

TOWN OF IRMO, SC CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS



**Adopted by Irmo Town Council Ordinance 20-01 February 4, 2020
Updated through June 17, 2025**

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Contents

TOWN OF IRMO, SOUTH CAROLINA, CODE OF ORDINANCES APPENDIX A – CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS 9

Preamble 9

Supersedence and Repeal of Prior Ordinance 9

Interpretation and Conflict 9

Separability and Validity 10

Effective Date 10

Article 1 Establishment of Zoning Districts, Purpose of Districts, and Rules for the Interpretation of District Boundaries 11

Section 1-1 Establishment of Districts 11

Section 1-2 Purpose of Districts 11

Section 1-3 Establishment of Official Zoning Map 12

Section 1-4 Amendments to the Official Zoning Map 13

Section 1-6 Additions to the Official Zoning Map (Annexation) 13

Section 1-7 Permits Required 14

Article 2 Primary Zone District Regulations 15

Section 2-1 Establishment of Tables 15

Section 2-2 Use of Table 1 15

Section 2-3 Conditional Uses and Special Exceptions 28

2-3.1 Conditional Uses for Commercial Office (CO) Zoning Districts 28

2-3.2 Conditional Uses or Special Exceptions for Neighborhood Commercial (CN) and Fringe Agriculture (FA) Zoning Districts 28

2-3.3 Conditional Uses and Special Exceptions for Urban Gardens 29

2-3.4 Conditional Uses for Mobile Food Services (Vendors, Food Trucks) 29

2-3.5(A) Conditional Uses for Townhouses 30

2-3.5(B) Conditional Uses for Multi-Family Housing 30

2-3.6 Conditional Uses for Accessory Apartments 31

2-3.7 Conditional Uses for Home Occupations 31

2-3.8 Conditional Uses for Family Daycare Homes 31

2-3.9 Conditional Uses for Manufacturing Facilities 32

2-3.10 Conditional Use for Bus and Transit Stops Only 35

2-3.11 Conditional Uses and Special Exceptions for Bars and Other Drinking places 35

2-3.12 General Rules for Special Exceptions 35

2-3.13 Special Exception for Wireless Communication (Cell) Towers and Permit Requirements for Co-Location of Antenna on Existing Towers 36

2-3.14 Special Exception for Sexually Oriented Businesses 38

2-3.15 Special Exceptions for Wrecking, Scrap, and Salvage Operations (NAICS 423930 Recyclable Material Merchant Wholesalers)	40
2-3.16 Special Exceptions for Mini-Warehouses and Self-Storage Units.....	40
2-3.17 Special Exceptions for Car Wash Facilities.....	40
2-3.18 Special Exceptions for Cigarette & Cigar Stores and Vape Shops.....	41
Section 2-4 Temporary Uses.....	41
Article 3 Zoning Regulations for Use of Lots	45
Section 3-1 Schedule of Lot Area, Yard, Setback, Height, Density, and Impervious Surface Requirements	45
3-1.1 Major Streets	46
3-1.2 Minor Streets	46
Section 3-2 Street Access	46
3-2.1 Exemptions.....	46
Section 3-3 Determining Minimum Lot Size	46
Section 3-4 Yard and Set-Back Modifications	47
3-4.1 Setbacks on Corner lots.....	47
3-4.2 Exceptions to Front Yard Setbacks from Street	48
Section 3-5 Buildable Area and Exceptions.....	48
Section 3-6 Exceptions to Height Limitations	49
Section 3-7 Outdoor Displays	49
3-7.1 Location of Outdoor Displays.....	49
Section 3-8 Accessory Buildings, Swimming Pools, and Spa Uses	49
3-8.1 Generally	49
3-8.2 Open Storage	50
3-8.3 Shipping Containers	50
3-8.4 Accessory Apartments.....	50
3-8.5 Accessory Structures Without a Principal Building	50
3-8.6 Swimming Pools and Spas.....	50
Section 3-9 Number of Principal Buildings Per Lot	50
Section 3-10 Visibility at Intersections.....	51
3-10.1 Visual Clearance Area.....	51
3-10.2 Intersection Sight Distance	51
Section 3-11 Traffic Analysis	52
Section 3-12 Architectural Standards	56
Article 4 Community Appearance, Buffering, Screening, Landscaping, Common Open Space, and Tree Protection	58
Section 4-1 Descriptions	58
Section 4-2 Buffer Areas	58
4-2.1 Definition and purpose of buffer areas.	58

4-2.2 Location of buffer areas.....	58
4-2.3 Determination of Buffer area requirements.	58
4-2.4 Buffer area specifications.	59
4-2.5 Maintenance.....	60
4-2.6 Buffer Area Types	61
4-2.7 Table of Buffer Area Requirements	63
4-2.8 Existing Plant Material	63
Section 4-3 Screening	63
4-3.1 Definition	63
4-3.2 Purpose.....	63
4-3.3 Where Required.....	63
4-3.4 Type Screening Required	64
4-3.5 Retention Pond Screening	64
Section 4-4 Landscaping	64
4-4.1 Definition	64
4-4.2 Purpose.....	64
4-4.3 Where Required.....	65
4-4.4 Interior Landscaping	65
4-4.5 Parking Area Landscaping	65
4-4.6 Parking Curbs.....	65
4-4.7 Parking and Interior Landscaping Widths	66
4-4.8 Landscaping Plan.....	66
Section 4-5 Common Open Space.....	66
4-5.1 Definition	66
4-5.2 Purpose.....	66
4-5.3 Where Required.....	67
4-5.4 Common Open Space Plan.....	67
4-5.5 Types of Common Open Space and Required Maintenance.	67
4-5.6 Preservation of Open Space.....	68
Section 4-6 Private Tree Protection	68
4-6.1 Purpose	68
4-6.2 Protection of Significant Trees.....	68
4-6.3 Exceptions.....	68
4-6.4 Tree Survey	69
4-6.5 Site Design (Significant Trees).....	69

4-6.6 Tree Protection	69
4-6.7 Tree Replacement.....	69
Section 4-7 Public Tree Protection	70
4-7.1 Purpose	70
4-7.2 Objectives	70
4-7.3 Benefits of Trees	70
4-7.4 Applicability.....	71
4-7.5 Public Trees.....	71
4-7.6 Administration	71
4-7.7 Definitions.....	71
4-7.8 Annual Work Plan	72
4-7.9 Public Tree Maintenance Standards	72
4-7.10 Establishment of Public Tree Planting Program.....	73
4-7.11 Maintenance	74
4-7.12 Protection	75
4-7.13 Removal	76
4-7.14 Damage to Public Trees.....	77
4-7.15 Appraised Tree Value.....	77
4-7.16 Enforcement	77
4-7.17 Violations	77
4-7.18 Emergencies.....	77
4-7.19 Appeals	77
Article 5 Sign Regulations	78
Section 5-1 – Purpose and General Provisions	78
Section 5-2 – Signs Permitted by Zone	79
Section 5-3 – Sign Regulations by Type	79
Section 5-4 – Prohibited Signs	87
Section 5-5 – Other Sign Regulations.....	90
5-5.1 Sign Surface Area	90
5-5.2 Sign Height.....	90
5-5.3 Signs in the Public Right-of-Way.....	91
5-5.4 Signs Forfeited	92
5-5.5 Removal of Signs.....	92
5-5.6 Sign Materials and Code Compliance	92
5-5.7 Sign Illumination	92
5-5.8 Changeable Copy Signs	93

Section 5-6 – Administrative Variances	93
Article 6 Off-Street Parking Regulations	94
Section 6-1 Off-Street Parking Lots.....	94
6-1.1 General Requirements	94
6-1.2 Land to Provide Parking	94
6-1.3 Design Standards.....	95
6-1.4 Maintenance	96
6-1.5 Parking Spaces for the Physically Handicapped	96
Section 6-2 Off-Street Loading	97
Section 6-3 Parking, Storage, and Use of Vehicles and Equipment in Residential Zones	97
6-3.1 Heavy-Duty Vehicle Parking.....	98
6-3.2 Inoperable Vehicle Parking in Residential Areas	99
6-3.3 Parking, Storage, and Use of Recreational Vehicles (Campers, Travel Trailers), Utility Trailers, and Boats	99
6-3.4 Front Yard Parking in Residential Areas	99
Article 7 Special Purpose Districts	101
Section 7-1 Planned Development Districts (PDD)	101
7-1.1 Types of Negotiated Development Districts.....	101
7-1.2 Purpose	101
7-1.3 Intent	101
7-1.4 Establishment	102
7-1.5 Public Notice	102
7-1.6 Amendment.....	103
7-1.7 Minimum Area Requirements	103
7-1.8 Requirements	103
7-1.9 Failure to Begin, Failure to Complete, or Failure to Make Progress	104
7-1.10 Vested Rights	104
7-1.11 Single-Family Residential Density.....	105
7-1.12 Architectural and Design Requirements	105
Section 7-2 Conservation Design	107
Section 7-3 Mixed-Use Development Districts	108
7-3.1 Permitted Uses	108
7-3.2 Development Standards for Mixed-Use Developments.....	108
Section 7-4 Concept Plan Requirements	109
Section 7-5 Descriptive Statement Requirements.....	109
Section 7-6 Development Agreement	110
Article 8 Nonconformities.....	111

Section 8-1 Existing Nonconforming Lots of Record.....	111
Section 8-2 Existing Nonconforming Uses, Buildings, Signs, and Structures.....	111
8-2.1 Change of Ownership of Non-Conforming Uses	112
8-2.2 Nonconforming Signage	112
8-2.3 Nonconforming Mobile Homes	112
Article 9 Regulations for the Subdivision of Land and the Creation of Lots	114
Section 9-1 Terms and Definitions.....	114
Section 9-2 Definition of Subdivision, SC Code of Laws 6-29-1110.....	114
Section 9-3 Creation of Lots.....	115
9-3.1 Flag Lots and Lots Accessed by Easements	115
9-3.2 Street Frontage Lots on Cul-de-Sacs and on Curbs Less than 90 Degrees	116
9-3.3 Subdivision of Parcels on Unimproved (Non-paved) County-Maintained Roads.....	116
9-3.4 Subdivision of Parcels on Pre-existing Private Roads.....	116
Article 10 Land Development Submittal Requirements and Approval Process.....	117
Section 10-1 General Application Process	117
10-1.1 Determining County of Jurisdiction for Land Development Projects.....	117
Section 10-2 Land Development Applications	117
10-2.1 Submittal Requirements and Approval Processes for Exempt Subdivisions and Re-Survey Plats	118
10-2.2 Submittal Requirements and Approval Processes for Minor Subdivisions	118
10-2.3 Submittal Requirements and Approval Processes for Major Subdivisions	119
10-2.4 Group Developments	122
Section 10-3 Mixed-Use Developments.....	124
10-3.1 MD District Site Plan.....	124
10-3.2 MD Preliminary Plan.....	124
10-3.3 MD Final Plat	127
Section 10-4 Bonded Plat.....	128
10-4.1 Policy	128
10-4.2 Bond Application Submittal Requirements	128
10-4.3 Bond Submittal Process	128
10-4.4 Approval.....	129
10-4.5 Allocation of Bond.....	129
10-4.6 Reduction of Bond.....	129
10-4.7 Extension of Bond	129
10-4.8 Approval for Recording	129
Section 10-5 Development Agreements.....	129
10-5.1 Minimum Requirements	130

10-5.2 Procedures for Adoption of Development Agreements	130
10-5.3 Recording of Development Agreement	131
10-5.4 Annual Review.....	131
Article 11 Land Development Design Standards.....	132
Section 11-1 Purpose.....	132
Section 11-2 General Site Design.....	132
11-2.1 General Site Design Considerations	132
11-2.2 Site Analysis.....	132
Section 11-3 Phased Clearing During Site Development	134
11-3.1 The Clearing Plan.....	134
11-3.2 Site Clearing Predevelopment Phase	134
11-3.3 Infrastructure Construction Phase	135
11-3.4 Building Phase	135
11-3.5 Applicability	135
Section 11-4 Conservation Design Standards	135
11-4.1 Conservation Design	135
11-4.2 Purpose of Conservation Design	135
11-4.3 Significant Lands.....	136
Section 11-5 Forestry Activity and Land Development.....	137
11-5.1 Permitted Forestry Activity	137
11-5.2 Time Restrictions on Issuing Permits Following Forestry Activity.....	138
Section 11-6 Street Standards	138
11-6.1 Cul-de-Sacs and Dead-End Streets	138
11-6.2 Block Lengths	138
11-6.3 Reverse Frontage Roads.....	139
Section 11-7 Driveway Standards	139
11-7.1 Driveway Defined	139
11-7.2 Driveway Width	139
11-7.3 Number of Driveways.....	139
11-7.4 Joint Use of Driveways and Connectivity	140
11-7.5 Driveway Separation	140
Section 11-8 Underground Wiring.....	140
11-8.1 Exceptions	140
Section 11-9 Non-Motorized Access and Connectivity	141
11-9.1 Cul-de-sac and Dead-end Street Connectivity.....	141
Section 11-10 Street Lighting.....	141
Section 11-11 Surveys and Markings.....	141

Article 12 Administration.....	142
Section 12-1 Planning Official.....	142
Section 12-2 Administrative Procedures and Requirements	142
12-2.1 Filing Applications and Fees	142
12-2.2 Application Requirements for a Zoning Permit.....	143
Section 12-3 Board of Zoning Appeals.....	144
12-3.1 Proceedings of the Board of Zoning Appeals	144
12-3.2 Appeals to the Board of Zoning Appeals, Hearings, and Notices.....	145
12-3.3 Powers and Duties of the Board of Zoning Appeals.....	145
12-3.4 Decisions of the Board of Zoning Appeals.....	146
12-3.5 Appeal from Board of Zoning Appeals to Circuit Court.....	146
Section 12-4 Planning Commission.....	146
12-4.1 Appeal to the Planning Commission	146
12-4.2 Exceptions Granted by the Planning Commission.....	146
Section 12-5 Amendments	146
12-5.1 Zoning Map Amendments.....	147
12-5.2 Ordinance Text Amendments	148
Section 12-6 Interpretation and Conflict	148
Article 13 Definitions	150
Section 13-1 General Definition Rules	150
Section 13-2 Selected Definitions	150
Article 14 Irmo Planting Materials	162

TOWN OF IRMO, SOUTH CAROLINA, CODE OF ORDINANCES

APPENDIX A – CODE OF ZONING AND LAND DEVELOPMENT REGULATIONS

An ordinance of the Town of Irmo, South Carolina, regulating the location and use of buildings, structures, and land, the height of buildings and other structures, the size of yards, the density and distribution of population; creating districts for said purposes and establishing the boundaries thereof; establishing development standards; defining land development projects submittal and approval review process; regulating the subdivision of land; defining certain terms used herein; providing for the method of administration and amendment; and providing for the imposition of penalties for the violation of the provisions of this Ordinance.

Preamble

In accordance with authority conferred by the General Statutes of South Carolina, 1976 Code of Laws, Title 6, Chapter 29 of the Comprehensive Planning Enabling Act of 1994, as amended, and for:

1. promoting public health, safety, morals, convenience, order, appearance, prosperity, and general welfare;
2. securing safety from fire; providing adequate light, air, and open space;
3. preventing the overcrowding of land;
4. avoiding undue concentration of population;
5. facilitating the creation of a convenient, attractive, and harmonious community;
6. protecting and preserving scenic, historic, and ecologically sensitive areas;
7. ensuring the timely provision of required streets, utilities, and other facilities and services to new land development;
8. ensuring the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
9. facilitating the provision of public services, affordable housing, and disaster evacuation;
10. and ensuring, in general, the wise and timely development of new areas in harmony with the adopted Comprehensive Plan for the Town of Irmo, South Carolina;

the Town Council hereby ordains and enacts into law the following Articles and sections, which shall comprise and be known as the Code of Zoning and Land Development Regulations (ZLDR) of the Town of Irmo, South Carolina, and shall be applicable throughout the legally recorded corporate limits of the Town, as now or hereafter established.

