

ARTICLE 3 ZONING REGULATIONS

3:1 PRIMARY ZONING DISTRICT REGULATIONS

3:1.1 Establishment of Zoning Districts, Purpose of Districts, and Rules for the Interpretation of District Boundaries

3:1.1-1 Establishment of Districts

The following districts are hereby established for use in the unincorporated areas of Kershaw County in accord with the Comprehensive Plan adopted by Kershaw County:

Table 3-1 PRIMARY ZONING DISTRICTS	
Zoning Map Symbol	District Name/Description
R-15	Low Density, Single-Family Residential District
R-10	Medium Density Residential District
R-6	High Density Residential District
O-I	Office-Institutional District
B-2	General Business District
B-3	Limited Business District
I-1	Industrial District
GD	General Development District
RD-1	Rural Resource District
RD-2	Rural Resource District
MRD-1	Rural Resource District

Table 3-2 SPECIAL PURPOSE DISTRICTS	
Zoning Map Symbol	District Name/Description
PDD	Planned Development District
HOD	Historic Overlay District
AOD	Airport Overlay District
LWOD	Lake Wateree Overlay District

3:1.1-2 Purpose of Districts

Collectively, as stated in the Preamble, these districts are intended to advance the purposes of this Ordinance. Individually, each district is designed and intended to accomplish the following more specific objectives.

3:1.1-3 Primary Districts

A. **Residential Districts** - Residential districts are created to foster, preserve, protect, and promote safe, healthy, and attractive residential communities. Whereas these regulations are intended to protect residential districts from incursions of inappropriate uses, they are not intended to isolate residential communities from convenient access to community-oriented services, institutions, businesses, and employment opportunities.

1. **R-15, Low Density, Single-Family Residential District** - The R-15 Residential district is intended to foster, preserve, and protect at low densities, areas of the community/County in which the principal use of land is for detached, single-family dwellings and limited residential support facilities at low densities.
 2. **R-10, Medium Density Residential District** - The R-10 Residential district is intended to foster, protect, and accommodate single-family and two-family residential development and limited residential support facilities in areas so designated.
 3. **R-6, High Density Residential District** - The R-6 Residential district is intended to accommodate higher density residential development and a variety of housing types on small lots or in project settings in areas accessible by major streets and in proximity to commercial uses and employment opportunities.
- B. Institutional and Commercial Districts** - Institutional and commercial zoning districts serve the community and should not be isolated from the community. Zoning should encourage the clustering of commercial establishments in nodes which are convenient to population concentrations. Such commercial development will focus on neighborhood-oriented services such as groceries, pharmacies, offices, dry cleaners, restaurants, etc. Neighborhood centers are also excellent locations for public facilities such as post offices, libraries, and health clinics.

The location of institutional and commercial zoning districts should not result in encroachment of incompatible development into established residential areas. Commercial establishments that are non-neighborhood service oriented can be clustered in regional commercial centers or malls with appropriate traffic management improvements.

1. **O-I, Office and Institutional District** - The O-I district is intended to accommodate office, institutional, and residential uses in areas whose character is mixed or in transition. It is designed principally for use along major streets and subdivision borders characterized by older houses to help ameliorate the consequences of change impacting these areas, and provide a transitional buffer between potentially incompatible commercial and residential development.
2. **GD, General Development District** - This is a multiple use district, the intent of which is to promote the "highest and best use" of land without negatively impacting surrounding land uses or environmental resources. The GD zoning district has the widest range of permitted residential uses - from single-family, to apartments, to manufactured home parks. The GD district also allows for the widest range of non-residential uses - from retail to agricultural to light industrial. The GD zoning district affords the applications of the Comprehensive Plan's mixed use principals.
3. **B-2, General Business District** - The B-2 district is intended to provide for the development and maintenance of commercial and business uses strategically located to serve the traveling public, the community, and the larger Midlands region. Toward this end, a wide range of business and commercial uses are permitted herein.
4. **B-3, Limited Business District** - The B-3 district is intended to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in this district are of the convenience variety. The size of these districts should relate to surrounding residential markets and the locations should be at or near major intersections, in proximity to residential areas, and/or on the periphery of residential areas, moderating transition between residential and commercial uses.

5. **I-1, Industrial District** - The intent of the I-1 Industrial district is to accommodate wholesaling, distribution, storage, processing, and manufacturing uses in an environment suited to such uses and operations while promoting land use compatibility through the application of performance standards within and beyond the boundaries of this district. Toward these ends, residential development is not permitted herein, nor is the establishment of this district on a street providing primary access to, or traversing, a residential district.
- C. **Rural Resource Districts** - The only distinction of permitted uses among the rural resource districts is with their allowable uses of manufactured housing and mobile homes. Manufactured housing is not permitted in RD-1 zoning districts. MRD-1 zoning districts have special appearance standards for manufactured housing. Mobile homes are permitted in the RD-2 zoning districts only.
 1. **RD-1, RD-2 and MRD-1, Rural Resource Districts** - The value of agricultural lands, woodlands, wetlands, and other resources which characterize this district are important to clean water, air, and to many natural cycles. These lands provide much of the character that makes Kershaw County an attractive place to live. The intent of this district, therefore, is to protect these area resources from development, which would needlessly alter their rural state and contribution to a balanced environment.
- D. **Special Purpose Districts** - Regulations regarding each type of special purpose district are found in the special purpose district regulations provisions of this Article.
 1. **Planned Development Districts (PDD)** - The intent of the planned development district is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance the public health, safety, morals, and general welfare of the population.

Within the PDD, regulations adapted to unified planning and development standards are intended to accomplish the purpose of zoning, design standards, and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control uncoordinated development on individual lots or tracts, to promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of a planned development, it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.
 2. **Historic Overlay Districts (HOD)** - A historic overlay district is designed and intended to promote the educational, cultural, economic, and general welfare of the community by providing a mechanism for the identification, recognition, preservation, maintenance, protection, and enhancement of existing historic and architecturally valuable structures and properties which serve as visible reminders of the social, cultural, economic, political, and/or architectural past, thereby:
 - a. Fostering civic pride.
 - b. Preserving local heritage.
 - c. Fostering public knowledge and appreciation of structures and areas which provide a unique and valuable perspective on the social, cultural, and economic mores of past generations.
 - d. Fostering architectural creativity by preserving physical examples of outstanding architectural techniques of the past.

- e. Encouraging new structures and development that will be harmonious with existing structures, properties, and sites included in said districts.
3. **Airport Overlay District (AOD)** - The Airport Overlay District is designed to promote compatibility between aircraft operating in the vicinity of Woodward Field airport and surrounding property, by:
 - a. Protecting and promoting the general health, safety, economy, and welfare of area residents.
 - b. Protecting the dual interests of navigational safety and airport operations.
 - c. Protecting property in the vicinity of the airport.
 - d. Promoting the improvement and the utility of the airport and the public investment therein.
4. **Lake Wateree Overlay District (LWOD)** - Lake Wateree represents a wide diversity of land uses that have the potential to work at cross purposes: Residential, commercial, recreation, and conservation. The goals of the LWOD are to:
 - a. Allow for a high quality of life for the residential users.
 - b. Provide for commercial establishments serving the residential and tourist/recreational communities.
 - c. Preserve water quality to protect the ecology of the Lake and its watershed.

3:1.1-4 Establishment of Official Zoning Map(s)

The boundaries of the zoning districts established by this Ordinance are shown on the Official Zoning Map(s) maintained in the Planning and Zoning Department. The Official Zoning Map(s) of the unincorporated areas of Kershaw County and all amendments, certifications, citations, and other matters entered onto the Official Zoning Map(s) are hereby made a part of this Ordinance and have the same legal effect as if fully set out herein.

No change of any nature shall be made on the Official Zoning Map(s) or matters shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law.

3:1.1-5 Amendments to the Official Zoning Map(s)

Amendments to the Official Zoning Map(s), also referred to as map amendments or re-zonings, shall be adopted by ordinance as provided for by this Ordinance. Promptly after the adoption of a map amendment, the Planning Official shall alter or cause to be altered the Official Zoning Map for the affected jurisdiction to indicate the amendment and the effective date of the ordinance amending the map.

It is the intent of Kershaw County to maintain an electronic data base of the zoning by parcel and associated Tax Map Survey (TMS) number. This data base is imported into the County's Geographic Information System (GIS) so that zoning maps from a scale of individual parcel to county-wide can be generated. It is the responsibility of the Planning Official and the GIS Coordinator to maintain and verify this data base and to insure that electronically generated maps conform to the Official Zoning Map(s).

3:1.1-6 Rules for Interpretation of District Boundaries on the Official Zoning Map(s)

Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map(s), the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or public utility easements shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- C. Boundaries indicated as approximately following political lines shall be construed as following such lines.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the center lines of natural barriers such as rivers and streams shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E, above, shall be so construed. If distances are not specifically indicated on the Official Zoning Map, or in other circumstances not covered by subsections A through E, above, the boundaries shall be determined by the use of scale of such map.
- G. Where uncertainties continue to exist after the application of the rules in this section, appeal for clarification may be taken to the Board of Zoning Appeals.

3:1.2 Establishment of Tables

The uses permitted in the several primary zoning districts established in this Article, the off-street parking requirements, and the dimensional requirements of each are set forth in this section. These requirements are presented through the use of tables.

Table 3-3 sets forth use and off-street parking requirements for each zoning district. Tables 3-4, 3-5, and 3-6 set forth lot area, yard, setback, height, density, floor area ratio, and impervious surface requirements for all districts.

3:1.3 Uses of Tables

The North American Industry Classification System is the basis for determining the use of property permitted in the various zoning districts. Where uncertainty exists relative to a given use not specifically listed by Table 3-3, the *NAICS Manual* should be consulted. In general, all uses listed by a given NAICS number and category should be construed as being permitted in the assigned zoning district, unless separately listed. It is not possible that every use within the NAICS sectors will be listed in the tables or covered in the *NAICS Manual*. However, the applicant may apply for a ruling from the Board of Zoning Appeals that the proposed use is the same as or substantively similar to an allowable or conditionally allowable use that is listed in the tables, and therefore allowable. The Planning Official may rely on such rulings in making future use determinations.

Listings with a dash indicate multiple codes in a series. For example, 81112-4 means 81112, 81113, and 81114.

Uses listed in Table 3-3 that are not covered in the *NAICS Manual*, primarily residential and non-commercial uses, are identified by the letters "NA" (Not Applicable) in the NAICS column.

Where the letter "P" is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Ordinance.

Where the letter "C" is shown, the use to which it refers is conditionally permitted in the indicated district, subject to applicable requirements set forth in this Article.

Where the letter "N" is shown, the use to which it refers is not permitted in the indicated district.

A section number reference following a use category means the use must meet the additional conditions and requirements of the referenced section.

To aid in the use of Table 3-3, it is arranged by NAICS Sectors, followed by the uses and codes included in the respective sector:

Sector 11:	Agriculture, Forestry, Fishing, and Hunting
Sector 21:	Mining
Sector 22:	Utilities
Sector 23:	Construction
Sector 31-33:	Manufacturing
Sector 42:	Wholesale Trade
Sector 44-45:	Retail Trade
Sector 48-49:	Transportation and Warehousing
Sector 51:	Information
Sector 52:	Finance and Insurance
Sector 53:	Real Estate, Rental, and Leasing
Sector 54:	Professional, Scientific, and Technical Services
Sector 55:	Management of Companies and Enterprises
Sector 56:	Administrative Support, Waste Management, and Remediation Services
Sector 61:	Educational Services
Sector 62:	Health Care and Social Assistance
Sector 71:	Arts, Entertainment, and Recreation
Sector 72:	Accommodation and Food Services
Sector 81:	Other Services (except Public Administration)
Sector 92:	Public Administration

Uses and NAICS code references are displayed within the appropriate sector in numerical order, beginning with Sector 11 (Agricultural, Forestry, Fishing, Hunting) and running through Sector 92 (Public Administration). Residential uses are listed following Public Administration, without sector references.

**Table 3-3 SCHEDULE OF PERMITTED AND CONDITIONAL USES
 AND OFF-STREET PARKING REQUIREMENTS BY ZONING DISTRICTS**

Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Sector 11: Agriculture, Forestry, Fishing, and Hunting (Refer to Conditional Uses for Agricultural Facilities)											
Agricultural Production, Crops	111	N	N	N	N	N	N	N	P	P	NONE
Agricultural Production, Livestock, Animals	112										
Livestock	112111	N	N	N	N	N	N	N	N	P	NONE
Concentrated Animal Feeding Operations, CAFOs (Refer to Conditional Uses for Swine Operations)	NA	N	N	N	N	N	N	N	N	C	NONE
Hog and Pig Farming (Refer to Conditional Uses for Swine Operations)	1122	N	N	N	N	N	N	N	N	C	NONE
Poultry & Eggs	1123	N	N	N	N	N	N	N	N	P	NONE
Sheep and Goat Farming	1124	N	N	N	N	N	N	N	N	P	NONE
Animal Aquaculture	1125	N	N	N	N	N	N	N	P	P	NONE
Other Animal Production	1129	N	N	N	N	N	N	N	P	P	NONE
Horses and Other Equine Production	11292	N	N	N	N	P	N	P	P	P	NONE
Fur-Bearing Animal Production	11293	N	N	N	N	N	N	P	P	P	NONE
Forestry and Logging	113	N	N	N	N	N	N	P	P	P	NONE
Fishing, Hunting, Trapping	114	N	N	N	N	N	N	P	P	P	NONE
Support Activities for Agricultural/Forestry	115	N	N	N	N	P	N	P	P	P	1 per 1,000 GFA
Sector 21: Mining											
Mining	212	N	N	N	N	N	N	P	P	P	1 per employee
Sector 22: Utilities	221										
Electric, Gas, and Sanitary Services	221										
Electric	2211										
Generation	22111	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Transmission	22112	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Natural Gas (Transmission Only)	2212	P	P	P	P	P	P	P	P	P	1 per 500 GFA

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Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Natural Gas (Storage)	23712	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Water Supply Systems	22131										
Storage	22131	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Treatment	22131	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Transmission	22131	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Sewerage Systems	22132										
Collection	22132	P	P	P	P	P	P	P	P	P	1 per 500 GFA
Treatment	22132	N	N	N	N	N	N	P	P	P	1 per 500 GFA
Steam and Air Conditioning Supply	22133	N	N	N	N	P	N	P	P	N	1 per 500 GFA
Sector 23: Construction											
Building Construction-General Contract and Operative Builders	236	N	N	N	N	P	N	P	P	N	1 per 1,000 GFA
Heavy & Civil Engineering Construction	237	N	N	N	N	N	N	P	P	N	1 per 1,000 GFA
Special Trade Contractors	238	N	N	N	N	P	N	P	P	N	1 per 1,000 GFA
Sector 31-33: Manufacturing (Refer to Conditional Uses for Manufacturing Facilities)											
Food	311	N	N	N	N	N	N	C	C	N	1 per 1,000 GFA
Beverage and Tobacco	312	N	N	N	N	N	N	C	C	N	1 per 1,000 GFA
Textile Mills	313	N	N	N	N	N	N	C	C	N	1 per 1,000 GFA
Textile Product Mills	314	N	N	N	N	N	N	C	C	N	1 per 1,000 GFA
Apparel	315	N	N	N	N	C	N	C	C	N	1 per 1,000 GFA
Leather and Allied Products	316	N	N	N	N	C	N	C	C	N	1 per 1,000 GFA
Wood Products (Except Furniture)	321	N	N	N	N	C	N	C	C	N	1 per 1,000 GFA
Paper	322	N	N	N	N	N	N	C	N	N	1 per 1,000 GFA
Printing and Related Activities	323	N	N	N	N	C	N	C	C	N	1 per 1,000 GFA
Petroleum Products	324	N	N	N	N	N	N	C	N	N	1 per 1,000 GFA
Chemical Products	325	N	N	N	N	N	N	C	N	N	1 per 1,000 GFA
Plastic and Rubber Products	326	N	N	N	N	N	N	C	N	N	1 per 1,000 GFA
Nonmetallic Mineral Products - Cast	327	N	N	N	N	N	N	C	C	N	1 per 1,000 GFA
Nonmetallic Mineral Products - Other	327	N	N	N	N	N	N	C	N	N	1 per 1,000 GFA
Optical Lenses Makers	327215	N	N	N	N	C	N	C	C	N	1 per 1,000 GFA
Primary Metal	331	N	N	N	N	N	N	C	N	N	1 per 1,000 GFA
Fabricated Metal Products	332	N	N	N	N	C	N	C	C	N	1 per 1,000 GFA
Machinery	333	N	N	N	N	N	N	C	N	N	1 per 1,000 GFA
Computer and Electronic Products	334	N	N	N	N	N	N	C	C	N	1 per 1,000 GFA

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Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Electrical Equipment, Appliances and Components	335	N	N	N	N	N	N	C	C	N	1 per 1,000 GFA
Transportation Equipment	336	N	N	N	N	N	N	C	N	N	1 per 1,000 GFA
Furniture and Related Products	337	N	N	N	N	C	N	C	C	N	1 per 1,000 GFA
Miscellaneous Manufacturing	339	N	N	N	N	N	N	C	C	N	1 per 1,000 GFA
Jewelry Makers	339911	N	N	N	N	C	N	C	C	N	1 per 1,000 GFA
Jewelry Makers (Cases)	339914	N	N	N	N	C	N	C	C	N	1 per 1,000 GFA
Sector 42: Wholesale Trade											
Wholesale Trade-Durable Goods	423	N	N	N	N	P	N	P	P	N	1 per 5,000 GFA
Wrecking, Scrap and Salvage (Refer to Conditional Uses for Wrecking, Scrap, and Salvage Operations)	42314 43293	N	N	N	N	N	N	C	C	N	1 per 5,000 gross site area
Wholesale Trade-Non-Durable Goods	424	N	N	N	N	P	N	P	P	N	1 per 5,000 GFA
Sector 44-45: Retail Trade											
Motor Vehicle Dealers	4411	N	N	N	N	P	N	P	P	N	1 per 350 GFA plus 1 per 5,000 outdoor display area
Motorcycle, Boat and Other Vehicle Dealers	4412	N	N	N	N	P	N	P	P	N	1 per 350 GFA plus 1 per 5,000 outdoor display area
Automotive Parts, Accessories and Tires	4413	N	N	N	N	P	N	P	P	N	1 per 500 GFA
Furniture and Home Furnishings	442	N	N	N	N	P	P	P	P	N	1 per 1,000 GFA
Electronics and Appliances	443	N	N	N	N	P	P	P	P	N	1 per 1,000 GFA
Building Materials, Garden Supplies	444										
Home Centers	44411	N	N	N	N	P	N	P	P	N	1 per 350 GFA
Paint and Wallpaper Stores (Refer to Conditional Uses for Rural and B-3 Businesses)	44412	N	N	N	N	P	C	P	P	N	1 per 350 GFA
Hardware Stores (Refer to Conditional Uses for Rural and B-3 Businesses)	44413	N	N	N	N	P	C	P	P	C	1 per 350 GFA
Other Building Material Dealers (Refer to Conditional Uses for Rural and B-3 Businesses)	44419	N	N	N	N	P	C	P	P	N	1 per 350 GFA
Lawn and Garden Equipment and Supplies Stores (Refer to Conditional Uses for Rural and B-3 Businesses)	4442	N	N	N	N	P	C	P	P	C	1 per 350 GFA

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Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Food and Beverage Stores (Refer to Conditional Uses for Rural and B-3 Businesses)	445	N	N	N	N	P	P	P	P	C	1 per 350 GFA
Convenience Stores (Refer to Conditional Uses for Rural and B-3 Businesses)	4451	N	N	N	N	P	P	P	P	C	1 per 350 GFA
Fruit and Vegetable (Refer to Conditional Uses for Rural and B-3 Businesses)	44523	N	N	N	N	P	P	P	P	C	1 per 350 GFA
Liquor Stores (Refer to Conditional Uses for Rural and B-3 Businesses)	4453	N	N	N	N	P	C	P	P	C	1 per 350 GFA
Health and Personal Care Stores (Refer to Conditional Uses for Rural and B-3 Businesses)	446	N	N	N	N	P	C	P	P	C	1 per 350 GFA
Gasoline Stations	447	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Truck Stops	44719	N	N	N	N	P	N	P	P	N	1 per 500 GFA + 1 tractor trailer space per 5,000 gross site area
Clothing and Accessory Stores (Refer to Conditional Uses for Rural and B-3 Businesses)	448	N	N	N	N	P	C	P	P	N	
Sporting Goods, Hobbies, Books, and Music (Refer to Conditional Uses for Rural and B-3 Businesses)	451	N	N	N	N	P	C	P	P	C	1 per 350 GFA
General Merchandise Stores (Refer to Conditional Uses for Rural and B-3 Businesses)	452	N	N	N	N	P	C	P	P	C	1 per 350 GFA
Miscellaneous Retail	453	N	N	N	N	P	N	P	P	N	1 per 350 GFA
Flea Markets and Used Merchandise Except Pawn Shops (Refer to Conditional Uses for B-3 and Rural Businesses)	4533	N	N	N	N	P	N	P	P	C	1.5 per stall
Manufactured Home Dealers	45393	N	N	N	N	P	N	P	P	N	1 per 500 GFA
Non-Store Retailers	454	N	N	N	N	P	P	P	P	N	1 per 500 GFA
Fuel Dealers	45431	N	N	N	N	N	N	P	P	N	1 per 1,000 GFA
Vendors, Seasonal Roadside Stands (Refer to Conditional Uses for Vendors and Seasonable Roadside Stands)	NA	N	N	N	N	C	C	C	C	C	2 per vendor

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Vending Machines (Refer to Conditional Uses for B-3 and Rural Businesses)	NA	N	N	P	P	P	C	P	P	C	2 spaces
Sector 48-49: Transportation and Warehousing											
Air Transportation	481	N	N	N	N	P	N	P	P	P	By individual review
Rail Transportation	482	N	N	N	N	P	N	P	P	P	1 per 1,000 gross site area
Water Transportation	483	N	N	N	N	P	N	P	P	P	1 per 1,000 gross site area
Transit and Ground Passenger Transportation	485	N	N	N	P	P	P	P	P	N	1 per 100 GFA of public waiting area
Transit and Ground Passenger Transportation Stations & Stops Only	485	P	P	P	P	P	P	P	P	P	NA
Pipeline Transportation	486	N	N	N	N	P	N	P	P	P	1 per 1000 GFA
Scenic & Sightseeing Transportation	487	N	N	N	P	P	P	P	P	P	1 per 500 GFA
Support Activities for Transportation	488	N	N	N	N	N	N	P	P	N	1 per 500 GFA
U. S. Postal Service	491	N	N	N	P	P	P	P	P	P	1 per 350 GFA
Warehousing, Storage, and Distribution Centers (Dead Storage Only)	493	N	N	N	N	P	N	P	P	N	1 per 5,000 GFA
Sector 51: Information											
Publishing Industries	511	N	N	N	N	P	N	P	P	N	1 per 750GFA
Motion Pictures and Sound Industries	512	N	N	N	N	P	N	P	P	N	1 per 500 GFA
Motion Picture Theaters	512131	N	N	N	N	P	P	N	P	N	1 per 4 seats
Broadcasting and Telecommunications	515-7	N	N	N	N	P	N	P	P	N	1 per 500GFA
Communication Towers and Antennas (Refer to Conditional Uses for Communication Towers and Antennas)	5172	N	N	N	C	C	C	C	C	C	Per approved site plan
Internet and Other Information Providers	518-9	N	N	N	P	P	P	P	P	N	1 per 500 GFA
Libraries and Archives	51912	P	P	P	P	P	P	P	P	P	1 per 400 GFA
Sector 52: Finance and Insurance											
Banks	521	N	N	N	P	P	P	P	P	N	1 per 350 GFA
Credit Intermediation	522	N	N	N	N	P	N	P	P	N	1 per 350 GFA
ATM Machines (Refer to Conditional Uses for Rural and B-3 Businesses)	52211	N	N	N	P	P	C	P	P	C	2 spaces
Pawn Shops	522298	N	N	N	N	P	N	P	P	N	1 per 350 GFA
Security and Financial Investments	523	N	N	N	P	P	P	P	P	N	1 per 350 GFA

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Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Insurance Carriers and Related Activities	524	N	N	N	P	P	P	P	P	N	1 per 350 GFA
Funds, Trust, and Other Financial Vehicles	525	N	N	N	P	P	P	P	P	N	1 per 350 GFA
Sector 53: Real Estate and Rental and Leasing											
Real Estate	531	N	N	N	P	P	P	P	P	N	1 per 350 GFA
Mini-Warehouses (Refer to Conditional Uses for Mini-Warehouses)	53113	N	N	N	N	C	N	C	C	N	Refer to Conditional Uses
Rental and Leasing Services	532	N	N	N	N	P	P	P	P	N	1 per 500 GFA
Video Tape Rental (Refer to Conditional Uses for Rural and B-3 Businesses)	53223	N	N	N	N	P	C	P	P	C	1 per 350 GFA
Sector 54: Professional, Scientific, and Technical Services											
Professional, Scientific, Technical Services (Refer to Conditional Uses for Rural and B-3 Businesses)	541	N	N	N	P	P	C	P	P	N	1 per 350 GFA
Veterinary Services	54194	N	N	N	N	P	N	P	P	P	1 per 350 GFA
Sector 55: Management Of Companies and Enterprises											
Mgmt. Of Companies and Enterprises (Refer to Conditional Uses for Rural and B-3 Businesses)	551	N	N	N	P	P	C	P	P	N	1 per 500 GFA
Sector 56: Administrative Support and Waste Management Services											
Administrative and Support Services (Refer to Conditional Uses for Rural and B-3 Businesses)	561	N	N	N	P	P	C	P	P	N	1 per 500 GFA
Landscape Services	56173	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Waste Management Services	562										
Waste Collection	5621	N	N	N	N	N	N	P	P	P	1 per 500 GFA
Hazardous Waste Treatment and Disposal	562211	N	N	N	N	N	N	N	N	N	NA
Construction - Demolition Landfill (Refer to Conditional Uses for Construction and Demolition Landfills)	562212	N	N	N	N	N	N	C	C	C	1.25 spaces per employee

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Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Solid Waste Landfill (Refer to Conditional Uses for Municipal Solid Waste Landfills)	562212	N	N	N	N	N	N	C	N	N	1.25 spaces per employee
Solid Waste Incinerators	562213	N	N	N	N	N	N	P	N	N	1.25 spaces per employee
Other Non Hazardous Waste Treatment	562219	N	N	N	N	N	N	P	N	N	1.25 spaces per employee
Materials Recovery Facilities	562920	N	N	N	N	N	N	P	N	N	1.25 spaces per employee
All Other Waste Management	56299	N	N	N	N	N	N	P	N	N	1.25 spaces per employee
Sector 61: Educational Services											
Educational Services	611										
Pre-School, Kindergarten, Elementary and Middle Schools	6111	P	P	P	P	P	P	N	P	P	1 per 15 students, design capacity
High Schools	6111	P	P	P	P	P	P	N	P	P	1.5 spaces for each student, faculty, and staff per design capacity
Jr. Colleges, Colleges, Universities, Professional Schools	6112-3	N	N	N	P	P	P	P	P	P	1.5 spaces for each student, faculty, and staff per design capacity
Business Schools, Computer, and Management Training	6114-5	N	N	N	P	P	P	P	P	P	1.5 spaces for each student, faculty, and staff per design capacity
Other Schools and Instruction	6116	N	N	N	P	P	P	P	P	N	1.5 spaces for each student, faculty, and staff per design capacity
Educational Support Services	6117	N	N	N	P	P	P	P	P	N	1 per 500 GFA
Sector 62: Health Care and Social Assistance											
Ambulatory Health Care Services	621	N	N	N	N	P	N	P	P	N	1 per 300 GFA
Office of Physicians, Health Practitioners	6211-3	N	N	N	P	P	C	P	P	C	1 per 200 GFA
Out Patient Care Centers	6214	N	N	N	P	P	P	P	P	N	1 per 300 GFA
Medical and Diagnostic Labs	6215	N	N	N	N	P	P	P	P	N	1 per 400 GFA
Home Health Care Services	6216	N	N	N	P	P	P	N	P	P	1 per 500 GFA

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Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Other Ambulatory Health Care Services	6219	N	N	N	P	P	P	P	P	N	1 per 300 GFA
Hospitals	622	N	N	N	N	P	N	P	P	N	1 per bed
Nursing Care Facilities	6231	N	N	N	P	P	P	N	P	P	1 per 4 beds
Nursing and Residential Care Facilities	623										
Residential Facilities for Physical or Mental Impairment	6232	P	P	P	P	P	P	N	P	P	1 per 4 beds
Substance Abuse Facilities	6232	N	N	N	N	P	N	N	P	N	1 per 4 beds
Community Care for Elderly	6233	P	P	P	P	P	P	N	P	P	1 per 4 beds
Other Residential Care Facilities	6233	P	P	P	P	P	P	N	P	P	1 per 4 beds
Social Assistance	624	N	N	N	N	P	P	N	P	N	1 per 350 GFA
Individual and Family Services	6241	N	N	N	P	P	P	N	P	P	1 per 350 GFA
Community, Food, and Housing and Emergency and Relief Services	6242	N	N	N	P	P	P	P	P	N	1 per 350 GFA
Vocational Rehabilitation Services	6243	N	N	N	P	P	P	P	P	N	1 per 350 GFA
Child/Adult Day Care Services Other than Family Daycare	6244	N	N	P	P	P	P	N	P	P	1 per 10 clients, design capacity
Sector 71: Arts, Entertainment and Recreation											
Performing Arts, Spectator Sports (Except Motorized Racetracks) and Related Industries	711	N	N	N	P	P	P	P	P	N	By individual review
Motorized Racetracks	711212	N	N	N	N	P	N	P	P	N	By individual review
Horse Racing (Training Only)	711212	N	N	N	N	N	N	P	P	P	By individual review
Animal Spectator Events	711219	N	N	N	N	N	N	P	P	C	By individual review
Museums and Similar Institutions (Refer to Conditional Uses for Rural and B-3 Businesses)	712	P	P	P	P	P	C	P	P	C	1 per 350 GFA
Fairs, Carnivals (Refer to Conditional Uses for Rural and B-3 Businesses and Temporary Uses for Fairs and Carnivals)	7113 71119	N	N	N	N	P	C	P	P	C	By individual review
Zoos and Botanical Gardens	71213	N	N	N	N	P	N	P	N	P	By individual review
Parks, Playgrounds, and Community Centers	71219	N	N	N	P	P	P	P	P	P	By individual review

Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Amusement and Recreation Industries	713										
Amusement Parks, Arcades	7131	N	N	N	N	P	N	P	P	N	1 per 400 gross site area
Golf, Tennis, and Swimming Clubs	71391	P	P	P	N	P	N	P	P	P	1 per 4 clients, design capacity
Marinas	71393	N	N	N	N	P	P	P	P	N	1.5 per slip or berth
Fitness and Recreational Sport Centers	71394	N	N	N	P	P	N	P	P	N	1 per 4 clients, design capacity
Bowling Centers	71395	N	N	N	N	P	N	P	P	N	4 per lane
Hunt Clubs and All Other Amusement, Except Gun Club/Skeet	713990	N	N	N	N	P	N	P	P	P	By individual review
Gun Club and Skeet Ranges	713990	N	N	N	N	N	N	P	P	N	1 per target area
Sector 72: Accommodation and Food Services											
Accommodations	721										
Hotels and Motels	72111	N	N	N	N	P	N	N	P	N	1.5 per rental unit + 1 per 300 GFA of meeting and restaurant space
Bed and Breakfast Inns (Refer to Conditional Uses for Bed and Breakfast Inns)	721191	C	C	C	C	C	C	N	C	C	1.5 per bedroom
Camps and RV Parks (Refer to Conditional Uses for Camps and RV Parks)	72121	N	N	N	N	N	N	N	C	C	Not Applicable
Rooming and Boarding Houses, Dormitories, Group Housing	72131	N	N	P	N	P	P	N	P	N	1 per bedroom
Eating Places, Excluding Drive-Ins (Refer to Conditional Uses for Rural and B-3 Businesses)	7221-2	N	N	N	N	P	C	P	P	C	1 per 125 GFA
Eating Places, Including Drive-Ins	7221-2	N	N	N	N	P	N	P	P	N	1 per 125 GFA
Special Food Services	7223	N	N	N	N	P	P	P	P	N	1 per 350 GFA
Drinking Places (Refer to Conditional Uses for Rural and B-3 Businesses)	7224	N	N	N	N	P	C	P	P	C	1 per 125 GFA

Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Sector 81: Other Services (Except Public Administration)											
Auto Repair and Maintenance	8111										
General Auto Repair	811111	N	N	N	N	P	N	P	P	N	3 per service bay or mechanic station
Other Repair	81112-4	N	N	N	N	P	N	P	P	N	3 per service bay or mechanic station
Personal and Laundry Services	812										
Personal Care Services - Beauty, Barber, Etc (Refer to Conditional Uses for Rural and B-3 Businesses)	8121	N	N	N	N	P	C	P	P	C	2.5 per chair
Tattoo Parlors	812199	N	N	N	N	N	N	N	N	N	Not applicable
Funeral Homes and Death Care Services (Refer to Conditional Uses for Rural and B-3 Businesses)	8122	N	N	N	P	P	C	P	P	N	1 per 4 chapel seats
Cemeteries, Public	81222	N	N	N	N	P	N	P	P	P	By individual review
Crematories	81222	N	N	N	N	N	N	P	P	N	1 per 4 chapel seats
Laundry and Dry Cleaning Services (Refer to Conditional Uses for Rural and B-3 Businesses)	8123	N	N	N	N	P	C	P	P	C	1 per 350 GFA
Coin Operated Laundry/Office in Multi-Family Or Manufactured Home Park	81231	N	N	P	P	P	N	N	P	N	1 per 250 GFA
Pet Care (Enclosed Facility - Kennels)	81291	N	N	N	N	P	N	P	P	P	1 per 500 GFA
Pet Care (Unenclosed Facility)	81291	N	N	N	N	N	N	P	P	P	1 per 1,000 gross site area
Photo Finishing	81292	N	N	N	N	P	P	P	P	N	1 per 350 GFA
Automotive Parking Lots and Garages	81293	N	N	N	P	P	P	P	P	N	Not applicable
Sexually Oriented Business (Refer to Conditional Uses for Sexually Oriented Businesses)	81299	N	N	N	N	N	N	N	C	N	1 per 250 GFA
All Other Personal Services	81299	N	N	N	N	P	N	P	P	N	1 per 350 GFA
Religious, Fraternal, Civic, Professional, Political and Business Organizations	813										
Religious Organizations	8131	P	P	P	P	P	P	N	P	P	1 per 4 seats
All Other Organizations	8132-9	N	N	N	N	P	P	N	P	N	By individual review

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Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Sector 92: Public Administration											
Executive, Legislative, and General Government	921	N	N	N	P	P	P	P	P	N	1 per 300 GFA
Justice, Public Order, and Safety	922										
Courts	92211	N	N	N	N	P	N	P	P	N	1 per 300 GFA
Police Protection	92212	P	P	P	P	P	P	P	P	P	1 per 350 GFA
Legal Council and Prosecution	92213	N	N	N	P	P	P	P	P	N	1 per 350 GFA
Correctional Institutions	92214	N	N	N	N	N	N	P	P	N	By individual review
Fire Protection	92216	P	P	P	P	P	P	P	P	P	Volunteer - 4 per bay Staffed – one per staff of max shift
Administration of Human Resources	923	N	N	N	P	P	P	P	P	N	1 per 350 GFA
Administration - Environmental and Housing (Refer to Conditional Uses for Rural and B-3 Businesses)	924-5	N	N	N	P	P	C	P	P	N	1 per 350 GFA
Administration of Economic Programs (Refer to Conditional Uses for Rural and B-3 Businesses)	926	N	N	N	P	P	C	P	P	N	1 per 350 GFA
Residential Uses											
Site-built Housing											
Single-Family Detached	NA	P	P	P	P	P	P	N	P	P	2 per dwelling
Duplex, Triplex, Quadruplex	NA	N	P	P	P	P	P	N	P	N	2 spaces per unit
Multi-Family, Apartments	NA	N	N	P	N	P	P	N	P	N	1.5 spaces per unit
Townhouses (Refer to Conditional Uses for Townhouses)	NA	N	N	C	C	C	C	N	C	N	2 spaces per unit
Patio Homes Refer to Conditional Uses for Patio and Zero Lot Line Homes)	NA	C	C	C	C	C	C	N	C	N	2 spaces per unit
Triplex and Quadruplex	NA	N	N	P	N	P	P	N	P	N	2 spaces per unit
Manufactured Dwellings											
Manufactured Housing	NA	N	N	P	N	N	N	N	P	(b)	2 spaces per unit
Mobile Homes	NA	N	N	N	N	N	N	N	N	(c)	2 spaces per unit
Manufactured Housing Parks	NA	N	N	P	N	N	N	N	P	N	2 spaces per unit
Park Model Homes	NA	N	N	(e)	N	N	N	N	(e)	(d)	2 spaces per unit
Modular Homes	NA	P	P	P	P	P	P	N	P	P	2 spaces per unit

Zone Districts	NAICS	R-15	R-10	R-6	O-I	B-2	B-3	I-1	GD	RD-1, RD-2 MRD-1	Required Off-Street Parking (a)
Accessory Uses to Residential Uses											
Bathhouses and Cabanas	NA	P	P	P	P	P	P	N	P	P	None
Non-Commercial Piers and Docks	NA	P	P	P	P	P	P	N	P	P	None
Private Residential Community Centers, Clubhouses, and Recreational Facilities	NA	P	P	P	P	P	P	N	P	P	1 per 750 gross site area
Domestic Animal Shelters and Horse Stables	1152	P	P	P	P	P	P	N	P	P	None
Non-Commercial Greenhouses	NA	P	P	P	P	P	P	N	P	P	None
Storage Building/Workshop	NA	P	P	P	P	P	P	N	P	P	None
Accessory Apartments (Refer to Conditional Uses for Accessory Apartments)	NA	C	C	C	C	C	C	N	C	C	One
Swimming Pools, Tennis Courts	NA	P	P	P	P	P	P	N	P	P	None
Detached Garages and Carports	NA	P	P	P	P	P	P	N	P	P	None
Auxiliary Shed, Workshop	NA	P	P	P	P	P	P	N	P	P	None
Home Occupation (Refer to Conditional Uses for Home Occupations)	NA	C	C	C	C	C	C	N	C	C	None
Horticulture, Gardening	NA	P	P	P	P	P	P	N	P	P	None
Family Daycare Home (Refer to Conditional Uses for Family Daycare Homes)	NA	P	P	P	P	P	P	N	P	P	None
Satellite Dishes, Etc.	NA	P	P	P	P	P	P	N	P	P	None
Accessory Uses to Non-Residential Uses											
Buildings, Structures	NA	P	P	P	P	P	P	P	P	P	Included in GFA
Open Storage (Refer to Conditional Uses for Open Storage)	NA	N	N	N	C	C	C	C	C	C	None
Temporary Uses											
All Temporary Uses (Refer to section on Temporary Uses)	NA	C	C	C	C	C	C	C	C	C	Refer to section on Temporary Uses

- (a) Off-Street parking requirements computed on basis of number of spaces per square foot of Gross Floor Area (GFA).
- (b) Manufactured housing permitted in the RD-2 and MRD 1 districts only.
- (c) Mobile homes permitted as conditional use in the RD-2 district only.
- (d) Park model homes are permitted as a conditional use in the RD-2 district, and in manufactured housing parks which are permitted in the R-6 and GD districts. Refer to conditional uses for park model homes and regulations for manufactured housing parks.

