing tree
- 2:2.18. Day care facility. A state licensed facility providing day care, for profit or nonprofit. This definition includes, but is not limited to, day nurseries, nursery schools, kindergartens, day care centers, group day care homes and family day care homes. It does not include education facilities for grades one or above, shopping center or office building temporary care facilities, summer or day camps, or vacation Bible schools.
- 2:2.19. Density. The number of dwelling units per net acre of developed land, excluding land devoted to streets, alleys, parks, playgrounds, schools or other public uses.
- 2:2.20. Density Bonus. An increase in the total number of dwelling units or lots permitted on a development site in exchange for the provision of Common Open Space. A Density Bonus is only permitted in the RP and RN Districts in accordance with Section 6:12.
- 2:2.21. District. A geographical area assigned a zoning district designation pursuant to the provisions of this ordinance.
- 2:2.22. Drinking place. [See NAICS Code 722410.] Establishment primarily engaged in retail sale of alcoholic drinks for consumption on premises. Sale of food may account for a substantial portion of receipts.
- 2:2.23. Dwelling. A building or portion thereof designed, occupied, or intended for human residential occupancy, not including a hotel, motel, rooming or boarding house.
- 2:2.24. Dwelling, group. A dwelling occupied by several unrelated persons or families, but in which separate cooking facilities are not provided for each group. Group dwellings include rooming houses, apartment hotels, and similar facilities. Hotels, motels and tourist homes are not group dwellings.

- 2:2.25. Dwelling, multi-family. A dwelling containing three or more separate dwelling units in one building. Apartments, tenements, condominiums, cooperatives and similar structures are multi-family dwellings.
- 2:2.26. Dwelling, one-family. A detached dwelling, other than a mobile or manufactured home, designed, occupied or intended for occupancy by a single family unit.
- 2:2.27. Dwelling, two-family. A detached dwelling, other than a mobile or manufactured home, containing two (2) separate dwelling units in one building, commonly known as a duplex.
- 2:2.28. Dwelling unit. A dwelling for occupancy by a single family unit.
- 2:2.29. Family. One or more persons related by blood or marriage, or not more than five unrelated persons, occupying a single dwelling unit. Domestic employees may be housed on the premises.
- 2:2.30. Financial institutions. Establishments primarily engaged in accepting demand and other deposits and making commercial, industrial, and consumer loans.
- 2:2.31. Gross floor area. The total horizontal area of all floors of a building, including exterior balconies and mezzanines, measured from the faces of the exterior walls.
- 2:2.32. Home occupation. A customary occupation, profession, or trade carried on by an occupant of a one-family dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the unit, and which does not involve more than 25% of the total floor area of the unit.
- 2:2.33. Hotel. [See NAICS Code 721110.] A building in which lodging for pay is offered to the public, with or without meals, for transient or permanent guests, including motel or tourist court, containing five (5) or more guest rooms.
- 2:2.34. Junk, salvage, scrap, or wrecking yards. [See NAICS Code 423930.] Any use involving storage or processing of inoperable, unused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials.
- 2:2.35. Lane. A narrow public way for vehicular and pedestrian travel which provides the principal means of access to abutting property, but not including an alley.
- 2:2.36. Lot. An area, plot, parcel or tract of land defined by metes and bounds in a deed or plat recorded in the land records of Calhoun County.



- 2:2.37.      Lot, corner.   A lot located at the intersection of two or more streets.
- 2:2.38.      Lot depth.   The mean horizontal distance between front and rear lot lines.
- 2:2.39.      Lot, double frontage.   A lot which has frontage on more than one street, other than an alley. A corner lot is not a double frontage lot unless it has frontage on three or more streets.
- 2:2.40.      Lot, interior.   A lot other than a corner lot, with only one street frontage.
- 2:2.41.      Lot width.   The distance between side lot lines measured at the front building line.
- 2:2.42.      Manufactured home.   A structure manufactured after June 15, 1976, bearing certification of compliance with HUD standards pursuant to S.C. Code section 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.
- 2:2.43.      Manufactured home park.   A lot providing rented parking space for five or more manufactured homes used for dwelling units, including service buildings and facilities. Manufactured home sales or storage lots for unoccupied units are not manufactured home parks.
- 2:2.44.      Manufactured Home Subdivision.   The division of land into 4 or more Lots for the purpose of establishing a Manufactured Home on each Lot.
- 2:2.45.      Miniwarehouse.   [See NAICS Code 493110.] A building or group of buildings on a fenced controlled access lot which contain individual locked compartments for storage of personal property.
- 2:2.46.      Meadow.   An open field vegetated by grasses, wildflowers, or other non-woody plants.
- 2:2.47.      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 section 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.

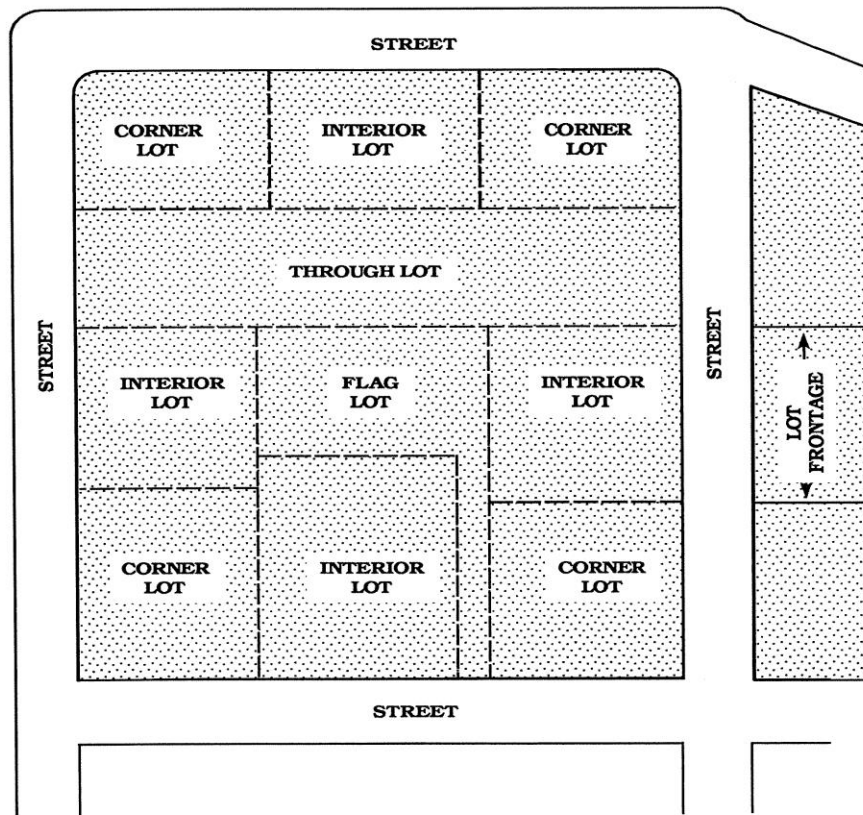
- 2:2.48.     Modular building.   A structure consisting of two or more prefabricated components designed to be transported to a lot and placed on a permanent foundation, and which is certified by the South Carolina Building Codes Council as conforming to Southern Building Code standards for site-built units. A mobile home, house trailer, or manufactured home is not a modular building.
- 2:2.49.     Motel.   [See NAICS Code 721110.] A building or buildings in which lodging, with or without meals, is offered to the public for compensation, including a hotel, tourist court, or inn.
- 2:2.50.     Nonconforming.   A term applied to lots, structures, uses of land or structures, and characteristics of use of land or structures which were lawful before the passage or amendment of this zoning ordinance, but which are prohibited by this ordinance or are not in compliance with the requirements of this ordinance.
- 2:2.51.     Open Fence. A fence that has, for each 1-foot wide segment extending over the entire length and height of the fence, at least 50% of the surface area in open spaces that afford direct views through the fence.
- 2:2.52.     Open Space Subdivision. A detached single-family residential subdivision where at least 40 percent of the land is reserved in perpetuity as Common Open Space, a Working Farm.
- 2:2.53.     Park.   A public or private lot or facility for active or passive recreation, exercise, sports or similar activities, enhancement of natural features or beauty, but not including a commercially operated amusement park.
- 2:2.54.     Parking lot.   A public or private open lot for parking motor vehicles as a principal use or as an accessory to a commercial or industrial use.
- 2:2.55.     Parking space.   An area on a lot designated for parking a motor vehicle.
- 2:2.56.     Pasture. Open, uncultivated land vegetated by perennial grasses used for grazing livestock or horses.
- 2:2.57.     Perimeter Buffer. A bufferyard located along the exterior boundaries of a Rural Residential Site Plan Development.
- 2:2.58.     Permanent building. A structure on a separately constructed permanent foundation intended to remain in one location and last indefinitely.
- 2:2.59.     Permitted use. A use permitted outright by district regulations.
- 2:2.60.     Principal structure or use. A structure or use which is significant or primary rather than accessory.

- 2:2.61.        Residence. A dwelling.
- 2:2.62.        Retail and service establishments. Establishments primarily engaged in sales or service, including food and beverage.
- 2:2.63.        Rural Cross Roads Businesses. A small commercial establishment located on a Corner Lot at the intersection of two arterial streets or an arterial street and a collector street. These street types are defined in Section 6:3.
- 2:2.64.        Rural Residential Site Plan (RRSP). A detached single-family residential development where 8 or more lots are proposed. There are 3 types of Rural Residential Site Plan: RRSP-S, RRSP-25, and RRSP-50.
- 2:2.65.        Rural Residential Site Plan – Standard (RRSP-S). A residential subdivision that does not provide Common Open Space, or that provides less than 25% Common Open Space.
- 2:2.66.        Rural Residential Site Plan – 25 (RRSP-25). A RRSP in which at least 25% of the land is reserved in perpetuity as Common Open Space.
- 2:2.67.        Rural Residential Site Plan – 50 (RRSP-50). A RRSP in which at least 50% of the land is reserved in perpetuity as Common Open Space.
- 2:2.68.
- 2:2.69.        Setback. The depth or width of any required yard; the minimum distance between a structure and an adjacent lot or street; the area required to be unobstructed except for fences, flagpoles, clothes lines, bird houses or yard accessories.
- 2:2.70.        Sexually Oriented Businesses. See definition in section 5-130 (b).
- 2:2.71.        Sign. Any device designed to inform, advertise or attract attention such as a billboard, poster, painted surface, announcement, display, ribbon, pennant, flag, banner, illustration, or insignia, lighted or unlighted, stationary or moving.
- 2:2.72.        Single-Loaded Street. A Street that has Dwellings or other Structures abutting only one side of the Street, with the other side of the Street abutting Common Open Space or a required bufferyard.
- 2:2.73.        Special exception. A use specifically permitted after review and approval by the Board of Zoning Appeals, subject to ordinance standards and additional conditions set by the Board of Zoning Appeals.

- 2:2.74.     Standard Subdivision.     A residential subdivision that does not include Common Open Space or one that provides less than 25 percent Common Open Space.
- 2:2.75.     Street.     A public thoroughfare for vehicular and pedestrian travel which provides the principal means of access to abutting property, but not including an alley.
- 2:2.76.     Structure.     Anything constructed or erected, the use of which requires location of the ground, or attachment to something located on the ground, including buildings, mobile homes, travel trailers, signs, swimming pools, fences, and antennae, but excluding minor landscaping features such as ornamental pools, planters, bird baths, paved surfaces, walkways, driveways, recreational equipment, flagpoles, and mailboxes.
- 2:2.77.     Tourist (guest) home.     A dwelling in which lodging is provided in not more than three (3) rooms for paid guests, with or without meals.     A tourist home shall not be considered an accessory use or customary home occupation.
- 2:2.78.     Variance.     Relief granted by the Board of Zoning Appeals from the strict application of zoning regulations in an individual case of unnecessary hardship based on factual findings required by law.
- 2:2.79.     Working Farm.     Active agricultural production operations of 10 or more acres where crop production, tree farming, timber harvesting, and livestock grazing are the primary activities; ancillary activities including Pick Your Own orchards or produce, Seasonal Produce Stands, Community Gardens, Community Supported Agriculture businesses, Riding Academies and Stable Leasing businesses may be permitted as Conditional Uses.
- 2:2.80.     Yard.     A required open space unoccupied and unobstructed by structures except those specifically permitted.
- 2:2.81.     Yard, front.     A yard situated between the front building line and the front lot line extending the full width of the lot.
- 2:2.82.     Yard, rear.     A yard situated between the rear building line and the rear lot line and extending the full width of the lot.
- 2:2.83.     Yard, side.     A yard situated between the side building line and a side lot line and extending from the front yard to the rear yard.

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Figure 1: Illustration of Types of Lots



## ARTICLE III

### ZONING DISTRICTS AND OFFICIAL ZONING MAP

#### Section 3:1. Establishment of districts.

The following zoning districts are hereby established in the unincorporated portions of Calhoun County:

#### *Map Symbols*

##### *Multiuse Districts*

Urban	UD
Rural	RU

##### *Principal Use Districts*

Single-family Residential	RS
Multiuse Residential	RM
Industrial	ID
Office-Residential	OR
Limited Development	LD
Community Commercial	CC
Services	SD
Rural Neighborhood	RN
Rural Preservation	RP

##### *Planned Use Districts*

Planned Development	PD
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##### *Special Use Districts*

Special Public Interest	SPI
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##### *Overlay Districts*

Flood Hazard	Boundary reference
River and Streamside Management	Boundary reference

Within each district, the regulations set forth herein shall apply uniformly to each class or kind of structure or land, except where such districts are overlapped by one (1) or more altered to accommodate the special needs of the overlay zone(s).

**Section 3:2.            Establishment of the official zoning and development district map.**

Calhoun County is hereby divided into land use (zoning) and development districts, as shown on the official zoning and development districts map for Calhoun County, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter. Additional areas may be defined and added from time to time by adoption by county council, as provided for by Article X, Amendments.

**Section 3:3.            Interpretation of district boundaries.**

- 3:3.1. Unless otherwise shown on the official zoning and development district map of Calhoun County, South Carolina, the boundary lines of districts coexist at lot lines, centerlines of creeks and streams, or corporate limit lines.
- 3:3.2. District boundary lines not coinciding with the above shall be determined by use of the scale of the official map unless actual dimensions are noted.
- 3:3.3. Where uncertainty exists regarding the boundaries as shown by the map, the county planning commission shall act to resolve any question or controversy arising over such district boundary line.



## **ARTICLE IV GENERAL REGULATIONS**

### **Section 4:1.           Application of regulations.**

- 4:1.1. No structure or land shall hereafter be erected, constructed, reconstructed, moved, structurally altered, used or occupied unless in conformity with the regulations in this ordinance applicable to the district in which it is located, except permitted nonconforming uses.
- 4:1.2. District regulations shall apply uniformly to each class of structure or land, and shall be interpreted as minimum requirements adopted for the purposes of zoning. When requirements of this ordinance are at variance with requirements of any other applicable rule, regulation, ordinance or statute, the most restrictive requirements, or those imposing the higher standards shall apply.

### **Section 4:2.           Street access required.**

Except as otherwise specifically provided, no building shall be located, used or occupied on a lot without direct vehicular and pedestrian access to a public street.

### **Section 4:3.           Structures required to be on lots of record.**

Any new structure erected after the effective date of this ordinance shall be on a lot of record.

### **Section 4:4.           Flag Lots Prohibited.**

Lots with less than three acres within the primary lot area and an access corridor less than fifty feet in width shall be identified as Flag Lots and shall not be permitted in the unincorporated areas of Calhoun County except under extenuating circumstances which would otherwise prohibit the use of such property.

### **Section 4:5.           Reduction of lot or yard area prohibited.**

No lot or yard existing on the effective date of this ordinance shall be reduced in dimension or area below the applicable district minimum requirements. New lots or yards shall meet the applicable district minimum requirements.

#### **Section 4:6. Nonconforming structures or uses.**

Nonconforming structures or land uses are declared to be incompatible with permitted uses in the districts established by this ordinance. It is the intent of this ordinance to allow nonconformities to continue until they are removed, but not to encourage their survival. The lawful use of any structure or land on the effective date of this ordinance may be continued subject to the following regulations:

- 4:6.1. A nonconforming structure or use shall not be changed to any other nonconforming structure or use.
- 4:6.2. A permitted use in a structure which is on a nonconforming lot or which does not meet minimum yard requirements may be converted to another permitted use without enlargement.
- 4:6.3. A nonconforming structure shall not be repaired, altered or rebuilt except in conformity with this ordinance after sustaining damage or deterioration exceeding fifty (50%) percent of the appraised market value of the structure for tax purposes at the time of application for a permit.
- 4:6.4. A nonconforming structure shall not be removed or demolished and replaced with a nonconforming structure.
- 4:6.5. A nonconforming structure or use shall not be extended, enlarged, or intensified except in conformity with this ordinance; provided, however, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but the use shall not be extended outside the building.
- 4:6.6. A nonconforming use shall not be reestablished after vacancy, abandonment, or discontinuance for a period of six (6) consecutive months.
- 4:6.7. Nothing in this section shall prevent work on a structure which is necessary to protect public safety upon the order of the Zoning Administrator.
- 4:6.8. Ordinary repairs to a nonconforming structure, such as repairs to interior non-bearing walls, fixtures, wiring or plumbing to meet building codes may be permitted, provided the cubic content of the structure is not increased.

#### **Section 4:7. Mobile home nonconforming structure; removal required.**

A mobile home, as defined in section 2:2.47, manufactured prior to June 15, 1976, or manufactured after June 15, 1976 without certification of compliance with HUD standards, is declared a nonconforming structure. All nonconforming mobile homes shall be removed from the unincorporated areas of the County when they have been

vacant for a period of six (6) months. The Board of Zoning Appeals may grant an extension of not more than six (6) months in an individual case upon appeal for a variance and findings of fact that the occupant of the mobile home will suffer an unnecessary hardship by reason of strict application of this section.

**Section 4:8. Temporary nonconforming uses.**

A temporary use permit may be issued by the Zoning Administrator for appropriate periods of time not to exceed 12 month increments for a nonconforming structure or use incidental to building construction or land development upon the condition that the structure or use be removed upon expiration of the permit.

**Section 4:9. Dwellings on nonconforming lots of record.**

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this ordinance, provided setback requirements of the district are met.

## ARTICLE V DISTRICT REGULATIONS

### Section 5:1. Purpose.

5:1.1. *Purpose.* The purpose of the several districts established by Article III, the uses permitted in each district, and the dimensional requirements of each are defined herein.

5:1.2. *Dimensional Requirements.* Table 1, below, defines dimensional requirements for specified districts.

**TABLE 1**  
**Dimensional Requirements for Uses in the UD, RM, ID, CC, SD, LD, and OR Districts**

		Nonresidential Uses			Residential Uses			
		Office/ Comm- ercial	Industrial/ Wareh- ousing	Institut- ional	Cluster Housing	Town- house	Multi- family	Single family or Duplex
Minimum site area (gross)		NA	NA	NA	2 acres	0.5 acre	1 acre	NA
Minimum lot area per unit (sq ft)		NA	NA	NA	3,000	2,000	NA	10,000 [8]
<b>Minimum building setback from street right-of- way</b>	Local street	30	50	30	30	30	30	30
	Collector street	30	75	30	30	30	30	30
	Arterial street	50	100	50	50	50	50	50
	Side property line	0/8 [1]	[2]	10/10	0/5	[3]	[4]	8/8
	Rear property line	[5]	[2]	[5]	20	20	[4]	20
	Building on same lot	[6]	[6]	[6]	NA	NA	[6]	10
Maximum impervious surface		88%	75%	12%	20%	20%	20%	NA
Open space/landscaping minimum lot ratio		12%	20%	12%	20%	20%	20%	NA
Maximum height of Buildings		[7]	NA	[7]	35'	45'	[7]	35'
Signs, maximum height		35'	35'	35'	15'	15'	15'	15'
Accessory uses, maximum height		35'	35'	35'	15'	15'	25'	25'

## Notes for Table 5:1:

<sup>[1]</sup> Side yard setbacks are required on one side only, except that commercial condominium projects and/or fee simple projects are allowed to share interior property lines; provided that a sixteen-foot setback shall be required on the end units; further provided that such projects (buildings) shall not exceed six hundred (600) feet in length, parallel to the street providing principal access. Where buildings are grouped on the same lot forming a shopping or business center, a sixteen-foot side yard setback shall be required on each end of the project. Where a commercial building is proposed adjacent to an existing residential use, the following minimum setbacks shall be observed:

<i>Existing Adjacent Land Use</i>	<i>Required Setback (Feet)</i>
Residential use in RC or RD Districts	30
Residential uses fronting on local streets	20
All other residential uses	10

<sup>[2]</sup> Minimum setbacks shall be thirty (30) feet from side and rear property lines, plus five (5) feet for each additional five thousand (5,000) square feet of gross cumulative plant (floor) area over twenty thousand (20,000) square feet. Maximum setback shall be two hundred (200) feet from side and rear property lines.

<sup>[3]</sup> Zero between units; fifteen (15) [feet] between end units of interior units with a minimum of five (5) feet from building to property line or common area and with a minimum setback from the exterior property line of twenty (20) feet.

<sup>[4]</sup> Setbacks shall be determined on the basis of project density and adjacent land use, as follows;

<i>Existing Adjacent Land Use</i>	<i>Proposed Density (Units Per Acre)</i>	<i>Required Setback (Feet)</i>
Residential, single-family on local street or in RC District	12 or more	30
	4-11	25
	1-3	20
All other uses	1-12	10

<sup>[5]</sup> Ten-foot minimum setback required, and where the proposed use abuts and existing single-family residential use on a locally classified street or in an RC or RD District, then a twenty-foot setback shall be provided, plus 3.5 feet for each additional floor over the second.

<sup>[6]</sup> Unattached buildings occupying the same lot shall be separated by a distance of twenty (20) feet, plus 3.5 feet for each additional floor over the first.

<sup>[7]</sup> No limit; however, required minimum side and rear yard setbacks shall be increased at the rate of 3.5 feet for each floor over the second.

<sup>[8]</sup> Single-family and duplexes are considered one (1) unit.

## **Section 5:2. RU, Rural Undeveloped District.**

5:2.1. *Purpose.* The RUD District is intended to facilitate (for the area) the adequate provision of transportation, water, sewage disposal, and other public improvements and services as may be necessary to accommodate permitted development without adversely impacting the rural and agricultural character of such areas.

