

Town of Awendaw Zoning Ordinance

Adopted December 7, 2000

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CHAPTER 1

ARTICLE 1.1 Statement of Intent

- a. WHEREAS, it is the desire of the Town of Awendaw to manage and regulate the development of the Town to assure adequate public services which will harmonize with and preserve the existing rural character and pristine nature of the Town; and
- b. WHEREAS, the Town of Awendaw's desire to manage the development and preserve natural and historical resources will be materially facilitated by zoning regulations; and
- c. WHEREAS, the nature of Awendaw's terrain is best suited only for low-density housing; and
- d. WHEREAS, to protect the unique waterfront environment as well as to prevent the degradation of the water classifications of the creeks, rivers and marshes surrounding Awendaw; and
- e. WHEREAS, this zoning ordinance will not significantly increase the cost of housing in the Town; and
- f. WHEREAS, this zoning ordinance considers all aspects of Awendaw's growth, with its aim of promoting not deterring the Town's orderly growth and development.

ARTICLE 1.2 Jurisdiction

§ 1.2.1 General

- A. This ordinance pertains to and describes the various zoning categories for the Town of Awendaw as shown on the accompanying map.
- B. Any property not conforming to this ordinance at the time of its adoption will be categorized "legal, non-conforming" and will remain as such with no change in use or zoning required. However, the discontinuation of the non-conforming use for a period of one year will result in the property being zoned to conform with the ordinance and attached map.
- C. Here and after in this document when references are made to Town Council, Planning Commission or Board of Zoning Appeals, those references shall indicate the Town of Awendaw's Council, Planning Commission or the Town of Awendaw's Board of Zoning Appeals.
- D. Here and after in this document when reference is made to the Planning Director that can also indicate the Director's designee. References to Planning Department and Public Works Department indicate the Town of Awendaw's staff and consultants.

ARTICLE 1.3 Administrative and Procedural

§ 1.3.1 Town Council

1. The Town Council does not act in a review or recommending capacity.
2. The Town Council shall have final (local) decision-making authority on the following matters:
 - A. Comprehensive Plan amendments;
 - B. Zoning Ordinance text amendments;
 - C. Zoning Map amendments (Rezoning);
 - D. Planned Development (PD) Plans and Planned Development (PD) Zoning Map amendments;
 - E. Acceptance of public dedications;
 - F. Adoption of fees associated with this ordinance as may be recommended by the Planning Commission and staff.

§ 1.3.2 Planning Commission

1. The Planning Commission acts in a review and recommending capacity on the following matters:
 - A. Comprehensive Plan amendments;
 - B. Zoning Ordinance text amendments;
 - C. Zoning Map amendments (Rezoning);
 - D. Planned Development (PD) Plans and PD Zoning Map amendments;
 - E. Acceptance of public dedications; and
 - F. Adoption of fees associated with this ordinance.
2. The Planning Commission shall have final (local) decision-making authority on the following matters:
 - A. Preliminary Subdivision Plats;
 - B. Public Project review;
 - C. Appeals of Administrative Decisions on Final Subdivision Plats;
 - D. Appeals of Administrative Decisions on Subdivision Matters; and
 - E. Any other matters pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.
3. The Planning Commission will adopt supplemental rules of procedure in Accordance with the provisions of this ordinance and not inconsistent with the provisions of Title 6, Chapter 29 of the Code of Laws of South Carolina. In its actions relating to this ordinance, the Commission will be governed by these regulations, and adopted rules.

§ 1.3.3 Board of Zoning Appeals

1. The Board of Zoning Appeals does not act in a review or recommending capacity.
2. The Board of Zoning Appeals shall have final (local) decision-making authority on the following matters:
 - A. Special Exceptions;
 - B. Variances; and
 - C. Appeals of Administrative Decisions on Zoning Matters.
3. The Board of Zoning Appeals will adopt supplemental rules of procedure in accordance with the provisions of this ordinance and not inconsistent with the provisions of Title 6, Chapter 29 of the Code of Laws of South Carolina. In its actions relating to this ordinance, the Board will be governed by these regulations, and adopted rules.

§ 1.3.4 Planning Director

1. The Planning Director shall act in a review capacity on the following matters:
 - A. Comprehensive Plan Amendments;
 - B. Zoning Ordinance Text Amendments;
 - C. Zoning Map Amendments (Rezoning);
 - D. Minor PD Plans and PD Zoning Map Amendments;
 - E. Major PD Concept Plans and PD Zoning Map Amendments;
 - F. Preliminary Subdivision Plats;
 - G. Final Subdivision Plats;
 - H. Variances
 - I. Special Exceptions; and
 - J. Public Project Review.
2. The Planning Director shall have final (local) decision-making authority on the following matters:
 - A. Written Interpretations;
 - B. Zoning Permits;
 - C. Sign Permits;
 - D. Final Subdivision Plats; and
 - E. Conditional Use Permits
3. The Planning Director shall have the following powers and duties in addition to those otherwise set out under this Ordinance:
 - A. maintaining permanent and current records of this Ordinance including, but

not limited to, all zoning maps, amendments, special exceptions, variances, appeals, and applications thereof and records of hearings thereon. Such records shall be open to public inspection during business hours;

- B. providing such clerical, technical, and consultative assistance as may be required by the Board of Zoning Appeals, Planning Commission, Town Council, and other boards, commissions and officials in the exercise of their duties relating to this Ordinance;
- C. enforcing all provisions of this ordinance;
- D. maintaining a record of all applications for zoning permits, including all plats and plans submitted therewith, which record shall be open to public inspection during business hours;
- E. receiving, filing, and forwarding to the Board of Zoning Appeals the records of all appeals and variances;
- F. receiving, filing, and forwarding to the Board of Zoning Appeals all applications for Special Exceptions; and
- G. reviewing, approving, and issuing Administrative Permits as authorized by this Ordinance and maintain records of these permits.

§ 1.3.5 Annexed Lands

All annexed lands of the Town of Awendaw shall be subject to the same zoning classification that existed under the Charleston County Zoning Ordinance at the time of annexation. In the instance where the zoning classifications differ, the most restrictive similar district shall apply.

§ 1.3.6 Fees

All applications shall be accompanied by payment of applicable fees as set forth in the fee schedule for the Town of Awendaw. This fee schedule may be amended by the Town Council upon recommendation by the Planning Commission as necessary.

CHAPTER 2

ARTICLE 2.1 Description of Zoning Districts

§ 2.1.1 C - Conservation - A district designed primarily to protect and encourage the appropriate use of marshlands, forested areas, scenic areas, and agricultural areas that are not likely to be developed for urban purposes in the reasonable near future.

Minimum lot width	100'
Minimum lot area per principal structure	1.5 acres
Maximum % lot coverage	25%
Minimum front setback	50'
Minimum interior setback	30'
Maximum height	35'
Minimum setback from OCRM critical line	50'
Minimum setback from freshwater wetlands	50'

§ 2.1.2 AG - Agricultural General - This district provides low density residential and agricultural uses as recommended in the Comprehensive Plan.

Minimum lot width	100'
Minimum lot area per principal structure	30,000 square feet
Maximum % lot coverage	30%
Minimum front setback	35'
Minimum interior setback	15'
Maximum height	35'
Minimum setback from OCRM critical line	35'
Minimum setback from freshwater wetlands	35'

2.1.3 R - Residential- A single-family district served by public water and designed to allow one family detached dwellings with minimum lot size of 12,500 square feet. **Note: If water or sewer is not available minimum lot size is to be 30,000 square feet.**

Minimum lot width	100'
Minimum lot area per principal structure:	12,500 sq. ft.
Maximum % lot coverage	30%
Minimum front setback	35'
Minimum interior setback	15'
Maximum height	35'
Minimum setback from OCRM critical line	35'
Minimum setback from freshwater wetlands	35'

§ 2.1.4 OR - Office/Residential - Office and services uses - to remain in a residential style structure in keeping with the surrounding community.

Minimum lot width	100'
Minimum lot area per principal structure	30,000 square feet 12,500 sq. ft. with water or sewer
Maximum % lot coverage	50%
Minimum front setback	50'
Minimum interior setback	20'
Maximum height	35'
Minimum setback from OCRM critical line	35'
Minimum setback from freshwater wetlands	35'

§ 2.1.5 GC - General Commercial - This district implements the Commercial Land use element of the Comprehensive Plan which calls for conveniences and services that compliment the rural community.

Minimum lot width	100'
Minimum lot area per principal structure	30,000 square feet 12,500 sq. ft. with water or sewer
Maximum % lot coverage	75%
Minimum front setback	50'
Minimum interior setback	20'
Maximum height	35'
Minimum setback from OCRM critical line	35'
Minimum setback from freshwater wetlands	35'

§ 2.1.6 TC - Town Center-This district provides commercial and office activities appropriate for the Town Center. All proposed development must be reviewed and approved by the Planning and Zoning Commission for architectural compatibility and all site plan features.

Minimum lot width	100'
Minimum lot area	30,000 square feet 12,500 sq. ft. with water or sewer
Maximum % lot coverage	75%
Minimum front setback	25'
Minimum interior setback	20'
Maximum height	35'
Minimum setback from OCRM critical line	35'
Minimum setback from freshwater wetlands	35'

§ 2.1.7 PD - Planned Development

Mixed uses allowed based on location and Planning Commission and Town Council's approval. See Article 2.2

Minimum lot area for zoning category to be granted: 1 acre

§ 2.1.8 AW - Awendaw Overlay District

Consists of the first 300' from OCRM Critical Line and is designed to protect the environment and waterfront.

Minimum lot width	100'
Minimum lot area per principal structure	1 acre
Maximum % lot coverage	30%
Minimum front setback	50'
Minimum interior setback	15'
Maximum height	35'
Minimum setback from OCRM critical line	35'
Minimum setback from freshwater wetlands	35'
Lot depth-width ratio	1 to 5

ARTICLE 2.2 Planned Development Zoning District Provisions

§ 2.2.1 Statement of Intent

In order to allow greater flexibility in uses and zoning criteria to a property owner, while maintaining the purpose and intent of this ordinance, these provisions are established to allow the creation of a planned development.

§ 2.2.2 Definition and Purpose

A Planned Development is defined as an area of land to be developed under a single overall plan that incorporates special regulations to allow broad land use and site design flexibility. The Planned Development may include a mix of residential, commercial and industrial activities or may focus on design concept for a specific use category.

The Planned Development District is intended to promote the following objectives:

1. Flexibility in site design and in the location of structures;
2. More efficient land use, building arrangement, circulation systems and utilities;
3. Preservation of landscape features and amenities; and
4. Innovative design, architectural styles, building forms and site relationships.

Pre-application Conference

Prior to submitting a formal request for a Planned Development, the developer and/or a representative will confer with the Planning staff in connection with an application. General outlines of the proposal with supporting sketch plans are to be reviewed prior to submission of the

application. The applicant, upon written request to the planning staff, will be furnished written comments regarding the pre-application conference, including appropriate recommendations to inform and assist the applicants prior to the final preparation of the required information for the application.

Application

Each application for a Planned Development will be accompanied by the following documents:

Written Materials

- ☞ A legal description, including an approved, recorded plat of the total site.
- ☞ When ownership of the property proposed to be included in the PD is not a single entity; the applicant must be certified to represent all owners.
- ☞ A statement of the development objectives to be achieved by the PD. Included will be descriptions of the character of the proposed development and the rationale behind the basic assumptions and choices made by the applicant.
- ☞ Development Guidelines including but NOT limited to the following quantitative data for the following: total number and type of dwellings and/or buildings; parcel size; lot coverage (bulk) to include square footage and percentage; gross and net residential densities; detail of non-residential construction to include types of proposed uses and height; phasing areas (acreage and density); open space; methods of enforcement; and utility and related public service requirement.

Site Plan and Supporting Maps

- ☞ Existing site conditions including soils analysis and drainage plan to include contours meeting the following criteria: 100 acres or less, one (1) foot contour intervals; larger than 100 acres, five (5) foot contour intervals.
- ☞ A master site plan of the development concept indicating land use relationships, densities, phasing areas and basic arrangements. The site plan will include, but not limited to the following:
 - 1) proposed circulation system identifying arterials, collectors, and local streets, off street parking areas, service areas, loading areas and points of access to public rights-of-way;
 - 2) existing and proposed utility systems;
 - 3) screening/buffer areas and open space.

Chapter 3

ARTICLE 3.1 Permitted Uses

§ 3.1.1 Table of Permitted Uses

Uses permitted in the general zoning districts will be as set forth in Table 1 and as modified by special provisions, exceptions and conditions contained elsewhere herein.

Symbols used in Table 1 are as follows:

“A” means that the indicated use is permitted in the indicated district as a use of right;

“S” means that the indicated use is permitted in the indicated district, subject to the granting of a Special Exception by the Board of Zoning Appeals;

“C” means that the indicated use is permitted as a use with conditions in the indicated districts.

For Special Exceptions and uses with conditions the criteria that *must* be met are listed in the article indicated in the column on the right of the permitted use table.

Zoning Districts:

- C - Conservation
- AG - Agricultural General
- R - Residential
- OR - Office/Residential
- TC - Town Center
- GC - General Commercial

1. All uses in all zoning districts must comply with 4.1.51.
2. OR-Office/Residential. All uses in this zoning district must comply with 4.1.32.
3. If a proposed use does not reference use conditions, than 4.1.1, General use conditions, is understood to apply.

Permitted Uses	Zoning Districts						
	C	AG	R	OR	TC	GC	Use Conditions
Agricultural Uses:							
Agricultural Processing	S	A	C				4.1.1
Agricultural Sales & Service	S					A	
Animal Production	S	S	S				4.1.1 & 4.1.46
Crop Production	S	A	C				4.1.1
Forestry & Logging	S	A	C				4.1.1 & 4.1.11
Roadside Stands	S	A	C	A	S		4.1.1 & 4.1.40
Stables	S	S	S				4.1.1 & 4.1.46
Residential:							
Accessory Dwelling Unit	S	C	C	C	S		4.1.2
Dwelling Group		C	C			S	4.1.1 & 4.1.15
Farm Labor Housing	S	S	S				4.1.1 & 4.1.17
Garage Apartment	C	C	C	C	C	C	4.1.20
Group Care Home/ Adult Day or Residential Care Facility		S	S	C	C	C	4.1.1 & 16 & 22
Manufactured Housing Unit	A	A	A	S			4.1.27
Single Family Detached	A	A	A	A	A		
Single Family Detached/ Manufactured Housing Unit (Joint Use)	A	A	A				
Single Family Attached/ Patio Homes & Duplexes					C		4.1.43
Civic /Institutional:							
Cemeteries	C	C	C				4.1.8
Child Day Care		S	S	S	S	A	4.1.1 & 4.1.9
Community Recreation Center		A	C	C	A	A	4.1.1 & 4.1.36
Courts & Public Safety		A	C	A	A	A	4.1.1
Education Service		S	S	S	A		4.1.1
Funeral Services				S			
Golf Courses Or Country Clubs	S	S	S				4.1.21 & 36
Guide Service- Hunting, Fishing, Canoeing, Etc.	C	C	C	C	A	C	4.1.18
Medical Office				S	A	A	
Museum & Historical Sites	C	A	C	A	A	A	4.1.24
Mortuary						A	
Parks, Recreation & Outdoor Rec./Entertainment	C	A	C		A	A	4.1.32
Postal Services					A		4.1.35
Religious Assembly		C	C	C	S	A	4.1.1 & 4.1.10
Recreation, Indoor					S	S	4.1.36
Recreational Vehicle Parking	C	C	C			A	4.1.1 & 4.1.37
Utility Service, Minor	A	A	A	A	A	A	
Utility Service, Major	S	S	S	S	S	S	4.1.34, 42 & 49
Waste- Related Uses	S	S	S			S	4.1.42
Permitted Uses							
Zoning Districts							
	C	AG	R	OR	TC	GC	Use Conditions
Commercial:							
Accessory Temporary Sales	C	C	C	C	C	C	4.1.3
Banks/Financial				A	A	A	
Bar or Lounge					S	S	4.1.39
Bed& Breakfast Inns		S	S		C	C	4.1.1 & 4.1.4
Broadcasting/Recording Studios				S	S	A	4.1.5
Building Materials/GardenEquipment and Supplies-Retail		S	S	C		A	4.1.1 & 4.1.6
Catering Service		S	S	C	A	A	4.1.1 & 4.1.7
Consumer Convenience Service				C	C	A	4.1.13
Consumer Goods Rental Service				S	A	A	
Consumer Repair Service				C	A	A	4.1.51
Communication Tower	S	S	S			S	4.1.1 & 4.1.12
Drive Through Facilities, Accessory, Except For Restaurants					S		4.1.14
Food Sales					A	A	
Hair, Nail,or Skin Care Services				C	A	A	4.1.23
Heavy ConstructionServices/ General Contractors						A	
Heavy Equipment Rental Service						C	4.1.51
Hotel/Motel					S	A	4.1.25
Kennels & Animal Boarding-Indoor/ Outdoor	S	S	S	S		S	4.1.1 & 33 & 46
Veterinary Service	S	S	S	S		C	4.1.1 & 4.1.33
Liquor, Beer, Or Wine Sales				S	S	S	4.1.26 & 39
Manufacturing and Production {PD}						S	
Marina	S					S	4.1.28
Non-Store Retailers				C	S	A	4.1.51
Off-Site Construction Facilities (Accessory)	S	S	S	S	S	S	4.1.31
Offices				A	A	A	
Office/Warehouse Complex				S		A	
Personal Improvement Services				C	A	A	4.1.51
Resturant, Fast Food						S	4.1.39
Resturant, General					A	C	4.1.14 & 39
Retail Sales Or Services				C	A	A	4.1.40
Self-Service Storage/ Mini-Warehouse						S	4.1.30
Service Stations, Gasoline (with or w/o convenience stores)					S	A	4.1.45
Sexually Oriented Businesses-not permitted in Town of Awendaw							4.1.29
Special Trade Contractors				S		A	4.1.44
Tattoo Facilities						S	4.1.48
Transportation Facilities & Services		S	S			S	4.1.1

Truck Stop						S	4.1.1

Permitted Uses	Zoning Districts						
	C	AG	R	OR	TC	GC	Use Conditions
Vehicle Parts, Accessories, or Tire Stores						A	
Vehicle Rental Service						A	
Vehicle Repair Service						A	4.1.47, 50 & 51
Vehicle Sales						A	4.1.41
Vehicle Service, Limited				C	S	A	4.1.47, 50 & 51
Warehouse and Freight Services {PD}						S	4.1.19
Wholesale Sales						C	4.1.51
Other Uses:							
Recycling Services		S	S			A	4.1.1
Resources Extraction	S	S	S			S	4.1.1 & 11 & 38

CHAPTER 4

ARTICLE 4.1 Use Conditions

§ 4.1.1 General

A Special Exception is a use that may be allowed upon review by the Board of Zoning Appeals to determine its impact upon the surrounding neighborhood. The following criteria for various types of uses must be reviewed to determine whether or not to allow a Special Exception. For uses designated as Special Exceptions in the Table of Permitted Uses but without specific criteria listed below, the Board of Zoning Appeals should consider the impact based on general criteria of access, noise, screening, lighting, compatibility with adjoining uses and traffic generation.

A Conditional Use will be allowed after review by the Planning Director or his designee to determine if it meets the criteria set forth below.