NA = Not Applicable

Table 3-4 SCHEDULE OF LOT AREA, YARD, SETBACK, HEIGHT, DENSITY, FLOOR AREA, AND IMPERVIOUS SURFACE REQUIREMENTS BY DISTRICT FOR RESIDENTIAL USES								
Schedule of Lot Area, Yard, Setback, Height, Density, Floor Area, and Impervious Surface Requirements by District								
RESIDENTIAL USES								
DISTRICT	AREA (SQ FT.) (A)	STREET FRONTAGE WIDTH (FT.) (B)	SETBACKS (FT. FROM PROPERTY LINE) (C)			MAXIMUM BUILDING HEIGHT (FT.) (D)	MAXIMUM IMPERVIOUS SURFACE RATIO (E)	MAXIMUM DENSITY (F)
			FRONT	SIDE	REAR			
R-15	15,000 (.34 acre)	80	35	10	20	35	.50	2.9
R-10	10,000 (.22 acre) single-family 16,000 (.36 acre) duplex	75	25	10	20	35	.60	5.4
R-6	6,000 (.13 acre) single-family 4,000 (.09 acre) each additional dwelling unit	50	25	5	20	35	.60	8.7
O-I	10,000 (.22 acre)	50	35	10	20	35	.60	4.35
B-2	6,000 (.13 acre) single-family 4,000 (.09 acre) each additional dwelling unit.	40	35	10	20	4 stories	.60	8.7
B-3	6,000 (.13 acre)	40	35	5	20	35	.60	4.26
I-1	NA	NA	NA	NA	NA	NA	NA	NA
GD	6,000 (.13 acre) single-family 4,000 (.09 acre) each additional dwelling unit	50	35	10	10	4 stories	.60	8.7
RD-1, RD-2, & MRD-1	43,560 (1 acre)	100	35	20	30	35	.40	1

NOTES

SQ. FT. = square feet FT. = feet (NA) = Not Applicable

(A) The minimum lot size in R-15, R-10, R-6, O-I, B-2, B-3, I-1, and GD zoning districts for lots without access to public sewer or community onsite sewage treatment and disposal systems and public water (lots on septic tank and well) shall be three quarters (¾) of an acre (.75 acre). The minimum lot size in R-15, R-10, R-6, O-I, B-2, B-3, I-1, and GD zoning districts for lots without access to public sewer or community onsite sewage treatment and disposal systems but on public water shall be one-half (½) an acre (.50 acre).

(B) As measured on street frontage unless on cul-de-sacs or on curbs less than ninety (90) degrees.

(C) Refer to yard and setback modification provisions of this Ordinance.

(D) Measurement from average elevation of finished grade within twenty (20) feet of the structure to the bottom of the eave. Refer to exceptions.

(E) Measured as a percent of total lot area.

(F) Measurement in units per gross acre.

Table 3-5 SCHEDULE OF LOT AREA, YARD, SETBACK, HEIGHT, DENSITY, FLOOR AREA, AND IMPERVIOUS SURFACE REQUIREMENTS BY DISTRICT FOR RESIDENTIAL USES - CONSERVATION DESIGN

Schedule of Lot Area, Yard, Setback, Height, Density, Floor Area, and Impervious Surface Requirements by District									
RESIDENTIAL USES CONSERVATION DESIGN									
DISTRICT	AREA (SQ. FT.) (A)	STREET FRONTAGE WIDTH (FT.) (B)	SETBACKS (FT. FROM PROPERTY LINE) (C)			MAXIMUM BUILDING HEIGHT (FT.) (D)	MAXIMUM IMPERVIOUS SURFACE RATIO (E)	MAXIMUM DENSITY DEVELOPED AREA (F)	MAXIMUM DENSITY ENTIRE PROJECT AREA (F)
			FRONT	SIDE	REAR				
R-15 CD	6,000 (.13 acres)	50	25	5	.20	35	.60	7.26	2.9
R-10 CD	6,000 (.13 acre) single-family 8,000 (.18 acre) duplex	50	25	5	.20	35	.60	10.89	4.35
RD-1, RD-2 MRD-1 CD	10,890 (.25 acre)	50	25	25	.20	35	.60	4.0	1.6

NOTES

SQ. FT. = square feet FT. = feet (NA) = Not Applicable

- (A) Conservation design development requires utilization of public sewer or community onsite sewage treatment and disposal systems and public water for these areas to apply.
- (B) As measured on street frontage unless on cul-de-sacs or on curbs less than ninety (90) degrees.
- (C) Refer to yard and setback modification provisions of this Ordinance.
- (D) Measurement from average elevation of finished grade within twenty (20) feet of the structure to the bottom of the eave. Refer to exceptions.
- (E) Measured as a percent of total lot area. Impervious surface ratios in conservation design (CD) projects refer only to lots located in the developable area (max 40%) of the project.
- (F) Measurement in units per gross acre. Density of conservation design developments expressed in density of the maximum 40% project site developable area and the overall density of the entire project site.
 Example: RD-1, RD-2, MRD-1 Conservation Design 100 acre tract maximum 40% developable land and minimum 60% in land preservation.
 Density of 4 units per acre on maximum 40 acres – 4 units/acre x 40 acres = 160 Units
 Density of 1.6 units per acre on entire 100 acres – 160 units ÷ 100 acres = 1.6 units per acre

Table 3-6 SCHEDULE OF LOT AREA, YARD SETBACK, HEIGHT, DENSITY, FLOOR AREA, AND IMPERVIOUS SURFACE REQUIREMENTS BY DISTRICT FOR NON-RESIDENTIAL USES

Schedule of Lot Area, Yard, Setback, Height, Density, Floor Area, and Impervious Surface Requirements by District
NON-RESIDENTIAL USES

DISTRICT	AREA (SQ. FT.) (A)	STREET FRONTAGE WIDTH (FT.) (B)	SETBACKS (FT. FROM PROPERTY LINE) (C)			MAXIMUM BUILDING HEIGHT (FT.) (D)	MAXIMUM IMPERVIOUS SURFACE RATIO (E)	MAXIMUM FLOOR/AREA RATIO (F)
			FRONT	SIDE	REAR			
R-15	30,000 (.68 acres)	80	35	25	40	35	.50	.40
R-10	20,000 (.45 acres)	75	25	25	40	35	.60	.50
R-6	20,000 (.45 acres)	50	25	25	40	35	.60	.50
O-I	6,000 (.22 acre)	50	35	10	20	35	.75	.40
B-2	6,000 (.13 acre)	40	35	10. If adjacent to residential district, 40.	20. If adjacent to residential district, 40.	4 stories	.75	NONE
B-3	6,000 (.13 acre)	40	35	10. If adjacent to residential district, 40.	20. If adjacent to residential district, 40.	35	.75	NONE
I-1	10,000 (.45 acres)	75	35	10. If adjacent to residential district, 40.	20. If adjacent to residential district, 40.	NONE	.75	NONE
GD	6,000 (.13 acre)	50	35	10	10	4 stories	.75	NONE
RD-1, RD-2, and MRD-1	21,760 (.5 acre)	100	35	20	30	35	.40	.20

NOTES

SQ. FT. = square feet FT. = feet (NA) = Not Applicable

(A) The minimum lot size in all zoning districts for lots without access to public sewer or community onsite sewage treatment and disposal systems and public water (lots on septic tank and well) shall be three quarters (¾) of an acre (.75 acre). The minimum lot size in R-15, R-10, R-6, O-I, B-2, B-3, I-1, and GD zoning districts for lots without access to public sewer or Community Onsite Sewage Treatment and Disposal Systems but on public water shall be one half (½) an acre (.50 acre).

(B) As measured on street frontage unless on cul-de-sacs or on curbs less than 90 degrees.

(C) Refer to yard and setback modification provisions of this Ordinance. Zero lot lines are allowed on common wall buildings.

(D) Measurement from average elevation of finished grade within 20 feet of the structure to the bottom of the eave. Refer to exceptions.

(E) Measured as a percent of total lot area. Non-residential conservation design developments (CD) in R-15, R-10, R-6, and RD zones impervious surface area may be increased to .75 of the developable area of the project.

(F) Measured as a percent of total lot area. Non-residential conservation design developments (CD) - all floor (building footprint) areas to be located in developable areas: (maximum 40% of total site area).

3:2 GENERAL ZONING PROVISIONS

3:2.1 Yards and Setbacks

3:2.1-1 Determination of Front, Side, and Rear Yards and Setbacks

The required front, side, and rear yards for individual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. In general the principal building and front yard shall be oriented towards the public street right-of-way and the rear yard shall be the opposite property line and correspond to the rear of the principal building. In general, this orientation also pertains to Lake Wateree properties and properties located on other water bodies.

For existing lots of record with no direct street frontage, the Planning Official shall determine the property line to be considered as the front based upon existing or proposed principal building orientation to private drive, orientation to other site features such as lakes or ponds, orientation relative to closest public street, orientation of neighboring buildings, and general lot configuration. Side and rear yards will be set relative to the determined front yard.

3:2.1-2 Setback Areas (Yards)

- A. The area between the front property line and the zoning district required front setback shall be considered the front setback area or front yard.
- B. The area between the rear property line and the zoning district required rear setback shall be considered the rear setback area or rear yard.
- C. The areas between the side property line(s) and the zoning district required side setback shall be considered the side setback area(s) or side yard(s).

3:2.1-3 Yard and Setback Modifications

- A. **Alleys** - Where a lot abuts upon an alley, one-half of the alley width may be considered as a portion of the required yard or setback.
- B. **Front Yards**
 - 1. The front yard setback requirements for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the setbacks of the aforementioned existing buildings.
 - 2. Where a lot fronts on two nonintersecting streets, or two intersecting streets forming an angle of 60 degrees or less, front yards shall be provided on both streets.
- C. **Side Yards** - When the intersection of two streets forms a corner lot, then the following criteria for side setbacks shall apply:
 - 1. **Detached Single-Family Residential:** The side setback on the side street shall not be less than one half of the required front setback.
 - 2. **All Uses Other Than Detached Single-Family Residential:** The side setback on the side street shall be not less than the required front setback.

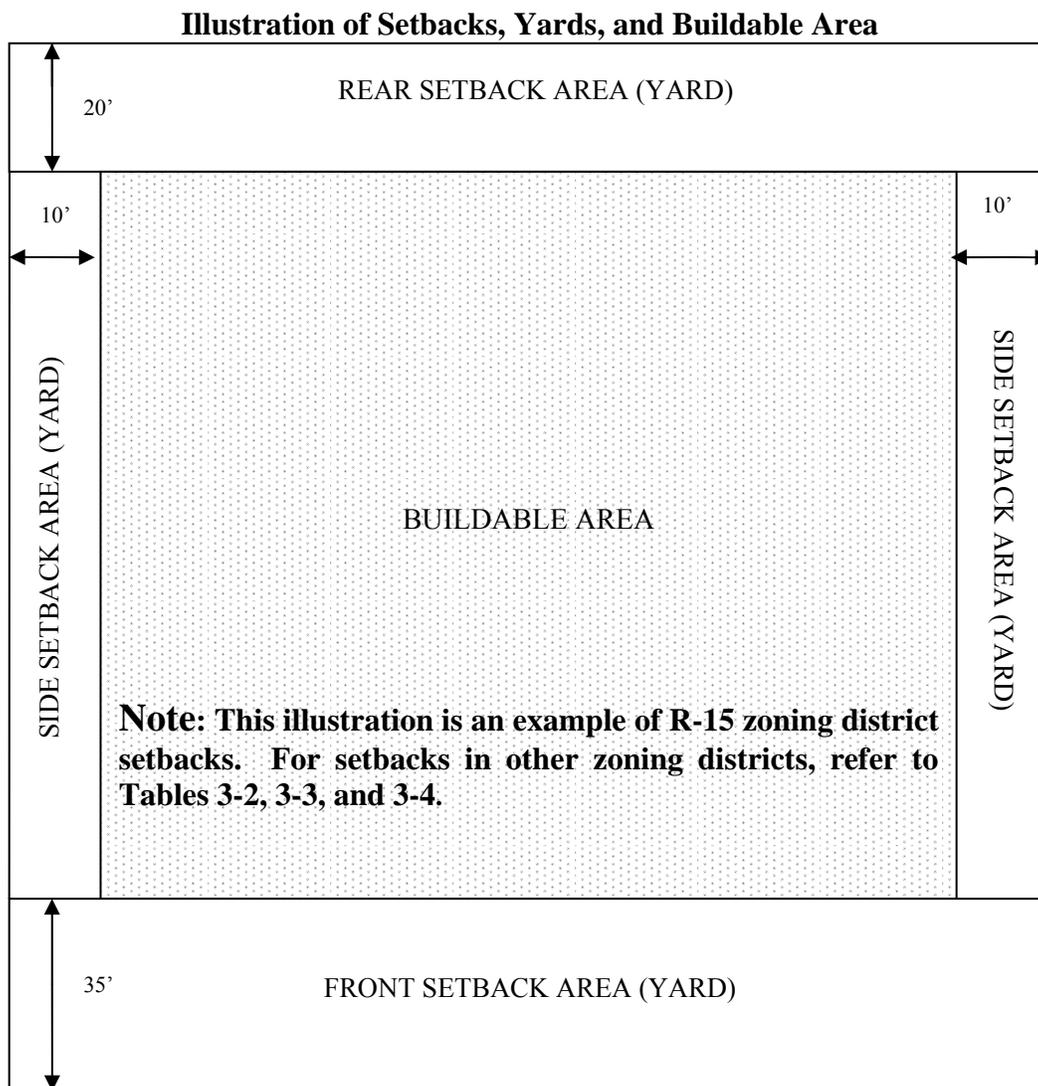
D. **Zero Lot Line Developments** - Zero lot line means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a side lot line. Zero lot lines are allowable in the following developments:

1. Patio homes and zero lot line housing permitted under the conditional uses section for such housing in this Ordinance.
2. Group developments on adjacent tracts of land under the same ownership or control permitted under the group development regulations of this Ordinance.
3. Planned development districts (PDD) permitted under the PDD regulations of this Ordinance.

Zero lot line buildings with common walls must meet all applicable building codes.

3:2.1-4 Example of Setbacks, Yards, and Buildable Area

The illustration represents setbacks in the R-15 Residential zoning district. For setback information in all other zoning districts, refer to Tables 3-4, 3-5, and 3-6.



3:2.1-5 Buildable Area

Once the required yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear yard shall be known as the buildable area.

Every building or structure hereafter erected or established shall be located within the buildable area as defined herein, and in no case shall such buildings extend beyond the buildable area into the respective front, side, or rear yard setbacks, other setbacks, or into public rights-of-way, except for the following:

- A. Ornaments, eaves, chimneys, steps, cornices, windowsills, awnings, and canopies, which may project from the buildable area into any required yard a distance not to exceed two (2) feet.
- B. Accessory uses, as specified in this section.
- C. Fences, walls, and hedges not to exceed eight (8) feet in height; provided that no such structure or hedge shall impede visibility as required by this section; further provided that no such fence, wall, or hedge shall exceed four (4) feet in height when located in a front yard setback area. Fences or walls designed to enclose a residential PDD may be built to a height of ten (10) feet in any yard area, subject to approval for safety by the Building Official. All fences and walls used as part of the buffer area requirements must have a finished side that is facing the adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate.
- D. Awnings in the O-I, B-2, B-3, I-1, GD, RD-1, RD-2, and MRD-1 districts and marquees in the GD, B-2, and I-1 districts; provided they extend over a sidewalk and project no closer than eight (8) feet to the curb.
- E. Driveways, walkways, access and utility easements, parking areas, pavements, buffer areas, and other non-structural improvements.

3:2.2 Use of Land or Structures

3:2.2-1 Conformity with Zoning District Regulations

No land or structure shall be used or occupied, and no structure or portions thereof shall be constructed, erected, altered, enlarged, or moved, unless in conformity with all of the regulations specified for the zoning district in which it is located. The minimum lot area, yards, buffer areas, and open space required by the regulations for each lot, parcel, or building existing at the time of the passage of this Ordinance shall not be encroached upon or reduced, or considered as required yards or open space for any other building. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements for the zoning district in which they are created.

3:2.2-2 Number of Permitted Dwellings Per Lot

No more than one duplex or single-family detached dwelling where allowable by Table 3-3 shall be permitted on a lot of record; however, where the lot of record is of sufficient size and scale to meet the minimum lot area requirements for two single-family detached dwellings, a second single-family dwelling, including a manufactured home where allowed by Table 3-3, may be permitted; provided all applicable lot area, setback, and road frontage requirements are met for both dwellings as if they were established on individual lots, and so arranged to ensure public

street access in the event the property on which the dwellings are located is subsequently subdivided for sale or transfer.

A. **Attached Dwelling Units** - As allowable in the respective zoning district, the attachment of two structures for the purposes of making them one duplex or one single-family detached dwelling unit is allowed under the following conditions:

1. **Site-Built Housing**

- a. No more than two structures may be combined to form a single unit.
- b. Both structures shall be constructed to residential building code standards.
- c. The connecting structure that forms the attachment shall be constructed to residential building code standards and shall be conditioned space.
- d. The roofing system of the resultant duplex or single-family detached dwelling unit shall be integrally connected.

2. **Manufactured and Modular Housing**

- a. No more than two manufactured housing units or modular housing units may be combined to form a single unit.
- b. Each manufactured housing or modular unit shall be set up independently per the set up provisions of this Ordinance.
- c. The connecting structure that forms the attachment shall be constructed to residential building code standards and shall be conditioned space.
- d. The passage into the connecting structure from each manufactured housing or modular unit shall utilize existing door openings. No structural modification of either unit shall be permitted.
- e. The roof of the connecting structure shall be integrally connected to both manufactured housing or modular units.

3:2.3 Nonconformities

3:2.3-1 Existing Nonconforming Lots of Record

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may nonetheless be used as a building site and the Building Official is authorized to issue a permit for the use of the property provided that all applicable setback requirements are not reduced below the minimum specified in this Ordinance by more than twenty-five (25) percent. Dimensional (setback) reductions greater than twenty-five (25) percent shall be referred to the Board of Zoning Appeals for consideration of a variance, observing normal review procedures. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

3:2.3-2 Existing Nonconforming Uses, Buildings, and Structures

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued in accord with the following provisions:

- A. The change of a tenant or change of ownership of a nonconforming use shall not affect the operation of the nonconforming use.
- B. Any nonconforming use may be changed to any conforming use. A nonconforming use may be changed to another nonconforming use which will have less of an adverse impact and will be more compatible with surrounding property than the current or previous nonconforming use.
- C. Normal maintenance, repair, or improvement of a nonconforming building or of a building occupied by a nonconforming use is permitted.
- D. A nonconforming use or building shall not be enlarged or extended by more than ten (10) percent of the gross floor area or yard area in the case of outside storage or truck unloading. Where such enlargement is proposed, it shall be allowed only if all applicable setbacks, buffer areas, and off-street parking requirements are met. Enlargements or extensions greater than ten (10) percent shall be referred to the Board of Zoning Appeals for a variance.
- E. A nonconforming use or building shall not be re-established, reoccupied, or replaced after discontinuance of the use or structure for a period of 365 days except as provided for in section F below.
- F. Non-conforming manufactured housing may be re-occupied or replaced in accordance with section E above after discontinuance of use, damage, or destruction for a period of up to 1,095 days (three years) if the owner-occupant can demonstrate exceptional hardship to the Board of Zoning Appeals. Fees for such petition to the Board of Zoning Appeals shall be waived.
- G. A nonconforming mobile home and/or a nonconforming manufactured home, once removed, shall not be replaced by a mobile home, but may be replaced by a manufactured home, provided such manufactured home is in full compliance with the requirements of the manufactured housing installation, license, and registration regulations of this Ordinance.
- H. No building which has been damaged by any cause whatsoever to the extent of more than fifty (50) percent of the fair market value of the building immediately prior to the damage shall be restored except in conformity with the regulations of this Ordinance, and all rights as a nonconforming use are terminated. If a building is damaged by less than fifty (50) percent of the fair market value, it may be repaired or reconstructed if work is substantially completed within twelve (12) months of the date of such damage. The provisions of this subsection shall not apply to any bona fide residence, including manufactured homes used for residential purposes. Said uses may be reestablished regardless of the extent of damage.

3:2.4 Temporary Uses

The following temporary uses may be permitted by the Planning Official, subject to the conditions herein:

- A. Tents or other temporary structures for the conduct of any permitted use in the non-residential zoning districts for a period not to exceed sixty (60) days.
- B. Open lot sales of Christmas trees in the B-2, B-3, GD, RD-1, RD-2, or MRD-1 districts for a period not to exceed forty-five (45) days.
- C. Contractor's office and/or equipment shed in any district for a period covering the construction phase of a project not to exceed one (1) year, unless re-permitted; provided that such office be placed on the property to which it is appurtenant and all required permits for the project have been obtained.

- D. Temporary "sale" stands in the B-2, GD, RD-1, RD-2, and MRD-1 districts for a period not to exceed thirty (30) days.
- E. Yard Sales, Garage Sales, Attic Sales, Tag Sales, or Similar Types of Sales
 1. Residential Uses - Limited to two (2) per year at any given location, in all zoning districts except I-1. Such sales shall be limited to not more than two consecutive days per event. All items to be sold shall be owned, utilized, and maintained by persons living on or in connection with the premises which they occupy, and shall not have been acquired or consigned for the purposes of resale. One (1) on-premise and a maximum of two (2) off-premise directional signs per event are permitted, and must be located off the street right-of-way. No such sign shall be greater than four (4) square feet in sign face area, and four and one-half (4½) feet in height. Such signs shall not be erected more than twenty-four (24) hours prior to the advertised event, and shall be removed within twenty-four (24) hours after the event has terminated.
 2. Civic and Non-Profit Institutions - Institutional uses including educational, religious, recreational, civic, municipal, and other institutional uses may hold up to six (6) fund-raising yard sales, garage sales, attic sales, tag sales, or similar types of sales per year. Such events must be conducted on the premise or property owned or permanently leased by the institutional organization. Such sales shall be limited to not more than two consecutive days per event. All items to be sold must be contributed to the institutional organization and shall not have been acquired or consigned for the purpose of resale. One (1) on-premise and a maximum of two (2) off-premise directional signs per event are permitted, and must be located off the street right-of-way. No such sign shall be greater than four (4) square feet in sign face area, and four and one-half (4½) feet in height. Such signs shall not be erected more than twenty-four (24) hours prior to the advertised event, and shall be removed within twenty-four (24) hours after the event has terminated.
- F. Portable classrooms as an accessory use to an existing building in any district for cultural, community, educational facilities, or religious complexes for an indefinite period provided all required setbacks for the district in which the structures are to be located shall be observed and maintained.
- G. Temporary office trailers in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.
- H. Temporary structure for use or storage of material or goods following destruction of a principal use, not to exceed sixty (60) days, unless re-permitted.
- I. Real estate sales office in any district for a period not to exceed twelve (12) month increments providing no cooking or sleeping accommodations are maintained in the structure. A temporary use permit for a real estate sales office may be renewed providing that the project is still under development.
- J. Festivals, fairs, carnivals, circuses, and concerts shall be located no closer than 500 feet of a residential zoning district and shall operate no later than 11:00 p.m., for a period not exceeding twenty-one (21) days. The temporary use application must be accompanied by a parking plan showing the number of parking spaces and adequate ingress and egress to the site. The application may be subject to approval by the Kershaw County Sheriff's Department, the SC Department of Public Safety, and the Kershaw County Fire Marshal, as applicable. These provisions are not applicable for festivals, fairs, carnivals, circuses, concerts, and other events conducted within stadiums, arenas, and other facilities specially

designed to accommodate such activities and venues. Nor shall these provisions have jurisdiction on parades other than parades on County roads.

- K. A temporary use permit may be issued by the Planning Official for an appropriate period of time not to exceed twelve (12) month increments for nonconforming buildings, structures, or uses incidental to building construction, land development, or when deemed to be generally beneficial, provided that the owner of such temporary nonconforming use agrees to implement installation requirements deemed appropriate by the Planning Official and to remove the temporary nonconforming use upon expiration of the permit. In determining installation requirements, the Planning Official shall consider the type of structure, the use of the structure, and duration of use. Installation requirements may include temporary anchoring, potable water supply, waste water disposal, and power supply.

3:2.5 Regulations for Accessory Structures and Uses

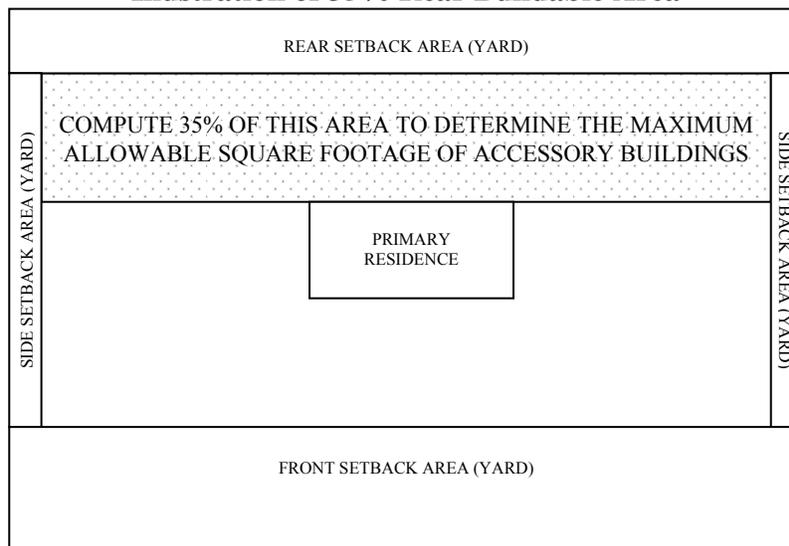
3:2.5-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located. Without exception, no accessory use may be located in any required buffer area.

3:2.5-2 General Requirements

- A. The number of accessory buildings shall not exceed three (3) on any lot or parcel in the R-15, R-10, or the R-6 districts. No maximum on the number of accessory buildings in other districts.
- B. Accessory buildings in residential districts shall not be used for storage in connection with a trade, except with an approved home occupation permit.
- C. Accessory buildings and structures shall not exceed fifty (50) percent of the gross floor area (GFA) of the principal building or use in the R-15, R-10, or the R-6 districts, or thirty-five (35) percent of the buildable area to the rear of the principal building, whichever is greater. No maximum area specified for other districts. Refer to the following illustration.

Illustration of 35% Rear Buildable Area



- D. The use of mobile or manufactured homes, shipping containers, or similar structures as accessory buildings shall not be permitted in any zoning district.
- E. Privacy and decorative fences and walls are permitted along the property line of any lot or parcel in compliance with the visibility requirements of this section. All fences and walls used as part of the buffer area requirements must have a finished side that is facing the adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate.

3:2.5-3 Location of Accessory Structures

Accessory structures and uses are permitted anywhere within the buildable area of a lot or parcel unless specifically regulated, and are permitted within required setback yard areas under the following conditions:

- A. **Off-Street Parking and Loading Spaces** - Off-street parking and loading spaces are permitted in required yard and setback areas, but not in required buffer areas.
- B. **Freestanding Signs** - Freestanding signs are permitted in all required yards and front yard buffer areas.
- C. **Detached Accessory Buildings, Sheds, and Structures for Dry Storage; Greenhouses, Carports, Garages, Etc.** - Detached accessory buildings, sheds, and structures for dry storage; greenhouses, carports, garages, etc. located in the rear yard may be located three (3) feet from the side and/or rear property line.
- D. **Stables, Shelters, and Pens for Housing Animals (Non Agricultural Production)**
 - 1. **Parcels Less than Three (3) Acres:**

On parcels less than three (3) acres, stables, shelters, and pens for housing animals shall be located in the rear of the principal building only; provided such uses shall be located no closer than:

 - a. Ten (10) feet from any property line; or
 - b. three (3) feet to any property line adjacent to a street right-of-way or adjacent property which may not be used for building or development (e.g. swamps, wetlands).
 - 2. **Parcels Larger than Three (3) Acres:**

On parcels larger than three (3) acres, stables, shelters, and pens may be located in the side yard provided that the side yard setback requirements are met, or in the rear of the principal building areas provided such uses shall be located no closer than:

 - a. Ten (10) feet from any property line; or
 - b. three (3) feet to any property line adjacent to a street right-of-way or adjacent property which may not be used for building or development (e.g. swamps, wetlands).
- E. **Paddock Fences** - Paddock fences may be located in required yards and setback areas under the following conditions:
 - 1. **Lots Less than Three (3) Acres:**
 - a. Residentially Zoned Lots Less than Three (3) Acres - In rear of the principal building only, but no closer than ten (10) feet to the property line.
 - b. Non-Residentially Zoned Lots with Less than Three (3) Acres - In rear of the principal building only, but no closer than five (5) feet to the property line.
 - 2. **Lots Greater than Three (3) Acres:**
 - a. Residentially Zoned Lots Greater than Three (3) Acres - In all side or rear yards but no closer than ten (10) feet to the property line.

- b. Non-Residentially Zoned Lots Greater than Three (3) Acres - In all front, side, or rear yards up to the property line.
- 3. **Lot Lines of all Properties Adjacent to Street Right-of-Way, Existing Equestrian Uses, or Property Which May Not Be Used for Building or Development** (e.g. swamps, wetlands) **and All Non-Residentially Zoned Lots** - In all required yards and setback areas up to the property line.
- F. **Swimming Pools, Tennis Courts, and Recreational Uses** - These uses may be located in all side or rear yard areas; provided said uses shall be no closer than ten (10) feet to the nearest property line, and shall have lighting shielded or directed away from adjoining residences.
- G. **Ground Supported Communication, Reception Antennas, and Satellite Dishes** - These uses may be located in rear and side yards only, but no closer than five (5) feet to the property line, and if located in the buildable area, shall not extend or be located in front of any principal building.

3:2.5-4 Accessory Structures without Principal Building

Accessory structures, where allowed as an accessory to residential and non-residential uses, are allowed to be erected on lots of record without the principal structure. Such accessory structures shall conform to all the requirements of this section. If a principal structure is subsequently erected on the lot, both the accessory and principal structure must comply with all applicable requirements of this Ordinance. The location, size, or any other factor of the pre-existing accessory structure may not be considered as grounds for a variance from any requirement imposed on the accessory and/or principal structure.

3:2.6 Exceptions to Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, utility poles, chimneys, conveyors, flag poles, masts, roof mounted mechanical equipment, or communication towers and antennas; provided, however, that communication towers/antennas and water tanks shall be separated from any adjoining property line of a single-family residential zone or use by a distance equal to one (1) foot for each one (1) foot in height, measured from the nearest residential property line.

3:2.7 Prohibited Lighting

In order to minimize light pollution, glare and light trespass; to conserve energy and resources; to maintain night time safety and utility; and to curtail the degradation of the night time visual environment, the following lighting features are prohibited in the unincorporated areas of Kershaw County:

- A. Search lights.
- B. Laser source lights.
- C. Any similar high-intensity light except those used in emergencies by police, fire, or EMS personal.

3:3 CONDITIONAL USES

3:3.1 Accessory Apartments

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

- A. The principal structure (dwelling) must be owner-occupied.
- B. The apartment, whether attached or detached, cannot exceed fifty (50) percent of the gross floor area of the principal dwelling or contain more than two bedrooms.
- C. The apartment must be a complete living space with kitchen and bathroom facilities separated from the principal unit.
- D. An accessory apartment may be accessory only to a single-family dwelling, and not more than one apartment shall be allowed per dwelling or lot.
- E. The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be set back not less than twenty (20) feet from the principal dwelling.
- F. Where detached from the principal residence and readily apparent from the street, the accessory apartment shall be compatible in appearance and orientation with the principal residence and the surrounding community.
- G. A third off-street parking space shall be required.
- H. Neither the primary residence nor the accessory apartment shall be a manufactured home.

3:3.2 Home Occupations

Home Occupations, as defined by this Ordinance, shall meet the following requirements where conditionally permitted by Table 3-3.

- A. The home occupation shall be carried on wholly within the principal residence. Attached or detached garages, storage buildings, barns, workshops, and other auxiliary structures may be used only for the storage of parts and materials.
- B. The floor area dedicated to such use shall not exceed twenty-five (25) percent of the floor area of the principal residence.
- C. No activity shall be conducted out of doors, nor shall there be any outdoor storage, display, or refuse area in the yard.
- D. No merchandise or articles shall be displayed so as to be visible from outside the principle residence.
- E. No person not residing in the principle residence shall be employed on the premises.
- F. It shall be a violation of this Ordinance for a person to operate a home occupation business without having first received a use permit as required by this Ordinance.
- G. No traffic shall be generated in an amount above that normally expected in a residential neighborhood.
- H. No parking is needed above that accommodated in residential off-street parking.
- I. There is no alteration whatsoever of the residential character of the building(s) and/or premises.
- J. The occupation, profession, or trade shall be properly licensed, and shall not generate any noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.
- K. No display, rental, or sale of wholesale or retail goods or other commodity other than those prepared on the premises shall be allowed on the premises.

- L. The occupation shall not be used for receptions, parties, etc. in which the resident receives a fee or compensation.
- M. Signage for home occupations shall comply with the following:
 - 1. The maximum sign surface area shall be two (2) square feet.
 - 2. Such signs shall not be illuminated.
 - 3. One building wall sign per street frontage is permitted.

3:3.3 Bed and Breakfast Inns

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

- A. Be occupied by the resident/owner.
- B. Only be permitted in residential structures that are recognized as architecturally, historically, or culturally significant and that, through renovation and/or use as a bed and breakfast inn will contribute significantly to the ambience, character, or economic revitalization of the area and/or continued use of the property in question for residential purposes. Notice of the bed and breakfast application shall be sent to adjoining property owners.
- C. Serve no regularly scheduled meal other than breakfast.
- D. Maintain the interior architectural integrity and arrangement of the structure.
- E. Maintain the exterior architectural integrity of the structure and grounds, and make changes only if compatible with the character of the surrounding area.
- F. Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper.
- G. Bed and breakfast inn shall not be used for receptions, parties, etc. in which the resident/owner receives a fee or compensation.
- H. Signage regulations for bed and breakfast inns shall comply with the following:
 - 1. One freestanding sign or one wall sign per street frontage is permitted so long as all signs are at least 100 feet apart as measured by the shortest straight line.
 - 2. The maximum sign surface area of freestanding sign shall be five (5) square feet with a maximum height of five (5) feet. The maximum sign surface area of wall sign shall be four (4) square feet.
 - 3. A freestanding sign shall be set back a minimum of five (5) feet from the front property line. The side setback shall be a minimum of ten (10) feet from side property line. If the property is located adjacent to a residential use, the minimum side property line setback will be fifteen (15) feet.
 - 4. Such sign may be externally illuminated as specified in the sign illumination provisions of this Ordinance.

3:3.4 Family Daycare Homes

3:3.4-1 Definition

Family Daycare Home - A family daycare home is a facility within a residence in which the operator (caregiver) resides, where child daycare is regularly provided for no more than six children who are unattended by their parent or legal guardian, including those children living in the home, and children who are related to the resident operator (caregiver).

Exemption: If child daycare is provided for only a child or children related to the resident caregiver and/or the child or children of only one unrelated family, then the facility is not a family daycare home and is not subject to these conditions.

3:3.4-2 Regulations for Family Daycare Homes

- A. No caregiver other than one (1) family member living in the home shall be employed.
- B. No more than six (6) children, including the caregiver's own child(ren) shall be cared for in the home.
- C. Hours of operation shall be from sun-up to sundown. No overnight child care is permitted.
- D. The home must be licensed and inspected by the South Carolina Department of Social Services (DSS) and must abide by all DSS regulations.

3:3.5 Camps and Recreational Vehicle Parks

Camps and recreational vehicle (RV) parks, where conditionally permitted by Table 3-3, shall comply with the following site and design standards listed below. Such parks are considered temporary occupancy, therefore no recreational vehicle or trailer will be allowed to remain in a park for more than three (3) months per year.

- A. The site shall be at least two (2) acres in size.
- B. The site shall be developed in a manner that preserves natural features and landscape.
- C. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
 - 1. Maximum impervious surface ratio shall not exceed fifteen (15) percent of the project site.
 - 2. Minimum setbacks for all structures and recreational vehicles shall be:
 - a. Street frontage: Fifty (50) feet
 - b. All other property lines: Twenty-five (25) feet
- D. Maximum density shall not exceed twelve (12) recreational vehicles per acre.
- E. Buffering, screening, open space, and landscaping shall be as specified by provisions of this Ordinance.
- F. Camping and RV park facilities shall be physically separated from public streets by channeling facility access to reverse frontage roads or single ingress and egress points. All drives shall be located at least 150 feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress.
- G. All streets and driveways within RV Parks shall be private and not public.
- H. Each park site shall be serviced by public water and sewer systems approved by SCDHEC and the Kershaw County Utilities Department.