5:2.2. *Permitted uses.* Use regulations are not applicable to this district, except as made applicable by the provisions of Article VI, and the provisions of section 5:13 of Article V.

5:2.3. *Dimensional requirements.* The setback requirements for industrial/warehouse buildings specified by Table 5:1 shall apply to all industrial/warehousing buildings and structures in the RU District. The following setback requirements shall apply to all other buildings and structures in the RU District:

- a. *Setbacks from road right-of-way line.* Minimum setback from any road right-of-way line shall be thirty (30) feet. Minimum front setback from road right-of-way line may be modified where the majority of the frontage within two hundred (200) feet on each side of a lot is developed with less than the required setback. In such cases, the required setback shall be the average of existing setbacks, counting any undeveloped frontage as if it were developed at the required setback distance, but shall not be less than fifteen (15) feet. This modification shall not apply in cases where existing development is located within and scheduled for any acquisition along proposed road improvement.
- b. *Side setbacks.* Minimum side setback from side property line shall be ten (10) feet.
- c. *Rear setbacks.* Minimum rear setback from rear property line shall be twenty (20) feet.
- d. *Sign setback requirement.* No sign shall be located within ten (10) feet of a public right-of-way.
- e. *Setbacks at intersections.* On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of three (3) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty (20) feet from the front of the intersection.

5:2.4. *Lot configuration.* The developer shall demonstrate, through design and use of private property restrictions and covenants, adequate attention to the following aspects of lot design:

- a. Lot size, width, depth, shape, grade, and orientation to streets.
- b. Relationship of residential lots to adjoining nonresidential development, existing or proposed.
- c. Building setback lines.
- d. Separation of residential lots from major thoroughfares, railroads and other possible incompatible land uses.
- e. Separation and proper screening of nonresidential development from adjacent existing residential development. Suitable natural or commercial grade materials of sufficient height shall be used in the construction of the required buffers.

### **Section 5:3.            RP, Rural Preservation.**

#### **5:3.1   *Purpose***

- a) The purpose of the Rural Preservation District (RP) is to recognize, support, and protect the rural character of Calhoun County by allowing for a range of agricultural, rural, and low-density residential development.
- b) It is the intent of this district to continue to promote the agricultural and rural use of land while providing for limited, low-density residential development that is consistent with the rural character of the district.
- c) Low intensity uses that are compatible and complementary with the conservation of agricultural, forestry, and related uses such as estate homes and farmhouses buildings are preferred.

#### **5:3.2   *Permitted uses***

Within the RP District a building or premise may be used only for the following purposes, provided the use meets all applicable regulations contained in this chapter and other applicable Calhoun County ordinances.

- a) Dwellings, single-family detached;

- b) Manufactured homes, but not Manufactured Home Parks or Manufactured Home Subdivisions;
- c) Public or private utilities, as necessary to serve district residents;
- d) Neighborhood and community parks and similar open space uses;
- e) Working Farms, including crop production, tree farming, timber harvesting, and livestock grazing, but not stockyards, slaughterhouses, poultry houses, commercial hog farms, commercial kennels, or animal auction houses;
- f) Rural Cross Roads Businesses, subject to the requirements of Article VII;
- g) Private and commercial horse stables, subject to the requirements of Article VII;
- h) Home occupations;
- i) Uses accessory to the above; and
- j) Signs, as permitted by Section 6:11.

### 5:3.3 *Dimensional requirements*

Except as expressly provided otherwise, minimum dimensional requirements in the RP District are specified in Table 5:3-1.

<b>Table 5:3-1 - Minimum Dimensional Requirements in the RP District</b>	
Minimum Lot Area	3.0 ac
Maximum Gross Density	1 dwelling unit per 4 acres
Lot Width	200 ft
Front Setback	80 ft
Side Setback	40 ft
Rear Setback	20 ft
<b>Key:</b> ac = acres   ft = feet	

### 5:3.4 *Subdivisions in the RP District*

- a) Minor subdivisions that create 7 or fewer total lots (6 new lots plus the remnant of the parent parcel) are subject to the dimensional requirements in Section 5:3.3 and do not require Rural Residential Site Plan approval.



b) Subdivisions that create 8 or more total lots are subject to the requirements in Section 6:12 (*Rural Residential Site Plans in the RP and RN Districts*) and require an approved Rural Residential Site Plan prior to platting and issuance of building or construction permits.

## **Section 5:4.           RN, Rural Neighborhood District.**

### *5:4.1 Purpose*

The Rural Neighborhood District (RN) is intended primarily for detached single-family neighborhoods and is where new residential development will be focused.

### *5:4.2 Permitted uses*

Within the RN District a building or premise may be used for any purpose listed below, provided the use meets all applicable requirements contained in this chapter and other applicable Calhoun County ordinances.

- a) Dwellings, single-family detached;
- b) Manufactured homes, but not Manufactured Home Parks or Manufactured Home Subdivisions;
- c) Churches or similar places of worship, auxiliary buildings and uses, and child care centers accessory thereto;
- d) Schools, either public or private, offering general education courses;
- e) Public or private utilities, as necessary to serve district residents;
- f) Neighborhood and community parks and similar open space uses;
- g) Working Farms, including crop production, tree farming, timber harvesting, and livestock grazing, but not stockyards, slaughterhouses, poultry houses, commercial hog farms, commercial kennels, or animal auction houses;
- h) Private horse stables, subject to the requirements of Article VII; and
- i) Home occupations.
- j) Uses accessory to the above.
- k) Signs, as permitted by Section 6:11.

### 5:4.3 Dimensional requirements

Except as expressly provided otherwise, minimum dimensional requirements in the RN District are specified in Table 5:4-1.

Table 5:4-1 - Minimum Dimensional Requirements in the RN District	
Minimum Lot Size	1.5 ac
Maximum Gross Density	1 dwelling unit per 2 acres
Lot Width	150 ft
Front Setback	40 ft
Side Setback	20 ft
Rear Setback	10 ft
<b>Key:</b> minimum = minimum required   ac = acres   ft = feet	

### 5:4.4 Subdivisions in the RN District.

- a) Minor subdivisions that create 7 or fewer lots are subject to the dimensional requirements in Section 5:4.3 and do not require Rural Residential Site Plan approval.
- b) Subdivisions that create 8 or more lots are subject to the requirements in Section 6:12 (*Rural Residential Uses Site Plan in the RP and RN Districts*) and require an approved Rural Residential Site Plan prior to platting and issuance of building or construction permits.

## Section 5:5. RS, Single-Family Residential District.

5:5.1. *Purpose.* The purposes of this district are to stabilize and protect existing single-family neighborhoods and subdivisions for continued residential use, and to reserve sufficient undeveloped land to meet future single-family housing demands. This district also is intended to encourage in-filling and expansion of “like development” consistent with the character of existing neighborhoods at the time of adoption of this ordinance. Areas so designated, having a stable and fixed character, will be afforded maximum protection and insulation from potentially incompatible uses and assured of long term stability.

5:5.2. *Permitted uses.* Within the RS District, a building or premise may be used only for the following purposes; provided such use shall meet all applicable regulations contained in this chapter.

- a. Dwellings, single-family detached, excluding manufactured or mobile homes.
- b. Churches or similar places of worship, auxiliary buildings and uses, and child care centers accessory thereto.
- c. Schools, either public or private, offering general education courses.
- d. Public or private utilities, as necessary to serve district residents.
- e. Neighborhood and community parks and centers, golf courses and similar open space uses.
- f. Family day care homes.
- g. Private or commercial horse stables, in accord with the requirements of Section 7:8.2.
- h. Home occupations.
- i. Uses accessory to the above.
- j. Signs, as permitted by section 6:11.

5:5.3. *Dimensional requirements.* Permitted uses in the RS District shall meet the following minimum dimensional requirements:

*Residential Uses*

**Minimum lot size**

Minimum lot size requirements shall be no less than eighty (80) percent of the average size of the existing lots located in the subdivision or neighborhood within which the use is proposed, measured within one thousand (1,000) feet of the boundaries of the proposed site property. Such existing lots which are three (3) acres or smaller in size shall be included in the calculation of the average lot size. Lots not entirely contained within the 1,000-foot measurements shall not be included in the calculations. All lots included in the calculation must be depicted on the Calhoun County tax maps. Where such measurement is inconclusive, the following minimums shall apply: One (1) acre per unit without community water and sewer service; one-half (½) acre per unit without sewer service; ten thousand (10,890) square feet with community water and sewer service.

Minimum yard and building setbacks from front, side and rear

Front (right-of-way)

Arterials	50'
Collectors	30'
Locals	30'

For	Residential Uses	Nonresidential Uses
Side:	10'	20'
Rear:	20'	40'

Maximum impervious surface ratio	35%	50%
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Maximum height of:

Buildings	35'
Signs	10'
Accessory Buildings	15'

## **Section 5:6. RM, Multiuse Residential District.**

5:6.1. *Purpose.* The purpose of this district is to provide for areas in the county where various residential development may occur free of incompatible nonresidential uses. This district permits a wide range of residential types, designated to meet market demands. While residential stability and homogeneity are important, flexibility in meeting future housing needs and providing alternatives to traditional single-family housing also are important. This district is intended to apply principally to undeveloped areas where unit and density flexibility will not adversely impact existing single-family residential subdivisions, and where the housing market can be sufficiently broad and flexible to meet the various demands for housing. It also applies to existing multifamily and mixed use residential areas.

5:6.2. Permitted uses.

- a) All uses permitted in the RS District.
- b) Dwellings, single-family attached townhouses.
- c) Dwellings, duplexes.
- d) Dwellings, multifamily, including multiplexes, apartments and condominium buildings, other multiunit structures, and rooming and boarding houses.
- e) Manufactured homes in manufactured home parks (rental lots); provided they comply in full with the conditions set forth below and in the County's Land development Standards and Manufactured Home Ordinance.
  - 1) A Manufactured Home park shall be no less than three (3) acres in size, and be located on a well-drained site and properly graded to insure drainage and freedom from stagnant pools of water.
  - 2) A Manufactured Home park shall not exceed a gross density of four (4) dwelling units per acre.
  - 3) Each Manufactured Home park space shall not be less than ten thousand (10,000) square feet; each space shall be at least one hundred (100) feet in length and width and clearly defined.
  - 4) Manufactured Homes shall be situated on each space so as to provide:
    - a. A minimum setback of thirty (30) feet on the front
    - b. A minimum setback of ten (10) feet on the sides

c. A minimum setback of twenty (20) feet on the rear

- 5) All Manufactured Homes located on a space in a Manufactured Home park must be appropriately anchored to a foundation pursuant to the Calhoun County Manufactured Home Ordinance.
- 6) 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 shall be of attractive, durable material and construction as required by the Calhoun County Manufactured Home Ordinance.
- f) All Manufactured Homes shall have access to adequate outdoor storage space for the purpose of storing furniture, tools, outdoor equipment, and other such items which cannot easily be accommodated inside. Such facilities shall be provided in convenient proximity to all Manufactured Homes, and may consist of individual buildings or structures which are shared by several units. They shall be of such design and construction as to enhance the appearance of the premises and shall be of durable, weather resistant materials. The placement of any other structure(s) is prohibited without consent of the Planning Commission. Where adequate, the enclosed foundation crawl space of the Manufactured Home may be used for storage.
- g) Adequate buffers in the form of screen fencing, walls or planting screens shall be provided around all Manufactured Home parks in order to reduce or avoid conflicts with incompatible forms of existing development and to protect Manufactured Home residences from the potential undesirable effects of commercial or industrial areas. Such buffers shall be provided along all property lines and shall consist of a strip approximately ten (10) feet wide with thickly planted evergreen shrubbery. Walls or screens of durable material may be combined with said planting subject to the approval of the building official.
- 1) \*NOTE:
  - 1. All existing Manufactured Home parks which do not conform, shall be allowed to continue as a Manufactured Home park and treated accordingly.
- h) Dwellings, single-family, semi-detached including Manufactured Homes used as sole residence on a single lot provided the following conditions are met;

- 1) Approved underpinning installed;
- 2) Anchored appropriately to foundation for wind resistance;
- 3) Failure to bring a unit into compliance with HUD standards within 60 days after notice of deficiencies shall be a violation of these conditions subject to penalties provided by the County Code.

- i) Nursing, rest or convalescent homes and intermediate care facilities.
- j) Accessory uses and home occupations.
- k) Child care centers.
- l) Agricultural uses, including greenhouses and nurseries, equine hospitals, general farming operations, keeping and raising of animals and livestock and structures for housing products raised on the premises, except that the keeping of pigs, livestock feed lots, and commercial poultry houses shall not be permitted.
- m) Signs, as permitted by Section 6:11.

5:6.3. *Dimensional requirements.* Permitted uses in the RM District shall comply with all applicable dimensional requirements specified by Table 1 in Article V.

## **Section 5:7. UD, Urban District.**

5:7.1. *Purpose.* This district is intended to accommodate much of the projected growth and development in the unincorporated areas around the towns of St. Matthews and Cameron. It encompasses areas where development logically should locate as a consequence of planned, public facilities and associated capital expenditures; i.e. schools, sewer, water, parks, etc. As such, these districts are designed to accommodate a variety of uses, providing for a full range of residential as well as commercial, institutional, and industrial uses. In so doing, emphasis is placed on requirements that are intended to ameliorate the impact of such uses and eliminate the negative aspects of juxtaposing varied and dissimilar uses.

5:7.2. *Permitted uses.* Within the UD, Urban District, a building or premise may be used for any purpose, unless otherwise prohibited by Article VII; provided such use shall meet all applicable requirements contained in this chapter, and other applicable ordinances of Calhoun County.

5:7.3. *Dimensional requirements.* The dimensional requirements specified by Table I shall apply to all proposed new uses and expansions of existing uses,

buildings or structures in the UD District. Uses not generally included in one of the use categories in Table 1 shall comply with the most applicable schedule of requirements as determined by the zoning administrator.

## **Section 5:8. ID, Industrial District.**

5:6.1. *Purpose.* The purposes of this district are to better accommodate existing industrial uses and further the industrial development of the county by protecting both existing industry from encroachment of incompatible land uses and potential sites for future industrial development.

5:6.2. *Permitted uses.* Within the ID, Industrial District, a building or premise may be used only for the following purposes unless otherwise prohibited by the provisions of Article VI; provided such uses shall meet all applicable requirements contained in this chapter.

- a. Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock, and structures for housing and processing products raised on the premises.
- b. Industrial, manufacturing, and mining uses.
- c. Wholesale, warehousing and distribution uses.
- d. Office buildings, laboratories and research facilities.
- e. Private clubs, lodges, and armories.
- f. Sanitary landfills in accordance with Section 7:16.
- g. inert landfills in accordance with Section 7:24.
- h. Veterinary establishments.
- i. Business and vocational schools.
- j. Bulk and outdoor storage lots.
- k. Utilities, i.e. gas, electrical and telephone; production and distribution facilities.



- l. One (1) residential, single-family dwelling or one (1) manufactured home on any existing lot-of-record as of the effective date of this ordinance and on any new lot ten (10) acres or greater in size, or any court ordered subdivision.
- m. Water plants, sewage treatment facilities, and substations.
- n. Assembly and processing plants.
- o. Automotive wrecking, appliance, and construction material salvage and junkyards in accord with the requirements of Section 7:22.
- p. Resource recovery, solid waste and composting facilities in accordance with Section 7:23.
- q. Uses accessory to the above.
- r. Signs, as permitted by Section 6:11.

5:6.3. *Dimensional requirements.* Permitted uses in the IND District shall comply with all applicable dimensional requirements specified by Table 1.

## **Section 5:9. CC, Community Commercial District.**

5:9:1 *Purpose.* The purpose of this district is to accommodate community-scale commercial development which could supplement or serve adjacent areas while not having an adverse impact on those adjacent areas. Regional “big-box” retail stores of 40,000 square feet or more are not permitted in this district. For purposes of this section, only those roadways classified as either collector or arterial by Section 6.3.3 shall be suitable for Community Commercial District designation.

Suitable utilities as described in Section 6.5 must be in place for a property to be considered for Community Commercial District zoning designation. Suitability requirements must be satisfied in writing by the individual service providers at the time of zoning amendment application.

5:9.2 *Permitted Uses.* Within the CC District, a building or premises may be used only for the following purposes, provided such use(s) shall meet all applicable regulations contained in this chapter and other applicable county codes and regulations.

- a. Automobile service station

- b. Individual retail and service establishments with under 40,000 square feet of gross floor area.
- c. Commercial plant nurseries and greenhouses of not more than 10 acres, including auxiliary outdoor storage and sales area, and not more than one auxiliary dwelling unit.
- d. Financial institutions.
- e. Churches and other places of worship, auxiliary buildings and uses, and child care centers accessory thereto.
- f. Neighborhood and community parks and centers, golf courses and similar open space uses.
- g. Utilities, as necessary to serve district users.
- h. Child or adult care centers.
- i. Medical offices and clinics.
- j. Nursing, rest or convalescent homes, and intermediate care facilities.
- k. Schools, either public or private, offering general education courses.
- l. Civic, social and fraternal associations.
- m. Governmental buildings, services and facilities, but not facilities for collection or disposal of refuse or waste, prisons or rehabilitative facilities.
- n. Funeral homes and mortuaries.
- o. Legal, insurance, real estate, engineering, and other professional, business, or administrative offices and operations.
- p. Mini-warehouses
- q. Home occupations.
- r. Uses accessory to the above.
- s. Signs, as permitted by Section 6:11.

*5:9.3 Minimum Lot Size.* No minimum lot size is designated for Community Commercial zoning district. The developer shall demonstrate, through design and use of private property restrictions and covenants, adequate attention to the following aspects of lot design:

- a. Lot size, width, depth, shape, grade, and orientation to streets.
- b. Relationship of lots to adjoining residential or nonresidential development, existing or proposed.
- c. Building setback lines.
- d. Separation of lots from possible incompatible adjacent land uses.
- e. Separation and proper screening of nonresidential development from adjacent existing residential development, determined by Section 6:4.

*5:9.4 Design Standards.*

- a) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such area shall be screened from view.
- b) No lighting shall be permitted which would glare from the Community Commercial zone onto any street or into any adjacent property.
- c) No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential property.
- d) All business activities permitted within the Community Commercial zone shall be conducted within a completely enclosed building, with the exception of the following:
  - 1) off - street parking and loading and/or unloading areas.
  - 2) outdoor play areas of a child day care center.
  - 3) outdoor seating area for restaurants, provided that the outdoor seating capacity does not exceed 25 percent of the indoor seating capacity.
  - 4) Outdoor sales lots and open storage areas shall not be permitted, unless removed from public view or adequately screened.
- e) Overall design should be harmonious in terms of landscaping, relationships of buildings and structures, as well as traffic movement.

- 1) Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off – street parking areas.
- 2) The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties. Individual curb cuts are discouraged with frontage roads or backage roads strongly encouraged.

## **Section 5:10. LD, Limited Development District.**

5:10.2. *Purpose.* The purpose of this district is to accommodate multiple-use development on a limited basis and to minimize land use conflicts along major transportation corridors where use controls and limitations are needed to enhance aesthetic values, ensure compatibility and promote a viable growth and development situation.

5:10.3. *Width of the district.* The width of the LD District shall not exceed three hundred (300) feet on either side of a thoroughfare for a maximum total width of six hundred (600) feet, not including the area of the right-of-way of the thoroughfare at the time of adoption of the LD zoning classification for that parcel unless delineated otherwise on a zoning map adopted by the county council.

5:10.4. *Permitted uses.* Within the LD District, a building or premises may be used only for the following purposes, provided such use(s) shall meet all applicable regulations contained in this chapter and other applicable county codes and regulations.

### **a) Residential Uses**

- 1) Dwellings, single-family detached, excluding mobile or manufactured homes.
- 2) Dwellings, duplexes.
- 3) Dwellings, multifamily, including multiplexes, apartments, townhouses, condominium buildings, other multi-unit structures, rooming and boarding houses.
- 4) Dwellings, single family, semi-detached.
- 5) Dwellings, patio houses.

### **b) Social and Institutional uses:**

- 1) Churches or similar places of worship, auxiliary buildings and uses, and child care centers accessory thereto.
- 2) Neighborhood and community parks and centers, golf courses, and similar open space uses.
- 3) Family day care homes.
- 4) Medical offices, clinics and hospitals.
- 5) Nursing, rest, or convalescent homes, and intermediate care facilities.
- 6) Schools, either public or private, offering general education courses.
- 7) Child and adult care centers.
- 8) Civic, social and fraternal associations.
- 9) Governmental buildings, services and facilities.

c) Commercial uses:

- 1) Retail and service establishments.
- 2) Wholesale, warehousing, and distribution uses.
- 3) Financial institutions.
- 4) Legal, insurance, real estate, engineering, and other professional, business, or administrative offices and operations.

d) Industrial:

- 1) Industrial, manufacturing, processing and fabricating plants; provided all such uses shall meet the requirements of Article VI of this ordinance.

e) Other Uses:

- 1) Utilities, i.e. gas, electric, and telephone; distribution facilities.
- 2) Wastewater plants and appurtenant facilities; provided such uses shall be reviewed for compatibility and approved by the planning commission in accord with the provisions of Sections 7:3 and 7:18.

- 3) Agricultural uses, including greenhouses and nurseries, equine hospitals, general farming operations, keeping and raising of animals and livestock and structures for housing products raised on the premises, except that the keeping of pigs, poultry houses, feed lots, and stockyards shall not be permitted.
- 4) Funeral homes, mortuaries and cemeteries.
- 5) Transportation and communication uses.
- 6) Recycling deposit and transfer stations.
- 7) Home occupations.
- 8) Uses accessory to the above.
- 9) Signs, as permitted Section 6:11.
- 10) Flea markets, provided they are completely enclosed, with no outside display areas or tables.

5:10.5. *Prohibited uses.* In addition to the implied prohibition of uses not specifically permitted by Section 5:10.4b) above, the following list of uses is specifically prohibited from this district:

- a) Mobile or manufactured homes used as dwellings.
- b) Sanitary and inert landfills, incinerators and infectious waste facilities.
- c) Hazardous waste and nuclear waste transfer, storage, treatment and/or disposal facilities.
- d) Resource recovery facilities, solid waste storage and transfer facilities, waste tire disposal, processing, and treatment sites, composting facilities, and open yard storage of used appliances.
- e) Vehicular race and testing tracks.
- f) Mining and extraction operations.
- g) Commercial and club outdoor pistol, rifle, or skeet range.
- h) Stockyards, slaughter houses, poultry houses, and livestock auction houses.