For land zoned Residential the parcel must have the minimum lot size of 1.5 acres except for single family or manufactured homes. If a Special Exception is approved for communication towers or resource extraction, the land may never be subdivided smaller than 1.5 acres or whatever size the BZA stipulates if that is larger.

§ 4.1.2 Accessory Dwelling Unit

Guest accommodations and servants and caretakers quarters in connection with dwellings shall be established as accessory uses only, and any structure established for such purposes shall contain not more than one dwelling unit in each. In Town Center, accessory apartments, such as a rental unit above a store, shall be permitted provided section 4.1.1 is met. The intent is to reinforce Town Center as a neighborhood commercial district with people living and working there.

§ 4.1.3 Accessory Temporary Sales

Auctions or garage sales of second-hand merchandise may be conducted on a zoning lot. Such sales may be conducted only once in a calendar year from the same zoning lot.

The sale of Christmas trees, fireworks and turkey shoots are authorized and shall not exceed a total time period of 60 days during a one-year period. This time period shall commence from the first date that such uses, individually or collectively, are approved or established, whichever is first.

§ 4.1.4 Bed and Breakfast

Bed and Breakfasts shall be subject to the following standards.

- a. The Bed and breakfast must be residential in nature and comply with the Home Occupation.
- b. No exterior alterations, other than those necessary to assure the safety of the structure, shall be made to any building for the purpose of providing a Bed and Breakfast.
- c. Bed and Breakfasts shall contain no more than 10 guest rooms.
- d. There shall be an owner or innkeeper/manager permanently residing on the premises.

- e. No meals other than breakfast may be served by the resident owner to paying guests.
- f. Parking areas for bed and breakfast uses located in agricultural or residential zoning districts shall be screened from view of residential zoning districts and public rights-of-way by evergreen plant material that will provide opaque screening at the time of plant maturity.

§4.1.5 Broadcast/Recording Studio

SC registered structural/acoustical engineer must find that activity will not have an adverse impact on the adjacent properties.

§ 4.1.6 Building Materials or Garden Equipment and Supplies Dealers

In any district where this type of use is subject to conditions, the use shall have a maximum area of 5000 square feet including the building and any outside storage. This use also excludes any tractor trailer containers in outside storage areas.

§ 4.1.7 Catering Service

In the office, neighborhood commercial, and rural commercial districts, this use shall have a maximum floor area of 5000 square feet or less, otherwise this use shall fall under the special exception provisions of this Ordinance.

§ 4.1.8 Cemeteries

Where a cemetery is permitted subject to this section, it shall be permitted only when accessory to and on the same zoning lot as a previously existing church. Burial lots shall meet the front yard setback requirements of the zoning lot on which it is located.

§ 4.1.9 Child Care Institutions

A facility licensed by the South Carolina Department of Social Services (DSS) with one or more staffed residences and with a total maximum population of 20 children who are in care apart from their parents, relatives, or guardians on a continuing full-time basis for protection and guidance. Play areas within 50 feet of residential structures or zoning must be appropriately buffered. Ingress/ egress, loading areas, parking and play areas must be approved.

§ 4.1.10 Churches, Synagogues and Temples

- a. Except as provided in paragraph 2 hereof, every church, synagogue, temple and parish house shall be set back from the boundaries of other properties in residential OR Districts at least 25 feet provided, however, that any wall which is unbroken by doors, windows, or other openings shall be set back at least 15 feet from such boundaries.
- b. In the case of the temporary use of a dwelling as a church or parish house for a period not to exceed three years, the Board of Zoning Appeals may waive or reduce the setback requirements of this section and the off-street parking requirements of this ordinance.

§ 4.1.11 Commercial Timber Operations

For this use to be allowed, the parcel must have 5 acres or more of forest land.

§ 4.1.12 Communications Towers

a. Purpose and Intent

The regulations of this section are designed to aid in the siting of communications towers in the Town of Awendaw. It is the intent of these regulations to allow for the harmonious co-existence of communications towers and other land uses. It is also the intent of these regulations to reduce the overall negative impact of communications towers by: (1) reducing the number of towers needed through a policy of encouraging co-location, and (2) if co-location is not feasible, encouraging either the clustering of towers ("tower farms"), the disguising of towers through alternative designs, or the location of communications equipment on existing tall structures.

b. Co-location Exemption

Proposed communications equipment co-locating on existing towers and structures without adding to their height shall require only a Zoning Permit and shall not be subject to the requirements of this section.

c. Zoning Permit Approval Criteria

No Zoning Permit shall be issued for a communication tower until the Planning Director and the Board of Zoning Appeals determines that tower complies with the following criteria and standards.

1. The tower must be located no closer to a residential structure than a distance equal to 1.5 feet for each 1 foot in height of the proposed tower plus 50 feet as measured from the center of the proposed tower. At a minimum, there must be a 150-foot distance between the proposed tower and a residential structure. This requirement may be waived by the owner of the residential structure.
2. If the proposed tower is in the CC district and it utilizes an appropriate alternative design (as determined by the Planning Director) which allows it to better blend with the surrounding environment or if the communications equipment will be placed on an tall structure housing another use without adding to its height, the proposed tower or tall structure need only meet standard zoning setback, buffer, and landscaping requirements. Setback requirements from residential structures as detailed in paragraph 1 of this subsection will not apply.
3. A 6-foot non-climbable fence must be placed around the tower (except for those designed in a manner compatible with paragraph 2 of this subsection) and any associated building. Guy wires may be fenced separately.
4. The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone 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).
5. For the purposes of co-location review and review of efforts at sitting a tower on the same lot near an existing tower, 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 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 staff communication with persons doing business within the industry). Additionally, the applicant shall make every effort to build the proposed tower in such a manner as may allow other telecommunication users to co-locate.

6. Proposed towers may not be located within 1,000 feet of the center of an existing tower unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and the applicant's technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate. In the event of the above situation, the clustering of new towers on the same parcel near existing towers is encouraged.
7. The proposed tower shall only be illuminated as required by the Federal Communications Commission or Federal Aviation Administration. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission or Federal Aviation Administration.
8. The proposed tower must not include signs of any nature on any portion of the tower. This requirement does not apply if the communications equipment is placed in a manner complying with paragraph 2 of this subsection.
9. In granting a Special Exception for a communications tower, the BZA must find the following:
 - (a.) that the location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, other significant environmental, cultural or historical sites, or roads which have been officially designated as scenic roads and that the tower is designed to blend into the environment and minimize visual impact;
 - (b.) if a completely new tower is necessary, the staff must have written proof that the applicant's attempts at co-location and siting a tower on the same lot near an existing tower were proven not feasible or practical; and
 - (c.) that the applicant has pursued any available publicly owned sites and privately owned sites occupied by a compatible use, and if not utilized, that these sites are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.
10. In instances in which a proposed communications tower is viewed by the staff as having a substantially negative impact on a surrounding area or adjoining property, the BZA shall have the discretion to deny a Special Exception for the communications tower. This denial must be made in writing with reasons specifically stated to the applicant.

11. Provide documentation that a 25 foot buffer outside the perimeter of the tower base fenced area exists or will be installed. The landscape plan or existing vegetation shall provide an opaque screen from public rights-of-way and adjacent property owners.

d. Tower Abandonment

A 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 staff and remove the tower within 60 days. Towers which are not maintained according to building codes by the owner shall be removed by the owner within 60 days. To assure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower over 100 feet and a performance bond for the amount of anticipated removal costs shall be posted for each tower over 150 feet. Removal costs shall be charged to the tower owner.

e. Zoning Permit Submittal Requirements

Applications for Communication Towers shall include the following information:

1. A site, drawn to engineer's scale, showing the location of the tower guy anchors (if any), buildings and other structures or improvements, parking, driveways, fences, and protected and Grand Trees affected by the proposed improvements. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any surrounding residential structures.
2. The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings.
3. 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 specific reasons noted and verified. The Planning Director may require additional information to determine that co-location was unfeasible. Additionally, documentation showing the structural capability of the proposed tower to accommodate co-location and the willingness of the tower owner to allow co-location on the proposed tower is required.
4. A copy of the tower's search ring.
5. Any other information as requested by staff to allow adequate review of approval criteria, including a line of sight analysis showing potential visual and aesthetic impacts. For instance, the staff may request photographs with the tower superimposed to assess visual impact. Additionally, the proposed towers FAA study number may be required.

§ 4.1.13 Consumer Convenience Store

In Town Center, a consumer convenience store may operate between the hours of 6 am and 11pm.

§ 4.1.14 Drive Thru Facilities

In the Town Center, drive-thru services are not permitted with restaurants. Drive-thrus are permitted as accessories to other uses in Town Center if an adequate vehicle stacking area is provided on the site which does not interfere with parking or ingress/egress of the site or building and vehicular access will not create any traffic hazards.

§ 4.1.15 Dwelling Groups

Where 2 or more principal structures are located on the same zoning lot, the following criteria shall apply:

Density, Intensity and Dimensional Standards

Density/intensity and dimensional standards of the underlying zoning district shall apply. In each case, the distance between structures, shall not be less than the sum of the least widths of the interior setbacks that would be required if the structures were on separate lots. This distance shall be measured from the closest protrusion of each structure.

Facing of Dwelling Units

Each dwelling unit shall face (front) either a street, court or outdoors living space.

Vehicle Access

All public or private vehicle access ways exceeding 500 feet in length or serving more than 3 dwelling units shall be constructed in accordance with all applicable county road standards. Driveways with a length of 100 to 500 feet in length that serve dwelling groups of 3 or fewer dwelling units shall have a clear travel lane of least 18 feet in width. Driveways of less than 100 feet in length serving dwelling groups of 3 or fewer dwelling units shall have a clear travel lane of least 16 feet in width. At least 14.5 feet of overhead clearance shall be required on all vehicle access ways.

Other Zoning Requirements

Unless specifically modified by this section, Dwelling Group shall comply with all other requirements of this Ordinance for the district in which located.

§ 4.1.16 Adult Day or Residential Care Facility

- a. Elderly Day or Residential Care Facility will be allowed by Special Exception only.
- b. Only existing single family residential homes will be established as Elderly Day or Residential Care Facilities.
- c. No more than 10 residents are to be served in a facility.
- d. Residents will be elderly and will require personal assistance, however, medical services will not be provided on premises.

- e. Elderly Day or Residential Care Facility will not include programs or treatment for individuals suffering from mental illness, drug addiction or alcoholism, and excludes group homes.
- f. Facilities will meet all applicable state regulations.

§ 4.1.17 Farm Labor Housing

Farm Labor Housing shall be subject to the following standards:

- a. Such use shall be setback 100 feet from road rights-of-way and property lines bordering undeveloped parcels. A minimum 200-foot setback shall be required from property lines abutting developed parcels.
- b. A minimum 50-foot buffer shall be maintained and planted within the setback area along all interior property lines.
- c. For Farm Labor Housing that is not dormitory style, the minimum lot area for such use as a use permitted by-right shall be 5 acres. Such use shall be allowed as a Special Exception on parcels under 5 acres in area.
- d. Farm labor housing shall be used on a seasonal basis only, not as year-round housing.

§ 4.1.18 Fishing or Hunting Lodge-Guide Services

Hunting or Fishing Lodges shall be subject to the following standards:

- a. For this use to be allowed, any hunting activities shall only take place on parcels where written permission of all property owners (exclusive of the Francis Marion National Forest) is provided at the time of permitting.
- b. If there is any stocking of game or fish, this use shall fall under the special exception procedures of this ordinance.

§ 4.1.19 Freight Forwarding Facilities

This facility shall have a maximum floor area of 10,000 square feet or less, otherwise this use shall fall under the special exception procedures of this Ordinance.

§ 4.1.20 Garage Apartments

In any district in which garage apartments are permitted, a garage apartment which contains not more than one dwelling unit may be established in addition to a principal dwelling structure provided, however, that such garage apartment shall be the only additional dwelling structure on the lot.

§ 4.1.21 Golf Courses

Golf courses shall be subject to the following standards and criteria:

- a. An impact analysis must be submitted that indicates the potential number of members, the characteristics of the golf course membership, a traffic impact analysis and a complete site analysis as detailed below:

Required Site Analysis

The layout of any golf course shall be determined after preparing the required site analysis. The detailed site analysis will be done in order to identify the site's most

significant environmental, historic, cultural, and natural resources. The site analysis will include:

1. Vegetation

Characteristics of a vegetation survey related to land use will describe principal, predominant, and significant vegetation, by type, condition, age, use, and general or specific location. Features in the survey will include trees and shrubs, agricultural fields, treelines, native vegetation, orchards, groves, woodlots, pastures, wetlands, forests, and grasslands. The vegetation survey shall indicate any significantly large trees or endangered plant or animal species that may reside on the site and is protected by law.

2. Historical, Archaeological and Cultural Resources

Historical resources located within the proposed golf course development must be identified on the plat. Sources such as the County of Charleston Historical Survey (1991), state registers and to federal registers such as the National Register of Historic Places shall be utilized in identifying these resources. The historical survey is important for noting structures and areas that must be protected as designated landmarks.

3. Adjacent Land Use Patterns

Land use on adjacent properties shall be identified. Features such as, but not limited to, roads, rice dams, traditional settlement areas, cemeteries, clusters of structures, parks, marinas, and logging areas shall be shown.

4. Hydrography

All water features including streams and sensitive areas on the site, such as wetlands and riparian corridors must be located. The purpose of locating these features is to limit disturbance of soil and vegetation that affect water quality features. Hydrography shall be used to determine where water required wetland buffers and other requirements such as drainage easements will be located. Wetland buffers of 50 feet are required on all saltwater marshes, and 35 feet on all freshwater wetlands. All water bodies - rivers, streams, drainage channels, marshes or wetlands, floodplains and aquifers must be inventoried or identified.

5. Wildlife Habitat Areas

The purpose of identifying wildlife habitat areas is to assess the ecological conditions of the landscape and to provide continuation of these habitat areas.

Features of this survey shall include the presence of any threatened or endangered species, natural areas vital to wildlife species, habitat areas that are connected to larger undisturbed natural habitat (connected habitat system). Through this method the study will develop key points or areas that should be left undeveloped, then define those areas most suitable for development.

- b. Only Audubon International "Signature Program" golf courses will be allowed.
- c. Potential sites should be selected which allow the golf course to be routed in such a way as to minimize the need to alter, create or remove existing native landscapes, trees, and vegetation, and which provide opportunities for restoration/enhancement of valuable habitat.
- d. Sites which have Archaeologically or Geologically significant, and sensitive or critical habitat or environmental features shall be identified and either relocated or preserved through careful golf course design. Permanent open space easements or other techniques may be used, as appropriate, to effect preservation. The site design shall identify areas for restoration, replanting, and enhancement of riparian and littoral habitat to re-establish wildlife migration corridors and linkages between fragmented habitat areas. Protection and planned restoration/enhancements for such areas during construction and ongoing operation must be ensured. Native habitats and communities of special value to threatened/endangered species shall be preserved to the greatest extent possible, consistent with State and Federal regulations.
- e. Each site selected for golf course development will likely have a variety of habitat types present. These habitat types must be identified and provisions made for routing of the course or relocation of the species.
- f. The site plan should protect drainage systems that support retained vegetation. Ponds shall be developed which mimic conditions in terms of both aesthetics and habitat.
- g. Structures and buildings should be located such that impacts to habitats and significant natural areas are avoided.
- h. Design and Construction Standards
 - 1. Marshes, Creeks and Wetlands
 - (a.) The golf course design must attempt to minimize the number of marsh, creek or wetland crossings. Marsh, creek or wetland crossings must be designed in such a way to minimize erosion and harmful effects of significant habitat and migration corridors.
 - (b.) Bridges must minimize alteration of the marsh, creek or wetland environment.
 - (c.) Design must create and restore riparian habitat, especially in previously degraded habitat areas, and must reduce the impact of alterations necessitated by design and construction of the course.
 - (d.) The course design must employ vegetated buffer strips of sufficient width to mitigate impacts to riparian corridors and other significant habitat which may result from surface drainage of the golf course, cart paths, and other developed areas. In certain circumstances where riparian vegetation has been degraded or

does not exist, turf grass and rough areas may be located in closer proximity to the marshes, creeks or wetlands.

- (e.) Cart paths must be graded such that runoff from them generally does not flow directly into any marsh, creek, or wetland.
- (f.) Construction fencing/siltation barriers must be utilized during the construction phase where needed to protect habitat and marsh, creek or wetland areas.

2. Trees

- (a.) The selected site must not be heavily forested (with more than 60% tree canopy coverage).
- (b.) The design of the course and related facilities must maximize the preservation of clusters or significant stands of trees, particularly grand trees, preferred specimen trees and otherwise preserve "interior" habitat areas.
- (c.) Irrigation systems shall be designed to avoid impacting existing oaks or other sensitive vegetation.
- (d.) If required by the Planning Director, a certified professional arborist, botanist, or forester shall be employed by the applicant to evaluate the status of the trees and related habitats on the site and provide direction for restoration and/or enhancement of impacted trees.
- (e.) Cart paths within the driplines of trees slated for preservation must be graded in such a way as to not damage or stress the tree.
- (f.) Barriers (curbs, fencing, vegetation, etc) should be established to discourage cart and pedestrian travel off paths located within or adjacent to sensitive habitat.

3. Water Quality

- (a.) Lined artificial storage ponds must not be located in prime groundwater recharge areas.
- (b.) Turf grass species and landscaping around buildings should be selected which are drought resistant or tolerant and which are suited for any special site characteristics or soil conditions.
- (c.) State-of-the-art irrigation systems with site meteorological monitoring capability should be used to minimize water use.
- (d.) If on-site wells or ponds are to be used as the irrigation water source, analysis will be required to determine the safe yield in order to prevent aquifer, off-site wells and/or marsh, creek or wetland depletion. The developer will be held responsible for any negative impact on water supplies to adjacent or nearby properties.
- (e.) Paved areas should be limited in order to minimize impermeable surfaces, and thereby reduce surface runoff.
- (f.) The project should employ established best management practices pursuant to the Non-Point Source Program guidelines to

control non-point source (stormwater) runoff pollution. For example: impervious liners for detention/retention ponds and water hazards to protect ground and surface water quality; buffer strips, oil/grease separators or other recommended techniques for parking area drainage systems; grease traps and other recommended technologies for facilities such as golf cart maintenance or wash areas to prevent untreated runoff from entering the natural aquatic environment berms, vegetative strips, grease traps, or other recommended technologies in parking areas for drainage controls to minimize pollution to nearby riparian areas and surface waters.

- (g.) The overall drainage system should be designed to insure that there is no increase in the velocity or amount of off-site flows during major storm events.

4. Archaeology

- (a.) The design of the course must preserve significant archaeological areas and/or historical features present on the site.
- (b.) Significant archaeological sites must be staked, flagged, or fenced -off to insure their protection.

5. Noise

- (a.) Where possible, clubhouse facilities and other noise-generating uses and facilities should be located away from neighbors who might be impacted.
- (b.) Roads must be sited such that traffic noise is minimized for adjacent areas.