3:3.6 Mobile Homes

A mobile home is a factory-built home built prior to enactment of the Federal *Manufactured Housing Construction and Safety Standards Act*, effective June 15, 1976.

A mobile home, as defined, shall not be established within the unincorporated area of Kershaw County. However, the use of an existing mobile home may be continued in accord with the provisions of the nonconformities section of this Ordinance, and/or relocated to another site, lot, or parcel within the RD-2 District provided:

- A. The mobile home is currently registered in Kershaw County.
- B. The mobile home has been used as a residence within 365 days of the date of the moving permit application.
- C. The mobile home meets all setup, habitability, and compliance requirements of this Ordinance.

3:3.6-1 Replacement of Mobile Homes

A nonconforming mobile home, once removed, shall not be replaced by a mobile home, but may be replaced by a manufactured home, provided such manufactured home is in full compliance with the requirements of the manufactured housing installation, license, and registration regulations of this Ordinance.

3:3.7 Park Model Homes

A park model home (also referred to as park model trailer, park model cabin, or park model camper) is a recreational vehicle primarily designed and intended to provide temporary living quarters for recreation, camping, or seasonal use. It is built on a single chassis, mounted on wheels, with a gross trailer area not exceeding 400 square feet in the setup mode. Each park model home shall be certified by its manufacturer as complying with ANSI A119.5.

A park model home may be located on a parcel of land in an RD-2 zoning district or in a manufactured home park for an indefinite period of time for seasonal, temporary, non-primary residential uses under the following conditions:

- A. The park model is registered with the County and is placed on the tax roll as personal property. The registration shall contain an affidavit by the applicant stating:
 - “By accepting this registration I do solemnly affirm that this park model unit will not be used as my primary residence and shall not be sold, rented, leased, loaned, or otherwise transferred as a primary residence.”
- B. The registration affidavit shall be filed with the Kershaw County Register of Deeds.
- C. The park model shall be installed per the manufactured housing provisions of this Ordinance.

3:3.8 Manufactured Housing Parks

The establishment and operation of a manufactured housing park shall comply with the following design and development standards:

- A. The park site shall be not less than three (3) acres, and have not less than 200 feet of frontage on a public dedicated and maintained street or road.
- B. The park shall be served by public water and sewer systems, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by SCDHEC officials.
- C. All dwelling spaces shall abut upon an asphalt or concrete driveway of not less than eighteen (18) feet in width which shall have unobstructed access to a street.
- D. A description of the procedures of any proposed homeowners' association or other group maintenance agreement must be submitted to and be approved by the Planning and Zoning Commission.
- E. All on-site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than 400-foot intervals. Lots in parks shall be sized and arranged so that there will be at least forty (40) feet of spacing between manufactured housing, and at

least thirty-five (35) feet from the right-of-way of any street or drive providing common circulation.

- F. All manufactured housing shall be installed in accord with the installation requirements of the South Carolina Code of Laws and regulations or standards adopted pursuant thereto, and shall meet all manufactured housing installation provisions of this Ordinance.
- G. Not less than ten (10) percent of the park site shall be set aside and developed for common open space and recreational usage.
- H. Permanent space numbers shall be provided on each street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection. 911 address numbers shall be used when appropriate.
- I. No manufactured housing space shall have direct access to a public street, but shall instead access an internal street system. All internal streets and drives are to be privately maintained.
- J. The maximum number of mobile or manufactured housing spaces shall not exceed six (6) per acre.
- K. Two parking spaces shall be provided for each designated manufactured housing space. Parking may be provided at the designated space or in community parking areas.
- L. In the development of a park, existing trees and other natural site features shall be preserved to the extent feasible and in accordance with the Tree Protection provisions of this Ordinance.
- M. Bufferyards shall be provided on the perimeter of the park in accord with the buffer requirements of this Ordinance.
- N. A license shall be requisite to the opening or operation of a manufactured housing park and shall be subject to annual renewal.
- O. Said license is issued by the Planning Official and may be revoked by the Planning Official for a violation of this Ordinance or other applicable ordinances and regulations governing the operation of such uses.
- P. Site plans for manufactured housing parks shall be reviewed and approved by the Planning and Zoning Commission prior to issuance of the license by the Planning Official.

3:3.9 Mini-Warehouses

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

- A. Mini-warehousing sites shall not exceed four (4) acres.
- B. Lot coverage of all structures shall be limited to fifty (50) percent of the total area.
- C. Vehicular ingress-egress shall be limited to one point for each side of property abutting any street lot line.
- D. No business or residential activities other than storage units shall be conducted within or from the units.
- E. The storage space or gross floor area of a single unit shall not exceed 300 square feet.
- F. Four parking spaces shall be provided in the vicinity of the leasing office to include one handicapped accessible space. Drive aisles adjacent to all exterior storage unit doors shall be a minimum of twenty-seven (27) feet wide.

3:3.10 Open Storage Areas

Open storage as an accessory use where allowed as a conditional use by this Ordinance may be permitted provided such storage area does not occupy over twenty (20) percent of the buildable area, is not located in any required setback area, and is relatively obscured from public view by screening or placement on the lot.

3:3.11 Wrecking, Scrap, and Salvage Operations

The location of these uses, where conditionally permitted by Table 3-3, shall be regulated by the following:

- A. No such use shall be located closer than 500 feet to any residential use, church, school, historical place, or public park.
- B. No material that is discarded and incapable of being reused in some form shall be placed in open storage. All discarded waste material shall be properly recycled or disposed.
- C. No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water, or other causes.
- D. All paper, rags, cloth, other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
- E. All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence, wall, or vegetative material at least eight (8) feet in height, excluding points of ingress or egress.

3:3.12 Communication Towers and Antennas

Where conditionally permitted by Table 3-3, communication towers and antennas shall adhere to the following regulations:

- A. All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- B. All applicable safety code requirements shall be met.
- C. The tower or antenna shall not be painted or illuminated unless otherwise required by State or Federal regulations. Furthermore, at night, the warning lights on the tower shall be red (not white).
- D. No tower or antenna shall be located within 5,000 feet of an existing tower or antenna.
- E. Towers or antennas shall be exempt from the maximum height requirements of this Ordinance, except when adjacent to a residential zone or use, a freestanding tower must be separated from any such residential property line by a distance equal to one (1) foot for each one (1) foot in height. Towers and antennas located within the Airport Overlay District are subject to maximum structure elevations calculated for the proposed location.
- F. Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:
 1. A processing fee as set by County Council.
 2. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
 3. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land

- uses on adjacent property (Site plan not required if antenna is to be mounted on an approved existing structure.).
4. A current map or update of an existing map on file showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records serving any property.
 5. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
 6. Identification of the owners of all antennae and equipment to be located on the site.
 7. Written authorization from the site owner for the application.
 8. Evidence that a valid FCC license for the proposed activity has been issued.
 9. A line of sight analysis showing the potential visual and aesthetic impact on residences. Towers shall be located to minimize visual and aesthetic impact on residences.
 10. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
 11. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file a written indemnification of Kershaw County Government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to Kershaw County, in form approved by the County Attorney.
 12. Applicant will supply additional information to determine if other zoning requirements are satisfied.
- G. Permit application for the co-location of an antenna on an existing tower shall be accompanied by the following:
1. A processing fee as set by County Council.
 2. One copy of typical specifications for proposed antennae, including description of design characteristics and material.
 3. A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records serving any property.
 4. Identification of the owners of all antennae and equipment to be located on the site.
 5. Written authorization from the site owner for the application.
 6. Evidence that a valid FCC license for the proposed activity has been issued.
 7. A written agreement to remove the antenna within 180 days after cessation of use.
 8. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file a written indemnification of Kershaw County government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to Kershaw County, in form approved by the County Attorney.
 9. Applicant will supply additional information to determine if other zoning requirements are satisfied.

3:3.13 Rural and B-3 Business Uses

Certain limited small scale business uses are conditionally allowed in RD-1, RD-2, MRD-1, and/or B-3 districts as listed on Table 3-3. Where conditionally permitted these businesses:

- A. Shall not exceed 3,000 square feet gross floor area.
- B. Establishments engaged in the retail sale of alcoholic beverages shall not permit on-premise consumption.
- C. No uncovered open storage or keeping of materials not associated with the principal use shall be permitted in public view.

3:3.14 Agricultural Facilities

Effective June 30, 2006 in zoning districts where agricultural facilities are a permitted or conditionally permitted use, regulations governing the use and operations of such facilities, including setbacks, are governed by the *SC Right to Farm Act, Nuisance Suites Related to Agricultural Operations*, SC 46-45-10 through 80 and SCDHEC regulations adopted pursuant to the *Act*. New swine operations and new slaughterhouse operations are excluded from the definition of agricultural facility.

3:3.14-1 Agricultural Facility as Defined by SC Code of Laws, Section 46-45-20

- A. For purposes of this section, *agricultural facility* includes but is not limited to any land, building, structure, pond, impoundment, appurtenance, machinery, or equipment which is used for the commercial production or processing of crops, trees, livestock, animals, poultry, honeybees, honeybee products, livestock products, poultry products, or products which are used in commercial aquaculture.
- B. For purposes of this section, *agricultural operation* means:
 - 1. The plowing, tilling, or preparation of soil at the agricultural facility;
 - 2. the planting, growing, fertilizing, or harvesting of crops, ornamental horticulture, floriculture, and turf grasses;
 - 3. the application of pesticides, herbicides, or other chemicals, compounds, or substances to crops, weeds, or soil in connection with the production of crops, livestock, animals, or poultry;
 - 4. the breeding, hatching, raising, producing, feeding, keeping, slaughtering, or processing of livestock, hogs, aquatic animals, equines, chickens, turkeys, poultry, or other fowl normally raised for food, mules, cattle, sheep, goats, rabbits, or similar farm animals for commercial purposes;
 - 5. the production and keeping of the honeybees, the production of honeybee products, and honeybee processing facilities;
 - 6. the production, processing, or packaging of eggs or egg products;
 - 7. the manufacturing of feed for poultry or livestock;
 - 8. the rotation of crops;
 - 9. commercial aquaculture;
 - 10. the application of existing, changed, or new technology, practices, processes, or procedures to an agricultural operation;
 - 11. the operation of a roadside market; and
 - 12. silviculture.

- C. For purposes of this section, *new swine operations* means porcine production operations not in existence on June 30, 2006.
- D. For purposes of this section, *new slaughterhouse operations* means agricultural operations that:
 - 1. are established after this Ordinance's effective date; and
 - 2. slaughter or process more than two hundred million pounds of livestock, hogs, aquatic animals, equine, chickens, turkeys, poultry, or other fowl normally raised for food, mules, cattle, sheep, goats, rabbits, or similar farm animals for commercial purposes; and
 - 3. a new slaughterhouse operation does not include a slaughterhouse located within the corporate limits of a city that relocates within that same county.

3:3.14-2 Conditional Uses for Swine Operations

Swine operations shall be contingent on the applicant receiving all State and Federal permits and compliance with the supplemental regulations of this section where conditionally permitted by this Ordinance.

Swine operations include swine confined animal feeding operations (CAFOs) and swine farming operations.

A CAFO is an agricultural facility where animals are confined and fed or maintained for a total of forty-five days (45) or more in a twelve (12) month period, and crops, vegetated forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Structures used for the storage of animal waste from animals in the operation also are part of the concentrated feeding operation.

Swine operations established after the effective date of this Ordinance shall be located no closer than 750 feet of any pre-existing adjoining property line, 1,500 feet of any pre-existing residence, or 3,960 feet (three quarters of a mile) of a pre-existing religious institution, school, public park or recreation facility, industrial park, or building used as a business, unless the titleholder of the adjoining land executes a waiver with the titleholder of the land where the CAFO or farming operation is established or proposed to be established under terms and conditions that the parties negotiate.

A waiver shall be executed by the adjacent/adjoining property owner(s) which grants permission to locate a CAFO closer than 1,500 feet to a pre-existing residence, or closer than 3,960 feet (three quarters of a mile) to a pre-existing church or religious institution, public or private school or educational facility, public park or recreation facility, industrial park, or any building used as a business, professional office, or public use; or grants permission to locate closer than 750 feet from any pre-existing property line. Said zoning use waiver must contain a description of which portion of the adjacent property is subject to the waiver and a derivation. The waiver shall be witnessed by two persons and filed in the office of Planning and Zoning.

Lagoon or waste storage ponds used in conjunction with all swine operations shall be provided with a 200-foot vegetated buffer strip on all sides. The buffer shall not contain any water body, water source, or wetland. No portion of any swine facility shall be located in the 100 year floodplain.

Non-Conforming Swine CAFOs and farming operations in existence prior to the effective date of this Ordinance are subject to the non-conforming provisions of this Ordinance

3:3.15 Vendors and Seasonal Roadside Stands

3:3.15-1 Vendors

The word, vendor, whenever used in this section, means any person who sells or solicits sales of food, drink, or other merchandise from a self-contained pushcart, bicycle cart, or other cart, operable motor vehicle, wagon, sled, or carriage propelled by human, animal, or mechanical power.

Vendors, where permitted by the zoning district regulations of this Ordinance, shall be governed by the following:

- A. All vending operations must be located on property on which there is at least one existing permitted primary use. Under no circumstances shall a vendor be permitted to operate on property that is uninhabited or vacant.
- B. Merchandise shall not be removed from the self-contained pushcart, self-contained trailer, self-contained bicycle cart, or other self-contained cart, self-contained operable motor vehicle, self-contained wagon, self-contained sled, or self-contained carriage for display or sale.
- C. All vending operations shall be located not less than twenty (20) feet from the nearest street right-of-way, sidewalk, or other public property and shall provide at least two (2) off-street parking spaces.
- D. Only one (1) vendor shall be allowed for each 100 feet of street frontage.
- E. No portion of a vending operation shall be allowed to occupy or obstruct access to any required off-street parking stall.
- F. No merchandise, vehicles, structures, signage, etc. shall be left on the site past sundown.
- G. No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.
- H. Vendors must obtain and carry at all times notarized written permission to conduct business per item A-G above from the property owner on which the vendor operation is located.
- I. The vendor must obtain and carry at all times a notarized written agreement for use of toilet facilities located within 200 feet of the vendor operation.
- J. The vendor must obtain and carry at all times any applicable State (SCDHEC) food handler and/or other applicable health safety license.

3:3.15-2 Seasonal Roadside Stands

The term seasonal roadside stand, whenever used in this section, means any trailer, tent, non-operable motor vehicle, or other facility or structure, not erected on a foundation that is erected and operated for the sale or solicitation of seasonal sale of agricultural products, fireworks, or other products not customarily sold on a year-round basis.

Seasonable Roadside Stands, where permitted by the zoning district regulations of this Ordinance, shall be governed by the following:

- A. **Seasonal Roadside Markets (Agricultural Facilities)** - Effective June 30, 2006 in zoning districts where agricultural facilities, including roadside markets, are a permitted or conditionally permitted use, regulations governing the use and operations of such facilities, including setbacks, are governed by the *SC Right to Farm Act, Nuisance Suites Related to Agricultural Operations*, SC 46-45-10 through 80 and SCDHEC regulations adopted pursuant to the *Act*. Refer to the Agricultural Facilities section in this Article.

B. Seasonal Roadside Stands Other Than Roadside Markets

1. All seasonal roadside stand operations shall be located not less than twenty (20) feet from the nearest street right-of-way, sidewalk, or other public property, and shall provide at least two (2) off-street parking spaces.
2. Only one (1) seasonal roadside stand shall be allowed for each 100 feet of street frontage.
3. No portion of a seasonal roadside stand operation shall be allowed to occupy or obstruct access to any required off-street parking stall.
4. All seasonal roadside stands shall be portable. At the conclusion of seasonal sale, stands shall be stored off-site or within the rear building setback area of the lot.
5. No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.
6. Seasonal roadside stand operators must obtain and carry at all times notarized written permission to conduct business per items 1-5 above from the property owner on which the seasonal roadside stand operation is located.
7. The operator must obtain and carry at all times a notarized written agreement for use of toilet facilities located within 200 feet of the stand operation.
8. Seasonal roadside stand operators must obtain and carry at all times any applicable State (SCDHEC) food handler and/or other applicable health safety license.
9. Firework stand operators must obtain and carry at all times a license from the SC Department of Labor, Licensing, and Regulation (LLR) Board of Pyrotechnic Safety and the approved LLR checklist completed by the Kershaw County Fire Marshall and Sheriff's Department.

3:3.16 Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the dimensional requirements of Table 3-4 and Table 3-5 are hereby waived and the following requirements are imposed on all such projects:

- A. The minimum lot size for such projects shall be one and one-half (1½) acres.
- B. Minimum lot area shall be 3,000 square feet per unit, on average.
- C. Minimum lot width shall be forty (40) feet.
- D. Maximum height of buildings shall not exceed thirty-five (35) feet.
- E. The side yard of the project's exterior units shall be a minimum of five (5) feet from the "outside" property line.
- F. Project interior side yard setbacks shall be five (5) feet, or a five (5) foot minimum maintenance easement shall be provided between each interior property side yard.
 1. Property for such easement may be shared between two (2) properties. Example: The property line is the center line of the easement with each property contributing two and one-half (2½) feet towards the easement. In this example, building setbacks will be a minimum of two and one-half (2½) feet from the property line.
 2. The five (5) foot minimum maintenance easement may be contained wholly on one property. In this example, the side yard setback for that property shall be five (5) feet and setback for the adjoining property shall be zero (0).
- G. Rear yard setbacks shall be not less than ten (10) feet.

3:3.17 Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table 3-4 and Table 3-5 are hereby waived, and the following design requirements are imposed for all such projects:

- A. The minimum lot size for such projects shall be a minimum of one-half ($\frac{1}{2}$) acre.
- B. Not more than eight (8) or fewer than two (2) townhouses may be joined together, with approximately the same (but staggered) front line.
- C. Side yard setbacks at the end unit shall be as required for the district in which the project is to be located, with not less than a twenty (20) foot distance between groups of adjoined buildings in the project area.
- D. Rear yard setbacks shall be a minimum of twenty (20) feet.
- E. Minimum lot width shall be eighteen (18) feet.
- F. Sidewalks not less than three (3) feet in width shall be provided along the front property line of each project and building.
- G. Maximum height of buildings shall not exceed thirty-five (35) feet.
- H. Front yard setbacks shall be as prescribed by Table 3-4 and Table 3-5, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.
- I. Rear yards shall be enclosed by a minimum six (6) foot wall or fence. If the rear yard is used for parking, wall or fence configurations may be modified to accommodate access to the parking area. All fences and walls must have a finished side that is facing the adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate. Walls may be brick or masonry. Plain concrete block must be rendered with decorative facing such as stucco, brick veneer, etc. Wood stockade fences (with spaces between the stakes) and unpainted fences are not allowed. Chain link, wire, or other fences that do not create a visible barrier are not allowed.
- J. Rear yards may include one (1) accessory building no greater than 500 square feet in gross floor area.

3:3.18 Manufacturing Facilities

The following performance standards shall be used to ensure that all conditionally permitted manufacturing uses shall produce no injurious or obnoxious conditions related to the operation of such uses sufficient to create a nuisance beyond the premises. The Planning and Zoning Commission or the Planning Official, as applicable, may require additional restrictions based on proximity to schools, churches, residential areas, etc. Furthermore, the Planning and Zoning Commission may require that an engineer certify that the proposed project will not violate the restrictions listed herein.

3:3.18-1 Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following velocity levels, measured with a vibration monitor in inches per second at the nearest:

- A. Residential property line: 0.02
- B. Non-residential property line: 0.10

3:3.18-2 Fire and Explosives

All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate fire fighting and fire suppression equipment, as prescribed in the applicable building codes.

3:3.18-3 Noise

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the values given in the night time and day time schedules below in any octave band or frequency. Sound pressure level shall be measured with a sound level meter and an octave band analyzer that conforms to American National Standards Institute (ANSI) type 2 standards.

A. Night Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.:

Table 3-7 MAXIMUM CONTINUOUS SOUND PRESSURE LEVELS - NIGHT TIME		
Frequency Band (In Cycles per Second)	Sound Pressure Levels (In Decibels)	
	At Non-Residential Lot Line	At Residential Lot Line
20-75	69	65
76-150	60	50
151-300	56	43
301-600	51	38
601-1,200	42	33
1,201-2,400	40	30
2,401-4,800	38	28
4,801-10,000	35	20

B. Day Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 a.m. and 9 p.m. shall not exceed the limits of the preceding table except as specified and corrected below:

Table 3-8 MAXIMUM SOUND PRESSURE LEVEL EXCEPTIONS - DAY TIME	
Type of Operation in Character of Noise	Correction in Decibel*
Day time operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10
Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
* Applicable only if these corrections may be applied to the preceding table.	

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements. Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

3:3.18-4 Air Pollution

The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control (SCDHEC) and the SCDHEC Air Operating Permit. Air pollution emanating from construction activities shall be governed by the SCDHEC Air Construction Permit.

3:3.18-5 Odor

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

3:3.18-6 Glare

There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise, so as to be visible in any residence.

3:3.18-7 Fumes and Vapors

There shall be no emission of any fumes or vapors of a noxious, toxic, or corrosive nature which can cause damage or irritation to health, animals, vegetation, or to any form of property.

3:3.18-8 Heat, Cold, Dampness, or Movement of Air

Activities which could produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.

3:3.18-9 Toxic Matter

The measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in *Threshold Limit Values* as published by SCDHEC. If a toxic substance is not contained in said listing, the applicant shall satisfy the Planning Official that the proposed levels will be safe to the general population.

3:3.18-10 Exterior Illumination

All operations, activities, and uses shall be conducted so as to comply with the performance standards governing exterior illumination prescribed below.

In general, the pattern of light pooling from each light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A, below. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B below.

Table 3-9 MAXIMUM INTENSITY FOR EXTERIOR LIGHTING		
	Column A	Column B
Bare Incandescent Bulbs	5 watts	40 watts
Illuminated Buildings	15 ft. candles	30 ft. candles
Internally Illuminated Signs	150 ft. lamberts	250 ft. lamberts
Externally Illuminated Signs	25 ft. candles	110 ft. candles
Any Other Unshielded Sources, Intrinsic Brightness	50 candela per square centimeter	50 candela per square centimeter

Illumination shall be measured from any point outside the property. Measurements are to be conducted by Illumination Engineering Society of North America (IESNA) standards.

3:3.18-11 Compliance Guarantee

The applicant of a permit for a manufacturing or processing plant which would produce any of the above “objectionable elements” shall acknowledge in writing his understanding of the performance standards applicable to the proposed use, and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this Ordinance and shall be treated accordingly.

3:3.19 Construction and Demolition Landfills

Where conditionally permitted by this Ordinance and consistent with the most current Kershaw County Solid Waste Management Plan, construction and demolition landfills shall meet the following conditions:

- A. A construction and demolition landfill, as defined by Section 44-96-40 of the SC Code of Laws, 1976, as amended, may be located up to, but not closer than 300 feet from any property line.
- B. No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water, or other causes.
- C. All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the Planning Official when such facility will be utilized for a period not to exceed ninety (90) days.
- D. A plan showing restoration of the site upon completion of use as a landfill shall accompany the request.
- E. Not less than two (2) down gradient water monitoring wells and one (1) up gradient well shall be installed and monitored. Said wells shall be installed and tested at installation and tested thereafter annually as more particularly set forth in SCDHEC regulations.
- F. Such site shall meet all current SCDHEC permit requirements and regulations.

3:3.20 Municipal Solid Waste Landfills

Where conditionally permitted by this Ordinance and consistent with the most current Kershaw County Solid Waste Management Plan, municipal solid waste landfills shall meet the following conditions:

- A. Municipal solid waste landfills, as defined by Section 44-96-40 of the SC Code of Laws, 1976, as amended, shall be located no closer than 1,000 feet to any existing residential, recreational, religious, educational, medical, or public use (measured in a straight line).

- B. A geotechnical engineering firm approved by the Planning Official shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable by State standards and that surrounding ground water sources will not be contaminated.
- C. The facility shall be fully screened in accord with the buffering and screening requirements of this Ordinance. A minimum six (6) foot high opaque cyclone fence shall be installed along any remaining property boundaries not requiring buffers or screening.
- D. A plan showing restoration of the site upon completion of use as a landfill shall accompany the request.
- E. Such site shall meet all current SCDHEC permit requirements and regulations.

3:3.21 Sexually Oriented Businesses

3:3.21-1 Sexually Oriented Business

For purposes of this Ordinance, sexually oriented business operations shall mean and include the following:

- A. **Adult Arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- B. **Adult Bookstore or Adult Video Store** means a commercial establishment, which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - 1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, digital video discs, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas," or;
 - 2. instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as: One (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."
- C. **Adult Cabaret** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - 1. Persons who appear in a state of nudity; or
 - 2. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
 - 3. films, motion pictures, videocassettes, digital video discs, slides, or other photographic reproductions, which are characterized by the description of "specified sexual activities" or "specified anatomical areas."

D. **Adult Motel** means a hotel, motel, or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or
2. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

E. **Adult Motion Picture Theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, digital video discs, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

F. **Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

G. **Sexual Encounter Center** means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

3:3.21-2 Definitions of Specified Anatomical Areas and Specified Sexual Activities

A. **Specified Anatomical Areas** means the male or female genitals including the vulva or more intimate parts of the female genitals, or bare human buttocks, anus, or the areola or nipple of the female breast.

B. **Specified Sexual Activities** means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.
2. Sex acts, normal or perverted, actual or simulated including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Excretory functions as a part of or in conjunction with any of the activities set forth in A through C above.

3:3.21-3 Location

Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses where permitted by Table 3-3, shall be tempered by the supplemental siting criteria of this section.

No such use shall be located within 2,000 feet (measured in a straight line) of:

- A. A residence or a residential zone;
- B. a church or religious institution;

- C. public or private schools and educational facilities;
- D. public parks and recreational facilities;
- E. U. S. Highways 1, 601 and 521, SC Highways 34 and 97, Springdale Drive, Interstate 20; or
- F. any other adult or sexually oriented business. In addition, no more than one sexually oriented business shall be allowed in the same building.

3:3.21-4 Operation Requirements

It shall be a violation of this Ordinance for a person to operate a sexually oriented business without having first received a use permit as required by this Ordinance.

3:3.21-5 Inspection

- A. The operator of a sexually oriented business shall permit representatives of the Planning and Zoning Department, police, sheriff's, health, or fire department, or other governmental department or agency involved in code enforcement to inspect the premises from time to time for the purpose of ensuring compliance with the law.
- B. The operator commits a misdemeanor if he refuses to permit such lawful inspection of the premises.

3:3.21-6 Revocation

The Planning Official may revoke the use permit and declare the operator in violation of the requirements of this Ordinance if he determines that:

- A. The operator has knowingly allowed possession, use, or sale of controlled substances on the premises.
- B. The operator has knowingly allowed prostitution on the premises.
- C. The operator has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises.

3:3.22 Animal Spectator Events in Rural Zoning Districts

3:3.22-1 Animal Spectator Events

Animal spectator events are events which include horse parks and equestrian event facilities, rodeos, bull riding, and other commercial animal riding events. Facilities for animal spectator events in the rural zoning districts must comply with the following requirements:

- A. Spectator capacity shall be limited to 100 people.
- B. Events shall be limited to a maximum of four (4) days per month.
- C. Loudspeakers shall not be used after sunset.
- D. The facility shall be vacated no later than one hour after sunset.
- E. A perimeter buffer for non-residential uses per the provisions of this Ordinance shall be required along the property line to shield residences from parking areas, stockyards, barns, restrooms, concession stands, truck unloading areas, and other similar uses.
- F. All portions of the property must be designed and maintained to allow drainage to flow off active use areas so as to prevent ponding and propagation of insects or pollution of adjacent streams. SCDHEC permitting requirements shall always prevail.
- G. The lot must be maintained in a sanitary condition through the use of lime and pesticides.
- H. Barns, stables, arenas, and other event facilities must be at least fifty (50) feet from the rear or side property line, at least 500 feet from the nearest adjacent residence, and at least 50 feet from any swimming pool.

- I. Manure piles shall be located at least 100 feet from any property line; at least 200 feet from any dwelling, swimming pool, patio, water body, etc. that is located on-site or on an adjacent lot; and shall meet all SCDHEC requirements.
- J. Farm equipment may be parked on the property to include transportation equipment when directly utilized as a part of the event.
- K. Parking requirements are per individual review. Approval shall be subject to consideration of seating capacity, size of designated parking area, ingress and egress, erosion control, adequate parking areas for animal trailers, and other issues specific to the site and proposed use.
- L. Permanent stadium seating is subject to all applicable building permit requirements. Temporary seating for special events must have prior approval from the Planning Official and be removed within 30 days of any special event.
- M. Lighting shall be shielded so as to not cause off-site nuisance to residences and/or motorists.
- N. Vendors for special events shall meet all vendor conditions of this Article. All food vendors must present proof of SCDHEC approval.
- O. Signage shall conform to the sign regulation provisions of this Ordinance.

3:4 SIGN REGULATIONS

3:4.1 Intent

The intent of this Ordinance is to establish requirements for placement, installation and maintenance of signs in order to preserve and protect the health, safety, welfare, and general well-being of the community's citizens. As regulation of placement, construction, and maintenance of buildings and structures is a valid use of the police power, so too is regulation of placement, installation, and maintenance of signs, since such signs in the literal sense must ordinarily be considered structures, and in a practical sense are capable of producing many of the same nuisances as are produced by buildings.

Regulation of placement, installation, and maintenance of signs is further justified by their purpose which is to draw mental attention to them, potentially to the detriment of sound driving practices and to the safety of the motoring public to which a majority of signs are oriented. Therefore, it is the intent of this Ordinance to regulate the size and location of signs so that their purpose can be served without unduly interfering with motorists and causing unsafe conditions.

It is the objective of this Ordinance to protect and preserve the aesthetic qualities of the community by regulating placement, installation, and maintenance of signs. The fact that such signs are intended to command visual contact grants to business and advertising signs a proportionately greater role than other structures in determining the overall aesthetic quality of the community. The aesthetic impact of business and advertising signs is an economic fact which may bear heavily upon the enjoyment and value of property; therefore the regulation of signs is validly justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the County. It is contended that it is not irrational for a community's citizens to plan their physical surroundings in such a way that unsightliness is minimized.

Finally, this Ordinance recognizes the economic benefit of signage to the County's businesses, industries, and institutions and the needs of sign users for adequate identification, communication, and advertising.

3:4.1-1 Applicability and Conformance

This Ordinance regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits or registration; requires permits or registration for certain signs; and prohibits certain signs. As of the effective date of this Ordinance, no sign may be erected, enlarged, or altered unless it conforms to the requirements of this Ordinance.

3:4.1-2 Definition

This section applies to any sign. A sign is any structure or device designated or intended to convey information to the public in written, pictorial, or symbolic form.

3:4.1-3 Permit or Registration Required

Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, alter, move, or replace any sign or cause the same to be done, without first having obtained a sign permit or registration for such sign from the Planning Official as required by this Ordinance. This provision is applicable to a property owner, a property lessee, a sign company,

a contractor, or any other person who erects or causes to have erected a sign requiring a permit or registration. It shall be the responsibility of the person erecting the sign to ensure that any and all required permits or registrations have been obtained prior to erecting the sign.

3:4.2 Signs Requiring a Permit

3:4.2-1 Freestanding Signs (pole signs, ground signs, pylon, and monument signs)

Freestanding signs are any permanently mounted signs that are placed on or anchored in the ground, and that are not attached to a building or other structure. Freestanding signs are permitted as follows:

- A. Where allowed and as specified in this section, freestanding signs are permitted where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- B. One freestanding sign is permitted per street frontage so long as all signs are at least 100 feet apart as measured by the shortest straight line.
- C. Maximum sign surface area for single occupancy sites is thirty-two (32) square feet. Maximum sign surface area for multiple occupant sites is fifty (50) square feet.
- D. The maximum height in GD and I-1 zoning districts is fifteen (15) feet. The maximum height in all other zoning districts is ten (10) feet. The maximum height of a freestanding sign at a bed and breakfast inn shall be five (5) feet.
- E. Where additional height is required to raise the base of the sign to mean elevation (average street level) of the fronting street, the Planning Official may allow heights in excess of fifteen (15) feet in the GD and I-1 zoning districts, and heights in excess of ten (10) feet in all other zoning districts.
- F. Such signs shall be set back a minimum of five (5) feet from the front property line in all zoning districts. The side setback shall be a minimum of ten (10) feet from the side property line in all zoning districts. If such sign is located adjacent to a residential use in any zoning district, the side setback shall be a minimum of fifteen (15) feet.
- G. Pole signs may only be internally illuminated. Monument (ground) signs may be internally or externally illuminated as specified in the illumination provisions of this section.
- H. Changeable copy sign elements shall not be mounted on a separate structure, but must be incorporated into the allowable sign surface area of the permitted freestanding sign.
- I. Gasoline pricing signs shall not be separate sign structures, but shall be incorporated into the allowable sign surface area of the permitted freestanding sign.
- J. Freestanding signs are not permitted on undeveloped lots or parcels except for the following: Temporary contractor's, craftsman's, and other signs pertaining to construction; temporary subdivision announcement signs; temporary campaign or election signs; and temporary real estate signs.

3:4.2-2 Signs on Building Walls

A building wall sign is any sign attached to a wall, painted on the wall surface, or erected and confined within the limits of an exterior wall of any building or structure which is supported by such wall or building, and which displays only one sign surface. Building wall signs are permitted as follows:

- A. For multi-tenant buildings, each tenant is allowed only one (1) of the following per street frontage: wall, awning, or projecting sign.

- B. Where allowed and as specified in this section, signs on building walls are permitted on parcels where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- C. Principal building walls may have signage on all faces which front on a public street.
- D. Building wall signs shall reflect the proportional and dimensional relationships of the structure. The ratio of window and door openings to wall surface area must be considered. All building wall signs within a multiple occupant development shall be in proportion and scale to each other.
- E. In general, the surface area dimension of building wall signs should not exceed ten (10) square feet per building side which faces a public street unless the size of the building is such that a larger sign can be justified. For multiple occupant buildings, building wall signs shall reflect the proportional and dimensional relationships of the individual store front. For smaller store fronts, the appropriate size may be less than ten (10) square feet, while larger sizes may be appropriate for larger store fronts.
- F. No building wall sign shall extend beyond any point of a roofline, parapet, or mansard roof.
- G. Such signs shall be located so that they do not block the view of windows or doors and are placed in-between and not overlap vertical architectural elements.
- H. Building wall signs may only be internally illuminated as specified in the illumination provisions of these regulations.

3:4.2-3 Hanging Signs

- A. Signs hung from porch ceilings and roof overhangs may be substituted for the allowable wall signage per building or unit on parcels where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- B. One (1) hanging sign per unit per public street frontage is permitted.
- C. Hanging signs shall reflect the proportional and dimensional relationships of the structure. All hanging signs within a multiple occupant development shall be in proportion and scale to each other. In general, the surface area dimension of hanging signs should not exceed ten (10) square feet per building side which faces a public street unless the size of the building is such that a larger sign can be justified. For multiple occupant buildings, hanging signs shall reflect the proportional and dimensional relationships of the individual store front. For smaller store fronts, the appropriate size may be less than ten (10) square feet, while larger sizes may be appropriate for larger store fronts.
- D. Such signs must be located so that, when viewed at front elevations, they do not block the view of windows or doors and are placed in-between and do not overlap vertical architectural elements.
- E. When mounted in a location that is within a pedestrian pathway, hung signs shall maintain a minimum of six feet eight inches (6'8") clearance between the bottom of the sign and the porch or ground surface.
- F. Hanging signs may be internally illuminated as specified in the illumination provisions of these regulations.

3:4.2-4 Projecting Signs (Suspended Signs, Signs over Sidewalks, and Shingles)

A projecting sign is oriented perpendicular to a building or structure and is wholly or partly dependent upon a building for support. Such signs are permitted as follows:

- A. A single occupancy building is permitted only one (1) projecting sign per building frontage. For multi-tenant buildings, each tenant is allowed only one (1) of the following per street frontage: wall sign, awning sign, or projecting sign. Multi-tenant buildings in non-residential districts choosing to use projecting signs may erect one (1) projecting sign per tenant, provided that such signs are spaced not closer than twenty (20) feet horizontally from another projecting sign.
- B. Where allowed and as specified in this section, projecting signs are permitted where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- C. Sign surface area of projecting sign shall reflect the proportional and dimensional relationships of the structure. In general, the surface area of projecting signs should not exceed ten (10) square feet unless the size of the building is such that a larger sign can be justified.
- D. A minimum eight (8) foot clearance between the bottom of the sign and the sidewalk, pavement, or ground surface shall be maintained.
- E. Signs hanging over sidewalks shall not project from the building wall to an extent that they obstruct the view of pedestrians, bicyclists, or motorists, or of street intersections, traffic signs, devices, or signals.
- F. Projecting signs may be mounted no higher than the bottom of the second floor sill or no higher than the cornice; whichever is lower.
- G. All projecting signs at the intersection of building corners shall intersect at right angles to the building front.
- H. Projecting signs may only be internally illuminated as specified in the illumination provisions of these regulations.

3:4.2-5 Signs on Perimeter or Retaining Walls and Fences

The principal identification sign for a location may be located on a wall or a fence. A wall or fence sign is any sign attached to a wall or fence, painted on the wall or fence surface, or erected and confined within the limits of a wall or fence, and displays only one (1) sign surface. Signs on walls and fences are permitted as follows:

- A. The wall or fence receiving the sign shall meet zoning district height regulations.
- B. Where allowed and as specified in this section, such signs are permitted where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- C. When using one (1) single sign, the sign surface area shall not exceed twenty (20) square feet, and the sign height shall not exceed four (4) feet. When using two (2) identical signs placed symmetrically on each side of an entry road of the location being advertised, the sign surface area of each shall not exceed sixteen (16) square feet, and the height of each sign shall not exceed four (4) feet. If property has more than one (1) street frontage, another single or matching pair of such signs may be located on each street frontage, provided the locations are at least 100 feet apart as measured by a straight line.
- D. Signs on fences and walls may be externally or internally illuminated as specified in the illumination provisions of these regulations.