- i) Correctional facilities, jails, prisons, etc.
- j) Automotive wrecking, salvage and junkyards.
- k) Environmentally sensitive industrial and processing plants, as defined in Section 2:2, Definitions.
- l) Sexually oriented businesses, as defined in Section 2:2, Definitions, and as described in Section 7:19, Sexually Oriented Businesses.
- m) Flea markets, unless in completely enclosed buildings, with no outside display areas or tables allowed.

5:10.6. *Dimensional requirements.* Permitted uses in the LD District shall meet the minimum dimensional requirements set forth by Table 1 for uses permitted in the UD, RD, ID, and OR Districts.

5:10.7. *Design Standards.* Outside areas for display, parking, and storage for all social, institutional, commercial, industrial, and miscellaneous uses and developments in the LD District shall be reviewed and approved by the zoning administrator, who shall be guided by the following standards:

- a) off-street parking should be located in the back yard area, or screened by vegetation or berms if located in the front or side yard area.
- b) Outdoor sales lots and open storage areas shall not be permitted, unless removed from public view or adequately screened.
- c) Curb cuts should not be, and in the case of major thoroughfares shall not be, at less than three-hundred foot intervals except where a tract of land would be rendered unusable by the strict application of this section of this chapter. The county planning commission shall determine whether strict application of this section of this chapter shall be enforced.
- d) Overall design should be harmonious in terms of landscaping, relationships of buildings and structures, and traffic movement.

## **Section 5:11. OR, Office-Residential District.**

5:11.2. *Purpose.* This district is intended to accommodate office, institutional, and residential uses in areas in transition. It is designed principally for use along major streets serving residential areas, where an alternative to residential use may be accommodated without adversely impacting surrounding residential environs.

5:11.3. *Permitted uses.* Within the OR District, a building or premises may be used only for the following purposes; provided such use(s) shall meet all applicable regulations contained elsewhere in this ordinance.

- a. Dwellings, single-family detached, excluding mobile or manufactured homes.
- b. Dwellings, single-family, semi-detached.
- c. Dwellings, patio homes.
- d. Dwellings, single-family attached townhouses.
- e. Churches and other places of worship, auxiliary buildings and uses, and child care centers accessory thereto.
- f. Neighborhood and community parks and centers, golf courses and similar open space uses.
- g. Utilities, as necessary to serve district residents.
- h. Private or commercial horse stables, in accordance with the requirements of Section 7:8.2.
- i. Family day care homes.
- j. Child and adult care centers.
- k. Medical offices and clinics.
- l. Nursing, rest or convalescent homes, and intermediate care facilities.
- m. Schools, either public or private, offering general education courses.
- n. Civic, social and fraternal associations.
- o. Governmental buildings, services and facilities, but not facilities for collection or disposal of refuse or waste, prisons or rehabilitative facilities.
- p. Funeral homes and mortuaries.
- q. Financial institutions.



- r. Legal, insurance, real estate, engineering, and other professional, business, or administrative offices and operations, but not retail stores or facilities for manufacture, assembly or storage of goods, or places of assembly and amusement, or restaurants.
- s. US Postal Service.
- t. Home occupations.
- u. Uses accessory to the above.
- v. Signs, as permitted by Section 6:11. Article VII of Chapter V.

*Dimensional requirements.* Permitted uses in the OR District shall comply with all applicable dimensional requirements specified by Table 1.

## **Section 5:12. PD , Planned Development District.**

5:12.1. *Purpose.* The purpose of the planned development district is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance the public health, safety, morals, and general welfare of the county.

5:12.2. *Intent.* Within PD Zones, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, to promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and promote a better environment. In view of the substantial public advantages of planned unit development, it is the intent of these regulations to promote, encourage or require development in this form where appropriate in location, character and timing. PD zones may not be established unless non-residential uses (e.g. office or commercial uses) are included within the proposed development.

5:12.3. *Permitted uses.* Any use or combination thereof meeting the objectives of Section 5:11.1 may be established in this district upon review and approval by the planning commission and county council. Once approved, the purposed use(s) and no others shall be permitted in the district. Such uses shall be identified and listed on the basis of retail, office, wholesale, residential multifamily, residential single-family detached, manufacturing, 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.

5:12.4. *Establishment of PD Districts.* PD Districts shall be established by the same procedures as for amendments generally, in accord with Article VIII of this ordinance. Additionally, each PD District shall be identified by the prefix PD and a file number assigned by the planning commission together with whatever other identification may be determined necessary and appropriate.

5:12.5. *Site plan and site plan approval required.* A site plan showing the proposed development of the area (zone) shall be prerequisite to approval of a PD zone. The site plan shall be prepared in accord with the requirements of the Land Development Regulations. In considering the plan, the planning commission shall endeavor to assure safety and convenience of traffic movement both within the site and in relation to access streets, and harmonious and beneficial relationship of structures and uses on the site as well as contiguous and offsite properties. To this end, the commission may control vehicular access by plan limitations.

5:12.6. *Minimum area required.* Minimum area requirements for establishing a PD on the zoning district map shall be five (5) acres.

5:12.7. *General design, dimensional, and development standards.*

- a) *Residential density.* Residential density shall not exceed fourteen (14) units per acre.
- b) *Overall site design.* Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and use relations. Variety in building types, heights, facades, setbacks and size of open spaces shall be encouraged.
- c) *Parking and loading.* Parking, loading and other requirements for each PD zone shall comply with the requirements of off-street parking and loading regulations of this chapter.

- d) *Buffer yards.* Buffer yards shall be required for peripheral uses only, and shall be provided in accord with the minimum requirements for adjacent uses. Buffer yards are not required for internal use, but common landscaping is encouraged.
- e) *Private streets.* Private streets are permitted in an approved PD; provided such streets meet the design and construction standards of the county's land development regulations.
- f) *Common open space requirements.* Twenty-five (25) percent.

5:12.8. *Actions by planning commission and county council.* Action by the planning commission and county council may be to approve the application, to include specific modifications to the application, or to deny the application. If the application is approved, the applicant shall be required to proceed in accord with the approved PD zone plan as supplemented or modified in the 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 in writing, stating the reasons for such denial.

5:12.9. *Administrative action.* After a PD District has been established, no building permit shall be issued therein unless and until the zoning administrator has approved final plans and reports for the development as a whole or for stages or portions thereof deemed satisfactory in relation to total development. The form and content of such final plans and reports shall be as prescribed in this ordinance, the land development regulations, or related regulations, generally or for a particular PD District shall be observed.

- a) Approval of final plans and reports shall be based on compliance with regulations applying at the time the land was zoned PD, including such specific modifications as were made by county council in its amending action.
- b) Upon approval of final plans and reports, building permits shall be issued in the same manner as for building permits generally, provided that any requirements concerning the order and location in which building permits are to be issued in the particular PD District shall be observed.
- c) Except as provided below, final plans and reports shall be binding on the applicants and any successors in title, so long as PD zoning applies to the land.

5:12.10. *Changes in approved site plans.* Minor changes in approved site plans may be accommodated by the zoning administrator, with review and concurrence by the county attorney, on application by the applicant, but only upon making a finding that such changes are:

- a) In accord with all applicable regulations in effect at the time of the amendment creating the PD District, as modified in the amending section; or
- b) In accord with all applicable regulations currently in effect, without modification.

5:12.11. *Criteria for defining minor changes to approved site plans.* In reaching his decision as to whether or not the change is major or substantial enough to require reference to county council, the zoning administrator shall use the following criteria:

- a) Any increase in intensity of use shall constitute a modification requiring county council action. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in outside land area devoted to sales, displays or demonstrations.
- b) Any change in parking areas resulting in an increase or reduction of five (5) percent or more in the number of spaces approved shall constitute a change requiring county council action.
- c) Structural alterations significantly affecting the basic size, form and style of a building, as shown on the approved plan, shall be considered a change requiring county council consideration.
- d) Any reduction in the amount of open space resulting in a decrease of more than five (5) percent or any substantial change in the location or characteristics of open space, shall constitute a change requiring county council consideration.
- e) Any change in use from one use group to another shall constitute a change requiring county council consideration.
- f) Substantial changes in pedestrian or vehicular access or circulation shall constitute a change requiring county council consideration.
- g) Changes other than indicated above shall be considered major changes and shall be made only by creating a new PD or other map amendments.

5:12.12. *Final plan approval is an administrative action.* Final plan approval is an administrative action. No public notice or hearing is required in connection with approval proceedings on final plans or changes in approved plans. The zoning administrator may hold meetings with such notice as he deems appropriate, in connection with such actions.

5:12.13. *Expiration of time limits on PD amendments.* If actions required in any amendment establishing a PD District are not taken within the time limit set, the zoning administrator shall review the circumstances and recommend to county council:

- a) That PD zoning for the entire area be continued with revised time limits; or,
- b) That PD zoning be continued for part of the area, with or without revised time limits, and the remainder be rezoned to an appropriate category; or
- c) That the entire district be rezoned from PD to an appropriate category. Such recommendations shall include proposals for appropriate action in respect to any legal instruments in that case.

### **Section 5:13. SPI, Special Public Interest Districts.**

5:13.1. *Purpose.* The purpose of these regulations is to permit creation of Special Public Interest (SPI) Districts:

- a) In general areas officially designated as having special and substantial public interest in the protection of existing natural resources or proposed character, or of principal views; or
- b) Surrounding historical buildings or grounds where there is special and substantial public interest in protecting such buildings and their visual environment; or
- c) In other cases where special and substantial public interest requires modification of otherwise applicable district regulations or the repeal and replacement of such regulations, for the accomplishment of the special public purposes for which these districts are established.

5:13.2. *Intent.* It is intended that such districts and the regulations adopted for them shall be in accord with and promote the purposes set out in the adopted land use and development plan and other officially adopted plans of Calhoun County in accordance therewith, and shall encourage land use and development in substantial accord with the physical design set out therein.

5:13.3. *Effect of SPI District designation.* Such SPI Districts may either:

- a) Supplant districts or portions of districts existing at the time of creation of a particular SPI District, or
- b) Have the effect of modifying requirements, regulations and procedures applying in existing districts or districts hereafter created and remaining after SPI Districts are superimposed to the extent indicated in the particular SPI amendment.

5:13.4. *Establishment of SPI District.* SPI Districts shall be established by the same procedures as for amendments generally, in accord with Article X. . Additionally, each SPI District shall be identified by the SPI prefix and a file number assigned by the planning commission, together with whatever other identification appears appropriate, and shall contain information and proposals as indicated below concerning the areas, buildings, and/or premises proposed for such regulation:

- a) *Statement of intent.* The recommendation for an SPI District shall include a statement of intent, specifying the nature of the special and substantial public interest involved and the objectives to be promoted by special regulations or procedures.
- b) *Proposed district boundaries.* The proposed SPI Districts shall be presented on a map or maps, together with pertinent supplementary material indicating, as applicable:
  - 1) The boundaries of the SPI District.
  - 2) The designations of all portions of underlying districts, if any, which will remain after SPI zoning is superimposed and the general regulations which will be affected by the superimposed SPI zoning. Where it is proposed to change the established district boundaries, the map shall show the nature and location of such change.
  - 3) The location and designation of districts or portions of districts, if any, to be supplanted by SPI regulations.

- c) *Proposed regulations.* Special regulations for the district shall be set out in the statement of intent. In particular such regulations may require submission of detailed site plans, building plans and elevations and maps indicating the relation of proposed development to surrounding or otherwise affected property in terms of location, amount, character, and continuity of open spaces; convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets; separation of pedestrian and vehicular traffic; signs; lighting; mixtures of proposed uses; and other matters appropriate to required determinations of the relation to the special public interest of the district and the objectives to be promoted.
- d) *Special approval requirements.* The regulations may require special review of development plans by the planning commission, the county council or other officials or agencies of Calhoun County.

5:13.5. *Provisions for alterations from applicable regulations generally.* Regulations for a particular SPI District or for specified classes of SPI Districts also may (1) authorize or (2) require alterations to regulations applying generally within such districts.

- a) *Authorized alterations.* The body or bodies, officials or agencies charged with responsibility for review of SPI Districts only upon written application by those submitting plans in a particular case, and only upon making written findings that:
  - 1) The plan proposed by an applicant, while not strictly in accord with regulations applying generally within the district, meets public purposes and provides public protection to an equivalent or greater degree; or
  - 2) In the particular circumstances, strict application of the regulation(s) is not necessary for the accomplishment of public purposes or the provision of public protection.
  - 3) Where such special plan review involves more than one body, official or agency, no such alteration shall be allowed except upon complete concurrence of all bodies, agencies or officials charged with a role in the decision making process.
- b) *Required alterations.* The body or bodies, officials or agencies charged with responsibility for such special plan review may require alterations from regulations generally applying in such districts only upon making written findings in a particular case that for reasons specifically set forth, such alterations are necessary for the public protection or the protection of the environs of particular buildings and premises.

- 1) Among other things, such alterations may require relocation of or increase in yards or other open spaces generally required; reduction in height generally permitted; additional limitation on uses, signs or illumination; and buffering and screening to a greater degree than generally required.
  - 2) Where such special plan review involves more than one body, official or agency, no such alteration shall be required except upon complete concurrence of all bodies, agencies or officials charged with a role in the decision making process.
- c) *Recording authorized or required alterations.* Where alterations are thus authorized or required, notation shall be made on the official district boundary map by appropriate identification of the property, the instrument involved and the date of the action.

5:13.6. *Special Public Interest (SPI) Overlay Districts.* Two SPI districts are hereby established and defined below.

- a) *Flood Hazard District.* The flood hazard overlay district applies to all areas within the 100 year flood plain, as defined by current Flood Insurance Rate Maps (FIRM) in unincorporated Calhoun County.
- 1) *Purpose.* The purpose of the Flood Hazard District is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
    - a. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
    - b. Require that uses vulnerable to floods, including facilities which serve such uses be protected against flood damage at the time of initial construction;
    - c. Control the alteration of natural floodplains, stream channels, and natural protection barriers which are involved in the accommodation of floodwaters;
    - d. Control filling, grading, dredging and other development which may increase erosion or flood damage; and



- e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
  - 2) *Permitted uses.* The Flood Hazard District is an “overlay” district. As such, permitted uses are determined by the “underlying” or primary zone. These regulations temper and modify the development standards of the primary district to the extent necessary to achieve the objectives of subsection (a) above.
  - 3) *Boundaries.* The boundaries of the Flood Hazard District (FHD) have been determined by scientific and engineering studies prepared by the Federal Emergency Management Agency and the results thereof plotted on flood maps for Calhoun County. Boundaries for construction or use restrictions set forth within this chapter shall be determined by scaling distances on the flood maps. Where interpretation is needed in order to allow a surveyor to locate the exact boundaries of the district, as shown on the flood maps, the building official shall initially make the necessary interpretation, based on flood profile information pursuant to the provisions of applicable County Ordinances. However, where there is uncertainty involving his decision, the developer may appeal to the board of appeals. The areas within the FHD are further divided into: (1) Floodway Districts (FWD) and (2) Flood Fringe Districts (FFD). The boundaries of these districts are established on the official flood boundary maps for Calhoun County, South Carolina.
  - 4) *Development regulations.* All applicable development regulations pertaining to this district are contained in the Land Development Regulations of Calhoun County.
- b) *River and Streamside Management Overlay District.* The River and Streamside Management Overlay District applies to specified areas along the Congaree River and the Santee River within unincorporated Calhoun County.
- 1) *Purpose.* The Calhoun County River and Streamside Management Overlay Zoning has been established to:
    - a. Regulate the density and distribution of population, location of buildings, structures and land for industry, residence, recreation, commercial, agriculture, forestry, conservation, and open space;
    - b. Prevent the overcrowding of land and facilitate the creation of a convenient, attractive and harmonious community;

- c. Protect groundwater, fisheries and wildlife habitat;
- d. Preserve scenic, historic or ecologically sensitive areas;
- e. Support flood control, reduce storm damage and point and nonpoint source pollution;
- f. Facilitate the adequate provision of water supply and sanitation, and recreational facilities and opportunities;
- g. Guide development in accordance with existing and future needs;
- h. Maintain and improve water quality in the County's rivers, streams and creeks;
- i. Promote the public health, safety, order, appearance, prosperity and general welfare and a healthy vegetative buffer for a stable land surface which absorbs rainfall, reduces heat reflection and noise, and absorbs pollutants which otherwise wash across land.

2) *Permitted Uses.* The River and Streamside Management District is an "overlay" district and as such permitted uses are determined primarily by the "underlying" or primary zone. These regulations may, however, temper and modify the development standards of the primary district to the extent necessary to achieve the objectives of subsection (a) above. All additional permitting through the US Army Corps of Engineers, SCDHEC, or any other applicable regulatory agency is required in addition to these regulations.

3) *Boundaries.* The minimum horizontal width of the primary streamside management area along the Congaree River or Santee River shall be one hundred (100) feet and shall apply to the banks of these rivers within the jurisdiction of Calhoun County. A primary buffer is defined as the area between the average top edge of the stream channel of the river and a parallel line located 100 feet away.

- a. In addition to the primary streamside management areas along these rivers, a secondary fifty (50) foot streamside management area is established along the main channel of each bank of the perennial streams which flow directly into the Congaree River or Santee River.

- b. The streamside management areas along the main channels of the Congaree River and the secondary streamside management areas along perennial streams shall each be considered contiguous streamside management areas referred to as Congaree River Area.
  - c. The streamside management areas along the main channels of the Santee River and the secondary streamside management areas along perennial streams shall each be considered contiguous streamside management areas referred to as Santee River Area.
  - d. Shoreline areas contiguous with the spillway elevation of any impoundment existing at the effective date of this ordinance are not subject to the requirements of Section 5:13.6.b). Areas along perennial streams above and below such impoundments are subject to the requirements of Section 5:13.6.b).
- 4) *Development Regulations.* Within the Streamside Management areas it is prohibited to remove the natural vegetation for the purposes of subdivision, land development, timber harvest, or the clearing of land for structures, uses or activities other than those specifically exempt. The streamside management areas shall be left in a natural state and no clearing or grading shall be allowed. Natural leaf litter, humus and soil should remain.
- 5) *Exceptions.* The following uses are specifically exempt from the requirement of this section:
- a. Utility lines, provided no vegetation that is removed shall cause erosion or the width of the buffer is increased by the same amount cleared for the placement of the utility lines or the removed vegetation is reestablished;
  - b. The harvest of timber on land currently managed for silviculture and which uses Best Management Practices (BMP's) as described in "South Carolina's Best Management Practices for Forestry" published August 1995, when the area harvested is associated with the implementation of a forest regeneration plan or program recommended by the South Carolina Forestry Commission. Land not currently meeting the above stipulations is not exempt. All timber harvest operations are subject to the provisions of this Section;
  - c. Removal of diseased trees is an allowed activity;

- d. Hiking and biking pathways and related facilities so long as such have a maximum width of six (6) feet. Pervious materials shall be used as base materials or elevated boardwalks may be used. Elevated boardwalks shall have a maximum width of four (4) feet and a minimum height of three (3) feet and constructed so as not to impede the flow of surface water. Only the minimum amount of vegetation to accommodate the pathway may be cleared and proper drainage shall be provided along all pathways.
  - e. Agricultural activities which do not disturb any existing buffer along a river or stream. Any such agricultural use abandoned for three years or more may be resumed only in complete compliance with the provisions of this Section.
  - f. The minimal removal of trees and other vegetation is allowed for the following:
    - i. Emergency measures to contain industrial spills;
    - ii. To install fences along property lines;
    - iii. To provide for the establishments of Best Management Practices;
    - iv. To enhance river and stream view for single family homes provided that the cutting of trees and other vegetation within the Streamside Management Areas is limited to a maximum linear width of fifty (50) feet and removal of trees less than five (5) inches in diameter at breast height.
    - v. The construction of marinas or docking facilities provided no new roads are created and only the minimal amount of vegetation needed to accommodate the facility is removed.
- 6) *Prohibited Uses.* The following uses are specifically not allowed in the Calhoun County Streamside Management Areas:
- a. Lawn and turf grass as a permanent landscape feature, unless using Best Management Practices for environmentally friendly lawn care or for erosion stabilization;
  - b. Septic tanks, drain fields and repair areas;

- c. No sediment basins, open channels or piped storm water is allowed through the buffer. Drainage areas should be designed to allow water sheet flow across the buffer.
- 7) *Special Provisions.* When municipal or county water and sewer utilities are installed and used in the development of property impacted by these regulations, lot size requirements may be reduced for all lots within the development in proportion to the acreage reserved within the required streamside management areas. The final plat of the subdivision and individual lots within said development shall indicate the boundaries of the required streamside management area.

#### **Section 5:14. SD, Service District.**

5:14.1. *Purpose.* The purpose of this district is to provide a transition between commercial and industrial uses. All of the uses permitted in this district shall be conducted in such a manner that no noxious odor, fumes, smoke, dust, or noise will be admitted beyond the property line of the lot on which the use is located.

5:14.2. *Permitted uses.* Within the SD, Service District, a building or premise may be used only for the following purposes unless otherwise prohibited by the provisions of Article VI; provided such uses shall meet all applicable requirements in this chapter.

- a) Commercial uses which are service related, including uses which sell merchandise related directly to the service performed;
- b) Commercial uses which sell merchandise which requires storage in warehouses or outdoor areas;
- c) Light industries which in their normal operations would have a minimal effect on adjoining properties.
- d) Warehousing and wholesaling;
- e) Uses accessory to 'a' through 'd' above;
- f) Signs, as permitted by Section 6:11.

5:14.4. *Prohibited Uses.* The following list of uses are specifically prohibited in this district.

- a) Industrial uses that would in their normal operation have an impact on surrounding properties;
- b) Manufacturing;

c) Truck terminal.

5:14.3. *Dimensional requirements.* Permitted uses in the SD District shall comply with all applicable dimensional requirements specified by Table 1 in Article V.