Supersedence and Repeal of Prior Ordinance

As of the effective date of this Ordinance, except as specifically referenced, it shall replace in its entirety the Code of Ordinances, Town of Irmo, SC, Appendix A Zoning and Appendix B Land Development. All Town of Irmo ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

Interpretation and Conflict

The provisions of this Ordinance shall be held to be minimum requirements. Where the conditions

imposed by any provision of this Ordinance are either more restrictive or less restrictive than any other applicable Federal, State, Lexington County, Richland County, or Town of Irmo statute, the more restrictive statute, imposing higher standards or requirements, shall govern.

Separability and Validity

The provisions of this Ordinance are separable. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof which is not specifically declared to be invalid or unconstitutional.

Effective Date

This Ordinance shall take effect upon third reading by the Irmo Town Council.

Article 1 Establishment of Zoning Districts, Purpose of Districts, and Rules for the Interpretation of District Boundaries

Section 1-1 Establishment of Districts

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

Map Symbol	
RS	Single-family Residential District
RG	General Residential District
CO	Office-Commercial District
CN	Neighborhood-Commercial District
CG	General Commercial District
LM	Light Manufacturing District
FA	Fringe Agricultural District
MD	Mixed-use Development District

Note that the current PDD, Planned development district, designation shall be retired as of the effective date of this Ordinance.

Section 1-2 Purpose of Districts

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

RS, Single-family residential district. The RS district is intended to foster, preserve, and protect areas of the community in which the principal use of land is for detached, single-family dwellings, and certain residential support facilities at low densities.

RG, General residential district. The RG 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.

RN, Negotiated residential district. The RN district is a special purpose district, allowing for a range of residential uses including, but not limited to, single family residential, duplexes, townhomes, and apartments. The intent is to create a planned, unified development that encourages flexibility of design and allowable residential uses within the district. While a mix of residential uses and types is encouraged, it is not required. In order to rezone property to RN, a concept plan, descriptive statement (described elsewhere in this ordinance), and bonus density calculation shall be submitted to and approved by the Town Council. *(Added March 19, 2024)*

CO, Office-Commercial district. The CO district is intended to accommodate office, selected service, and institutional uses. It is designed principally for use along major streets and subdivision borders to help ameliorate the consequences of change impacting these areas and to serve as transitions between more intense commercial uses and residential areas. These intentions shall be considered in decisions of

requests for CO zoning.

CN, Neighborhood-Commercial district. The CN district is intended to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in these districts are of the "convenience variety." CN establishments can provide community members convenient access to frequently used neighborhood-oriented services and give residents the option of walking rather than depending on an automobile. 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 potentially incompatible commercial uses. These intentions shall be considered in decisions of requests for CN zoning.

CG, General-Commercial district. The CG district is intended to provide for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. Toward this end, a wide range of business and commercial uses are permitted herein.

LM, Light manufacturing district. The intent of the LM district is to accommodate wholesaling, distribution, storage, processing, and light manufacturing uses in an environment suited to such uses and operations, while promoting land use compatibility through the application of performance standards, and to prohibit certain potentially incompatible manufacturing plants.

FA, Fringe agricultural district. The intentions of the fringe agricultural district are (1) to retain and support agricultural operations within the fringe areas of the town, between the open countryside and the built-up suburbs, and (2) to provide for both rural and urban lifestyles within the Town.

MD, Mixed-use development district. The Mixed-Use (MD) district is a special purpose district. The intent is to create a planned, unified development that encourages flexibility of design and allowable uses within the district. Within the MD, regulations adapted to unified planning and development standards are intended to accomplish the purposes of zoning, design standards, and other applicable regulations to an equivalent or higher degree than general zoning district regulations that are designed to control uncoordinated development on individual lots or tracts. Mixed-use developments are intended to promote economical and efficient land use, to provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

Section 1-3 Establishment of Official Zoning Map

The boundaries of the use districts established by this Ordinance are shown on the Official Zoning Map which shall be identified by the signature of the Mayor, attested by the Planning Official, and maintained at Town Hall. The Official Zoning Map and all amendments, certifications, citations, and other matters entered onto the Official Zoning Map are hereby made a part of this Ordinance and have the same legal effect as if fully set out herein. With the exception of re-designation of parcels zoned PDD to MD, the Official Zoning Map in existence prior to the effective date of this Ordinance shall remain in full force and effect upon ratification of this Ordinance.

No changes of any nature shall be made on the Official Zoning Map 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.

The Town may maintain, or cause to be maintained, an electronic database and map of the zoning by parcel address and/or associated Tax Map Survey (TMS) number. If such a map is maintained, it is the

responsibility of the Planning Official to maintain and verify this database and map and to ensure that electronically generated maps conform to the Official Zoning Map(s).

Section 1-4 Amendments to the Official Zoning Map

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.

Section 1-5 Rules for Interpretation of District Boundaries on the Official Zoning Map

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

- (1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, or public utility easements shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following platted lots or tract lines shall be construed as following such lines, whether public or private.
- (3) Boundaries indicated as approximately following town (political) limits shall be construed as following such political limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as approximately following the center lines of natural barriers, such as streams, shall be construed to follow such center lines.
- (6) Boundaries indicated as parallel to, or extensions of, features indicated in subsections 1 through 5 above shall be so construed. If distances are not specifically indicated on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the boundaries shall be determined by the use of scale of such map.
- (7) 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.

Section 1-6 Additions to the Official Zoning Map (Annexation)

Wherever any petition for the annexation of any area to the Town of Irmo, pursuant to the provisions of any procedure for annexation now or hereafter authorized under the laws of South Carolina, is presented to Town Council, the Council shall, upon acceptance of such petition, refer same to the Planning Commission for a recommended zoning designation.

The Planning Commission shall review the petition in relation to the applicant's request, if any, for a specific zoning designation, the Town's Comprehensive Plan, present use, and surrounding development, and shall recommend an appropriate zoning classification based on available alternatives from the compliance index of the Comprehensive Plan.

The recommended zoning classification for the subject annexed property shall follow the annexation petition presented to council within 60 days. There may be extenuating circumstances where the planning commission's procedural or initial presentation/first reading may be delayed, trailing the final annexation acceptance.

Section 1-7 Permits Required

No work shall commence without an approved zoning permit and/or building permit per SC Code § 6-29-950. Zoning approval is required before the issuance of building permits. Construction drawings may be submitted for review and approval to the building official [CC&I] on the same day of or after the submission of a development application and related submission(s) to the zoning clerk, zoning administrator, or designee. It is recommended to submit construction drawings on the same day or around the same time. Building permits issued in error are invalid until the zoning permit is approved. Any unapproved work must stop. If the work violates zoning standards, the project will have to be corrected or removed immediately. Neither the administrator nor council is obligated to allow the continuance of premature development activity or reimburse any applicant for expenses made before the approval.

Zoning standards are also applicable to the town, county, and State in their pursuit of development within the Town of Irmo per SC Code § 6-29-770. Simply, they too have to complete and submit the applicable application(s) and provide additional submissions for review and approval. This applies to public schools and colleges per SC Code § 6-9-110. The Codes states: *Code of Laws of South Carolina, 1976, exempts school district facilities, reviewed and approved by the State Department of Education, from a county, municipal, or other local ordinances or regulations which require the purchase or acquisition of a permit, license, or other device utilized to enforce a building standard. However, it does not exempt the district from zoning ordinances.*

Construction or development activity without an approved zoning permit and/or building permit, and/or noncompliance with zoning standards carry penalties outlined in Irmo's Code of Ordinances Section 1-8. *General Penalty.*

Article 2 Primary Zone District Regulations

Section 2-1 Establishment of Tables

The uses permitted in the several zoning districts established by Article 1, the off-street parking requirements, and the dimensional requirements of each are set forth herein. These requirements are presented through the use of tables in section 2.2.

Table 1 sets forth use and off-street parking requirements for all districts. Article 3, Table 2 sets forth lot area, yard, setback, height, density and floor area requirements for all districts.

Section 2-2 Use of Table 1

The North American Industry Classification System (NAICS) is the basis for determining the use of property permitted in the various primary zoning districts. Where uncertainty exists relative to a given use not specifically listed by Table 1, the *NAICS Manual* shall be consulted. The 2022 (or most current) edition of the *NAICS Manual* is used in this Ordinance and shall be consulted hereafter for use determinations. If there is a discrepancy between the NAICS use description and the listed NAICS code number, refer to the *Manual* to verify the correct code number. While the NAICS Manual will be consulted, the determination of whether a use not listed below is appropriate in a certain zone shall be made by the Zoning Administrator. An applicant aggrieved by the Zoning Administrator's decision may appeal said decision to the Board of Zoning Appeals for a final determination.

In general, all uses listed by a given NAICS subsector number and category should be construed as being permitted if allowed in the assigned zoning district, unless specific uses are separately listed. When specific uses are separately listed, their uses allowed or not allowed in each zoning district apply to that specific use only. Example:

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Food and beverage stores	445			C	C	P	P	C	1.0 per 350 s.f. GFA
Convenience stores	44512			C	C	P	P	C	1.0 per 350 s.f. GFA
Farmers markets	445230			P	P	P	P	P	1.0 per 350 gross parcel area
Specialty food stores	4452			C	C	P	P	C	1.0 per 350 s.f. GFA

Convenience stores, farmers markets, and specialty foods stores have specific allowances within each zoning district. All other food and beverage stores are regulated as listed under the NAICS 445 subcategory.

If no uses are listed as permitted under a NAICS subsector, but the following specific uses are listed as permitted within the subsector, only those listed subsector uses are permitted, and no others. Example:

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Waste management and remediation services	562								
Solid waste collection	562111					P	P		1.0 per 500 s.f. GFA
Septic tank and related services	562991					P	P		1.0 per 500 s.f. GFA

Only solid waste collection and septic tank and related services are allowed under NAICS 562, Waste Management and Remediation Services.

Again, the Zoning Administrator shall use the NAICS manual and the above guidelines to help determine which specific unlisted uses are allowable in which districts. It is not possible that every use within the NAICS sectors will be listed in the tables or covered in the *NAICS Manual*. However, if the Zoning Administrator is unable to make a determination, the applicant may apply for a ruling from the Board of Zoning Appeals that the proposed use is the same as, or substantively like, an allowable or conditionally allowable use that is listed in the tables, and therefore allowable. The Zoning Administrator may rely on such rulings in making future use determinations.

Any uses listed in Table 1 that are not covered in the *NAICS Manual* are identified by the letters “NA” (Not Applicable) in the NAICS column.

All uses are to be considered commercial (business, industry, enterprise, etc.) uses unless otherwise specified under conditional uses. Unless otherwise specified in conditional use regulations, private, non-commercial, not for sale or profit uses may be allowable and are not strictly applicable to the use tables. Such uses include what are normally considered hobbies. Again, the Zoning Administrator shall determine the appropriateness of the use in any specific zone.

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 land development standards.

Where the letter "C" is shown, the use to which it refers is Conditionally Permitted in the indicated district, subject to applicable requirements (conditions) set forth in this Ordinance.

Where the letters “SE” are shown, the use to which it refers is subject to a Special Exception determination by the Board of Zoning Appeals in the indicated district, according to applicable requirements set forth in this Ordinance.

Where the space is blank (no letter), the use to which it refers is Not Permitted in the indicated district.

A 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 1, 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
Sectors 31-33:	Manufacturing

Sector 42:	Wholesale Trade
Sectors 44-45:	Retail Trade
Sectors 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.

A Note on Off-Street Parking: As with the appropriateness of uses in certain districts, required off-street parking requirements cannot be determined for all uses, and occasionally the given calculation for required off-street parking may be deemed inappropriate by the Zoning Administrator for specific projects. The Zoning Administrator shall always use this Zoning Ordinance as a guide for the off-street parking requirement, but developers may always request a variance to the requirement based on past experience with similar developments, the parking requirements of nearby jurisdictions, data from the Institute of Transportation Engineers or similar groups, or factors specific to the proposed development. The Zoning Administrator may take this data into consideration when deciding upon required parking. Both the applicant and the Zoning Administrator have the right to request that the Board of Zoning Appeals hear the variance request should the Administrator not be able to issue a decision or should the applicant feel aggrieved by the Administrator's decision.

Required off-street parking for residential uses is set at two (2) spaces per unit. These parking spaces shall not be less than nine (9) feet by nineteen (19) feet. In practice, this sets the practical distance between a garage door and the edge of right-of-way at nineteen (19) feet. Garages and carports may be used for the calculation of off-street parking but must have a clear width at the garage door of eighteen (18) feet in order to be considered as accommodating two vehicles. Garage doors at least nine (9) feet in width but less than eighteen (18) feet in width shall be considered to accommodate one (1) vehicle. In all cases a garage or carport must have a depth of nineteen or more feet in order to be considered capable of accommodating a vehicle.

Table 1
Schedule of Permitted, Conditional, and Special Exception Uses and Off-Street Parking Requirements by Zoning District

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Agriculture, forestry, fishing and hunting	11								
Crop production	111						P	P	None
Urban garden	111	C/ SE	C/ SE	P	P	P	P	P	None
Seasonal roadside produce stands	111			P	P	P	P	P	2.0 per stand
Animal production and aquaculture	112						P	P	None
Forestry and logging	113						P	P	None
Fishing, hunting, and trapping	114								
Support activities for agricultural and forestry	115						P	P	1.0 per 1,000 s.f. GFA
Mining, quarrying, and oil and gas extraction	21								
Oil and gas extraction	211								
Mining (except oil and gas)	212								
Support activities for mining	213								
Utilities	22								
Utilities	221					P	P	P	1.0 per 500 s.f. GFA
Electric power distribution	221122	P	P	P	P	P	P	P	none
Natural gas distribution	2212	P	P	P	P	P	P	P	none
Construction	23								
Construction and buildings	236					P	P	C	1.0 per 1,000 s.f. GFA

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Heavy and civil engineering construction	237					P	P	C	1.0 per 1,000 s.f. GFA
Specialty trade contractors	238			C	C	P	P	C	1.0 per 750 s.f. GFA
Manufacturing	31—33								
Food manufacturing	311						C		1.0 per 1,000 s.f. GFA
Small scale food production (refer to definitions)	311			P	P	P	P	P	1.0 per 350 s.f. GFA
Beverage and tobacco product manufacturing	312						C		1.0 per 1,000 s.f. GFA
Textile mills	313						C		1.0 per 1,000 s.f. GFA
Textile product mills	314						C		1.0 per 1,000 s.f. GFA
Apparel manufacturing	315						C		1.0 per 1,000 s.f. GFA
Leather and allied product manufacturing	316						C		1.0 per 1,000 s.f. GFA
Wood product manufacturing	321						C		1.0 per 1,000 s.f. GFA
Paper manufacturing	322						C		1.0 per 1,000 s.f. GFA
Printing and related support activities	323						C		1.0 per 1,000 s.f. GFA
Petroleum and coal products manufacturing	324						C		1.0 per 1,000 s.f. GFA
Chemical manufacturing	325						C		1.0 per 1,000 s.f. GFA
Plastics and rubber products manufacturing	326						C		1.0 per 1,000 s.f. GFA
Nonmetallic mineral product manufacturing	327						C		1.0 per 1,000 s.f. GFA
Primary metal manufacturing	331						C		1.0 per 1,000 s.f. GFA
Fabricating metal product manufacturing	332						C		1.0 per 1,000 s.f. GFA
Machinery manufacturing	333						C		1.0 per 1,000 s.f. GFA
Computer and electronic product manufacturing	334						C		1.0 per 1,000 s.f. GFA
Electrical equipment appliance and component manufacturing	335						C		1.0 per 1,000 s.f. GFA