3:4.2-6 Signs on Awnings, Canopies, and Marquees

For the purposes of this Ordinance, an awning, canopy, and marquee shall be defined as follows:

Awning - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. Example: A canvas covered frame extending from a building wall to an area over the sidewalk in front of a shop.

Canopy - A freestanding open-sided structure constructed of rigid materials or non-rigid materials, including but not limited to, metal, wood, concrete, plastic, canvas, or glass. The structure covering the fueling area at a gas station is considered to be a canopy. Other examples include picnic shelters, gazebos, and cabanas.

Marquee - A fixed hood of permanent construction which is supported solely from a building wall, and extends beyond the building. Example: The structure over the front sidewalk area at a movie theatre.

Signs on awnings, canopies, and marquees are permitted as follows:

- A. For multi-tenant buildings, each tenant is allowed only one (1) of the following per street frontage: wall sign, awning sign, or projecting sign.
- B. Awnings, canopies, and marquees may have signage on all faces which front on a public street.
- C. Where allowed and as specified in this section, canopy and awning signs are permitted where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations. Marquee signs are allowed in the B-2, GD, and I-1 zoning districts only.
- D. Any sign affixed to an awning, canopy, or marquee that is not flush with or integral to the awning, canopy, or marquee is prohibited. Awnings, canopies, and marquees may not have signage projecting beyond, below, or above the structure.
- E. The sign surface area shall reflect the proportional and dimensional relationships of the surface area of the portion of the awning, canopy, or marquee visible from the street level, not to exceed twenty (20) percent of the surface area of the awning, canopy, or marquee to which the sign is attached.
- F. Awning, canopy, and marquee signs may be mounted no higher than the bottom of the second floor sill or no higher than the cornice; whichever is lower.
- G. A minimum eight (8) foot clearance shall be maintained between the bottom edge of an awning, canopy, or marquee and the sidewalk, pavement, or ground surface.
- H. Awning or marquee shall project no closer than eight (8) feet from the street curb.
- I. Awnings shall not be illuminated. Canopies and marquees may only be illuminated internally as specified in the illumination provisions of these regulations.

3:4.2-7 Changeable Copy Signs

Changeable copy signs are signs or portions thereof with characters, letters, or illustrations that can be changed or rearranged by any means (manual, electronic, atmospheric, mechanical, remote, etc.) without altering the face or surface of the sign. For the purposes of this Ordinance, a sign on which the message or image changes more often than once every fifteen (15) seconds shall be considered an animated sign and is not allowable. Changeable copy signs are permitted as follows:

- A. Changeable copy is permitted only on permanent principal freestanding signs and marquees, and shall comply with all of the regulations of freestanding and marquee signs as applicable, and as outlined in the Signs Requiring a Permit provisions in this section.
- B. Sign copy or image shall maintain a static message or image for at least fifteen (15) seconds.

- C. The actual change between sign message and/or image shall be instantaneous.
- D. Changeable copy signs shall not employ motion or the illusion of motion by any means to depict action or create a special effect or scene.
- E. Such signs are not permitted to create the illusion of blinking, alternating, chasing, contracting or expanding, flashing, fading, repeating, oscillating, pulsating, rotating, rolling, running, scrolling, strobing, twinkling, or simulate moving video images, etc.
- F. Signs shall not employ flashing lights or lights of changing degree or intensity of color.
- G. Signs containing changeable copy produced by light emitting diodes (LEDs), incandescent or low voltage lamps or bulbs, or cathode ray tubes (CRTs) shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions, and ensure that the sign is visible, but not necessarily radiant.
- H. Changeable copy signs shall be illuminated as specified in the illumination provisions of these regulations.

3:4.2-8 Message Board Signs for Institutional Use

Message board signs are changeable copy signs that are permitted only for institutional uses and are intended to provide schedules of events, rules, regulations, announcements, or similar messages excluding commercial advertisement or promotional messages. Institutional uses include educational, religious, recreational, civic, municipal, and other institutional uses including historic markers that are allowable in any zoning district under the zoning district regulations.

- A. One (1) such sign oriented per street frontage per premises may be erected. Any two (2) such signs located on the same premises shall be located at least 100 feet apart as measured by using a straight line.
- B. The maximum sign surface area of an institutional use message board sign which contains no facility identification or logo shall be no greater than thirty-two (32) square feet. If the principal identification sign and the message board are combined to serve as one (1) sign, the maximum surface area shall be fifty (50) square feet.
- C. The maximum height in GD and I-1 zoning districts shall be fifteen (15) feet. The maximum height in all other zoning districts is ten (10) feet.
- D. The front setback shall be a minimum of five (5) feet from the front property line in all zoning districts. The side setback shall be a minimum of ten (10) feet from the side property line in all zoning districts. If such sign is located adjacent to a residential use in any zoning district, the side setback will be a minimum of fifteen (15) feet.
- E. Where additional height is required to raise the base of the sign to mean elevation (average street level) of the fronting street, the Planning Official may allow heights in excess of fifteen (15) feet in the GD and I-1 zoning districts, and heights in excess of ten (10) feet in all other zoning districts.
- F. Locations with permanent message board signs shall not employ the use of temporary portable signs.
- G. Signs shall be illuminated as specified in the illumination provisions of these regulations.
- H. Such signs may not include commercial advertisement or promotional messages of any sort.

3:4.2-9 Bed and Breakfast Inn Signs

Permitted at bed and breakfast inns with valid Kershaw County use permits as follows:

- A. One (1) freestanding sign or one (1) wall sign per street frontage is permitted. No other sign types are permitted. Freestanding signs on multiple street fronts shall be at least 100 feet apart as measured by the shortest straight line.
- B. The maximum sign surface area of freestanding sign shall be five (5) square feet with a maximum height of five (5) feet. The maximum sign surface area of a wall sign shall be four (4) square feet.
- C. A freestanding sign shall be set back a minimum of five (5) feet from the front property line. The side setback shall be a minimum of ten (10) feet from side property line. If the property is located adjacent to another residential use, the minimum side property line setback shall be fifteen (15) feet.
- D. Such sign may be externally illuminated as specified in the illumination provisions of these regulations.

3:4.2-10 Directional Signs for Religious Institutions

Directional signs erected by a church, synagogue, mosque, or temple are permitted under the following conditions:

- A. Such directional signs are permitted in all zoning districts.
- B. No such sign shall exceed three (3) square feet in area, and eight (8) feet in height.
- C. Such sign shall contain only pertinent directional information.
- D. No individual church, synagogue, mosque, or temple may erect more than three (3) such signs within Kershaw County.
- E. Such signs shall be located off the right-of-way or as permitted by SCDOT.
- F. Such signs are limited to one (1) sign per intersection directional change.
- G. Should more than one religious organization wish to locate a directional sign at any one location, all such signs shall be consolidated into one sign structure not to exceed twelve (12) square feet in area or eight (8) feet in height.
- H. Such directional signs may not be illuminated.

3:4.2-11 Home Occupation and In-Home Family Day Care Signs

Building wall signs are allowed for home occupations and in-home family day cares with valid Kershaw County use permits as follows:

- A. Maximum sign surface area shall be two (2) square feet.
- B. Such signs shall not be illuminated.
- C. One building wall sign per street frontage is permitted.
- D. No sign types other than building wall signs are allowed.

3:4.2-12 Multiple Occupant Development Directory Signs

A multiple occupant development sign is a principal freestanding sign identifying the names of more than one business or activity conducted within a multiple occupant development which is controlled by a single owner, landlord, or association. Examples include shopping centers, industrial parks, and office complexes.

- A. Where allowed and as permitted in this section, multiple occupant signs are permitted where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
- B. One (1) multiple occupant development sign is permitted per street frontage so long as all signs are at least 100 feet apart as measured by the shortest straight line.

- C. Maximum sign surface area for multiple occupant sites shall be fifty (50) square feet.
- D. Maximum height in the GD and I-1 zoning districts shall be fifteen (15) feet. The maximum height in all other zoning districts shall be ten (10) feet.
- E. Where additional height is required to raise the base of the sign to mean elevation (average street level) of the fronting street, the Planning Official may allow heights in excess of fifteen (15) feet in the GD and I-1 zoning districts, and heights in excess of ten (10) feet in all other zoning districts.
- F. Such sign shall be set back a minimum of five (5) feet from the front property line and a minimum of ten (10) feet from the side property line in all zoning districts. If such sign is located adjacent to a residential use in any zoning district, the side setback shall be a minimum of fifteen (15) feet.
- G. Sign shall not be located in a driveway or intersection sight triangle.
- H. If sign is not located in a required buffer yard, the base of the sign shall be landscaped with mulch or turf and low profile plantings such as shrubs, ornamental grasses, or flowers. Such landscaping shall equal the total surface area of the sign face and shall be regularly maintained and kept in good condition.
- I. Pole signs may only be internally illuminated. Monument (ground) signs may be internally or externally illuminated as specified in the illumination provisions of these regulations.
- J. Changing or replacing the copy on an existing lawful multiple occupant development directory sign designed for changeable copy shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this Ordinance.

3:4.2-13 Outdoor Drive-Thru Menu Boards

Outdoor drive-thru menu boards are signs associated with drive-thru restaurants which list the type and price of food items offered for sale and available at the drive-thru window of the establishment as follows:

- A. Outdoor drive-thru menu boards shall be no more than thirty-two (32) square feet per side in size.
- B. No more than two (2) menu boards shall be permitted.
- C. Menu boards shall be designed, located, and landscaped or screened so that, to the degree feasible, they are not visible from any street right-of-way.
- D. The menu board base shall be landscaped and/or incorporated into the landscaping plan.
- E. No more than fifteen (15) percent of the total area of a menu board shall be utilized for business identification.
- F. If illuminated, the menu board shall be internally illuminated as specified in the illumination provisions of these regulations.

3:4.2-14 Planned Development District (PDD) Signs

Unless alternate standards are specified in an approved development plan, all signage regulations of this section shall apply.

3:4.2-15 Residential Development Entrance Signs (Includes Single-Family, Multi-Family, and Manufactured Home Development Entrance Signs)

For the purposes of this Ordinance, a subdivision identification sign is a permanent sign that identifies a subdivision or neighborhood, and is located internal to and visible from the initial point of entry to a subdivision or from surrounding streets.

- A. Such signs are permitted for all residential subdivisions, multi-family residential developments, and manufactured housing developments in all zoning districts in which such developments are permitted.
- B. One (1) subdivision entrance sign not exceeding twenty (20) square feet in size and four (4) feet in height located at the main entry to any subdivision; or two (2) identical signs not exceeding sixteen (16) square feet in size each, and four (4) feet in height placed symmetrically on each side of an entry road of any residential subdivision are permitted.
- C. Subdivision entrance signs may be located in the right-of-way of an internal subdivision street including a center median, but outside of the paved section of the roadway and a driveway or intersection sight triangle.
- D. Such sign may be externally illuminated as specified in the illumination provisions of these regulations.
- E. Where a single ground sign is erected, such sign shall have a minimum of fifty (50) square feet of landscaped area at the base of the sign. Where two (2) ground signs are erected, each sign shall have a minimum of twenty-five (25) square feet of landscaped area at the base of each sign. Landscaping shall be regularly maintained.
- F. Such sign shall display no information other than the name of the subdivision.

3:4.2-16 Time and Temperature Signs

- A. A time and temperature sign shall not be mounted on a separate structure, but must be incorporated into the allowable sign surface area of a permitted sign.
- B. If a time and temperature sign alternates between a time message and a temperature message, it shall continuously show one message a minimum of six (6) seconds in time before switching to the other message.

3:4.3 Signs Not Requiring a Permit or Registration

3:4.3-1 Regulations for Signs that Do Not Require a Permit or Registration

Signs that do not require a permit or registration shall adhere to the following regulations:

- A. Unless otherwise stated, such signs may be placed in any zoning district.
- B. All signs not requiring a permit or registration shall conform to all the applicable requirements contained in this Ordinance.
- C. There shall be no limit as to the number of such signs on any lot, except as herein prescribed.
- D. All such signs shall be located off the street right-of-way unless otherwise granted permission for such location by the appropriate local, State, or Federal transportation authority.
- E. Such signs may be internally or externally illuminated, except as herein prescribed.

3:4.3-2 Signs that Do Not Require a Permit or Registration

The following types of signs do not require permits or registration:

- A. **911 address signs** or plates on residential structures or premises and similar uses customarily associated with residential structures bearing the name and/or address of the occupant do not require a permit. Individual address numerals must be a minimum of three (3) inches in height with the sign surface area not exceeding two (2) square feet in area. Only one (1) such sign per street frontage is permissible. Such signs shall not be illuminated.
- B. **Any sign inside a building** is permitted provided that indoor lighted signs, neon signs, or signs with strobe or flashing lights are not visible from beyond the property lines.
- C. **Flags, pennants, insignia, or symbols of any religious, governmental, non-profit or not-for-profit organization** when not displayed in connection with a commercial promotion or as an advertising device. No such flag pole shall exceed thirty (30) feet in height. Flags shall not exceed forty (40) square feet in area. Limit three (3) per site. Flags shall be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes or the State of South Carolina for the State flag. Any flag not meeting these conditions shall be considered a banner sign and shall be subject to regulations as such. Illumination is not permitted.
- D. **Government Signs and Logos** - Permanent signs erected by, or on behalf of the city, County, State, or Federal government identifying streets or public property, conveying public information, and directing or regulating pedestrian or vehicular traffic.
- E. **Historical markers, plaques, monuments**, or signs as recognized by State, local, or Federal authorities mounted in accordance with the United States Secretary of the Interior's Standards for Rehabilitation. Such signs shall not be illuminated.
- F. **Hospital directional signs** erected by a public or private hospital, providing directions with no advertising. Maximum sign face surface area shall be three (3) square feet and the maximum height shall be eight (8) feet. Such signs shall not be illuminated.
- G. **Individual newspaper boxes** with name or logo of newspaper, only when attached to or mounted adjacent to residential mailboxes. Such signs shall not be illuminated.
- H. **Integral decorative or architectural features carved or built into a structure** so long as such features or works do not contain moving lights or parts. Such features shall not be illuminated.
- I. **Memorial signs, plaques or grave markers** which are non-commercial in nature. No illumination is permitted.
- J. **On-premise directional and instructional signs**, each not exceeding four (4) square feet in area are permitted. Such signs include, but are not limited to: Directional arrows, *No-Parking*, *Entrance*, *Enter*, *Exit*, *Telephone*, *Open*, *Closed*, etc. Also included are common signs indicating business hours of operation, which credit cards are accepted, group or associations to which the business belongs, or clubs or groups which utilize, recommend, inspect, or approve the business for use by its members. No directional or instructional sign shall display a commercial message.
- K. **Sandwich Boards and Easel Signs** - Restaurants are permitted one (1) sandwich board or one (1) easel sign displaying the menu. The easel sign structure shall not exceed six (6) feet in height. The sign or message board on an easel shall not exceed three and one half (3½) square feet in area. Sandwich boards shall have a maximum surface area of six (6) square feet per side and be a maximum of three and one-half (3½) feet in height. Sandwich boards shall not be illuminated. Sandwich board and easel signs shall be located as not to obstruct

public passage. Establishments shall only display sandwich boards or easel signs when the establishment is open for business.

- L. **Public utility information signs** containing information regarding its poles, lines, pipes or facilities. Such signs shall not be illuminated.
- M. **Signs displayed on donation containers** for not-for-profit charitable organizations which include only the name of the charity and/or the organization sponsoring the collection. Such signs shall not be illuminated.
- N. **Signs located within a stadium** intended to be read only by persons seated within the stadium.
- O. **Scoreboards and other signs at outdoor recreational facilities** intended to be read only by persons seated within such facilities.
- P. **Signs on, or a part of a vending machine or telephone booth** which are an integral part of the vending machine or booth and advertise only the products or services available from that machine or booth. Such signs may only be internally illuminated.
- Q. **Signs placed on, or a part of newspaper vending or display boxes** designed for the sale or distribution of newspapers. Such signs shall not be illuminated.
- R. **Warning, No Trespassing, Posted, No Hunting**, and similar signs. Signs located in an undeveloped rural setting may be posted on poles, trees, and fences. Such sign shall not be illuminated.
- S. **Signs on windows and glass doors**, providing that the sign surface area is proportional to the building scale and architectural features.

Table 3-10 PERMANENT SIGNS: MAXIMUM ALLOWED SIZE AND NUMBER

For complete regulations, refer to the provisions in this section for each individual sign type.

SIGN TYPE	MAX. SIGN SURFACE AREA	MAXIMUM HEIGHT	NUMBER PERMITTED
Freestanding	Single Occupancy: 32 sq. ft. Multiple Occupancy: 50 sq. ft.	GD, I-1: 15 ft. All other zoning districts: 10 ft.	1 per street frontage, 100 ft. apart.
Building Wall	10 sq. ft. or in proportion to building scale or store front.	Not to exceed beyond any point of a roofline, parapet, or mansard roof.	Single Occupancy: 1 per street frontage. Multi-Occupancy: 1 per street frontage per tenant.
Wall or Fence	One sign: 20 sq. ft. Two matching signs: 16 sq. ft.	4 ft.	1 individual sign or two matching signs per street frontage.
Awning	20% of awning surface area or in proportion to awning size and scale.	Mounted no higher than the bottom of 2 nd floor sill or no higher than cornice, whichever is lower.	Single Occupancy: 1 per street frontage. Multi-Occupancy: 1 per street frontage per tenant.
Canopy	20% of canopy surface area or in proportion to canopy size and scale.	Mounted no higher than the bottom of 2 nd floor sill or no higher than cornice, whichever is lower.	1 per street frontage.
Marquee	20% of marquee surface area or in proportion to marquee size and scale.	Mounted no higher than the bottom of 2 nd floor sill or no higher than cornice, whichever is lower.	1 per street frontage.
Projecting	10 sq. ft. or in proportion to building scale or store front.	Mounted no higher than the bottom of 2 nd floor sill or no higher than cornice, whichever is lower.	Single Occupancy: 1 per street frontage. Multi-Occupancy: 1 per tenant spaced at least 20 ft. apart.
Message Board Institutional Use	32 sq. ft. if separate from principle identification sign. 50 sq. ft. if message board and principle identification sign are combined.	GD, I-1: 15 ft. All other zoning districts: 10 ft.	1 per street frontage, 100 ft. apart.

Table continued on next page.

Table 3-10 PERMANENT SIGNS: MAXIMUM ALLOWED SIZE AND NUMBER, continued			
SIGN TYPE	MAX. SIGN SURFACE AREA	MAXIMUM HEIGHT	NUMBER PERMITTED
Bed & Breakfast	Freestanding: 5 sq. ft. Wall: 4 sq. ft.	Freestanding: 5 ft.	1 per street frontage, 100 ft. apart.
Directional Signs For Religious Institutions	One church, synagogue, mosque or temple: 3 sq. ft. More than one: 12 sq. ft.	8 ft.	1 per intersection directional change, limited to 3 within the County.
Home Occupation	2 sq. ft.	Mounted on wall at height in proportion to building.	1 per street frontage.
In-Home Family Daycare	2 sq. ft.	Mounted on wall at height in proportion to building.	1 per street frontage.
Drive-Thru Menu Boards	32 sq. ft. per side with only 15% for business identification.	In proportion with menu board.	2 per location.
Residential Development Entrance	One sign: 20 sq. ft. Two identical: 16 sq. ft. each	4 ft.	Refer to Residential Subdivision Entrance Sign Regulations in text.

3:4.4 Temporary Signs

3:4.4-1 Temporary Sign Regulations

There are a number of instances in which a temporary sign may be necessary for a temporary cause or event. For purposes of this section, a temporary cause or event means an event that occurs only on a scheduled date or time period and for a specific purpose, regardless of whether the event is for commercial or non-commercial purposes. Examples include elections, grand openings of new businesses, buildings or developments under construction, church revivals, blood drives, pet vaccination clinics, and similar types of events. The Planning Official, therefore, shall permit temporary signs subject to the following conditions:

- A. Temporary signs shall not be illuminated.
- B. Temporary signs shall not be permanently attached to the ground, buildings, or other structures.
- C. Unless otherwise stated, a property shall only display one temporary sign at a time.
- D. No signs shall be placed in the public right-of-way except under circumstances as outlined in this section.
- E. No temporary sign shall be located within a driveway or intersection sight triangle.
- F. Any temporary sign that is not listed in Sections 3:4.4-2 and 3:4.4-3, below, is not allowable.

Temporary signs are divided into two categories: signs requiring registration and those not requiring registration. All signs, including those not requiring registration, shall comply with all applicable provisions of this Ordinance. Signs requiring registration may not be displayed or erected until registration and payment of a registration fee set by County Council is made.

3:4.4-2 Temporary Signs Requiring Registration

The following temporary signs are permitted and require registration:

- A. **Temporary Contractors' Signs, Craftsmen's Signs, and Other Signs Pertaining to Construction** - One common sign temporarily erected and maintained on a job site while undergoing construction by contractor, craftsman, architect, developer, financial institution, subcontractor, or similar concern is allowed upon the premises of any work under construction or any work of major repair or improvement provided that:
 - 1. Only one (1) such sign oriented per street frontage per premises shall be erected. If the property lies on a corner lot or double frontage lot, then a second sign may be oriented

along the second street so long as the two signs are at least 100 feet apart as measured by the shortest straight line.

2. Signs in conjunction with any residential use shall not exceed ten (10) square feet per sign face, and shall not exceed eight (8) feet in height. Signs in conjunction with all other uses shall not exceed twenty (20) square feet per sign face area and shall not exceed ten (10) feet in height.
 3. The sign shall be placed a minimum of five (5) feet from the front property line, and a minimum of ten (10) feet from the side property line in all zoning districts. If such sign is located adjacent to a residential use in any zoning district, the sign shall be placed at least fifteen (15) feet from the side property line.
 4. Sign shall not be located in a driveway or intersection sight triangle.
 5. Signs shall not be illuminated.
 6. Such signs shall only appear at the proposed or active construction site.
 7. A building permit for the proposed structure (house, office, business, factory, etc.) shall be secured prior to erection of such sign.
 8. Signs shall be removed prior to issuance of a certificate of occupancy.
- B. **Temporary Grand Opening and Opening Soon Banners** are only permitted when associated with the impending opening and/or grand opening of a new business (“Opening Soon” and “Grand Opening”) as follows:
1. Grand opening or opening soon banners are only permitted one (1) time for a business, and are not permitted to advertise sales, specials, or change of management.
 2. Such signs are permitted in O-I, B-2, B-3, I-1, GD, RD-1, RD-2, and MRD-1 zoning districts where the activity associated with the sign is a permitted or conditionally permitted use under zoning district regulations.
 3. One banner may be placed on each building wall which fronts on a public street.
 4. Banner shall be no more than ten (10) square feet in area.
 5. Temporary grand opening and opening soon banners shall not be illuminated.
 6. Banner shall only be attached to a building and shall not cover any window or part of a window, nor shall it extend beyond any point of a roofline, parapet, or mansard roof. The banner shall not be attached to any temporary or permanent pole or any other structure other than the principal structure.
 7. Opening soon banners are only permitted after securing a construction permit, certificate of occupancy, or use permit. Grand opening banners are only permitted for a 30-day period beginning on the date the use permit or certificate of occupancy is issued.
- C. **Temporary Special Event Signs** are permitted for governmental, religious, charitable, civic, fraternal, or similar non-profit organizations or for-profit organizations advertising events providing a community service, and events promoting the community or in the public interest. Examples include church revivals, blood drives, pet vaccination clinics, and similar types of events. Temporary Special Event Signs shall be permitted provided that:
1. Only one (1) such sign oriented per street frontage per premises shall be erected. If the property lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least 100 feet apart as measured by the shortest straight line.
 2. No temporary special event sign shall exceed twenty (20) square feet in sign face area, and eight (8) feet in height.

3. All such signs shall be located off the street right-of-way except signs displayed on utility poles using brackets specifically designed to display such signs, provided that no such sign shall exceed five (5) square feet in area and three feet in height; written permission shall be granted by the appropriate local, State, or Federal transportation authority; and in no case may any such sign impede the view or travel of motorists or pedestrians.
 4. The property owner upon whose land the sign is placed shall give written permission for the placement of said signs and will be held responsible for violations.
 5. Such signs shall not be illuminated.
 6. Signs shall be erected no sooner than fourteen (14) days prior to the event being advertised and shall be removed no later than two (2) days after the event.
- D. **Temporary Off Premise Directional Signs** are temporary signs that are displayed for a forty-eight (48) hour period only, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy. Such signs are used to advertise events such as open houses, exhibits, or other recurring events, and are allowed in all zoning districts as follows:
1. Annually renewable permits shall only be issued to and held in the name of the:
 - a. sign company erecting the sign;
 - b. business owner associated with or identified on the sign; or
 - c. real estate broker or agent.
 2. Signs shall be placed no closer than one-quarter ($\frac{1}{4}$) of a mile (i.e. 1320 feet) to another sign giving directions to the same location, unless the sign is placed near an intersection for the purpose of showing that a left or right turn is needed.
 3. Signs shall be displayed during a forty-eight (48) hour period only; and shall not again be displayed for a minimum of twenty-four (24) hours following the end of the forty-eight (48) hour display period.
 4. Signs shall include a directional arrow symbol and shall include no more than three (3) lines of text and a business or company logo.
 5. Sign area shall not exceed twenty-four (24) inches by twenty-four (24) inches, and three (3) feet in height.
 6. Sign shall not be illuminated.
 7. Prior to placing a sign on private property, written consent must be obtained from the property owner(s). The written consent shall be submitted when application for the sign registration is made.
 8. Signs shall be placed at least three (3) feet from the edge of the road pavement.
 9. Signs may be placed along county roads in the right-of-way or on private property; provided, however, signs shall not obstruct visibility at any intersection location, nor shall the sign be erected within thirty (30) feet of an intersection, nor shall more than two (2) signs per permit holder be allowed at an intersection.
 10. No sign shall be erected on or abutting a road owned and maintained by the State of South Carolina unless specifically allowed by the SCDOT.
 11. No sign permitted in this subsection shall be erected more than one (1) mile from the site for which directions are being provided; or the nearest SCDOT classified collector or arterial road.
 12. Upon presentation of a damaged or faded sign (with permit), Planning and Zoning will issue a replacement permit at no additional cost.

- E. **Temporary Portable Signs Used to Advertise Special Events** – Portable signs may only be used to advertise special events for governmental, religious, charitable, civic, fraternal, or similar non-profit organizations or for-profit organizations advertising events providing a community service and events promoting the community or the public interest as outlined above in the section on temporary special event signs. The term *portable sign*, as used in this Ordinance refers to any sign with a sign frame or stand designed to be transported from place to place and not permanently installed. Such signs shall meet all of the requirements for Temporary Special Event Signs (above) plus the following:
1. The sign shall be placed a minimum of five (5) feet from the front property line, and a minimum of ten (10) feet from the side property line in all zoning districts, and shall not be located within a driveway or intersection sight triangle. If such sign is located adjacent to a residential use in any zoning district, the sign shall be placed at least fifteen (15) feet from the side property line.
 2. Temporary portable signs may not be permanently attached to the ground, a building or other structure. Such signs shall be designed to resist twenty-eight (28) pounds per square foot wind pressure, and shall be securely anchored to the ground using one of the following methods:
 - a. A minimum of two (2) one-fourth ($\frac{1}{4}$) inch diameter steel galvanized cables attached to one-half ($\frac{1}{2}$) inch diameter expansion type anchors imbedded in concrete or asphalt type paving.
 - b. A minimum of two (2) one-fourth ($\frac{1}{4}$) inch diameter steel galvanized cables attached to a reinforced bar type anchor (re-bar) driven to a depth of sixteen (16) inches minimum.
 - c. One-fourth ($\frac{1}{4}$) inch diameter steel galvanized cable attached to a minimum forty-eight (48) pound weight extending to ground level on each corner thereof.
 - d. One-fourth ($\frac{1}{4}$) inch diameter steel galvanized cable attached to a minimum of two (2) manufactured home type ground anchors installed at a minimum depth of sixteen (16) inches.
 3. Signs not properly anchored will be subject to immediate citation, removal, or elimination.
 4. Such signs shall not be illuminated.
- F. **Temporary Signs Announcing a Land Development** (Residential, Commercial, Mixed Use) are permitted, subject to the following:
1. Such signs may be erected on the premises of the land approved for development provided such signs do not exceed twenty (20) square feet in sign face area and ten (10) feet in height.
 2. Not more than one (1) such sign shall be located at each main entrance to the development so long as any two signs are located at least 100 feet apart as measured by the shortest straight line.
 3. Such signs shall be set back a minimum of five (5) feet from the front property line in all zoning districts. The side setback shall be a minimum of ten (10) feet from the side property line in all zoning districts. If such sign is located adjacent to a residential use in any zoning district, the side setback shall be a minimum of fifteen (15) feet.
 4. Such signs shall not be illuminated.
 5. Signs shall be removed not more than 30 days from such time as the final plat is recorded with the Register of Deeds.

G. Temporary Vendor's and Seasonal Roadside Stand Signs are conditionally allowed in all zoning districts where vendors or seasonal roadside stands are an allowable conditional use per this Ordinance.

1. Only one (1) sign per vendor or seasonal roadside stand operator shall be allowed, regardless of where it is mounted. Advertising materials attached to or painted onto automobiles are construed to be signs.
2. Signs shall not exceed ten (10) square feet in sign face area, and shall not exceed four (4) feet in height.
3. The sign shall be placed a minimum of five (5) feet from the front property line, and a minimum of ten (10) feet from the side property line in all zoning districts, and shall not be placed within a driveway or intersection sight triangle. The side setback shall be a minimum of ten (10) feet from the side property line in all zoning districts. If such sign is located adjacent to a residential use in any zoning district, the side setback shall be a minimum of fifteen (15) feet.
4. Temporary vendor's or roadside stand operator's signs shall not be illuminated.
5. Temporary vendor's signs shall be removed from the property each day at sundown. Seasonal roadside stand signs shall be removed upon cessation of seasonal operations.

3:4.4-3 Temporary Signs Not Requiring Registration

The following temporary signs do not require registration:

A. Temporary Campaign and Election Signs are permitted in all zoning districts provided that:

1. One (1) sign per street frontage per candidate or issue being voted on shall be allowed. If the property lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least 100 feet apart as measured by the shortest straight line.
2. Signs in areas zoned residential shall not exceed six (6) square feet in sign face area, and shall not exceed four (4) feet in height. Signs in areas not zoned residential shall not exceed twenty (20) square feet in sign face area, and shall not exceed ten (10) feet in height.
3. No sign shall be placed in any right-of-way, on any telephone pole, street sign, fence, on any public property, or within a driveway or intersection sight triangle.
4. Temporary campaign and election signs shall not be illuminated.
5. In accordance with SC law, no such political sign shall be placed within 200 feet of any building in which an election poll is being conducted.
6. If the sign is placed on the property by someone other than the property owner, the property owner upon whose land the sign is placed shall give written permission for the placement of said sign and will be held responsible for violations.
7. All such signs shall be erected no sooner than sixty (60) days in advance of each specific election or referendum for which they are made.
8. All such signs shall be removed within seven (7) days after the election or referendum for which they were made. Signs for runoff elections may remain until seven (7) days after the final election to which the signs apply.

B. Temporary Garage or Yard Sale Signs are permitted in any zoning district provided:

1. One (1) on-premise yard or garage sale sign, and a maximum of two (2) off-premise directional signs per event are permitted.
 2. No such sign shall be greater than four (4) square feet in sign face area, and four and one-half (4½) feet in height.
 3. Temporary garage or yard sale signs shall be located off the street right-of-way.
 4. Such signs shall not be erected more than twenty-four (24) hours before the advertised event, and shall be removed within twenty-four (24) hours after the event has terminated.
- C. **Temporary Help Wanted Signs** are allowed in all zoning districts provided:
1. One (1) such sign per site shall be permitted.
 2. Such sign shall not exceed three (3) square feet in sign face area, and four (4) feet in height unless window or wall mounted.
 3. If not wall or window mounted, the sign shall be placed a minimum of five (5) feet from the front property line and a minimum of ten (10) feet from the side property line in all zoning districts. If such sign is located adjacent to a residential use in any zoning district, the side setback shall be a minimum of fifteen (15) feet.
 4. Business name or logo cannot utilize more than ten (10) percent of sign face area.
 5. Such sign shall not be illuminated.
 6. Temporary help wanted signs shall be removed once employee is hired.
- D. **Temporary Real Estate Signs** advertising a specific property for sale, lease, rent or development are permitted in all zoning districts as follows:
1. Signs may be located only on the property for which they advertise sale, rent, lease or development.
 2. One sign per street frontage advertising real estate for sale, for rent, for lease, or for development. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least 100 feet apart as measured by the shortest straight line.
 3. Signs in areas zoned residential shall not exceed ten (10) square feet in sign face area, and shall not exceed four (4) feet in height. Signs in areas not zoned residential shall not exceed twenty (20) square feet in sign face area, and shall not exceed ten (10) feet in height.
 4. The sign shall be placed a minimum of five (5) feet from the front property line, and a minimum of ten (10) feet from the side property line in all zoning districts. If such sign is located adjacent to a residential use in any zoning district, the sign shall be placed at least fifteen (15) feet from the side property line.
 5. Temporary real estate signs shall not be illuminated.
 6. The sign shall be removed once the property is occupied by the new tenant or when the property is sold by transfer of title to the same, whichever time period is less.

3:4.5 Prohibited Signs

3:4.5-1 Prohibited Signs and Prohibited Sign Characteristics

All signs not expressly permitted under this Ordinance are prohibited. Such signs include, but are not limited to the following:

- A. **Signs Located in the Public Right-of-Way** - Any sign, banner, or display placed on any curb, sidewalk (except where otherwise permitted in this Ordinance), post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way is prohibited except for governmental signs and where otherwise permitted in this Ordinance

where unique circumstances or conditions exist to warrant the placement of a sign within the road right-of way. Such signs shall be approved by the Planning Official, be authorized by the SCDOT, and/or the Kershaw County Sheriff's Department, and shall not be located in a driveway or intersection sight triangle or in an area that would cause a traffic hazard. If utility and road maintenance is necessary, the cost of relocating all signs in the right-of-way shall be assumed by the property owner.

- B. **Signs Imitating Traffic, Governmental, or Emergency Signals** - Signs not erected by a public authority that are displayed in a manner that could mislead or confuse drivers, cyclists, or pedestrians are prohibited. This includes signs which imitate an official traffic sign or signal, emergency or law enforcement vehicle, public notice, or which display misleading words, rotating discs, symbols, intermittent lights resembling the color, size, shapes, or order of lights customarily used in traffic signals or on emergency or law enforcement vehicles. Examples include signs using the words *stop*, *yield*, or *danger*, or any word, phrase, or symbol such as a picture of a traffic sign.
- C. **Signs or Devices Employing Distracting, Flashing, or Intense Illumination or Color** - Flashing signs, signs with flashing or reflective discs, signs with flashing lights or lights of changing degree or intensity or color are prohibited. "Day-glow" or highly reflecting coloring, paint, or other reflective materials which may impair the vision, cause glare, or otherwise interfere with any driver's operation of a motor vehicle or bicycle are not allowed.
- D. **Animated Signs** - Any sign, or any part of a sign, that changes copy or image more frequently than once every fifteen (15) seconds is considered to be animated and is not allowable. Included are signs that employ motion or the illusion of motion by any means (manual, electronic, mechanical, electrical, atmospheric, panels, slats, discs, or lights, etc.) to depict action or create a special effect or scene. Also included are signs that create the illusion by blinking, alternating, chasing, contracting or expanding, flashing, fading, repeating, oscillating, pulsating, rotating, rolling, running, scrolling, strobing, twinkling, simulating moving video images, etc. Exception: If a time and temperature sign alternates between a time message and a temperature message, it shall continuously show one message a minimum of six (6) seconds in time before switching to the other message.
- E. **Signs Obstructing Driver's Views** - Any sign which the Planning Official determines obstructs or interferes with a driver's view of merging, approaching, or intersecting traffic, or of a traffic signal, sign, or device, or which would otherwise interfere with a driver's operation of a motor vehicle or bicycle shall be prohibited.
- F. **Abandoned Signs** - Abandoned signs shall not be permitted. A sign shall be deemed abandoned and in cessation of use when any of the following have occurred for thirty (30) continuous days:
 - 1. The sign relays information that is no longer pertinent or up-to-date.
 - 2. The sign no longer advertises a bona fide business, lessor, owner, product, activity conducted, or product available.
 - 3. The structure does not contain a sign surface area.
 - 4. The sign contains no message. For such purposes, the terms "Sign for Rent," "Sign for Lease," etc. shall not be deemed to be a message.
 - 5. There is no longer any business activity on the site.
- G. **Bench Signs** - Signs on benches are not permitted.
- H. **Dilapidated and Unsafe Signs** - Any sign which is not properly maintained; is insecure, or otherwise structurally unsound; has defective parts in the supports, guys and/or anchors; or is

unable to withstand wind pressure of 100 miles per hour as determined by the Building Official and applicable regulations as provided in the applicable building codes is prohibited.