## ARTICLE VI SUPPLEMENTAL REGULATIONS AND STANDARDS

### Section 6:1 Purpose.

These supplemental regulations are intended to address the development process in Calhoun County as it relates to the following areas: landscaping and open space; roadway and street intensity and service levels; buffering and screening between uses; Infrastructure and utility service; drainage, sediment control and grading; Available public facility service; access to major thoroughfares; and Communications towers and Antennas

### Section 6:2. Landscaping and common open space standards.

#### 6:2.1. Definitions.

- a) *Common open space.* Common open space is land and/or water bodies used for recreation, amenity or buffer. Where required for residential development, it shall be freely accessible to all residents of a development or project. It shall not be occupied by buildings or structures, except as defined in Section 6:2.5.a), drives, parking or street right-of-way; nor shall it include individual yards or lots of residential dwelling units. Underground utilities shall be allowed if they are not part of a septic tank system. Applications for approval of RRSP-25 and RRSP-50 development projects may include Working Farms within Common Open Space, which are not required to be freely accessible by residents, and are not subject to the other limitations of this paragraph.
- b) *Landscaping.* 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.

6:2.2. *Purpose.* The purposes of landscaping and open space standards are to both protect and enhance the character, appearance, and image of Calhoun County, and improve the appearance of vehicular use areas and property abutting public rights-of-ways; to protect, preserve and promote the aesthetic appeal, scenic beauty, character and value of land in the county; to promote public health and safety through reduction of noise pollution, storm water runoff, air pollution, visual pollution, and artificial light glare; and to provide as part of all high density residential projects sufficient open space and recreational areas for the inhabitants of such projects.

6:2.3. *Applicability.* Where required elsewhere by Article 6, no new development, building, structure or vehicular use area shall hereafter be created or used unless open space and/or landscaping is provided in accord with the provisions of this section.

- a) Any necessary development approvals and permits submitted for new commercial or industrial projects should be granted and obtained prior to the commencement of any clearing, grading, tree removal or construction on a site, to include a submitted site landscaping plan.
- b) This requirement is not intended to apply to residential, silvicultural or agricultural uses. The Calhoun County Planning Commission will consider and review all said plans for approval, and all plans shall be subject to public input.
- c) The purpose and intent of this language is improving the aesthetics of thoroughfares and other public spaces, which will contribute to the general welfare, prosperity, and pride of a community, while mitigating potential environmental damage and promoting harmonious activities.
- d) No existing building, structure or vehicular use area shall be expanded or enlarged unless the minimum landscaping and/or open space required by the provisions of this section are provided to the extent of the alteration or expansion; not required for the existing use.
- e) The provisions of this section shall not apply to existing or new mobile home parks.

6:2.4. *Common open space or landscaping plan.* An open space or landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

- a) Designate areas to be reserved as open space and/or for landscaping. The specific design or open space and/or landscaping shall be sensitive to the physical and design characteristics of the site.
- b) Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.
- c) Specify the manner in which common open space shall be perpetuated, maintained and administered.

6:2.5. *Types of common open space and/or landscaping.* The types of common open space which may be provided to satisfy the requirements of this chapter, together with the maintenance required for each are as follows:

- a) *For residential uses.*



- 1) *Natural areas* are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees and plant materials, and brush. Natural watercourses, considered to be open spaces, are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter flood 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 insuring that there exist no hazards, nuisances, or unhealthy conditions.
  - 3) *Greenways* are linear greenbelts 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 insuring that there exist no hazards, nuisances, or unhealthy conditions.
  - 4) *Landscaped areas and lawns* 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 mowed regularly to insure neatness and landscaped areas shall be trimmed, cleaned and weeded regularly.
- b) *For nonresidential uses.* Required landscaping shall be provided as follows:
- 1) Along the outer perimeter of a use, where required by the buffer yard provisions of this chapter, to separate incompatible land uses.
  - 2) Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing more than twenty (20) parking spaces. Landscaped areas shall be 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 designated to soften and compliment the building site.
  - 3) Along the exterior walls of all structures exclusive of paved pedestrian ways or loading areas, a landscaped strip of at least five (5) feet wide shall be required.

- 4) All commercial and industrial projects are encouraged when possible to leave borders and natural vegetation in place.

6:2.6. *Preservation of common open space.* Land designated as “common open space” may not be separately sold, subdivided or developed. Excess land designated as common open space may be developed in the future. 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:

- a) Common ownership of the open space by a homeowner’s association which assumes full responsibility for its maintenance.
- b) Dedication to and acceptance by the county.
- c) Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance responsibility.
- d) In the event that any private owner of common open space fails to maintain same, the county may in accordance with the open space plan and following reasonable notice and demand that deficiency of maintenance be corrected, 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.
- e) Open space not in common ownership shall be perpetually maintained by the owner(s) having title to such open space.

### **Section 6:3. Roadway and street intensity and service level standards.**

6:3.1. *Purpose.* The purposes of this section are:

- a) To relate land use and development to the design function and carrying capacity of the county road network,
- b) To reduce the cost of road repairs and maintenance by controlling development which would “overload” and accelerate the deterioration of existing streets, and
- c) To promote safety and convenience.

6:3.2. *Exceptions.* The requirements of this section shall apply to all land uses and structures except:

- a) Single-family dwellings and subdivisions with one hundred (100) or more feet of street frontage, on average.
- b) Any use, building or structure in the RU District.

6:3.3. *Road classification.* In order to carry out the purposes of subsection (a) above, all streets and roads in Calhoun County are hereby classified on the basis of their traffic carrying capacities and their design function in the circulation system.

- a) The classification system is based on concepts and criteria contained in the "Highway Functional Classification Manual, Concepts, Criteria, and Procedures", U.S. Department of Transportation, Federal Highway Administration. The manual classifies streets and roads into one of these functional categories: (1) local, (2) collector, and (3) arterial. Local streets are separated from other types because they carry significant volumes of foot and bicycle traffic and are used by children.
- b) For purposes of this chapter, these functional categories are refined to form a four street classification system, characterized as follows:
  - 1) *Minor local (residential) street:* A minor local street is one designed primarily to access abutting residential properties. This street normally terminates in a cul-de-sac, loop or other turnabout, with no more than two (2) access points.
  - 2) *Major local (residential) street:* A major local street is one designated primarily to access abutting residential properties. This street is characterized as one having two (2) or more access points, and receiving traffic from minor local streets.
  - 3) *Collector street:* A collector street is one that carries primarily residential traffic, but which provides no or only limited residential frontage and/or access.
  - 4) *Arterial street:* A street designated (1) to carry traffic from collector streets to the major arterial system, (2) to carry through traffic and (3) to carry intercounty traffic. Arterials are characterized as having access control, channelized intersections, restricted parking and signalization. The concept of service to abutting land is subordinate to the provision of travel service.

6:3.4. *Service level classification.* The level of service for streets and roads is defined (according to the 1985 Highway Capacity Manual) in terms of vehicular delay. Delay is a measure of driver discomfort, frustration, fuel consumption, and lost travel time. Varied and complex factors contributing to delay include intersection geometry, frequency of curb cuts, traffic volumes, signalization and cycle length, etc.

- a) The various levels of service are classified A through F, depending on the delay factor and traffic flow conditions, as follows:

*Level of Service A*

- Free flow conditions
- Low volumes
- Little or no delays
- Uninterrupted flow
- No restriction on maneuverability
- Drivers maintain desired speed

*Level of Service B*

- Stable flow conditions
- Operating speeds beginning to be restricted

*Level of Service C*

- Stable flow but speed and maneuverability restricted by higher traffic volume
- Satisfactory operating speed for urban conditions
- Some delays at signals

*Level of Service D*

- High density, but stable flow
- Restricted speeds
- Noticeable delays at signals
- Little freedom to maneuver

*Level of service E*

- Low, but relatively uniform operating speeds
- Volumes at or near capacity
- Approaching unacceptable delays at signals

*Level of Service F*

- Force flow conditions
- Stop and go operation
- Volumes below capacity may be zero
- Average vehicle delay at signals is greater than one minute

6:3.5. *Standards.* The following design capacity standards and service level designations shall govern the intensity of development along streets and roads in Calhoun County.

<i>Road Classification</i>	<i>Maximum ADT*</i>	<i>Level of Service Designations</i>
Minor local street (1 access point)	500	A
Major local street (2 access points)	1,600	C
Collector Street	3,000	C
Arterial Street	Not Applicable	C

\*ADT = Average Daily Traffic (trips)

To determine impact on ADT standards, The following table of “Traffic Generation Standards” shall be used in computing the number of trips to be generated by a given use. Also, traffic generated by existing uses on the impacted street shall be calculated by the table to determine aggregate daily traffic volumes and the capacity of the street to accommodate the proposed new use.

#### TRAFFIC GENERATION STANDARDS

<b>LAND USE</b>	<b>DAILY VEHICLE-TRIP RATE</b>	<b>per</b>
<b>Residential</b>		
Single-Family	9.55	Dwelling Unit (DU)
Apartment	6.47	DU
Condo/Townhouse	5.86	DU
Mobile Home Park	4.81	Occupied DU
Planned Unit Development	7.44	DU
<b>Retail</b>		
Shopping Center:		
Under 100,000 sq ft	70.7	1,000 sq ft GFA
100,000 to 1,000,000 sq ft	38.7	1,000 sq ft GFA
500,000 to 1,000,000 sq ft	32.1	1,000 sq ft GFA
More than 1,000,000 sq ft	28.6	1,000 sq ft GFA
<b>Office</b>		
General	11.85	1,000 sq ft GFA
Medical	34.17	1,000 sq ft GFA
Office Park	11.42	1,000 sq ft GFA
Research and Development Center	7.7	1,000 sq ft GFA
Business Park	14.37	1,000 sq ft GFA
<b>Restaurant</b>		

Quality Restaurant	96.51	1,000 sq ft GFA
High Turnover (Sit Down)	205.36	1,000 sq ft GFA
Fast Food w/o Drive Through	786.22	1,000 sq ft GFA
Fast Food w/ Drive Through	632.12	1,000 sq ft GFA
<b>Bank</b>		
Walk-in	140.61	1,000 sq ft GFA
Drive Through	265.21	1,000 sq ft GFA
<b>Hotel/Motel</b>		
Hotel	8.7	Occ. Room
Motel	10.9	Occ. Room
<b>Parks and Recreation</b>		
Marina	2.96	Berth
Golf Course	37.59	Hole
City Park	2.23	Acre
County Park	2.99	Acre
State Park	0.5	Acre
<b>Hospital</b>		
General	11.77	Bed
Nursing Home	2.6	Occ. Bed
Clinic	23.79	1,000 sq ft GFA
<b>Educational</b>		
Elementary School	10.72	1,000 sq ft GFA
High School	10.9	1,000 sq ft GFA
Junior/Community College	12.57	1,000 sq ft GFA
University/College	2.37	Student
<b>Airport</b>		
Commercial	104.73	Ave. Flights/Day
General Aviation	2.59	Ave. Flights/Day
<b>Industrial</b>		
General Light Industry	6.97	1,000 sq ft GFA
General Heavy Industry	1.5	1,000 sq ft GFA
Warehouse	4.88	1,000 sq ft GFA
Manufacturing	3.85	1,000 sq ft GFA
Industrial Park	6.97	1,000 sq ft GFA

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Source: TRB Report No. 365 "Travel Estimation Techniques for Urban Planning"

6:3.6. *To determine impact on service level designations, Section 6:3.5.* Where required by Section 7:21 Large Scale Projects, the calculation to determine the impact on service level designations shall be made by a qualified traffic engineer representing the applicant. All data, including the recommendations of the engineer, shall be made available to the zoning administrator, who in turn may request review, comments and verification from the South Carolina Department of Highways and Public Transportation, regional transportation officials and county traffic engineers. Their suggestions and recommendations shall be reviewed with the applicant by the zoning administrator for possible incorporation in the final plan, or shall be referred to the planning commission for review.

6:3.7. *Application of standards, project review.* All proposed nonexempt projects and land uses shall be evaluated by the zoning administrator on the basis of their traffic generating capacity and their impact on designated street service levels. Where the administrator determines that a proposed use will generate ADT (average daily traffic) in excess of the limits established by Section 6:3 or create a lower level of service than designated by Section 6:3.5 for streets and roads in the county, such use(s) shall be referred to the planning commission for review.

a) In their review of the project application, the planning commission may consult the South Carolina Department of Highways and Public Transportation, other county and regional agencies involved in matters of transportation.

b) The review may result in:

- 1) required modifications to the proposed use,
- 2) required modifications to the internal and/or external road network serving and impacted by the proposed use,
- 3) a variance to the standards contained in this section 6.3,
- 4) mitigation,
- 5) required offsite improvements,
- 6) limiting frontage and access, or
- 7) denial, stating the reasons for denial.

c) If denied by the planning commission, the applicant may appeal the decision to county council, who, in turn shall call for a public hearing, having given fifteen (15) days notice of time and place in a newspaper of general circulation in the county. The council may overturn, modify or affirm the decision of the commission.

d) Planning commission or county council approval on appeal shall be prerequisite to the issuance of a building permit for those projects referred by the administrator to the commission. Projects determined not to exceed the standards of Section 6:3.5 may be approved by the zoning administrator.

## **Section 6:4. Buffer yard standards.**

6:4.1. *Purpose.* The purposes of the buffer yard are to ameliorate nuisances between adjacent land uses, and to promote land use compatibility. Additionally, the buffer yard offers the developer several options, each of which is calculated to “buffer” to an equivalent degree through distance (setbacks) and/or density (mass).

The unique feature of the buffer yard is that it is flexible. It may vary in distance and density based on (1) what is proposed, (2) what is existing on the adjacent property, and (3) the type of buffer yard selected from one of the three prescribed by the buffer yard illustrations.

6:4.2. *Definition.* A buffer yard is a strip of land located between different land uses. The buffer yard may contain specified types and amounts of live plantings and/or other structures needed to eliminate or minimize conflicts between land uses.

6:4.3. *Exceptions.* The requirements of this section will apply to all land uses and structures except:

- a) Single-family dwellings, manufactured homes, and manufactured home parks.

6:4.4. *Where Required.* Proposed new uses or substantially expanded uses (over 50 percent gross floor area) shall be required to provide buffer yards in accord with Table 6:4.1. The amount of land and the type of planting specified for each buffer zone required by this chapter are designed to limit possible nuisances between adjacent land uses or between a land use and a public road. The planting units required of buffer yards should be calculated to ensure that they do, in fact, function to “buffer.”

6:4.5. *Location of buffer yards.* Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing public or private street or right-of-way; however, they may occupy part or all of any required front, side or rear yard setback. Where required, buffer yards shall be developed as an integral part of the proposed use.

6:4.6. *Determination of buffer yard requirements.* To determine the buffer yard required between adjacent parcels, the following procedure shall be followed:

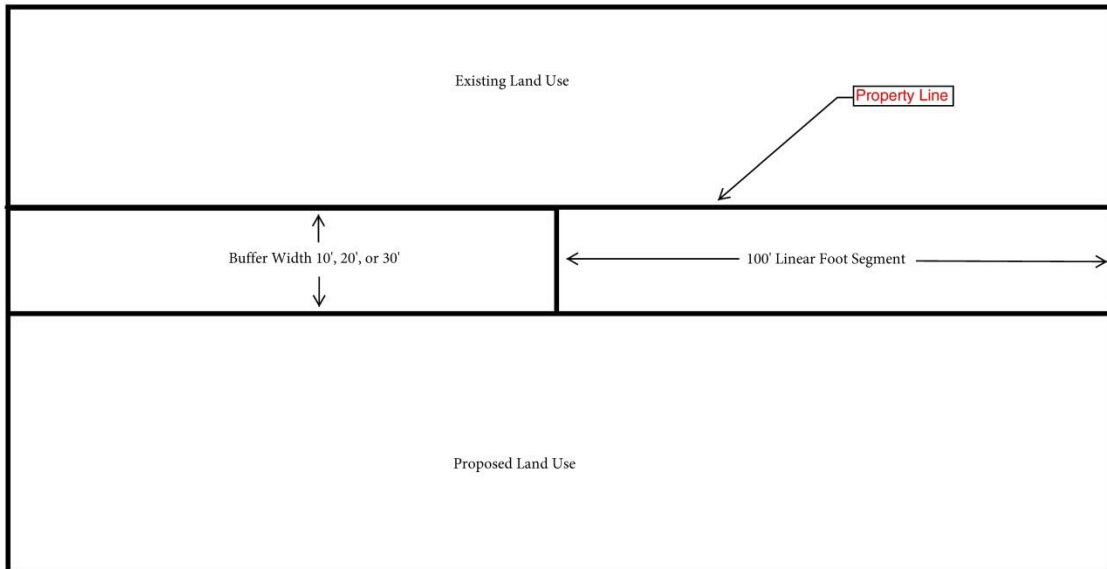
- a) Identify the proposed land use.
- b) Identify the use of land adjacent to the proposed use.



- c) Determine the buffer yard required on each boundary (or segment thereof) of the proposed land use by referring to the table of buffer yard requirements and illustrations contained in this section which specify the buffer yard options between a proposed use and the existing adjacent use.

Where an existing use includes undeveloped land, the buffer yard requirements of this section shall apply only to that segment of the property line separating the two (2) uses.

6:4.7. *Buffer yard specifications.* Tables 6:4.1, 6:4.2, and 6:4.3 in this section specify the type and quantity of plant materials required by each buffer yard. The requirements are stated in terms of the width of the buffer yard and the number of plants required per one hundred (100) linear feet of buffer yard. The requirements of a buffer yard may be satisfied by any one of the options.



6:4.8. *Required plantings.* To determine the exact amount of required plantings, first determine the "plant unit multiplier". To do this, take the linear footage of the buffer yard and divide it by 100. (*example: If a buffer yard is (65) linear feet: the "plant unit multiplier" would be .65.*) Next, in order to determine the required number of plantings, multiply the "plant unit multiplier" by each separate number of required plantings required by each buffer yard type (refer to Tables 1, 2, & 3 in this section). All determined required plantings shall be rounded up to the next greatest whole number.

- a) The exact placement of required plants shall be the decision of the developer except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival and increase screening.
- b) No required plantings and/or approved substitutions for the required plantings shall be located so as to obstruct travel vision at street or driveway intersections.
- c) All buffer yard areas not devoted to plants shall be seeded with lawn grass or suitable ground cover.

**Table 6:4.1 Buffer yard Requirements: Types Required**

Proposed Use				Existing Adjacent Use					
	Agriculture, Vacant	SF Dwelling in residential district	SF Dwelling all other zoning districts	All Other Residential Uses	Office/ Institutional	Commercial	Services	Industrial/ Utilities	Street
SF Residential	1	0	1	1	2	2	3	2	2
All other residential	1	2	1	1	2	2	3	3	1
Commercial (CC)	2	2	2	2	1	1	2	1	1
Services (SD)	2	3	3	3	2	2	1	2	2
Office/Institutional	1	2	1	1	1	1	2	2	1
Industrial/Utilities	2	3	3	3	2	2	2	2	2

**Table 6:4.2 Buffer yard Requirements: Plants Required**

Bufferyard Type	Bufferyard Widths	Required Plant Units per 100 ft.
<b>(1)</b>	Ten (10) feet	3 Canopy Trees
	Twenty (20) feet (*)	6 Understory Trees
	Thirty (30) feet (**)	12 Evergreen/Conifers
		24 Shrubs
<b>(2)</b>	Ten (10) feet	4 Canopy Trees
	Twenty (20) feet (*)	6 Understory Trees
	Thirty (30) feet (**)	12 Evergreen/Conifers
		24 Shrubs
<b>(3)</b>	Twenty (20) feet	4 Canopy Trees
	Thirty (30) feet (*)	8 Understory Trees
	Forty (40) feet (**)	16 Evergreen/Conifers
		32 Shrubs

(\*) If these buffer yard widths are selected, only one-half the number of required plant units per 100' shall be necessary.

(\*\*) If these Buffer yard widths are selected, only one-quarter the number of required plant units per 100' shall be necessary.

d) *Example:* If a particular boundary between land uses requires a Type (1) density classification, select either a 10', 20' or 30' wide buffer yard. If the 10' width is selected, the full complement of plantings listed must be placed in the buffer yard. If the 20' width is selected, only one-half (1/2) the number of listed plantings has to be provided, and for the 30' buffer yard, only one-quarter (1/4) the required number of plants per one hundred (100) feet.

1) If a fraction occurs when determining the amount of required plant units per 100 ft. of buffer yard, the required amount shall be the rounded up to the next greatest whole number.

e) *Example:* If a land use requires 1.25 canopy trees for every 100' of buffer yard, then the developer should provide 2 canopy trees for every 100' of buffer yard.

6:4.9. *Minimum plant size.* Plants shall be sufficiently sized to insure buffering and screening at the time of installation. Where the Buffer yard Illustrations indicate a mass or line of plants paralleling the length of the property line, the plant materials shall be sufficiently sized to insure obscurity at the time of installation. However, seedling plants may be used where berms or structures are required as part of the buffer yard. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within one year.

**Table 6:4.3. Plant Materials in Bufferyards**

Plant Materials Type	Planting in Bufferyards, Abutting Structures	
	Fences, Berms	All Other Plantings
<b>Canopy tree:</b>		
<i>Single stem</i>	1 1/2-inch caliper	2 1/2-inch caliper
<i>Multistem clump</i>	6 feet (height)*	10 ft. (height)*
<b>Understory tree:</b>	4 feet (height)*	1 1/2-inch caliper
<b>Evergreen/conifer:</b>	3 feet (height)*	5 ft. (height)*
<b>Shrub:</b>		
<i>Deciduous</i>	15 inches (height)*	24 inches (height)*
<i>Evergreen</i>	12inches (height)*	18 inches (height)*

(\*) No caliper requirements

6:4.10. *Plant Classification.* Four basic plant types, adapted to local conditions, are specified for installation in buffer yards.

- a) *Canopy trees:* Large deciduous trees with a mature height of thirty (30) feet or greater. Examples include Hickory, Oaks, Magnolia, and Maples.
- b) *Understory trees:* Deciduous trees or large shrubs with a mature height of ten (10) to thirty (30) feet. Examples include Fruit Trees, Sourwoods, Dogwoods, Crepe Myrtles, and Holy Trees.
- c) *Evergreen/conifers:* Trees or large shrubs that reach at least (10) feet in height at maturity, and have grown foliage during all seasons of the year. Examples include Junipers, Cedars, Pine, Cypress, Blue Spruce Tree, Oak, Maple, Birch, Ash, Willow, Poplar, Aspen Beech, and Walnut.
- d) *Shrubs:* Prostrate or upright woody plants, evergreen or deciduous, with a mature height often less than (10) feet. Examples include Juniper, Ligustrum, Azalea, Camelia, Boxwood and Photinia.