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Transportation equipment manufacturing	336						C		1.0 per 1,000 s.f. GFA
Furniture and related product manufacturing	337						C		1.0 per 1,000 s.f. GFA
Miscellaneous manufacturing	339						C		1.0 per 1,000 s.f. GFA
Wholesale trade	42								
Merchant wholesalers, (durable goods)	423					P	P		1.0 per 5,000, s.f. GFA
Wrecking, Scrap, and Salvage – Junk Yards	423930					SE	SE		1.0 per 5,000 s.f. gross site area
Merchant wholesalers (nondurable goods)	424					P	P		1.0 per 5,000, s.f. GFA
Wholesale electronic markets and agents and brokers	425					P	P		1.0 per 5,000, s.f. GFA
Retail trade	44–45								
Motor vehicle and parts dealers	441					P	P		Vehicle dealers: 1 per 350 s.f. GFA plus 1 per 5,000 outdoor display area ² Parts dealers: 1.0 per 350 s.f. GFA
Furniture and home furnishings stores	442			C	C	P	P		1.0 per 350 s.f. GFA
Electronics and appliance stores	443					P	P		1.0 per 350 s.f. GFA
Building material and garden equipment supplies dealers	444			C	C	P	P	C	1.0 per 350 s.f. GFA
Paint and wallpaper store	444120			C	C	P	P		1.0 per 350 s.f. GFA
Nursery, garden center, and farm supply stores	444220			C	C	P	P	C	1.0 per 350 s.f. GFA
Food and beverage stores	445			C	C	P	P	C	1.0 per 350 s.f. GFA
Farmers markets	445230			P	P	P	P	P	1.0 per 350 gross parcel area
Health and personal care stores	446			C	C	P	P		1.0 per 350 s.f. GFA
Pharmacies and drug stores	44611			P	C	P	P		1.0 per 350 s.f. GFA

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Gasoline stations	447					P	P		1.0 per 600 s.f. GFA
Gasoline stations with convenience stores	447110			C	C	P	P	C	1.0 per 600 s.f. GFA
Clothing and clothing accessories stores	448			C	C	P	P	C	1.0 per 350 s.f. GFA
Sporting goods, hobby, book, and music stores	451			C	C	P	P	C	1.0 per 350 s.f. GFA
General merchandise stores	452			C	C	P	P	C	1.0 per 350 s.f. GFA
Miscellaneous store retailers	453			C	C	P	P	C	1.0 per 350 s.f. GFA
Used merchandise stores	453310			C		P	P		1.0 per 350 s.f. GFA
Non-store retailers	454			C	C	P	P	C	1.0 per 500 s.f. GFA Flea market: 1.5 per stall
Vending machine operators accessory use ⁹	45421			C	C	P	P	C	None additional
Vending machine operators primary use ⁹	45421					P	P		2 spaces per machine
Cigarette & Cigar Stores; Vape Shops	459991					SE	SE		1.0 per 350 s.f. GFA
Transportation and warehousing	48—49								
Air transportation	481								
Rail transportation	482					P	P	P	1 per 1000 gross yard area
Water transportation	483								
Truck transportation	484					P	P		1.0 per 500 s.f. GFA
Transit and ground passenger transportation	485					P	P		1.0 per 500 s.f. GFA
Bus and transit stops only	485	C	C	C	C	C	C		None
Pipeline transportation (except transmission lines)	486						P		1.0 per 500 s.f. GFA and/or 1,000 gross yard area
Pipeline transportation (transmission lines only)	486	P	P	P	P	P	P	P	None
Scenic and sightseeing transportation	487					P	P		1.0 per 500 s.f. GFA
Support activities for transportation	488					P	P		1.0 per 500 s.f. GFA

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Postal service	491	P	P	P	P	P	P	P	1.0 per 250 s.f. GFA
Couriers and Messengers	492					P	P		1.0 per 500 s.f. GFA
Warehousing and storage and distribution centers	493					P	P		1.0 per 5,000 s.f. GFA
Information	51								
Publishing industries (except internet)	511			P		P			1.0 per 350 s.f. GFA
Motion picture and sound recording industries	512			C		P	P		1.0 per 350 s.f. GFA
Broadcasting (except internet)	515			C		P	P		1.0 per 350 s.f. GFA
Telecommunication	517			P	P	P	P		1.0 per 350 s.f. GFA
Wireless communication carriers (cellular towers)	517312			SE	SE	SE	SE	SE	Per approved site plan
Data processing, hosting, and related services	518			P		P	P		1.0 per 350 s.f. GFA
Other information services	519			P		P	P		1.0 per 350 s.f. GFA
Libraries	519120	P	P	P	P	P	P		1.0 per 350 s.f. GFA
Finance and insurance	52								
Monetary authorities-central bank	521			P	P	P	P		1.0 per 350 s.f. GFA
Credit intermediation and related activities	522			P	P	P	P		1.0 per 350 s.f. GFA
ATM machines	522320			P	P	P	P	C ³	
Securities, commodity contracts, and other financial investment and related activities	523			P	P	P	P		1.0 per 350 s.f. GFA
Insurance carriers and related activities	524			P	P	P	P		1.0 per 350 s.f. GFA
Funds, trusts, and other financial vehicles	525			P	P	P	P		1.0 per 350 s.f. GFA
Real estate and rental and leasing	53								
Real estate	531			P	P	P	P	C	1.0 per 350 s.f. GFA

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Leasers of mini warehouses and self-storage units (refer to special exceptions uses for mini warehouses)	53113						SE		Refer to special exceptions
Rental and leasing services	532			C		P	P		1.0 per 350 s.f. GFA
Leasers of nonfinancial intangible assets (except copyrighted works)	533			P	P	P	P		1.0 per 350 s.f. GFA
Professional, scientific, and technical services	541			P	C	P	P		1.0 per 350 s.f. GFA
Tax return preparation services	541213			P	C	P	P	C	1.0 per 350 s.f. GFA
Photography studies, portrait	541921			P	C	P	P		1.0 per 350 s.f. GFA
Management of companies and enterprises	55								
Management of companies and enterprises	551			P		P	P		1.0 per 750 s.f. GFA
Administrative and support and waste management and remediation services	56								
Administrative and support services	561			P	C	P	P		1.0 per 500 s.f. GFA
Waste management and remediation services	562								
Solid waste collection	562111					P	P		1.0 per 500 s.f. GFA
Septic tank and related services	562991					P	P		1.0 per 500 s.f. GFA
Education services	61								
Education services	611								
Elementary and secondary schools	6111	P	P	P	P	P		P	1 per 15 students, design capacity elementary and middle schools - all others 0.7 spaces for each student, faculty, and staff per design capacity

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Junior colleges	6112	P	P	P	P	P	P	P	0.7 spaces for each student, faculty, and staff per design capacity
Colleges, universities, professional schools	6113	P	P	P	P	P	P	P	0.7 spaces for each student, faculty, and staff per design capacity
Business schools and computer management training	6114			P		P	P	P	0.7 spaces for each student, faculty, and staff per design capacity
Technical and trade schools	6115			P		P	P	P	0.7 spaces for each student, faculty, and staff per design capacity
Other schools and instruction	6116			P	C	P	P	C	5.0 per classroom, plus 2 per admin. office
Educational support services	6117			P		P	P		1.0 per 500 s.f. GFA
Health care and social assistances	62								
Ambulatory health care services	621			P	C	P	P	C	1.0 per 300 s.f. GFA
Hospitals	622			P		P	P		0.7 per bed design capacity
Nursing and resident care facilities	623				P	P			1.0 per 4 beds
Residential intellectual and developmental disability facilities (group homes)	62321	P	P	P	P	P		P	1.0 per 4 beds
Social assistance	624			P	P	P			1.0 per 200 s.f. GFA
Day Care Centers	624410			P	P	P			1.0 per 350 s.f. GFA
Arts, entertainment, and recreation	71								
Performing arts, spectator sports, and related industries ⁴	711					P	P		1.0 per 5 seats
Museums, historical sites, and similar institutions	712			P		P	P		1.0 per 350 s.f. GFA
Historic sites ⁵	71212	P	P	P	P	P	P	P	By individual review
Nature parks and other similar institutions ⁶	71219	P	P	P	P	P	P	P	By individual review

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Amusement, gambling, and recreational industries	713					P	P		1.0 per 350 s.f. GFA
Gambling industries	7132								
Golf course and country clubs	713910				P		P	P	5.0 per hole
Gyms, Physical Fitness	713940				P	P	P		1.0 per 250 s.f. GFA
Bowling alley	713950					P	P		5.0 per lane
Accommodations and food service	72								
Accommodations	721				P	P	P		1.0 per rental unit
Rooming and boarding houses	721310		P		P	P			1.0 per bedroom
Food services and drinking places	722			P		P	P		1.0 per 125 s.f. GFA
Restaurants and other eating places – excluding drive-ins	7225			P	C	P	P	C	1.0 per 125 s.f. GFA
Drive-in restaurants	722513					P	P		1.0 per 150 s.f. GFA
Mobile food services (see conditional uses)	722230			C	C	C	C	C	None
Bars and drinking places (alcohol)	722410				SE	C			1.0 per 125 s.f. GFA
Other services (except public administration)	81								
Repair maintenance	811					P	P		1.0 per 300 s.f. GFA
Carwashes	811192					SE	SE		Refer to special exceptions
Footwear and leather goods repair	811430				C	P	P		1.0 per 300 s.f. GFA
Personal and laundry services	812				C	P	P		1.0 per 500 s.f. GFA
Barber shop	812111			P	C	P	P	C	2.5 per chair or basin
Beauty shop	812112			P	C	P	P	C	2.5 per chair or basin
Nail salon	812113			P	C	P	P		2.5 per chair or basin

Tattoo parlor	812199								1.0 per 300 s.f. GFA
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Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Laundry service, coin-operated	812310			P	C	P	P	C	1.0 per 500 s.f. GFA
Parking lots and garages	812930			P	P	P	P		None
Sexually oriented businesses	81299						SE		1.0 per 300 s.f. GFA
Religious, grantmaking, civic, professional, and similar organizations	813			P	P	P	P		1.0 per 250 s.f. GFA
Religious organizations (Places of Worship)	8131	SE ¹⁰	SE ¹⁰	P	P	P	P	P	One (1) space for each four (4) seats in main assembly room
Private households employing workers on their premises	814	P	P	P	P	P		P	None additional
Public administration	92								
Executive, legislative, and other general government support	921			P	P	P	P		1.0 per 350 s.f. GFA
Justice, public order, and safety activities	922	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Courts	92211			P		P	P		1.0 per 350 s.f. GFA
Correctional institutions	92214								
Administration of human resource programs	923			P	P	P	P		1.0 per 350 s.f. GFA
Administration of environmental quality programs	924			P	P	P	P		1.0 per 350 s.f. GFA
Administration of housing programs, urban planning, and urban development	925			P	P	P	P		1.0 per 350 s.f. GFA
Administration of economic programs	926			P	P	P	P		1.0 per 350 s.f. GFA

Space research and technology	927			P		P	P		1.0 per 350 s.f. GFA
Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
National security and international affairs	928			P		P	P		1.0 per 350 s.f. GFA
Residential uses	N/A								
Single-family (including modular)		P	P					P	2.0 per unit
Two-family (duplex)			P						2.0 per unit
Townhouses & multi-family			C						2.0 per unit
Mixed-Use Residential Structures				P	P	P	P		
Mobile homes (see Sec. 8-2.3 <i>Nonconforming Mobile Homes</i>)									
Accessory uses to residential uses⁷	N/A								
Accessory apartments (refer to conditional uses for accessory apartments)		C	C	C	C	C		C	1.0 additional
Swimming pools, tennis courts		P	P	P	P	P		P	None additional
Detached garages and carports		P	P	P	P	P		P	None additional
Auxiliary shed, workshop		P	P	P	P	P		P	None additional
Home occupation (refer to conditional uses for home occupations)		C	C	C	C	C		C	None additional
Personal use horticulture and gardening ⁸		P	P	P	P	P		P	None additional
Family daycare home (refer to conditional uses for family daycare homes)		C	C	C	C	C		C	Refer to note 9
Temporary uses (refer to temporary use regulations of this Section)	N/A	C	C	C	C	C	C	C	Refer to temporary use regulations of this Section

NOTES

1. S.f. GFA means square feet of gross floor area. Note that off-street parking requirements is given for the primary use. The Planning Official may make adjustments to off-street parking requirements in consideration of more or less intense secondary uses. As example, the amount of square footage devoted to office space in a distribution center may require additional parking.
2. Auto dealers' outdoor display areas of automobiles for sale do not count as required parking. Refer to Article 6 for supplemental off-street parking requirements.
3. ATM machines can be located at uses conditionally permitted in FA zoning districts.
4. Special Events (fairs, carnivals, circuses, concerts, and similar events) are allowed as temporary uses. Refer to regulations for temporary uses (NAICS 71119).
5. Rules for use of historic sites are the jurisdiction of the individual property owner.
6. Includes playgrounds and neighborhood and regional parks (cross-reference NAICS 924).
7. Refer to regulations for accessory uses.
8. Cross-reference urban gardens (NAICS 111).
9. Vending machines are allowed as an accessory use (structure) to primary uses where the primary uses are permitted or conditionally permitted and are subject to the accessory use regulations of this Ordinance. Vending machines permitted as a primary use are subject to the zoning regulations for the use of lots, landscaping, off-street parking, and signage of this Ordinance.
10. Requires only General Rules for Special Exceptions to be met.

Section 2-3 Conditional Uses and Special Exceptions

2-3.1 Conditional Uses for Commercial Office (CO) Zoning Districts

When Table 1 conditionally allows a use in CO zoning districts, the Planning Official shall ensure that the following conditions will be met:

- A. Office buildings shall not exceed 6,000 square feet gross floor area.
- B. No uncovered open storage or keeping of materials not associated with the principal use shall be permitted in public view.
- C. Establishments shall not operate after 9:00 p.m.
- D. Establishments shall meet the buffer and landscaping requirements of this Ordinance.

2-3.2 Conditional Uses or Special Exceptions for Neighborhood Commercial (CN) and Fringe Agriculture (FA) Zoning Districts

The intent of these regulations is to allow certain small-scale commercial uses adjacent to residential developments and in rural parts of the Town. These uses are for small-scale businesses offering goods and services that are manned during business hours, do not require large-scale deliveries, and do not produce excessive levels of light or noise. Examples include shops, cafes, bakeries, and other types of service businesses. Integration of such commercial establishments can provide community members convenient access to neighborhood-oriented services and give residents the option of walking rather than depending on an automobile. Where conditionally permitted in CN and/or FA zoning districts per Table 1, these businesses:

- A. Shall not exceed 5,000 square feet gross floor area.
- B. If an establishment engaged in the retail sale of alcoholic beverages, shall not permit on premise consumption, except as a special exception in CN zoning districts as provided in this Article.
- C. Shall not have uncovered open storage or keep materials not associated with the principal use in public view.
- D. Shall not operate after 8:00 p.m.
- E. Shall meet the buffer and landscaping requirements of this Ordinance.

2-3.3 Conditional Uses and Special Exceptions for Urban Gardens

An Urban Garden is a lot, or any portion thereof, managed and maintained by a person or group of persons for non-commercial growing and harvesting, farming, community gardening, or any other use, which contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community use, consumption, off-site sale, or off-site donation.

In RS and RG residential zoning districts, Urban Gardens are conditionally permitted as an accessory use to any structure that serves as a permitted principal use, and Urban Gardens may be allowed by the Board of Zoning Appeals as a principal use on undeveloped lots by a Special Exception under the Conditions for Urban Gardens sited herein. In all other zoning districts (non-residential), Urban Gardens are permitted unconditionally as a principal or accessory use. The term Urban Garden does not include gardens located on lots with residential structures and grown for personal use of the residents of those lots. These are permitted outright.