- I. **Fluttering Signs** - Fluttering signs or devices, all or part of which are set in motion by movement of the atmosphere, mechanical, electrical, or any other means are prohibited. Such items include rotating or otherwise moving devices, whirligigs, pennants, posters, propellers, discs, ribbons, streamers, strings of light bulbs, spinners, and flags (other than flags, pennants, insignia, or symbols of any religious, governmental, non-profit or not-for-profit organization when not displayed in connection with a commercial promotion or as an advertising device) regardless of whether they contain written messages.
- J. **Inflatable Signs** - Inflatable signs, including balloons, are prohibited.
- K. **Off-Premise Advertising** - Any sign, with the exception of temporary special event, campaign, election, garage sale, yard sale, and off-premise directional sign, that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold, which is not the primary activity, service or commodity provided on the site where the sign is located shall be prohibited. Off-premise advertising signs lawfully erected prior to the effective date of this Ordinance may require compensation for removal or relocation per South Carolina Code of Laws, Title 39, Chapter 14. This Ordinance does not regulate Specific Information Service Signs on Interstate 20 as outlined in South Carolina Code of Laws, 63-338.
- L. **Portable Signs** - The term *portable sign*, as used in this Ordinance refers to any sign placed in a frame or stand designed to be transported from place to place and not permanently installed. Such signs are prohibited except as temporary special event signs for institutional, non-profit, or public interest uses only. This provision excludes restaurant menu sandwich boards and easels.
- M. **Roof Signs** - Any sign, sign structure, painted sign, or sign extending above or higher than the cornice is prohibited.
- N. **Signs Attached to Awnings, Marquees, Canopies, Building Facades, and Projecting Signs** - Any sign affixed to any structure or sign frame that is not flush with, or integral to that structure or sign frame is prohibited.
- O. **Signs Obstructing Ingress, Egress, Light, or Air** - Any sign located outdoors which interferes with free passage from, or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air is prohibited.
- P. **Signs Obstructing Other Signs** - Any sign which is located in such a way as to intentionally deny visual access to an adjoining property's existing sign is prohibited.
- Q. **Signs on Fences, Poles, or Trees** - Any sign or advertising device attached to or painted on a fence, utility or telephone pole, tree, stone, or any other natural object is prohibited except as specifically provided in this section. *Warning, No Trespassing, Posted, No Hunting*, and similar signs located in an undeveloped rural setting may be posted on poles, trees, and fences.
- R. **Signs on Parked Motor Vehicles or Trailers** - Signs placed or painted on a motor vehicle or trailer and parked or mounted for the primary purpose of providing signs not otherwise allowed by this code are prohibited.
- S. **Signs on Refuse Containers** - Signs on refuse containers are not permitted except for signs identifying the container provider.

- T. **Signs violating any provision of any law of the State or Federal Government relative to outdoor advertising** are prohibited.
- U. **Signs with Intense Lighting Adjacent to Residential Uses** - No sign shall be illuminated in such a way that it casts intense illumination onto any residential premises located in any zoning district in a manner which by intensity, duration, location, or other characteristic is incompatible with the residential character of the property on which such illumination is cast.
- V. **Signs with Sound, Odor, or Matter** - Signs which emit audible sound, odor, or visible matter are prohibited.
- W. **Signs Erected Without Property Owner's Permission** - Signs placed on a piece of property without written permission of its owner or agent are not allowed.
- X. **Spot and Strobe Lights** - Any spot light or light that shines into the sky or the clouds, moveable or non-moveable, for the purpose of attracting attention to a location is not permitted.
- Y. **Unlawful Signs** - Any sign that does not have a sign permit or has been installed, erected, or constructed in violation of any of the terms of this Ordinance is prohibited.

3:4.6 Signs Located in the Public Right-of-Way and on Public Property

3:4.6-1 Regulations for Signs in the Public Right-of-Way and on Public Property

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

3:4.6-2 Signs Permitted in the Public Right-of-Way and on Public Property

No sign shall be allowed to extend over or be erected in the public right-of-way, except for the following:

- A. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- B. Bus stop signs erected by a public transit company and identification signs on bus shelters in association therewith.
- C. Informational signs of a public agency or utility regarding its facilities.
- D. Temporary special event signs for governmental, religious, charitable, civic, fraternal, or similar non-profit or for-profit organizations advertising events providing a community service and events promoting the community or in the public interest may be displayed on utility poles providing that they are mounted by brackets specifically designed to display such signs; no such sign shall exceed five (5) square feet in area and three (3) feet in height; written permission shall be granted by the appropriate local, State, or Federal transportation authority; in no case may any such sign impede the view or travel of motorists or pedestrians; and signs shall be erected no sooner than fourteen (14) days prior to the event and shall be removed no later than two (2) days after the event.
- E. Subdivision entrance signs may be located in the right-of-way of an internal subdivision road including a center median but outside of the paved section of the roadway and a driveway or intersection sight triangle.

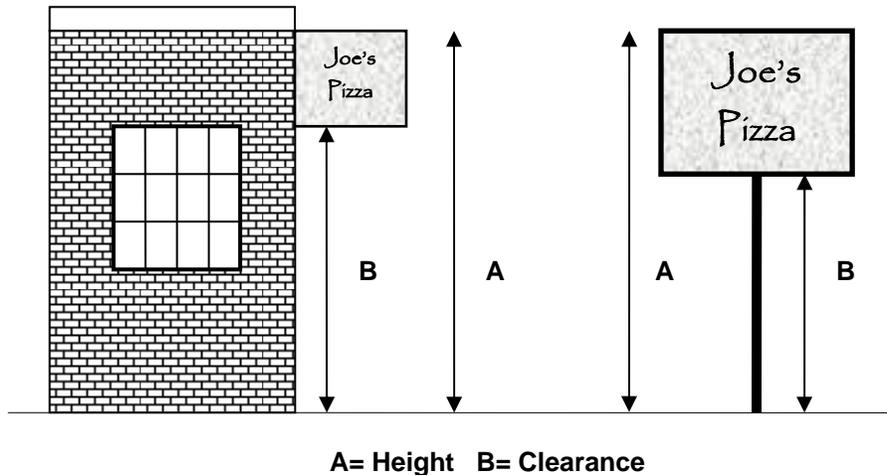
3:4.7 Sign Measurements

3:4.7-1 Sign Height

Sign height is measured from the natural grade below the sign to the highest point of the sign face or structure, whichever is higher. The height shall not be measured from the top of an earth berm, support foundation, or planting box.

3:4.7-2 Sign Clearances

Sign clearances are measured from the grade directly below the sign to the bottom of the sign frame.



3:4.7-3 Sign Frame Area

The sign frame area consists of the dimensions of a geometric shape formed by all supports, frames, braces, borders, and embellishments which extend beyond the sign surface area and that encloses the sign surface area and does not contain any copy, logo, advertising, name, or message.

3:4.7-4 Sign Surface Area

The sign surface area is the area inside a geometric shape enclosing any message, logo, symbol, name, photograph, or display face. All area provisions in this Ordinance are calculated from the sign surface area dimensions as defined above.

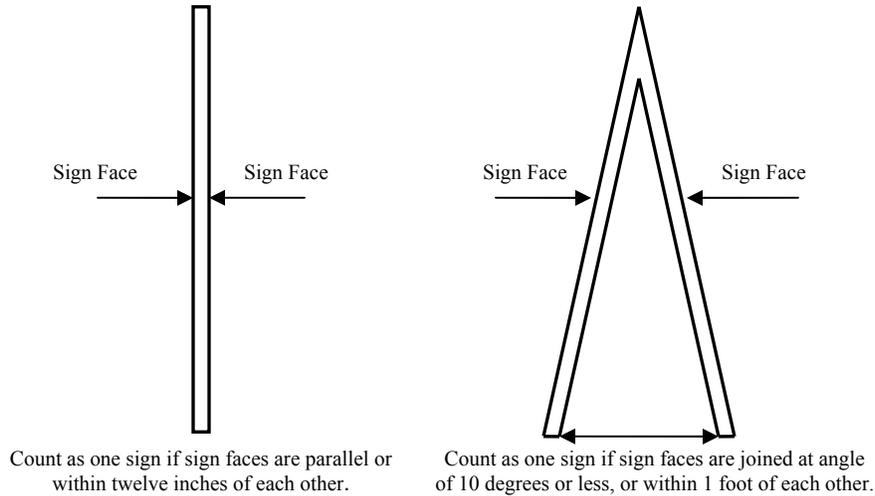


3:4.7-5 Double-Sided Signs

In the case of signs mounted back-to-back, only one side of the sign is to be used for computation of the sign surface area. Double-sided signs shall be defined as two-sided signs

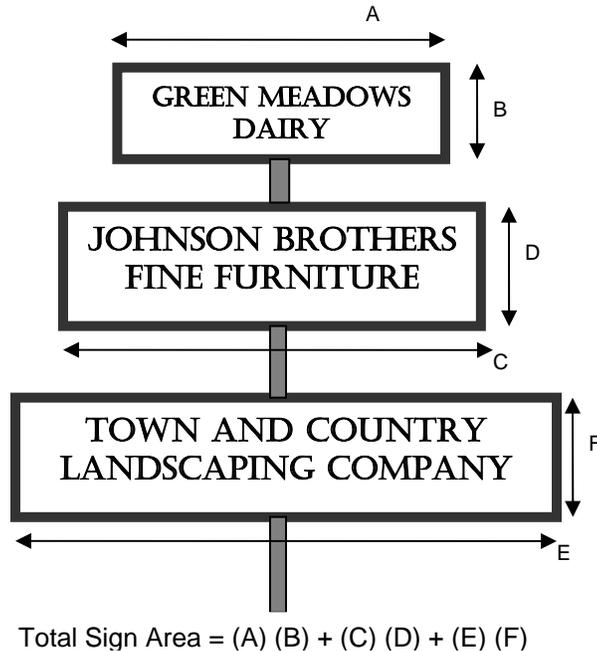
with parallel faces twelve (12) inches apart or less, or with faces joining at an angle of ten (10) degrees or less. Otherwise, the surface area of each sign is to be separately computed.

(Signs Viewed from Above)



3:4.7-6 Multiple Cabinet Signs

For freestanding and projecting signs that contain multiple modules on one structure, and are oriented in the same direction, the modules together are counted as one (1) sign.

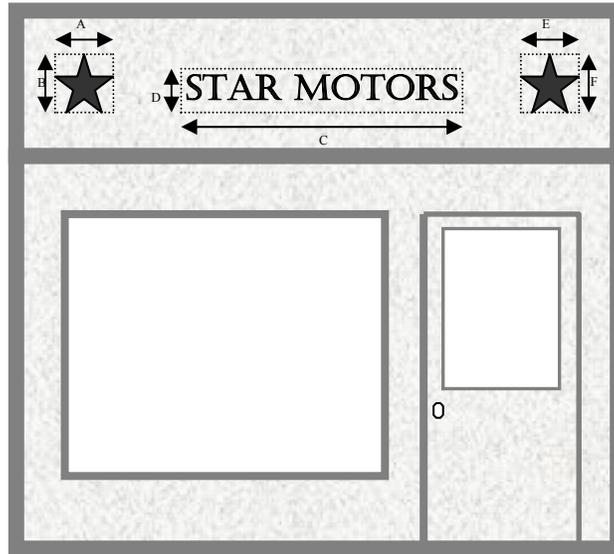


3:4.7-7 Round, Cube, and Other 3-D Signs

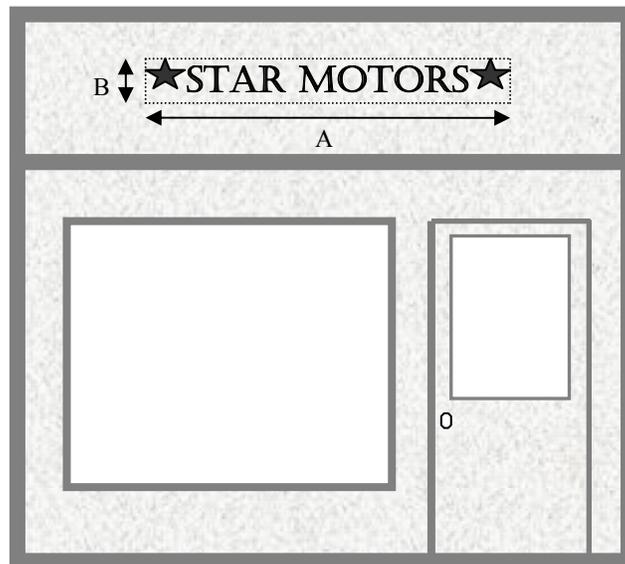
In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces are included in computations of area.

3:4.7-8 Individual Element Signs

When signs are constructed of individual elements attached or applied to a wall, fence, or building wall, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements. Sign elements will be measured as one (1) unit when the distance between the elements is less than two (2) times the dimension of each element.



$$\text{Sign Area} = (A)(B) + (C)(D) + (E)(F)$$



$$\text{Sign Area} = (A)(B)$$

3:4.7-9 Signs on a Base Material

When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used to compute sign surface area.

3:4.7-10 Signs on Awnings, Canopies, and Marquees

When signs are incorporated into awnings, canopies, and marquees, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign face.

3:4.8 Placement of Signs

3:4.8-1 Placement

Except as provided in this section, no sign shall be placed closer than five (5) feet to the public right-of-way or property line. Freestanding signs may be erected in the required yard setbacks and buffer areas.

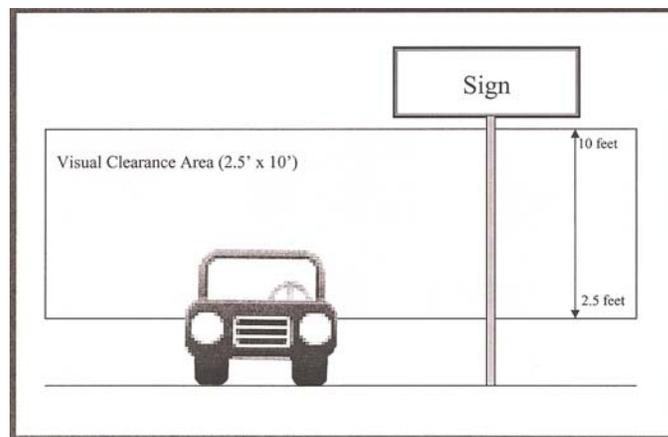
3:4.8-2 Signs in the Public Right-of-Way

No sign shall be allowed to extend over or be erected in the public right-of-way, except for those outlined in the provisions of this section regulating signs located in the public right-of-way.

3:4.8-3 Visibility at Intersections

Railroad, street, and driveway intersections shall be unobstructed for the vision of motorists, pedestrians, and other possible users. No plantings or vegetation shall be placed or maintained, and no sign, fence, building, wall, or other structure shall be located in a visual clearance area within an intersection site triangle or a driveway sight triangle as defined below. The Public Works Director shall make a determination of compliance with visibility at intersections, if required.

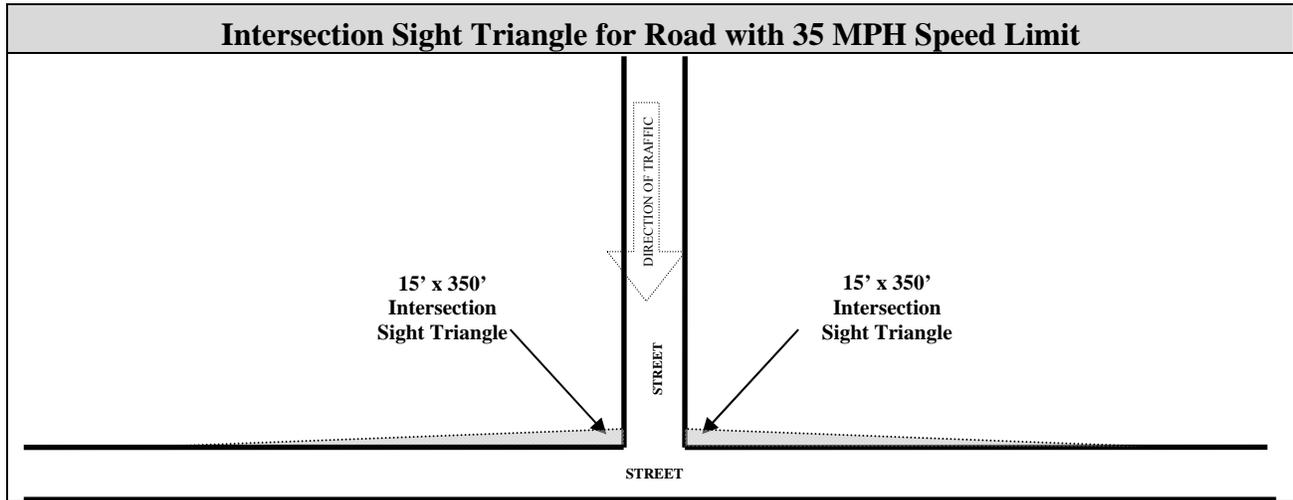
A. **Visual Clearance Area** - An area with a height of between two and one-half (2½) feet and ten (10) feet, measured from the upper edge of the curb or pavement, and located within an intersection or driveway sight triangle, where no sign, planting, fence, building, wall, or other structure shall be located. Exception: Poles and support structures less than twelve (12) inches in diameter may be permitted in such areas.



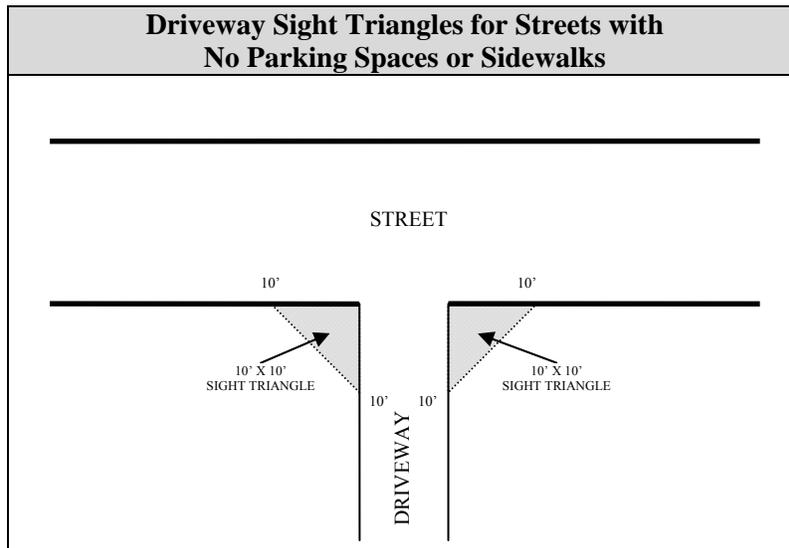
Visual Clearance Area

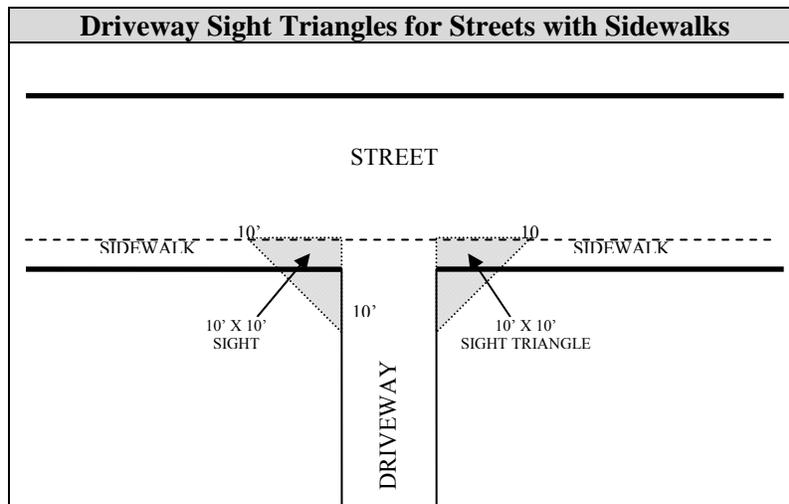
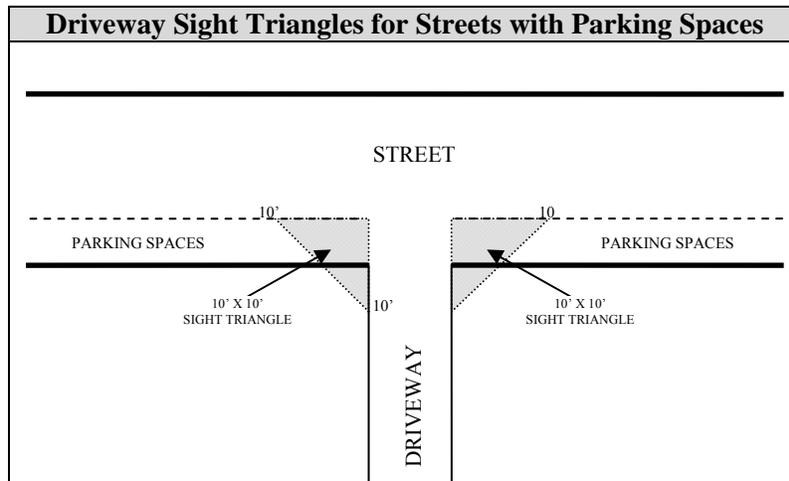
B. **Sight Triangle** - A triangular area, measured from the curb or edge of pavement, created by a line connecting points on the front and side for lines at a determined distance from the intersection of said lines or the extension of said lines. The following two types of sight triangles are used in this Ordinance:

1. **Intersection Sight Triangle** - A triangle established by multiplying the speed limit of the road which is being accessed by ten (10). The sight distance for a speed limit of 35 MPH would be 350 feet at the intersection. The resulting intersection sight distance triangle is determined by measuring from a point fifteen (15) feet from the edge of pavement of the road being accessed to the points providing the minimum intersection sight distance in each direction.



2. **Driveway Sight Triangle** - The driveway sight triangle is one that is measured ten (10) feet along the driveway and ten (10) feet along the edge of pavement. In the event that parking is allowed adjacent to the curb, ten (10) feet will be measured along the edge of the driveway and ten (10) feet along the edge of the lane of traffic. In the event that a driveway crosses a sidewalk, ten (10) feet will be measured along the driveway and ten (10) feet along the edge of the sidewalk. Refer to illustrations in the sign measurement provisions of this Ordinance.





3:4.8-4 Pedestrian Area Clearance

When a sign extends over sidewalks or other public pedestrian ways, the bottom of the sign structure shall be at least eight (8) feet above the ground. Exception: Signs hanging from porch ceilings and roof overhangs as specified in this section.

3:4.8-5 Use of Buffer Areas

Freestanding signs which have been properly permitted may be installed in buffer areas.

3:4.9 Illumination of Signs

3:4.9-1 Illumination Regulations

All illuminated signs shall conform to the following requirements:

- A. All signs when illuminated shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalks.
- B. No sign shall be illuminated in such a way that it causes intense illumination onto any residential premises located in any zoning district in a manner which by intensity, duration,

location, or other characteristic is incompatible with the residential character of the property in which such illumination is cast.

- C. Internally illuminated signs may not project light beyond the face of the sign or otherwise cause a glare.
- D. Externally lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.
- E. All lighted signs shall meet all applicable electrical codes and shall bear a nationally recognized electrical testing laboratory label (such as a UL label).
- F. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on or off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.
- G. Signs containing changeable copy produced by light emitting diodes (LEDs), incandescent or low voltage lamps or bulbs, or cathode ray tubes (CRTs) shall include automatic brightness compensation features to adjust brightness to compensate for sun angle and ambient light conditions, and ensure that the sign is visible, but not necessarily radiant.

Table 3-11 SIGN ILLUMINATION STANDARDS	
Sign Type	Illumination Type
911 Address Sign on Residential Structure, Premises	No Illumination
Bed and Breakfast Sign	External
Building Wall Sign	Internal
Directional Sign for Religious Institutions	No Illumination
Donation Container Sign	No Illumination
Drive-In Menu Board Sign	Internal
Flags and Pennants	No Illumination
Government Sign or Logos	Internal or External
Hanging or Projecting Sign	Internal
Historical Marker, Plaque, Monument	No Illumination
Home Occupation and In-Home Family Daycare Sign	No Illumination
Hospital Directional Sign	No Illumination
Individual Newspaper Box	No Illumination
Integral Decorative or Architectural Feature	No Illumination
Manufactured Home Development Entrance Sign	External
Memorial Sign, Plaque, Grave Marker	No Illumination
Monument (Ground) Sign	Internal or External
Multi-Family Residential Development Entrance Sign	External
Newspaper Vending or Display Box	No Illumination
On-Premise Directional Sign	Internal or External
Perimeter or Retaining Wall or Fence Sign	Internal or External
Pole (Pylon) Sign	Internal
Public Utility Information Sign	No Illumination
Residential Subdivision Entrance Sign	External
Sandwich Board, Easel Sign	No Illumination
Scoreboard and Signs at Recreational Facilities	Internal or External
Sign Inside a Building	Internal or External
Sign on Awning	No Illumination
Sign on Canopy or Marquee	Internal
Sign within a Stadium	Internal or External
Temporary Sign	No Illumination
Vending Machine, Telephone Booth	Internal
Warning, No Trespassing, Posted, No Hunting Sign	No Illumination

3:4.10 Sign Materials

3:4.10-1 Code Compliance

Signs shall be constructed in accord with all applicable provisions of all current building and electrical codes. They shall consist of durable all-weather materials, maintained in good condition, and not be permitted to fall into disrepair.

3:4.11 Existing Nonconforming Signs

3:4.11-1 Regulations for Existing Nonconforming Signs

- A. Except as herein provided, the use of nonconforming signs that were otherwise lawful on the effective date of this Ordinance may be continued.
- B. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming.
- C. A nonconforming sign may not be moved, altered, or replaced except to bring the sign into complete conformity with this Ordinance. This includes any change to the sign surface area. The tenant name or tenant's message on a nonconforming multiple occupant development sign may be changed so long as it does not create any new nonconformities. Once a nonconforming sign is removed from the premises or otherwise taken down, altered, or moved, said sign may only be replaced with a sign which is in conformance with the terms of this Ordinance.
- D. Upon adoption of this Ordinance, all legal nonconforming signs shall comply with the maintenance and upkeep requirements of this section. Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign for a particular use in sound condition are permitted so long as the nonconformity is not in any means increased.
- E. If a nonconforming sign is destroyed by natural causes, otherwise damaged, or requires major repairs, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign shall be considered destroyed or damaged if it receives damage or requires major repairs to an extent of more than fifty (50) percent of the sign's replacement value immediately prior to the sign having received said damage.
- F. If a nonconforming sign remains unused for a continuous period of thirty (30) days, that sign shall be deemed abandoned and shall, within thirty (30) days after secession of use, be altered to comply with this Ordinance or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. The Planning Official may grant an extension to this thirty (30) day period for extenuating circumstances. For purposes of this Ordinance, a sign shall be deemed abandoned if:
 - 1. The sign relays information that is no longer pertinent or up-to-date.
 - 2. The sign no longer advertises a bona fide business, lessor, owner, product, activity conducted, or product available.
 - 3. The structure does not contain a sign surface area.
 - 4. The sign contains no message. For such purposes, the terms *Sign for Rent*, *Sign for Lease*, etc. shall not be deemed to be a message.
 - 5. There is no longer any business activity on the site.

3:4.11-2 Off-Premise Advertising

Any sign that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold, which is not the primary activity, service, or commodity provided on the site where the sign is located shall be prohibited. Off-premise advertising signs lawfully erected prior to the effective date of this Ordinance may require compensation for removal or relocation per South Carolina Code of Laws, Title 39, Chapter 14. This Ordinance does not regulate Specific Information Service Signs on Interstate 20 as outlined in South Carolina Code of Laws, 63-338.

3:4.12 Maintenance and Upkeep of Signs

3:4.12-1 Maintenance and Upkeep Regulations

All signs and all components thereof, including supports, braces, and anchors, etc. shall be kept in a good state of repair and in conformance with the requirements of this Ordinance as follows:

- A. All signs shall conform to the building, electrical, and fire codes adopted by the County.
- B. All signs and/or sign structures shall be perpetually maintained in sound structural condition and able to withstand wind pressure of 100 miles per hour.
- C. No sign and/or sign support structure shall be allowed to deteriorate to a condition in which it is unsightly in appearance or to a condition in which it requires repairs or renovations. For the purposes of this subsection, the term *unsightly in appearance* shall include, but not be limited to the following conditions: Sign copy or sign support structures that are cracked, bent, broken, tattered, torn, rotted, peeling, chipping, fading, rusting, missing, loose, or otherwise deteriorating, especially such that the sign copy is no longer clearly legible.
- D. Reverse sides of signs shall be properly finished with no exposed electrical wires or protrusions.
- E. All non-functioning bulbs or damaged panels shall be replaced or repaired.
- F. All sign copy shall be maintained securely on the sign face and all missing copy shall be replaced.
- G. The area around the sign shall be properly maintained, clear of overgrown vegetation, and other obstacles.

3:4.13 Removal of Signs

3:4.13-1 Sign Removal Regulations

The Planning Official shall cause to be removed the following:

- A. Any sign which is determined by the Planning Official or Building Official as being insecure, in danger of falling, or otherwise endangering the public safety, shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance. If sign is not removed or repaired by the owner within thirty (30) days, the Planning Official shall cause such sign to be removed and eliminated.
- B. Notwithstanding the above, the Planning Director or Building Official, without notice, may remove and eliminate, or cause to be removed and eliminated any sign which is considered a public nuisance or threat to public safety.
- C. Any sign erected, constructed, altered, or displayed without a required sign permit or registration may be eliminated.
- D. Any sign not maintained according to the maintenance and upkeep provisions of this section shall be eliminated.

- E. Any sign now or hereafter existing and in conformance with this Ordinance which advertises a business no longer conducted, or a product no longer sold shall have the sign copy removed:
 - 1. Within thirty (30) days after written notification from the Planning Official.
 - 2. Within six (6) months after termination of business. Signs which relay that the business facility is for sale or lease may remain beyond the six (6) month period as long as it is maintained in accordance with the provisions of this section.
- F. Any sign otherwise prohibited by this Ordinance or in non-compliance with the provisions of this Ordinance shall be removed and eliminated.
- G. The Planning Official or Building Official shall have the right to seek court recovery from the owner or persons placing such signs the full cost of removal, repair, and/or elimination of any sign in violation of this Ordinance.

3:4.14 Administration and Enforcement

3:4.14-1 Permits and Registration

Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, alter, move, or replace any sign or cause the same to be done, without first having obtained a required sign permit or registration for such sign from the Planning Official as certification that the requirements of the Ordinance have been satisfied and that all fees have been paid. This provision is applicable to a property owner, a property lessee, a sign company, a contractor, or any other person who erects or causes to have erected a sign requiring a permit or registration. It shall be the responsibility of the person erecting the sign to ensure that any and all required permits and registrations have been obtained prior to erecting the sign. The Planning Official may order the removal of any sign which, after a permit or registration has been obtained, is not constructed in accordance with this Ordinance.

3:4.14-2 Application Requirements for a Sign Permit

Each application to erect a sign, where a sign permit is required by this Ordinance, shall be accompanied by the following information:

- A. Name and contact information, as required, of property owner and/or leaseholder, manager/owner of business being advertised, owner of sign, and sign company representative.
- B. Written permission to erect the proposed sign from the owner and/or leaseholder of property on which the sign is to be erected.
- C. Site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, driveway and intersection sight triangles, buildings, parking areas, existing freestanding signs, tree protection, and buffer areas.
- D. Correct size, shape, configuration, face area, height, nature, number, and type of sign or signs to be erected, including the size of letters, graphics, colors, clearances, connection, and support methods.
- E. The value of the sign and sign structure.
- F. Any other such information as may be required by the Planning Official, filed on forms provided by the Planning Official.
- G. The Planning Official may waive any of the informational requirements listed above deemed unnecessary to process an application.

3:4.14-3 Sign Permit Certification

Upon documentation and site inspections that all items in the application requirements for a sign permit provisions of this Article have been addressed and completed, a sign permit certification shall be signed by the Planning Official or Building Official and issued to the applicant.

3:4.14-4 Application Requirements for Sign Registration

Each application to erect a sign, where sign registration is required by this Ordinance, shall be accompanied by the following information:

- A. Name and contact information, as required, of property owner and/or leaseholder, manager/owner of business being advertised, and owner of sign.
- B. Written permission to erect the proposed sign from the owner and/or leaseholder of property on which the sign is to be erected.
- C. Sketch of location of the sign on the property on which it is to be erected.
- D. Description of the sign to include the size, shape, configuration, face area, height, nature, and type of sign to be erected.
- E. A statement signed by the person receiving the registration that they have been given, understand, and will abide by the sign regulations of this Ordinance.
- F. Any other such information, as may be required by the Planning Official, filed on forms provided by the Planning Official.

3:4.14-5 Fees

All sign permit and registration applications shall be accompanied by the appropriate fee. Fees for the registration of temporary signs shall be levied per event with the exception of off-premise directional signs which shall be levied on an annual basis. Permit and registration fees to erect, alter, or relocate a sign shall be in accordance with the fee schedule adopted by the Kershaw County Council.

3:4.14-6 Violations

Violations of the provisions of this section shall be subject to the penalties set forth in the Violations and Penalties section of the Administration article of this Ordinance.

3:4.14-7 Inspections

The building inspector shall make or require any inspections of any construction work to ascertain compliance with the provisions of this section and other laws which are in force and to ascertain that the sign is erected or displayed as indicated on the approved sign permit or registration application. The Building Official may require additional inspections for signs with complex footings or sign structure.

3:4.15 Sign Definitions

Awning - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. Example: A canvas covered frame extending from a building wall to an area over the sidewalk in front of a shop.

Canopy - An open-sided freestanding structure constructed of rigid materials or non-rigid materials, including but not limited to metal, wood, concrete, plastic, canvas, or glass. The

structure covering the fueling area at a gas station is considered to be a canopy. Other examples include picnic shelters, gazebos, and cabanas.

Façade - The exterior wall of a building that is exposed to public view or that wall viewed by persons not within the building.

Flag - A piece of flexible material or fabric, usually rectangular, of distinctive color and design, that is used as a symbol (to show national or other allegiance) or decoration.

Frontage - The length of the property line serving as a public street right-of-way line. For lots with multiple frontages, the principal street frontage shall be the same as that to which the building is oriented.

Institutional Uses - Institutional uses include educational, religious, recreational, civic, municipal, and other non-commercial institutional uses that are allowable in any zoning district under the zoning district regulations.

Light Emitting Diodes (LEDs) - Light emitting diodes are electronic components that let electricity pass in only one direction that emit visible light when electricity is applied, much like a light bulb. When many LEDs are side-by-side, they can create pictures and movement.

Marquee - A fixed hood or awning of permanent construction which is supported solely from a building wall, and extends beyond the building. Example: The structure over the front sidewalk area at a movie theatre.

Sight Triangle - A triangular area, measured from the curb or edge of pavement, created by a line connecting points on the front and side for lines at a determined distance from the intersection of said lines or the extension of said lines. The following two types of sight triangles are used in this section:

- A. **Driveway Sight Triangle** - The driveway sight triangle is one that is measured ten (10) feet along the driveway and ten (10) feet along the edge of pavement. In the event that parking is allowed adjacent to the curb, ten (10) feet will be measured along the edge of the driveway and ten (10) feet along the edge of the lane of traffic. In the event that a driveway crosses a sidewalk, ten (10) feet will be measured along the driveway and ten (10) feet along the edge of the sidewalk. Refer to illustrations in the sign measurement provisions of this section.
- B. **Intersection Sight Triangle** - A triangle established by multiplying the speed limit of the road which is being accessed by ten (10). The sight distance for a speed limit of 35 MPH would be 350 feet at the intersection. The resulting intersection sight distance triangle is determined by measuring from a point fifteen (15) feet from the edge of pavement of the road being accessed to the points providing the minimum intersection sight distance in each direction.

Sign - Any structure or device designated or intended to convey information to the public in written, pictorial, or symbolic form.

Sign Copy - All words, letters, numbers, figures, characters, art work, symbols, or insignia that are used on a sign surface area.

Sign Frame Area - The sign frame area consists of the dimensions of a geometric shape formed by all supports, frames, braces, borders, and embellishments which extend beyond the sign surface area and that encloses the sign surface area and does not contain any copy, logo, advertising, name, or message.

Sign Height - The distance measured from the natural grade to the highest point of the sign face or structure, whichever is higher.

Sign Owner- The person and/or property owner receiving benefit from the sign.

Sign Structure - Any base, foundation, pedestal, pole, post, upright, brace, bracket, bar, rod, strut, dross-piece, frame, scaffold, girder, or other similar item with or without a sign thereon, designated to support the load and/or force of a sign's surface area, regardless of whether or not such items are permanently attached to the ground.

Sign Surface Area - The area inside a geometric shape enclosing any message, logo, symbol, name, photograph, or display face. All area dimensional provisions in this Ordinance are calculated from the sign surface area dimensions.

Sign, Abandoned - A sign, which relays information that is no longer pertinent or up-to-date; no longer advertises a bona fide business, lessor, owner, product, activity conducted, or product available; is located on a structure that does not contain a sign surface area; contains a sign with no message; or is located on a site which no longer has any business activity.

Sign, Animated - Any sign, or any part of a sign that changes copy or image more frequently than once every fifteen (15) seconds is considered to be animated. Included are signs that employ motion or the illusion of motion by any means (manual, electronic, mechanical, electrical, atmospheric, panels, slats, discs, or lights, etc.) to depict action or create a special effect or scene. Also included are signs that create illusions by blinking, alternating, chasing, contracting or expanding, flashing, fading, repeating, oscillating, pulsating, rotating, rolling, running, scrolling, strobing, twinkling, or simulating moving video images, etc.

Sign, Awning— A sign displayed on, or attached flat against the surface or surfaces of an awning.

Sign, Banner - A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to flexible materials or fabric of any kind, excluding flags and emblems of corporations or political, professional, religious, or educational organizations.

Sign, Billboard - See *Off-Premise Advertising Sign*.

Sign, Building Wall - Any sign attached to a wall, painted on the wall surface, or erected and confined within the limits of an exterior wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sign, Campaign - A temporary sign erected by a political candidate, group, or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the County shall vote. Also called an election sign or political sign.

Sign, Canopy - A sign displayed on, or attached flat against, the surface or surfaces of a canopy.

Sign, Changeable Copy - A sign or portions thereof with characters, letters, or illustrations that can be changed or rearranged by any means (manual, electronic, atmospheric, mechanical, remote, etc.) without altering the face or surface of the sign.

Sign, Common - A single sign frame or structure containing individual signs or logos to advertise more than one individual business, service, product, etc.

Sign, Contractors', Craftsmen's, or Construction - A common sign temporarily erected and maintained on a job site while undergoing construction by a contractor, craftsman, architect, developer, finance organization, subcontractor, or similar concern.

Sign, Dilapidated - Any sign which is not properly maintained; is insecure or otherwise structurally unsound; has defective parts in the support, guys and/or anchors; or is unable to withstand wind pressure of 100 miles per hour as determined by the Building Official and applicable regulations as provided in the applicable building codes.