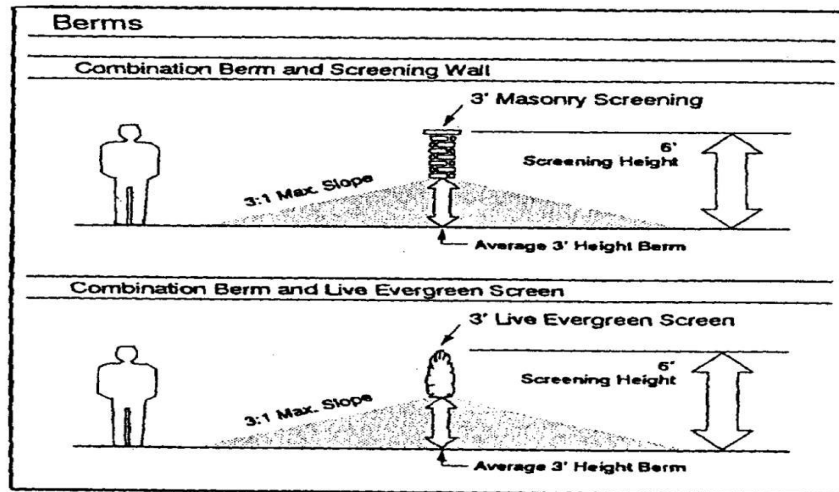
6:4.11. Species Diversity. Diversity among required plant material is mandatory for visual interest and to reduce the risk of losing a large population of plants due to disease.

- a) Species diversity requirement: No more than 50% of any plant unit requirement may be of a single species for any buffer yard type.

6:4.12. *Buffer yard substitutions.*

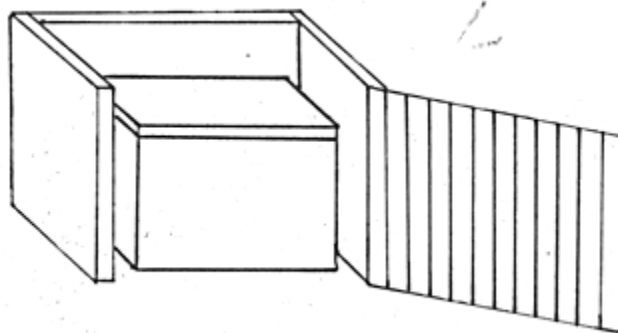
- a) Evergreen canopy or evergreen understory trees may be substituted up to fifty (50) percent for deciduous understory and canopy trees.
- b) In all buffer yards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.
- c) Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
- d) Where, owing to existing land use, lot sizes, configurations, topography, or circumstances peculiar to a given piece of property the buffer yard requirements of this section cannot reasonably be met, the developer 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.
  - 1) A six-foot high fence or wall may be substituted for a type 1 or 2 buffer yard and an eight-foot fence or wall may be substituted for a type 3 buffer yard.
  - 2) All fences and walls used as part of the buffer yard requirement must have the finished side facing outward. Fences shall be wooden or other durable or opaque material approved by the zoning administrator.
  - 3) Wooden fences shall be made of rot resistant material such as locust, cedar or redwood. If made of other woods, the post shall be rated for soil contact and the boards rated for outside use.
  - 4) Chain-link fences with wood, plastic, or metal strips are expressly prohibited. However, a chain-link fence with evergreen hedge is acceptable.
  - 5) Walls must be made of masonry materials including poured concrete, concrete block covered with stucco, or brick.

- e) Berms may be substituted for the required buffer yard plantings provided the berm or any combination of berm, fence, and/or plantings provides an opaque screen that is six-foot high for a type 1 or 2 buffer yards and eight-foot high for type 3 buffer yards. Berms must parallel property lines when utilized.



6:4.13. *Outside storage.* Any proposed commercial, industrial or other nonresidential use with over five hundred (500) square feet of outside storage area for materials to be sold, salvaged, stored and the like shall meet buffer yard requirements for light industry around the outside storage unit. Other uses on the site, if any, shall carry the appropriate buffer yard classification specified by Table 1.

6:4.14. *Containers and dumpsters.* All exterior dumpsters or exterior garbage containers (excluding containers or groups containers with a combined capacity of less than six (6) cubic yards) shall be screened on all but one side by a fence or wall, intensive landscaping, or other suitable opaque enclosure. The average height of the enclosure shall be one (1) foot more than the height of the container but shall not be required to exceed eight (8) feet in height. The open side shall be obscured from street visibility to the extent possible.



6:4.15. *Fences and walls, appearance.* All fences and walls used as a part of the buffer yard 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. Where fences or walls are proposed by the developer, but not required by the applicable buffer yard requirements, they shall be established along the inside line of the buffer yard, toward the proposed use, except for ornamental fences or fences to the rear of the property, which may be built on the property line. Security fences and walls also may be established along the outer perimeter of the lot, with approval of the zoning administrator..

6:4.16. *Use of buffer yards.* A buffer yard may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited.

6:4.17. *Required maintenance.* The maintenance of required buffer yards shall be the responsibility of the property owner. And all such yards shall be properly maintained so as to assure continued buffering. Failure to do so is a violation of this chapter and may be remedied in the manner prescribed for other violations.

## **Section 6:5.           Infrastructure and utility service requirements.**

6:5.1.     *Purpose.* All development shall be provided with no less than minimum services in conformance with the provisions of this section. The property owner or developer, his agents or his assignees shall assume responsibility for the provision of basic services as a prerequisite to development does not in any way obligate the county council or its departments or agents to furnish such services.

6:5.2.     *Utilities and services.* No development shall be undertaken if adequate provision has not been made for the following basic services:

- a) Adequate power supply, normally electricity.
- b) Potable water supply of sufficient quantity and quality to satisfy domestic needs.
- c) Water supply of acceptable quantity and quality to satisfy commercial or industrial demand.
- d) Adequate means for treatment and disposal of domestic sewage and other liquid wastes.
- e) Adequate means for collection and disposal of solid wastes, except for single family residential developments.

6:5.3. *Easements.* No development shall be undertaken unless adequate easements are provided to accommodate all required or planned utilities. The developer shall also demonstrate that adequate provisions have been made for access to and maintenance of all easements.

**Section 6:6.            Drainage, sediment control and grading standards.**

6:6.1. *Runoff to adjoining property restricted.* No development shall be undertaken that appreciably increases the rate of surface water runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention/detention on the development parcel, percolation into the soil, evaporation, or in transport by natural drainage way or conduit to an appropriate point of discharge. The discharge rate shall not exceed a two-year frequency.

a) All rain fall runoff shall be estimated by use of the rationale formula,  $Q=CIA$ , in which Q= quantity of runoff, cfs; C=average runoff coefficient, depending on slope, soil, land area and time of concentration; I=intensity of rainfall (in. per hr.); and A+ area under consideration (acres). The runoff coefficient must be selected from knowledge of the area and experience and must be appropriate to the types of development contemplated. For areas where the exact land use is known a precise runoff coefficient can be applied; however, as the drainage structures in the lower reaches of the area are considered, with variable land uses contributing to the runoff, calculated composite coefficient can be used.

b) Rainfall runoff for development areas of varying sizes shall be calculated using the following standards at a minimum:

<i>Size of area</i>	<i>Minimum rainfall intensities</i>
1-300 acres	25 year frequency
300 of more acres	50 year frequency

c) Rainfall intensities in excess of the above minimum standards may be required.

d) All drainage calculations and designs shall be approved by the county engineer. Estimates of both predevelopment and post development runoff must be provided. The county engineer may waive the requirements for the provision of such drainage calculations and design, at his discretion, for development utilizing ten (10) acres of land or less.



- e) All drainage structures, easements, and retention/detention facilities which are part of the drainage systems of traditional owner-occupied residential subdivisions and which are required and approved by Calhoun County shall be conveyed to the county in a format acceptable to the county for perpetual maintenance. Such facilities shall be fenced as specified by the county engineer.
- f) All retention/detention ponds accepted by the county for perpetual maintenance shall be assessed an impact fee, as established by county council resolution.
- g) The fees shall be paid prior to acceptance of such retention/detention facilities and related structures by the county council, shall be deposited in an escrow fund established by the county treasurer, and shall be designated and used solely for the required maintenance of retention/detention facilities and related drainage structures and easements.
- h) The county engineer is authorized to establish and to enforce construction standards for such retention/detention facilities and related drainage structures and easements. No such retention/detention facilities designed to hold water permanently shall be conveyed to the county. Such facilities shall be maintained in a manner acceptable to Calhoun County such as by means of a home owners association or some other format approved by the county attorney.
- i) However, all drainage structures, easements, and retention/detention facilities which are part of the drainage systems of commercial developments, industrial developments, multifamily apartment/rental developments and residential developments such as condominiums which involve common ownership of property and facilities shall be maintained perpetually by the owners of such development. In the case of such condominium residential development involving common ownership of property, evidence of the provision for perpetual maintenance of such drainage systems, structures, easements, and retention/detention facilities must be provided and approved by the county attorney prior to the issuance of certificates of occupancy for such structures. Such facilities should be fenced as specified by the county engineer. Should the owner not fence as suggested, the owner shall provide documentation necessary to hold the county harmless for damages resulting from storm water runoff. Such documentation must be approved by the county attorney.

6:6.2. *Reserved.*

**Section 6:7. Available public facility service.**

6:7.1. Except for buildings, structures and development in the RUD District, which are exempt from the requirements of this section, a developer must tie into existing public or private community water and/or sewer systems located within one thousand (1,000) feet of a proposed development, unless the public or private system has determined such connection is not feasible and provided further that the public and/or private system does not require extra consideration as provided for below: annexation.

6:7.2. In the event that public or private system has been determined not feasible or in the event such public and/or private system requires such extra consideration as specified herein, then and in either such event, the developer may provide independent alternative water and/or sewer services provided such alternative services meet applicable regulations of the South Carolina Department of Health and Environmental Control.

**Section 6:8. Access to major thoroughfares.**

No street or driveway shall enter a major thoroughfare as designated on the official major thoroughfares map at a point nearer than three hundred (300) feet from an existing thoroughfare, street, alley or driveway except where a tract of land would be rendered unusable by the strict application of this chapter. The county planning commission shall determine whether strict application of this Section of this Article shall be enforced.

**Section 6:9. Communications Towers and Antennas.**

6:9.1. *Purpose.* The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The county endeavors to provide for the ever expanding communications needs while protecting the residential areas and associated land uses from the potential adverse impacts of towers and antennas. Other purposes of this section include:

- a) Provide guidelines that allow for the siting of cellular towers within Calhoun County.
- b) Discourage the location of towers in residential areas.
- c) Minimize the total number of towers located throughout the community.
- d) Strongly encourage the joint use of new and existing tower sites as a primary option rather than the construction of additional single-use towers.

- e) Encourage the location of towers and antennas in areas where the adverse impact on the community is minimal.
- f) Encourage the users of towers to configure them in a way that minimizes the adverse visual impact of the towers and antenna through careful design, siting, landscape screening and innovative camouflaging techniques.
- g) Enhance the ability of the providers of telecommunications services to provide services to the community quickly, effectively and efficiently.
- h) Avoid potential safety hazards and damage to property from tower failure through engineering and careful siting of tower structures.

6:9.2. *Definitions.*

- a) Communications Tower as used in this ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes, above ground in a fixed location, free-standing, guyed, or on a building or other structure.
- b) Telecommunications, as defined in the federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- c) Antenna means a device, dish or array used to transmit or receive telecommunications signals.
- d) Height of communication tower is distance from base structure at ground level to top of tower, including top-mounted attachments such as lightning rods.

6:9.3. *Building Permit Required.* Prior to the erection of a communication tower within the unincorporated area of Calhoun County, a building permit must be obtained from the Building Codes Official. Prior to the issuance of a building permit, the Building Codes Official or his designee must approve the proposed construction or erection of a communications tower subject to the standards of this section.

6:9.4. *Applicability.*

- a) New towers and antennas. All new towers or antennas in Calhoun County shall be subject to these regulations, except as provided below in Section 6:9.4.b) through 6:9.4.d).

- b) Amateur radio station operators/receive only antennas. This section shall not govern the installation of any antenna owned and operated by an amateur radio operator and used exclusively for private noncommercial purposes.
- c) Preexisting towers or antennas. Preexisting towers and antennas shall not be required to meet the requirements of this section unless moved or replaced.
- d) Proposed communications equipment co-locating on existing towers and structures without addition to their height shall not be subject to the requirements of this section.

6:9.5. *General Conditions.*

- a) A free-standing or guyed communication tower may be located in all districts except the following: UD, RC, RD, OR, and SPI.
- b) The height of a free-standing or guyed communication tower must not exceed 300 feet. A tower and/or antenna mounted on an existing building, water tank, or structure other than a freestanding or guyed tower must not extend more than twenty (20) feet above the highest part of the structure.
- c) All conditions listed under the specific zoning district must be met.
- d) Setbacks:
  - 1) *Minimum setback from residential structures/districts:* One (1) foot setback for each foot in height of the proposed tower, plus fifty (50) feet measured from the base of the tower.
    - a. In the case of a tower and/or antenna on a building, the setback must be measured from the base of the building.
    - b. This requirement may be waived by the owner(s) of the residential structure.
  - 2) *Minimum setback for fall zone:* A communication tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall from encroaching onto adjoining properties. The fall zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal.
- e) *Historic and Scenic Property:* A communication tower must not adversely affect any property listed in the National Register of Historic Places, State Heritage Preserves, State or National Parks, or any road or river that has been officially designated a scenic road or river.

f) Co-Location:

1) *Certification of Unavailability of Existing Towers for Co-Location:*

For the purpose of co-location review, the applicant shall submit satisfactory written evidence (such as correspondence, agreements, contracts, etc.) that alternative towers, buildings, or other tall structures are not available for use within the tower applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, providing a location free of interference from other communication towers, or available at the prevailing market rate (as determined by county staff communications with persons doing business with the industry).

2) *Future Co-Location Opportunity:* A communication tower shall be constructed for future co-location opportunity subject to engineering capabilities of that design. The tower's owner must submit documentation of his/her willingness to allow other users to co-locate on the tower at the prevailing market rate (as determined by county staff communications with persons doing business with the industry).

g) Screening: A minimum of a six (6) foot non-climbable fence shall be placed around the tower and any associated building. Guy wires may be fenced separately.

h) Lighting: A communications tower shall only be illuminated as required by the Federal Communications Commission or the Federal Aviation Administration. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agency.

i) Signage: A communication tower shall not include signs on any portion of the tower, except as is required by applicable state or federal law, rule or regulation. However, signs for the purpose of identification, warning, emergency function and/or contact information may be placed as required by standard industry practices.

j) Aesthetics: Towers and antennas shall meet the following requirements:

1) Applicants must provide camouflaging such as man-made trees, clock towers, bell steeples, light poles or similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers, or provide documentation as to why camouflage is not feasible.

- 2) The tower shall either maintain a galvanized steel finish or meet the applicable standards of the FAA. If the tower is not to be camouflaged by an alternative tower structure, the tower is to be painted a neutral color so as to reduce visual obtrusiveness.
  - 3) Whether a tower is camouflaged or not at a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
  - 4) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - 5) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
- k) State or Federal Requirements: All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- l) Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes. If, upon inspection, the county concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- m) Minimum distance between towers: Separation distances between towers shall be applicable to and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.

6:9.6. *Application Requirements.* An application for a building permit for a communications tower shall include the following information:

- a) A scaled site plan showing the location of the tower, guy, anchors (if any), buildings and other structures or improvements, parking, driveways and fences. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any surrounding residential structures.
- b) Elevation drawing(s) shall clearly show the height and design of the tower, and the materials to be used, including color.
- c) Documentation indicating that co-location on existing towers or buildings in the vicinity of the proposed tower was attempted by the applicant but found unfeasible, with reasons noted.
- d) Documentation showing the structural capability of the communication tower to accommodate co-location and willingness of the tower owner to allow co-location of the tower.
- e) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas or sites approved for towers or antennas that are either within the jurisdiction of the county or within one mile of the border thereof, including specific information about the location, height and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or conditional use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the county; provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- f) Any other information as requested by staff or by the Board of Zoning Appeals to allow adequate review of approval criteria, including a line of sight analysis showing potential visual and aesthetic impacts. For instance, photographs may be required with the tower superimposed to assess visual impact. Additionally, the proposed tower's FAA study number may be required.

6:9.7. *Conditionally Approved Uses.*

a) General. The following provisions shall govern the issuance of conditional use permits for towers or antennas either as primary or accessory uses.

- 1) The Zoning Administrator shall review the application and determine if the proposed use complies with the conditions outlined in this section.
- 2) The Zoning Administrator may administratively approve the uses listed in this subsection.
- 3) The Zoning Administrator, with input from the Building Codes official, shall have a maximum of thirty (30) days to act on the application. Staff's failure to act on the application within this time frame will result in the applicant being granted a building permit unless the applicant's obligation to provide requested information as specified by this ordinance and/or the zoning administrator or his designee is not met.

b) List of Conditionally Approved Uses.

- 1) Locating antennas on existing structures with modifications consistent with the General Conditions listed in this section and provided that:
  - a. The antenna, as measured from the lowest grade, does not extend more than the maximum allowed building height for the zone wherein the structure is located.
  - b. The antenna complies with all applicable FCC and FAA regulations.
  - c. The antenna complies with all applicable building codes.
- 2) Locating antennas on existing towers with modifications made consistent with the General Conditions listed in this section and provided co-location is accomplished in a manner consistent with the following:
  - a. Any tower modifications or reconstructions to accommodate the co-location of an additional antenna is of the same tower type as the existing tower unless the Zoning Administrator allows reconstruction as a monopole.
  - b. An existing tower may be modified or rebuilt to a taller height provided that it does not exceed the maximum allowed tower height established by the applicable zoning district.



- c. A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved temporarily onsite within fifty (50) feet of its existing location, provided only one (1) tower will remain on the site.
- 3) Locating new towers consistent with the General Conditions listed in this section and the following:
  - a. Proposed tower does not exceed the maximum tower height established by the applicable zoning district.
  - b. Proposed tower is not closer in proximity to adjacent towers than allowed.
  - c. Zoning Administrator has certified that co-location with an existing tower or attachment to an existing structure is not feasible.
  - d. Proposed tower is to be built using monopole or guyed construction.

6:9.8. *Special Exception Uses.*

- a) General. The following provisions shall govern the issuance of special exception permits for towers or antennas either as primary or accessory uses by the Board of Zoning Appeals.
  - 1) If the tower or antenna is not an exempt use listed under Section 6:9.4 or a conditionally approved use listed under Section 6:9.7 of this section, then a special exception permit shall be required for the construction of a tower or the placement of an antenna.
  - 2) In granting a special exception permit, the Board of Zoning Appeals may impose conditions to the extent that the Board of Zoning Appeals concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
  - 3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- b) Towers. Factors considered in granting special exception permits for towers. In addition to the general conditions required for consideration, the Board of Zoning Appeals shall consider the following:
  - 1) Proposed tower does not exceed the maximum height established by the applicable zoning district.

- 2) Proximity of the tower to residential structures and residential district boundaries. Towers shall be a minimum of five hundred (500) feet from existing residential, public, school, or church areas.
- 3) Nature of uses on adjacent and nearby properties.
- 4) Design of the tower.
- 5) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures. Availability of suitable existing towers, other structures or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board of Zoning Appeals related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following (although nothing should be construed to infer that meeting one, some or all of the following shall entitle the applicant to approval):
  - a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development by 25% are considered to be unreasonable.
- f. The applicant demonstrated that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

6) Setbacks.

- a. Guy wires and accessory buildings must satisfy the minimum zoning district setback requirements.
- b. No tower shall exist within required buffer areas as prescribed within this ordinance.
- c. Proposed tower meets the setback requirements of this section.

7) Minimum Distance between Towers. Separation distances between towers shall be applicable for and measure between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.

- a. Minimum distance between towers may be waived if applicant documents that existing towers in the area are incapable of supporting their equipment from a structural standpoint.
- b. Minimum distance between towers may be waived if applicant documents that transmission equipment on existing towers in the area would result in interference and impede their ability to transmit.

- c. Minimum distance between towers may be waived if applicant documents that the owner(s) of existing towers in the area refuses to make the tower space available at prevailing market rates for the Calhoun County area market.

- 8) The Board of Zoning Appeals may waive or reduce the burden on the applicant of one or more of these criteria if the Board concludes and documents that the goals of this section are better served thereby.

6:9.9. *Tower Abandonment.* A communication tower that is not used for communication purposes for more than 120 days (with no new application on file for any communication user) is presumed to be out of service and the owner of such tower must notify the Zoning Administrator and remove the tower within sixty (60) days.

## 6:10 Standards for Off-street Parking and Loading

6:10.1. *Definition.* An off-street parking space is an area, not in a street or alley, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a driveway which affords ingress and egress.

6:10.2. *Purpose.* The purpose of this chapter is to ensure the provision of off-street parking in sufficient quantity to satisfy the demand generated by any given land use, and subsequently reduce the impact of development (requiring parking) on the public transportation system.

6:10.3. *Off-street parking requirements.* Off-street automobile storage and parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of parking spaces provided shall be at least as great as the number specified below for the particular use(s). When application of said provision results in a fractional space requirement the next larger requirement shall prevail.