2-3.3(1) *Conditions for Urban Garden Uses*

- A. No on-site sales are permitted.
- B. Urban Gardens do not include animal production.
- C. Urban Gardens must comply with all requirements set forth in the Irmo General Ordinances, unless otherwise expressly set forth herein.
- D. Notwithstanding any provision in this Ordinance to the contrary, hoop-houses, greenhouses, trellises, raised beds, tool sheds, and any other structures used by the Urban Garden for the purposes set forth above are expressly allowed. The placement of structures shall adhere to the accessory structure setback requirements of this Ordinance. Garden plants may be grown up to three (3) feet from any property line.
- E. Notwithstanding any provision in this Ordinance to the contrary, machinery and equipment used by the Urban Garden for the purposes set forth above are expressly allowed. When not in use, all such machinery and equipment shall be stored so as not to be visible from any public street, sidewalk, or right-of-way. An exception is that machinery and equipment temporarily rented or borrowed may be kept on-site and un-stored for a period of no more than fourteen (14) consecutive days.

2-3.4 Conditional Uses for Mobile Food Services (Vendors, Food Trucks)

Refer to the use of food trucks in Special Events temporary uses in this Article.

- A. Obtain a permit from the Town of Irmo.
- B. Comply with all SCDHEC Retail Food Establishments Regulations 61-25.
- C. Display the SCDHEC food letter grade.
- D. Maintain with the vehicle written permission for use from the private property owner or authorized lease holder of the private party of each vending location, if operating on private property.
- E. When not in operation, the mobile food service vehicle must be removed from the parcel and the operator must remove from the parcel all materials associated with the business. No mobile food service vehicle shall operate between the hours of 10:00 PM and 6:00 AM if the parcel upon which the mobile food service vehicle is located is within 400 feet of a parcel zoned residentially.
- F. The use of any sound amplification is prohibited regardless of the intended purpose.
- G. The sale or service of alcoholic beverages is prohibited, except as may be permitted under Special Events temporary uses.
- H. A garbage receptacle shall be provided for customers in a convenient location that does not

impede pedestrian or vehicular traffic.

- I. All litter or debris generated within a minimum of a 25-foot radius of the mobile food service vehicle shall be collected and removed by the mobile food service vehicle operator.
- J. Ancillary service items (tables, chairs, etc.) which are not a component of the mobile food service vehicle shall not be allowed.
- K. The mobile food service vehicle shall be positioned in a parking space; shall not block drive aisles, other access to loading/service areas, or emergency access and fire lanes; and shall be positioned at least 15 feet away from fire hydrants, any fire department connection, buildings, driveway entrances, alleys, handicapped parking spaces, sidewalks, tree trunks, and vegetation.
- L. Mobile Food Services may not operate at any one location more than eight (8) days per month.

2-3.5(A) Conditional Uses for Townhouses

Due to the unique design features of townhouses, the dimensional and density requirements of Table 2 are hereby modified, as follows:

- A. Such projects shall have a minimum of one acre.
- B. Minimum lot area shall be 2,000 square feet per unit, on average.
- C. Not more than six townhouses may be joined together, with approximately the same (but staggered) front line.
- D. Side yard setbacks at the end unit shall be as required for the district in which the project is to be located, with not less than 20 feet distance between buildings in the project area.
- E. Rear yard setbacks shall be 25 feet.
- F. Minimum lot width shall be 24 feet, on average.
- G. Sidewalks not less than five feet in width shall be provided along the front property line of each project building.
- H. Each home shall feature two (2) off-street parking spaces, plus one additional parking space for each ten (10) units spread through the development for overflow/guest parking. Additional parking placed on individual lots may count towards this requirement with Zoning Administrator approval.
- I. The building façades shall alternate between units.
- J. Where proposed adjacent to single-family detached neighborhoods, the Planning Official may require additional screening and/or buffering to protect adjoining single-family residents.

2-3.5(B) Conditional Uses for Multi-Family Housing

Due to the unique design features of multifamily housing (apartments), the dimensional and density requirements of Table 2 are hereby modified, as follows:

- A. Such projects shall have a minimum of one acre.
- B. Multifamily buildings may not cover more than twenty-five percent (25%) of the total lot acreage.
- C. Front yards, rear yards and side yards shall surround multifamily buildings by twenty-five (25) feet on all sides.
- D. Off-street parking must be provided for not less than two vehicles per single housing unit in the multifamily housing complex.

- E. Street access. Multifamily housing shall access only roads with a minimum of four paved lanes with one lane being a turning lane. Such roads may be pre-existing or modified by the developer and approved by SCDOT and the Town of Irmo.

2-3.6 Conditional Uses for 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 mobile home. The accessory apartment may be prefabricated but must meet all applicable building codes.

2-3.7 Conditional Uses for Home Occupations

Home occupations, as defined by this Ordinance, shall meet the following requirements where conditionally permitted by Table 1:

- 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 principal residence.
- E. No person not residing in the principal residence shall be employed on the premises.
- F. No traffic shall be generated in an amount above that normally expected in a residential neighborhood.
- G. No parking is needed above what is required in residential off-street parking.
- H. There is no alteration whatsoever of the residential character of the building(s) and/or premises.
- I. 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.
- J. The occupation shall not be used for receptions, parties, etc., in which the resident receives a fee or compensation.
- K. The occupation, profession, or trade must be properly licensed by the Town of Irmo and generate no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.

2-3.8 Conditional Uses for Family Daycare Homes

Family Day Care Home - A family day care 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).

If child day care 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.

2-3.8(1) Conditions for Family Day Care 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 sun-down. No overnight childcare 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.

2-3.9 Conditional Uses for 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 Commission or the Planning Official, as applicable, may require additional restrictions based on proximity to schools, churches, residential areas, etc. Furthermore, the Planning Commission may require that an engineer certify that the proposed project will not violate the restrictions listed herein.

2-3.9(1) Vibration

No vibration shall be produced at any point beyond the lot line that is transmitted through the ground and is discernible without the aid of instruments; 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

2-3.9(2) Fire and Explosives

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

2-3.9(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 nighttime and daytime 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. Nighttime 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.:

MAXIMUM CONTINUOUS SOUND PRESSURE LEVELS - NIGHTTIME		
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:

MAXIMUM SOUND PRESSURE LEVEL EXCEPTIONS - DAY TIME	
Type of Operation in Character of Noise	Correction in Decibels*
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 and vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

2-3.9(4) Air Pollution

The emission into the air of visible smoke, dust, dirt, fly ash, and particulate matter from any pipes, vents, or other openings, or from any other source, 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.

2-3.9(5) Water Pollution

- A. All manufacturing facilities must comply with County, State, and Federal requirements for Stormwater Pollution Prevention Plans.
- B. All manufacturing facilities must comply with County, State, and Federal requirements for Spill Prevention, Control, and Countermeasure regulations for any substance with the potential to contaminate ground or surface water.
- C. All wastewater must be discharged into a SCDHEC-permitted wastewater treatment facility and meet all required pre-treatment standards.

2-3.9(6) 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.

2-3.9(7) 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.

2-3.9(8) Fumes and Vapors

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

2-3.9(9) 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.

2-3.9(10) 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 provide documentation to satisfy the Planning Official that the proposed levels will be safe to the general population.

2-3.9(11) 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.

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 with Intrinsic Brightness	50 candelas per square ft.	50 candelas per square ft.

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

2-3.9(12) Agreement to Comply

The applicant of a permit for a manufacturing or processing plant that 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.

2-3.10 Conditional Use for Bus and Transit Stops Only

Bus and transit stops shall be in locations that do not impede the flow of traffic.

2-3.11 Conditional Uses and Special Exceptions for Bars and Other Drinking places

2-3.11(1) Conditional Uses for Bars and Other Drinking Places in CG and CO Zoning Districts

Owing to their potential negative impact on the community, the following uses may be approved as conditional uses by the Planning Official: Taverns, bars, nightclubs, or other drinking establishments as identified in NAICS 722410, except adult cabaret uses as defined and allowed as a special exception in sexually oriented businesses (NAICS 81299), subject to the following conditions:

- A. The conditional use shall not be located closer than 300 feet from any of the business's public entrances to the nearest property line zoned for or used for residential purposes at time of application.
- B. The conditional use complies with all applicable development standards including off-street parking and dimensional requirements.

2-3.11(2) Special Exceptions for Bars and Other Drinking Places in CN Zoning Districts

Owing to their potential negative impact on the community, the following uses may be approved In CN zoning districts as special exceptions by the Board of Zoning Appeals: Taverns, bars, nightclubs, or other drinking establishments as identified in NAICS 722410, subject to the following conditions:

- A. The use shall not be located closer than 300 feet from any of the business's public entrances to the nearest property line zoned for or used for residential purposes at time of application.
- B. The use complies with all applicable development standards including off-street parking and dimensional requirements.
- C. The special exception will be in harmony with the area in which it is to be located.
- D. In granting a special exception, the Board of Zoning Appeals may impose such reasonable and additional stipulations, conditions, or safeguards as, in its judgment, will enhance the siting of the proposed special exception.

2-3.12 General Rules for Special Exceptions

The Board of Zoning Appeals shall rule on and approve special exceptions to uses as required by Table 1 of this Ordinance. In addition to defined conditions, as noted above in Regulations for Conditional Uses and Special Exceptions applicable to the proposed use as a special exception, the Board of Zoning Appeals shall approve an application for special exception only upon a finding that the following criteria are met:

- A. The proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety, and adequate provisions are made in the proposed exception for parking and for loading and unloading.
- B. The proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction

of air or light, and litter.

- C. The proposed special exception will not have a substantial adverse impact on the aesthetic character of the area, to include a review of the orientation and spacing of buildings.
- D. The proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response.
- E. The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of special exception use, which concentration may be detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.
- F. The proposed special exception is consistent with the character and intent of the underlying district as indicated in the zoning district description.
- G. The proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property.
- H. The proposed special exception will not adversely affect the public interest.

2-3.13 Special Exception for Wireless Communication (Cell) Towers and Permit Requirements for Co-Location of Antenna on Existing Towers

Approval for the installation of wireless communications towers shall be made by special exception by the Board of Zoning Appeals. Where permitted as a special exception by Table 1, communication towers shall adhere to the following regulations:

- A. All new towers shall be mounted on mono poles, without need for guy wires, and 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, including requirements for lighting, except that strobe lights shall not be installed for night usage.
- C. Towers or antennas shall not be painted or illuminated unless otherwise required by State or Federal regulations. However, if painted, they shall be done so in muted colors.
- D. No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained, or that the applicant can demonstrate a closer location is required to provide adequate coverage.
- E. Tower or antenna height shall be governed by the exemptions to height limitations section of this Ordinance.
- F. Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:
 - 1. Processing fee as set by Town Council and reflected in the Master Fee Schedule
 - 2. One copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.
 - 3. A site plan drawn to scale showing: property boundaries, tower location, tower height, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing 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 antennas and other facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the city.
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 antennas 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 impacts on adjacent residential districts.
10. A written agreement to remove the tower and/or antenna within 180 days after cessation of use. The agreement must include a closure plan and financial guarantees acceptable to the town ensuring removal within said time frame.
11. A certificate from a SC registered engineer showing that the proposed facility will contain only equipment meeting FCC rules, together with a written indemnification of the Town of Irmo and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the Town of Irmo, in form approved by the Town Attorney.

2-3.13(1) Permit Requirements for Co-location

Co-location of antenna on existing towers do not require a special exception. Permit application for the co-location of an antenna on an existing tower shall be accompanied by the following:

- A. Processing fee as set by Town Council and reflected in the Master Fee Schedule.
- B. One copy of typical specifications for proposed antennas, including description of design characteristics and material.
- C. A current map or update of an existing map on file, showing locations of applicant's antennas and other facilities, existing towers, and proposed towers which are reflected in public records serving any property.
- D. Identification of the owners of all antennas and equipment to be located on the site.
- E. Written authorization from the site owner for the application.
- F. Evidence that a valid FCC license for the proposed activity has been issued.
- G. A written agreement to remove the antenna within 180 days after cessation of use.
- H. 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 the Town of Irmo 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 the Town of Irmo, in form approved by the Town Attorney.
- I. Applicant will supply additional information to determine if other zoning requirements are satisfied.

2-3.14 Special Exception for Sexually Oriented Businesses

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 consideration any form of 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 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.

2-3.14(1) 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 1 through 3 above.

2-3.14(2) Location of Sexually Oriented Businesses

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 1, shall be tempered by the supplemental siting criteria of this Section.

Sexually Oriented Businesses shall not be located within 2,000 feet (measured in a straight line) from any of the following uses located in any county or municipality:

- 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. any other adult or sexually oriented business. In addition, no more than one sexually oriented business shall be allowed in the same building.

2-3.14(3) Operation Requirements

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

2-3.14(4) Inspection

- A. The operator of a sexually oriented business shall permit representatives of the Town of Irmo Planning Official and Police departments; Lexington or Richland County sheriff's, health, or fire departments; or other governmental departments or agencies 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.

2-3.14(5) 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.

2-3.15 Special Exceptions for Wrecking, Scrap, and Salvage Operations (NAICS 423930 Recyclable Material Merchant Wholesalers)

The location of these uses, where permitted by special exception per Table 1, 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.

2-3.16 Special Exceptions for Mini-Warehouses and Self-Storage Units

- A. Mini-warehousing sites shall not exceed four acres.
- B. Lot coverage of all structures shall be limited to 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 use as 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 27 feet wide.
- G. The Zoning Board of Appeals shall approve all buffer landscaping on the exterior lot lines of any such proposed facilities.
- H. The Zoning Board of Appeals shall approve all exterior building materials for any and all structures located within such proposed facilities.

2-3.17 Special Exceptions for Car Wash Facilities

- A. The Zoning Board of Appeals shall approve all buffer landscaping on the exterior lot lines of any such proposed facilities.
- B. The Zoning Board of Appeals shall approve all exterior building materials, colors, and appearance for any and all structures located within such proposed facilities.
- C. The Zoning Board of Appeals is to pay special attention to the "General Rules for Special Exceptions," as outlined in this Ordinance, as regards subsection E, the "concentration or proliferation" clause.
- D. Such approvals are only required for separate car wash facilities. Car washes as an accessory use to a gas station are permitted by right.

2-3.18 Special Exceptions for Cigarette & Cigar Stores and Vape Shops

- A. A Tobacco/Vape Smoke Shop is defined as a business where the main function is the retail sale of tobacco products and paraphernalia. Establishments which allow the onsite use of cigars and cigarettes, such as a cigar bar or smoker's lounge, are also classified under this category.
 - 1. This includes tobacco products, leaf, flake and e-cigarette or any product containing nicotine or tetrahydrocannabinol derived from tobacco or hemp plant whether smoked chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested. However, this definition excludes retail businesses such as grocery or convenience stores or pharmacies.
 - 2. Tobacco Paraphernalia includes any equipment, device or instrument intended to facilitate smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing or ingesting tobacco or tobacco products. This includes but is not limited to pipes, bongs, water bongs, electric operas, e-cigarettes or hookahs.
- B. A tobacco/vape smoke shop may be permitted in the CG and LM zones by Special Exception as approved by the Board of Zoning Appeals
- C. Such stores shall not be located within 1,000 feet of Public or Private schools, daycares, healthcare facilities, religious buildings (churches), government offices or public parks.
- D. Per Zoning Ordinance Section 5-4 – Prohibited Signs, “[s]igns which display intermittent or flashing lights or lights of varying degrees of intensity or moving parts, except barber’s poles and signs erected by a public agency” are prohibited. This includes the LED, neon, and incandescent lights often found at tobacco and vape shops, and are prohibited at any business in Town, including those governed by this Section.