Sign, Double-Sided - Two signs with parallel faces twelve (12) inches apart or less, or with faces joining at an angle of ten (10) degrees or less. For signs so arranged, only one side of the sign is to be used for computation of the sign surface area.

Sign, Drive-Thru Menu Board - A freestanding sign oriented to the drive-thru lane of a restaurant that lists the type and price of food items offered for sale at the establishment.

Sign, Easel - A sign or message board displayed on a portable open frame, the outline of which (the frame) is roughly pyramidal in shape.

Sign, Election - See *Campaign Sign*.

Sign, Existing - Any sign that was erected, mounted, or displayed prior to the adoption of this Ordinance.

Sign, Flashing - Any lighted or electrical sign which emits light in sudden transitory bursts.

Sign, Fluttering - A sign or device, all or part of which is set in motion by movement of the atmosphere, mechanical, electrical, or any other means. Such items include rotating or otherwise moving devices, whirligigs, balloons, pennants, posters, propellers, discs, ribbons, streamers, strings of light bulbs, spinners, and flags (other than flags, pennants, insignia, or symbols of any religious, governmental, non-profit or not-for-profit organization when not displayed in connection with a commercial promotion or as an advertising device) regardless of whether they contain written messages.

Sign, Freestanding - A freestanding sign is any permanently mounted sign that is placed on or anchored in the ground and that is not attached to a building or other structure. Also referred to as pole, pylon, monument, or ground signs.

Sign, Ground - See *Sign, Monument*.

Sign, Hanging - A sign that is mounted to or hung from porches, overhangs, or hanging projecting signs that may substitute for a building wall sign.

Sign, Identification - A sign which gives the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

Sign, Illuminated - A sign characterized by the use of artificial light, either projecting through its surface (internally illuminated) or reflecting off its surfaces (externally illuminated).

Sign, Illumination, External - A sign characterized by the use of artificial light which reflects off its surface.

Sign, Illumination, Internal - A sign characterized by the use of artificial light projecting through its surface.

Sign, Inflatable - A sign that is either expanded to its full dimensions or supported by gasses contained within the sign or sign parts at a pressure greater than atmospheric pressure.

Sign, Interior - Any sign placed within a building, but not including window or door signs.

Sign, Marquee - A sign displayed on or attached flat against the surface or surfaces of a marquee.

Sign, Message Board - A changeable copy sign permitted only in institutional uses that is intended to provide schedules of events, rules, regulations, announcements, or similar messages excluding commercial advertisement or promotional messages. Institutional uses include educational, religious, recreational, civic, municipal, and other non-commercial institutional uses including historic markers that are allowable in any zoning district under the zoning district regulations.

Sign, Monument - A sign constructed on the ground with a continuous footing or foundation with the base of the sign at grade. Also, referred to as a ground sign.

Sign, Multiple Occupant Development - A freestanding common sign identifying the names of more than one business or activity conducted within a multiple occupant development which is controlled by a single owner, landlord, or association. Examples include shopping centers, industrial parks, and office complexes.

Sign, Nonconforming - Any sign which was legal at the time of erection or display, but as of the effective date of this Ordinance or any subsequent amendment hereto, does not conform to a provision or provisions of this section.

Sign, Off-Premise Advertising - Any sign that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold which is not the primary activity, service, or commodity provided on the site where the sign is located. Also referred to as outdoor advertising or billboard sign.

Sign, Off-Premise Directional - A temporary sign that is displayed for a forty-eight (48) hour period only, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy. Such signs are used to advertise events such as open houses, exhibits, or other recurring events.

Sign, On-Premise - Any sign that disseminates information that directly relates to the use of the property on which it is located and is not a separate and distinct use.

Sign, On-Premise Directional and Instructional - A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located. Such signs include, but are not limited to: directional arrows, "No Parking," "Entrance," "Enter," "Exit," "Telephone," "Open," "Closed," and other directives. Also included are common signs indicating hours of operation, which credit cards are accepted, groups or associations to which the business belongs, or clubs or groups which utilize, recommend, inspect, or approve the business for use by its members. Not included are signs that display a commercial message.

Sign, Parked Motor Vehicle or Trailer - A permanent or temporary sign affixed to, painted on, placed in, or upon any parked vehicle or which is parked or mounted for the primary purpose of providing signs not otherwise allowed by this Ordinance.

Sign, Perimeter, Retaining Wall, or Fence - Any principal sign attached to a wall or fence, painted on the wall or fence surface, or erected and confined within the limits of a wall or fence and displays only one sign surface.

Sign, Permanent - A sign attached to a building, structure, or the ground in a non-temporary manner and made of materials intended for more than short term use.

Sign, Permitted - A sign for which a valid permit or registration has been issued.

Sign, Pole - A freestanding sign mounted on a pole.

Sign, Political - See *Campaign Sign*.

Sign, Portable - Any sign with a frame or stand designed to be transported from place to place and not permanently installed. This definition excludes restaurant menu sandwich boards and easels.

Sign, Principal - A chief or main sign containing the facility identification and/or logo that is oriented to a public right-of-way.

Sign, Projecting - A sign oriented perpendicular to a building or structure that is wholly or partly dependent upon a building or structure for support. Examples include signs over sidewalks and shingle signs.

Sign, Real Estate - A temporary sign erected by the owner or his agent advertising the real property upon which the sign is located for rent, for lease, or for sale.

Sign, Residential Subdivision Entrance - A permanent sign that identifies a subdivision or neighborhood and is located internal to and visible from the initial point of entry to a subdivision or from surrounding streets.

Sign, Roof - Any sign, sign structure, painted sign, or sign extending above or higher than the cornice of a building.

Sign, Sandwich Board - A portable sign shaped like an A-frame with a sign panel on one or both sides, where the sign panel is integral to the structure of the sign.

Sign, Special Event - A temporary sign advertising events providing a community service, events promoting the community, or in the public interest sponsored by governmental, religious, charitable, civic, fraternal, or similar non-profit or for-profit organizations.

Sign, Specific Information Service - For the purposes of this Ordinance, specific information service signs are signs placed on Interstate 20 to provide motorists with information on essential travel services (gas, food, lodging, etc.) that are available at local interchanges.

Sign, Temporary - A sign that is used only for a short period of time and is not permanently mounted.

Sign, Time and Temperature - An electrical sign utilizing lights that are going on and off periodically to display the current time and temperature.

Sign, Unlawful - Any sign that does not have a sign permit or registration, or has been installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance.

Sign, Unsafe - See *Sign, Dilapidated*.

Sign, Window or Door - A sign that is applied or attached to the exterior or interior of a window or door, or located in such manner within a building that it can be seen from the public way or from adjacent property.

3:5 BUFFERING, SCREENING, OPEN SPACE, AND LANDSCAPING REGULATIONS

The regulations contained in this Article are intended generally to ensure land use compatibility, improve aesthetics, ensure adequate provision of open space, and protect trees within and throughout Kershaw County.

3:5.1 Buffer Areas

A buffer area (buffer yard) is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon. The purpose of a buffer area is to ameliorate any potential negative impact between adjacent land uses and streets, and promote land use compatibility.

3:5.1-1 Applicability

Buffer areas shall be required for all proposed uses, in accord with Tables 3-13, 3-14, and 3-15. It shall be the responsibility of the proposed new use or a fifty (50) percent or more enlargement of an existing use to provide the buffer area where required by this Ordinance. This section does not preclude common walls between buildings on adjacent lots where allowable by zoning district regulations. Where property is screened by an existing building or wall, no additional buffering shall be required.

3:5.1-2 Party Responsible for Installation

Where a vacant parcel is being developed adjacent to another vacant parcel, then the developer(s) or owner(s) of the first parcel to be developed shall provide the perimeter landscaping required adjacent to the vacant land. Where a vacant parcel is being developed adjacent to an existing land use, then the developer(s) or owner(s) of the vacant parcel shall provide the perimeter landscaping required adjacent to the existing land use.

3:5.1-3 Zoning Change

If the zoning district classification for an existing use or parcel changes, then the parcel shall comply with the applicable landscaping requirements of this Article or, at a minimum, the intent of this Article as prescribed by the Planning Official. The owner(s) or developer(s) may need to install additional plant material on the parcel in order to meet the intent of this Article, especially on developed sites, or to bring the parcel up to the standards for the type of perimeter landscaping which would be required under this Article.

3:5.1-4 Location

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

3:5.1-5 Design Standards

Five (5) types of buffer areas are required by this Ordinance; Type “A”, Type “B”, Type “C”, Type “D”, and Type “E”. Note that existing vegetation may be utilized per the Existing Plant Materials provisions of this section. Significant trees shall be utilized per the Tree Protection provisions of this Ordinance. The Planning Official shall maintain a current list of tree and shrub species that shall be used to select the plant materials for the buffer areas. Alternate species not on the list must be approved by the Planning Official. A description of each buffer type follows.

A. **Type “A” Buffer Area** - The Type “A” Buffer Area consists of low density landscaping between a proposed use and the adjacent street, providing separation between the two. The buffer area shall be a minimum width of five (5) feet. Per 100 lineal feet of frontage or fraction thereof, not including driveway and walkway widths, and in consideration of visibility sight triangles, driveway sight triangles, and overhead utility lines, as applicable, the buffer area shall consist of a combination of not less than:

1. Fifteen (15) perennial shrubs (may be clustered to ensure survival).
2. Four (4) medium-maturing trees. Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree of a mature height of no greater than fifteen (15) feet.
3. Landscaped grass areas or other appropriate groundcover.

B. **Type “B” Buffer Area** - The Type “B” Buffer Area is a low-medium density screen intended to obscure visual contact between uses and to create spatial separation. Type “B” Buffer areas are used as street and perimeter buffers per Tables 3-13, 3-14, and 3-15. The buffer area shall be a minimum width of fifteen (15) feet. Per 100 lineal feet or fraction thereof, not including driveway and walkway widths, the screen shall consist of a combination of not less than:

1. Two (2) large-maturing shade trees planted forty (40) to sixty (60) feet on center.
2. Three (3) evergreen trees.
3. Three (3) medium-maturing trees.
4. Twenty-five (25) perennial shrubs.
5. Landscaped grass areas or other appropriate groundcover.

Tree requirement exception: Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree of a mature height of no greater than fifteen (15) feet.

C. **Type “C” Buffer Area** - The Type “C” Buffer Area is a medium-high density screen intended to exclude all visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of twenty (20) feet. Per 100 lineal feet or fraction thereof, not including driveway and walkway widths, the screen shall consist of a combination of not less than:

1. Two (2) large-maturing shade trees planted forty (40) to sixty (60) feet on center.
2. Ten (10) to twelve (12) evergreen trees and four (4) to six (6) medium-maturing trees planted alternately in double staggered rows twelve (12) to fourteen (14) feet on center.
3. Twenty-five (25) perennial shrubs.

Tree requirement exception: Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree of a mature height of no greater than fifteen (15) feet.

D. **Type “D” Buffer Area** - The Type “D” Buffer Area is a high density screen designed to provide maximum buffering and screening, to exclude all visual contact between uses, and to

create spatial separation. The buffer area shall be a minimum width of thirty (30) feet. Per 100 lineal feet or fraction thereof, not including driveway and walkway widths, the screen shall consist of a combination of not less than:

1. Three (3) large-maturing shade trees planted twenty (20) to forty (40) feet on center.
2. Sixteen (16) to eighteen (18) evergreen trees and seven (7) to nine (9) medium-maturing trees planted in triple-staggered rows twelve (12) to fourteen (14) feet on center.
3. Forty (40) perennial shrubs.

Tree requirement exception: Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree of a mature height of no greater than fifteen (15) feet.

E. **Type “E” Buffer Area** - The Type “E” Buffer is a residential street buffer required for all new planned residential subdivisions. Planned subdivisions include major subdivisions, large acreage residential subdivisions, and planned development districts. The buffer area shall be, on average, between five (5) and ten (10) feet in width. Per 100 lineal feet of frontage or fraction thereof, not including driveway and walkway widths, and in consideration of visibility sight triangles and driveway sight triangles, as applicable, the buffer area shall consist of:

1. Three (3) large-maturing shade trees.
2. Landscaped grass areas or other appropriate groundcover.

Exception: Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree of a mature height of no greater than fifteen (15) feet. If seventy-five (75) percent of the street frontage lies within the right-of-way of overhead utility lines, one additional small-maturing tree per 100 linear feet of frontage shall be provided.

Table 3-12 BUFFER WIDTH AND PLANT MATERIAL REQUIREMENTS					
	Type “A”	Type “B”	Type “C”	Type “D”	Type “E”
Minimum Width	5 feet	15 feet	20 feet	30 feet	5-10 feet
Perennial Shrubs	15	25	25	40	Optional
Trees, Medium-Maturing	4	3	4-6	7-9	Optional
Trees, Large-Maturing	Optional	2	2	3	3*
Trees, Evergreen	Optional	3	10-12	16-18	Optional
Groundcover	Landscaped Grasses or Appropriate Groundcover	Landscaped Grasses or Appropriate Groundcover	Optional	Optional	Landscaped Grasses or Appropriate Groundcover
Note: Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree of a mature height of no greater than fifteen (15) feet.					
* If 75% of street frontage lies within the right-of-way of overhead utility lines, one additional small-maturing tree per 100 linear feet of frontage shall be provided.					

3:5.1-6 Specifications

A. **Minimum Installation Size** - At installation or planting, all plant material shall meet the following specifications:

1. Shrubbery shall be a minimum three (3) gallon container size.
2. All evergreen and medium-maturing trees used to fulfill buffer area requirements shall be no less than ten (10) gallon container size or one and one-half (1½) inch caliper, balled and burlapped.

3. All large-maturing trees shall be not less than fifteen (15) gallon container size or two (2) inch caliper, balled and burlapped.
 4. Plant material shall be sufficiently large and planted in such a fashion that a year-round screen is produced within three (3) growing seasons.
 5. All plant material shall comply with ANSI Z60.1-2004: American Standard for Nursery Stock – American Nursery & Landscape Association.
- B. **Minimum Mature Size** - Plant material shall be selected that will meet the following specifications at maturity:
1. Evergreen plant material and medium-maturing trees used for screening shall form a continuous opaque screen with a minimum average of twenty-five (25) feet in height.
 2. Deciduous large-maturing trees used for screening shall attain a minimum average of thirty-five (35) feet in height.
 3. Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree of a mature height of no greater than fifteen (15) feet.
- C. **Staggered Planting** - Arrangement of plantings in buffers shall provide protection to adjacent properties. Possible arrangements include planting in parallel, serpentine, or broken rows. Where required, evergreen and deciduous plant material shall be planted in at least two (2) rows and in an alternating fashion to form a continuous opaque screen of plant material.

Table 3-13 PERIMETER BUFFER AREA REQUIREMENTS: PROPOSED NON-RESIDENTIAL USES				
Proposed Non-Residential Uses (in Specific Zoning Districts)	Existing Uses (In All Zoning Districts)			
	Single-Family, Cemeteries	Duplex, Triplex, Quadruplex	Multi-Family, Manufactured Home Parks	Vacant Property Zoned Residential
R-15, R-10, R-6 - Institutional Uses	C	B	B	C
O-1	C	B	B	C
B-2	D	C	C	D
B-3	C	B	B	B
I-1	D	D	D	D
GD – Manufacturing Uses	D	D	D	D
GD – Large Retail and Wholesale Uses	D	C	C	D
GD – Office, Small Retail	D	C	B	C
GD – All Other Uses	D	C	C	D
RD-1, RD-2, MRD-1	C	B	B	C

Table 3-14 PERIMETER BUFFER AREA REQUIREMENTS: PROPOSED RESIDENTIAL USES				
Proposed Use	Existing Uses (In All Zoning Districts)			
	Single-Family	Duplex, Triplex, Quadruplex	Multi-Family, Manufactured Home Parks	Vacant Property Zoned Residential
Single-Family	None	C*	C*	None
Duplex, Triplex, Quadruplex	C	None	B	C
Multi-Family	C	B	None	C
Manufactured Home Parks	D	C	B	D

* Applies to single-family residential developments locating adjacent to duplex, triplex, and quadruplex developments, or apartment complexes and manufactured home parks.

Table 3-15 STREET BUFFER TYPE REQUIREMENTS: PROPOSED RESIDENTIAL AND NON-RESIDENTIAL USES	
Proposed Residential Use	Street Buffer Type Required
Single-Family	E
Duplex, Triplex, Quadruplex	A
Multi-Family	A
Manufactured Home Parks	B
Proposed Non-Residential Uses (in Specific Zoning Districts)	Street Buffer Type Required
R-15, R-10, R-6 -Institutional Uses	A
O-1	A
B-2	B
B-3	A
I-1	B
GD - Manufacturing Uses	B
GD - Large Retail and Wholesale Uses	B
GD - Office, Small Retail	A
GD - All Other Uses	B
RD-1, RD-2, MRD-1	A

Note: All street buffers shall be designed in consideration of visibility at driveway sight triangles, intersection sight triangles, and overhead utility lines, as applicable.

3:5.1-7 Substitutions and Variations

The following substitutions and variations shall satisfy the requirements of this section:

- A. **Existing Plant Materials** - The use of existing trees or shrubs to satisfy the perimeter landscaping requirements of this section is strongly encouraged. Existing significant vegetation within the required perimeter landscaped area shall be preserved and credited towards standards for the type of perimeter landscaping required unless otherwise approved

by the Planning Official at the time of the site plan approval. Refer to the Tree Protection provisions of the Land Development Design Standards and Required Improvements section in Article 5 of this Ordinance.

- B. **Fence or Wall** - Where, owing to existing land use, lot sizes or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, fences and walls may be utilized as buffer area substitutions for non-street buffers.

All fences and walls used as part of the buffer area requirements must have a finished side that is facing the adjoining property. The interior side of the fence or wall may be finished as the owner deems appropriate. Walls may be brick or masonry. Plain concrete block walls must be rendered with decorative facing such as stucco, brick veneer, etc. Stockade fences (with spaces between the boards) are not allowed. All wood fences must be stained or painted. Chain link, wire, or other fences that do not create a visible barrier are not allowed.

The following substitutions can be made:

1. **Substitution for Type “B” Buffer** - The developer may request, and the Planning Official may approve, the substitution of appropriate screening for Type “B” Buffer areas. The substitution may consist of the following:
 - a. An eight (8) foot fence or wall structure installed at least five (5) feet off of the side or rear property line; and
 - b. Ten (10) shrubs per 100 feet planted on the finished side facing the adjoining property; and
 - c. Two (2) medium-maturing trees or two (2) evergreen trees per 100 feet planted on the finished side facing the adjoining property.
 2. **Substitution for Type “C” Buffer** - The developer may request, and the Planning Official may approve, the substitution of appropriate screening for Type “C” Buffer areas. The substitution may consist of the following:
 - a. An eight (8) foot fence made of sound barrier material or an eight (8) foot brick or masonry wall installed at least five (5) feet off side or rear property line; and
 - b. Ten (10) shrubs per 100 feet planted on the finished side facing the adjoining property; and
 - c. Two (2) medium-maturing trees or two (2) evergreen trees per 100 feet planted on the finished side facing the adjoining property.
 3. **Substitutions for Type “D” Buffers** - The developer may request, and the Planning Official may approve, the substitution of appropriate screening for Type “D” Buffer areas in the way of a fence or wall structure incorporated into the required side or rear buffer areas of the proposed use in accord with the following:
 - a. An (8) foot fence made of sound barrier material or an eight (8) foot brick or masonry wall may be approved as a substitution for a maximum of one-half of the required buffer area (i.e. fifteen feet) if incorporated in conjunction with Type “D” Buffer plantings.
- C. **Berms** - Berms may be included in buffer area design for Type “B” and Type “C” Buffer areas as approved by the Planning Official in consideration of site conditions:
1. Berms of a minimum height of three (3) feet with plantings resulting in a total height of at least eight (8) feet at maturity. The required buffer type plantings may be reduced by fifty (50) percent.

2. Berms of a minimum height of three (3) feet with a wall or fence (sound barrier fence for Type "C" Buffer areas) for a total height of at least eight (8) feet.
 3. Berms of a minimum height of eight (8) feet shall not require buffer type plantings, fences, or walls.
 4. Berms may be approved for incorporation into Type "D" Buffer areas in conjunction with Type "D" Buffer plantings on a case by case basis.
 5. All berms shall not exceed a slope with maximum rise of one (1) foot to a run of three (3) feet (expressed as a one to three [1:3] ratio or thirty-three [33] percent slope). All berms, regardless of size shall be stabilized with a groundcover or other suitable vegetation.
- D. **Distance/Depth** - Where added depth (width) to the buffer area is proposed, the number of required evergreen plants may be reduced at a rate of one (1) per two (2) feet of additional buffer area (over the minimum required). The number of required evergreen plants may not be reduced more than forty (40) percent by adding increased depth.
- E. **Alternate Design** - Where, owing to existing land use, lot sizes or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, or where a site-specific alternate design would result in an aesthetically superior landscape design, substitution of plant material or placement may be approved by the Planning Official or the Planning and Zoning Commission, as applicable, providing that the alternate design meets the intent of this Ordinance.

3:5.1-8 Required Maintenance

The maintenance of required buffer areas including fences, walls, and/or berms shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. Landscaped areas shall be pruned, cleaned, and weeded regularly. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Drought resistant native or adapted species may be supplied with temporary irrigation systems that can be removed after the plants are established (minimum of two [2] years). Otherwise, permanent irrigation systems shall be installed.

Dead or diseased plants shall be removed and replaced. Replacement plants shall be of similar type. All replacement shrubbery shall be a minimum three (3) gallon container size and all replacement evergreen and medium-maturing trees shall be no less than ten (10) gallon container size or one and one-half (1½) inch caliper, balled and burlapped; and all large-maturing trees shall be not less than fifteen (15) gallon container size or two (2) inch caliper, balled and burlapped. Other replacement plants shall be of similar type and size. Debris and litter shall be cleared. Berms, fences, and walls shall be maintained and kept in good repair at all times. Failure to do so is a violation of this Ordinance, and shall be remedied in the manner prescribed for under the violations provisions of this Ordinance.

3:5.1-9 Use of Buffer Areas

A buffer area may be used for passive recreation; however no tree may be removed except as specified herein. Freestanding signs which have been properly permitted may be installed in buffer yards. All other uses are prohibited, including off-street parking. To prevent damage to existing trees, overhead power lines and underground pipes cannot be installed in existing buffer

yards. With approval of the Planning Official, such pipes may cross, but not run longitudinally within the buffer yard.

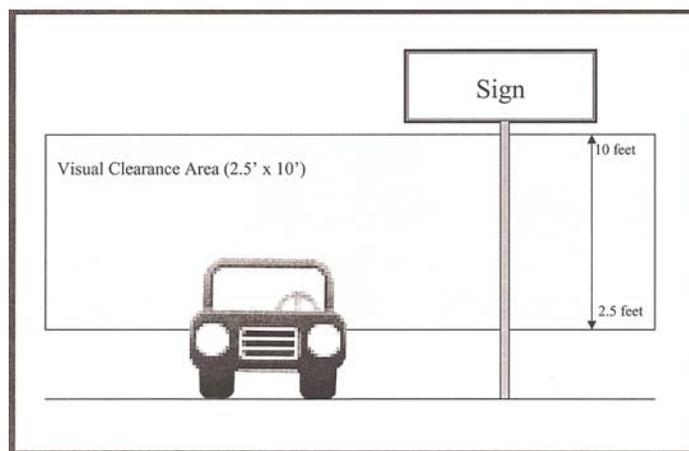
3:5.1-10 Easements

No vegetative screening or fencing required in this section shall be planted or installed inside utility and drainage easements, excluding overhead easements, without the consent of the Planning Official and the easement holder. If plantings or fences inside utility or drainage easement areas are allowed, these plantings and fences shall be maintained in accordance with the terms of consent and any applicable maintenance provisions of this Ordinance. Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree of a mature height of no greater than fifteen (15) feet.

3:5.1-11 Visibility at Intersections

All street buffers shall be designed in consideration of applicable visual clearance areas within driveway site triangles and roadway intersection site triangles.

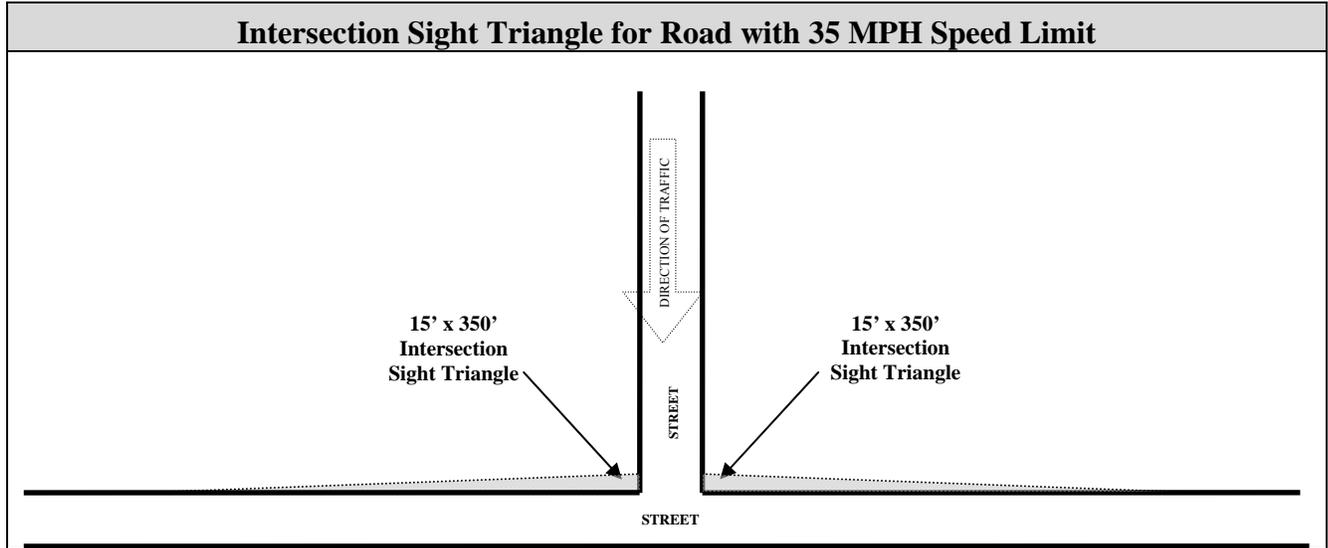
- A. **Visual Clearance Area** - An area with a height of between two and one-half (2½) feet and ten (10) feet, measured from the upper edge of the curb or pavement, and located within an intersection or driveway sight triangle, where no sign, planting, fence, building, wall, or other structure shall be located. Exception: Poles and support structures less than twelve (12) inches in diameter may be permitted in such areas.



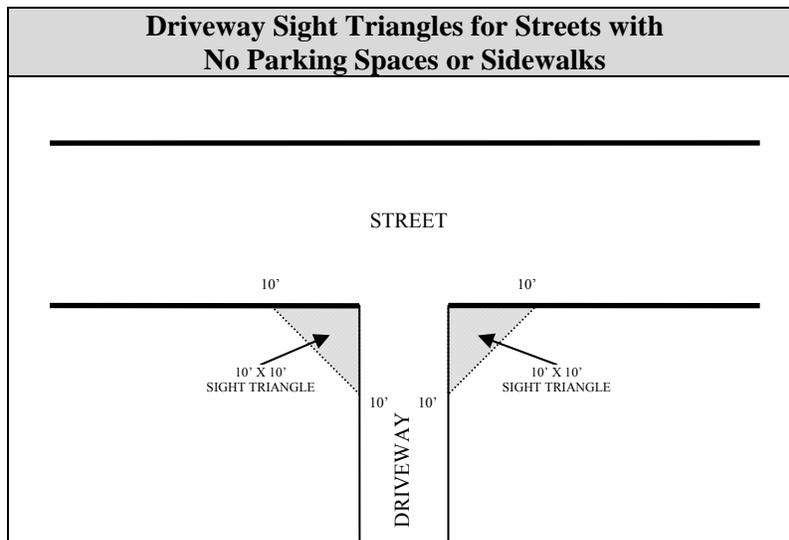
Visual Clearance Area

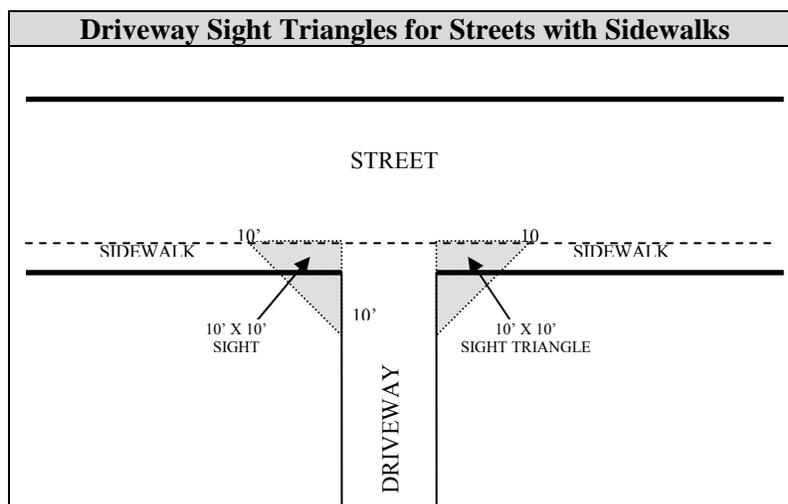
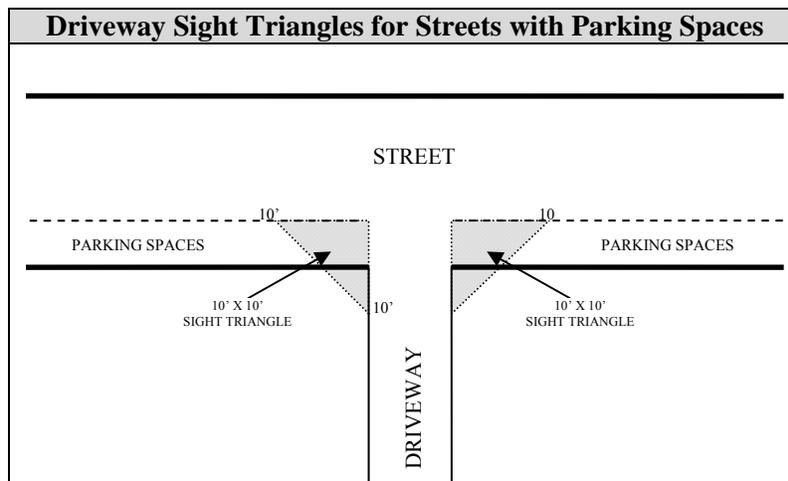
- B. **Sight Triangle** - A triangular area, measured from the curb or edge of pavement, created by a line connecting points on the front and side for lines at a determined distance from the intersection of said lines or the extension of said lines. The following two types of sight triangles are used in this Ordinance:

1. **Intersection Sight Triangle** - A triangle established by multiplying the speed limit of the road which is being accessed by ten (10). The sight distance for a speed limit of 35 MPH would be 350 feet at the intersection. The resulting intersection sight distance triangle is determined by measuring from a point fifteen (15) feet from the edge of pavement of the road being accessed to the points providing the minimum intersection sight distance in each direction.



- 2. Driveway Sight Triangle** - The driveway sight triangle is one that is measured ten (10) feet along the driveway and ten (10) feet along the edge of pavement. In the event that parking is allowed adjacent to the curb, ten (10) feet will be measured along the edge of the driveway and ten (10) feet along the edge of the lane of traffic. In the event that a driveway crosses a sidewalk, ten (10) feet will be measured along the driveway and ten (10) feet along the edge of the sidewalk.





3:5.2 Screening

Screening is a type of buffer that is designed to block or obscure a particular element or use from view. The purpose of screening is to minimize, if not eliminate entirely, the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

3:5.2-1 Where Required

Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street or adjoining properties with which buffer areas are required. Areas requiring screening include open storage areas for shipping containers, building materials, appliances, trash containers of four (4) or more cubic yards, salvage materials, and similar unenclosed uses.

3:5.2-2 Type Screening Required

Screening shall be accomplished by an opaque divide not less than eight (8) feet in height. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement, or other design techniques approved by the Planning Official.

3:5.3 Non-Residential Landscaping

3:5.3-1 Where Required

No proposed commercial, institutional, industrial or other non-residential use shall hereafter be established unless landscaping is provided in accord with the provisions of this Article. No existing building, structure, or vehicular use area shall be enlarged by fifty (50) percent or more unless the minimum landscaping required by the provisions of this Article is provided throughout the building site. Enlargement involving twenty (20) to fifty (50) percent of the existing building shall meet the minimum requirements for the enlargement only. Enlargement involving less than twenty (20) percent shall not be required to meet the landscaping requirements provided herein.

3:5.3-2 Landscaping Plan

A landscaping plan shall be included in the zoning and land development site plan submitted with the land development permit and building permit applications. The landscaping plan may be incorporated into a site plan prepared to meet additional requirements of this Ordinance.

Required landscaping shall be provided as follows:

- A. Along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this Article, to buffer and separate incompatible land uses;
- B. the street buffer;
- C. to provide any required screening; and
- D. within the interior of the site.

3:5.3-3 Cluster Developments

Non-residential cluster developments shall meet the sixty (60) percent open space requirements of the Conservation Subdivision and Group Development Design provisions of this Ordinance.

The plan shall:

- A. Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- B. Indicate the location and dimensions and type of landscaped areas, plant materials, decorative features, hardscape areas (driveways, walkways, parking, etc.), utility lines, etc.
- C. Identify all existing pine trees of twenty (20) inches or greater diameter at breast height (DBH) and all other tree species of eight (8) inches or greater DBH in the required setback (yard) areas, buffer areas, screening, interior landscaping, and open space areas per the Tree Protection provisions of the resource conservation regulations of this Ordinance.

3:5.3-4 Interior Landscaping

Within the interior, large parking lots with an unbroken expanse of pavement shall be avoided to the extent practicable by breaking the lot into small sections with internal planting areas (landscape islands) that feature trees planted in mulched bed areas or other ornamental

landscaping. Parking lots shall be designed as a series of smaller areas that provide parking space for no more than thirty (30) automobiles for double-sided parking and fifteen (15) automobiles for single-sided parking. These smaller parking areas shall be separated by landscape islands which shall be designed in consideration of automobile overhang so as to avoid damage to plantings. The Planning Official shall maintain a current list of tree and shrub species that shall be used to select the plant materials for interior landscaped areas. Alternate species not on the list must be approved by the Planning Official.

A. **Off-Street Parking Area Landscaping** - Off-street parking area landscaping shall meet the following requirements:

1. A minimum of one (1) large maturing tree shall be provided for every ten (10) parking stalls.
2. No off-street parking space may be located more than sixty (60) feet from the trunk of a large-maturing tree.
3. Significant trees shall be utilized per the Tree Protection provisions of Article 5.
4. The use of existing trees is encouraged.
5. Large-maturing shade trees, evergreen, or deciduous trees of a species with an expected mature height of at least forty-five (45) feet and an expected crown spread of twenty-five (25) feet shall be provided.
6. Such trees shall be planted in an area with at least 200 square feet of rooting space.
7. During site grading activities, any topsoil removed shall be segregated until it is placed in the tree planting space and used as a planting medium.
8. No tree may be planted closer than five (5) feet to the back of a curb or the paved portion of the parking lot.

B. **Screening for Parking Areas Located Adjacent to a Public Street** - Parking area screening is required in conjunction with street buffer landscaping. Screening shall be no less than five (5) feet in width and no more than four (4) feet in height. Screening can be composed of:

1. **Masonry Walls** - Plain concrete block must be rendered with decorative facing such as stucco, brick veneer, etc.
2. **Wood Fences** - Stockade fences and unpainted or unstained fences are not allowed.
3. **Landscaped Berms** - Berms may incorporate the plantings required for Type "A" or Type "B" street buffers.
4. **Landscape Islands** - Landscape islands shall be at least five (5) feet in width, and shall contain the required street buffer trees, and be planted with shrubbery with no openings between shrub plantings. Shrubs shall be evergreen species locally adapted to the area. Landscape islands and berms shall be designed in consideration of automobile overhang so as to avoid damage to plantings. Note that landscape islands which contain large maturing trees must provide for a minimum of 200 square feet of rooting space.
5. **Alternate Combinations** - Alternate combinations that effectively screen the parking area from the public street and that are in character with neighboring development may be approved by the Planning Official.

C. **Other Interior Landscaping** - Elsewhere in the interior, landscaped areas shall be designed to soften and complement the building site. Landscaping along ten (10) percent of the exterior building walls and structures is required to separate the building from the vehicular surface area. Rooftop runoff shall be directed to pervious areas of the site to allow natural infiltration versus direct discharge into the stormwater conveyance system. To accomplish

this, a minimum three (3) foot wide vegetative strip separating the rooftop downspout discharge points and impervious pavement shall be provided to receive the required ten (10) percent landscaping. Splash blocks or level spreaders shall be utilized at the downspout discharge points to promote sheet flow across the vegetative strip and facilitate infiltration.

Landscaped areas shall equal at least ten (10) percent of the total lot/parcel area. Required perimeter and street buffer area landscaping may provide up to fifty (50) percent of this requirement.

3:5.3-5 Signage Landscaping

- A. **Multiple Occupant Development Directory Signs** - If sign is not located in a required buffer yard, the base of the sign shall be landscaped with mulch or turf and low profile plantings such as shrubs, ornamental grasses, or flowers. Such landscaping shall equal the total surface area of the sign face and shall be regularly maintained in good condition.
- B. **Outdoor Drive-Thru Menu Boards** - The base of the menu board shall be landscaped and/or incorporated into the landscaping plan.
- C. **Residential Subdivision Signs** - Where a single ground sign is erected, such sign shall have a minimum of fifty (50) square feet of landscaped area at the base of the sign. Where two (2) ground signs are erected, each sign shall have a minimum of twenty-five (25) square feet of landscaped area at the base of each sign.