6. Growth-Inducing Impacts

- (a.) The project should not provide infrastructure improvements that would be capable of serving new development other than the proposed project.
- (b.) The project should not stimulate economic expansion or growth (e.g. major changes in tax revenue base, employment expansion, etc.) Other than that necessary to serve the proposed project.
- (c.) The project should not establish a precedent for significant change in current Comprehensive Plan policy.
- (d.) In cases where the golf course developer owns lands adjacent to the project site, a plan for the potential development of those adjacent lands should be submitted for evaluation.
- (e.) Deed restrictions, open space easements, or other appropriate techniques must be used to mitigate or prevent growth-inducing impacts inside the development

I. Notification

Upon the receipt of a complete application for a golf course, the Planning Department shall notify neighbors within a 300-foot radius, parties in interest, and place notification in the newspaper within 10 days.

- J. Time Limit for Staff Review
Upon the receipt of a complete application for a golf course, the Planning Department shall have a maximum of 45 days to act on the application. Staff's failure to act on the application within 45 days will result in the applicant being granted a Zoning Permit.

§ 4.1.22 Group Homes

Group homes will comply with the following standards:

- a. Proof of application to the S. C. Department of Social Services (DSS) or the S. C. Department of Mental Retardation (DMR) must be presented prior to obtaining zoning permit.
- b. Facility must meet any applicable screening requirements in this ordinance.
- c. Signage shall be allowed in accordance with this ordinance.
- d. Parking shall be provided in accordance with this ordinance.

§ 4.1.23 Hair, Nail or Skin Care Services

Where Hair, Nail and Skin Care Services are allowed as a use with conditions, this use shall have a maximum floor area of 5,000 square feet, otherwise this use shall fall under the special exception provisions of this Ordinance.

§ 4.1.24 Historical Site

In the agricultural and residential districts, the hours of operation shall be restricted to the hours between 7am and 8pm, otherwise this use shall fall under the special exception procedures of this Ordinance.

§ 4.1.25 Hotel/Motel

In Town Center, motels are not permitted. Hotels are limited to 5,000 square feet.

§ 4.1.26 Liquor, Beer, Wine, Sales

Liquor, Beer, Wine, Sales may not be within 100 feet of an existing school, church, hospital, residence, park or library.

§ 4.1.27 Manufactured Housing Units or Shells

In the AG and residential zoned districts a manufactured housing unit may be used for one (1) caretaker's quarters. It shall not be permitted for other than residential use unless authorized elsewhere in these regulations.

Where it is desired to utilize manufactured housing shells or units for temporary use while construction is in progress on a permanent structure, application may be submitted to the Zoning Administrator for a construction permit. Such a temporary unit shall be removed from the premises within 30 days of issuance of a certificate of occupancy for the permanent structure.

Manufactured housing units or shells may be utilized for classroom and related use for a two-year period or as otherwise specified provided a Special Exception has been obtained. The period of use may be extended upon application and proper finding by the BZA.

Where needed for the general welfare of the public, governmental entities may utilize shells or manufactured units as classrooms, clinics, offices and caretaker's quarters, provided a Special Exception has been obtained.

§ 4.1.28 Marinas

a. Permitted Uses

1. Services - Marinas may provide the following services if specifically authorized by a Special Exception approval:
 - (a.) launching ramps and small hoists (to accommodate primarily the launching of watercraft not exceeding 4,000 pounds in Residential and Agricultural Residential Districts.
 - (b.) piers, wharves and other facilities for the berthing and securing of recreational watercraft;
 - (c.) dockside maintenance and repair necessary to keep watercraft in operable condition;
 - (d.) wet storage and mooring of seaworthy pleasure craft in operable condition;
 - (e.) dispensing of fuel subject to
 - (f.) shower and laundry facilities for marina clientele only;
 - (g.) vending machines.
2. Additional Services - Excluding marinas in R and R1 Districts, marinas providing 50 or more boat slips may provide the following additional services:
 - (a.) bait and tackle retail sales;
 - (b.) retail sales of basic marine supplies and accessories necessary for boat operation, maintenance and upkeep (not to include the sale of boats and/or motors);
 - (c.) snack bars and retail groceries.
3. Other uses or services - Marinas may provide such additional activities or services as permitted by the applicable use tables.

b. Performance Standards

In addition to any other applicable provisions of the Ordinance, marinas shall be subject to the following performance standards.

1. Lot size and location - The property shall have a minimum of one acre of high ground above the mean high water mark when public water and public sewer are available, shall have frontage on a public-owned road, and have a minimum width of 150 feet at the water front.
2. Services - All services provided by the marina shall be located on the same zoning lot or on the piers associated therewith.
3. Structures - All retail sales and services shall be enclosed. The maximum structure size or bulk shall be limited to 10 square feet of net floor area for each boat slip.
4. Setbacks - All structures shall be set back a minimum of 100 feet from abutting property zoned as R1 or R Districts except where the property line is the street right-of-way line, in which case the front yard established for the zoning lot shall apply.
5. Parking - Off-street parking shall be provided in accordance with this ordinance. Any parking associated with the use of the launching ramp and other marine

activities must be accommodated on-site. Parking surfaces and off-street roads or driveways within the facility shall be graded and covered with a permanent dustproof surface.

6. Storage - Areas for boat trailer storage and open field boat storage shall be designated and screened from any adjacent R1 or R Districts. Open field boat storage on trailers may be provided on a ratio of one 10 x 20 space for each two boat slips.
7. Screening - Marina developments, including areas for boat trailer storage and open field boat storage, shall be screened from adjacent uses.
8. Signs - Those signs that identify commercial activity shall be placed and designed so as not to attract the general public.
9. Wastewater Disposal Facilities - Wastewater disposal facilities shall meet the requirements of the regulatory agencies having jurisdiction.
10. Firefighting or Fire Prevention - Firefighting or fire prevention equipment shall be as specified by the local fire district in which located.
11. Siting Standards - The issuance of a Special Exception for a marina shall be subject to the siting standards contained in the Marina Impact Matrix adopted by Charleston County Council on March 5, 1985.

§ 4.1.29 Massage Parlors, Adult Book Stores, Adult Theaters, or Sexually Oriented Businesses

These uses are not permitted in the Town of Awendaw.

§ 4.1.30 Mini-Warehouse Storage Facility

Mini-warehouse storage facilities must comply with the following criteria:

- a. Performance Standards
 1. Front Setback - All structures, including the accessory managers office/apartment, must be set back a minimum of 25 feet from the right-of-way or the district minimum setback, whichever is greater.
 2. Side and Rear Buffers/Screening-
 - a. Where projects abut lots zoned office, commercial or industrial, no side and rear setbacks are required.
 - b. Screening will be installed in accordance with this ordinance.
 - c. Where sites abut residentially zoned properties, buildings adjacent to the perimeter must face inward with their doors away from such areas.
 3. Building Lengths and Access - To ensure ease of access for emergency vehicles, no building shall exceed 300 ft. in length. Spaces between ends of buildings shall be at least thirty (30) feet.
 4. Accessory Manager's Office/Apartment - One management office and/or accessory residence will be permitted.
 5. Parking and Circulation -
 - a. Parking spaces must comply with this ordinance.
 - b. Project entrances shall be thirty (30) feet in width.
 - c. Roadway widths on interior drives shall be at least twenty-four (24) feet in width where buildings face and open onto such drives on

only one side. Where buildings face and open onto drives on both sides, widths of such drives shall be at least thirty-four (34) feet.

- d. Turning radii, whether provided at the terminus of interior drives or at points between buildings, shall be at least thirty (30) feet to provide for the maneuverability of emergency vehicles.
6. Signs - Signs shall comply this ordinance. Signs shall not be attached to or displayed on walls for fences used as required screening.
- b. Operating Conditions
 - 1. Commercial activities - The manufacture or sale of any commercial commodity or the provision of any service from the premises is prohibited.
 - 2. Commercial repair activities - Commercial repairs of autos, boats, motors, furniture, or other items on the premises is prohibited.
 - 3. Storage of flammable substances - Storage of flammable chemical substances within the complex is prohibited.
 - 4. Open Storage - Open storage of automobiles and boats is permitted only where such areas are screened to comply with this ordinance.
 - c. Site Plan Requirements

Prior to receiving zoning permits, site plans must be provided. Such plans shall be drawn to scale and contain the following information with dimensions:

 - 1. All existing and proposed structures.
 - 2. Driveways and parking.
 - 3. Existing drainage easements and proposed drainage plans.
 - 4. Interior roadways and turning radii.
 - 5. Lot line.
 - 6. Open storage areas.
 - 7. Proposed walls, fencing, screening, landscaping, lighting and signage.
 - 8. Right-of-ways with widths.
 - 9. Setbacks.
 - d. Drainage Review

In addition to site plan review, applicant must submit drainage plan prepared by a licensee of the State of South Carolina, to Charleston County Public Works Department for review. A letter of compliance certifying adequacy of the drainage system must be received by Planning Department from Public Works Department prior to approval of conditional use application. Satisfaction of drainage requirements will be prerequisite to the granting of any zoning and building permits.

§ 4.1.31 Off-Site Construction Facilities (Accessory)

- a. Accessory construction facilities shall be permitted to establish an operations base in any zoning district upon obtaining a Special Exception after it is ascertained that such construction facilities are incidental to and necessary for such construction or installation within a three-mile radius of the operations base.
- b. Each such permit shall specify the location of the proposed facility and define the area and boundaries thereon to be served. The permit shall be granted for not more than one year and upon proper application be extended a similar period of time for the same site. Upon

- termination of the permit, all materials used in the construction or installation shall be removed from the premises.
- c. Ingress and egress from such facilities shall be only from major arterials or collector streets which give rise to the least traffic through residential areas.
 - d. Included in accessory construction facilities are temporary batching plants for asphaltic or Portland cement concrete, temporary buildings or mobile shells, field storage of materials and/or equipment.

§ 4.1.32 Parks, Recreation and Outdoor Recreation/Entertainment

Park, Recreation and Outdoor Recreation and Entertainment uses shall be subject to the following standards.

- a. Any structure established in connection with such uses shall be set back not less than 50 feet from any property in an agricultural, residential or office zoning districts, except where such property line abuts a street, in which case the front yard established for the district shall apply.
- b. Property line setbacks shall not apply for water-dependent structures.

§ 4.1.33 Pet Stores or Grooming Salons, Small Animal Boarding, and Veterinary Services

These uses shall have a maximum floor area of 5000 square feet or less, otherwise these uses shall fall under the special exception procedures of this Ordinance.

§ 4.1.34 Pipe Lines, Placement of

Where this ordinance requires a Special Exception for any pipeline, such pipeline shall not be placed above ground unless the Board of Zoning Appeals specifically permits.

§ 4.1.35 Postal Service, United States

In the agricultural and residential districts, any postal service facility shall have a maximum floor area of 5000 square feet or less, otherwise this use shall fall under the special exception procedures of this Ordinance.

§ 4.1.36 Recreational Activities

The following conditions shall apply to recreation centers and golf courses and clubhouses established in connection therewith:

- a. Any structure established in connection with such uses should be set back not less than 50 feet from any property in an agricultural, residential or office zoning district, except where such property line abuts a street, in which case the front yard established for the district shall apply.
- b. Potential gathering places and play areas must be appropriately buffered from adjacent residential structures or zones.

§ 4.1.37 Recreation Vehicle Parks

In any district in which recreational vehicle parks are permitted as a use of right or are permitted subject to the granting of a Special Exception by the BZA, the following minimum conditions shall apply:

Location and Access - No recreational vehicle park shall be located except (a) in a public park or (b) with direct access to a state or federal numbered highway, or approved County road. No entrance to or exit from a recreational vehicle park in a Commercial District shall be through a Residential District.

Site Conditions - Condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. No portion of the site that is subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose, which would expose persons or property to hazards.

Spaces for Occupancy; Uses Permitted; Lengths of Stay - Spaces in recreational vehicle parks may be used by recreation vehicles, as defined herein. Spaces shall be rented by the day or week only, and no recreational vehicle shall remain in the same trailer park more than thirty days.

Site Planning and Required Improvements - Site planning and improvements shall provide for:

- a. Facilities and amenities appropriate to the needs of the occupants;
- b. safe, comfortable, convenient and sanitary use by occupants under all weather conditions to be expected during periods of occupancy;
- c. protection of occupants from adverse environmental influences, and where appropriate, protection of the neighborhood from potential adverse influences within the recreational vehicle park.

Relation of Spaces to Public Streets. In addition to yard requirements applying generally within districts, the following limitation shall apply with respect to recreational vehicle parks. No space shall be located so that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any major thoroughfare or collector street, or within 25 feet of the right-of-way line of any other street.

§ 4.1.38 Resource Extraction

Before approval of a Special Exception for a Resource Extraction use, the applicant shall show proof of a valid permit from the State of South Carolina Land Resources Conservation Commission that has been issued within 6 months of the Special Exception application date. The Board of Zoning Appeals may, on a case-by-case basis, also require that the excavation area be screened, that a drainage plan be submitted and approved for the restoration of the site when excavation has been completed. When approval by the Board of Zoning Appeals has been granted to the applicant, the Planning Department will provide locator data by tax map data to the Environmental Health section of the Charleston County Health Department as well as to the Mosquito Abatement section of the Public Works Department. (See Commercial Timber Operations 4.1.11)

§ 4.1.39 Restaurants, Bars and Lounges Serving Alcoholic Beverages

All proposed bars, lounges and restaurants serving beer or alcoholic beverages located within 500 feet of the property line of a lot in a residential zoning district or a lot containing a residential use shall require review and approval in accordance with the Special Exception procedures. Distances shall be measured from the nearest property line of the subject parcel to the nearest property line of a lot containing a residential use or located in a residential zoning district.

In Town Center, bars and lounges are permitted only as subordinate part of a restaurant and may not be within 100 feet of any existing school, church, residence, park or library. Hours of operation are restricted to closing at midnight.

§ 4.1.40 Retail Sales or Service, General

In any district where this type of use is subject to conditions, the use shall have a maximum floor area of 5000 square feet or less, otherwise the use shall fall under the special exception procedures of this Ordinance.

Roadside stands in Town Center must be an accessory use and shall not be allowed along Highway 17.

§ 4.1.41 Sale of Motor Vehicles

Not more than (2) two motor vehicles may be offered for sale, operable or inoperable, which are the property of the owner or occupier of the lot upon which the sale(s) occurs unless specifically authorized for wholesale or retail trade of motor vehicles.

§ 4.1.42 Sewage Disposal Facilities

Sewage Disposal Facilities shall be subject to the following standards.

- a. The installation and/or construction in accordance with design plans approved by the South Carolina Department of Health and Environmental Control, and the operation of sewage disposal plants, systems, and sludge drying beds shall be approved by the County Health Department.
- b. Any structure or bed established in connection with such uses should be set back not less than 50 feet from any property line. All open spaces shall be screened to conform to the general character of the neighborhood.

§ 4.1.43 Single-Family Attached/Patio Homes & Duplexes

The design of such developments shall be approved by the Planning Commission.

§ 4.1.44 Special Trade Contractors

This use shall have a maximum area of 5000 square feet including the building and any outside storage. This use also excludes any tractor trailer containers in outside storage areas.

§ 4.1.45 Service Stations in Town Center

Service stations in Town Center must be approved by the Planning Commission and may not be accessible from Highway 17.

§ 4.1.46 Stables

Boarding or riding stables shall require a minimum lot area of 5 acres. Riding areas and trails shall be limited to the subject parcel upon which the stable is located unless documentation is provided granting access onto other lands. Such documentation shall be provided through written and recorded documents.

§ 4.1.47 Storage and Repair of Inoperable Motor Vehicles

- a. Open storage and/or repair of more than (2) two inoperable motor vehicles is prohibited on all lots in agricultural, residential, office, commercial and industrial districts unless specifically authorized for use as a salvage yard.
- b. On lots not specifically authorized for use as a salvage yard:
 - 1. Open storage and/or repair of (2) or less inoperable motor vehicles is permitted only as an accessory use on the same zoning lot with an existing principal dwelling unit;
 - 2. Open storage and/or repair of (2) two or less inoperable motor vehicles is not permitted within the required front setback and must be screened in the rear according to the requirements this ordinance;
 - 3. storage of inoperable motor vehicle parts is permitted only within a completely enclosed private garage which is accessory to the principal dwelling unit and located on the same lot.
- c. Repairs of inoperable motor vehicles are restricted to vehicles which are the property of the owner or occupier of the lot on which repairs occur, unless the lot is specifically zoned for the repair of motor vehicles.

§ 4.1.48 Tattoo Facilities

- a. Tattoo facilities shall be prohibited within 1,000 feet of a church, school, or playground. This distance shall be the shortest route of the ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground;
- b. All proposed tattoo facilities located within 1,000 feet of a property line of a lot in a residential zoning district, or a lot containing a residential use shall require review and approval in accordance with the Special Exception procedures of this Ordinance. The distance shall be measured from the nearest property line of the subject parcel to the nearest property line of a lot containing a residential use or located in a residential zoning district;
- c. All proposed tattoo facilities may only provide tattooing and may not engage in any other retail business including, but not limited to, the sale of goods or performing any form of body piercing other than tattooing;
- d. All proposed tattoo facilities shall comply with all regulatory requirements of the State of South Carolina;
- e. Tattoo facility site plans must be approved by the Planning Commission and must comply with all provisions of this ordinance; and
- f. When the provisions of this Ordinance require approval as a Special Exception, all property owners within 1,000 feet of the subject property shall be notified of the request.

§ 4.1.49 Utility Substations

Wherever, either by use of right or where a Special Exception is required for an electricity regulating substation, gas pressure control station, or similar utility substation, such use shall comply with the following conditions, unless it is located entirely underground.

- a. The uses shall be found to be essential for serving the immediate area.
- b. Any structure shall be set back not less than 25 feet from all property lines.
- c. The uses shall be enclosed by a screen as required by this ordinance.
- d. Open spaces on the premises shall be suitably landscaped.

- e. The storage of vehicles and equipment on the premises shall be prohibited.

§ 4.1.50 Vehicle Service, Limited

Vehicle Service, Limited shall be subject to the following standards:

- a. No outdoor storage of vehicles shall be permitted.
- b. This use shall have a maximum floor area of 5,000 square feet, otherwise this use shall fall under the special exception procedures of this Ordinance.
- c. In Town Center, all services shall occur inside, no materials or vehicles stored outside, no vehicles parked on site overnight.

§ 4.1.2.51 Size and Storage Limitations

Developments in all zoning districts must comply with the following:

- a. No outside storage
- b. Maximum size of principal structure is 5,000 square feet (10,000 square feet for Wholesale Sales). Any exception to these provisions must be approved by the Board of Zoning Appeals.

CHAPTER 5

ARTICLE 5.1 Home Occupations

§ 5.1.1 General

Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this section are intended to permit residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the principal residential use of the property and that the viability of the residential use is maintained. Zoning Permits shall be required for all home occupations.

§ 5.1.2 Where Allowed

Home occupations that comply with the regulations of this section shall be allowed as an accessory use to any allowed residential principal use.

§ 5.1.3 Allowed Uses

The home occupation regulations of this section establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this section will be allowed as home occupations unless they are specifically prohibited.

§ 5.1.4 Prohibited Uses

Vehicle/Equipment Repair, Rental or Sales

Any type of repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as a home occupation.

Restaurants

Restaurants and food service establishments are not allowed as home occupations.

Employee Dispatch Centers

Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

Animal Care or Boarding

Animal care or boarding facilities (including animal hospitals, kennels, stables and all other types of animal boarding and care facilities) are not allowed as home occupations.