Section 2-4 Temporary Uses

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

Except as otherwise specified, temporary use permits may be renewed no more than twice within one calendar year, separated at not less than 60-day intervals, provided that said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Planning Official. The following temporary use, and no others, 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 live plants and plant accessories, produce, and Christmas trees** in the CN, CG, LM, and FA districts for a period not to exceed 45 days.
- C. **Contractor's office and equipment shed**, in any district, for a period covering the construction phase of a project, not to exceed one 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. **Portable classrooms** in any district for cultural or community facilities, 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.
- E. **Temporary office trailers** in any commercial or industrial district where the principal building is

being expanded, rebuilt, or remodeled for the conduct of an existing business while the principal building is under construction.

F. **Portable free-standing fireworks stands and dispensaries** not to exceed 14 days before a major holiday, i.e. New Year's, Fourth of July. Such establishments shall:

1. Provide a signed, dated permission letter with the property owner's phone or lease. (The letter or lease must specify date(s) of use and location(s), and include contact number and email address. The letter/lease can provide permission for a calendar year or multiple years. A letter from a business must be on the business letterhead with the signee's name and title.);
2. Obtain Zoning and Sign Permit (Limited to two (2) advertisement banners or signs no larger than 24 square feet either affixed to stand or freestanding on-premise. Post two "NO SMOKING OR LIGHTING FIREWORKS" signs on stand);
3. Obtain and maintain a valid Town of Irmo business license;
4. Obtain inspection and approval from the fire marshall;
5. Provide a certificate of liability insurance: \$1,000,000 minimum per occurrence (commercial general liability insurance covering bodily injury or accidental death and property damage); and,
6. Firework stand operators must obtain and carry at all times a license from the state department of labor, licensing, and regulation (LLR) board of pyrotechnic safety.
7. Use of Fireworks shall be visibly posted on firework stands/dispensaries no smaller than 11" x 17" and 28 font or provided to each customer with purchase.
8. Firework stands and dispensaries shall have up to 48 hours to remove stands and dispensaries after each holiday/event.

G. **Special Events** - A Special Event (SE) is defined as any event held within the Town of Irmo that is opened to the public and that could impact a Town right-of-way or could affect public safety. The event must be approved by the Town Administrator and the permit fees are separate from any applicable rental fees obtained for the use of Town facilities. The application may be subject to approval by the Irmo Police Department, the Irmo Fire District, and the SC Department of Public Safety. Potential events include but are not limited to:

1. Carnivals
2. Concerts
3. Displays
4. Fairs
5. Festivals
6. Grand Openings
7. Markets
8. Parades
9. Tent Sales
10. Family Reunions

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. The Special Event shall not exceed two (2) consecutive days and shall operate no later than 11:00 p.m. A detailed, labeled site plan must be submitted

with the application. It must include an approximate scale rendering of the location of tents, rides, tables, seating, food trucks/trailers, etc., being set up or brought in for the SE. A vendor list of what will be sold must be submitted and pre-approved by the Planning Official. The following regulations shall also apply to Special Events:

1. **Tents** – can be no larger than 10X10 and must be freestanding. Larger tents and/or those needing to be tied down will be subject to current temporary building code and Irmo Fire District regulations.
 2. **Bounce houses and carnival rides** – must be set up and run by certified personnel holding the appropriate liability insurance.
 3. **Parking** – Food trucks and/or trailers cannot use more than 3 parking spaces each while set up.
 4. **Food trucks and trailers** – Food trucks at Special Events shall comply with the Conditional Uses for Mobile Food Services (Vendors, Food Trucks) regulations of this Ordinance. Only three food trucks and/or trailers will be allowed at each SE and must be invited by the event host and included on the event permit. There is a separate permit fee, as set by Town Council and reflected in the Master Fee Schedule, charged to each food truck and/or trailer.
 5. **Alcohol sales** – will require copies of the appropriate state permits and proof of insurance.
 6. **Barricades** – can be requested through Public Services at (803) 781-7050.
 7. Applicable Irmo Fire District fire and safety regulations are available at (803) 798-4979.
- H. **Portable storage facilities**, except as otherwise permitted by the Planning Official, shall be permitted in any district not to exceed 30 days; provided not more than one such facility shall be allowed at one time and said facility shall not be located in any required setback area or the public right-of-way. Applicable sign regulations notwithstanding, leasing information may be displayed on the storage facilities. Refer to the regulations on shipping containers of this Ordinance.
- I. **Temporary outdoor displays** of merchandise not customarily used outdoors may be permitted from time to time as a temporary use for a period not to exceed 14 days duration at intervals of not less than 90 days.
- J. *(Removed by Ordinance 22-29)*
- K. **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.
- L. **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 LM. 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. Directional 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. Directional 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.

Article 3 Zoning Regulations for Use of Lots

Section 3-1 Schedule of Lot Area, Yard, Setback, Height, Density, and Impervious Surface Requirements

Refer to Article X, section, for land development regulations on the creation of lots and the subdivision of land.

*Table 2
Schedule of Lot Area, Yard, Setback, Height, Density, Floor Area, and Impervious Surface Requirements,
by District*

	FA	RS	RG	CO	CN	CG	LM
Minimum lot Size (square feet)	1 ac.	12,500	(D)	6,000	6,000	6,000	NA
Width at front buildable line (feet)	150	70	60	60	60	60	60
Minimum yard & building setback in feet (F)							
Front (A)							
Major street – multi-lane (refer to major street definition)	25	25	25	25	25	25	25
Major street - two lane	40	40	40	40	40	40	40
Minor street (refer to definition)	20	20	20	20	20	20	20
Side							
Residential	10	5	5	NA	NA	NA	NA
Non-residential	40	40	40	5	(E)	(E)	(E)
Rear							
Residential	30	20	20	NA	NA	NA	NA
Non-residential	50	50	50	15	15	15	15
Maximum height (ft.) (B)	40	40	40	(F)	(F)	(F)	(F)
Maximum floor area ratio: Non-residential uses (C)	NA	0.25	0.25	0.4	0.6	NA	NA

Table Notes:

1. Refer to yard and setback modifications of this Article
2. Due to the unique design features of townhouses, patio homes, and zero lot line housing, the dimensional requirements of Table 2 are modified under Conditional Uses for Townhouses and Conditional Uses for Patio and Zero Lot Line Housing
3. Abbreviations
 - a. NA = not applicable

Table References:

- A. Measurement from front property line abutting the street right-of-way

- B. Building height measured from the average elevation of the finished grade at the building line to the highest point on the roof
- C. Maximum non-residential floor area ratio is measured as gross floor area percentage of total lot area
- D. Minimum lot sizes in the General Residential (RG) District are as follows:
 - Single Family Detached: 6,000 s.f.
 - Duplexes: 8,000 s.f. per two-unit structure
 - Townhomes: 2,000 s.f. per unit; capped at 16 units per gross acre
 - Apartments: Minimum lot size of one acre; capped at 16 units per gross acre
- E. Minimum side yard setbacks in CN, CG, and LM districts are a minimum of 3 feet on one side and a total of 10 feet for both sides
- F. Building heights of more than 40 feet shall observe an additional setback from side and rear property lines of one foot for each one foot in height over 40 feet; buildings in excess of five stories shall be approved by the Irmo Fire Department.

3-1.1 Major Streets

Major streets are all state primary and Federal aid highways and streets that serve to circulate traffic on to, out, or around the town, having signals at important intersections and stop signs on side streets and/or having controlled access and channelized intersections.

3-1.2 Minor Streets

Minor streets are designated principally to collect traffic from subdivisions and provide access to abutting property.

Section 3-2 Street Access

Each principal building shall be located on a lot or parcel having direct vehicular and pedestrian access to a publicly dedicated or publicly maintained street or approved private street. Except as otherwise provided below, a minimum street frontage of 50 feet shall be required for all lots created after the effective date of this Ordinance. The frontage of the lot shall be determined by the frontage that abuts a public or approved private street.

3-2.1 Exemptions

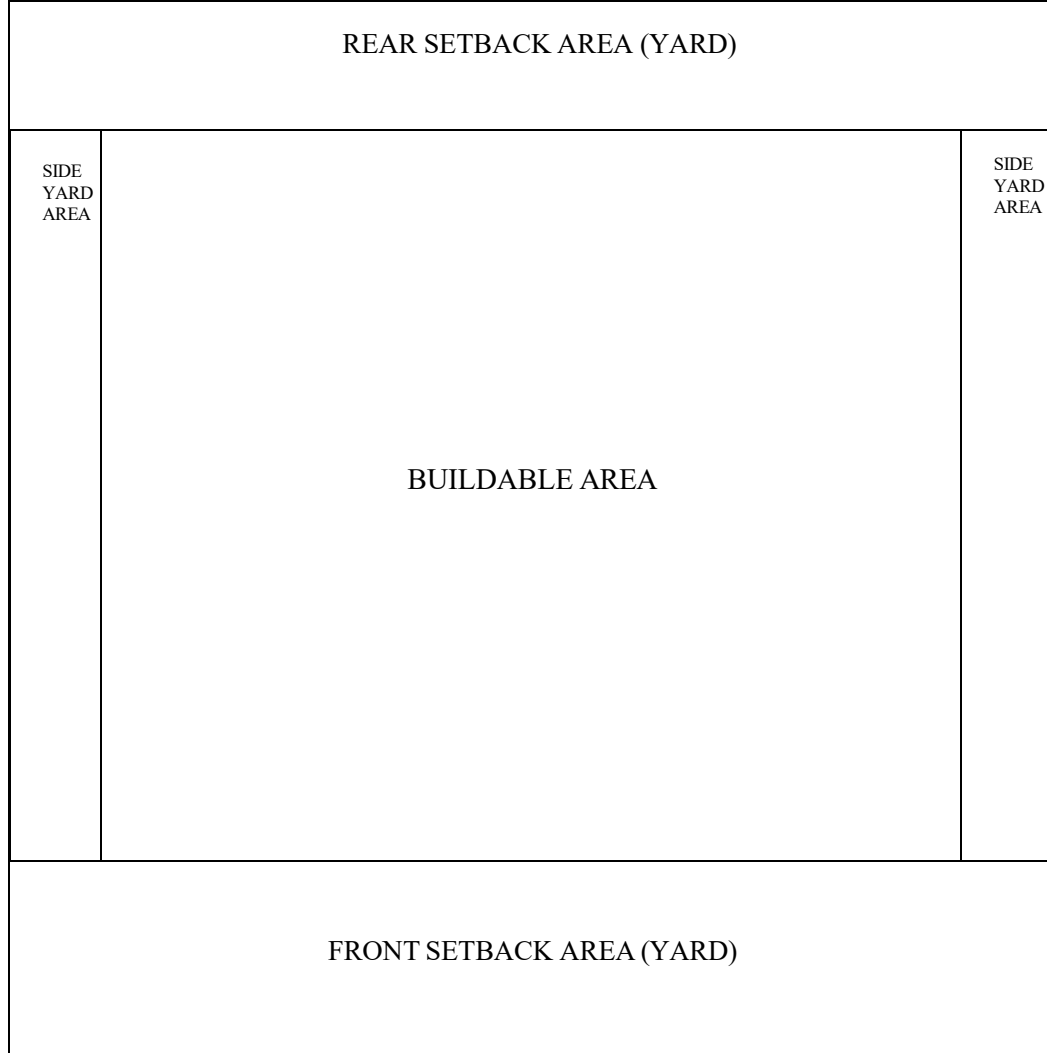
- A. Flag lots as approved by this Ordinance
- B. Lots abutting an approved cul-de-sac or lots abutting sharp curbs with a radius of less than ninety degrees (90°). However, the required street frontage on such lots shall not be less than the County or State encroachment permit requirements to install driveways.

Section 3-3 Determining Minimum Lot Size

Whenever a plat, tax map, or deed shows that the minimum lot size per Table 2 is met and a new survey shows that the minimum lot size is not met, the following rules apply:

- A. If a linear measurement of the new survey is within 0.5 feet of the existing recorded measurement, the Planning Official shall deem the lot meets the minimum lot size required per Table 2.
- B. If all other plat requirements per this Ordinance are met, the survey shall be recorded with the Lexington County or Richland County Register of Deeds with the accurate survey dimensions.
- C. The Planning Official shall note on any subsequent permits issued by the Town that the lot of record has been deemed to meet the minimum lot size requirements of this Ordinance.
- D. Refer to the Nonconformities Article for non-conforming lots.

Illustration of Setbacks, Yards, and Buildable Area



Section 3-4 Yard and Set-Back Modifications

3-4.1 Setbacks on Corner lots

For lots located on a street corner, all property lines abutting a street shall be considered a front yard. The side and rear yard shall be determined by the Zoning Administrator in consultation with the property owner.

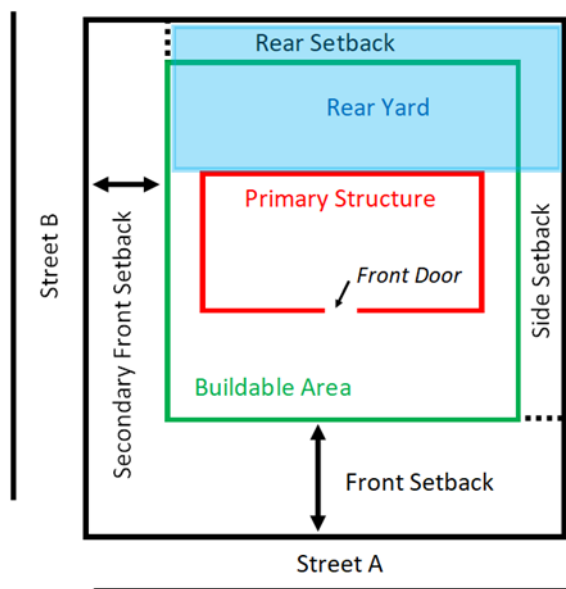
Accessory structures permitted only in the rear yard must be placed behind the rear building line and outside of the front setback. Automobiles, boats, trailers, campers, and other vehicles not parked in an approved space in the front or side yard must be parked in the rear yard outside of the front setback.

Fences taller than 4' are permitted in the rear yard and side yard. Any fence in the front setback may be no taller than 4'.

On residential lots, the yard in front of the front door is considered the primary front yard and has a front

setback as shown in Table 2. The front yard not in front of the front door is considered the secondary front yard and has a setback equal to one half the front yard setback as shown in Table 2. Where the primary structure sits diagonally on the lot, both front yards will be considered primary and will have the front setback described in Table 2.

On non-residential lots, all front yard setbacks are equal to the setback laid out in Table 2. *(amended June 17, 2025).*



3-4.2 Exceptions to Front Yard Setbacks from Street

The front yard setback requirements for dwellings shall not apply on any lot where the average setback of existing buildings located on the same block, or wholly or in part, within 200 feet on each side of said lot 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.

Section 3-5 Buildable Area and Exceptions

Every building or structure hereafter erected or established shall be located within the buildable area as defined by this Ordinance, and in no case shall such buildings extend beyond the buildable area into the respective front, side, rear yards or other setbacks required for the district in which the lot is located, except for the following:

- Ornaments, eaves, chimneys, cornices, windowsills, awnings, canopies, and steps which may project into any required yard a distance not to exceed three feet.
- Accessory uses, as specified by this Article.
- 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 Article; further provided that no such fence, wall, or hedge shall exceed four (4) feet in height when located in a front yard setback area.
- Driveways, walkways, access and utility easements, parking areas, pavements, buffer areas, and other non-structural improvements.

Section 3-6 Exceptions to Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes, etc., not intended for human occupancy; monuments; water towers; utility poles; chimneys; conveyors; flag poles; masts; communication towers and antennas; or roof-mounted mechanical equipment. Provided, however, water towers, communication towers, and antennas shall be separated from any adjoining property line in the RS and RG residential zoning districts a distance equal to one foot for each one foot in height, measured from the nearest property line.

Section 3-7 Outdoor Displays

Outdoor displays of merchandise customarily used outdoors such as motor vehicles, boats, shrubbery, lawn mowers, lawn furniture, etc., may be permitted where allowed by Table 1. Note that under conditional uses for CN and FA districts, no uncovered, open storage or keeping of materials not associated with the principal use shall be permitted in public view.