<i>Principal Use</i>	<i>Spaces Per Unit of Measure</i>
Auditorium, theater places of public assembly	0.3 per seat in main auditorium
Auto service station, full service	1.0 per four pumps
Boarding and rooming house	1.0 per bedroom
Bowling alley	5.0 per lane
Church/synagogue	0.3 per seat in main seating area
Child care center	1.0 per 200 sq. ft. GFA
Congregate housing	3.0 per every 5 beds
Cultural facilities, i.e., art galleries, museums,	1.2 per 1,000 sq. ft. GFA

libraries, etc.	
Dwelling unit	1.5 per one bedroom unit; 2.0 per unit for all others
Financial institutions	1.0 per 300 sq. ft. GFA
Automatic tellers	2.0 per machine
Fraternity and sororities	3.3 per 1,000 sq. ft. GFA
Funeral home	5.0, plus 1.0 per 4 seats in main assembly room
Grocery or supermarket	3.5 per 1,000 sq. ft. GFA
Grocery convenient (7-11 type) (with or without gas pumps)	1.0 per 200 sq. ft. GFA
Hospitals and nursing homes	1.0 per bed, plus 1.0 per 300 sq. ft. office and administrative space
Hotel, motel or motor court	1.1 per rental unit, plus requirement for associated use
Industrial, manufacturing, and processing	1.0 per 800 sq. ft. GFA, or as uses determined by review on a case-by-case basis to be sufficient for the largest number of employees on any shift, including any additional spaces required for overlapping shifts.
Membership organizations	3.3 per 1,000 sq. ft. GFA
Miniwarehouses	1.0 per 10 storage units
Office and professional building	1.0 per 250 sq. ft. GFA
Office, medical or dental, clinics	2.0 spaces per bed or 1.0 space per 150 sq. ft. GFA, whichever is greater
Public service buildings	1.0 per 250 sq. ft. GFA
Radio and TV stations	1.0 per 1,000 sq. ft. GFA
Restaurants and other establishments dispensing drinks and food	1.5 per 150 sq. ft. GFA
Retail store and personal service shops	1.0 per 200 sq. ft. GFA
Sales and service not listed elsewhere	1.0 per 300 sq. ft. GFA
Schools	
Elementary and Junior High	2.0 per classroom, plus 2.0 office
Senior high, business, vocational, and colleges	5.0 per classroom
Shopping center	1.0 per 250 sq. ft. GFA
Taverns, discos, night clubs, clubs engaged principally in dispensing alcoholic beverages	1.0 per 100 sq. ft. GFA
Veterinary clinic	1.0 per 200 sq. ft. GFA
Wholesaling, warehousing and distribution operations	1.0 per 5,000 sq. ft. GFA

*GFA = Gross Floor Area*

- a) The parking space requirements for a use not specifically listed above shall be the same as for a listed use of similar characteristics of parking demand generation.
- b) Except for shopping centers, mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- c) Whenever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

6:10.4. *Parking space for physically handicapped.*

- a) When off-street parking is required for any nonresidential use, parking for the handicapped shall be included when calculating the overall parking requirements for a building or use, based on the following formula:

Number of Required Spaces	Number of Spaces Reserved For Handicapped Persons
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 and over	2% of total required

- b) Parking spaces for the physically handicapped shall measure twelve (12) feet by twenty (20) feet and shall be located as close as possible to ramps, walkways, and entrances.
- c) Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps or walkways.

6:10.5. *Reduction of off-street parking space.* Off-street parking facilities at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter for a similar new building or new use.

Off-street parking facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter, except that by reason of reduced floor area or capacity or change in requirements that a reduction in off-street parking is reasonable and consistent with the public welfare.

6:10.6. *Land to provide parking.* The land to provide parking must be on the same site as the use it is intended to serve; however, street separation is permissible.

6:10.7. *Design and construction standards.*

- a) *Applicability.* The requirements of this section shall not apply to patio homes, duplexes, mobile homes, semidetached dwellings, or outdoor recreational uses or any uses in the RD District.
- b) *Drainage and maintenance.* Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets. Off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.
- c) *Separation from walkways and streets.* Landscaping, curbing, fencing or other approved barriers to vehicular movement shall be provided along property boundaries to control entrance and exit of vehicles or pedestrians, and separate off-street parking spaces from sidewalks and streets. All parking spaces shall be designed so that vehicular movement onto a public street is in a forward motion.
- d) *Surfacing and marking.* Parking lots twenty (20) or more spaces shall be surfaced with asphalt or concrete, and shall be marked by painted lines, curbs or other means to indicate individual spaces. However, such requirements may be waived on an individual basis by the planning commission for rural churches, certain industrial uses, and uses not catering to the public.
- e) *Lighting.* Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential uses. It is recommended that lighting fixtures be “dark sky” friendly and offer reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night. Energy conservation is encouraged. Care should be taken to minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary.

- f) *Parking and isle dimensions.* Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of twenty percent (20) of the total number of stalls may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle widths shall be as follows:

90 degree parking.....	24 feet
60 degree parking.....	20 feet
45 degree parking.....	15 feet

- g) *Joint use of off-street parking lots.* Up to fifty (50) percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (1); provided however, that written agreement assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and content by the county attorney, and shall be filed with the application for a building permit.

6:10.8. *Off-street loading.* All uses shall provide off-street loading areas sufficient for their requirements.

- a) Such space shall insure that no vehicle being loaded or unloaded in connection with normal operations will stand in or project onto a public street or sidewalk.
- b) Off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve.

## **6:11. Standards for Location, Construction and Maintenance of Signs**

6:11.1. *Purpose.* The purpose of these regulations is to protect the dual interest of the public and the advertiser. They are designed to promote public safety and welfare and insure the maintenance of landscape quality and environmental preservation, while satisfying the needs of sign users for efficient and adequate identification, communication and advertising.

6:11.2. *Applicability and conformance.* This chapter regulates the number size, placement and physical characteristics of signs, exempts certain signs, prohibits certain signs, and requires permits for certain signs. From and after the adoption



of this chapter, no sign may be erected in the unincorporated area of the county unless it conforms with the requirements of this article.

6:11.3. *Applicable Definitions.*

- a) Electronic changeable copy sign. A sign or portion thereof that displays electronic, non-pictorial or pictorial static images, static graphics, static pictures, or static text defined by a small number of matrix elements using different combinations of light emitting diodes (LED's) fiber optics, light bulbs, or other illumination devices within the sign display area where the text and/or pictorial or graphic messages in the sign display area change copy by electronic or electronically controlled means; Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays, and any all digital signs that have the ability to change copy through electronic or electronically controlled means.
- b) Flashing sign. A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling.
- c) Freestanding sign. A sign standing directly upon the ground or having one (1) or more supports directly upon the ground, and being detached from any building or structure.
- d) Marquee sign. A sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building line.
- e) Moving Sign - A sign in which any parts of the physical sign move, rotate, or are otherwise not static.
- f) Projecting sign. A sign which is attached to the face or outside wall of a building which projects out at an angle there from and projects more than twelve inches beyond the face of such wall.
- g) Roof sign. – A sign that is mounted on the roof of a building or which is wholly dependent upon a building roof for support.
- h) Shimmering sign. A sign which reflects an oscillating sometimes distorted visual image.

- i) Video display sign. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects, computer programmable, microprocessor controlled electronic displays, and any all digital signs.

6:11.4. *Exempt signs.* The following signs are exempt from the provisions of this article, and require no permit:

- a) One (1) sign or plate attached to the wall of each building, not more than one (1) square foot in area.
- b) Signs of duly constituted governing bodies, including traffic regulatory devices, legal notices and warnings at railroad crossings.
- c) Signs on the interior side of window glass.
- d) One (1) freestanding sign per lot, not to exceed six (6) square feet in area.

6:11.5. *Prohibited signs.* The following signs are prohibited:

- a) Any sign which displays intermittent or flashing illumination or lights of changing degrees of intensity including all, flashing signs, shimmering signs, and video display signs.
- b) Electronic changeable copy signs.
- c) Moving Signs.
- d) Any sign or advertising device painted on a fence, power or telephone pole, tree, stone or any natural object.
- e) Signs placed with the primary purpose of providing a sign not otherwise allowed for by this chapter.
- f) Abandoned signs.

6:11.6. Permitted signs. The following signs are allowed, subject to the issuance of a sign permit by the county and compliance with the applicable development standards of this Section 5-158.

- a) *Signs permitted in the RC and RD Districts.* The following signs and no others may be established or erected in the RC and RD Districts. One (1) freestanding sign for each nonresidential use permitted by such districts and one (1) freestanding sign for each subdivision, multifamily, group housing or mobile home park project or entrance thereto, provided the sign area does not exceed forty (40) square feet in area nor fifteen (15) feet in height, and if illuminated is done so by indirect or muted lighting.
- b) *Signs permitted in the RUD, UD, OR, LD, and IND Districts.* The following signs and no others shall be permitted in the above referenced districts:
  - 1) All signs permitted by subsection 1. of this section, together with the conditions attached thereto.
  - 2) Freestanding signs for nonresidential uses, under the following conditions:
    - a. *Allowable area.* Freestanding signs are allowed one (1) square foot of sign face per lineal foot of street frontage for the first one hundred (100) feet; and one-half ( $\frac{1}{2}$ ) square foot of sign face for each lineal foot of street frontage in excess of one hundred (100) feet, up to a maximum of three hundred (300) square feet. Exception: A maximum of three hundred seventy-eight (378) square feet is allowed along the interstate corridor.
    - b. *Number of signs.* One (1) freestanding sign is allowed for each developed site, lot or parcel. Where a site or parcel fronts on more than one street, one (1) additional freestanding sign is permitted for each additional street upon which it fronts. Such signs are not permitted on undeveloped lots or parcels. Where two (2) or more detached buildings occupy the same lot or parcel, each may have one (1) freestanding sign, provided the total sign area does not exceed the allowable limits specified by 2.(b)(1) of this section, based on the total lineal street frontage of the site or parcel on which they are to be located. Where two (2) or more attached businesses or buildings occupy the same site or parcel, ie. shopping center, only one (1) freestanding sign for the aggregate businesses shall be permitted per street frontage.

- c. *Height of signs.* No freestanding sign shall exceed thirty-five (35) feet in height, except for an area paralleling and extending six hundred sixty (660) feet from the right-of-way of Interstate Highway 26 where signs may be erected to a height of fifty (50) feet.
- 3) Permanent signs attached to buildings, under the following conditions:
  - a. *Allowable area.* If there is no freestanding sign on the site, one and one-half (1 ½) square feet of sign area shall be permitted for each lineal front foot of the principal building.
  - b. *Types of signs.* Flat, projecting, marquee, roof and awning signs are allowed.
  - c. *Number of signs.* There is no limit on the number of signs if within the total allowable area limit. However, only one (1) projecting sign is allowed per building frontage, and shall be allowed only if there is no freestanding sign on the same site frontage; except for shopping centers, which may have one (1) projecting sign for each business use, plus allowable freestanding signs.
- 4) Temporary signs, under the following conditions:
  - a. Pennants, flags, and fluttering devices and similar exhibits to announce grand openings and mark special occasions; provided such exhibits are removed within thirty (30) days of the day they are permitted; further provided that no exhibit shall be repermited within six (6) months of the time it or a similar display is removed from the premises.
  - b. Portable signs, provided such signs are removed within three (3) months of the day they are permitted; no more than one (1) such is permitted for each nonresidential use; and no such sign shall repermited within six (6) months of the time it is removed from the premises. Portable signs are not permitted on residential or undeveloped lots or parcel.
  - c. Political signs, provided they will be removed two (2) weeks after the election has been held.

6:11.7. Development standards. All signs allowed by this chapter shall comply with the development standards of this section.

- a) *Visual area clearance.* No sign shall be located so as to obstruct travel vision at street or driveway intersections.
- b) *Vehicle area clearance.* When a sign extends over an area where vehicles travel or are parked, the bottom of the sign structure shall be at least fourteen (14) feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.
- c) *Pedestrian area clearance.* When a sign extends over sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least eight and one-half (8 ½) feet above ground.
- d) *Sign materials.* Signs must be constructed of durable materials, maintained in good condition and not permitted to fall in disrepair.
- e) *Sign illumination.* Signs when illuminated by direct lighting shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of public using the streets or sidewalks.
- f) *Location of sign.* No signs including traffic signs and similar regulatory notices except those of a duly constituted governing body shall be located within any road right-of-way; no part of a sign, while permitted, shall be located closer than five (5) feet to any property line or within ten (10) feet of a public right-of-way.

6:11.8. Sign measurement.

- a) *Sign face area.*
  - 1) The area enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations or supports. Only one (1) side of a double-faced or V-shaped, freestanding sign is counted.
  - 2) For signs on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign related display or decoration.
  - 3) For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces.

- 4) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one (1) sign face.
  - 5) The maximum surface area visible at one time of a round or three dimensional sign is counted to determine sign area.
  - 6) For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.
- b) *Clearances.* Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face.
  - c) *Building frontage.* Building frontage is derived for each ground floor occupant's qualifying exterior walls.

6:11.9. *Removal of signs.*

- a) The lawful use of any permanently mounted sign existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter, except that those declared abandoned shall be removed within ninety (90) days of the effective date of this chapter.
- b) Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area, and which is subsequently destroyed or damaged to the extent of fifty (50) percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
- c) Any nonconforming sign which is not permanently mounted shall be removed or brought into conformity no later than six (6) months following the effective date of this chapter.
- d) An order under this section shall be issued in writing to the owner of any abandoned or nonconforming sign, or of the building or the premises on which such sign is located, to comply within a stated period of time. Upon failure to comply with such notice, the county may remove the sign and any costs of removal incurred in the process may be collected in a manner prescribed by law.

## **Section 6:12 Rural Residential Site Plans in the RP and RN Districts**

### **6:12.1 Purpose**

The purpose of this section is to:

- a) Ensure new subdivisions in the Rural Districts are compatible with the rural character of the surrounding area;
- b) Encourage the designation and protection of Common Open Space in new subdivisions in rural zoning districts;
- c) Maintain existing wooded areas along County streets;
- d) Protect water quality through the maintenance of riparian buffers; and
- e) Preserve a significant, healthy tree canopy.

### **6:12.2 Applicability of Regulations**

- a) This section applies to all lands to be subdivided in the Rural Preservation (RP) and Rural Neighborhood (RN) Districts that results in 8 or more lots. This section 6:12 supplements the other requirements of this ordinance applicable to development in the RP and RN districts.
- b) This section does not apply to subdivisions in the RP and RN Districts that result in 7 or fewer lots, which shall comply with the lot dimensional requirements in the applicable zoning district and other requirements of this ordinance applicable to development in the RP and RN districts.
- c) The value of conserving natural resources is recognized as an important consideration in subdivision development and design, particularly in Rural Districts. Therefore, RRSP-25 and RRSP-50 approvals are available in the RP and RN Districts as an alternative to RRSP-S development.
- d) Rural Residential Site Plan applicants in the RP and RN Districts shall comply with all other applicable provisions of the Zoning Ordinance and all other applicable laws.
- e) Any lot of record as of July 1, 2020 that is zoned RN or RP by the adoption of this ordinance may be subdivided into not more than eight (8) lots of not less than one acre each; any further subdivision of the subject properties shall be consistent with the requirements of Section 6:12 of this ordinance.

### 6:12.3 *Types of Rural Residential Site Plans*

- a) In the RP and RN Districts, a residential development that includes 8 or more lots is classified as a:
  - 1. Rural Residential Site Plan - Standard;
  - 2. Rural Residential Site Plan - 25; or
  - 3. Open Space Rural Residential Site Plan - 50.
- b) RRSP-S developments may, but are not required to have Common Open Space, neighborhood amenities, and public water service. RRSP-S developments are subject to all requirements in this section (6:12) except Section 6:12.6.
- c) A RRSP-25 development must have at least 25% Common Open Space, and RRSP-50 development must have at least 50% Common Open Space, and provide greenways and public water service to all lots. RRSP-25 and RRSP-50 developments are subject to all requirements in this section (6:12) except Section 6:12.5.

### 6:12.4 *Requirements Applicable to All Rural Residential Site Plans*

- a) *Lot configuration.* The developer shall demonstrate adequate attention to the following aspects of lot design:
  - 1. Lot size, width, depth, shape, grade, and orientation to streets;
  - 2. Relationship of residential lots to adjoining nonresidential development, existing or proposed;
  - 3. Building setback lines;
  - 4. Separation of residential lots from major thoroughfares, railroads, and other possible incompatible land uses; and
  - 5. Separation and proper screening of new development from adjacent existing development and streets. Suitable natural or commercial grade materials of sufficient height shall be used in the construction of the required buffers.
- b) *Bufferyards.* Adequate screening of the subdivision and protection of waterways through riparian bufferyards is required for Rural Residential Site Plan developments in the RP and RN Districts. Bufferyards shall follow the requirements of Section 6:4, unless specified herein.



1. A Perimeter Bufferyard at least 30 feet in width is required along all property lines comprising the exterior boundary of a Rural Residential Site Plan development.
  - a. Planting specifications shall be in accordance with the requirements for a Type (1) bufferyard, as specified in Section 6:4 (*Bufferyard and screening standards*), except that there shall be no reduction in the required number of plant units per 100 feet.
  - b. Existing vegetation may count towards the required number of plant units if it is surveyed and depicted on all development plans.
2. Along any Street frontage, a meadow or pasture at least 200 feet in width (as measured from the edge of the existing public right of way abutting the subdivision) shall satisfy the Perimeter Bufferyard requirement in paragraph 1 if:
  - a. Any Dwelling on a Lot located adjacent to and directly visible across the Meadow or Pasture from the existing public right-of-way has its front façade facing the Meadow or Pasture. This may be accomplished by:
    - i. Having a Single-Loaded Street serve the front of Dwellings that face the Meadow or Pasture, or
    - ii. Providing driveway access along a Street or Alley located to the rear of the Dwellings.
  - b. Utility meters and mechanical facilities, such as water heaters and HVAC units, are placed on the side or rear façade of a Dwelling, rather than on the front facade.
  - c. The Meadow or Pasture is appropriately maintained by the HOA through mowing at least twice per calendar year;
  - d. An Open Fence is provided along the property line adjacent to the existing public right of way that:
    - i. Is 5 feet or less in height and
    - ii. Is constructed of wood, metal (other than chain-link), or a combination of wood and metal.
  - e. All other standards apply in accordance with Section 6:4.
3. Riparian bufferyards shall be observed for all Rural Residential Site Plan developments by the following requirements when applicable.

- a. An undisturbed, natural vegetative buffer shall be maintained along both banks of streams and along all impoundments. The buffer shall be a variable width buffer with an average width of at least 50 feet, and a minimum width of 30 feet.
  - b. All land disturbing activity is prohibited within a riparian bufferyard.
- c) *Tree Preservation.* Trees 24 inches DBH and greater shall be considered protected trees within a proposed Rural Residential Site Plan, subject to the following requirements:
  - 1. Protected trees that are in good health may be considered for removal only if:
    - a. The tree's structure, age, species, and tolerance to subdivision construction activities, or the surrounding soil properties indicate that the tree is diseased or dying or otherwise presents a safety hazard; or
    - b. Removal of the tree will help protect a better quality tree; or
    - c. Removal of the tree is necessary to meet minimum regulatory requirements for water (including fire suppression), wastewater, or transportation infrastructure necessary to serve the proposed neighborhood.
  - 2. The Critical Root Zone of each protected tree shall be protected before, during, and after construction of the subdivision.
    - a. The Critical Root Zone has a radius of 1 foot for each 1 inch DBH of the tree.
    - b. Structures, driveways, parking, material storage, clearing/grading activity, filling, and ditching in the Critical Root Zone are prohibited.
  - 3. Where possible, Common Open Space shall be planned around protected trees.
  - 4. Lot owners are responsible for maintaining protected trees in good health and shall not remove a protected tree unless the lot owner first demonstrates to the Zoning Administrator that it is diseased or dying or otherwise presents a safety hazard.
  - 5. Protected trees may be pruned if the pruning follows ANSI A300 Standards.
- d) *Landscaping.*
  - 1. At least two trees with a minimum caliper of 2½ inches shall be planted in the front yard of every residential lot within the subdivision.

2. Existing, healthy trees may count towards this requirement.

e) *Homeowners Association.*

1. Homeowners' associations shall be established for all neighborhoods subject to an approved Rural Residential Site Plan that have Common Open Space and/or private roads.
2. Homeowners' associations shall be responsible for maintenance of all Common Open Space, greenways, private roads, landscaping, buffering, screening, irrigation, and associated improvements, as applicable, within neighborhoods subject to an approved Rural Residential Site Plan.

#### 6:12.5 Requirements Applicable to RRSP-Standard Developments

a) Standard RRSP-S developments are subject to the:

1. Lot dimensional requirements in Section 5:3.3 or Section 5:4.3, as applicable; and
2. Density and Development Standards in Table 12:6-1.

Table 6:12-1 – Density and Development Standards for RRSP-Standard Developments in the RP and RN Districts		
	RP District	RN District
Max gross density	4 acres/dwelling	2 acres/dwelling
Max number of lots per 100 acres	25	50
Street connectivity requirements	None	<i>Note A</i>
Homeowners association required	None	None
Recreational area required	None	None
<b>Key:</b> max = maximum allowed   du = Dwelling Unit   ac = acres   ft = feet		
<b>Note A:</b> Two points of access to a paved public road are required for any subdivision with 50 or more units, plus one additional point of access from a paved public road for each additional 100 units up to a maximum of four points of access required. Cul-de-sacs may not exceed 20 percent of the total street system length.		

#### 6:12.6 Requirements Applicable to RRSP-25 and RRSP-50 Developments

a) *Purpose.* The purposes of RRSP-25 and RRSP-50 developments are to:

1. Preserve large, contiguous areas of Common Open Space in perpetuity;
2. Connect Common Open Space with greenways, significant natural areas, preserved lands, parks, trails, and similar lands;

3. Ensure neighborhood residents have convenient pedestrian and bicycle access to Common Open Space and recreation areas, which contributes to a high quality of life and creates a sense of community;
4. Preserve the County's important natural, historical, and cultural assets;
5. Protect prime agricultural land and preserve farming as an economic activity;
6. Provide flexibility in lot size to: encourage creative neighborhood design;
7. Reduce the length of streets necessary to serve the lots, thereby reducing impervious surface coverage in subdivisions which reduces the volume of surface water runoff;
8. Reduce capital infrastructure costs and long-term infrastructure maintenance costs;
9. Reduce soil erosion and sediment delivery by reducing the amount of clearing and grading on a site while increasing overall stormwater infiltration;
10. Reduce the cost of stormwater management by minimizing the area contributing to runoff and reducing runoff volumes and stormwater contaminants; and
11. Discourage conventional subdivision development detrimental to the natural environment.

b) *Types of Open Space Subdivisions* Open Space in RRSP-25 and RRSP-50 Developments.