Medical Offices or Clinics

Medical offices and medical clinics are not allowed as home occupations. This includes doctors' offices, dentists' offices, psychologist's offices, hospitals and all other medical care facilities. The prohibition shall not be interpreted as preventing medical practitioners from seeing patients in their home on an emergency basis.

Funeral Homes

Funeral homes and funeral service activities are not allowed as home occupations.

Barber Shops, Beauty Shops and Nail Salons

Barber shops, beauty shops, nail salons and other cosmetology services are not allowed as home occupations.

Dancing Schools

Dancing schools are not allowed as home occupations.

§ 5.1.5 Employees

Home Occupations shall have no more than 1 nonresident employee, exclusive of relatives.

§ 5.1.6 Resident Operator

The operator of a home occupation shall be a full-time resident of the dwelling unit.

§ 5.1.7 Customers

Customers may visit the site of a home occupation only during the hours of 8 a.m. to 8 p.m. No more than 6 customers or clients may visit the site of a home occupation in any single day and no more than 1 customer or client may visit the home occupation per hour.

§ 5.1.8 Floor Area

No more than 250 square feet of the total floor area of the dwelling unit may be used to house a home occupation, or up to 1,000 square feet of an accessory structure, such as a garage. All activities and storage areas associated with home occupations must be conducted in completely enclosed structures.

§ 5.1.9 Exterior Appearance

There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. Signs for a home occupation are expressly prohibited. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, adding additional entrances to the dwelling unit or adding signs or commercial-like exterior lighting.

§ 5.1.10 Operational Impacts

No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.

§ 5.1.11 Trucks

No more than one commercial vehicle may be regularly parked at the site of a home occupation and must be screened from public view with the exception of equipment so parked at the adoption of this ordinance.

§ 5.1.12 Deliveries

Deliveries or pick-ups of supplies or products associated with home occupations are allowed only between 8 a.m. and 8 p.m.

CHAPTER 6

ARTICLE 6.1 Lot, Setback and Height Requirements

§ 6.1.1 Table of Lot, Setback and Height Requirements

The lot, setback and height requirements will comply with Table 2, unless modified by special provisions, exceptions and conditions contained elsewhere in this ordinance.

§ 6.1.2 Absence of Public Sewer or Water

In the absence of public water or public sewer, no building permit will be issued until the lot meets all the requirements of this ordinance and the South Carolina Department of Health and Environmental Control.

§ 6.1.3 Reduction of Lot Area Prohibited

No Lot will be so reduced in size as to result in the violation of any requirement of this ordinance.

§ 6.1.4 Lots for Certain Utility Facilities

The Planning Commission may reduce the required minimum lot area and width for a pumping, pressure regulating or similar utility substation subject to the requirements of this ordinance.

§ 6.1.5 Substandard Approved Lots of Record

Substandard approved lots of record will not be subject to the minimum lot area and width requirements provided they comply with setback, bulk, and outdoor living space requirements and did not abut a lot in the same ownership at the adoption of this ordinance.

§ 6.1.6 Lot Subdivision

A lot may be subdivided provided that all the resulting lots and structures comply with the provisions of this ordinance. If the lot is occupied by a non-conforming structure, it may be subdivided provided that subdividing does not create a new non-conformity or increase the degree of non-conformance of the structure.

§ 6.1.7 Limitation of One Residential Building Per Lot

- a. Except as provided elsewhere in this ordinance, no principal detached residential or mixed structure will be located on the same zoning lot with any other principal structure.
- b. Where garage apartments are permitted, only one apartment will be permitted on any zoning lot.

§ 6.1.8 Front Setbacks of Adjustment Structures

Notwithstanding the front setback requirements of this ordinance, the front building line of any structure or addition to a structure may be as close to the street as the front building

lines of the immediately adjacent structure on a separate lot but on the same block, either to the right or the left, whichever of the two is further from the street.

§ 6.1.9 Differing Setback Requirements at District Boundaries

Where the interior setback requirement of the district on one side of a district boundary differs from the requirement on the other side thereof, the greater requirement will prevail.

§ 6.1.10 Reduction of One Front Setback on Narrow Corner Lot

- a. Where the front and interior setbacks required by this ordinance reduce to less than 40 feet the buildable width of any corner lot which was of record as of the effective date of this ordinance, the front setback on the longer street side may be reduced as much as will be necessary to increase such buildable width to 40 feet but will not be reduced to less than 5 feet.
- b. In the event the street sides of such lot are of equal length, the reduction will be made on the side which lies on the shorter side of the block.

§ 6.1.11 Front Setback on Narrow Streets

Where a lot abuts a dedicated and accepted from maintenance street with a right-of-way less than 50 feet wide, the required front setback will be 25 feet from the front property line.

§ 6.1.12 Fences and Projections into Required Setbacks

Open eaves, cornices, window sills, and belt courses may project into any required setback a distance not to exceed 24 inches. Open Uncovered porches or open fire escapes may project into a front or rear setback a distance not to exceed 5 feet. Fences, walls and hedges may be erected in any required setback or along the edge of the lot, provided that in any District no fence, wall or hedge located in a front setback will exceed 4 feet in height or 7 feet along any other setback subject to the Screening and Buffering Requirements of this ordinance.

§ 6.1.13 Vision Clearance Standards

On a corner lot, no structure or obstruction will be located which obscures travel vision from 3 feet to 15 feet above ground level in a triangular area formed by measuring from the point of intersection of the front and side lot lines a distance of 25 feet along the lot lines and connecting the points to form a triangle.

CHAPTER 7

ARTICLE 7.1 Tree Preservation Requirements

§ 7.1.1 Significant Tree Protection

No trees which are eighteen inch diameter breast height (18 " DBH) or larger in size are to be damaged, destroyed, or removed from any property. Exceptions to this include trees grown for farming activities. Additionally, trees may be removed by utilities which are exempted from these regulations by State law.

Where difficulties are encountered in the effort to comply with tree preservation requirements, permits for removal of trees following conditions are deemed to exist by the Zoning Administrator or designee:

- a. Trees are diseased, dead or dying;
- b. Trees pose a safety hazard to nearby buildings, or pedestrian or vehicular traffic;
- c. Trees prevent essential grade changes or all reasonable utility installations;
- d. Trees prevent all reasonable site configurations;
- e. Trees are within the footprint of a proposed residential structure, as shown on a site plan;
- f. Removal of trees is the only reasonable means by which building, zoning, subdivision, health, public safety, or other Town requirements can be met.

If none of the above conditions are deemed to be met by the Zoning Administrator, removal of trees 18" DBH or greater may be authorized by the Board of Zoning Appeals. The Board of Zoning Appeals may stipulate a schedule of replacement trees.

§ 7.1.2 Protected/Replacement Trees for Office/Commercial/Industrial Sites

For Office, Commercial, or Industrial sites, a minimum of 20 trees per acre are required to be retained or planted, with the minimum tree size being 2 ½ caliper inches. The owner or developer is encouraged to retain existing trees on the site in lieu of replanting.

CHAPTER 8

Article 8.1 Screening and Buffering

§ 8.1.1 Commercial Sites

20 foot semi-opaque buffer (per 100 feet)

5 understory trees	6-8 feet height
4 canopy trees	2 ½" caliper

or

*15 foot semi-opaque buffer (per 100 feet)

5 understory trees	8-10 feet height
4 canopy trees	3 ½" caliper

*15 foot option applies to all property boundaries except along Hwy 17.

§ 8.1.2 Buffer Standards

- a. Vegetative buffers should contain indigenous plant material.
- b. Existing trees within a buffer must be retained to help satisfy screening and buffer requirements. New plantings will be required where necessary, to accomplish a visual buffer as stipulated.
- c. Drainage easements, detention areas, parking, storage areas and buildings may not be located within a buffer.
- d. Where a property abuts undeveloped wooded property, the required buffer will apply except that planting will not be required.
- e. Where commercial development abuts commercial development, screening/buffering will not be required along the property line that abuts commercial development.
- f. All dumpsters must be screened on all sides with a six (6) foot high wall or wood fence.
- g. A five (5) foot setback is required from all property lines for any vehicular use areas.

ARTICLE 8.2 Wetlands and Waterways Setbacks

§ 8.2.1 Setbacks

The setback from any waterway or OCRM critical line must provide a vegetated area between any structure and any wetland, waterway or critical line.

ARTICLE 8.3 Roadway Buffer Requirements

§ 8.3.1 Roadway Buffer Requirements

25 Mile Landing Road	20'
15 Mile Landing Road	20'
Bulls Island Road	20'
Doar Road	20'
Highway 17 North	20'
Maxville Road	20'
Porcher School Road	20'
Seewee Road	20'
Steed Creek Road	20'
Wilson Cemetery Road	20'
Any road not listed	15'

§ 8.3.2 Characteristics

The characteristics of these roadway buffers shall apply to all new nonresidential development and all new residential major subdivisions (10 or more lots). Minor subdivisions may be required to comply at the Planning Director’s discretion. Planting standards are as follows:

Buffers must contain (per 100 linear feet)

2 canopy trees

3 understory trees (at least 50% evergreen)

10 shrubs

1 street trees (which may be counted as canopy)

CHAPTER 9

ARTICLE 9.1 General Provisions

§ 9.1.1 Applicability of General Provisions

The provisions of this Article shall apply to every use and zoning lot in every general zoning district and shall apply in any Planned Development District to the extent provided in the ordinance amendment establishing such Planned Development District.

§ 9.1.2 Nonconforming Uses and Structures

Continuation of Nonconforming Use of Land

The lawful use of land existing at the time of adoption of this ordinance, or of an amendment thereto, although such use does not conform to the provisions thereof, may be continued; but if such nonconforming use is discontinued, as evidenced by lack of use for a period of at least one year or for 18 accumulative months during any three year period, or by substitution of a conforming use, any future use of said land shall be in conformity with the provisions of this ordinance.

Continuation of Nonconforming Use of Structure

The lawful use of a structure, existing at the time of the adoption of this ordinance, or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued and except for nonconforming signs, such use may be extended throughout the structure, provided that no structural alterations are made, other than those necessary to assure the safety of the structure, and provided, further, that such extension does not displace a conforming use in a district established by this ordinance.

Changing of a Nonconforming Use

1. A nonconforming use of a structure or lot may not be changed to another nonconforming use except upon a finding of the Board of Zoning Appeals that such other nonconforming use is likely to be less detrimental to adjacent property in the same district than in the nonconforming use from which permission to change is sought. Such finding shall not be made except upon appeal. Such changed nonconforming use shall be subject to all the provisions of this ordinance.
2. Whenever a nonconforming use of a structure has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use.
3. Existing nonconforming uses which become conforming through a change in land classification shall be required to meet all off-street parking, loading, and screening as applicable to that district.
4. When a conforming use becomes nonconforming through a change in land classification submitted by the applicant, the nonconforming use shall then be removed prior to the commencement of the conforming use.

Nonconforming Use Not to be Re-established

Whenever a nonconforming use of a structure, or portion thereof, has been discontinued, as evidenced by the lack of use, or vacancy for a period of at least one year, or for 18 accumulative months during any three year period, or by substituting a conforming use, such nonconforming use shall not thereafter be re-established and the future use shall be in conformity with the provisions of this ordinance.

Extension of Nonconforming Structures

A nonconforming structure may be occupied and maintained in a state of good repair. It shall not be expanded unless it is nonconforming due to setbacks. In this case it may be expanded provided the addition complies with all provisions (including setbacks) of this ordinance. (Lot, Setback and Height Requirements).

Extensions of Nonconforming Uses of Land or Activity

No nonconforming use of land or activity thereon shall be extended or enlarged unless the existing legal nonconforming use, when combined with the proposed extension, will result in a conforming use in compliance with all requirements of the zoning district in which it is located.

Building Permit Issued

If, before the effective date of this ordinance, or amendment thereof, a building permit was lawfully issued for a structure not in conformity to this ordinance, or such amendment, the construction authorized by such permit may not be started after such date.

Uses Nonconforming by Virtue of Performance Standards

No uses which are nonconforming by virtue of noncompliance with the applicable performance standards of this ordinance or as a result of a subsequent amendment thereto, shall be changed or modified in such a way as to increase the degree of noncompliance with said standards, and all additions to and expansions of such use shall comply with said standards.

Restoration and Rebuilding

No building or structure utilized for residential use that is damaged by fire or other causes shall be repaired or rebuilt if the cost of repair is greater than 50% of its total physical replacement cost (which shall consist of labor and materials only). Determination of physical replacement costs shall be made by the Charleston County Director of Building Services or his designee. Where such repairs are allowed to be made, they shall be in conformity with all the regulations of this ordinance.

Where cost of repair is less than 50% of the total physical replacement cost of a structure, repairs or rebuilding may occur within the pre-existing structure boundaries (footprint and height), providing said repairs and/or rebuilding do not increase in any fashion or to any extent the previous non-conforming status of the legal non-conforming structure.

Nonconforming Approved Lots of Record

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are approved lots of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and/or area as established by this

ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements of this ordinance.

ARTICLE 9.2 Parking and Loading

§ 9.2.1 Off-Street Loading

Off-Street Loading Space Required

At the time of the erection of any principal structure, or at any time any principal structure is enlarged or increased, there shall be provided minimum off-street loading space in accordance with the requirements of this Article.

Number of Spaces Required

For every retail sales, service, wholesaling, warehousing, or manufacturing establishment and each bus or truck terminal, there shall be provided sufficient space to accommodate the maximum number of trucks that will be loading, unloading, or standing at any one time.

Size of Off-Street Loading Spaces

Each space shall be of a size commensurate with the buildings to be accommodated. In no case shall required off-street loading space encroach upon off-street parking space required under this ordinance.

Location of Off-Street Loading Spaces

All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve.

Entrances and Exits

Entrance and exit drives shall be located at least 25 feet from any street intersection.

Loading Spaces Adjacent to Sidewalks

Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with curbs or other barriers, as to provide adequate protection for pedestrians.

Maneuvering Areas

All off-street loading spaces shall be provided with adequate off-street maneuvering areas.

§ 9.2.2 Off-street Parking and Loading

New Development

The off-street parking and loading standards of this article apply to any new building constructed and to any new use established.

Expansions and Alterations

The off-street parking and loading standards of this article apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the

number of off-street parking and loading spaces provided for the entire use (preexisting + Expansion) must equal at least 75 percent of minimum ratio established in Off-Street Parking Schedule “A” of this article.

Timing of Installation

Required parking spaces and drives shall be ready for use and approved by the Planning Director prior to issuance of a certificate of occupancy.

No Reduction Below Minimums

Existing parking and loading spaces may not be reduced below the minimum requirements established in this article. Any change in use that increases applicable off-street parking or loading requirements will be deemed a violation of this Ordinance unless parking and loading spaces are provided in accordance with the provisions of this article.

OFF-STREET PARKING SCHEDULE A

Unless otherwise expressly allowed, off-street parking spaces shall be provided in accordance with the following table:

USE TYPE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (minimum)
RESIDENTIAL	
Congregate Living	1 per 3 beds
Duplex	2 per dwelling unit
Dwelling Group	2 per dwelling unit
Farm Labor Housing (Dormitory)	0.5 per bed
Community Residential Care Facility	1 per 3 beds, plus 1 per employee in single shift
Child Caring Institution	1 per 3 beds, plus 1 per employee in single shift
Group Care Home, Residential (up to 20 children)	1 per 3 beds, plus 1 per employee in single shift
Group Residential	1 per 3 beds, plus 1 per employee in single shift
Manufactured Housing Unit	2 per dwelling unit
Manufactured Housing	2 per dwelling unit
Multi-Family	1.5 per 1-bedroom unit; 2 per 2-bedroom unit; 2.5 per 3-bedroom and larger units
Retirement Housing	0.75 per 1-bedroom unit; 1 per 2-bedroom unit; 1.5 per 3-bedroom and larger units
Retirement Housing, Limited	0.5 per 1 bedroom unit; 1 per 2-bedroom or larger unit
Single-Family Attached	2 per dwelling unit
Single-Family Detached	2 per dwelling unit

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Single-Family/Manufactured housing unit (Joint)	2 per dwelling unit
Transitional Housing	1 per 3 beds
CIVIC/INSTITUTIONAL	
Cemetery	None
Court of Law	1 per employee plus 1 per every 3 seats of seating available to the public in the courtroom.
Social Club or Lodge	1 per 150 square feet or 1 per 5 seats, whichever is greater
Business, Professional, Labor, or Political Organizations	1 per 150 square feet or 1 per 5 seats, whichever is greater
Social or Civic Organizations	1 per three active members plus one per employee
College or University Facility	1 per 100 square feet classroom plus 1 per 300 square feet office/administrative plus 1 per 3 beds
Community Recreation	None
Convalescent Services	1 per 5 beds
Historical Sites, Libraries, Archives or Museums	1 per 300 square feet
Adult Day Care Facilities	2 per employee plus 1 per 5 children/adults
Child Day Care Facilities	2 per employee plus 1 per 5 children/adults
Correctional Institutions	1 per 2 employees
Counseling Service	1 per 150 square feet
Hospital	1 per 2 beds plus 1 per 300 square feet of floor area of administrative and medical offices
Nature Exhibition or Botanical Gardens	10 plus 1 per employee in single shift
Parks & Recreation	10 plus 1 per employee in single shift
Postal Service, United States	1 per 2 employees
Railroad Facility	1 per 2 employees
Recycling Collection, Drop-Off	1 per recycle collection container
Religious Assembly	1 per 5 seats
Intermediate Care Facility for the Mentally Retarded	1 per bed plus 1 per employee in single shift
Public or Community Health Care Center	1 per 200 square feet of gross floor area with a minimum of 4 spaces
Healthcare Laboratory	1 per 200 square feet of gross floor area with a minimum of 4 spaces
Home Health Agency	1 per 200 square feet of gross floor area with a minimum of 4 spaces

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Outpatient Facilities for the Chemically Dependent or Addicted Persons	1 per 200 square feet of gross floor area with a minimum of 4 spaces
Rehabilitation Facilities	1 per 200 square feet of gross floor area with a minimum of 4 spaces
Residential Treatment Facility for Children or Adolescents	1 per 200 square feet of gross floor area with a minimum of 4 spaces
Safety Services	1 per 2 employees
Pre-School or Educational Nursery	1 per 10 seats plus 1 per employee
School, Primary	2 per employee
School, Secondary	2 per employee plus 1 per 6 students
Personal Improvement Education	1 per every 3 students plus 1 per employee
Utility Service, Major	1 per 2 employees
Utility Service, Minor	None
Zoo	10 plus 1 per employee in single shift
COMMERCIAL	
Agricultural Sales/Service	1 per 500 square feet of floor area plus 4 per acre outdoor sales/display/storage area
Pet Stores, Grooming Salons, or Small Animal Boarding	1 per 300 square feet of floor area
Bar or Lounge	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Bed and Breakfast	1 per guest room
Rooming or Boarding House	1 per guest room
Business or Trade School	1 per 100 square feet classroom plus per 300 square feet business/administrative office
Communication Services	1 per 300 square feet of floor area
Data Processing Service	1 per 300 square feet of floor area
Publishing Industry	1 per 300 square feet of floor area
Heavy Construction Service, General Contractor, or Special Trade Contractors	1 per 400 square feet indoor floor area plus 4 spaces per acre outdoor storage/display/sales area
Consumer Convenience Service	1 per 200 square feet of floor area
Consumer Rental or Charter Service	1 per 200 square feet of floor area
Charter Boat or other Recreational Watercraft Rental Services	1 per rental boat or watercraft plus 1 per employee
Commercial or Industrial Machinery or Equipment Rental or Leasing	1 per 250 square feet of floor area not including storage areas
Construction Tools or Equipment Rental	1 per 250 square feet of floor area not including storage areas