Outdoor displays of merchandise not customarily used outdoors may be permitted from time to time as a temporary use for a period not to exceed 14 days duration at intervals of not less than 90 days. As a temporary use, such outdoor displays shall be subject to the permit and removal requirements.

3-7.1 Location of Outdoor Displays

Outdoor displays, unless elsewhere authorized by this Ordinance, shall not be placed or located within 35 feet of the edge of a street or within a buffer area.

Section 3-8 Accessory Buildings, Swimming Pools, and Spa Uses

3-8.1 Generally

- A. The number of accessory buildings shall not exceed two on any residentially zoned lot or parcel.
- B. Accessory buildings in residential districts shall not be used for storage in connection with a trade.
- C. Accessory buildings in residential districts shall not exceed 50 percent of the gross floor area (GFA) of the principal building.
- D. The use of mobile homes as accessory buildings shall not be permitted in any zoning district.
- E. Accessory buildings 1,000 square feet or less may be permitted within three feet of side and rear property lines.
- F. Accessory buildings greater than 1,000 square feet shall not be permitted in any required yard or setback area.
- G. Accessory buildings are not permitted within any required buffer or landscaped area.

3-8.1(1) Location of Accessory Buildings and Uses

- A. Accessory buildings shall not be located in front of the principal building.
- B. Carports and detached garages may be located on either side of the principal building and may project up to six feet beyond the front of the principal building. All other accessory buildings shall not project beyond the front of the principal building.
- C. Satellite dishes not exceeding one meter in diameter shall be allowed in the front buildable and setback areas on either side of the principal building.
- D. Pump houses shall be allowed in all buildable and setback areas but shall not be located closer than three feet to the nearest property line.
- E. Swimming pools, tennis courts, and other recreational uses are permitted in all required setback (yard) areas, provided said uses shall be no closer than ten feet to the nearest property line and shall have all lighting shielded or directed away from adjoining residences.

3-8.2 Open Storage

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

3-8.3 Shipping Containers

The use of shipping containers as an accessory use is governed by these additional regulations:

- A. Shipping containers shall not be used as a principal use or structure.
- B. Shipping containers shall not be located in front of any principal building or structure.
- C. Shipping containers shall be permanently screened from public view.
- D. Shipping containers shall not be stacked.
- E. Shipping containers shall not be located in any required side or rear yard setback area.
- F. Shipping containers shall not be placed or stored on any lot or parcel for sale or distribution.
- G. Shipping or cargo containers, tractor trailers, and like items shall be rust and damage free, and properly maintained at all times.
- H. Shipping containers shall not exceed in size 15 percent of the gross floor area of the principal structure(s) to which they are accessory.

3-8.4 Accessory Apartments

Refer to conditional uses for accessory apartments in Article 2.

3-8.5 Accessory Structures Without a Principal Building

Accessory structures, where allowed as an accessory to residential and non-residential uses, can 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 structures 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.

3-8.6 Swimming Pools and Spas

Swimming pools and spas shall be enclosed in accordance with the applicable standards of the International Building Code, such as by a self-latching gate of 48" minimum height or, if accessible only through a dwelling or structure, an alarm that produces an audible warning shall sound when windows, doors or screens less than 48" above the indoor finished floor are opened. Pools must be maintained with clean water (stagnation and/or fungus must be removed) or the pool must be drained.

Section 3-9 Number of Principal Buildings Per Lot

Where permitted or conditionally permitted by Table 1 no more than one single-family dwelling, manufactured home, or duplex is allowed per lot. Refer to conditional uses for accessory apartments.

Where more than one principal building for all other uses is located on a lot, the required setbacks for the district shall be maintained along all property lines, and distances between principal buildings shall be approved by the fire chief prior to permitting.

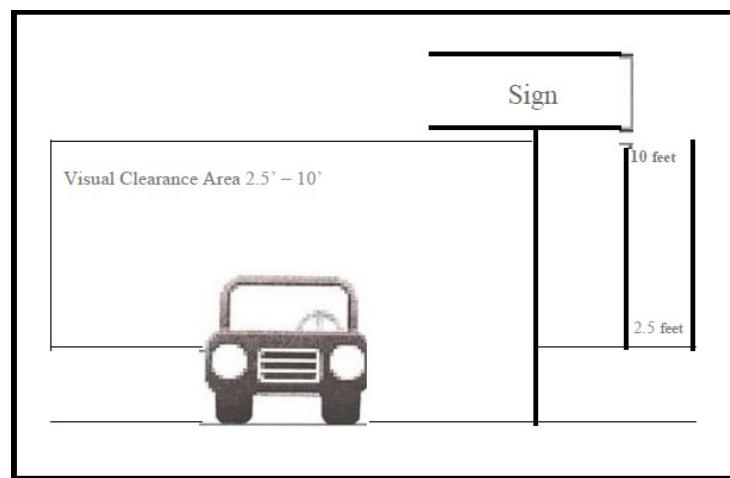
Section 3-10 Visibility at Intersections

Railroad, street, and driveway intersections shall be unobstructed from 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. Sight distance standards, as determined by the South Carolina Department of Transportation (SCDOT), are described herein.

3-10.1 Visual Clearance Area

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



3-10.2 Intersection Sight Distance

Intersection sight distance shall be as determined by the most recent edition of the SCDOT Access and Roadside Management Standards (ARMS). The following is from Chapter 7 of the current (2008) ARMS edition:

Intersection Sight Distance (ISD)- The sight distance required within the corners of intersections to safely allow a variety of vehicular access or crossing maneuvers based on the type of traffic control at the intersection.

For an at-grade intersection to operate properly, adequate sight distance should be available. The designer should provide sufficient sight distance for a driver to perceive potential conflicts and to perform the actions needed to negotiate the intersection safely. The additional costs and impacts of removing sight obstructions are often justified. In general, intersection sight distance (ISD) refers to the corner sight distance available in intersection quadrants that allows a driver approaching an intersection to observe the actions of vehicles on the crossing leg(s). ISD evaluations involve establishing the needed sight triangle in each quadrant by determining the legs of the triangle on the two intersecting roadways. The necessary clear sight triangle is based on the type of traffic control at the intersection and on the design speeds of the two roadways. The types of traffic control and maneuvers are as follows:

- Case A – Intersections with no control (not used by SCDOT),

- Case B – Intersections with stop control on the minor road:
 - Case B1 – Left-turn from the minor road,
 - Case B2 – Right-turn from the minor road,
 - Case B3 – Crossing maneuver from the minor road,
- Case C – Intersections with yield control on the minor road:
 - Case C1 – Crossing maneuver from the minor road (not used by SCDOT),
 - Case C2 – Left- or right-turn from the minor road,
- Case D – Intersections with traffic signal control,
- Case E – Intersections with all-way stop control, and
- Case F – Left turns from the major road.

Section 3-11 Traffic Analysis

All applicable developments shall have a Traffic Impact Analysis, as outlined in this Zoning Ordinance, performed by an on-call consultant hired by the Town at the expense of the applicant. This analysis shall be undertaken to ensure that access to all proposed developments and subdivisions is accomplished in a safe manner.

- A. The standards in the South Carolina Department of Transportation's Access and Roadside Management Standards Manual shall serve as a guide for this Analysis, which shall include identification of the following:
 1. Access improvements that the applicant must install at his or her expense, such as deceleration lanes.
 2. The location of any curb cuts based on, but not limited to sight distances, existing roadway infrastructure, opposing driveways locations and shared access.
 3. Requirements for adequate driveway design, including but not limited to, turning radius and throat length.
- B. The access requirements approved by the Town Administrator or designee shall be incorporated on development or subdivision plans prior to their approval.
- C. If an applicant is required to provide site-related traffic improvements, the cost of implementing such improvements shall be borne by the applicant and no such costs shall be eligible for a credit or offset from any transportation impact fees.
- D. Applicability: A Traffic Impact Analysis (TIA) shall be required for any development that would generate more than 50 trips during the peak hour on the adjacent street in accordance with the ITE Trip Generation Manual, latest edition.
 1. A second phase, second subdivision, or addition that generates traffic beyond this threshold when taken as a whole shall also require a TIA, even though that development does not qualify on its own.
 2. Change of Use: A new TIA will be required if the new use would generate traffic beyond the 50 trips during peak hour threshold.
 3. A TIA can be required at any time as determined by the Town Administrator or designee in his/her discretion and judgment when there is a belief that the development may have an adverse impact to the surrounding area.
- E. Thorough and complete TIA's are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan.
- F. Traffic Impact Analysis Plan Preparation
 1. The TIA shall be conducted by an engineer registered in South Carolina that is experienced in the conduct of traffic analysis, who is one of the consultants the Town has previously selected for on-call traffic study services (hereinafter referred to as "the Town's Engineer")
 2. Prior to beginning the traffic impact analysis plan, the applicant shall supply the Town with the

following:

- a. A written narrative describing the proposed land use(s), size and projected opening date of the project and all subsequent phases;
 - b. A site location map showing surrounding development within a one-half mile of the property under development consideration; and
 - c. A proposed site plan or preliminary subdivision plat illustrating access to public or private roads and connectivity to other contiguous developments.
3. The Town will rely upon the most current edition ITE trip generation manual or any alternative acceptable to the Town's Engineer, and available information on land use, travel patterns and traffic conditions. After consulting with the SCDOT, the Town's Engineer will supply in writing to the applicant and/or his engineer the parameters to be followed in the study including the directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects and the intersections to be analyzed along with any associated turning movement counts which are available or discussed and approved by the Town.
 4. After determination of the TIA's scope of services, the applicant shall provide a cost estimate of such services to the Town for review and concurrence, The applicant shall provide an amount equal to the estimate to the Town, who will deposit the amount in an escrow or special account set up for this purpose before the consultant's services are obtained. Any funds not used shall be returned to the applicant in a timely manner without interest.
 5. Additional fees for the TIA may be required if: the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant; the consultant's appearance is requested at Planning Commission or Town Council meetings beyond what was initially anticipated; or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services. The applicant must reimburse the Town these costs prior to the development plan or plat approval.

G. Plan Contents

1. All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A traffic impact analysis plan for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.
2. Efficient traffic operations, safety and pedestrian accessibility are to be considered in the development plan. The adequacy of the roads to which the development takes access shall be assessed in the TIA. Recommendations for improvements shall be made where operational or safety concerns exist and installation of these improvements shall be required as a condition of any approval from the Town. The relative share of the capacity improvements needed shall be broken down as follows: development share, other developments share, any existing over capacity, and capacity available for future growth.
3. The following elements shall be included in a traffic impact analysis plan:
 - a. Study Area - Description of the study area including surrounding land uses and expected development in the vicinity that would influence future traffic conditions. The study area shall include the intersections immediately adjacent to the development and those identified by the Town's Engineer. These intersections may include those not immediately adjacent to the development if significant site traffic could be expected to impact the intersection. If intersections impacted by the development are within a coordinated traffic signal system, then the entire system shall be analyzed. If the signal system is very large, a portion of the system may be analyzed if approved by the Town's Engineer and SCDOT. A

- study area site map showing the site location is required.
- b. Proposed Land Use - Description of the current and proposed land use including characteristics such as the number and type of dwelling units, gross and leasable floor area, number of employees, accompanied with a complete project site plan (with buildings identified as to proposed use). A schedule for construction of the development and proposed development stages should also be included.
 - c. Existing Conditions - Description of existing traffic conditions including existing peak-hour traffic volumes adjacent to the site and levels of service for intersections in the vicinity, which are expected to be impacted. Existing traffic signal timings should be used. In general, AM and PM peak hour counts should be used, but on occasion other peak periods may need to be counted as determined by the Town's Engineer. In some cases, pedestrian counts will be required. Data should be adjusted for daily and seasonal variations. Existing counts may be used if taken within 12 months of the submittal of the TIS. In most cases, counts should be taken when school is in session unless otherwise determined by the Town's Engineer. Other information that may be required may include, but not limited to, crash data, stopping sight distances, and 50th and 85th percentile speeds.
 - d. Future Background Growth - Estimate of future background traffic growth. If the planned completion date for the project or the last phase of the project is beyond 1 year of the study an estimate of background traffic growth for the adjacent street network shall be made and included in the analysis. In general, the growth factor will be determined from local or statewide data. Also included, is the state, local, or private transportation improvement projects in the project study area that will be underway in the build-out year and traffic that is generated by other proposed developments in the study area.
 - e. Estimate of trip generation - The site forecasted trips should be based on the most recent edition of the ITE Trip Generation Manual. A table should be provided in the report outlining the categories and quantities of land uses, with the corresponding trip generation rates or equations, and the resulting number of trips. The reason for using the rate or equation should be documented. For large developments that will have multiple phases, the table should be divided based on the trip generation for each phase. Any reductions due to internal trip capture and pass-by trips, transit use, and transportation demand management should be justified and documented. All trip generation and trip reduction calculations and supporting documentation shall be included in the report appendix.
 - f. Trip Distribution and Traffic Assignment - The distribution (inbound versus outbound, left turn versus right turn) of the estimated trip generation to the adjacent street network and nearby intersections shall be included in the report and the basis should be explained. The distribution percentages with the corresponding volumes should be provided in a graphical format.
 - g. Analysis and Estimate of Impact - A capacity analysis should be performed at each of the study intersections and access intersection locations (signalized and unsignalized) in the vicinity of the development. Intersection analysis shall include LOS determination for all approaches and movements. The levels of service will be based on the procedures in the latest edition of Transportation Research Board's Highway Capacity Manual. Coordination analysis will be required for the signal systems or portion of the signal systems analyzed.
 - h. Access Management Standards - The report shall include a map and description of the proposed access including any sight distance limitations, adjacent driveways and intersections, and a demonstration that the number of driveways proposed is the fewest necessary and that they provide safe and efficient traffic operations.
 - i. Traffic signalization: If a traffic signal is being proposed, a signal warrant analysis shall be included in the study. The approval of a traffic signal on projected volumes may be

deferred until volumes meet warrants given in the MUTCD, in which the developer shall provide funds for the future signal(s) to the Town to deposit in an escrow or special account set up for this purpose. The developer should make any laneage improvements during construction so that if in the horizon year a signal is warranted, one may be installed with little impact to the intersection.

- j. Mitigation and alternatives - The traffic impact study should include proposed improvements or access management techniques that will mitigate any significant changes in the levels of service. The Town Administrator or designee, in conjunction with the Town's Engineer, will be responsible for final determination of mitigation improvements required to be constructed by the applicant.
- H. Traffic Impact Analysis Plan Review: The Town's Engineer shall review all traffic impact analysis plans as part of the initial approval for the concept plan or master plan. Final traffic impact analysis plans shall be approved at the development plan phase.
- I. Action on Traffic Impact Analysis Plan: The Town's Engineer must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, the Town Administrator or designee, in conjunction with the Town's Engineer, shall recommend action as follows:
 - 1. Approval of the traffic impact analysis as submitted;
 - 2. Approval of the traffic impact analysis plan with conditions or modifications as part of the development review and approval process. An acceptable traffic impact analysis plan with traffic mitigation measures may include the reduction of the density or intensity of the proposed development; phasing of the proposed development to coincide with state and/or county programmed transportation improvements; applicant provided transportation improvements; fees in lieu of construction, or any other reasonable measures to ensure that the adopted traffic service level goals are met. If mitigation is required, it shall be required as a condition of any approval from the Town.
- J. Timing of Implementation: If a traffic mitigation program is part of an approved traffic impact analysis plan, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area. The amount of the performance bond shall be equal to 150% of the estimated construction cost for the required traffic mitigation improvements.
- K. Responsibility for Costs of Improvements: The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the transportation impact analysis are met.
- L. Traffic Goals: The average stop time delay in seconds per vehicle for each intersection determined to be critical to the traffic impact analysis for the proposed development shall be compared to the Town's adopted traffic service level goal of "D" for the average delay for all vehicles at any intersection and all movements and approaches to the intersection during the a.m. and p.m. peak hours.
- M. Function and Safety Improvements: The Town Administrator or designee, in conjunction with the Town's Engineer, may require improvements to mitigate and improve the safety and function of multiple transportation modes the site traffic may impact. These improvements may not be identified in the TIA, but improvements to benefit the function and safety of the transportation system of the development site. These improvements may include but are not limited to center medians, sidewalks and/or bicycle accommodations, modifications to ingress and egress points, roadside shoulders, pavement markings, traffic calming and other traffic control devices.