1. In RRSP-25 developments, at least 25% of the gross site acreage is preserved in perpetuity as Common Open Space.
2. In RRSP-50 developments, at least 50% of the gross site acreage is preserved in perpetuity as Common Open Space.

c) *Density Bonus Eligibility.* In addition to providing at least 25% Common Open Space, an RRSP-25 and RRSP-50 developments must meet all applicable requirements in this section and to be eligible for the Density Bonus specified in Table 6:12-2.

d) *Lot Maximum.* Depending on the amount of Common Open Space provided, the maximum number of lots in RRSP-25 and RRSP-50 developments may be increased by up to 33.3% or 66.7% more than allowed in a Standard Subdivision, as specified in Table 6:12-2.

1. The acreage of existing waterbodies and undevelopable areas, such as wetlands and creeks, shall not be used to calculate the maximum number of lots.
2. The maximum number of lots shall be calculated using the following equations:

Total site acreage – Acreage of undevelopable areas = Net acreage

Net acreage / Gross density =  
Maximum number of lots, rounded down to the nearest whole number

Table 6:12-2 Maximum Number of Lots in RRSP-25 and RRSP-50		
	RP District	RN District
<b>25% Open Space Subdivision RRSP-25</b>		
Gross Density (max)	3.0 acres/dwelling	1.5 acres/dwelling
Max Lots per 100 ac	33.3	66.7
Density Bonus	33%	33%
<b>50% Open Space Subdivision RRSP-50</b>		
Gross Density (max)	2.4 acres/dwelling	1.2 acres/dwelling
Max Lots per 100 acres	41.7	83.3
Density Bonus	66.7%	66.7%
<b>Key:</b> max = maximum allowed   du = Dwelling Unit ac = acres		

- e) *No Maximum Lot Guarantee.* The maximum number of lots specified in Table 6:12-2 does not guarantee that the RRSP will be approved with the maximum number of lots. If all other requirements are met, the RRSP may have up to the maximum number of lots.
- f) *Dimensional requirements.* RRSP-25 and RRSP-50 developments shall comply with the minimum dimensional requirements specified in Table 6:12-3.

Table 6:12-3 Minimum Dimensional Requirements in RRSP-25 and RRSP-50		
	RP District	RN District
<b>25% Open Space SubdivisionRRSP-25</b>		
Lot Area	2.0 ac	1.0 ac
Lot Width	150 ft	120 ft
Front Setback	60 ft	30 ft
Side Setback	20 ft	20 ft
Rear Setback	10 ft	10 ft
<b>50% Open Space Subdivision RRSP-50</b>		
Lot Size	0.9 ac	0.45 ac
Lot Width	120 ft	90 ft
Front Setback	30 ft	30 ft
Side Setback	15 ft	15 ft
Rear Setback	10 ft	10 ft
<b>Key:</b> minimum = minimum required   ac = acres   ft = feet		

g) *Common Open Space*. Common Open Space standards for RRSP-25 and RRSP-50 developments shall follow the regulations in Section 6:2 (*Landscaping and common open space standards*) in addition to the standards in this section.

1. *Location*.

- a. Common Open Space within an RRSP-25 or RRSP-50 development shall be contiguous where possible and connected by a greenway trail system.
- b. Common Open Space shall be located adjacent to other Common Open Space, greenways, significant natural areas, preserved lands, parks, trails, and similar lands on abutting properties.

2. *Composition of Common Open Space*.

- a. The types of Common Open Space and their maintenance requirements are described in Section 6:2 (*Landscaping and common open space standards*).
- b. The composition of Common Open Space is specified in Table 6:12-4.

3. *Greenways Required*.

- a. A greenway trail system is required within Common Open Spaces. Greenways may be located within natural areas, recreational areas, and landscaped areas.
- b. Greenways shall be a minimum of 8 feet in width.
- c. Greenways shall be curvilinear in design.
- d. Greenways may be unpaved if such systems are not dedicated sidewalks. All publicly-dedicated sidewalks shall be paved.

<b>Table 6:12-4 Composition of Common Open Space</b>	
	<b>RP and RN Districts</b>
<b>25% Open Space Subdivision RRSP-25</b>	
Natural areas, including undevelopable natural areas	May comprise up to 75% of required Common Open Space.
Recreational areas	Required if gross site acreage is 100 or more acres. May comprise up to 75% of required Common Open Space.
Landscaped areas and lawns	Not required. May comprise up to 25% of required Common Open Space.
Greenways	Required.
<b>50% Open RRSP-50</b>	
Natural areas, including undevelopable natural areas	May comprise up to 75% of required Common Open Space.
Recreational areas	Required. May comprise up to 75% of required Common Open Space.
Landscaped areas and lawns	Not required. May comprise up to 25% of required Common Open Space.
Greenways	Required.

h) *Streets.* RRSP-25 and RRSP-50 developments shall observe the following street standards:

1. All streets shall be paved.
2. Improved private gravel streets are not permitted.
3. Two points of access are required for any subdivision with 50 or more lots. One additional point of access is required for each additional 100 lots.
4. Cul-de-sacs may not exceed 20 percent of total street system length in RRSP-25 neighborhoods or 40 percent of total street system length in RRSP-50 neighborhoods.

#### 6:12.7 *Approval Process*

- a) All subdivisions Rural Residential Site Plan developments require review and approval prior to beginning the platting process.
- b) RRSP-S developments are reviewed and approved, conditionally approved, or disapproved by the Planning Commission based on the approval criteria in Section 6:12.8.

- c) RRSP-25 and RRSP-50 developments are reviewed and approved, conditionally approved, or disapproved by the Zoning Administrator based on the approval criteria in Section 6:12.8. The Zoning Administrator will issue a certificate of zoning compliance upon final approval of a Rural Residential Site Plan by the Planning Commission or Zoning Administrator

#### *6:12.8 Approval Criteria*

The approving authority (Planning Commission or Zoning Administrator) shall approve the Rural Residential Site Plan if it finds that the following criteria are satisfied:

- a) The proposed RRSP conforms to the requirements of this section (6:12), Article 4, Article 6, the applicable zoning district regulations (Article 5), and any other applicable provisions of the Calhoun County Code.
- b) The RRSP represents an overall development pattern that is consistent with the Comprehensive Plan, Area Plan, and other adopted plans and studies relevant to the development site.
- c) The RRSP contains a sound, well-conceived parcel and land subdivision layout approved by County Public Works and, if applicable, the S.C. Department of Transportation, consistent with applicable land planning and site engineering design principles.
- d) The spacing and design of proposed curb cuts, driveway approaches, and intersection locations are consistent with applicable County and state traffic engineering design and public safety standards.
- e) All submittal requirements are satisfied.

#### *6:12.9 RRSP Submittal Requirements*

- a) The RRSP submittal shall be prepared by a qualified professional and includes:
  - 1. Site assets and constraints map and
  - 2. Sketch Site plan.
- b) The site assets and constraints map is a graphic depiction of natural and cultural resources located on the development site. The purpose of the map is to identify: areas suitable for designation as Common Open Space, if provided in the subdivision; trees 24" DBH and larger; distinctive natural, historical, and cultural features; and undevelopable areas and areas where development is otherwise



constrained. At a minimum, the following features, as applicable, shall be depicted on the map:

1. Prime agricultural lands and soils;
  2. 100-year floodplain;
  3. Wetlands, including isolated wetlands;
  4. Riparian buffers;
  5. Forestlands, natural areas and wildlife corridors that are at least 25 feet wide;
  6. Rare, threatened, or endangered species and habitats, as identified by federal and state listings;
  7. Trees 24 inches DBH and greater, including the Critical Root Zone and indicating tree health using a rating system (e.g., excellent, good, fair, poor);
  8. Steep slopes greater than 25%;
  9. Archeological sites, historical sites, and features eligible for or listed on the National Register of Historic Places;
  10. Cemeteries and burial grounds;
  11. Scenic viewsheds;
  12. Unique natural features; and
  13. All easements.
- c) A site plan is a graphic depiction of the proposed RRSP development. At a minimum, the following features, as applicable, shall be depicted on the sketch plan:
1. Boundaries, dimensions, and size of development site;
  2. Boundaries, dimensions, and size of all lots;
  3. Location and width of streets;
  4. Location and width of sidewalks;
  5. Proposed greenways;
  6. Common Open Space and landscaping plan, meeting the requirements of Section 6:2;

7. Bufferyards;
8. Trees 24" DBH and greater that are to remain, including their Critical Root Zones;
9. Size and location of existing structures;
10. Zoning and land uses on adjacent properties;
11. Location and dimensions of proposed stormwater ponds;
12. Proposed easements;
13. Acreage chart summarizing total acreage of lots, common open space, streets, ponds, wetlands, and undevelopable areas, as applicable;
14. Zoning chart indicating the applicable zoning district, minimum lot dimensions, minimum setbacks, maximum height, and minimum parking;
15. Phasing limits;
16. A statement that the Perimeter Bufferyard shall be maintained in perpetuity by individual lot owners or the homeowners association, as applicable; and
17. A statement regarding how water and sanitary sewer or septic service will be provided to all lots.

**ARTICLE VII**  
**ADDITIONAL STANDARDS FOR CERTAIN LAND USES AND**  
**LARGE SCALE PROJECTS**

**Section 7:1. Purpose.**

The purpose of this article is to ameliorate the impact and improve the siting of certain land uses, whose characteristics could adversely affect surrounding property and environmental conditions. Toward this end, standards over and above those set forth elsewhere by this chapter are imposed by this article.

**Section 7:2. Uses affected by this article.**

The additional requirements of this article shall apply to the following uses:

Sanitary landfills

Hazardous waste and nuclear waste disposal sites

Vehicular race and testing tracks

Certain public service uses

Sexually oriented businesses

Body piercing and body branding establishments, tattoo parlors

Stockyards, slaughterhouses, poultry houses, commercial hog farms,  
commercial kennels, and animal auction houses

Large scale projects

Automotive wrecking, appliance, and building materials salvage, and junkyards

Miniwarehouses

Private or commercial horse stables

Resource recovery facilities, solid waste storage and transfer facilities, waste  
tire and treatment sites, and composting facilities

Solar Projects of More than One Acre

Solar Projects of Less than One Acre or Attached to a Residential Unit

Inert landfills

Used Appliances, salvaged building materials or any open area storage of such materials.

**Section 7:3. Hearing, review required.**

7:3.1. Owing to the nature and potential impact of certain uses listed by this article, all uses in this article will be considered special exceptions in all zoning districts. The Planning Commission shall call for and conduct a public hearing on any application to establish such use in Calhoun County, having given at least fifteen (15) days notice of time and place in a newspaper of general circulation in the county; except that the following projects and uses shall be exempt from this requirement and may be approved for permitting by the zoning administrator.

Miniwarehouses

Horse stables

7:3.2. The Planning Commission shall review and evaluate each application with respect to all applicable development standards contained herein and elsewhere in this chapter. At the conclusion of its review, the Board of Zoning Appeals may approve the proposal as presented, approve it with specified modifications, or disapprove it.

7:3.3. If approved, the applicant shall be issued the appropriate permit(s), or if conditionally approved, instructed on any contingencies or modifications imposed by the Planning Commission. If disapproved, the applicant shall be notified in writing with the reasons therefore. Upon receipt of "notice of disapproval", the applicant may appeal the decision- to circuit court with the process defined in Section 9-4.

**Section 7:4 - 7:7. Reserved.**

**Section 7:8. Applicability of requirements; exception.**

The following requirements of this division shall apply to all zoning districts in this Calhoun County Zoning Ordinance.

### **7:8.1. Stockyards, slaughterhouses, poultry houses, commercial kennels and livestock auction houses.**

The above-referenced uses shall be located no closer than one thousand (1,000) feet to any residential use. No incineration of animals or animals refuse shall be permitted. Such uses shall meet the buffer yard requirements for separating light industry from residential uses in the RUD District, on all sides.

### **7:8.2. Private or commercial horse stables.**

Owing to environmental consequences of keeping horses in residential areas, and elsewhere in the community, horse stables, pens and areas for keeping horses shall meet the following requirements:

a) The lot or parcel shall have a minimum width of one hundred (100) feet and a minimum area of one (1) acre for the first three (3) horses or horse stalls, plus an additional twenty thousand (20,000) square feet for each additional horse or horse stall.

b) The lot must be designed and maintained to drain so as to prevent ponding and propagation of insects.

c) The lot must be designed and maintained so as to prevent the pollution by drainage of adjacent streams and other water bodies.

d) The premises must be maintained in a sanitary condition through the proper use of lime and pesticides.

e) The premises must be maintained by keeping manure piles in covered containers at least fifty (50) feet from any dwelling or any pool, patio or other recreational structure on an adjoining lot and at least twenty-five (25) feet from any property line. This requirement shall apply to residential uses in the RC and RD areas only.

f) All manure must be removed at least twice weekly so as to prevent propagation of flies and creation of odors.

g) All grain on the lot must be stored in rodent proof containers.

h) All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents and birds and creation of odors.

i) The exercise and training areas on the lot must be dampened so as to prevent dust; and

j) Prompt veterinary care and services must be provided for sick horses and sick horses shall be removed promptly when deemed necessary by a licensed veterinarian selected by the county.

### **7:8.3. Miniwarehouses.**

Due to the need to integrate miniwarehouses into the urban fabric of the community, the following standards shall be observed:

- a) *Size.* Miniwarehousing sites shall not exceed two (2) acres.
- b) *Lot cover.* Lot coverage of all structures shall be limited to fifty (50) percent of the total area.
- c) *In/Out.* Vehicular ingress-egress shall be limited to one (1) point for each side of property abutting any street lot line.
- d) *Storage only.* No business activities other than rental of storage units shall be conducted on the premises.
- e) *Buffer yards and screening.* Miniwarehouses shall meet the buffer yard requirements for office and commercial uses with less than 0.25 floor area ratio.

### **Section 7:9 – 7:12. Reserved.**

### **Section 7:13. Solar Projects or Farms of More than One Acre**

7:13.1. Purpose. This section is intended to provide the opportunity for solar energy to serve as a viable form of energy generation while protecting public health, safety and general welfare. All regulations in the zoning ordinance shall apply unless expressly allowed or modified in the below standards and requirements:

7:13.2. Applicability. All Solar Projects or Farms, including any device, structure or part of a device or structure (i.e. array, panel, etc.) installed for the sole purpose of the collection, inversion, storage, and distribution of solar energy shall comply with the following:

- a) They shall comply with all building and electrical codes.
- b) They shall not create a visual safety hazard for passing motorists or aircrafts.
- c) An applicant must include a decommissioning plan that describes the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the

method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored. Following a continuous six month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar farm. Decommissioning includes removal of solar panels, buildings, cabling, electrical components, and any other associated facilities below grade as described in the decommissioning plan.

Prior to issuance of Building Permits, the applicant must provide the County with a performance guarantee (surety or performance bond, certified check or irrevocable letter of credit) in the amount of \$50,000 or 125% of the estimated decommission cost minus the salvageable value, whichever is greater. Estimates shall be determined by an engineer licensed to practice in South Carolina.

7:13.3. Permitted use. Solar farms shall be a permitted use in the RD and ID Zoning Districts provided:

- a) That a series of ground mounted solar collectors (minimum of three) are placed in an area for the purpose of generating photovoltaic power for resale purposes.
- b) The use is setback both a minimum of 500 feet from abutting residential properties, churches and schools, and 50 feet from roadways, unless waived by the Planning Commission or the County Council.
- c) That where property abuts residential property, solar collectors must be screened so as to not be seen from the adjoining property line.
- d) Panels are to be located and situated so glare is not offensive to traffic or residences; a statement from a qualified engineer must be submitted with the application.
- e) No structure shall achieve a height of greater than 20 feet.
- f) Access to the site must be controlled by a fence of at least six feet in height with a vegetative landscape buffer provided between the fencing and the property line.
- g) The site shall adhere to the applicable sections of the International Building Code at time of construction and throughout the operation of the site.

**Section 7:14. Solar Projects or Farms of Less than One Acre or attached to a Residential Unit.**

7:14.1. Location. The location of solar panels shall be limited to the side and rear of the structure and rear lot only not to exceed the height requirements of the district.

7:14.2. Site plan required. A plan is submitted showing the proposed location of solar panel(s), the arrangement of the panels, distance from the roof, pitch of the finished roof, and distance from the proposed site improvements to all property lines.

7:14.3. UL Listing and anti-reflective coatings required. Solar energy system components must have a UL listing and must be designed with anti-reflective glare coatings to minimize solar glare.

7:14.4. Authorization required. Written authorization from the local public utility company acknowledging that it has been informed of the applicant's intent to install an interconnected customer-owned generator and that it also approves of such connections, if not used independently.

7:14.5. Location Standards. Roof-mounted solar collector systems shall meet the following location standards:

- a) Roof-mounted accessory collector systems shall not extend above the ridge-cap or exceed the height restriction of the district.
- b) The collector surface and mounting devices for roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
- c) Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
- d) Roof mounted systems shall be located so as not to impede the ability of emergency personnel to access the roof for fire-fighting purposes.
- e) Roof mounted systems shall be mounted parallel to the roof at the same pitch or no greater than 5% steeper than the roof.
- f) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto other properties or public access areas.
- g) Mounting hardware and framing shall be non-reflective or matte black in color.

7:14.6. The site shall adhere to the applicable sections of the International Building Code at time of construction and throughout the operation of the accessory use.



#### **Section 7:15. Uses affected.**

Certain activities inherently have characteristics adversely affecting surrounding property and environmental conditions. As such, additional requirements specified below shall apply to the following uses:

Sanitary landfills

Hazardous waste and nuclear waste disposal sites

Certain public service uses

Sexually oriented businesses

Body piercing and body branding establishments, tattoo parlors

Large scale projects

Automotive wrecking, appliance, building materials salvage, and junkyards

Resources recovery facilities, solid waste storage and transfer facilities, waste tires and treatment sites, and composting facilities

Inert landfills

Vehicular race and testing tracks.

The requirements for these uses shall apply to all districts.

#### **Section 7:16. Sanitary landfills.**

Due to consideration for the public health and safety and potential pollution to the environment resulting from sanitary landfills, any such uses proposed for Calhoun County shall comply with the following supplemental development standards:

7:16.1. Proximity requirements. No such use shall be located within two thousand five hundred (2,500) feet of any existing residential, recreational, religious, educational, medical or public use (measured in a straight line).

7:16.2. Geotechnical certification. A geotechnical engineering firm shall render a written opinion that, to their best professional judgement, the rock formations being used to contain the waste are impermeable and that the surrounding ground water sources will not be contaminated.

7:16.3. Drainage and sediment control. A drainage and sedimentation plan shall accompany the request, showing all offsite runoff.

7:16.4. Buffer and landscaping required. The facility shall be enclosed by buffer yard landscaping on all sides visible from the road or street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.

7:16.5. Decommissioning and restoration. The site shall be restored and vegetated on completion of use as a landfill.

7:16.6. SC-DHEC licensing required. All such uses shall be licensed to operate in the county by the South Carolina Department of Health and Environmental Control.

#### **Section 7:17. Hazardous waste and nuclear waste disposal sites.**

All hazardous and nuclear waste disposal sites are declared by this chapter to be incompatible with prevailing environmental conditions, and existing and planned development in Calhoun County. All such uses are therefore, prohibited, and no such sites shall be permitted in the future without a comprehensive environmental impact statement, and approval by the planning commission and county council.

#### **Section 7:18. Certain service uses.**

Due to the need for and potential negative impact of the following uses, their location shall be guided by the additional requirements of this section.

1. Incinerators.
2. Wastewater treatment plants, spray fields, and other major wastewater facilities.
3. Electrical substations.
4. Prisons.

A proposed siting of any of the above uses shall be subject to the following requirements, as well as any special conditions imposed by the planning commission to secure public health, safety and acceptance.

1. Full disclosure of all emergency procedures and an analysis of the adequacy of those procedures, where applicable.
2. Special buffer yard and screening requirements as described in Section 6:4.

3. Environmental Assessment as prescribed by the National Environmental Policy Act of 1969 (NEPA), where necessary to adequately evaluate the impact of such uses.

## **Section 7:19. Sexually oriented businesses.**

7:19.1. *Purpose.* It is the purpose of these requirements to promote the health, safety, morals, and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the county. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

7:19.2. *Classification.* Sexually oriented businesses are classified as follows:

- a) Adult arcades.
- b) Adult bookstores or adult video stores.
- c) Adult cabarets.
- d) Adult motels.
- e) Adult motion picture theaters.
- f) Adult theaters.
- g) Escort agencies.
- h) Nude model studios.
- i) Sexual encounter centers.

7:19.3 *Permit and/or license required.* A person commits a misdemeanor if he operates a sexually oriented business without a valid permit and/or license issued by the county for the particular type of business.

- a) An application for a permit and/or license must be made on a form provided by the appropriate county department.

- b) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- c) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official.
- d) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10) percent or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a ten (10) percent or greater interest in the corporation must sign the application for a permit and/or license as applicant.
- e) The fact that a person possesses other types of state or county permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit and/or license.

*7:19.4 Issuance of permit and/or license.* The county zoning administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he finds one (1) or more of the following to be true:

- a) An applicant is under eighteen (18) years of age.
- b) An applicant or an applicant's spouse is overdue in his payment to the county of taxes, fees, fines and penalties assessed against him or imposed upon him in relation to a sexually oriented business.
- c) An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the application form.
- d) An applicant is residing with a person who has been denied a permit and/or license by the county to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.

- e) The premises to be used for the sexually oriented business have not been approved by the health department, fire department and/or the building official as being in compliance with applicable laws and ordinances. If any of the required inspections have not been completed in the forty-five-day period after application submittal, the zoning administrator shall, upon written request of the applicant, issue a sexually oriented business permit contingent upon successful completion of the required inspection, provided that, along with the written request for the contingent permit, the applicant submits written documentation that it requested the inspections in a timely manner and that all other requirements for issuance of the permit have been satisfied. For purposes of this subsection, a request for an inspection shall be deemed to be "timely" if requested between sixty (60) and thirty (30) days prior to expiration of the permit. An inspection is not timely if done prior to sixty (60) days before expiration. The contingent permit shall be immediately deemed null and void if the applicant fails any inspection.
- f) The permit and/or license fee required by this ordinance has not been paid.
- g) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business.
- h) The permit and/or license shall be posted in a conspicuous place at or near the entrance of the sexually oriented business so that it may be easily read at any time.