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Heavy Duty Truck or Commercial Vehicle Rental or Leasing	1 per rental vehicle plus 1 per employee in single shift
Banks	1 per 300 square feet of floor area
Financial Services	1 per 300 square feet of floor area
Food Sales	1 per 175 square feet
Funeral Services	1 per 4 seats or 1 per employee, whichever is greater
Hair, Nail or Skin Care Service	2 per employee
Hotel-Motel	1 per room plus spaces as required for associated restaurants, bars, and offices
Kennel	1 plus 1 per employee
Liquor Sales, Beer or Wine Sales	1 per 200 square feet of floor area
Marina	3 per slip plus 50 per launching area
Boat Yard	1 per employee
Office, Medical	1 per 150 square feet of floor area
Outpatient Clinic	1 per 200 square feet of floor area with a minimum of 4 spaces
Office, Business/Professional/Administrative	1 per 300 square feet of floor area
Office, Resort Real Estate	1 per 100 square feet of floor area
Office, Parole or Probation	1 per employee plus 1 per 200 square feet of floor area
Office/Warehouse Complex	1 per employee in shift plus 1 per 2000 square feet of office space
Convention Center or Visitors Bureau	4 per 1000 square feet of floor area
Parking, Lot or Garage	1 per employee
Pawn Shop	1 per 200 square feet of floor area
Personal Improvement Service	1 per 200 square feet of floor area
Recreational Vehicle Park or Campground	1 per employee plus 1 per recreational vehicle and camp site
Recreation and Entertainment, Indoor	1 per 3 seats or 1 per 200 square feet of floor area, whichever is greater
Recreation and Entertainment, Outdoor	1 per 200 square feet of public activity area
Fishing or Hunting Guide Service (Commercial)	5 per employee
Fishing or Hunting Lodge (Commercial)	1 per visitor plus 1 per 5 members
Recreation or Vacation Camp	1 per employee plus 1 per camp vehicle
Golf Courses or Country Clubs	1 per employee plus 4 per golf green

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Repair Service, Consumer	1 per 2 employees plus 1 per 400 square feet of floor area
Catering Service	1 per employee plus 1 per 400 square feet of floor area
Restaurant, Fast Food	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area + vehicle stacking spaces
Restaurant, Fast Food (no inside seating)	1 per employee + + 1 per 200 square feet outdoor seating area + vehicle stacking spaces per Article 9.1.8.
Restaurant, General	1 per 75 square feet indoor seating area plus 1 per 200 square feet outdoor seating area
Retail Sales + Service, General	1 per 300 square feet indoor floor area + 5 spaces per acre outdoor storage/display/sales area
Nonstore Retailers	1 per employee plus 2 spaces for deliveries
Building Materials or Garden Equipment and Supplies Retailers	1 per 200 square feet of floor area not including storage plus 1 per employee
Services to Buildings and Dwellings	1 per employee plus 1 space for deliveries
Scrap and Salvage Service	1 per employee plus 2 per acre
Self-Service Storage/Mini Warehouse	2 per employee
Gasoline Service Station	1.5 per employee
Truck Stop	1 per employee plus truck space parking plus any parking required in this table when restaurant or motel is included.
Stable (Boarding or Commercial for Hire)	1 per 2 stalls
Vehicle Repair, Consumer	1.5 per employee
Vehicle Sales or Vehicle Rental or Leasing	1 per 300 square feet indoor floor area plus 5 spaces per acre outdoor storage/display/sales area
Vehicle Parts, Accessories or Tire Stores	1 per 400 square feet of floor area (10 space minimum) plus 1 per employee
Vehicle Service, Limited	2 per employee
Vehicle Storage	1 per 2 employees
Veterinary Services	1 per 300 square feet of floor area
INDUSTRIAL	
Repair Service, Commercial	1 per 400 square feet office area plus 1 per 2 employees
Dry Cleaning Plant, Carpet Cleaning Plant or Commercial Laundry	1 per employee plus 1 per 3 washing/drying machines if provided for customer use
Photo finishing Laboratory	1 per employee plus 1 per 200 square feet of floor area

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Manufacturing and Production	1 per 400 square feet office area plus 1 per 2 employees
Warehouse and Distribution Facilities	1 per 300 square feet office area plus 1 per 600 square feet for 1 st 12,000 square feet warehouse/storage area plus 1 per 900 square feet for remaining warehouse/storage area (over 12,000 square feet)
Wholesale Sales	1 per 600 square feet for 1 st 12,000 square feet + 1 per 900 square feet for remaining area (over 12,000 square feet)
AGRICULTURAL AND OTHER USES	
Animal Production	None
Aviation	1 per 400 square feet public area plus 1 per 2 employees
Sightseeing Transportation, Land or Water	1 per 2 seats of sightseeing vehicle plus 1 per employee
Taxi or Limousine Service	1 per employee plus one per vehicle that provides service
Urban Transit Service	1 per 100 square feet of public waiting area plus 1 per two employees and 1 per transit vehicle.
Water Transportation	1 per two seats of transportation vehicle plus 1 per employee
Communications Towers	None
Crop Production	None
Agricultural Processing	1 per employee
Roadside Stands	3 per stand
Horticultural Production	1 per 2 employees
Greenhouse Production or Hydroponics	1 per 2 employees
Commercial Timber Operations	None
Lumber Mills, Planing or Saw Mills	1 per employee plus 1 per commercial vehicle plus 1 per 400 square feet of floor area
Recycling Center	1 per 2 employees
Resource Extraction	1 per 2 employees
Waste-Related Use	1 per 2 employees

§ 9.2.3 Rules for Computing Parking and Loading Requirements

The following rules apply when computing off-street parking and loading requirements.

Multiple Uses

Lots containing more than 1 use must provide parking and loading in an amount equal to the total of the requirements for all uses.

Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of ½ or less will be rounded down to the next lower whole number and any fraction of more than ½ will be rounded up to the next higher whole number.

Area Measurements

Unless otherwise expressly stated, all square-footage-based parking and loading standards must be computed on the basis of gross floor area.

Occupancy-Based Standards

For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

Unlisted Uses

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the Planning Director shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use or require parking spaces in accordance with a parking study prepared by the applicant.

§ 9.2.4 Location of Required Parking

On-Site Parking

Except as expressly stated in this section, all required off-street parking spaces must be located on the same lot as the principal use and shall be arranged and laid out so as to ensure that no parked or maneuvering vehicle will encroach upon a sidewalk, public right-of-way or property line.

Parking lots in O and C districts containing more than 10 parking spaces shall be located to the side or rear of the principal structure's front facade or within a courtyard surrounded by a structure on at least 3 sides.

Private driveways serving a single-family detached residence must be a minimum of ten (10) feet in width. Driveways serving dwelling groups of three or less dwellings, and over one hundred (100) feet in length, must provide a travel lane eighteen (18) feet in width, and driveways serving dwelling groups of three or less dwellings and under one hundred (100) feet in length, must provide a travel lane of *fourteen (14)* feet in width. All driveways shall allow for an overhead clearance of fifteen (15) feet.

Off-Site Parking

Off-street parking spaces may be located on a separate lot from the lot on which the principal use is located if approved in accordance with the Special Exception procedures and if the off-site parking complies with the all of following standards.

Ineligible Activities

Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants, convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located off-site.

Location

No off-site parking space may be located more than 600 feet from the primary entrance of the use served unless shuttle bus service is provided to the remote parking area. Off-site parking spaces may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the remote parking area.

Accessory Use Designation

Parking spaces located off-site in accordance with this section shall be considered accessory to the primary use, regardless of the fact that such accessory use is not located on the same parcel as the principal use.

Zoning Classification

Off-site parking areas serving uses located in nonresidential zoning districts must be located in nonresidential zoning districts. Off-site parking areas serving uses located in residential or agricultural zoning districts may be located in residential, agricultural or nonresidential zoning districts.

Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement will be required. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recordation on forms made available in the Planning Department. Recordation of the agreement with the Register of Mesne Conveyance must take place before issuance of a zoning permit, building permit or certificate of occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this article.

Shared Parking

Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved in accordance with the Special Exception procedures and if the shared parking complies with the all of following standards.

Location

No shared parking spaces must be located within 600 feet of the primary entrance of the use served unless shuttle bus service is provided to the shared parking area. Shared

parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the parking area.

Zoning Classification

Shared parking areas serving uses located in nonresidential zoning districts must be located in nonresidential zoning districts. Shared parking areas serving uses located in residential or agricultural zoning districts may be located in residential, agricultural or nonresidential zoning districts.

Shared Parking Study

Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Planning Director and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

Agreement for Shared Parking

A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the Planning Director for recordation on forms made available in the Planning Department. Recordation of the agreement with the Register of Mesne Conveyance must take place before issuance of a building permit or certificate of occupancy for any use to be served by the off-site parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with this article.

§ 9.2.5 Accessible Parking for Physically Disabled Persons

A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities.

Number of Spaces

The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking standards.

TOTAL PARKING SPACES PROVIDED	MINIMUM NUMBER OF ACCESSIBLE SPACES	MINIMUM NUMBER OF VAN-ACCESSIBLE SPACES	MINIMUM NUMBER OF CAR-ACCESSIBLE SPACES
1-25	1	1	0
26-50	2	1	1
51-75	3	1	2
76-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	6
301-400	8	1	7
401-500	9	2	7
501-1,000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

Minimum Dimensions

All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this section, provided that access aisles shall be provided immediately abutting such spaces, as follows:

Car-Accessible Spaces

Car-accessible spaces shall have at least a 5-foot wide access aisle located abutting the designated parking space.

Van-Accessible Spaces

Van-accessible spaces shall have at least an 8-foot wide access aisle located abutting the designated parking space.

§ 9.2.6 Parking Space and Parking Lot Design

Parking Space Dimensions

Required off-street parking spaces shall have minimum dimensions of 9 feet in width by 18 feet in length, exclusive of driving aisles, maneuvering areas and walkways.

Aisle Widths

Drive aisle widths adjoining off-street parking spaces shall comply with the following standards:

MINIMUM AISLE WIDTH FOR SPECIFIED PARKING ANGLE (feet)			
90E	75E	60E	45E OR LESS
23	22	20	20

NOTE: TWO-WAY DRIVE AISLES SHALL ALWAYS REQUIRE A MINIMUM WIDTH OF 23 FEET

Parking Lot Landscaping

Markings

1. In paved parking areas, each off-street parking space shall be identified by surface markings at least 4 inches in width. Markings shall be visible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. In unpaved parking lots, all parking spaces must have a curb stop (minimum height of 4 inches) to delineate the location of the space and to prevent the encroachment of parking onto adjoining properties, right-of-ways, or landscaped areas.

2. One-way and 2-way accesses into required parking facilities shall be identified by directional arrows.

Surfacing

Unpaved parking lots must have a minimum surface of natural ground cover or an all weather surface such as gravel, slag or other pervious surface, not including asphalt shingles. Entrance and exit drives serving unpaved parking lots accessed from a paved street must be paved from the edge of the street pavement to a distance of 20 feet into the property. No more than 120 percent of the required number of off-street parking spaces may be paved, unless approved as a Special Exception.

Access

1. Required parking spaces shall not have direct access to a street or highway. Access to required parking spaces shall be provided by on-site driveways. Off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way

2. Parking lot entrance and exit drive curb cuts will not be more than 30 feet in width. Entrances or exits which include a median strip to separate traffic flow in opposite directions may be expanded to 60 feet. Curb cuts shall be allowed in accordance with the following table:

LENGTH OF FRONTAGE	MAXIMUM NUMBER OF DRIVEWAYS
250 feet or less	1*
251 feet to 1,500 feet	2
1,500 feet or more	3

*On frontages of 250 feet or less, a pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the 1-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists. Refer to the South Carolina Department of Transportation's *Access and Roadside Management Standards Manual* for recommended spacing of driveways based on speed of traffic.

3. Entrance and exit drives shall be located at least 100 feet from the edge of the right-of-way of any street intersection. If the subject lot has less than 100 feet of frontage, the Planning Director shall be authorized to alter these requirements. Suitable provisions will be made to prevent ingress or egress at other than designated entrance or exit drives.
4. The Planning Director shall be authorized to require that driveways providing access to dwelling units provide a minimum vertical clearance of up to 18 feet when deemed necessary to ensure emergency vehicle access.

§ 9.2.7 Use of Required Parking Spaces

Required off-street parking areas shall be used solely for the parking of licensed, motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease, for motor vehicle repair or service work of any kind, or for long-term storage of vehicles, boats, motor homes, campers, manufactured housing units, or building materials.

§ 9.2.8 Vehicle Stacking Areas

Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

ACTIVITY TYPE	MINIMUM SPACES	MEASURED FROM
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	6	Entrance
Car wash stall, self-service	3	Entrance
Gasoline pump island	2	Pump Island
Other	Determined by Planning Director	

Parking Area Design and Layout

Required stacking spaces are subject to the following design and layout standards.

Size

Stacking spaces must be a minimum of 8 feet by 20 feet in size.

Location

Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

Design

Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the *Director of Public Works* for traffic movement and safety.

§ 9.2.9 Off-Street Loading

Spaces Required

For every retail sales, service, wholesaling, warehousing, or manufacturing establishment and each bus or truck terminal, there shall be provided sufficient space to accommodate the maximum number of trucks that will be loading, unloading, or standing at any one time.

Size of Space

Each off-street loading space shall be of a size commensurate with the buildings to be accommodated. In no case shall required off-street loading space encroach upon off-street parking space required under this article.

Location

All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve.

Entrances and Exits

Off-street loading entrance and exit drives shall be located at least 25 feet from any street intersection.

Loading Spaces Adjacent to Sidewalks

Where a loading space is adjacent to a public sidewalk or other public pedestrian way, it shall be so located, arranged, and improved with curbs or other barriers, as to provide adequate protection for pedestrians.

Maneuvering Areas

All off-street loading spaces shall be provided with adequate off-street maneuvering areas.

ARTICLE 9.3 Signs

§ 9.3.1 Sign Permit Application

All applications for a sign permit will include the following information:

- ☞ Approved, recorded plat.
- ☞ Description of the purpose and size of the proposed sign.
- ☞ Detailed drawings of the proposed sign showing the size, construction materials, color, lighting, support and foundation details, text, letter style and letter size. (Must be drawn to scale)
- ☞ Contract between the property owner and erector of the sign. Permit fees are based on the value of the contract.
- ☞ Site plan drawn to scale, showing the location of the sign.

§ 9.3.2 Administration of Signs

- ☞ No signs, except real estate signs, will be erected in the Town of Awendaw unless a sign permit has been obtained and the required fee paid.
- ☞ All permanent signs must meet the structural and installation standards of all applicable building and electrical codes.

§ 9.3.3 Temporary Signs

All signs erected or posted to serve a temporary function will be removed within 30 days of the date of that function. All temporary commercial signs will be removed within 30 days of the opening of the business.

Temporary signs must meet the proper setbacks. A zoning permit will be required for all temporary signs.

§ 9.3.4 Political Signs

(a) Any and all candidates for public office and organizations or individuals that promote a political cause or public interest are permitted to place political signs on public or private property within the boundaries of the Town of Awendaw provided such placement of the political signs do not obstruct or interfere with the use of the public property. Such political signs shall not be placed on public or private property within the boundaries of the Town of Awendaw thirty (30) days prior to the election of such candidates and/or political cause/public interest. Further, the candidates and organizations/individuals are required and responsible to remove their political signs within ten (10) days after the date of the election of such candidates and/or political cause/public interest.

(b) Prior to placing their political signs on the public or private property within the boundaries of the Town of Awendaw, the candidates and organizations/individuals are required to deposit a sum of \$200.00 to the Clerk of the Town of Awendaw. If the candidates and organizations/individuals fail to make such deposit to the Clerk of the Town of Awendaw prior to placing their political signs, then the Town of Awendaw has the right to remove such signs from the public property immediately without any liability. If the candidates and organizations/individuals fail to remove their political signs within ten (10) days after the date of the election of such candidates and/or political cause/public interest, then the candidates and organizations/individuals forfeit the referenced deposit. The

candidates and organizations/individuals or their authorized representative must attest in writing to the Clerk of the Town of Awendaw that they have removed all of their political signs from public or private property within the boundaries of the Town of Awendaw and must provide an address for the return of the deposit. The Clerk for the Town of Awendaw shall verify that the candidates/ organizations/individuals have removed all of their political signs from the public or private property within the boundaries of the Town of Awendaw, and, if such political signs have been properly removed, then the Clerk shall return the deposit to the candidate or organization/individual within twenty (20) days from the date of the request for the return of the deposit.

§ 9.3.5 Prohibited Signs

- ☞ Signs Imitating Traffic Signs
- ☞ flashing Signs
- ☞ Snipe Signs
- ☞ Signs Creating Traffic Hazards/Endangering Public Safety
- ☞ Portable Signs
- ☞ Pennants, banners, streamers and other moving devices.

§ 9.3.6 Off-Premise Signs

Smaller than 4'x8' must be located in Commercial Zone as a Planned Development.

§ 9.3.7 Sign Characteristics:

- ☞ Size = Maximum of 32 square feet.
- ☞ Height = Maximum of 8 feet for ground signs as measured from ground level. Wall or roof signs can not extend above the peak of the roof.
- ☞ Number = Individual businesses are allowed one (1) ground sign and one (1) wall or roof sign. Multi-tenant commercial properties are allowed one (1) ground sign per property, plus one (1) wall or roof sign per individual tenant.
- ☞ Multi-Tenant use = 5 tenants or more - Free-standing sign 64 square feet, wall signs 32 square feet per unit.

§ 9.3.8 Sign Setbacks

- ☞ Front setback for signs = 10 feet.
- ☞ Side setback for signs = 10 feet.
- ☞ No signs will be placed in a manner which interferes with visibility from a road or driveway.

§ 9.3.9 Lighting

Free-standing signs may have indirect lighting or landscape lighting. Wall signs may have indirect or direct lighting. All lighted signs must be at least 100 feet from a residential structure.

CHAPTER 10

Subdivision Regulations

ARTICLE 10.1 General

10.1.1 Applicability

Unless expressly exempted, no subdivision shall be made, platted, or recorded for any purpose nor shall parcels resulting from such subdivisions be sold or offered for sale, unless such subdivision meets all applicable standards of this Ordinance and has been approved in accordance with the procedures

- A. All lots shown on plats whether subdivided or not, shall have the Planning Commission Stamp of either approval or exemption on said plat; the Register of Mesne Conveyance shall not record any plat without such stamp. The plat for an individual lot exempted by virtue of pre-existence must be accompanied by a surveyor's statement on the plat that the lot is a single, individual lot, and not newly created.

- B. Parcels that were recorded by deed or plat prior to the adoption of Charleston County's original Subdivision Regulations on January 1, 1955, will receive automatic approval under a Grandfather's Clause, providing the parcel involved is still in the same size and shape as when recorded prior to 1955 and is properly platted in accordance with present standards. The recorded information must be provided and attested to by the surveyor or attorney involved.