3:5.3-6 Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their long-term survival and aesthetic value, and shall be provided with a regular and adequate application of water via an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Stormwater runoff shall be utilized to the maximum extent practicable for landscaping irrigation. Dead or diseased plants shall be removed and replaced. Replacement trees shall be of a similar type. All replacement shrubbery shall be a minimum three (3) gallon container size; all replacement evergreen and medium-maturing trees shall be no less than ten (10) gallon container size or one and one-half (1½) inch caliper, balled and burlapped; and all large-maturing trees shall be not less than fifteen (15) gallon container size or two (2) inch caliper, balled and burlapped. Other replacement plants shall be of similar type and size. Debris and litter shall be cleared. Berms, fences, and walls shall be maintained and kept in good repair at all times. Failure to monitor such areas is a violation of this Ordinance, and shall be remedied in the manner prescribed for other violations.

3:5.4 Residential Common Open Space

Common open space is land and/or water bodies used for recreation, amenity, or buffer. The purpose of this section is to ensure adequate open space for single-family and high density residential development; to integrate recreation, landscaping, greenery, and/or natural areas into such projects; to promote the health and safety of residents of such projects; to compensate for the loss of open space inherent in single-family and multi-family residential projects; and to aid in stormwater management.

The open space shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings or structures

other than those in conjunction with the use of the open space including roads and parking. Common open space shall not be included in the area calculated to meet minimum lot area requirements. Parking areas within the common open space area to accommodate open space amenities shall not be calculated to meet site parking area requirements.

3:5.4-1 Where Required

A. Open Space Requirements for Major Subdivision Residential Developments - Open space shall be reserved for active or passive recreation where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general access for the particular purposes envisioned by the applicant and the Planning and Zoning Commission. These areas shall be shown on the sketch plan, preliminary plans, and final plats and shall be marked "reserved for recreation open space." Provisions for the maintenance of the open space shall be stipulated prior to approval. Kershaw County will not assume responsibility of the maintenance of the open space. The total number of acres to be reserved in open space area(s) shall be determined in accordance with the following formula which has been prepared on the basis of providing approximately three (3) acres (130,608 square feet) for every 100 one-acre dwelling unit lots:

$$130,680 \div A = OS$$

A = Average square feet of subdivision lot (total square feet of all lots ÷ number of lots)

OS = Percent of total acreage of development site required to be set aside for open space

Example: Average lot size = 18,000 ft sq.

$$130,680 \div 18,000 = 7.26\%$$

If the total site development acreage were 150 acres, then 10.89 acres (150 x 7.26%) acres of open space would be required.

For that same 150 acre site with an average lot size of 60,000 square feet, 3.27 acres of open space would be required. $130,680 \div 60,000 = 2.18\%$ $150 \times 2.18\% = 3.27$ acres

B. Multifamily and High-Density Residential - The following uses/projects consisting of eight (8) or more units shall provide common open space in the amounts prescribed:

Table 3-16 COMMON OPEN SPACE: AMOUNT REQUIRED	
Proposed Uses/Projects	Ratio (% of Lot)
Townhouse Projects	15
Manufactured Home Parks	20
Multi-Family Projects	20

C. Cluster Developments - Residential cluster developments shall meet the sixty (60) percent open space requirements of the Conservation Subdivision and Group Development Design provisions of this Ordinance.

D. Planned Development Districts - Open space requirements shall be per the approved development plan or meet the minimum requirements for the corresponding residential and/or non-residential uses of this Ordinance.

Note: Landscaped buffer areas provided to meet the requirements for multi-family projects and mobile/manufactured home parks may not be applied toward meeting the above requirements.

3:5.4-2 Applicability of Open Space Requirements

- A. **New Sites** - No proposed development, building, or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.
- B. **Existing Sites** - No existing development, building, or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.

3:5.4-3 Common Open Space Plan

Proposed uses/projects and residential subdivisions shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

- A. Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
- B. Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.
- C. Specify the manner in which common open space shall be perpetuated, maintained, and administered.

3:5.4-4 Types of Common Open Space and Required Maintenance

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

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

- E. **Conservation Design Subdivision and Group Development Projects** - Open space areas identified as agriculturally, environmentally, or ecologically significant shall be governed per the conservation design subdivision and group development provisions of this Ordinance.

3:5.4-5 Preservation of Open Space

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

- A. Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.
- B. Deed restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.
- C. Open space in a conservation design subdivision and group development design project must be held in a conservation easement.

In the event that any private owner of open space fails to maintain same, the County may in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

3:5.4-6 Residential Major Subdivision Reverse Frontage Lots

Residential major subdivisions, where proposed for areas adjacent to arterial streets and roads, shall be denied direct access to, and shall be separated from such streets and roads by reverse frontage lots. Elsewhere, double frontage lots shall be prohibited.

Residential reverse frontage lots shall have a minimum rear yard of fifty (50) feet next to the arterial street, measured from the shortest distance of the proposed back building line to the street right-of-way, and shall within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement of at least thirty (30) feet in depth planted to Type "D" Buffer requirements per this Article.

3:5.5 Utilization of Buffers, Screening and Open Space for Stormwater Management

To the greatest extent practicable, vegetative buffers, screening, and open space areas shall be designed to assist in the minimization of off-site stormwater runoff. Stormwater runoff shall be utilized to the maximum extent practicable for landscaping irrigation. Vegetative swales and bioretention cells can be incorporated into buffer, screening, interior landscaping, and open space design as a means of diverting, retaining, and treating stormwater.

3:5.6 Definitions

Berm - Any hill or slope which represents a change of elevation of at least twenty-five (25) percent (4:1 slope) and a maximum of thirty-three (33) percent (3:1 slope), and which is covered with an appropriate stabilizing vegetation.

Caliper - The diameter of a trunk of a nursery-grown tree or immature tree to be transplanted on the site measured at six (6) inches above the top of the root mass.

Cluster Development - A form of development that permits a reduction in lot area and/or bulk requirements, providing that the total project density is comparable to the density permitted under a conventional development.

Diameter at Breast Height (DBH) - The standard measure of tree diameter for trees existing in place on a site. The tree trunk is measured four and one-half (4½) feet above the ground. If the tree splits into multiple trunks below four and one-half (4½) feet, the trunk is measured at its most narrow point beneath the split.

Easement - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Lot, Reverse Frontage - A double frontage lot extending between, and having frontage on, an arterial street and a minor street, and with vehicular access solely from the minor street.

Native and Adapted Plants - Native plants are plants that were growing in this region prior to European settlement. Adapted plants are plants that have been introduced to the region that grow reliably well. Native and adapted plants require minimal attention from humans in the form of winter protection, pest treatment, water irrigation, or fertilization once the root systems are established in the soil. Native and adapted plants are considered to be low maintenance but not invasive.

Shrub - Any hard-wooded perennial plant of a species which normally reaches a height between twelve (12) inches and eight (8) feet, which is between eighty (80) and 100 percent opaque at maturity.

Tree - A usually tall, woody plant, distinguished from a shrub by having comparatively greater size and longevity.

Tree, Evergreen - A tree which retains its foliage for the majority of the year. Examples include most conifers such as pines, hollies, and cedars.

Tree, Large Maturing - A single trunk tree whose canopy dimensions have the potential to reach at least forty-five (45) feet tall and twenty-five (25) feet wide at maturity.

Tree, Medium Maturing - A single trunk tree whose canopy dimensions that have the potential to reach at least twenty-five (25) feet tall and twenty (20) feet wide at maturity.

Tree, Small Maturing - Single trunk or multi-stem dimensioned trees that have the potential to reach at least fifteen (15) feet tall and fifteen (15) feet wide at maturity.

3:6 OFF-STREET PARKING REGULATIONS

The provisions of this section shall supplement the off-street parking requirements contained in Table 3-3 of this Ordinance. Table 3-3 lists minimum parking requirements per single-occupancy use.

3:6.1 Off-Street Parking

3:6.1-1 General Requirements

- A. Where application of the requirements of Table 3-3 results in a fractional space requirement, the next larger requirement shall apply.
- B. Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- C. In determining the parking requirements for multiple occupancy sites such as shopping centers, strips, or malls, the intent shall be to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Therefore, the required parking numbers shall correspond to broad use categories as allowed in the respective zoning district, not specific uses. The total minimum number of required parking spaces as determined by the Planning Official shall be documented on the approved zoning and land development site plan for the facility. A change of tenants and/or use of a unit within an existing multiple occupancy site shall not require an alteration in parking requirements. A change in floor area of a unit or units within a multiple occupancy site may require additional parking per item B above.
- D. In the case of mixed uses occupying the same building or structure, the total requirement for off-street parking areas shall be the sum of the requirements of the various uses computed separately except as allowed in a shared parking plan.
- E. Shared Parking Plan - The applicant shall submit sufficient data to indicate the principal operating hours of the uses. If the data supports that the peak parking demands of the various uses will not overlap such that sufficient parking can be available during all hours of operation, the Planning Official shall determine the shared parking requirement, if any. The total minimum number of required parking spaces as determined by the Planning Official shall be documented on the approved zoning and land development site plan for the facility.
- F. Maximum Parking Standards
 - 1. Parking lots of twenty-one (21) to fifty (50) spaces may not have more than 150% of the number of spaces required in Table 3-3.
 - 2. Parking lots of fifty-one (51) spaces or more may not have more than 125% of the number of parking spaces required in Table 3-3.
- G. Off-street parking shall not be permitted in any required buffer area.

3:6.1-2 Land To Provide Parking

Required off-street parking must be provided on the same lot or parcel or within 200 feet of the principal use for which it is required, or on a parking facility the title to which and/or easement

for the use of which runs with and/or is appurtenant to the title to such principal use, or where such parking is to be provided by a public garage or facility, approved by the Planning Official.

3:6.2 Design Standards

Where off-street parking for more than ten (10) or more vehicles is required, the following design and development standards shall apply:

- A. **Parking Dimensions** - Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum twenty (20) percent of the total number of stalls may be eight and one-half (8½) feet by eighteen (18) feet and designated for small cars. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Parking for tractor-trailers shall be twelve (12) feet by fifty (50) feet. Minimum isle width shall be as follows:

Table 3-17 OFF-STREET PARKING: MINIMUM AISLE WIDTHS	
90 Degree Parking	25 feet
60 Degree Parking	18 feet
45 Degree Parking	13 feet
Mini Warehouses	27 feet*
*Drive aisles adjacent to all storage unit doors	

- B. **Construction, Paving** - Expansive impervious surface parking lots shall be avoided. Instead, parking lots shall be broken down into sections as appropriate for the type and size of the development, and shall be separated by landscaped dividing strips, berms, and similar devices per the Buffering, Screening, Open Space and Landscaping Regulations of this Ordinance. Paving may consist of asphalt, concrete, crushed stone, pavers, gravel, or other material approved by the Planning Official. Pervious pavement is encouraged.
- C. **Drainage** - Parking lot construction shall be designed to minimize off-site stormwater runoff. Stormwater runoff shall be utilized to the maximum extent practicable for landscaping irrigation and/or diverted to vegetative swales and bioretention cells.

Parking lots shall be designed so as not to drain into or across public sidewalks or onto adjacent property, except into a natural watercourse or a drainage easement.

In developed areas where this condition may be impossible to meet, the County Engineer may exempt the developer from this requirement, provided that adequate provision is made for drainage, the post runoff rate does not exceed the pre runoff rate, and stormwater quality is not compromised.

- D. **Separation from Walkways and Streets** - Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Planning Official per the Buffering, Screening, Landscaping, and Open Space Regulations section of this Ordinance.
- E. **Entrances and Exits** - Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All off-street parking areas shall be designed so that all movement onto a public street is in a forward motion. Entrance and exit driveways (curb cuts) to public streets and alleys must be at least

forty (40) feet from intersections of public streets, measured from the centerline of the intersection to centerline of the driveway.

- F. **Marking** - Parking lots shall be marked by painted lines, curbs, or other means to indicate individual spaces. Signs or markers, as approved by the Planning Official, shall be used as necessary to ensure efficient traffic operation of the lot.
- G. **Lighting** - Lighting shall be provided if off-street parking spaces are to be used at night. Lighting fixtures shall be shielded so as to prevent misdirected or excessive artificial light that will trespass into adjacent residential properties, interfere with traffic, or contribute to night sky light pollution.
- H. **Landscaping** - Off-street parking areas shall be landscaped in accord with the Buffering, Screening, Open Space and Landscaping Regulations section of this Ordinance.

3:6.3 Maintenance

All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee, and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

3:6.4 Parking Spaces for the Physically Handicapped

When off-street parking is required for any building or use, except for residential dwellings with fewer than twenty (20) units, parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following formula:

Table 3-18 REQUIRED NUMBER OF HANDICAPPED SPACES	
Number of Required Spaces	Number of Spaces Reserved for Handicapped Persons
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500-1,000	2% of total required
1,001 and over	20, plus one for each 100 or fraction thereof over 1,000

A minimum of one (1) van accessible space shall be provided for each six (6) handicapped spaces or fraction thereof. Handicapped parking spaces shall measure eight (8) feet in width by twenty (20) feet in length. Each accessible parking space must be adjacent to a five (5) foot wide access aisle. Van accessible spaces must be adjacent to an eight (8) foot wide access aisle. Handicapped spaces shall be located as close as possible to ramps, walkways, and entrances.

Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, and walkways. Note that the SC Building Code has special accessibility requirements for multi-family, hotel/motel, hospital and physical therapy outpatient, and rehabilitation facilities.

3:6.5 Off-Street Loading

All uses shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley, or private street.

Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve.

3:6.6 Approval of Parking and Off-Street Loading Plans and Layouts

Designs and plans for areas to be used for off-street parking and off-street loading shall be subject to approval by the Planning Official, who may withhold a permit or take other action if the layout of either would create avoidable safety or traffic congestion problems, or does not meet the standards and requirements of this section. An administrative action of the Planning Official may be appealed to the Board of Zoning Appeals.

3:6.7 Parking, Storage, and Use of Recreational Vehicles (Campers) and Boats

3:6.7-1 In Commercial and Residential Zones

- A. In commercial and residential zones, no recreational vehicle shall be parked or stored in any required front or side yard setback area.
- B. A recreational vehicle or trailer may be parked anywhere on a premise for a period not to exceed twenty-four (24) hours during loading or unloading.
- C. Recreational vehicles may be used for temporary lodging up to fourteen (14) days per calendar year, increasing to thirty (30) days when incidental to on-premise construction pursuant to a valid building permit.
- D. No boat in excess of seventeen (17) feet may be parked or stored in a required front or side yard setback area, except on lots or parcels contiguous to a navigable water body.
- E. A temporary use permit may be issued by the Planning Official for an appropriate period of time not to exceed twelve (12) month increments for nonconforming buildings, structures, or uses incidental to building construction, land development, or when deemed to be generally beneficial, provided that the owner of such temporary nonconforming use agrees to implement installation requirements deemed appropriate for by the Planning Official and to remove the temporary nonconforming use upon expiration of the permit. In determining installation requirements, the Planning Official shall consider the type of structure, the use of the structure, and duration of use. Installation requirements may include temporary anchoring, potable water supply, waste water disposal, and power supply.

3:6.7-2 In Rural Zones

- A. In rural zones, recreational vehicles or travel trailers may be used for temporary lodging for up to thirty (30) days per calendar year, with a thirty (30) day extension when incidental to on-premise construction pursuant to a valid building permit.
- B. A temporary use permit may be issued by the Planning Official for an appropriate period of time not to exceed twelve (12) month increments for nonconforming buildings, structures, or uses incidental to building construction, land development, or when deemed to be generally beneficial, provided that the owner of such temporary nonconforming use agrees to implement installation requirements deemed appropriate by the Planning Official and to remove the temporary nonconforming use upon expiration of the permit. In determining installation requirements, the Planning Official shall consider the type of structure, the use of the structure, and duration of use. Installation requirements may include temporary anchoring, potable water supply, waste water disposal, and power supply.

3:6.8 Parking, Storage and Use of Non-Recreational Vehicles and Equipment

3:6.8-1 Inoperable Vehicles and Vehicles without Current License Plates

- A. No more than one (1) automobile, truck, or trailer of any kind or type which is not operable or does not display a current license tag shall be parked or stored on any lot. Any additional automobile, truck, or trailer of any kind or type which is not operable or does not display a current license tag shall not be parked or stored on any lot unless it is completely enclosed in a building or physically removed from vision from neighboring property and the public street serving the property.
- B. In addition to the one (1) permitted inoperable or unlicensed vehicle, one (1) inoperable or unlicensed automobile, truck, or trailer of any kind or type that is being advertised as for sale by the owner or resident of the lot may be displayed on the lot for a period not to exceed sixty (60) days. After such time, the vehicle must be completely enclosed in a building or physically removed from vision from neighboring property and the public street serving the property.

3:6.8-2 Vehicles on Blocks, Jacks, or any Suspension Other Than Their Own

- A. One (1) automobile, truck, trailer, or vehicle of any kind or type, displaying or not displaying a current license tag, which is in the process of being repaired may remain on blocks, jacks, or any suspension system other than its own for no more than thirty (30) days. After such time, the vehicle must be operable and in compliance with this section or be completely enclosed in a building or physically removed from vision from neighboring property and the public street serving the property.

3:6.8-3 Vehicles Used for Commercial, Industrial, Farm, or Construction Purposes

- A. The parking of vehicles with a capacity equal to or less than two (2) tons used for commercial, industrial, farm, or construction purposes in the R-15, R-10, R-6 and O-I districts shall be limited to one vehicle per single residence or business.
- B. Vehicles with capacity greater than two (2) tons and used for commercial, industrial, farm, or construction purposes are prohibited from parking in the R-15, R-10, R-6 and O-I districts, including the street/highway right-of-way in such districts when not actively involved in commerce.

3:6.8-4 Implements and/or Equipment Used for Commercial, Industrial, Agricultural, or Construction Purposes

Implements and/or equipment used for commercial, industrial, agricultural, or construction purposes shall not be stored or parked on any lot in the R-15, R-10, R-6, or O-I districts, other than in completely enclosed buildings or physically removed from vision from neighboring property and the public street serving the property.

3:7 SPECIAL PURPOSE DISTRICT REGULATIONS

3:7.1 Airport Overlay District

3:7.1-1 Types of Zones

In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zones, and conical zones. These zones are hereby established in the adopted Kershaw County-Woodward Field Airport Airspace Plan and defined as follows:

- A. **Precision Instrument Approach Zone** - A precision instrument approach zone is established at each end of the precision instrument runway for instrument landings and takeoffs. The precision instrument approach zone shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway. Its surface begins at the runway end elevation starting 200 feet beyond the end of the runway and slopes upward and outward one (1) foot vertically for each fifty (50) feet horizontally for a distance of 10,200 feet from the runway end, then continues upward and outward one (1) foot vertically for each forty (40) feet horizontally for a distance of 40,000 feet.
- B. **Non-Precision Instrument Approach Zone** - A non-precision instrument approach zone is established at each end of all non-precision instrument runways for non-precision instrument landings and takeoffs. The non-precision instrument approach zone shall have a width of 500 feet or 1,000 feet if a precision instrument approach zone occurs at the opposite end of that runway, beginning at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 4,000 feet at a distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway. Its surface begins at the runway end elevation starting 200 feet beyond the end of the runway and slopes upward and outward one (1) foot vertically for each thirty-four (34) feet horizontally for a distance of 10,200 feet from the runway end.
- C. **Visual Approach Zone** - A visual approach zone is established at the end of all runways that do not have precision-instrument or non-precision instrument landings and takeoffs. The visual approach zone shall have a width of 500 feet or 1,000 feet if a precision instrument approach zone occurs at the opposite end of that runway, beginning at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 1,500 feet at a distance of 5,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway. Its surface begins at the runway end elevation starting 200 feet beyond the end of the runway and slopes upward and outward one (1) foot vertically for each twenty (20) feet horizontally for a distance of 5,200 feet from the runway end.
- D. **Transition Zones** - Transition zones are hereby established adjacent to each precision-instrument, non-precision instrument, and visual runway approach zone. Transition zones symmetrically located on either side of runways have variable widths, extending outward from a line 250 feet on either side of the centerline of the visual and non-precision instrument runway, for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of the precision-instrument runway, for the length of such runway plus 200

feet on each end, and are parallel and level with such runway centerlines. The transitional zone's surface along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transitional zones are established adjacent to precision instrument, non-precision instrument, and visual approach zones for the entire length of the approach zones. The transitional zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transition zones are established adjacent to the precision instrument approach zone where it projects through and beyond the limits of the conical zone extending a distance of 5,000 feet measured horizontally from the edge of the precision instrument approach zones at right angles to the continuation of the centerline of the runway.

- E. **Horizontal Zone** - A horizontal zone is hereby established as the area within a radius of 10,000 feet whose starting point is aligned along the extended runway centerline (to 200 feet beyond each runway end). The surface of the horizontal zone is a plane 150 feet above the established runway elevation. The horizontal zone does not include the precision instrument, non-precision instrument, visual approach, or the transition zones.
- F. **Conical Zone** - A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and has a surface that extends upward and outward at a rate of one (1) foot vertically for every twenty (20) feet horizontally for a distance of 4,000 feet.

3:7.1-2 Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface of any airport overlay district created by this Ordinance. The height restrictions for the individual zones (districts) shall be those planes delineated as surfaces in Part 77.25 of the Title 14 Code of Federal Regulations, or in successor Federal regulations and as displayed in the Kershaw County-Woodward Field Airport adopted Airport Airspace Plan.

3:7.1-3 Use Regulations

Notwithstanding any other provisions of this Article, no use may be made of land within any zone established by said article in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft.

3:7.1-4 Nonconforming Uses

Marking and Lighting - The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards.

3:7.2 Historic Overlay District (HOD)

3:7.2-1 Type of District; Permitted Uses

The historic overlay district (HOD) is an “overlay” district. As such, permitted uses are determined by the underlying or primary zoning district. Where this district overlays a residential zoning district, for example, only those uses permitted in the residential zoning district shall be permitted in the HOD, subject to the additional requirements and standards of this section.

3:7.2-2 Intent of Historic Overlay District

The historic overlay district is intended to promote the educational, cultural, economic, and general welfare of the public by providing a mechanism for the identification, recognition, preservation, maintenance, protection, and enhancement of existing historic and architecturally valuable structures, properties, and neighborhoods which serve as a visible reminder of the social, cultural, economic, political, and/or architectural history of Kershaw County.

Through historic preservation and the encouragement of harmonious outward appearance, the historic overlay district and its related review procedures will help ensure the following:

- A. Protection and preservation of the heritage of Kershaw County so that its historically and architecturally valuable sites, structures, properties, and neighborhoods continue to be a distinctive aspect of the County and a visible reminder of the special historical and cultural heritage of the County;
- B. preservation of the integrity and stability of neighborhoods and business areas;
- C. conservation and enhancement of property values of historic and architecturally valuable sites, structures, properties, and, neighborhoods; and
- D. promotion of the continued attraction of businesses, residents, and tourists thereby strengthening the local economy.

3:7.2-3 Establishment of a Historic Overlay District

A historic overlay district shall be established on the Official Zoning Map by the same procedure as amendments generally.

The Planning and Zoning Commission shall review all plans in accord with this Ordinance.

3:7.2-4 Certificate of Appropriateness Required

Where within a historic overlay district, established and shown on the Official Zoning Map, the exterior appearance of any building or structure is involved, the Building Official shall issue no permit for erection, alteration, improvement, demolition, or moving of such structure unless and until a certificate of appropriateness has been issued.

Any action by an applicant following issuance of a permit requiring a certificate of appropriateness shall be in accord with the approved certificate.

3:7.2-5 Powers and Duties of the Planning and Zoning Commission

The Planning and Zoning Commission shall receive, review, and issue applications for a certificates of appropriateness. The Planning and Zoning Commission shall deny the issuance of a certificate of appropriateness if it finds that the action proposed would adversely affect the

character and environment of the effected area. Where certification is denied, the Commission shall record its reasons for denial.

3:7.2-6 General Review Standards for Appropriateness

In considering the issue of appropriateness, the Planning and Zoning Commission shall be guided by the following guidelines:

- A. A property shall be used as it was historically used or an adaptive re-use that requires minimal change in its distinctive materials, features, spaces, and spatial relationships may be permitted.
- B. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
- C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development such as adding conjectural features or elements from other historic properties shall not be undertaken.
- D. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
- E. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
- G. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- H. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- I. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property and its environment.
- J. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment shall be unimpaired.

3:7.2-7 General Design Standards and Appropriateness

At a minimum, the Planning and Zoning Commission shall consider the following general design standards when considering an application for appropriateness:

- A. **Height** - The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures.
- B. **Proportions of Windows and Doors** - The proportions and relationships between doors and windows should be compatible with the architectural styles and character of the landmark and with surrounding structures.
- C. **Relationships** - The relationship of a structure to the open space between it and adjoining structures should be compatible.

- D. **Roof Shape** - The design of the roof should be compatible with the architectural style and character of the landmark and surrounding structures.
- E. **Landscaping** - Landscaping should be compatible with the architectural character and appearances of the landmark and of surrounding structures and landscapes. Landscaping to meet the requirements of the buffering, screening, open space, and landscaping regulations of this Ordinance that would result in incompatibility with these requirements shall be waived.
- F. **Scale** - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures.
- G. **Directional Expression** - Facades should blend with other structures with regard to directional expression. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
- H. **Architectural Details** - Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district.

3:7.2-8 Certain Work Exempt from Commission Review

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any building or any structure which does not require a building permit, nor to prevent the demolition of any structure or building characterized by neglect in maintenance of such building or structure to the extent that it creates hazardous or unsafe conditions.

Such a determination by the Planning Official shall be forwarded to the Planning and Zoning Commission for review and comment before a permit to demolish such building or structure is issued.

The Planning and Zoning Commission shall have the right to override the decision of the Planning Official to demolish, subject to appeal to Circuit Court as provided in the Administration article of this Ordinance

3:7.2-9 Development and Dimensional Standards

Exceptions to development standards may be granted by the Planning and Zoning Commission, and variances to dimensional and primary zoning districts standards may be granted by the Board of Zoning Appeals per the provisions of the Administration article of this Ordinance.

3:7.2-10 Unreasonable Hardship

If a proposal is denied or a property owner realizes that he cannot comply with the requirements of this section, the applicant may apply to the Planning and Zoning Commission for an exemption based on the unreasonable hardship of maintaining the property according to the historic overlay district design guidelines. The property owner shall supply information to demonstrate unreasonable hardship.

3:7.2-11 Applications and Materials to be Submitted to the Commission

Applications for certificates of appropriateness shall be submitted through the office of the Planning Official to the Planning and Zoning Commission for review and action. The Commission shall act on such application within forty-five (45) days of receipt thereof.

By general rule or by specific request in a particular case, the Planning and Zoning Commission may require submission of any or all of the following information in connection with the application:

- A. Architectural plans.
- B. Site plans.
- C. Landscaping plans.
- D. Proposed signs and appropriate detail as to character.
- E. Proposed exterior lighting arrangements.
- F. Elevations of all portions of structures with important relationships to public view and indications as to construction materials.
- G. Design of doors and windows.
- H. Ornamentation.
- I. Colors and the like.
- J. Photographs or perspective drawings indicating visual relationships to adjoining structures and spaces.
- K. Such other exhibits and reports as are necessary for its determination.

3:7.2-12 General Certification of Appropriateness

A general certification for appropriateness for specific kinds of alterations may be issued by the Planning Official if he finds that a particular material, paint color, design, architectural feature, or style is generally acceptable and appropriate within the district. If the Planning Official finds, upon examination of the application, that all aspects which would require Planning and Zoning Commission approval are met through the general certificate of appropriateness process, he may proceed without referral to the Planning and Zoning Commission. However, the authority to issue a general certification of appropriateness regarding particular materials, paint color, etc., shall first be recommended by the Planning and Zoning Commission and approved by the County Council. Only then may a general certification of appropriateness become established covering a particular material, paint color, design architectural feature, etc., which the Planning Official may unilaterally decide upon.

3:7.3 Planned Development Districts (PDDs)

This zoning district designates an area for which an approved development plan constitutes the district regulations. It is intended to utilize the factors of efficiency, economy, flexibility, creative site design, improved appearance, compatibility of mixed uses, maximum benefits from open space and green space, safe and efficient vehicular and pedestrian access for a development characterized by a unified site design for mixed uses. A planned development district may be predominately residential, commercial, industrial, or any combination thereof.

3:7.3-1 Permitted Uses in Planned Development Districts

Planned development districts (PDDs) may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks, and other mixed used developments. Flexibility in design, character, and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approval plan constitutes the district regulations for a particular planned development. Any use or combination of uses meeting the objectives of this section may be established in a PDD through an ordinance amendment as provided for in this Ordinance. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PDD zoning applies to the land, unless otherwise amended by ordinance. The applicant may specify that standard zoning district regulations shall apply to specific use areas within the project. For example, in an area designated for retail commercial, the applicant may specify that all B-2 zoning district regulations shall apply.

3:7.3-2 Establishment of Planned Development Districts

PDDs shall be established on the Official Zoning Map by the same procedure as for amendments generally, and in accord with the requirements of this section.

3:7.3-3 Minimum Area Required

Minimum area requirements for establishing a PDD shall be two acres.

3:7.3-4 Development Standards

The applicant may propose alternate regulations, specific for the proposed PDD, in regards to signage, parking, buffers, screening, open spaces, and landscaping, etc. which, if approved, shall become the regulations for the PDD. If no alternate regulations are proposed, the standard zoning regulations per this Ordinance shall apply.

- A. **Density and Height Requirements** - Residential density, setbacks, impervious surface ratios, floor area ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities such as transportation, water and sewer systems, recreation facilities, etc.
- B. **Overall Site Design** - Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and use relationships.

- C. **Parking and Loading** - Unless alternate standards are specified in an approved development plan, off-street parking and loading spaces for the various uses proposed for the PDD shall comply with the standards for off-street parking and interior landscaping of this Ordinance.
- D. **Buffer Areas** - Buffer areas shall be required for peripheral uses only, and shall be provided in accord with the requirements for adjacent uses prescribed in this Ordinance unless alternate standards are specified in an approved development plan. There are no specific buffer area requirements for internal use, but buffers are encouraged to mitigate impacts of intensity of uses and/or to serve as transitions between uses.
- E. **Streets and Street Improvements** - Private streets may be permitted in a PDD provided such streets meet the design and construction standards promulgated for public streets in accord with the applicable development regulations, further provided that an acceptable maintenance plan be submitted to and approved by the Planning and Zoning Commission.

The Planning and Zoning Commission may consider alternate private street design standards in consideration of factors such as the following:

 - 1. Limited use.
 - 2. Site topographic or geophysical conditions.
 - 3. Stormwater management.
 - 4. The preservation of any natural features on the site.
 - 5. The avoidance of areas of environmental sensitivity.
 - 6. The minimizing of negative impacts and alteration of natural features.
 - 7. The avoidance of adversely affecting ground water and aquifer recharge.
 - 8. The reduction of cut and fill.
 - 9. The avoidance of unnecessary impervious cover.
 - 10. The prevention of flooding.
 - 11. The taking into account of other site-specific design considerations.
- F. **Landscaping and Common Open Space** - Landscaping and open space requirements for each PDD shall comply with the provisions of this Ordinance unless alternate standards are specified in an approved development plan.
- G. **Signage** - Signage shall be in harmony, in scale with, and reflective of the proposed development. Unless alternate standards are specified in an approved development plan, signage shall comply with the standard signage regulations of this Ordinance.

3:7.3-5 Site Plan Requirements - A site plan showing the proposed development of the area (zone) shall be a prerequisite to approval of a PDD re-zoning. The site plan shall serve as the sketch plan for purposes of the land development submittal requirements of this Ordinance. The site plan shall adhere to the minimum area and development standards requirements of this section and shall address or show the following:

- A. The proposed title of the project, project designer, and the developer.
- B. The boundaries of the property involved; the general location of all existing easements, property lines, existing streets, and buildings; and other existing physical features on the project site.
- C. The approximate location of existing and proposed sanitary and storm sewers, water mains, street lighting, and other service facilities in or near the project.
- D. The general location and dimensions of proposed streets.
- E. The conceptual land use plan.

1. Area by land use (i.e. retail, single-family detached residential, multi-family, townhouses, office, park, green space etc.).
 2. Specific allowable uses for each area.
 3. A tabulation of the number of acres in each use area.
 4. Maximum densities expressed in dwelling units per gross acre for residential uses, and floor/area ratio for non residential uses.
 5. Building setbacks.
 6. Maximum impervious surface ratio.
 7. Maximum building heights.
- F. The position of the proposed development in relation to its surroundings. Current land use and zoning of the subject site and adjacent property and a site location (vicinity) map shall be provided.
- G. Alternate design standard plans to include, as applicable:
1. Parking and loading.
 2. Buffers, landscaping and common open space.
 3. Street design.
 4. Signage plan.

The Planning and Zoning Commission may establish additional requirements for site plan approval, and in special cases, may waive a particular requirement if, in the opinion of the Commission, the inclusion of that requirement is not essential to a proper assessment of the project.

3:7.3-6 Action by Planning and Zoning Commission and County Council

The Planning and Zoning Commission may recommend to the County Council to approve the plan and application to establish a PDD, including specific modifications to the plan, or to deny the application to re-zone to establish a PDD. The County Council shall approve the plan and application to establish a PDD, include specific modifications to the plan as conditions for approval, or deny the application to re-zone to establish a PDD.

3:7.3-7 Development of Approved Planned Development Districts

If the request for a PDD re-zoning is approved through an ordinance amendment of the Official Zoning Map by County Council, traffic management plan, preliminary plan, and final plat approval process per the provisions of this Ordinance may proceed. Improvement guarantees may be granted for substantially completed projects per the improvement guarantee provisions of this Ordinance.

After the final plat for the PDD has been recorded, building and sign permits shall be issued in accord with the approved plan as a whole or in stages or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

3:7.3-8 Changes in Approved Planned Development District Plans

Except as provided below, approved PDD plans shall be binding on the owner and any successor in title.

- A. **Minor changes** in an approved PDD site plan may be accommodated and approved by the Planning Official upon a finding that such changes are:
1. In accord with all applicable regulations in effect at the time of the creation of the PDD district; or

2. in accord with all applicable regulations currently in effect.

B. **Major changes** to an approved PDD shall constitute an amendment to this Ordinance and must be made through the procedures provided for in this Ordinance for text and map amendments.

The following constitutes major changes:

1. Any increase of twenty (20) percent or greater in intensity or use. An increase in intensity of use shall be considered to be an increase in usable floor area; an increase in the number of dwelling or lodging units; or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
2. Any reduction in the amount of open space or buffer area resulting in a decrease of more than ten (10) percent or any substantial change in the location or characteristics of open space.
3. Any change in use from one use group to another.
4. Substantial changes in pedestrian or vehicular access or circulation.

3:7.3-9 Expiration of Time Limits on Planned Development District Amendments

If a time limit is set as part of the establishing agreement and action is not taken within the time limit set, the Planning and Zoning Commission shall review the circumstances and recommend to the County Council:

- A. That PDD status or zoning for the entire area be continued with revised time limits; or
- B. that PDD status or zoning be continued for part of the area, with or without revised time limits, and the remainder be re-zoned to an appropriate category.

3:7.3-10 Vested Right

A vested right is the right to undertake and complete the development of a PDD under the terms and conditions provided in this section. A vested right is established for two years upon the approval of a PDD plan, including a phased development plan as provided herein.

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

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

3:7.3-11 Revocation

A vested right is subject to revocation by the County Council upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

3:7.3-12 Applicability of Other Regulations

A vested right is subject to later enacted Federal, State, or local laws adopted to protect public health, safety, and welfare including, but not limited to building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific

construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.

A vested right is subject to subsequent Kershaw County overlay zoning that imposes site plan-related requirements such as height, density, or intensity, but does not affect allowable types of uses.

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

The County Council must not require a landowner to waive his vested right as a condition of approval of a site-specific development plan or a phased development plan.

3:7.3-13 Vested Right to Run with Property

A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this section may rely upon and exercise the vested right for its duration subject to applicable Federal, State, and local laws adopted to protect public health, safety, and welfare including, but not limited to building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. This section does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This section does not affect the provisions of a development agreement executed pursuant to the South Carolina *Local Government Development Agreement Act* in Chapter 31 of Title 6 and per Article 5 of this Ordinance.

3:7.4 LAKE WATEREE OVERLAY DISTRICT

3:7.4-1 Authority

The Land Use Element of the Comprehensive Plan for Kershaw County, South Carolina 2006 – 2016 has special recommendations for land use on and around Lake Wateree. This section of the Comprehensive Plan is entitled the *Lake Wateree Land Use District*, and states: “Lake Wateree represents a wide diversity of land uses that have the potential to work at cross-purposes: residential, commercial, recreational, and conservation. The goal of Lake Wateree land use policies is to allow for a high quality of life for residential uses, provide for commercial establishments serving the residential and tourist/recreational communities while preserving water quality and protecting the ecology of the Lake and its watershed.” The Lake Wateree Overlay District (LWOD) regulations are written pursuant to the Comprehensive Plan’s Lake Wateree land use policies.

3:7.4-2 Establishment of the Lake Wateree Overlay District

The boundary of the Lake Wateree Overlay District (LWOD) shall be a one quarter mile (1,320 feet) wide zone starting at, and perpendicular to the project boundary as defined under the Federal Energy Regulatory Commission (FERC) regulatory provisions governing Duke Energy in its management and ownership of the impoundment. The project boundary is contour elevation 225.5 feet above mean sea level (MSL) around Lake Wateree plus metes and bounds surveys at Duke-Energy-owned recreation areas and the dam and powerhouse structures. Any parcel transected by the one quarter mile delineation shall be considered to completely lie within the LWOD.

3:7.4-3 Compliance with Duke Energy Shoreline Management Plan

All shoreline activities on Lake Wateree are subject to Duke Energy Shoreline Management Plan regulations within the project boundary.

3:7.4-4 Group Development Guidelines for the Lake Wateree Overlay District

A group development is a development of a single tract of land or adjacent tracts of land under the same ownership or control. Group developments include commercial, retail, industrial, institutional, multi-family residential, and manufactured home parks, and are classified as major or minor group developments. The Planning and Zoning Commission shall approve all minor and major group development applications within the LWOD in consideration of the principles listed below. The following principles shall also be considered by the Planning and Zoning Commission and the County Council when approving re-zoning requests that would allow for group development uses within the LWOD:

A. Limit Non-Residential Development

1. Allow no industrial uses.
2. Limit commercial development to establishments serving the residential, tourist, and recreational communities.
3. Cluster proposed commercial development around existing commercial development.
4. Safeguard against commercial intrusion into residential areas.