Section 3-12 Architectural Standards

A. Purpose

1. The Town of Irmo seeks to promote architectural design which is harmonious with adjacent structures and sensitive to the natural environment. No single architectural style will be mandated within Irmo. However, the reliance on or use of a standardized “corporate or franchise” style is strongly discouraged, unless it can be shown to the Town administrations’ satisfaction that such style meets the objectives noted below. Strongly thematic architectural styles associated with some chain restaurants, gas stations, big box, and service stores are discouraged and, if utilized, will be recommended to be modified to be compatible with the Town’s design objectives.
2. The primary purpose of this policy statement is to achieve the following goals: enhance and protect the Irmo quality of life and community image through agreed upon architectural design objectives and protect and promote long-term economic vitality through architectural design objectives which encourage high quality development, while discouraging less attractive and less enduring alternatives.

B. Design Objectives

1. The following architectural design objectives are intended to apply to all nonresidential, attached and multi-family residential development within the Town. New building construction shall provide a sense of permanence and timelessness. High quality construction and materials should be used to ensure that buildings will not look dated or worn down over time, nor require excessive maintenance.
2. Exterior building materials should be aesthetically pleasing and compatible with materials and colors of nearby structures. Predominant exterior building facade materials shall consist of high quality, durable products, including but not limited to cementitious siding (i.e. HardiePlank), brick, sandstone, fieldstone, decorative concrete masonry units, wood, and glass. Metal exteriors are not permitted unless used as an architectural style, such as modern steel and glass architecture, and approved by the Zoning Administrator. Metal warehouse-type architecture shall not be permitted except in the Light Manufacturing Zone. External Insulation Finished Systems (E.I.F.S.) material shall be utilized only on the building trim and accent areas.
3. Building colors should accent, blend with, or complement surroundings. Façade colors are recommended to be earth tone colors which are low reflectance, subtle, and neutral (e.g., grays, greens, burgundies, browns, and tans). The coloring of all materials should be integral to the product and not painted on the surface of said product. The use of high intensity colors, metallic colors, black or fluorescent colors is discouraged. Primary colors are requested to be reserved for trim and accent areas.
4. Exposed neon tubing, LEDs, marquee lights or other bright lighting used for the purpose of attracting attention is not an acceptable feature on buildings or windows facing the exterior. This does not prevent the use of lighting as an accent (such as goose neck lamps with white lights lighting the roofline) or the use of interior-lit signage. Pitched roof designs are highly recommended for lowrise retail, office, and multi-family residential buildings utilizing architectural asphalt shingles or standing-seam metal panels. Flat roofs are not encouraged.
5. In the case of strip malls, big box stores, and shopping centers; such buildings shall provide elevations which reflect this objective through variations in facade setback and parapet wall presentations. Roof colors are requested to be muted and compatible with the dominant building color; long blank walls on retail buildings are to be avoided through the use of foundation landscaping, architectural details and features, or murals.
6. Large scale retail buildings are encouraged to have height variations to reduce scale and give the appearance of distinct elements; and lastly, roof top mechanical installations shall be appropriately

screened so as to block the view from adjacent public and private streets and properties. Such screening shall match or compliment the overall theme of the building.

C. Signs

1. Signs provide important functions of both advertising and navigation by motorists and pedestrians. However, signs often dominate a site and can be counterproductive to the primary function of directing patrons. Through careful and well-planned site design, signs should be designed with the following elements in mind:
 - i. Compatible with their surroundings in terms of size, shape, color, texture, and lighting and not promote visual competition with other signs along the corridor.
 - ii. Architecturally integrated with the site's primary building(s).
 - iii. Located such that they do not restrict sight distances of pedestrians or motorists, especially at driveways and intersections.
 - iv. Limit the number necessary to direct patrons throughout the site. Discourage the use of pole, pylon, and temporary signs.
 - v. Limited to necessary information, regardless of the size permitted by the sign ordinance. Repetitive information shall not be permitted, such as dual signs on corner building when one sign is highly visible from the intersection.
2. It shall be the duty of Zoning Administrator, Building Official, and Town Administrator to determine whether any specific request shall be considered in accordance with the Architectural Standards.
3. Any party who disagrees with the decision regarding the Architectural Standards may appeal the decision to the Board of Zoning Appeals.

Article 4 Community Appearance, Buffering, Screening, Landscaping, Common Open Space, and Tree Protection

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 the Town of Irmo.

Section 4-1 Descriptions

There are five separate types of landscaping outlined in this Code, as described below:

- A. Buffer Areas – landscaping placed around the exterior boundary of a parcel separating the subject property from adjacent properties and roads.
- B. Screening – a specific type of buffer designed to block or obscure a particular element or use, such as a dumpster or exterior storage, from view.
- C. Interior Landscaping – open space within a lot devoted to growing trees, shrubs, grass, and other vegetation, as well as decorative hardscape elements.
- D. Parking Area Landscaping – trees and associated vegetation designed to break up the expanse of a parking area.
- E. Common Open Space – open space particular to residential developments for the use and enjoyment of residents and property owners.

Section 4-2 Buffer Areas

4-2.1 Definition and purpose of buffer areas.

- A. Buffer areas shall be required to separate incompatible land uses from each other in order to reduce potential nuisances such as views, noise, and light by providing spatial separation and landscaping to soften or mitigate those impacts.
- B. The term *buffer area* refers to both the area of land where buffer vegetation is planted as well as the planting required thereon.
 1. Both the amount of land and the type and amount of planting specified for each buffer area required by this section are designed to ameliorate conditions between incompatible adjacent land uses, or between a land use and a street.
 2. The planting requirements of buffer areas are intended to ensure that they reduce the impacts of adjacent incompatible land uses while also being horticulturally appropriate, as stated in Article 14, Irmo Planting Materials

4-2.2 Location of buffer areas.

1. Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, except for smaller parcels (outparcels) within a larger development where internal buffer area requirements shall be determined through the design review process of the overall development.
2. Buffer areas shall not be located on any portion of an existing public or private street or right-of-way.
3. Buffer areas shall not impede sight triangles at drives or intersections.

4-2.3 Determination of Buffer area requirements.

To determine the Buffer area required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:

- A. Identify the proposed land use.

- B. Identify the adjacent land use along each property line or segment of property line. If the adjacent parcel is undeveloped (vacant), determine the zoning from the Zoning Map. The adjacent Future Land Use as designated by the Comprehensive Plan may be used with Zoning Administrator's approval. Adjacent properties outside of Town limits will be treated the same as those within Town limits for buffering requirements.
- C. Buffer areas shall not be required adjacent to existing buffer areas which meet the intent of this ordinance. Specifically, double buffer areas are not required. However, buffer areas may be required to bring combined buffer areas up to these standards.
- D. Where no buffers are required between lots, the equivalent of a type A buffer shall be calculated for the length of the dividing property line. The calculated number of plants shall then be required somewhere on the property. The plants may be placed along the calculated property line, the interior of the property, or amongst other buffers. However, effort should be made to spread the vegetation out and not cluster all required additional plantings. These plantings will count towards the 10% required interior landscaping requirement.
- E. Use of table.
 - 1. Determine the buffer area required on each boundary (or segment thereof) of the subject parcel by referring to the **Table of Buffer Area Requirements** in Section 4-2.7.
 - 2. The letter designations contained in the table refer to the **Table of Buffer Area Types** shown in Section 4-2.6.
- F. Required buffers shall be planted whenever a vacant parcel is developed or when permitted work equal or greater than 50% of the value of the property is performed on developed property. Property valuation is determined by the County Assessor's Office, while project valuation is determined through business licensing and associated contracts. Similarly, changes to a more intense land use shall necessitate an increase in buffer area requirements as required by the buffer table. In all cases of redevelopment or changes in the intensity of land use, additional plantings shall be determined by the Zoning Administrator, who may grant an administrative variance at his or her professional discretion. Such findings may be appealed to the Zoning Board of Appeals.

4-2.4 Buffer area specifications.

- A. Determining buffer specifications
 - 1. The requirements are stated in terms of the minimum width of the buffer area and the number of plants required per 100 linear feet of buffer area.
 - 2. Multiply the length of the buffer area segment by the plant requirements to determine the quantity of plants required. Fractions are rounded up to the nearest whole number.
 - 3. The "plant multiplier" is a factor by which the number of plants required for a given buffer area segment may be modified, given a change in the width of that buffer.
 - 4. Arrangement of plants, as well as plant type and plant species, shall be determined through the design approval process, based upon the proposed use of the subject property and the uses of adjoining properties.
 - 5. Massing and grouping of plants should be intentional and part of the overall site design. Arrangement may be either formal and regimented or naturalistic. Examples of buffer area design approaches are shown in Section 4-2.6 for illustrative purposes only.
 - 6. Where fences or walls are used, the design shall be appropriate to the project.
 - 7. The ground plane of the buffer area shall be required shrubs, lawn, groundcover, and/or mulch. Bare ground shall not be allowed.

8. Any existing plant material, which otherwise satisfies the requirements of this section, may be counted toward satisfying all such requirements.
 9. Irrigation is required except in certain circumstances as determined by the Zoning Administrator. Where irrigation is not in place a nearby water source shall be provided to facilitate watering of plants. See Sec. 4-2.5, below.
 10. Plants shall meet the requirements of the American Standard for Nursery Stock.
 11. Plants listed by Clemson University or the South Carolina Forestry Commission as invasive shall not be allowed.
- B. Change in Land Use. When a land use of a previously developed parcel is changed to a more intense land use (according to Table 7.7), the buffer area shall be increased as necessary to meet the requirements for buffer areas between the new land use and existing adjacent uses.
- C. Use of buffer areas. A buffer area may be used for passive recreation, such as paths or trails, providing all spatial and planting requirements are met. All other uses, including off-street parking, is prohibited.
- D. Buffer area part of required yards. Where front, side, and rear yard setbacks or build-to lines are required the buffer areas may be established inclusive of such required setbacks.
- E. Buffer areas may be interrupted to provide vehicular and/or pedestrian ingress and egress to serve the property. In this case, the widths of ingress and egress areas are subtracted from the length of the buffer area segment.

4-2.5 Maintenance

- A. Requirements for Maintaining Buffers and Interior Landscaping.
1. Responsibility. The responsibility for maintenance of a required buffer, to include fences, shall remain with the owner of the property. Maintenance is required in order to ensure the proper functioning of a buffer as a landscaped area which reduces or eliminates nuisance and/or conflict. The owner shall be responsible for installing live, healthy plants. Replacement plants shall be provided by the owner for any required plants that die or are removed.
 2. Maintenance. Maintenance shall consist of mowing, mulching, edging, removal of litter, removal of dead plant materials, and necessary pruning. The removal of limbs higher than eight (8) feet is prohibited unless the individual limb has died due to damage. The removal of all limbs above eight feet, i.e. "topping," is prohibited, as is preventing a tree from reaching said height by pruning. Topped trees will be required to be removed and replaced with new, healthy trees of a similar category (canopy or understory).
 3. All planted areas shall be provided with an irrigation system. In the case of redevelopment landscaping or remote vegetation, a readily available water supply to ensure continuous healthy growth and development may be permitted by the Zoning Administrator. Failure to do so is a violation of this Ordinance and may be remedied in the manner prescribed for other violations.
 4. Where replacement planting is required the total caliper inches of replacement trees shall equal at least one-third of the total diameter at breast height (DBH) of the trees to be removed. However, where replacement planting is required as a result of a violation of this

Ordinance, the total caliper inches of replacement trees shall equal at least 100% of the total DBH of the trees that were removed. In the event trees are removed and cannot be measured, stumps may be measured or recent photographs may be studied to approximate diameter. Instead of replacement planting, parties are permitted to pay into the Town Tree Fund an amount set by Council per caliper inch. These funds will be used to plant trees on public property throughout the Town.

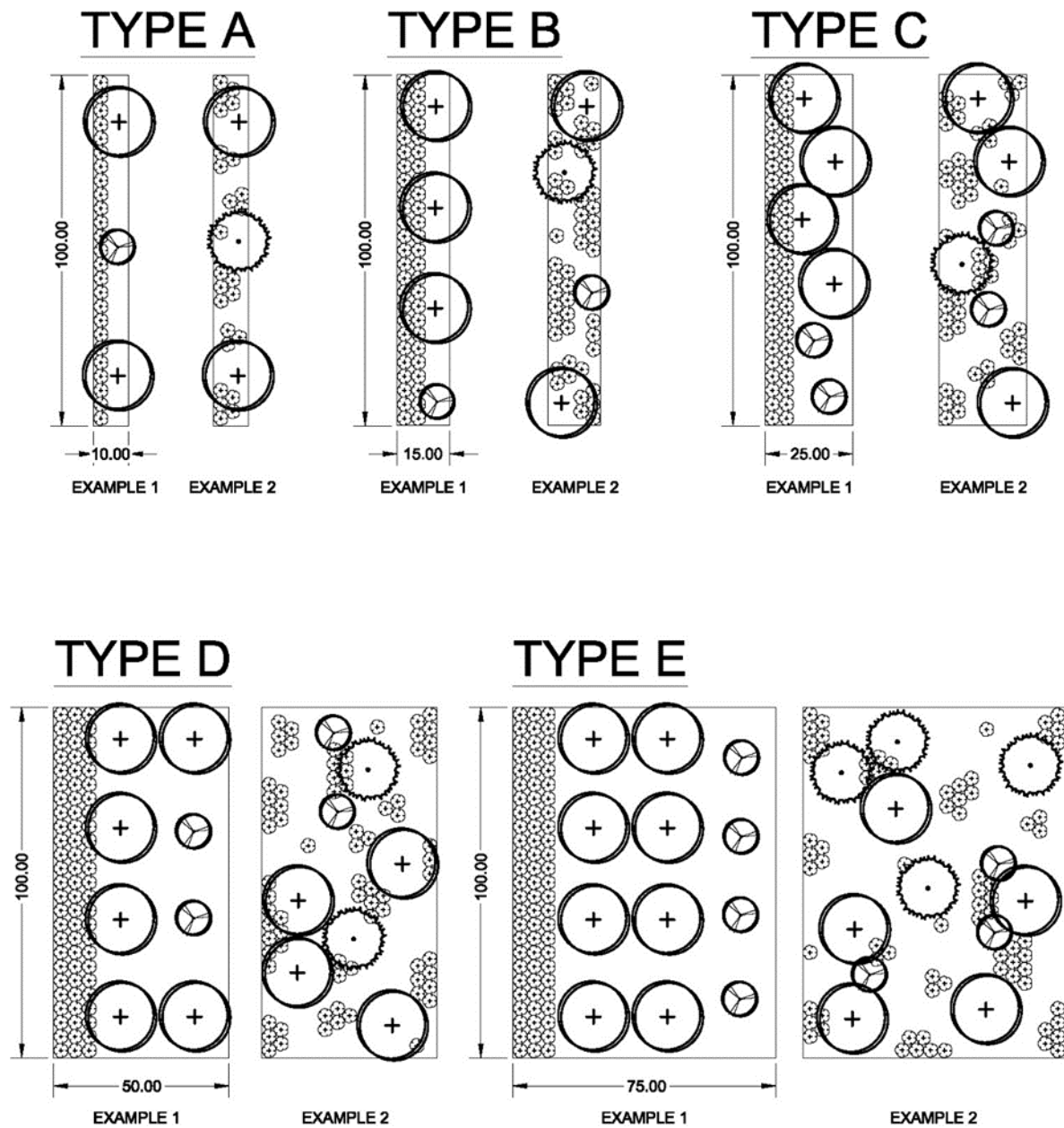
5. Where pedestrian or bicycle trails are allowed within a buffer, these trails shall be maintained to provide for their safe use. Such maintenance shall include pruning of plants to remove obstructions, removal of dead plant materials, litter, or other hazards.
6. Natural watercourses within a buffer shall be maintained as free-flowing and free of debris. Stream channels shall be maintained so as not to alter floodplain areas.
7. Failure to Maintain. Failure to maintain a buffer shall be considered violation of the zoning ordinance.