10.1.2 Standard Specifications for Road and Drainage Systems

The regulations and standards of this chapter are intended to supplement the County's Standard Specifications for Road and Drainage Systems. In the event of conflict, the County's Standard Specifications for Road and Drainage Systems shall control.

10.1.3 Exemptions

Procedures

The following shall be exempt from the Subdivision Plat Procedures, if the Planning Staff determines that all other applicable requirements of this Ordinance have been met.

- 1. The combination or re-combination of portions of previously platted and recorded lots where the total number of lots is not increased and all lots or residual parcels thus created comply with all applicable requirements of this Ordinance.
- 2. The public acquisition of land for right-of-way or drainage easements.
- 3. When contiguous properties are to be divided for the purpose of exchanging or trading parcels of land.
- 4. Where a parcel of land is proposed to be used as the site for a utility substation, power line easements or right-of-way, pumping station, pressure regulating station, electricity regulating substation, gas pressure control station, or similar facilities.
- 5. Where properly platted lots or parcels are created and approved by judicial action.

Standards

Lots created and recorded prior to August 15, 1971, shall be exempt from compliance with the design standards of this chapter, provided that the subject property:

- 1. was or is surveyed and platted in accordance with prescribed standards;
- 2. has the approval of the Charleston County Health Department; and
- 3. contains no drainage ways or easements needed to drain surrounding properties, as determined

by the Public Works Director.

ARTICLE 10.2 Subdivision Plat Procedures

10.2.2 Relationship to Development Review Procedures

The “General” procedural requirements and standards shall apply to the subdivision plat procedures of this section.

10.2.2 Minor vs. Major Subdivision

Minor Subdivision

A minor subdivision is division of any tract of land in one ownership, into 10 or fewer lots, provided that:

- a. no street right-of-way dedications are involved;
- b. no utility or drainage easements are necessary;
- c. the lots meet Health Department requirements for the installation of a conventional or modified individual sewage disposal system; and
- d. no new or residual parcels will be created that do not comply with all applicable requirements of this Ordinance.

Major Subdivision

Any land division that is not a Minor Subdivision shall be processed as a “Major Subdivision.”

ARTICLE 10.3 Overview of Review and Approval Process

10.3.1 Minor Subdivisions

There is 1 required step in the Minor Subdivision process: Final Plat review and approval. Applicants for minor subdivision are strongly encouraged to schedule and attend a Preapplication Conference prior to filing a minor subdivision.

10.3.2 Major Subdivisions

Applicants for major subdivision are required to schedule and attend a Preapplication Conference prior to filing a subdivision application. After the preapplication conference, there are 2 required steps in the process: (1) Preliminary Plat review and approval; and (2) Final Plat review and approval. Each step of the process shall be completed before **initiating** the next step.

10.3.3 Preapplication Conference

Preapplication Conferences offer an opportunity to familiarize applicants with applicable procedures, submittal requirements, development standards, and other pertinent matters before finalizing the development proposal or laying out the proposed subdivision. Applicants shall be responsible for scheduling preapplication conferences with the Planning Director who shall be responsible for contacting the Public Works Department and other affected agencies.

10.3.4 Application

Minor Subdivisions

Preapplication conference applications for minor subdivisions shall be submitted to the Planning Department on forms available in the Planning Department. Preapplication Conferences are not mandatory for minor subdivisions.

Commentary

Major Subdivisions

Preapplication conference applications for major subdivisions shall be submitted to the Planning Department and include the following:

- a. a completed application form (available in the Planning Department);
- b. a Plat of Survey of the subject property, if available, or a Tax Map that identifies the subject property; and
- c. a Concept Plan that includes the following information:
 - (1) the proposed means of access to a public road;
 - (2) surrounding land uses;
 - (3) all adjacent roads;
 - (4) a preliminary map and analysis of natural resources present on the subject property and surrounding property and
 - (5) a conceptual layout of the proposed subdivision, which shall be overlaid on the preliminary natural resources map and which shall show streets, lots, parks and other facilities located to protect natural resource areas.

APPROVAL FROM OTHER LOCAL, STATE OR FEDERAL AGENCIES MAY BE NECESSARY IN THE DEVELOPMENT OF LAND IN TOWN OF AWENDAW, PARTICULARLY IN REGARD TO ENVIRONMENTAL CONCERNS. PREAPPLICATION CONFERENCES SHOULD BE HELD WITH THESE AGENCIES, INCLUDING THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL COASTAL RESOURCE MANAGEMENT, U.S. ARMY CORPS OF ENGINEERS AND THE U.S. FISH & WILDLIFE SERVICE.

ARTICLE 10.4 Required Site Analysis

Required of all major subdivisions and any cluster subdivision are as follows:

The layout of any subdivision shall be determined after preparing the required site analysis.

The detailed site analysis will be done in order to identify the site’s most significant environmental, historic, cultural, and natural resources. The site analysis will include:

a. Vegetation

Characteristics of a vegetation survey related to land use will describe principal, predominant, and significant vegetation, by type, condition, age, use, and general or specific location. Features in the survey will include trees and shrubs, agricultural fields, treelines, native vegetation, orchards, groves, woodlots, pastures, wetlands, forests, and grasslands. The vegetation survey shall indicate any significantly large trees or endangered plant or animal species that may reside on the site and is protected by law.

b. Historical, Archaeological and Cultural Resources

Historical resources located within the proposed golf course development must be identified on the plat. Sources such as the County of Charleston Historical Survey (1991), state registers and to federal registers such as the National Register of Historic Places shall be utilized in identifying these resources. The historical survey is important for noting structures and areas that must be protected as designated landmarks.

c. Adjacent Land Use Patterns

Land use on adjacent properties shall be identified. Features such as, but not limited to, roads, rice dams, traditional settlement areas, cemeteries, clusters of structures, parks, marinas, and logging areas shall be shown.

d. Hydrography

All water features including streams and sensitive areas on the site, such as wetlands and riparian corridors must be located. The purpose of locating these features is to limit disturbance of soil and vegetation that affect water

quality features. Hydrography shall be used to determine where water required wetland buffers and other requirements such as drainage easements will be located. Wetland buffers of 50 feet are required on all saltwater marshes, and 35 feet on all freshwater wetlands. All water bodies - rivers, streams, drainage channels, marshes or wetlands, floodplains and aquifers must be inventoried or identified.

e. Wildlife Habitat Areas

The purpose of identifying wildlife habitat areas is to assess the ecological conditions of the landscape and to provide continuation of these habitat areas. Features of this survey shall include the presence of any threatened or endangered species, natural areas vital to wildlife species, habitat areas that are connected to larger undisturbed natural habitat (connected habitat system). Through this method the study will develop key points or areas that should be left undeveloped, then define those areas most suitable for development.

ARTICLE 10.5 Preliminary Plat

10.5.1 Applicability

Preliminary Plats shall be required for all Major Subdivisions.

10.5.2 Application

1. Applications for Preliminary Plat approval shall be submitted to Planning Department on forms available in the Planning Department. Ten copies of the Preliminary Plat shall be filed with the application.
2. Preliminary Plats shall be drawn to scale no smaller than 1" = 100'. Where large areas are being platted, they may be drawn on 1 or more sheets, 22 inches by 34 inches in size. For small areas being platted, a scale of 1" = 50' shall be used.
3. Even though a subdivider intends to subdivide only a portion of a parcel or tract of land initially, the Preliminary Plat shall show a proposed street and lot layout, drainage plan and other requirements for the entire parcel or tract of land in which such portion is contained.
4. The following information shall be required on each plat:
 - a. The courses and distances of the perimeter of the land involved shall be shown with the courses marked to show which are actual field observations and which are computed.
 - b. References to a known point or points such as street intersections and railroad crossings shall be shown.
 - c. The total acreage of the land involved in the subdivision and the acreage above the Office of Coastal Resource Management Critical Line. Date of critical line certification shall be indicated. (Aerial photography may not be used to determine OCRM critical line location)
 - d. The names of adjacent land owners and streets where known or available shall be given (with the tax parcel numbers) and all intersecting boundaries or property lines shall be shown.
 - e. Proposed divisions to be created shall be shown, including the right-of-way widths, roadway widths, and names of streets; the locations of proposed utility installations and utility easements; lot lines, dimensions and angles; sites reserved or dedicated for public uses; and sites for apartments, civic/institutional, commercial and industrial uses.
 - f. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of subdivider and the name of engineer or surveyor with South Carolina Registration Number shall be shown.
 - g. All existing physical features of the land, including contours, drainage ditches, roads and

wooded areas shall be shown. The contour interval shall be 1 foot, unless otherwise approved in advance of submission by the Public Works Director. All contour information shall be based on mean sea level datum and shall be accurate within ½ foot. The Bench Mark, with its description, and the datum used for the survey shall be clearly noted on the plat.

- h. General drainage features, including proposed drainage easements and detention/retention basins. Proposed cuts and fills shall be shown. Also the proposed direction of drainage on each street, ditch and lot shall be indicated by the use of arrows and proposed street names.
- i. The location of required landscape buffers, which shall not be located within drainage easements unless expressly approved by the Public Works Director.
- j. Jurisdictional wetlands, with the date of certification.
- k. The notarized signature of the owner or their agent and a statement indicating ownership of the property and the plat shows their intent to subdivide the property.

5. Accompanying Data

- a. The Preliminary Plat shall be accompanied by a statement as to the availability of and specific indication of the distance to and location of the nearest public water supply and public sanitary sewers.
- b. The Preliminary Plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.

6. Sight Lines for Inspection

Sight lines shall be cut a maximum of 200 feet apart for the purpose of making the topographic survey and to allow visual inspection of the property after application has been made for approval of the Preliminary Plat.

10.5.3 Planning Director Review and Report

The Planning Director shall compile a staff report (which includes the comments and recommendations of the Public Works Department and other affected agencies) that reviews the Preliminary Plat application in light of all applicable requirements of this Ordinance. This report shall be forwarded to the Planning Commission.

10.5.4 Planning Commission Review and Decision

Within the 60 days of receipt of a complete application, the Planning Commission shall review the proposed Preliminary Plat and act to approve, approve with conditions or deny the Preliminary Plat, based on whether it complies with all applicable requirements of this Ordinance.

10.5.5 Effect of Preliminary Plat Approval

Approval of a Preliminary Plat shall constitute general acceptance of the overall planning concepts for the proposed subdivision and is a prerequisite for the filing of a Final Plat application.

10.5.6 Lapse of Preliminary Plat Approval

An approved Preliminary Plat shall lapse and be of no further force and effect if a Final Plat for the subdivision (or a phase of the subdivision) has not been approved within 2 years of the date of approval of the Preliminary Plat. If the subdivision is to be developed in phases, a phasing plan shall be approved as part of the Preliminary Plat approval.

COMMENTARY

FOR THE PURPOSE OF PRELIMINARY PLAT APPLICATIONS, A COMPLETE APPLICATION MEANS ONE THAT INCLUDES ALL REQUIRED INFORMATION AND FEES AND THAT ADDRESSES THE FINDINGS OF THE INSPECTION REPORT AND HAS RECEIVED ALL APPROVALS FROM OTHER AGENCIES THAT ARE A PREREQUISITE TO PRELIMINARY PLAT APPROVAL.

10.5.7 Appeals

Any person with a substantial interest in a Preliminary Plat decision of the Planning Commission or any officer, board, or bureau of the county may appeal the Planning Commission decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 days of the date of the Planning Commission's decision.

10.5.8 Construction Plans

After approval of a Preliminary Plat and before commencing any work within the proposed subdivision (including land clearing and grading), road plans and profiles and a detailed drainage plan prepared by an engineer registered in the state of South Carolina shall be submitted to the Public Works Director for review and approval in accordance with the County's *Standard Specifications for Road and Drainage Systems*.

10.5.9 Inspections

- A. Subdivision plats that are submitted for review are field inspected by Planning and Public Works staff to ensure compliance with any applicable Ordinance requirements and county standards.
- B. When no public sewer is provided to the proposed lot, a representative of South Carolina Department of Health and Environmental Control will visit the site and test the soil for minimum septic system requirements.
- C. Where subdivision streets and/or drainage ways are being constructed, a Public Works Department inspector will make periodic visits to the site at no cost to the developer to ensure construction compliance with County-approved road and drainage plans. Public Works Department's certification that all roads and drainage systems have been constructed in compliance with the plans is required prior to final approval of the development. This approval is necessary for both public and private developments.
- D. Fire protection and design to be approved by the Awendaw Fire Department prior to preliminary plat approval.

ARTICLE 10.6 Final Plat

10.6.1 Conditional Plat Approval

Prior to approval of a Final Plat, the developer shall install all required public improvements or post an approved financial guarantee of performance and maintenance, in accordance with the requirements. If financial guarantees are posted, decision-making bodies shall be authorized to grant conditional plat approval, with final approval contingent upon completion and acceptance of all required improvements. After conditional plat approval is granted, the sales of subdivision lots shall be permitted and building permits may be granted, but no Certificates of Occupancy shall be issued until all required improvements have been installed and accepted.

10.6.2 Applicability

Final Plats shall be required for all Minor and Major Subdivisions.

10.6.3 Application

1. Applications for Final Plat approval shall be submitted to Planning Department on forms available in the Planning Department. Ten copies of the Final Plat shall be filed with the application.
2. Certification from the design engineer that the subdivision's road and drainage infrastructure has been constructed in accordance with the approved plans.
3. The Final Plat shall be drawn in ink on a material specified by the Register of Mesne Conveyance recording, on sheets 22 inches by 34 inches in size, and at a scale of 1" = 100' or larger. Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.
4. The Final Plat shall show the following:
 - a. All information required on the Preliminary Plat, with the exception of topographic data.
 - b. All property lines with accurate bearings or deflection angles. If a control traverse is run between any 2 points on any property lines, then it shall be noted. For property lines which are curves or are in part curves, the arc length shall be shown. Also, in dashed lines, the chord length from property corner to property corner along the curve shall be shown with appropriate bearings and angles.
 - c. Curve data for all curves consisting of the following:
The Delta angle, the degree of the curve, the tangent distance, the length of curve, the radius, and an indication of whether the arc method or chord method was used.
 - d. The location of all points of curvature and tangency.
 - e. The location of points of intersection where circular curves are not used.
 - f. Block and lot numbers suitably arranged by simple system.
 - g. Certificates:
 - (1) A surveyor's certificate as to accuracy of survey and plat. "I, name of surveyor, a registered surveyor of the State of South Carolina do hereby certify that I have surveyed the property shown hereon, that this plat shows the true dimensions of the property and that all necessary markers have been installed and the precision is 1: " (state actual precision). The unadjusted field measurement of lots and blocks shall be accurate within the standards set forth in the minimum Standards Manual of the South Carolina Board of Engineering Examiners.
 - (2) A statement of dedication by the property owner of streets, right-of-ways, easements, and any other sites for public use. If any change in ownership is made subsequent to the submission of the plat and prior to the granting of final approval, the statement of dedication shall be corrected accordingly.
 - (3) The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.
 - h. All easements shall include their width and centerline.
 - i. The Office of Coastal Resource Management Critical Line.
 - j. The U.S. Army Corps of Engineers' jurisdictional line.
 - k. Fire protection facilities shall be functional and approved by the Awendaw Fire Department at the time of final plat submission.
5. Accompanying Data
 - a. A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs subsequent to the date of the certificate to title or affidavit and prior to the granting of final approval, a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the decision-making body.

- b. In subdivisions where existing public water and public sewer systems have been extended and/or a new system installed, a certification of inspection from the South Carolina Department of Health and Environmental Control shall be submitted.
6. Certification of Approval
When Planning Commission or Council has approved the plat, a certificate noting such approval and carrying the signature of the Director of Planning , shall be placed on the original drawing of said plat.
7. Statements on Plat
 - a. The Planning Commission reserves the right to require the following statements to be placed upon the plat if the proposed roads and drainage have not been constructed in conformance with standards and specifications of the County's *Standard Specifications for Road and Drainage Systems*
 - (1) "The approval of this plat does not obligate the Town of Awendaw in any way to accept for maintenance any of the roads or easements shown hereon."
 - (2) "WARNING! Approval of this plat does not indicate approval nor adjudicate title of the access or right-of-way shown hereon."
 - b. The Planning Commission reserves the right to require additional statements to be placed upon the plat if the proposed subdivision does not meet all requirements of the Subdivision Regulations. These notes shall be included in the approval of the final plat.
8. Where road rights-of-way or drainage easements are being dedicated whether public or private, a certificate of ownership prepared by a licensed attorney and establishing the complete and actual ownership of the property to be dedicated shall be submitted.

10.6.4 Planning Director Review and Decision

Within the 45 days of receipt of a complete Final Plat application, the Planning Director shall review the proposed Final Plat and the reports for the Public Works Department and other affected agencies and act to approve, approve with conditions or deny the Final Plat, based on whether it complies with the approved Preliminary Plat and all applicable requirements of this Ordinance.

10.6.5 Acceptance of Dedications

Approval of a Final Plat shall not constitute acceptance of any public improvements. Such acceptance will require the Town of Awendaw/ and or Charleston County Council acceptance of dedication. Once approved, a Certificate of Dedication Acceptance shall be attached to copies of the approved plat, which shall be provided to the developer.

10.6.6 Recording

Approved Final Plats shall be recorded by the Planning Director with the Register of Mesne Conveyance within 30 days of final approval.

10.6.7 Appeals

Appeals of Planning Director's Decision

Any person with a substantial interest in a Final Plat decision of the Planning Director may appeal the decision to the Planning Commission by filing an appeal with the Planning Director within 30 days of the date of the decision.

Appeal Powers

In exercising the appeal power, the Planning Commission may reverse or affirm wholly or partly or may modify the decision being appealed. If the Planning Commission determines that it is necessary to obtain additional evidence in order to resolve the matter, it may remand the matter to the Planning Director, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

Consideration of Evidence

The Planning Commission shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issues raised by the appeal.

Burden of Persuasion or Error

In acting on the appeal, the Planning Commission shall grant to the Planning Director's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

Approval Criteria

An appeal shall be sustained only if the Planning Commission finds that the Planning Director erred.

Appeals of Planning Commission's Decision

Any person with a substantial interest in a Final Plat (appeal) decision of the Planning Commission may appeal the Planning Commission decision to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 days of the date of the Planning Commission's decision.

ARTICLE 10.7 Lots

10.7.1 Size

- A. Lots shall comply with the lot size standards of the underlying zoning district and all other applicable standards of this Ordinance.
- B. Depth of residential lots shall not exceed 3 times width of the lot (a 1:3 ratio)
- C. The Planning Director may allow the lot width to depth ratio of 1:3 to be exceeded when any of the following conditions occur:
 - 1) When attached dwellings are proposed.
 - 2) Where additional depth is provided for marsh frontage lots when the lot width depth ratio is met and the property line is extended into the marsh.
 - 3) A minor subdivision of a parent tract into no more than two (2) lots, provided the following requirements are met:
 - a. The minimum lot frontage for each lot is not less than 300 feet;
 - b. In no case shall the average lot width be less than 300 feet with the minimum lot width at any one point than 250 feet, and
 - c. At least one of the lots shall border a natural area, wetland or marshland.

COMMENTARY

LOTS WITH ACCESS ON A STREET AND ALLEY SHALL NOT BE CONSIDERED DOUBLE-FRONTAGE LOTS.