B. Protect Water Quality

1. Establish protective shoreline buffers (refer to Lake Wateree Shoreline Buffer Regulations in this section).

2. Implement innovative and efficient individual waste water treatment technologies and maintenance of waste treatment systems (refer to Lake Wateree On-site Sewage Disposal Systems Regulations in this section).
3. Control stormwater runoff by minimizing impervious surfaces and employing other low impact development techniques and practices.

3:7.4-5 Resource Conservation

The Comprehensive Plan recommends riparian buffers for tributaries of Lake Wateree and the enforcement of forestry best management practices for logging activities in the vicinity of the Lake. These provisions have been enacted county-wide and are included in the Water Quality Buffers and the Forestry Activity regulations in Article 5 of this Ordinance. County-wide provisions for shoreline buffers are included in the Water Quality Buffer section in Article 5. Special provisions for the shoreline buffer on Lake Wateree are presented below.

3:7.4-6 Lake Wateree Shoreline Buffer Regulations

- A. **Applicability** - These regulations apply to all parcels of land contiguous to the project boundary of Lake Wateree. The project boundary on Lake Wateree shall be as defined under the FERC regulatory provisions governing Duke Energy in its management and ownership of the impoundment (hereafter the “project boundary”). The project boundary is contour elevation 225.5 feet above mean sea level (MSL) around Lake Wateree plus metes and bounds surveys at Duke-Energy-owned recreation areas and the dam and powerhouse structures. All activities within the project boundary are subject to Duke Energy Shoreline Management regulations.
- B. **Undeveloped Parcels** - The following shoreline buffer requirements apply to all undeveloped parcels of land contiguous to the project boundary in existence as of the effective date of this Ordinance. Any subsequent development and/or subdivision of such parcels shall comply with the shoreline buffer requirements of this section.
 1. **General Requirements** - Any existing undeveloped parcel or subsequent subdivisions thereof that have any portion of its boundaries adjacent to Lake Wateree shall have a fifty (50) foot buffer perpendicular to the project boundary. The distance of the interior edge of the buffer shall be measured horizontally, such that at any point along the interior edge, a horizontal line would be exactly fifty (50) feet from a vertical line extending up from the project boundary.
 2. **Disturbance of Buffers** - Installation of any new structures (including structure replacements), disturbance of the existing terrain, or removal of existing vegetation within the water quality buffer is prohibited except as provided herein. The installation of septic systems or any portion thereof is prohibited within shoreline buffers. This prohibition includes any disturbance or removal of topsoil, trees, and other natural growth located in the buffers, for any purpose, subject to the express, limited exceptions listed below.
 - a. **General Exceptions** - The following exceptions are permitted within the buffers established herein without a permit, but only upon strict observance and compliance with the provisions stated below:
 - 1.) **Tree Removal**
 - a.) Within the buffer, trees less than four (4) inches DBH may be removed, provided it is done using only manual labor and hand or chain saws, and not mechanical equipment.

- b.) Additionally, any trees that are dead or have become diseased or damaged through natural processes may be removed in the same manner.
 - c.) No motorized vehicles or construction equipment other than chain saws or similar hand-operated machines are permitted within the buffer, except as specifically provided in these regulations.
- 2.) **Underbrush Removal**
- a.) Underbrush (defined as nuisance bushes, vines, and similar rank plant growth beneath the tree canopy) may be removed within the buffer, provided that such work is performed manually and without the use of vehicular or mechanical equipment or chemical applications.
 - b.) This activity may also include removal of any natural or man-made debris lying on or near the floor of the buffer.
- 3.) **Pruning and Trimming**
- a.) Pruning and trimming of trees within the buffer is permitted, provided that pruning shall be limited to tree branches beginning at the ground and extending up the tree trunk no more than one half of the total height of the tree.
 - b.) Trimming or pruning may also be performed on any limbs or branches that are diseased or naturally damaged.
 - c.) No topping of trees is permitted within the buffer.
- 4.) **Emergency Operations** - Activities associated with emergency operations, such as hazardous materials removal, flood or fire control, evacuations, and storm damage clean up are exempt from these requirements. However, any such activity must be authorized by an appropriate government agency or conducted in accordance with prior emergency management regulations.
- 5.) **Eminent Domain** - Activities conducted or required by the US Government, the State of South Carolina, Kershaw County, railroads, public utilities, or other entities that typically have the power of eminent domain (e.g., utility or roadway right-of-way, construction, and maintenance) are not subject to the provisions of this section. However, such activities, where practicable, should be conducted in a manner that is consistent with the requirements of the Lake Wateree shoreline buffer regulations.
- b. **Exceptions Requiring a Permit** - The following exceptions are permitted within required water quality buffers only after submission of an application for and issuance of a written permit or approval by the Planning Official:
- 1.) **View Corridors**
- a.) Tree removal within shoreline buffers to allow for view corridors is allowed; provided that such removal shall not exceed fifteen (15) feet in width, and shall not constitute an area greater than one-fifth of the total buffer area required on each lot; or
 - b.) alternatively, trees may be removed randomly for the purpose of improving the lake view, provided that an amount not greater than one-tenth of the total DBH of all trees located in the buffer area of each lot is removed.
 - c.) Any tree removal shall be manually performed using hand or chain saws, and no other disturbance of the natural terrain is permitted.

- d.) Any view corridors or open area created through the utilization of this provision shall be stabilized and improved with shrubs, low-growing trees, or other natural groundcover plantings.
- 2.) **Access Corridors**
- a.) **Tree Removal** - Tree removal within buffers is allowed in order to:
 - i. Provide a limited access corridor to the lakeshore;
 - ii. install shoreline stabilization and water-dependent structures;
 - iii. remove large debris or previously existing nonconforming structures; and
 - iv. install paths, boardwalks, or stairs to access water-dependent structures.
 - b.) **Standards**
 - i. This access corridor shall not exceed fifteen (15) feet in width and shall not constitute an area greater than one-fifth of the total buffer area required for each lot.
 - ii. Vehicular equipment may be operated in an approved access corridor; provided that, to the furthest extent practicable, the equipment utilizes rubberized mini-track systems and the natural terrain is disturbed only to the extent required to safely operate such equipment.
 - iii. After such disturbance, the resulting terrain shall be stabilized and revegetated with shrubs, low-growing trees, and other natural groundcover plantings that closely match the existing terrain on either side of the access corridor.
 - iv. When the access corridor provided in this section is used for the installation of paths, boardwalks, or stairs leading to the Lake, such structures shall not exceed six (6) feet in width.
- 3.) **Separation Between Corridors** - Applications for multiple view and access corridors will be considered under the following conditions:
 - a.) There shall be a minimum of 100 linear feet of buffer between corridors.
 - b.) The combined area of all corridors cannot exceed twenty-five (25) percent of the total buffer area of each lot.
- 4.) **Shoreline Bank Stabilization** - Proposed shoreline bank stabilization plans must be submitted to Duke Energy for their authorization under the Duke Energy Shoreline Management Guidelines Shoreline Stabilization Program.
- 5.) **Nonconforming Structures** - Any structure located within the buffer or under construction on a lot existing as of the effective date of this Ordinance, including dwellings, barns, outbuildings, garages, carports, guesthouses, patios, decks, outdoor recreation structures, or water-dependent structures such as docks, boathouses, or piers, shall be allowed to remain as a nonconforming structure. The property owner must be able to document its prior existence through property tax records, building permits, contracts for construction, or other clear evidence.
 - a.) Work within the existing footprint of a nonconforming structure may be undertaken for purposes of maintenance, repair, and renovation of the nonconforming structure lying within the shoreline buffers.
 - b.) In any such case, however, the nonconformity may not be expanded or the use of the nonconforming structure altered.
- 6.) **Water-Dependent Structures** - Proposed water-dependent structures such as docks, boathouses, or piers must be submitted to Duke Energy for their

authorization under the Duke Energy Shoreline Management Guidelines Private Facilities Program.

7.) **Exceptions for Public Recreational Facilities**

- a.) **Purpose** - Lake Wateree is a valuable recreational resource for the citizens of Kershaw County and its guest tourists. The value of the Lake as a recreational resource is dependent upon the protection of its water quality. Because public recreational facilities such as swimming beaches, boat ramps, trails, picnic areas, bank fishing areas, and fishing docks require direct shoreline access and/or viewsheds, the following exceptions to the disturbance of buffers at such facilities are provided.
- b.) **Modification of Buffer Boundaries** - Activity areas of public recreational facilities that are strictly water and shoreline dependant (swimming beaches, boat launches, and bank fishing areas) may have the exterior (lakeside) boundary of the fifty (50) foot buffer adjusted to follow the proposed perimeter of the activity area. In such cases, the distance of the interior edge of the buffer shall be measured horizontally, such that at any point along the interior edge, a horizontal line would be exactly fifty (50) feet from a vertical line extending up from the perimeter of the activity area.
- c.) **Location of Facilities** - Public recreational facilities that are not water dependant (parking lots, bath houses, club houses, picnic shelters, etc.) shall be located behind the interior buffer boundaries.
- d.) **Access and View Corridors at Public Recreational Facilities**
 - i. **Access Corridors** - Corridors through the buffer shall be permitted to allow pedestrian access to water dependant shoreline activity areas. The number of access corridors shall be limited to those needed to provide adequate access between the activity areas and recreational facilities. Access corridors shall also be permitted to provide vehicular access to boat launches.
 - ii. **View Corridors** - Lake views are an important factor in the recreational experience for non-water dependant activities such as picnicking and walking. Recreational facilities master plans shall consider the placement of facilities desiring viewsheds and the design of the viewshed to accommodate the lake view without diminishing the water quality functionality of the buffer.
- e.) **Stormwater Management** - The public recreational facility master plan shall incorporate the following stormwater best management practices and stormwater pollution prevention measures:
 - i. Access corridors shall be designed such that there is positive drainage of the corridors into the buffer area and such that the corridors do not function as a conduit for direct stormwater discharge into the Lake. Corridor drainage shall be designed to promote sheet flow to minimize channelization of runoff.
 - ii. Land development shall be planned in harmony with the natural runoff pattern and along the contours.
 - iii. Impervious surfaces shall be limited. Surface drainage shall be designed to promote sheet flow to minimize channelization of runoff.

- iv. Chemicals such as fertilizers and pesticides shall be applied at appropriate rates and shall not be applied within 100 feet of unprotected shorelines.
 - v. All trash receptacles shall be firmly secured from animal and weather disturbances and contact with stormwater.
 - f.) **Review and Approval of Public Recreational Facility Master Plans** - The recreational facility master plans shall be included in the group development submittal and review and shall be approved by the Planning and Zoning Commission per the submittal requirements and approval process provisions of this Ordinance.
- c. **Approval Procedures for Permitted Activity**
- 1.) Except as permitted under the General Exceptions provisions, no shoreline stabilization, tree removal, or land disturbance activity of any kind, including those permitted under the Exceptions Requiring a Permit provisions, shall be conducted in the buffer without a written permit for such activity issued by the Kershaw County Planning and Zoning Department. In order to apply for approval, the lot owner must supply the Planning and Zoning Department with three (3) copies of a survey prepared by a South Carolina-registered land surveyor, showing the following:
 - a.) The extent of the shoreline buffer on the subject property shown by metes and bounds.
 - b.) The labeling of the shoreline buffer.
 - c.) The location of any previously existing nonconforming structures located within the buffer.
 - d.) The location and size of any existing tree, four (4) inches DBH or greater, located in the buffer.
 - e.) The location of the proposed activities for which approval is being requested.
 - 2.) The approval request shall be submitted in writing and shall include a detailed description of the permitted activity with any required supporting information needed to establish that the requested activity meets the requirements of this section. Requests with incomplete information to support the proposed activity will not be considered. Survey flagging shall clearly indicate the following:
 - a.) The location of the project boundary.
 - b.) The interior edge of the buffers.
 - c.) All trees four (4) inches DBH or greater.
 - d.) All trees proposed to be removed.
 - e.) All areas proposed to be disturbed on the subject property.
- d. **Restoration of Previously Disturbed Buffers**
- 1.) **Applicability** - These provisions apply to undeveloped parcels in which the shoreline buffer has been disturbed prior to the effective date of this Ordinance through logging or other activity. The fifty (50) foot buffer shall be restored prior to obtaining a land development and/or building permit.
 - 2.) **Restoration Plan** - In areas in which the natural shoreline buffer has been disturbed or compromised, the buffer shall be enhanced with additional plantings within the fifty (50) foot buffer zone perpendicular to project boundary. When landscaping within the buffer is conducted as a means of restoring the natural buffer, it shall be performed manually and without the use of vehicular or

mechanical equipment to the greatest extent practicable, and stringent sediment and erosion controls shall be utilized to protect the Lake from siltation as a result of landscaping activities. Planting of native and adaptive species is encouraged. The planting of invasive species is not allowed. A list native and adaptive species is available from the Planning and Zoning Department. The applicant shall submit a shoreline buffer restoration plan to the Planning and Zoning Office which must be approved prior to the issuance of a land development and/or building permit. Final project certification of approval shall not be issued until the approved shoreline buffer restoration plan has been implemented and inspected. The plan shall include:

- a.) Existing conditions of the shoreline buffer zone to include the location and species of all trees over four (4) inches DBH, and existing non-conforming structures.
- b.) Landscape plan and planting schedule showing location and species of new plantings within the buffer zone.
- c.) Vegetation Density of the Restored Shoreline Buffer - Utilize existing vegetation and augment with new plantings to achieve the following minimum densities:

Table 3-19 VEGETATION DENSITIES FOR RESTORATION OF BUFFERS DISTURBED PRIOR TO DEVELOPMENT			
Vegetation Type	Number of Plantings	Coverage	Minimum Number of Species
Large-Maturing Tree	1	Per 200 sq. ft.	3
Small-Maturing Tree or Shrubbery	1	Per 100 sq. ft.	4
Groundcover Plugs	70	Per 100 sq. ft.	1
Groundcover Seedlings*	General seed broadcast	Complete coverage of bare soil	1

*Groundcover may be planted utilizing plugs or seed broadcasting, or a combination of both methods.

- d.) At installation or planting, all plant material shall meet the following specifications:
 - i. Shrubbery shall be a minimum three (3) gallon container size.
 - ii. All evergreen and medium-maturing trees shall be no less than ten (10) gallon container size or one and one-half (1½) inch caliper, balled and burlapped.
 - iii. All large-maturing trees shall be not less than fifteen (15) gallon container size or two (2) inch caliper, balled and burlapped.
 - iv. All plant material shall comply with ANSI Z60.1-2004: American Standard Nursery Stock - American Nursery and Landscape Association.
- e.) Location of proposed view and access corridors per the Exceptions Requiring a Permit provisions of this section.
- f.) A double row of silt fence (with metal posts and wire backing) or other sediment/erosion control device approved by the Stormwater Manager shall be shown on the project boundary side of the buffer area.

- 3.) **Minimum Mature Size** - Plant material shall be selected that will meet the following specification at maturity:
 - a.) Evergreen plant material and medium-maturing trees shall attain a minimum average of twenty-five (25) feet in height.
 - b.) Deciduous large-maturing trees shall attain a minimum average of thirty-five (35) feet in height.
 - 4.) **Maintenance of Restored Buffer** - The maintenance of planted materials in restored buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. Dead or diseased plants shall be removed and replaced. Replacement plants shall be of similar type and sized per the installation of planted material.
- C. **Developed Parcels** - The following shoreline buffer requirements apply to all parcels of land contiguous to the project boundary that have been developed prior to the effective date of this Ordinance. Any subsequent development and/or subdivision of such parcels shall comply with the Lake Wateree Shoreline Buffer Regulations of this section.
1. **Nonconforming Structures** - Any structure located within the buffer or under construction on a lot existing as of the effective date of this Ordinance, including dwellings, barns, outbuildings, garages, carports, guesthouses, patios, decks, outdoor recreation structures, or water-dependent structures such as docks, boathouses, or piers, shall be allowed to remain as a nonconforming structure. The property owner must be able to document its prior existence through property tax records, building permits, contracts for construction, or other clear evidence. Work within the existing footprint of a nonconforming structure may be undertaken for purposes of maintenance, repair, and renovation of the nonconforming structure lying within the shoreline buffer. In any such case, however, the nonconformity may not be expanded or the use of the nonconforming structure altered except as provided below under the regulations for Expansion of Non-Conforming Principal Residential Structures within the Buffer Area.
 2. **Non-Encroachment** - No new structure including dwellings, barns, outbuildings, garages, carports, guesthouses, patios, decks, or outdoor recreation structures shall be permitted to encroach on the fifty (50) foot buffer zone perpendicular to the project boundary.
 3. **Water-Dependent Structures** - Proposed water-dependent structures such as docks, boathouses, or piers must be submitted to Duke Energy for their authorization under the Duke Energy Shoreline Management Guidelines Private Facilities Program.
 4. **Enhancement of Buffers on Developed Single-Family Residential Parcels** - Enhancement, restoration, and/or reestablishment of shoreline buffers on land developed prior to the effective date of this Ordinance is strongly encouraged. For redevelopment projects on such parcels that will require a land development and/or building permit, buffers are a preferred best management practice for sediment and erosion control and stormwater management. The Kershaw County Stormwater Manager may require the enhancement, restoration, and/or reestablishment of water quality buffers (including shoreline buffers) on any parcels of land, structures, and activities which are causing or contributing to pollution, including non-point pollution of the waters of Kershaw County; erosion or sedimentation of stream channels; and/or degradation of aquatic or riparian habitat.

In areas in which the natural buffer has been disturbed or compromised, the buffer may be enhanced with additional plantings. When landscaping within the buffer is conducted as a means of enhancing the natural buffer, it shall be performed manually and without the use of vehicular or mechanical equipment to the greatest extent practicable, and stringent sediment and erosion controls shall be utilized to protect the Lake from siltation as a result of landscaping activities. Planting of native and adaptive species is encouraged. The planting of invasive species is not allowed. A list of native and adaptive species is available from the Planning and Zoning Department.

- a. **Expansion of Non-Conforming Principal Residential Structures within the Buffer Area** - Further expansion of the footprint of existing non-conforming principal residential structures into the required buffer area during building renovations or reconstruction shall not be allowed unless it can be demonstrated that, due to specific site constraints, the proposed renovations or reconstruction cannot be accomplished without further expansion into the required buffer area. In such cases, expansion into the buffer shall be allowed upon the submittal of a mitigation plan prepared by a qualified Profession Engineer. This provision applies only to the principal residential structure, not detached garages, sheds, patios, or other detached secondary structures.

The mitigation plan shall demonstrate the expansion can be accomplished without sacrificing water quality protection as to erosion prevention and sediment control and nutrient, pesticide, and biocontaminant (fecal coliform) removal. Mitigation may include buffer enhancement and restoration as provided under the Restoration Plan provisions of this section, and other stormwater pollution prevention controls such as rain gardens, bio-retention cells, and infiltration trenches. Mitigation plans shall be reviewed and approved by the Stormwater Manager.

5. **Restoration of Buffers on Previously Developed Multi-Family and Non-Residential Parcels**

- a. **Applicability** - These provisions apply to the redevelopment of multi-family residential, commercial, industrial, and institutional buildings (group developments) in which the shoreline buffer has been disturbed through logging or other activity prior to the effective date of this Ordinance. The fifty (50) foot buffer shall be restored prior to obtaining a new land development and/or building permit.
- b. **Restoration Plan** - In areas in which the natural shoreline buffer has been disturbed or compromised, the buffer shall be enhanced with additional plantings within the fifty (50) foot buffer zone perpendicular to the project boundary. When landscaping within the buffer is conducted as a means of restoring the natural buffer, it shall be performed manually and without the use of vehicular or mechanical equipment to the greatest extent practicable, and stringent sediment and erosion controls shall be utilized to protect the Lake from siltation as a result of landscaping activities. Planting of native and adaptive species is encouraged. The planting of invasive species is not allowed. A list of native and adaptive species is available from the Planning and Zoning Department. The applicant shall submit a shoreline buffer restoration plan to the Planning and Zoning Office which must be approved prior to the issuance of a land development and/or building permit. Final project certification of approval shall not be issued until the approved shoreline buffer restoration plan has been implemented and inspected. The plan shall include:

- 1.) Existing conditions of the shoreline buffer zone, to include the location and species of all trees over four (4) inches DBH, and existing non-conforming structures.
- 2.) Landscape plan and planting schedule showing location and species of new plantings within the buffer zone.
- 3.) Vegetation Density of the Restored Shoreline Buffer - Utilize existing vegetation and augment with new plantings to achieve the following minimum densities:

Table 3-20 VEGETATION DENSITIES FOR PREVIOUSLY DEVELOPED MULTI-FAMILY AND NON-RESIDENTIAL PARCELS			
Vegetation Type	Number of Plantings	Coverage	Minimum Number of Species
Large-Maturing Tree	1	Per 200 sq. ft.	3
Small-Maturing Tree or Shrubbery	1	Per 100 sq. ft.	4
Groundcover Plugs	70	Per 100 sq. ft.	1
Groundcover Seedlings*	General seed broadcast	Complete coverage of bare soil	1

*Groundcover may be planted utilizing plugs or seed broadcasting, or a combination of both methods.

- 4.) At installation or planting, all plant material shall meet the following specifications:
 - a.) Shrubbery shall be a minimum three (3) gallon container size.
 - b.) All evergreen and medium-maturing trees shall be no less than ten (10) gallon container size or one and one-half (1½) inch caliper, balled and burlapped.
 - c.) All large-maturing trees shall be not less than fifteen (15) gallon container size or two (2) inch caliper, balled and burlapped.
 - d.) All plant material shall comply with ANSI Z60.1-2004: American Standard for Nursery Stock - American Nursery and Landscape Association.
- 5.) Location of proposed view and access corridors per the Exceptions Requiring a Permit section of this Article.
- 6.) A double row of silt fence (with metal posts and wire backing) or other sediment/erosion control device approved by the Stormwater Manager shall be shown on the project boundary side of the buffer area.
- c. **Minimum Mature Size** - Plant material shall be selected that will meet the following specifications at maturity:
 - 1.) Evergreen plant material and medium-maturing trees shall attain a minimum average of twenty-five (25) feet in height.
 - 2.) Deciduous large-maturing trees shall attain a minimum average of thirty-five (35) feet in height.
- d. **Maintenance of Restored Buffer** - The maintenance of planted materials in restored buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. Dead or diseased plants shall be removed and replaced. Replacement plants shall be of similar type and sized per the installation of planted material requirements located in the previous section.

- D. Protection of Shoreline Buffers During Site Development and Construction Activity** - A shoreline buffer plan, ensuring the following safeguards shall be included in all required sediment and erosion control plans, as applicable:
1. Shoreline buffers must be clearly identified on all stormwater management plans and construction drawings, and must be marked with the statement “Shoreline Buffer. Do Not Disturb.”
 2. Shoreline buffers cannot be encroached upon or disturbed during project construction, unless in accordance the General Exceptions and the Exceptions Requiring a Permit provisions of this section, or unless they are being established, restored, or enhanced in accordance with an approved buffer restoration plan.
 3. Shoreline buffers must be clearly marked with a warning barrier before construction activities begin. The marking shall be maintained until completion of construction activities. All contractors and others working on the construction site must be made aware of the existence of the buffer(s) and the restrictions on disturbing the buffer(s).
 4. All areas of the shoreline buffer must be left in the existing condition upon completion of construction activities. Should construction activities associated with development cause degradation to the buffer, all eroding, bare, or unstable areas shall be restored to existing conditions.
 5. If any trees are allowed to be removed, the tree location shall be shown and a note provided stating that the tree must be hand cleared.
 6. The locations of all signage must be clearly shown on plans.
 7. A narrative stating the extent of the buffer areas, including any allowed disturbance in the buffer areas must be included with the plans.
 8. A double row of silt fence (with metal posts and wire backing) or other sediment/erosion control device approved by the Stormwater Manager shall be shown on the project boundary side of the applicable buffer area(s).
- E. Shoreline Buffer Plat Requirements** – The Lake Wateree shoreline buffer shall be shown on all applicable land development application site plans and on all final plats prepared for recording as follows:
1. Show the extent of the shoreline buffer on the subject property by metes and bounds.
 2. Label the shoreline buffer.
 3. Provide a note to reference all buffers stating, “There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Kershaw County Planning Official.”
 4. Provide a note to reference any protective covenants governing all buffer areas stating, “Any buffer shown on the plat is subject of protective covenants which may be found in the land records and which restricts disturbance and use of these areas.”
 5. If the buffer area will not be part of an individually-owned lot, then ownership must be stated by identifying who is the responsible party.

3:7.4-7 Sediment and Erosion Controls for Residential Lot Development

Sediment and erosion controls for land development applications for major subdivisions, large acreage residential developments on private roads, minor group developments, major group developments, and planned development districts (PDDs) within the LWOD shall be regulated per the respective permitting process in the land development regulations of Article 5 of this Ordinance. For residential lots created through minor and exempt subdivision of property, or

individually owned parcels being developed for residential uses, the individual homebuilder shall be responsible for implementing sediment and erosion controls as a condition to obtaining a building permit. In addition, when a developer of a major subdivision, large acreage residential development on a private road, or a PDD has completed the grading activities, utility installation, building of roads, and has recorded the final plat then sells a lot or group of lots over to a homebuilder(s), then the homebuilder shall likewise be responsible for implementing sediment and erosion controls as a condition to obtaining a building permit.

A. Residential Building Sediment and Erosion Control Certification - Prior to the issuance of a residential building permit in the LWOD to an individual homebuilder as defined above, the homebuilder (permit holder) shall sign a certification containing the following conditions:

“I certify under penalty of law that I understand and will implement the County's Sediment and Erosion Control (SEC) requirements specified below. I will ensure that the SEC measures are maintained. I further certify that Kershaw County inspectors may enter the property as necessary to ensure compliance with all related requirements.”

1. The lot shall have SEC protection around the entire boundary of the area of disturbance with allowances for no more than two (2) entrances/exits. This protection may be silt fencing, earthen or man-made berms or dikes, sediment tubes, or other controls as approved by the Kershaw County Stormwater Manager. These measures shall be installed within twenty-four (24) hours of land disturbance and maintained until the project is stabilized as detailed below. The following guidelines shall be followed:
 - a. The maximum length from the crest of a hill to the fence or other control is 100 feet. When the distance from a crest to the property boundary is greater than 100 feet, an intermediate row of silt fencing shall be used or another SEC measure shall be employed.
 - b. The maximum slope steepness (normal [perpendicular] to fence line) shall be two to one (2:1 or 50%). When exceeded, slope drains shall be employed.
 - c. A maximum of one-fourth ($\frac{1}{4}$) acre drainage area per 100 linear feet of silt fence should be used. When this is exceeded, an intermediate row of silt fence shall be used or another SEC measure shall be employed.
 - d. Sediment accumulated along the fence shall be removed when it reaches one third ($\frac{1}{3}$) the height of the fence.
 - e. Contact the Stormwater Manager, County Engineer, or Public Works Department for correct installation of silt fencing or alternate SEC controls. Where applicable, consult the manufacturer's recommended installation and maintenance procedures as applicable.
2. Nearby stormwater inlets, manholes, etc. in the street or adjacent property shall be protected through the use of sediment tubes, check dams, or inlet protection devices. These measures shall be maintained throughout the construction process until the site is stabilized as detailed below. Maintenance requirements are specified in the SCDHEC *Best Management Practices Manual*.
3. Construction entrances shall be provided at all entrances/exits (maximum of two). The entrance shall contain washed stone that is at least six (6) inches deep, twenty (20) feet wide, and fifty (50) feet long. The stormwater manager may approve a shorter driveway length due to specific site conditions. The stone shall be maintained throughout the construction process until the site is stabilized as detailed below. Sediment tracked onto

streets shall be removed weekly. Additional information on the installation and maintenance of the construction entrances can be obtained from the Stormwater Manager, County Engineer, and the Public Works Department.

4. All SEC shall be inspected every seven (7) calendar days and within twenty-four (24) hours after each rainfall event that produces one-half ($\frac{1}{2}$) inches or more of precipitation.
5. Construction debris and other waste shall be contained in a dumpster or covered with plastic. Covers that prevent exposure to precipitation shall also be used for stockpiles of soil. Chemicals, paints, solvents, and other materials shall be stored such that exposure risk to precipitation and stormwater runoff is low. Concrete wash water shall be disposed in an area of soil away from surface waters where soil can act as a filter or allow the water to evaporate. Be aware that this water can kill vegetation. Remaining cement shall be disposed of in a dumpster or otherwise removed from the site. De-watering water shall be disposed of in a pervious area. Discharge of sediment from dewatering operations shall be prevented from entering into storm sewers and surface waters.
6. Areas not used during construction should be vegetated with sod or grass seed. Existing/natural vegetation should be preserved as much as possible. Grass specifications are available from the Stormwater Manager and Planning and Zoning Department.
7. A site is considered stabilized once the entire area other than buildings, driveways, and walkways has vegetative cover with a density of seventy (70) percent. Seeding should be accompanied or replaced with erosion control mats as necessary to achieve this density.
8. After final stabilization is achieved, all SEC measures shall be removed from the site.
9. The general regulations of the stormwater management standards in Article 5 of this Ordinance shall also apply.

3:7.4-8 Lake Wateree Overlay District On-Site Sewage Disposal System Regulations

A. Definitions

Failed System - A failed system means any sewage disposal system that does not adequately treat and dispose of sewage that consequently creates a public or private nuisance or threat to public health and/or environmental quality as evidenced by, but not limited to, one (1) or more of the following conditions:

1. Failure to accept sanitary sewage into the building sewer.
2. Discharge of sanitary sewage to a basement, subsurface drain, surface drain, or surface water unless expressly permitted by SCDHEC.
3. Sanitary sewage rising to the surface of the ground over or near any part of an onsite wastewater disposal system (OSDS) or seeping down-gradient from the drain field at any change in grade, bank, or road cut.
4. Any deterioration or damage to any OSDS that would preclude adequate treatment and disposal of wastewater. For example, damage from a vehicle driven over the drain field or septic tank.
5. A septic tank that is not constructed to be watertight (e.g., bottomless tank) as required to hold wastewater for primary treatment prior to discharging to a drain field.
6. The presence of a grease trap to which kitchen waste is discharged and which is not connected to the septic tank or drain field.

Good Operating Condition - Good operating condition means an OSDS that, upon inspection, is determined to function in a sanitary manner; prohibits the discharge of

untreated or partially treated wastewater onto the ground surface, into surface water, or into ground water; and allows building plumbing to discharge rapidly.

Inspector - Any person licensed by SCDHEC to install, repair, service, monitor, or inspect an OSDS. At such time as regularly scheduled SCDHEC Septic System Inspector Training Workshops become available, inspectors shall successfully complete such workshops.

On-Site Sewage Disposal System (OSDS) - Any system, piping, tanks, drain fields, alternate toilets, or other facilities designed to function as a unit to convey, store, treat, and/or dispose of sanitary sewage by means other than discharge into a public sewer. For purposes of this regulation an OSDS shall mean any septic tank or other on-site sewage disposal system.

- B. **Applicability** - These regulations shall apply to all new and existing OSDS installations within the Lake Wateree Overlay District. In no way do the provisions of these regulations abrogate the powers and duties of SCDHEC of their responsibilities for the permitting and enforcement of wastewater systems.
- C. **New Installations** - Any new or replacement OSDS installed within the LWOD shall be required to include an access manhole built into the lid over each compartment of the tank, and over the outlet end of the septic tank with risers and access manholes extending to within six (6) inches of the ground surface. An appropriate mechanism shall be provided to make the access manholes vandal, tamper, and child resistant.
- D. **Inspections of Existing Installations** - The following regulations shall apply to all OSDS within the LWOD installed prior to the effective date of this Ordinance, as well as all OSDS within the LWOD installed subsequent to the effective date of this Ordinance.
 - 1. **Inspections Prior to Sale of Real Estate Interest** - As of the effective date of this Ordinance, prior to the sale of any ownership interest of a lot containing an OSDS, the seller of interest shall provide the buyer with a written inspection report of the system prepared by an inspector. Sale of ownership interest does not include the conveyance by gift or inheritance from one family member to another. The inspection shall occur no earlier than sixty (60) days prior to the sale. Prior to the inspection, a pump-out of the septic tank is required to insure a proper inspection of the interior of the tank, to check for leaks from the building, and to check for saturated conditions in the drain field. A copy of the inspection report and sewage disposal manifest from the pumping contractor shall be submitted to the Building Official within ten (10) days of the inspection. The inspection report shall certify that the system is in good operating condition. Otherwise, the following actions shall be taken:
 - a. **Minor Repairs or Alterations** - If the inspector determines that minor repairs or alterations are needed to bring the OSDS into good operating condition (such as replacing cracked lids and missing or broken tees and baffles), such work shall be done within ninety (90) days of the inspection. Evidence of said work shall be submitted to the buyer or prospective buyer and a copy submitted to the Building Official.
 - b. **Failure Evaluation and Repairs** - If the inspector determines that the OSDS has failed, as herein defined, the Building Official shall notify SCDHEC of the failure within five (5) days of receiving the inspection report. The property owner shall:
 - 1.) Contact SCDHEC within fifteen (15) days of the inspection to request a failure evaluation and course of corrective action by a licensed contractor.

- 2.) Submit evidence of repairs to the buyer or prospective buyer and the Building Official within sixty (60) days of repairs.
2. **Inspections Prior to Renovations** - As of the effective date of this Ordinance, prior to the issuance of a building permit for renovations, the applicant shall provide to the Building Official a written inspection report of the system prepared by an inspector. For purposes of this regulation a renovation shall mean any addition (including structural and plumbing fixtures with waste lines), replacement, demolition, and reconstruction, or modification of an existing structure on the subject property such that the renovation results in an increased flow into the system, or adds bedroom(s) and/or significant water-using fixtures to the structure (bathroom, hot tub, laundry room, etc.). Sewage flows shall be determined in conformance to SCDHEC Regulation 61-56. Prior to the inspection, a pump-out of the septic tank is required to insure a proper inspection of the interior of the tank to check for leaks from the building, and to check for saturated conditions in the drain field. A copy of the inspection report and sewage disposal manifest from the pumping contractor shall be submitted to the Building Official within ten (10) days of the inspection. The inspection report shall certify that the system is in good operating condition. Otherwise, the following actions shall be taken:
 - a. **Minor Repairs or Alterations** - If the inspector determines that minor repairs or alterations are needed to bring the OSDS into good operating condition (such as replacing cracked lids and missing or broken tees and baffles), such work shall be done within ninety (90) days of the inspection. Evidence of said work shall be submitted to the Building Official.
 - b. **Failure Evaluation and Repairs** - If the inspector determines that the OSDS has failed, as herein defined, the Building Official shall notify SCDHEC of the failure within five (5) days of receiving the inspection report. The property owner or his contractor shall:
 - 1.) Contact SCDHEC within fifteen (15) days of the inspection to request a failure evaluation and course of corrective action by a licensed contractor.
 - 2.) Submit evidence of repairs to the Building Official within sixty (60) days of repairs.
3. **Inspections Prior to Change of Occupancy** - As of the effective date of this Ordinance, prior to the issuance of a use permit and any subsequent required building permits for a change of occupancy that is likely to result in an increase in sewage flow into the system, the applicant shall provide the Building Official with a written inspection report of the system prepared by an inspector. Sewage flows shall be determined in conformance to SCDHEC Regulation 61-56. Prior to the inspection, a pump-out of the septic tank is required to insure a proper inspection of the interior of the tank, to check for leaks from the building, and to check for saturated conditions in the drain field. A copy of the inspection report and sewage disposal manifest from the pumping contractor shall be submitted to the Building Official within ten (10) days of the inspection. The inspection report shall certify that the system is in good operating condition. Otherwise, the following actions shall be taken:
 - a. **Minor Repairs or Alterations** - If the inspector determines that minor repairs or alterations are needed to bring the OSDS into good operating condition (such as replacing cracked lids and missing or broken tees and baffles), such work shall be

done within ninety (90) days of the inspection. Evidence of said work shall be submitted to the Building Official.

- b. **Failure Evaluation and Repairs** - If the inspector determines that the OSDS has failed, as herein defined, the Building Official shall notify SCDHEC of the failure within five (5) days of receiving the inspection report. The property owner or his contractor shall:
 - 1.) Contact SCDHEC within fifteen (15) days of the inspection to request a failure evaluation and course of corrective action by a licensed contractor.
 - 2.) Submit evidence of repairs to the Building Official within sixty (60) days of repairs.
4. **Time Between Inspections** - If an inspection has been conducted pursuant to a sale of real estate interest or a change of occupancy within three years of a subsequent sale of real estate interest or change of occupancy of the subject site, a new inspection shall not be required unless the sale or change of occupancy will result in increased sewage flow into the system.
5. **Specialized (Engineered) Onsite Wastewater Systems** - This section applies to specialized onsite wastewater systems that have been permitted and installed in accordance with SCDHEC Regulations R.61-56 system standards for specialized onsite wastewater system designs (less than 1500 GPD).

Specialized onsite wastewater systems are exempted from the inspections prior to sale of real estate interest, prior to renovations, and prior to change of occupancy under the following condition:

- a. Upon submittal of documentation that the specialized onsite wastewater system has been inspected and maintained in accordance with the manufacturer's recommendations for operation and maintenance of the system, as well as the consulting Professional Engineer's plans for compliance of the manufacturer's recommendations. If such documentation cannot be presented, an inspection shall be required to certify that the manufacturer's recommendations for operations and maintenance of the system are current and that the system is functioning satisfactorily in accordance with the consulting Professional Engineer's plan.

3:7.4-9 Compliance, Penalties, and Violations

Failure to comply with the requirements of the Lake Wateree Overlay District regulations shall be cause for a "Stop Work" order on applicable permits. New permits or "Resume Work" orders shall not be issued until all requirements of this Ordinance are met and the required fines are paid through the courts. Any person, firm, or corporation in violation of any provision of the LWOD regulations shall, upon conviction, be guilty of a misdemeanor and fined or imprisoned per the provisions of the Administration article of this Ordinance.