**7:19.5. Fees.** The annual fee for a sexually oriented business permit and/or license is one-thousand five hundred dollars (\$1,500.00).

**7:19.6 Inspection.** An applicant, or permittee and/or licensee shall permit representatives of the sheriff's department, health department, fire department, planning and development department, or other county or state departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business. 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.

**7:19.7. Expiration of permit and/or license.** Each permit and/or license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided by subsection (c) above. Application for renewal should be made at least thirty (30) days before the expiration date, but not more than sixty (60) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected. It is the responsibility of the applicant to ensure that he meets these deadlines.

When the county zoning administrator denies renewal of a license, the applicant shall not be issued a permit and/or license for (1) year from the date of denial. If subsequent to denial, the county zoning administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date denial became final.

**7:19.8 Suspension.** The county zoning administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines 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 chapter.
4. Knowingly permitted gambling by any person on the sexually oriented business premises.

**7:19.9 Revocation.** The county zoning administrator shall revoke a permit and/or license if a cause of suspension in subsection (h) above occurs and the permit and/or license has been suspended within the preceding twelve (12) months.

The county zoning administrator shall revoke a permit and/or license if he determines that:

1. A permittee and/or licensee gave false or misleading information in the material submitted to the zoning administrator during the application process.
2. A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.
3. A permittee and/or licensee or an employee knowingly allowed prostitution on the premises.
4. 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.
5. 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.
6. A permittee and/or licensee is delinquent in payment to the county or State for any taxes for fees past due.

When the county zoning administrator revokes a permit and/or license, the revocation shall continue for one (1) year and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If subsequent to revocation the county zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.

*7:19.10 Transfer of permit and/or license.* A permittee and/or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of permit and/or license at any place other than the address designated in the application.

*7:19.11 Location of sexually oriented businesses.* Owing to the seriously objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be limited to the UD and IND districts, and shall be subject to the supplemental siting criteria of this section.

No such use shall be located within one thousand five hundred (1,500) feet (measured in a straight line) of:

1. A residential use.
2. A church or religious institution.
3. Public or private schools and educational facilities.
4. Public parks and recreational facilities.
5. Any other sexually oriented businesses.

Such use shall have direct access off collector or arterial streets only.

For the purpose of this chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of church or public or private elementary or secondary school, or to the nearest portion of a residential lot, or the nearest exterior wall of another sexually oriented business.

Any sexually oriented business lawfully operating on the effective date of this ordinance that is in violation of this subsection shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand five hundred (1,500) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

*7:19.12 Additional regulations for adult motels.* Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined by this chapter.

A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, rents or subrents the same sleeping room again.

*7:19.13 Regulations pertaining to exhibition of sexually explicit films or videos.* A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts specific sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all of the interior of the premises to an accuracy of plus or minus six (6) inches. The county zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.



2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator or his designee.
4. It is the duty of the owners and operator of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
6. It shall be the duty of the owners and operator, and it shall be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (m)(1) of this section.
7. No viewing room may be occupied by more than one (1) person at any time.
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) footcandle as measured at the floor level.
9. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

*7:19.15 Exemptions.* Exempt from these requirements is any person appearing in a state of nudity who do so in modeling class operated:

1. By a proprietary school, licensed by the State of South Carolina; a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

3. In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and where no more than one (1) nude model is on the premises at any one (1) time.

**Section 7:20. Body piercing and body branding establishments, tattoo parlors.**

7:20.1. *Purpose.* Body piercing establishments and tattoo parlors can be considered similar to adult establishments. The purpose of this section is to ensure compatibility with other nearby uses and to promote the health, safety, morals, and general welfare of the citizens of the county.

7:20.2. *Requirements.* This use shall meet the following requirements:

All body piercing establishments or tattoo parlors shall be located no closer than 1,500 feet, measured in a straight line, from the following uses:

Adult Day Care

Child Day Care

Educational Institution (public or private)

Public Facility (library, park, playground, recreational facility, etc.)

Religious Institution

RC or RD zoning district

Drinking establishment

Another body piercing, body branding, or tattoo parlor

7:20.3 Exclusion of home occupation. Body piercing establishments or tattoo parlors are not allowed as a home occupation.

7:20.4 Required permits. Body piercing or body branding establishments or tattoo parlors shall require any permits required by SCDHEC, and any other federal, state or local governmental department or agency which has rules and regulations governing these types of uses.

## **Section 7:21. Large scale projects.**

7:21.1. *Purpose.* Large scale projects can substantially impact environmental features, surrounding land use, traffic conditions and facilities, and public utilities. The purposes of this section, therefore, are to assure the proper siting of such projects in relation to their surroundings, and to avoid any negative fall out from improper planning and design.

7:21.2. *Large scale projects defined.* For purposes of this section, a large scale project is defined as follows:

1. Any project that generates a need for one hundred (100) or more off-street parking spaces, as determined by Article VI, Off-street Parking Standards, excluding single-family subdivisions.
2. A truck or bus terminal, including service facilities designed principally for such uses.
3. Any project with two (2) or more principal uses or buildings.

7:21.3 *External relationship.* External relationships shall be measured against and shall comply with the land use intensity standards of Section 6:3.

Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movement and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.

Such projects shall not be permitted access to a minor local street, but may border or front on a major local street. Where a major local street intersects with a collector or arterial street, access drives shall be restricted to major local street, where feasible.

Pedestrian access, where provided, shall be safe and convenient routes. Where there are crossings or pedestrian ways and vehicular routes at edges of the project, such crossings shall be safely located, marked and controlled; and where such ways are exposed to substantial automotive traffic, safeguards including fencing may be required to prevent crossings except at designated points.

7:21.4 *Internal relationships.* Streets, drives, parking, and service areas shall provide safe and convenient access for service and emergency vehicles. Streets shall be laid out so as not to encourage outside traffic to traverse the development, or create unnecessary fragmentation of the project into small blocks. In general, the project shall be consistent with use and shape of the site and the convenience and safety of occupants and persons frequenting the project.

Vehicular access to collector and arterial streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic to and from such areas conveniently, safely, and in a manner that minimizes traffic function and promotes free flow of traffic on streets without excessive interruption.

**Section 7:22. Automotive wrecking, appliances, building materials salvage and junkyards.**

Owing to the environmental consequences and potential impact of automotive wrecking, salvage, open yard storage of used appliances and junkyards, such uses shall not be permitted in the UD District; but may be located in the IND District under the following conditions:

1. Such uses shall be located no closer than five hundred (500) feet to any residential use, church, school, historical place or public park.
2. No material because it is discarded and incapable of being reused in some form shall be placed in open storage.
3. No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water, or other causes.
4. All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully enclosed buildings.
5. All materials and activities not within fully enclosed buildings shall be enclosed by appropriate screening on all sides visible from the road or street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
6. No such use shall front on or be visible from a major thoroughfare as designated on the official major thoroughfares map.
7. Any salvage or junkyard existing on the effective date of this chapter shall have twelve (12) months within which to comply fully with subsections (2) through (5) above. Failure to do so will constitute a violation punishable as prescribed by this chapter.

**Section 7:23. Resource recovery facilities, solid waste storage and transfer facilities, waste tire and treatment sites, and composting facilities.**

In keeping with the goals of the state's Solid Waste Policy and Management Act of 1991: to reduce the amount of solid waste being received at public landfills and incinerators and to promote recycling of waste resources; and to promote land use compatibility in the process, the above referenced facilities, where proposed for the county, shall meet the following siting and location criteria:

1. No such use, required to be located in the IND District, shall be located closer than one thousand (1,000) feet to any RC or RD District, church, school, historical place or public park or within four hundred (400) feet of an existing residential use not in an RC or RD District.
2. No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water or other causes.
3. All materials and activities shall be screened in such fashion as not to be visible from offsite. Screening may be accomplished by any combination of fences, walls, berms or landscaping in order to be fully screened from view. Where plants are to be used, they shall be evergreens of sufficient size to accomplish buffering and screening at the time of installation.
4. Any resource recovery facility engaged in the production, processing, or disposal of materials defined as "hazardous waste", as defined by section 44-56-20 of the South Carolina Code of Laws, shall only be located in the IND District and shall be subject to the same locational restrictions of Section 7:22 above.

**Section 7:24. Inert landfills.**

Due to consideration for the public health and safety and potential pollution of the environment, any such uses proposed for Calhoun County shall comply with the following supplemental development standards:

1. All such uses shall be licensed to operate in the county by the South Carolina Department of Health and Environmental Control.
2. Such uses may be located up to but no closer than one hundred (100) feet from any property line, except such landfills shall not be located closer than three hundred (300) feet from any dwelling, school building, day care center, religious, recreational or medical facility.
3. No materials shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water or other causes.

4. All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the commission where such facility will be utilized for a period not to exceed ninety (90) days.

5. The site shall be restored and revegetated on completion of use as a landfill.

#### **Section 7:25. Vehicular race and testing tracks.**

Vehicular race and testing tracks are declared by this chapter to be incompatible with residential development. Additionally, such use(s) has the potential of negatively impacting many nonresidential uses. As a result, any such proposed use shall comply with the following development standards:

1. No such use shall be located within two thousand five hundred (2,500) feet of any residential use (measured in a straight line).

2. Dirt tracks shall be located no closer than one (1) mile from any residential use.

3. Buffer yards specified between heavy industrial and residential uses in the RC District shall be provided along all property lines.

4. Proposed facilities shall have direct access off collector or arterial streets only.

#### **Section 7:26 Rural Cross Roads Businesses**

##### *7:26.1 Purpose*

The purpose of this section is to:

- a) Facilitate the development of basic retail and service uses for those living in rural areas;
- b) Establish development standards for Rural Cross Roads Businesses that protect existing residential and agricultural uses from potential adverse impacts of commercial uses; and
- c) Establish development standards for Rural Cross Roads Businesses that maintain the rural character of the district.

#### 7:26.2 *Applicability*

This section applies to all Rural Cross Road Businesses in any zoning district where they are allowed.

#### 7:26.3 *Permitted uses*

A Rural Cross Roads Business may include one or a combination of the following uses:

- a) Retail establishment,
- b) Service establishment,
- c) Restaurant, or
- d) Gas station.

#### 7:26.4 *Maximum structure size*

- a) The maximum gross square footage of all structures shall not exceed 5,000 square feet.
- b) The pump area at a gas station that is covered by a canopy shall not count towards the maximum structure size.

#### 7:26.5 *Lot cover*

No more than 50% of the lot may be covered by structures, buildings, pavement, or other impervious surfaces.

#### 7:26.6 *Parking*

Off-street parking shall be provided in accordance with Section 6:10, except that the design and construction standards do not apply.

#### 7:26.7 *Vehicular ingress and egress*

Vehicular ingress and egress shall be limited to one (1) access point for each side of the property that abuts a street.

## **ARTICLE VIII ADMINISTRATION**

### **Section 8:1.           Zoning Administrator.**

8:1.1.     This ordinance shall be administered and enforced by the designated Zoning Administrator who shall have all powers and duties authorized by statute or ordinance.

8:1.2.     The duties of the Zoning Administrator shall include:

- a) Interpretation of the terms and provisions of this ordinance;
- b) Administration of this ordinance by the issuance of permits and certificates, including the collection of authorized fees;
- c) Processing applications for appeals to the Board of Zoning Appeals from decisions of the Zoning Administrator, variances and special exceptions;
- d) Preparation of the record for appeal to circuit court from decisions of the Board of Zoning Appeals;
- e) Maintenance of a current zoning map, amendments to the zoning ordinance, and all public records related to zoning and planning;
- f) Enforcement of the zoning ordinance, investigation and resolution of zoning complaints;
- g) Administrative assistance to the Board of Zoning Appeals;
- h) Such other duties as may be authorized.

### **Section 8:2.           Zoning Permits.**

8:2.1.     Permits required. No building, sign or structure shall be erected, moved, enlarged, altered or demolished without a zoning permit issued by the Zoning Administrator. No zoning permit shall be issued by the Zoning Administrator except for a use which is in conformity with the provisions of this ordinance or for a use authorized by order of the Board of Zoning Appeals.

8:2.2.     Fees for permits. A fee established by regulation of County Council shall be paid for each zoning permit or certificate of zoning compliance issued by the Zoning Administrator.



8:2.3. Applications for permits. Applications for zoning permits shall be accompanied by plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be used, the sizes and locations of existing structures on the lot, the location and dimensions of a proposed structure or alteration. The application shall include such other information as may be required by the Zoning Administrator to determine conformance with this ordinance, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, number of families, housekeeping units, rental units, existing conditions on adjacent property. One copy of the plans shall be returned to the applicant with the signed approval or disapproval of the Zoning Administrator noted on the copy within thirty days.

8:2.4. Expiration of permits. If the work described in a zoning permit has not begun within six (6) months from the date of the permit, or within the time specified in a special exception, the permit shall expire and be void upon written notice by the Zoning Administrator.

### **Section 8:3.           Certificates of Zoning Compliance.**

8:3.1. Certificates required. It shall be unlawful for any person to use occupy or permit the use or occupancy of any building or property hereafter created, erected, changed, converted, altered or enlarged, in whole or in part, until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the proposed use conforms to the requirements of this ordinance.

8:3.2. Nonconforming uses or structures. Uses or structures made nonconforming by this ordinance may not continue without a certificate of zoning compliance issued by the Zoning Administrator which shall state that the use or structure was in existence at the time of adoption or amendment of this ordinance. The certificate of zoning compliance shall specify the features which are nonconforming, and may be used to establish a vested interest in continuation of the nonconformity.

8:3.3. Temporary uses. Certificates of zoning compliance may be issued and renewed by the Zoning Administrator for permitted temporary uses for the times permitted by zoning district regulations.

### **Section 8:4.           Violations.**

8:4.1. Misdemeanor; penalties. It shall be unlawful for any person to use property, or to construct, alter, enlarge or demolish any structure without a permit or permits required by this ordinance. Conviction for violation of this ordinance is punishable as a misdemeanor under the general penalty provisions of the County Ordinance.

- 8:4.2. Withholding permits. The Zoning Administrator shall deny a zoning permit for any use or work which fails to comply with this ordinance. The Zoning Administrator or other appropriate official shall withhold all other County permits for work which violates this ordinance.
- 8:4.3. Complaints. A written complaint specifying facts showing a violation of this ordinance filed by any person shall be investigated by the Zoning Administrator. Upon determination that a violation has occurred, the Zoning Administrator shall take appropriate enforcement action authorized by this ordinance.
- 8:4.4. Stop work orders. The Zoning Administrator is authorized to issue a stop work order pursuant to S.C. Code section 6-29-950 (A) requiring work to cease until specified code violations are corrected. Failure to comply with a stop work order of the Zoning Administrator is a misdemeanor punishable under the general penalty provisions of County Ordinance. Issuance of a stop work order may be appealed to the Board of Zoning Appeals.
- 8:4.5. Ordinance summons. The Zoning Administrator is authorized to issue an ordinance summons pursuant to County Ordinance provisions for violations of this ordinance.
- 8:4.6. Arrest warrant. The Zoning Administrator, with concurrence of the County Attorney, is authorized to request the issuance of an arrest warrant for violations of this ordinance.
- 8:4.7. Injunction. The Zoning Administrator shall submit a request to the County Attorney for institution of a civil action seeking an injunction prohibiting violation of this ordinance when appropriate.

## **ARTICLE XI APPEALS**

### **Section 9:1. Board of Zoning Appeals.**

- 9:1.1. Board established. A Board of Zoning Appeals is hereby established which shall consist of five (5) members appointed by County Council for staggered terms of three (3) years. A vacancy shall be filled for the unexpired term in the same manner as the original appointment. Members of the board may be removed by Council for cause.
- 9:1.2. Officers. The board shall elect or reelect one of its members as chairperson for a term of one year. The board may elect other officers as provided by its rules of procedure. The board shall appoint a secretary who may be an officer of the County approved by the County Administrator or a member of the board.
- 9:1.3. Rules of procedure. The board shall adopt rules of procedure for the conduct of its meetings and hearings. A majority of the board shall constitute a quorum. Meetings of the board shall be held at the County Courthouse Annex building at the call of the chairperson or at such times as the board may determine. Public notice of all hearings shall be published in a newspaper of general circulation in the county and shall be posted on the bulletin board at the County Courthouse Annex building. Notice of hearings on appeals for variances or special exceptions shall also be posted on or adjacent to property affected, with at least one notice visible from each public street abutting the property. The chairperson may administer oaths and compel attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote by reason of conflict, and shall keep records of its examinations and other official actions filed in the office of the secretary of the board as public records.

### **Section 9:2. Powers and Duties of Board of Zoning Appeals.**

- 9:2.1. The Board of Zoning Appeals has the following powers:
- a) Appeal from Zoning Administrator. Any person aggrieved by a decision of the Zoning Administrator may appeal that decision to the Board of Zoning Appeals in writing on a form provided by the Zoning Administrator within fifteen (15) days after actual notice of the decision. An appeal stays the implementation of the decision of the Zoning Administrator unless he certifies to the board that a stay would cause imminent peril to life or property. The board may affirm or reverse, wholly or in part, or may modify the decision by a written order separately stating findings of fact and conclusions of law.

b) Variances. An owner or authorized agent may appeal to the board on a form provided by the Zoning Administrator for a variance from the requirements of the zoning ordinance when the strict application of regulations would result in unnecessary hardship.

1) A variance may be granted if the board makes all of the following findings and conclusions in a written order:

- a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. these conditions do not generally apply to other property in the vicinity;
- c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- d. the authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance;
- e. the effect of the variance would not allow the establishment of a use not otherwise permitted in the zoning district; would not extend physically a nonconforming use of the land; and would not change the zoning district boundaries shown on the official zoning map.

2) The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

3) Failure to begin or complete an action for which a variance is granted within the time limit specified as a condition of the variance shall void the variance.

c) Special exceptions. An owner or authorized agent may appeal to the board on a form provided by the Zoning Administrator for a special exception for a use permitted by district regulations as a special exception after review, subject to applicable criteria.

- 1) The board shall consider the following factors in determining whether a special exception should be granted, in addition to specific criteria in district regulations:
  - a. traffic impact;
  - b. vehicle and pedestrian safety;
  - c. potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property;
  - d. adverse impact of proposed use on aesthetic character of the area; and
  - e. orientation and spacing of improvements or structures.
- 2) The board may prescribe appropriate conditions and safeguards to relieve or reduce adverse impact of a special exception and to protect the character of the area.

### **Section 9:3. Fees for appeals to Board.**

A fee of \$150.00 shall be paid for each appeal to the Board of Zoning Appeals from a decision of the Zoning Administrator, for a variance or special exception.

### **Section 9:4. Appeal to Circuit Court.**

A person having a substantial interest in a decision of the Board of Zoning Appeals, or an officer of the County authorized by County Council, may appeal to circuit court by petition for review on grounds that the decision is contrary to law, filed with the clerk of court and secretary of the board within thirty (30) days after the decision of the board is mailed. Within thirty (30) days after receipt of notice of filing a petition, the Zoning Administrator or secretary of the board, with assistance of the County Attorney, shall file with the clerk of court a certified copy of the board proceedings, including a transcript of evidence and findings and conclusions of the board.

## **ARTICLE X AMENDMENT**

### **Section 10:1. Initiation of Amendment.**

10:1.1. An amendment to the zoning ordinance text or zoning map may be initiated by adopted motion of County Council, adopted motion of the planning commission, or the Zoning Administrator. An amendment to the zoning map for changing a zoning district designation of property may be initiated by the owner of the property affected or by an agent authorized by the owner in writing.

10:1.2. An identical amendment to the district designation of the same or a portion of the same property for which a rezoning has been denied shall not be initiated more often than once in each twelve (12) month period after denial unless the planning commission determines either (1) there has been a substantial change in the character of the area, or (2) evidence or factors exist which were not considered in previous deliberations which might substantially alter the basis for the planning commission recommendation.

10:1.3. A zoning map amendment shall be initiated by an owner or agent on an application form provided by the Zoning Administrator, accompanied by required documents and information, and a filing fee established by resolution of County Council.

10:1.4. A complete application for amendment must be received at least two (2) weeks prior to a planning commission meeting in order to be considered at the meeting.

### **Section 10:2. Minimum district size.**

No amendment shall be initiated which would create a new zoning district with an area of less than two (2) acres; provided, the minimum area for a proposed amendment to a PD (Planned Development) district shall be five (5) acres. The minimum requirement does not apply to extension of an existing district.

### **Section 10:3 Amendment Procedure.**

The following procedural steps are required for adoption of a text or map amendment:

1. Amendment shall be initiated pursuant to section 8-100 above.
2. Amendment ordinance shall be prepared in written form required by County Code.

3. Proposed amendment shall be referred to planning commission for review and recommendation. The planning commission shall not conduct a public hearing, but the property owner may be allowed to present oral or written comments. If oral or written comments are taken, the commission shall give other interested members of the public ten days' notice and allow them to comment in the same fashion. Review shall include a determination of whether the proposed amendment is in conformity with the comprehensive plan. Planning Commission shall file with County Council its report and recommendation on the proposed amendment within thirty (30) days after receipt.

4. Newspaper notice of public hearing before County Council shall be published at least fifteen (15) days prior to hearing. The public hearing shall be scheduled for a date after the planning commission recommendation is due.

5. Notices of public hearing shall be posted on or adjacent to property to be rezoned, with one notice visible from each street bordering the property. Posted notices shall contain letters not less than one (1) inch in height.

6. Notices of public hearing shall be mailed to all adjacent landowners and to groups which have filed a written request for notices.

7. County Council may introduce amendment ordinance for first reading and hold public hearing on the same date. Planning commission recommendation shall be reviewed and considered, but it shall not be binding on County Council.

8. County Council may adopt or reject the amendment ordinance on second reading at least six days after first reading. Map amendments may be adopted or rejected for all or any portion of the property; however, a zoning district designation which was not included in the public notices shall not be adopted. An amendment may be withdrawn in writing by the initiator at any time prior to final action by County Council. A withdrawn amendment is not subject to the twelve (12) month limitation in section 8-100.

9. All amendments shall be noted and placed in the copy of the zoning ordinance maintained by the Zoning Administrator and in the official copy of the County Code maintained by the Clerk to Council. Map amendments shall be reflected on the official zoning map.