10.7.2 Access

- A. Double-frontage lots shall be avoided except where essential to provide separation of residential development from major roadways or to overcome specific disadvantages of topography and orientation.

An easement with a minimum width of 10 feet may be required to restrict access from the major street or other area.

- B. All lots shall be provided with access by means of streets that have been constructed in conformance with the standards and specifications of this Ordinance.

10.7.3 Flag Lots

Flag lots may be allowed in subdivisions established pursuant to the standards of this Ordinance.

Permitted Use of Flag Lots

1. A flag lot may be utilized to facilitate subdivision of a long narrow parcel that has sufficient area but insufficient width to be otherwise subdivided.
2. A flag lot may be used to eliminate multiple access points to collector or arterial roads.
3. A flag lot may be used when the buildable area of a parcel is restricted due to the presence of a natural resource or the irregular shape of a parcel.

Prohibited Use of Flag Lots

1. Flag lots shall not be used to avoid the development of streets otherwise required by this Ordinance when the effect of such flag lots would be to increase the number of access points (driveways) on a publicly dedicated road right-of-way.
2. Flag lots may be denied when an adjoining parcel also has sufficient area but insufficient width to otherwise be subdivided. In such cases, in lieu of platting a flag lot, a half-width road right-of-way may be required to be platted along the common property line to facilitate the platting of a full width road right-of-way when the adjoining property is subdivided.

Standards for Flag Lots

1. Flag lots shall take direct access to streets that comply with the standards of this Ordinance.
2. The area within the flagpole portion of a flag lot shall not be counted as lot area for the purpose of meeting the minimum lot area requirements of this Ordinance.
3. As a condition of approval of a flag lot, decision-making bodies may require an access easement to be placed on the flag lot to allow the adjoining parcel to share access to the road.
4. The flag pole portion of a flag lot shall have a minimum width of 20 feet for its entire depth, and the depth, or length of the flag pole shall not exceed 300' feet.

ARTICLE 10.8 Streets

10.8.1 Principles and Philosophy

Design Philosophy

Streets are the links that provide the basis for safe, efficient and economical access to commercial, industrial and residential areas. Safe residential streets are attained by specifying street geometries that discourage excessive speed and emphasize access. Residential streets should therefore promote:

1. safe and efficient movement of vehicular and pedestrian traffic; and
2. Cost-effectiveness, that takes into consideration both initial construction and future maintenance costs.

Principles

Streets and roads shall be designed to:

1. provide safe, smooth, efficient vehicular flow;

2. provide acceptable sight distance visibility;
3. provide good roadway foundation and subgrade drainage;
4. provide acceptable environmental features;
5. provide space for utilities, if necessary;
6. provide drainage for adjacent properties, when practical;
7. consider a community or subdivision master plan;
8. follow natural contours and preserve natural features;
9. minimize traffic speed, volume and congestion; and
10. minimize the amount of paved area as a means of reducing stormwater runoff.

10.8.2 Street and Road Classifications

Parkways

Parkways are divided arterial streets with full or partial access, usually located within a ribbon of park-like development.

Arterial Street

Arterial streets function to conduct traffic between communities and activity centers, and to connect communities to major state and interstate highways. Arterials are primary roads characterized by high traffic volumes and high speeds. Collector Street

Collector streets (in the Town of Awendaw) serve as the principal traffic arteries within residential and commercial areas. Collector streets carry relatively high traffic volumes from arterial streets to lower classification streets.

Subcollector Street

Subcollector streets provide passage to access streets and convey traffic to collector streets. Subcollectors provide access to residential lots and also carry some through traffic to lower classification streets.

Subcollector streets may provide access to 25 to 100 dwelling units (lots).

Access Street

Access Streets are designed to conduct traffic to up to 25 dwelling units and subcollector streets.

10.8.3 Urban/Suburban Street Standards

Urban/Suburban streets are those streets near and around municipalities, shopping areas and commercial areas. Urban/Suburban streets shall be subject to the following standards:

TOWN OF AWENDAW ZONING ORDINANCE

COMMERCIAL STANDARDS (URBAN/SUBURBAN STREET STANDARDS)

STANDARD	PARKWAY	ARTERIAL	COLLECTOR	SUBCOLLECTOR	ACCESS
Minimum Finish Grade Street Centerline Elevation (feet)(MSL)	6.5	6.5	6.5	6.5	6.5
Minimum Lane Width (feet)	12	12	10	10	10
Minimum Concrete Curb+Gutter Width (where provided)(inches)	18	18	18	18	18
Minimum Roll Curb+Gutter Width (where provided)(inches)	24	24	24	24	24
Minimum Total Pavement Width, Including Curb+Gutter (feet)	27	27	23	23	23
Minimum Right-of-Way Width (feet)	100	66	60	50	50[1]
Maximum Cul-de-Sac Length (feet from intersection or turn-around)	NA	N/A	1,500	1,500	1,500
Minimum Cul-de-Sac Pavement Radius (feet)	NA	NA	35	35	35
Minimum Cul-de-Sac Right-of-Way Radius (ft.)	NA	50	50	50	40
Minimum Centerline Grade (%) ^[2]	0.4	0.4	0.4	0.4	0.4
Maximum Centerline Grade (%)	6	6	8	8	8
Minimum Sight Distance (feet)	350	350	250	250	200
Minimum Design Speed (MPH)	55	55	30	30 [4]	30 [4]
Minimum Vertical Clearance (feet, at pavement edge)	14.5	14.5	14.5	14.5	14.5
Minimum Intersection Radius (feet) (back edge of road)	30	30	25	25	25
Minimum Offset Between Intersections (feet)	200	200	125	125	125
Minimum Intersection Angle (degrees)	90	90	90	90	90

Note: Earth roads in new subdivision Subdivisions are not accepted by Town of Awendaw for public maintenance.

- [1] Access street rights-of-way may be reduced to 40 feet in instances where an existing flag lot has a 40-foot strip leading from existing public right-of-way to a larger tract. A 40-foot right-of-way shall only be allowed when the designer of the subdivision demonstrates that the reduced right-of-way width can accommodate all required infrastructure.
- [2] Centerline grade of less than 0.3 percent is acceptable on causeways where land areas on both sides of roadway embankments are jurisdictional wetlands or critical area.
- [3] Divided roadways shall conform to the Standard Specifications for Road Drainage Systems.
- [4] May be reduced to 20 mph by Public Works Director if applicant meets all applicable South Carolina Laws and is posted accordingly.

10.8.4 Rural Road Standards

Rural roads are located in low-density areas away from commercial shopping areas. Rural roads are more informal and should blend into the surrounding landscape. Rural access roads usually carry less traffic than urban streets and may have a surface constructed of rock, pavement or an alternative surface approved by the Public Works Director. Earth roads may be allowed for cul-de-sacs with a length of 1500 feet or less. Additionally, earth roads may be allowed within open space developments if: (1) adequate drainage can be provided, (2) soil conditions can accommodate the weight of a pumper truck and (3) a maintenance bond is provided to ensure continuing maintenance of the road.

RURAL ROAD STANDARDS

STANDARD	SUBCOLLECTOR	ACCESS	EARTH ROADS(1)
Minimum Finish Grade Street Centerline Elevation (feet)(MSL)	6.5	6.5	6.5
Minimum Lane Width (feet)	10	10	10
Minimum Right-of-Way Width (feet) (2)	50	50	50
Construction	rock or paved	rock, paved or approved alternative	earth
Maximum Cul-de-Sac Length (feet)	1,500	1,500	500(1,500 in open space developments)
Minimum Cul-de-Sac Pavement Radius (feet)	35	35	35
Minimum Cul-de-Sac Right-of-Way Radius (feet)	50	50	40
Minimum Centerline Grade (%)	0.4	0.4	0.4
Maximum Centerline Grade (%)	8	8	8
Minimum Sight Distance (feet)	250	200	200
Minimum Design Speed (MPH)	30	30	30
Minimum Vertical Clearance (feet at pavement edge)	15	15	15
Minimum Intersection Radius (feet) (back edge or road)	25	20	20
Minimum Intersection Offset (feet)	125	125	125
Minimum Intersection Angle (degrees)	90	90	90

Note: Earth roads in new subdivision developments are currently not accepted by the Town of Awendaw/ and or Charleston County for public maintenance. Rock roads may be accepted for public maintenance.

- (1) Applicable to earth roads serving 10 or fewer lots or located within open space developments.
- (2) The minimum allowable road right-of-way width shall be the required width of traveled way (pavement), plus safety space (shoulders), plus drainage and utilities areas. Variations of, but not exceptions to stated minimum requirements may be approved by Planning/Public Works staff.

- (3) All South Carolina State Laws are to be met.

10.8.5 Centerline Radius of Horizontal Curves

- A. Centerline radius for horizontal curves is dependent upon many factors including type and condition of roadway surface, horizontal and vertical sight distances, design speed and degree of curvature.
- B. The roadway designer is required to utilize appropriate design techniques as outlined in American Association of State Highway and Transportation Officials (AASHTO) Design Publications in the design of horizontal and vertical curvature of the Town of Awendaw/ and or Charleston County roads.

10.8.6 Public Maintenance of Streets and Roads

In order to be eligible for public maintenance, streets and roads must comply with the Town of Awendaw / and or County 's *Standard Specifications for Road and Drainage Systems*.

10.8.7 Roadway Drainage

Acceptable Methods

The methods of roadway drainage shall be acceptable, as detailed in the Town of Awendaw/ and or County 's *Standard Specifications for Road and Drainage Systems*..

- 1. roadside ditching
- 2. curb and gutter piped systems.

Sheet Flow

Sheet flow from roadways is acceptable only where drainage discharges directly into a certified wetland area (such as at a causeway). Where freshwater wetlands are considered, the applicant's engineer must provide drainage calculations showing run-off impact.

10.8.8 Pavement/Subgrade

- A. The Town of Awendaw's standard nonindustrial asphalt pavement section is minimum 2 inches hot plant mix asphaltic concrete with prime coat on minimum 6-inch compacted stabilized aggregate base course on prepared subgrade, in accordance with Charleston Transportation Commission standards. A prime coat is recommended where FABC will not be paved within 2 weeks. Geotechnical data shall be submitted to substantiate the design of all new arterial roads, collector roads and parkways.
- B. The town / county standard earth roadway is identical to a town /county standard paved road, except that on earth roadways stabilizing material shall be mixed into existing soil material for a depth of 6 inches. Crown should be 6 inches. County /town inspectors will determine if the prepared subgrade material and earth road overlay soil are acceptable.
- C. The town / county standard rock roadway is also identical to a county standard paved road, except that on earth roadways the subgrade is overlaid with a minimum 6 inches compacted depth of stabilized aggregate base course with a 2-inch crusher run aggregate wearing course. Crown should be 6 inches. County / town inspectors will determine if the prepared subgrade material and the rock overlay are acceptable. Instead of conducting the inspection with County/ town staff, the Public Works Director shall be authorized to require independent testing and inspections at the applicant's expenses.
- D. As an acceptable alternative to the Town /County standard subgrade/pavement section,

the developer may have a qualified independent testing laboratory/engineer determine/sample/test representative soil materials and design a base and pavement section in accordance with American State Highway and Transportation Standards and to supervise the construction. County/ town inspectors will test the completed subgrade prior to placement of base material and be on-site to verify proper placement of base, paving and synthetic materials.

- E. Coring samples will be conducted by the Public Works Department on every newly constructed road to ensure compliance with the approved construction plans. The number of samples and the location of testing sites will be selected at random by the Public Works Department.

10.8.9 Wetlands

It is the responsibility of the developer to locate and to protect any wetlands (saltwater and freshwater). No development impacting any wetland area can be approved by Town of Awendaw without prior approval by appropriate wetlands protection agencies. It is recommended that the developer contact U. S. Army Corps of Engineers Permit Section and DHEC-OCRM for specific wetland regulation information.

10.8.10 Utilities

- A. The developer shall arrange to install all necessary utilities (water, sanitary sewer, electricity, telephone, street lighting, or cable TV) as part of the development, or appropriate space must be allocated for future installation.
- B. Placement of utilities under the roadway surface will be considered on a case-by-case basis by Public Works.
- C. Lawn sprinkler systems are acceptable only if the design and installation is authorized by encroachment permit by Public Works.

10.8.11 Encroachments

Encroachments into existing road rights-of-way and/or drainage easement will be authorized if the following criteria are met:

- A. a permit authorizing the encroachment is acquired from the Public Works Department;
- B. the encroachment meets safety requirements;
- C. the encroachment does not prevent normal maintenance operations and the town / county is relieved of all damage liability resulting from maintenance;
- D. the encroachment will be properly maintained by the permittee;
- E. the permittee agrees to temporarily or permanently relocate/remove the encroachment when requested by the Public Works Director, at no cost to the county and or the Town of Awendaw.

10.8.12 Minimum Offset of Trees and Shrubs from Road Pavement

- A. Trees and shrubs shall be set back from street and road pavement in accordance with the following minimum requirements:

ROADSIDE FEATURE	SPEED (MPH)	OFFSET FROM EDGE OF PAVEMENT (feet)	
		CANOPY TREES	UNDERSTORY TREES/SHRUBS
Guiderail	All	5*	3*
Barrier Curb	40 and less	5*	3*
	45 to 50	8*	5*
	55 and greater	12*	5*
Open Shoulder	40 and less	10	5
	45 to 50	15	7
	55 and greater	20	10

*Tree limbs hanging below 15 feet in height shall be trimmed so that they do not encroach beyond the back of the curb. Minimum overhead clearance of 18 feet should be maintained for safe passage. When a barrier curb or guiderail exists, offset is measured from the face of the curb or guiderail to the face of the tree at ground level.

B. Understory trees may be located 2 feet from the edge of pavement with the approval of the Planning Director and Public Works Director.

10.8.13 Maintenance

- A. All roads to be maintained by The Town of Awendaw and/ or Charleston County must first be constructed (or upgraded) to meet current standards of this Ordinance and the County 's *Standard Specifications for Road and Drainage Systems*.
- B. Any subdivision required to meet The Town of Awendaw and /or Charleston County standards, but intended to be maintained privately, must be designed to meet all current standards. With approval of the decision-making body, construction of a portion of the facilities, such as removal of trees, can be deferred until such time as The Town and/or Charleston County is asked to maintain the facilities. In such situations, the developer is required to submit a maintenance plan showing specifically what work is to be accomplished, specific schedules, who is perform the work, and how payment for the work will be made. The potential owners of the development, or portion of the development, must be made aware of those factors through Homeowners Association Bylaws and/or deed restrictions. The town and / or county will not perform any maintenance services in such developments until the roadway and/or drainageways have been brought up to then-current town and/ or county standards.

ARTICLE 10.9 Street Names, Street Signs and Street Lights

10.9.1 Names

No street names shall be used that will duplicate or be confused with the names of existing streets. Street names proposed by the subdivider shall be subject to approval by the decision-making body.

10.9.2 Street Name Signs

Street name signs shall be installed by the development in accordance with the South Carolina Uniform Manual on Traffic Control Devices.

10.9.3 Street Lights

Street lights are encouraged within subdivisions.

ARTICLE 10.10 Underground Utilities and Services

All electrical, telephone, cable television and similar distribution lines providing service to a development site should be installed underground.

ARTICLE 10.11 Water Supply and Sewage Disposal

- A. In accordance with South Carolina Department of Health and Environmental Control Regulations, all subdivisions shall be served by approved public water and sewerage systems, if accessible for connection or, if in the opinion of the South Carolina Department of Health and Environmental Control, the public's health and the environment would best be protected by the installation of such systems. Where public sewer is not available, all buildable lots must meet minimum soil requirements established by South Carolina Department of Health and Environmental Control.
- B. The developer shall install public water lines where public water service is available within 500 feet of the property (measured along adjacent rights-of-way), provided that this requirement shall not apply when the decision-making body determines (1) that the extension of public water service is infeasible or (2) that the property owner would be required to consent to annexation in order to obtain public water service.
- C. The developer shall install public sanitary sewer lines where public sanitary sewer service is available within 500 feet of the property (measured along adjacent rights-of-way), provided that this requirement shall not apply when the decision-making body determines (1) that the extension of public water service is infeasible or (2) that the property owner would be required to consent to annexation in order to obtain public sanitary sewer service.

ARTICLE 10.12 Fire Protection

In situations where public water systems with fire hydrants are not available, developers may be required to provide dry hydrants which can utilize ponded water from lakes, ponds, streams,

detention/retention basins or other sources. Dry Hydrant design information may be obtained by contacting the U.S. Department of Agriculture, Natural Resources Conservation Service.

ARTICLE 10.13 Drainage and Stormwater Management

10.13.1 Applicable Regulations and Standards

Stormwater improvements shall meet all applicable county, state and federal regulations. Those regulations require that the stormwater system meet water quality and water quantity standards and that no property be adversely affected by the stormwater runoff from the development. In addition to the standards of this section, other applicable stormwater regulations include the following:

Town of Awendaw and/ or County Regulations

1. Stormwater Management and Sediment Control Ordinance.
2. Standard Specifications for Road and Drainage Systems
3. Charleston Transportation Committee's Standard Specifications for Roadway Construction.

State Regulations

1. South Carolina Stormwater Management and Sediment Reduction Act.
2. South Carolina Coastal Zone Management Act.

Federal Regulations

EPA stormwater regulations and the Clean Water Act, Section 404. Of particular interest to most developers is the requirement to obtain a permit for land disturbance.

10.13.2 Wetlands

It is the responsibility of the developer to locate and to protect wetlands (saltwater and freshwater). No development affecting any wetland area can be approved by Town of Awendaw without prior approval by appropriate wetlands protection agencies, including the U.S. Army Corps of Engineers.

10.13.3 Drainage Basin Consideration

- A. Careful consideration of the entire drainage basin must be made when designing stormwater facilities for a given development.
- B. Runoff quantities from any land area depend on many factors including land area, slopes, soil types, vegetation, channelization and existing development, all of which must be considered by the stormwater designer.
- C. Even though the development may be a minor segment of the entire basin, the designer must consider the runoff from the development itself, any upstream property whose runoff enters the development, and also any downstream property may be affected by the runoff from the development.
- D. Runoff from upstream properties can be determined by the existing conditions. Any future development/redevelopment of those properties will be addressed at the time that development/redevelopment occurs. Runoff onto downstream properties include the total runoff quantity from the development including any runoff from upstream properties.

COMMENTARY

10.13.4 Stormwater Runoff

- A. Stormwater runoff quantities are determined primarily by the amount of rain that falls during any rainfall event. For the purposes of design, the design storm shall be the 10- year, 24-hour rainfall event, SCS Type III distribution and a rainfall intensity of 6.8 inches in a 24-hour period. For existing channels passing through the development from upstream, the design storm is a 25-year, 24-hour rainfall event, SCS Type III distribution and a rainfall intensity of 8.0 inches in a 24-hour period.
- B. Unless special detention facilities are provided, developers are required to provide facilities designed for peak rate flow. That is, the pipe channels must be large enough to handle the maximum rate of flow so that there is no overflow at any time.
- C. Developers shall provide stormwater detention facilities in accordance with all application federal, state and county regulations. The rate of flow shall equal pre-development rates.

DEVELOPERS AND/OR DESIGN ENGINEERS SHALL BE LIABLE FOR ANY STORMWATER RUNOFF DAMAGE (TO ANY UPSTREAM OR DOWNSTREAM PROPERTY) CAUSED BY CONSTRUCTION OR STORMWATER DESIGN EVEN IF THE TOWN OF AWENDAW AND /OR COUNTY ACCEPTS THE DESIGN AND THE CONSTRUCTED SYSTEM.

10.13.5 Types of Drainageways

The following types of drainageways shall be allowed:

Pipe Structures

Pipe structures may be round, rectangular or oval. Pipe material shall be appropriate for the situation and comply with Charleston Transportation Commission standard specifications and the Town 's *Standard Specifications for Road and Drainage Systems*.

Earth Channels

Earth Channels are usually trapezoidal shaped, must be 2:1 minimum side slopes. All disturbed areas shall be vegetated.

Swales

Swales must be 5:1 minimum slope, with all disturbed areas vegetated.

Lined Channels

Channels shall be lined with rock or other approved material.

Sheet Flow

Sheet flow shall be acceptable only where routine maintenance is not required, such as discharge into a designated wetland area.

10.13.6 Drainage Easements

- A. All new developments shall have adequate drainage outfalls. Drainage easements must be dedicated to use of the public, if maintenance will be conducted by a public agency or private entity, such as an approved Homeowners Association.
- B. One purpose of required drainage easements is to allow access to drainage facilities by maintenance crews and equipment. The width and length of the easements must be of sufficient dimension to allow space for appropriate construction personnel and equipment to maneuver and to inspect, mow, regrade, reshape and clean out the drainage easement. Although the land area designated as easement is the property of the landowner, the landowner may not use it in any way that adversely impacts or restricts access or maintenance by the maintenance entity.
- C. In situations where the developer is required to provide drainage easements, but is not

required to construct the drainageway (such as when a tract already having road frontage is subdivided), the easement area provided shall:

1. be of sufficient width to allow future construction of the drainageway (a dedication of a temporary construction easement in addition to the permanent drainage easement is acceptable and may be required);
2. be of sufficient width to provide a channel with bottom width to carry the stormwater (3-foot minimum), 2:1 side slopes, plus 20-foot shoulder on one side, plus 5-foot shoulder on the other side (both sides must have 20-foot shoulders where top bank to top bank channel width exceeds 15 feet);
3. be free of obstructions (including trees) that would prevent the construction or maintenance of the drainageway with heavy equipment; and
4. be located so that there is continuity with the drainageway/existing drainage easements upstream and downstream. While it is not required that the easement be located on or adjacent to a property, that method is preferred since maintenance activities can be disruptive and somewhat unsightly.

10.13.7 Drainage Rights-of-Way

Drainage rights-of-way are similar to street rights-of-way. The land area is not included in any tax lot and the developer/lot owner does not pay taxes on the designated area nor do they have any rights to use the land except as approved by the Town of Awendaw and/ or County. The developer designs and constructs drainage facilities within the designated area just as he would normally do within a drainage easement area.

10.13.8 Obstacles in Drainageways

Existing obstacles (including trees, buildings, utility poles or transformer structures, items of historical significance) immediately adjacent to drainageways may be left in place provided that all of the following criteria are met:

- A. the drainage system or the obstacle cannot be feasibly relocated;
- B. adequate and safe easement space for maintenance by motorized equipment is provided;
- C. the drainage is not obstructed; and
- D. drainage easement width is increased to accommodate obstructions.

10.13.9 Detention Storage

Detention is the temporary holding back of stormwater and releasing it at a controlled rate. The entity responsible for maintaining detention basins shall be identified at the time of Preliminary Plat.

Dry Basin

An excavated area, within the stormwater system, that is relatively dry at all times excepting during and immediately after a rainfall event. All slopes must be gentle (maximum 3:1) with vegetation cover for erosion control. Publicly dedicated basin shall not be used as a picnic or recreation areas. Trees may be located within the basin except where the location would interfere with pond maintenance. Concrete or other lining is acceptable. The basin and outlets must be properly designed to meet computed quantity requirements. An emergency overflow spillway must be provided. Private parking lots, for example, may be designed to function in this capacity upon acknowledgment from the design engineer and applicant that flooding will occur.

Wet Basin (Pond)

Extending the detention basin down to groundwater level will provide maximum detention

storage. The pond must: (1) be excavated to provide a minimum pond depth of 6 feet at time of lowest groundwater elevation (drought conditions); (b) be populated by fish to ensure mosquito control; and (3) meet all requirements of SCDHEC-Division of Mining and Solid Waste Permitting. The developer shall be liable for any claims resulting from ponded water, even if the Town of Awendaw and/ or county accepts the developer's design.

10.13.10 Soil Information

Considerable information regarding Town of Awendaw soils is available in a manual entitled "Soil Survey of Charleston County, South Carolina" prepared by the Soil Conservation Service (now called the Natural Resources Conservation Service), U. S. Department of Agriculture, current edition.

10.13.11 Soil Erosion Control

Considerable information regarding soil erosion control is available in a manual entitled "Erosion and Sediment Control Practices for Developing Areas" prepared by the South Carolina Land Resources Conservation Commission. A certain acreage of land disturbing activities must be approved by the South Carolina Land Resource Commission.

10.13.12 Maintenance

- A. All developments whose streets and drainage ways are maintained by the Town of Awendaw and / or Charleston County must first be constructed (or upgraded) to meet the current standards outlined in this guideline.
- B. Any development required to meet Town of Awendaw standards but intended to be maintained privately must be designed to meet all standards outlined in this guideline and further described in the County 's *Standard Specifications for Road and Drainage Systems*. With approval of the decision-making body, construction of a portion of the facilities, such as removal of trees, can be deferred until such time as the Town of Awendaw and / or Charleston County is asked to maintain the facilities. In all such situations, the developer is required to submit a maintenance plan showing specifically what work is to be accomplished, schedules, who is to accomplish that work, and how payment for that work will be made. The potential owners of the development or portion of the development must be made aware of those factors through Homeowners Association Bylaws and/or deed restrictions. The Town and/ or County will not perform any maintenance services until the roadway and/or drainage-ways have been brought up to current standards by others.

ARTICLE 10.14 Bridges and Causeways

10.14.1 Bridges

- A. All bridges intended for public use shall comply with the most recent edition of the American Association of Highway and Transportation Officials' "Standard Specifications for Highway Bridges." All new bridges and pilings intended for maintenance by the Town of Awendaw and / or Charleston County shall be constructed of reinforced concrete and shall comply with the County 's *Standard Specifications for Road and Drainage Systems*.
- B. Minimum bridge widths from curb face to curb face shall be the total of the lane widths approaching the bridge plus 1foot.

10.14.2 Causeways

Streets or roads may be constructed on causeways provided that:

- A. the roadway meets all other applicable regulations;
- B. the street centerline elevation at finish grade be minimum 6.5 feet above mean sea level;
- C. the side slopes (vegetated earth) be minimum 2:1. Steeper slopes may be used where acceptable stabilization material such as concrete cribbage is provided; and
- D. shoulder width shall be 6 feet in width with a guiderail or 9 feet in width without a guiderail.

ARTICLE 10.15 Markers

10.15.1 Placement

A marker shall be set on the right-of-way line at the ends of the block for every block length of street. When blocks occur that have a curve or curves in them, markers shall be set on both sides of the street at the ends of tangents. Markers shall also be set on right-of-way line (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked. The location and type of markers used shall be indicated on the Final Plat.

10.15.2 Type

Markers shall be one of the following types.

- A. A reinforced concrete marker with a brass or copper pin in the top. Concrete markers shall be a minimum of 3 feet long and have a minimum cross sectional area of 9 square inches. They shall protrude above the ground not less than 2 inches and not more than 6 inches.
- B. An iron pipe or pins having a minimum diameter of $\frac{3}{4}$ inches hollow or $\frac{1}{2}$ inches solid steel. Such iron pins will be a minimum of 2 feet in length and shall extend above the ground at least 1 inch.

10.15.3 Timing

Markers shall be installed prior to the submission of and approval of the Final Plat.

ARTICLE 10.16 Financial Guarantees (Surety)

10.16.1 Performance Guarantees

- A. In lieu of completing the required subdivision improvements of this chapter, a financial guarantee in the form of a no-contest, irrevocable bank letter of credit, or performance and payment bond underwritten by an acceptable South Carolina licensed corporate surety, or a cashier's check may be accepted by the decision-making body, subject to county attorney approval of the guarantee to determine that the interests of Town of Awendaw are fully protected. Where a cashier's check is utilized, opinion of counsel may be waived.
- B. The amount of the financial guarantee shall be determined by the appropriate governmental body that exercises operational control. (Commissioners of Public Works for public water, Commissioners of the appropriate Public Service Districts for street name signs and public sewer, and the Public Works Director for all other improvements covered in this chapter.) The amount shall be sufficient to guarantee completion of the required improvement (125 percent of the actual cost of the improvement with a minimum of

\$2,000.) within a time period specified by the government agency, not to exceed 2 years. The governmental agency determining the amount of financial guarantee shall provide a letter to the Planning Commission (copy to the subdivider) setting forth the amount of bond, conditions of acceptance and the period covered. The Planning Commission staff will inform all interested governmental agencies, particularly the Town of Awendaw and / or County Building Inspection Department.

- C. Developers making use of performance guarantees shall be required to post required maintenance guarantees at the time that the performance guarantee is posted.
- D. Upon completion of the improvements as required by this section, written notice thereof shall be given by the subdivider to the bond holder, who shall cause an inspection of the improvements to be made. The bond holder will, within 30 days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond or cashier's check will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the subdivider has defaulted, the Town of Awendaw and / or County Council will assess the individual subdivider the cost of the improvements over and above the surety amount.
- E. In no instance will the bond holder be authorized to extend for the subdivider the completion date originally stipulated.
- F. Pro-rated refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit.
- G. The decision-making body shall review and approve or reject each acceptance of surety in lieu of completion of improvements. In making its determination, the decision-making shall give due consideration to the commitments made by the subdivider to individual purchasers.
- H. In lieu of completed subdivision improvements, the decision-making body may accept the written guarantee of a governmental body to complete required improvements within 90 days of the date of such acceptance by Town Council and / or County Council.
- I. The acceptance of performance bonds or a cashier's check in lieu of completed performance is made possible only by the introduction of effective occupancy control. This control will be coordinated with final approvals so as to ensure that all conditions covered by one or more bonds are completely fulfilled, except as specified in the Town's and / or County's Building Code, before an occupancy permit can be issued by the Town's and / or County Building Inspection Department.

ARTICLE 10.17 Maintenance Guarantees

Street and Stormwater management/drainage systems that are to be dedicated to the Town of Awendaw and / or Charleston County for public maintenance shall be under warranty for all defects and failures for a period of 3 years. Prior to Final Plat approval, the developer shall provide written verification of financial responsible for the correction of any defects and/or failures in those related improvements that will be dedicated to the town and / or county. The warranty (minimum 10 percent of the construction costs) shall be in a form satisfactory to the Public Works Director and effective for a period of 2 years after recording of the Final Plat. The Public Works Department

shall maintain surveillance over the system and provide written notification to the developer if repair work is required during the warranty period. The Public Works Department shall identify defects not considered to be public safety and notify the developer of such defects. The developer shall then have 30 days to prepare a schedule of corrective actions and begin such corrective actions. If not complete with the approved schedule, the Public Works Department shall make the repairs and bill the bonding company. Public safety defects shall be addressed immediately by the Public Works Department, with reimbursement from the bonding company.

CHAPTER 11

ARTICLE 11.1 DEFINITIONS

Adult Day Care	A facility licensed by the Department of Health and Environmental Control (DHEC) for adults 18 years of age or older, which offers in a group setting a program of individual and group activities and therapies. The program is directed toward providing community-based day care services for those adults in need of a supportive setting.
Agricultural Sales and Service	An establishment engaged in the retail or wholesale sale from the premises of feed, grain, fertilizers, pesticides and similar goods.
Animal Production	The raising of animals or production of animal products on an agricultural or commercial basis, exclusive of all concentrated animal feeding operations. Animal production shall include the processing of shrimp and other seafood, but shall not include the processing of land-borne animals.
Bar or Lounge	A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, where 25 percent or more of the gross receipts are for the sale of alcohol. This use includes taverns, bars, cocktail lounges, and any member exclusive bars or lounges.
Bed and Breakfast Inns	A portion of an owner-occupied dwelling unit or detached accessory structure offering transient lodging, with or without breakfast, to paying guests on an overnight basis, usually staying less than seven days.
Boat Yard	A land-based operation primarily for the repair and service of boats, including any incidental storage of boats in the process of being repaired. This term does not include boat building.
Building Height	The vertical distance between the base flood elevation, or ground level, if the structure is not in a Flood Hazard area as defined by the Federal Emergency Management Agency (FEMA), and 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.
Child Day Care	A service established primarily for the part-time (less than 24 hours) care of pre-school children.
Community Recreation Center	A public or quasi-public building designed for and used as a social, recreation, and cultural center. As a part of such recreation centers, there may be included craft rooms, music rooms, game rooms, meeting rooms, auditoriums, swimming pools, and kitchen facilities. Kitchen facilities and dining areas shall be used for special events only.
Consumer Convenience Service	An establishment providing services, primarily to individuals, of a frequent or recurrent nature. Typical uses include seamstresses, tailors, automated banking machines, locksmiths, one-hour photo finishing, and dry cleaning or laundry pick-up station services.

Consumer Goods Rental Service	An establishment primarily engaged in the rental or leasing of new or used consumer goods or tools to the general public, excluding vehicle, watercraft, or heavy equipment rentals.
Corridor	A strip of land in which all existing natural vegetation is to remain undisturbed, with the exception of one 4 foot wide pervious surface foot path and one approved wildlife observation platform. The corridor length is measured from the right-of-way of a road, street or private drive forming the property line to the OCRM Critical Line; and the width of the corridor shall follow the Waterfront Development Standards contained in this ordinance.
Crop Production	The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including packing, processing, or storing produce; provided that the operation of any such accessory uses shall be secondary to the normal agricultural activities.
Food Sales	An establishment primarily engaged in the retail sale of food or household products for home consumption. These establishments may include the sale of beer and wine in unopened containers for off-premise consumption where the sale of products other than beer and wine comprise at least 51 percent of the gross sales of the establishment, and at least 51 percent of the total display or shelf space is devoted to products other than beer and wine. Typical uses include grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.
Garden Equipment and Supplies	A commercial activity offering for sale indoor or outdoor garden fixtures, packaged plant food, or pesticides, garden tools, manually or power operated with associated parts and accessories. Accessories may include plants.
Group Care Home	A staffed residence, licensed by the Department of Social Services (DSS), with a population of fewer than twenty children who are in care apart from their parents, relatives, or guardians on a full-time basis. Group Care Homes are classified by different levels of care ranging from independent to assisted living.
Guide Services	This use includes structures used to assemble customers in order to lead them on hunting, fishing, canoeing, or similar expeditions for a fee. This use does not include any type of lodge providing overnight accommodations or any stocking of fish or game.
Heavy Construction Sales and Service	An establishment primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. Typical uses include building materials stores, tool and equipment sales, or building contractors.
Hotel-Motel	Lodging services involving the provision of a room, with or without meal service. Typical uses include hotels, motels, or transient boarding houses.
Kennels and Animal Boarding	Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, and dog training centers.

Liquor, Beer, or Wine Sales	A establishment primarily engaged in the retail sale of alcoholic beverages for off-premises consumption. This definition includes all retail stores where the sales of alcoholic beverages comprise 49 percent or more of gross sales. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.
Lot Area Measurement	Lot area refers to the horizontal land area within lot lines, including freshwater wetlands and excluding any area below the Office of Coastal Resource Management's critical line.
Manufacturing and Production	An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the site. Typical uses include processing of food and related products; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; printing, publishing and lithography; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including manufactured housing units.
Medical Office	A use providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, or similar practitioners of medical and healing arts for humans, licensed for such practice by the state of South Carolina.
Office	Unless the context clearly suggests a more specific meaning, the term office shall mean any of the following: Government Office, Administrative Office, or Professional Office.
Office/Warehouse Complex	A structure or group of structures offering compartments of varying size for rental to different tenants for the storage of commercial goods or wares, conducting of certain retail trade activities, or provision of those personal or business services permitted by zoning.
Personal Improvement Service	An establishment primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft or hobby instruction.

Professional Office	A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.
Recycling Services	A facility used for the collection and transfer, but not the actual processing, of any of the following recyclable materials: glass, paper, plastic, cans, or other source-separated, nonputrescible materials. For purposes of this use, "recyclable materials" shall not include motor oil, chemicals, household appliances, tires, automobiles, automobile parts, or putrescible materials.
Recreation and Entertainment, Indoor	Participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, arcades, video games and theaters.
Recreation and Entertainment, Outdoor	Participatory and spectator-oriented recreation and entertainment uses conducted in open, partially enclosed, or screened facilities. Typical uses include sports arenas, racing facilities, amusement parks, golf driving ranges and miniature golf courses.
Repair Service, Consumer	An establishment primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding automotive and equipment services uses. Typical uses include appliance repair shops, watch or jewelry repair shops, shoe repair shops, or musical instrument repair shops.
Restaurant, Fast Food	An establishment engaged in the preparation and retail sale of food and beverages in a ready-to-consume state, with 1 or more of the following characteristics: A. it serves ready-to-eat foods, frozen deserts, or beverages in edible or paper, plastic or disposable containers; B. it serves foods that customers carry to the restaurant's seating facilities, to motor vehicles, or off-premises; or C. it serves foods through a pass-through window (which includes any and all drive-in restaurants)
Restaurant, General	An establishment engaged in the preparation and retail sale of food and beverages for on-premises consumption, where the sales of alcoholic beverages does not comprise more than 25 percent of gross receipts. Typical uses include diners, cafeterias, dinner-houses and restaurants, but do not include fast food restaurants.
Retail Sales or Services	An establishment primarily engaged in the sale of new or used products to the general public, but excluding those establishments more specifically defined in this ordinance.
Self-Service Storage or Mini-Warehousing	Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding such uses as workshops, hobby shops, manufacturing, or commercial activity.
Stable	A building or land where horses are kept for commercial or private use, including boarding, breeding, hire, sale, rental for riding, or raising of horses not owned by the occupants of the premises.
Use Permitted by Right	A principal use permitted without the requirement of a Special Exception.

Utility Service, Major	Facilities and structures that are necessary for the generation, transmission, and/or distribution of utilities to support principal development, such as generation facilities, electrical and telephone switching facilities, electric substations, pumping stations, sewage collection or disposal facilities, water or sewage treatment plants, water storage tanks, sewage collector or trunk lines, water mains, and similar facilities.
Utility Service, Minor	Minor structures, such as lines and poles, that are necessary to distribute utilities and provide service.
Vehicle Repair, General	An establishment that provides service to passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excluding dismantling or salvage.
Vehicle Sales/Rental	The sale or rental of automobiles, noncommercial trucks, motorcycles, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, or recreational vehicle dealerships.
Vehicle Service, Limited	An establishment that provides direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed. Typical uses include car washes and quick lubrication services.
Veterinary Service	An establishment offering veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals for livestock and large animals.
Wholesale Sales	An establishment engaged in the sale or lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Typical use include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.
Waste-Related Use	Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.