4-2.6 Buffer Area Types

Buffer Type	Min. Buffer Width (Feet)	Width x .67 Plant Multiplier	Width x .5 Plant Multiplier	Width with Opaque Screen	Canopy Trees. Understory Trees, and/or Upright	Shrubs per 100 LF
					Evergreen per 100 LF	
Type A	10	*	*	*	3	25
Type B	15	*	*	A	4	50
Type C	25	50	75	B	6	50
Type D	50	75	100	C	8	75
Type E	75	100	150	D	12	75

- A. **Opaque Screens** may be wood or masonry (block, brick, or stucco) and must be a minimum of 6'-0" tall and placed at the property line. If screening is used the buffer area requirement defaults to the next less intensive buffer area planting and width requirements. Along streets, opaque screens shall be placed at the interior edge of the buffer, not at the property line. Opaque screens may not be used along streets for Type A, B, or C buffers, except for residential uses, in which case no reduction of buffer type shall apply.
- B. **Berms** must be two feet (2') in height and have a minimum crown width of two feet (2'). Buffer width may be reduced by 25% with the inclusion of a landscaped earth berm in addition to the required number of plantings. Reduction requires Zoning Administrator approval.
- C. **Canopy Trees, Understory Trees, and Upright Evergreen Trees** must be selected from the list of approved species. Canopy trees must be a minimum of 2.5" caliper at planting. Upright Evergreens and Understory Trees must be a minimum of 6'-0" tall at planting and should generally be specified as 6' - 8' tall. Over the total length of all buffer areas for a project, tree species and type may vary, as appropriate to the project. However, at least 1/3 of the total number of required trees shall be Canopy Trees. Likewise, no more than 1/3 of the total number of required trees shall be Understory Trees. Buffer area designs are subject to approval by the Town Community Development Director. Palmetto (*Sabal palmetto*) shall not count toward required tree requirements except by special exception. When allowed, Palmettos may be substituted at a ratio of three palmettos for each required tree.

- D. **Evergreen and Deciduous Shrubs** must be a minimum size of 3 gallon at installation but shall be species that reach a mature height of at least 6'-0". Other smaller shrubs and groundcover may be included as part of the overall buffer design but shall not count towards this requirement. For Type A, B, and C buffer areas fronting streets, the 6'-0" requirement does not apply.



4-2.7 Table of Buffer Area Requirements

Proposed Land Use	Existing Land Use of Adjacent Parcel															
	Single Family Detached	Duplex	Townhomes	Multi-Family	Mobile Homes	Nursing Home/Assisted Living	Mixed use	Religious	Schools	Office/Professional	Retail/Commercial	Light Industrial	Heavy Industrial	Arterial Street	Collector Street	Local Street
Single Family Detached ¹	*	*	*	*	*	B	B	B	B	B	B	B	B	B	A	A
Duplex ¹	*	*	*	*	*	B	B	B	B	B	B	B	B	B	B	B
Townhomes ¹	*	*	*	*	*	B	B	B	B	B	B	B	B	C	B	B
Multi-Family	D	C	B	*	*	B	B	B	A	A	A	B	B	C	B	B
Mobile Homes	D	D	D	D	*	D	D	D	D	D	D	D	D	D	D	D
Nursing Home/Assisted Living	B	B	B	A	A	*	B	B	B	B	B	C	C	C	C	C
Mixed use ²	*	*	*	*	*	*	*	*	*	*	*	*	*	B	B	B
Religious	C	B	B	B	*	*	*	*	*	*	*	*	*	A	A	A
Schools	B	B	B	B	B	B	B	B	*	B	B	C	C	A	A	A
Office/Professional	C	C	B	B	B	B	*	B	C	*	*	B	B	B	B	B
Retail/Commercial	D	C	C	C	C	C	*	C	C	*	*	B	B	B	B	B
Light Industrial	E	E	E	D	D	D	D	D	D	C	C	*	*	E	E	E
Heavy Industrial	E	E	E	E	E	E	E	E	E	D	D	*	*	E	E	E
1 - If the project addresses (faces) the street, no street buffer is required. If the project backs up to (doesn't face) the street, street buffers are required as shown. 2 - All buffers for mixed-use districts, both internal and external, shall be defined in the development plan, if required. If not defined in the development plan, they default to standard buffers. Required buffers for outparcels that are part of a larger project shall be determined through the design review process of the overall development. * - No buffer required on property line, but equivalent of Type A to be planted on lot.																

4-2.8 Existing Plant Material

- A. Where practicable, the natural vegetation on a site shall be preserved according to the provisions of this chapter and the Town Tree Protection Ordinance.
- B. Wherever healthy plant material exists on a site, the above-mentioned standards may be adjusted to allow credit for such plant material, if, in the opinion of the Zoning Administrator, such adjustment is in the best interests of the Town and preserves all intents of this chapter and the Tree Protection Ordinance.

Section 4-3 Screening

4-3.1 Definition

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

4-3.2 Purpose

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

4-3.3 Where Required

Screening specified by this Section shall be required of all open storage areas not devoted to retail sales

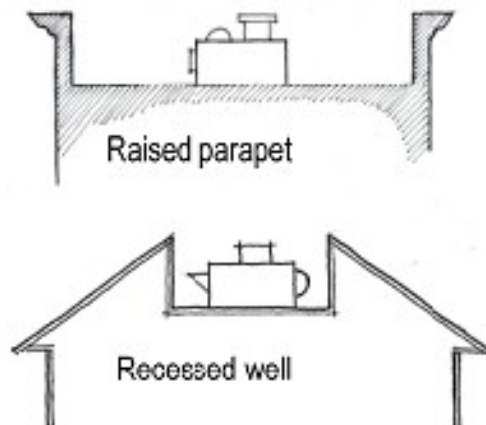
visible from any public street which includes:

- A. Open storage areas for building materials, salvage materials, and similar unenclosed uses
- B. Appliances
- C. Mechanical systems, including roof-mounted heating ventilation and air conditioning (HVAC)
- D. Trash containers of four or more cubic yards
- E. Shipping Containers, where permitted

Screening shall be required for A-E above on all proposed new multi-family and non-residential uses, as well as whenever such uses as above are newly utilized on existing non-residential and multi-family uses.

4-3.4 Type Screening Required

Screening shall be accomplished by an opaque divide not less than six feet high or the height of the object to be screened, whichever is greater. 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 Commission. Roof-mounted mechanical systems shall be screened by architectural features such as parapet walls.



4-3.5 Retention Pond Screening

Where a retention or detention pond is included in the site design, said pond shall be landscaped by the use of sight-obscuring plant materials (generally evergreens), and be in compliance with all applicable County, State and Federal regulations.

Section 4-4 Landscaping

4-4.1 Definition

Landscaping is a type of open space permanently devoted and maintained for the growing of trees, shrubbery, and ground covers with complementary grass and mulch, as well as the addition of decorative features to the land such as plazas, courtyards, and other hardscape elements.

4-4.2 Purpose

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land; and to promote public health and safety through the reduction of noise pollution, storm water

runoff, air pollution, visual pollution, and artificial light glare.

4-4.3 Where Required

No proposed commercial, institutional, industrial, or other non-residential use, or multi-family development, shall hereafter be established and subsequently used unless landscaping is provided in accordance with the provisions of this Section. No existing building, structure, or vehicular use area shall be expanded or enlarged by 50 percent or more or renovated at 50% or more of value unless the minimum landscaping required by the provisions of this Section is provided throughout the building site. In all cases of redevelopment or changes in the intensity of land use, additional plantings shall be determined by the Zoning Administrator, who may grant an administrative variance at his or her professional discretion.

4-4.4 Interior Landscaping

- A. The area to be landscaped shall be 10% of the total gross lot area.
- B. This amount of land shall be devoted to landscaping, which includes hardscape elements (plazas and courtyards), trees, shrubs, and ground covers, with complementary grass, mulch, and other landscape treatment.
- C. Any required landscaping, including parking lot islands or screening may be included in the required landscaped area. However, the required minimum bufferyards are excluded except as outlined in Sec. 4-2.3.

4-4.5 Parking Area Landscaping

- A. All open vehicular use areas containing 10 more parking spaces require one medium- or large-maturing tree per ten parking spaces.
- B. Parking lots shall contain planter islands and peripheral landscaping to provide breaks in the expanse of paving.
 1. Landscaped islands shall be required. A maximum of 10 parking spaces in a row will be allowed without a landscaped island. However, this requirement may be adjusted by the Zoning Administrator, when strict application will significantly limit the efficiency of the parking area.
 2. Planter islands shall have a minimum of 150 square feet in area (approximately 9'-0" x 18'-0" with appropriate radii).
 3. Planter islands shall contain at least one 2.5-inch-caliper Canopy Tree.
 4. Light poles, transformers, junction boxes, water meters, and/or fire hydrants shall not be placed where they conflict with required trees.
 5. The island shall be landscaped with shrubs, ornamental grasses, groundcover, and/or mulch. The use of lawn within an island should be avoided or minimized.

4-4.6 Parking Curbs

All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier. The barrier need not be continuous.



Header Curb



Wheel Stop

4-4.7 Parking and Interior Landscaping Widths

Trees shall have a minimum of 16 square feet of open soil surface area when planted in tree wells or concrete cutouts. Otherwise, trees shall have the minimum open soil surface areas listed below.

- A. Small-maturing trees - 16 square feet (four feet x four feet).
- B. Medium-maturing trees - 64 square feet (eight feet x eight feet).
- C. Large-maturing trees - 144 square feet (12 feet x 12 feet).
- D. Landscaped areas must be at least 25 square feet in size and a minimum of three feet wide to qualify.

4-4.8 Landscaping Plan

A landscaping plan shall be submitted as part of the application for a zoning permit. Applicants shall submit two (2) copies and one (1) digital landscaping plan either separately or with site plans. The plan shall contain:

- A. Name of the proposed development; the name, address, telephone number, and email address of the developer and the project designer; and a location map showing the proposed project; and,
- B. Scaled plan no smaller than one inch equals 30 feet and no larger than 24" x 36", showing the actual size, shape, and location of all existing and proposed features and landscaping as follows:
 - 1. Proposed and existing buildings, pavements, rights-of-way/utility easements, watercourses, floodways/wetland, detention/retention pond, and final grades after grading;
 - 2. Proposed landscaping, hardscaping, decorative features, and irrigation/watering system;
 - 3. A table of planting materials stating species (botanical and common names), quantity, height, spread, and installation size (Section 4-1.6(a)) for all plants, using per Article 14 Irmo Planting Materials); and,
 - 4. Tree survey, where applicable, per Section 4-5.4 and,
 - a. Significant Trees Identification per Section 4-5.2 and Section 4-5.5.
 - b. Distinguish trees and vegetation to be removed and/or preserved.

Section 4-5 Common Open Space

4-5.1 Definition

Common open space consists of land and/or water bodies used for recreation, amenity, or buffer in residential developments; it 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 associated roads or parking, nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

4-5.2 Purpose

The purpose of this Section is to ensure adequate open space for residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

4-5.3 Where Required

The following uses/projects consisting of nine or more units shall provide common open space in the amounts prescribed:

Proposed Uses/Projects	Common Open Space Ratio (% of total development acreage)
Cluster developments (Conservation Design)	60
Town house projects	15
Multi-family projects	20
Single-family subdivisions of 10 or more lots	10

- 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 accordance with the provisions of this Section.
- B. *Existing sites.* Expansion or enlargement of an existing development of 50 percent or more shall meet in full the minimum common open space requirements of this Section for the entire site. Expansion or enlargement involving less than 50 percent shall meet the minimum requirements for the enlargement only.

4-5.4 Common Open Space Plan

Proposed uses/projects set forth in section 4-5.3 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.

4-5.5 Types of Common Open Space and Required Maintenance.

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

- A. 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 water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter flood plain levels.
- B. Recreational areas are designed for specific active recreational uses, such as tot lots, tennis courts, swimming pools, ballfields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exists no hazards, nuisances, or unhealthy conditions.
- C. 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 is 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 hardscaped areas with gravel and pavers (tile, stone, brick, etc.), so long as the paver area does not occupy more than ten percent of the required open space or unless the pavers are made of pervious material. Lawns, with or without trees and shrubs, shall be watered regularly to ensure survival and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned, and weeded regularly.
- E. Retention ponds and the adjacent landscaped area may be considered as common open space by the Zoning Administrator if the area is accessible, landscaped, and incorporates amenities such as benches, fishing piers, fountains or a trail system.

4-5.6 Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided, or developed. Open space areas shall be maintained so that their use and enjoyment as open spaces 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. Dedication of and acceptance by the Town.
- B. Common ownership of the open space by a home-owner's association which assumes full responsibility for its maintenance.
- C. Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.
- D. In the event that any private owner of open space fails to maintain same, the Town may, in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected and may enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

Section 4-6 Private Tree Protection

4-6.1 Purpose

The purpose of this Section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety, and general welfare; to lessen air pollution; to increase air filtration; to reduce noise, heat and glare; to prevent soil erosion; to aid in surface drainage and minimize flooding; and to beautify and enhance the environment.

4-6.2 Protection of Significant Trees

Any pine tree measuring twenty (20) inches DBH (diameter breast high) or greater and all other tree species measuring twelve (12) inches DBH or greater shall constitute a "significant tree" for purposes of this Ordinance and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association, or corporation, or any agent or representative thereof, shall directly or indirectly destroy or remove any tree in violation of the terms of this Section.

4-6.3 Exceptions

Commercial timber, tree farms, nurseries, and agricultural operations are exempt from the protective requirements of this Section. Property cleared under the exceptions of this Section shall not be redeveloped and the Town shall withhold any development permit for a period of 24 months, unless a tree replacement schedule, approved by the Planning Commission, has been implemented.

4-6.4 Tree Survey

Prior to grading or clearing a lot or parcel for development and the issuance of a grading or building permit, the developer/owner applicant shall have conducted a tree survey identifying the location of all significant trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

4-6.5 Site Design (Significant Trees)

The design of any land development project or subdivision shall take into considerations the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell significant trees. Within any required buffer, common open space, screening, or landscaped area, all significant trees shall be utilized to the extent practicable to meet the tree planting requirements of this Article. Site plans shall clearly demonstrate the incorporation of significant trees into buffer, open space, screening, and landscape design. Outside of the buildable area, within the required setback areas, no more than 25 percent of significant trees shall be removed without replacement.

The site design shall be presented on a site plan showing:

- A. Existing location and size of all significant trees.
- B. Trees to be removed.
- C. Trees to be preserved.
- D. Percent of significant trees to be removed from the buildable area.

Site plan approval by the Zoning Administrator shall be prerequisite to the issuance of a grading and/or building permit.

4-6.6 Tree Protection

- A. *Prior to development.* Where a grading permit, building permit, or subdivision approval has not been issued, the destruction of any significant tree, as defined by this Section, without prior approval of the Zoning Administrator, shall be prohibited.
- B. *During development.* During development, a minimum protective zone, marked by barriers, shall be established (erected) at the dripline and maintained around all trees to be retained as required by this Section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage materials within this protected zone.
- C. *After development.* No person shall break, damage, remove, cut, kill, or cause to be killed any significant tree, except for the following:
 - 1. In the event that any tree shall be determined to endanger the public health, safety or welfare, and require removal, written authorization may be given by the Zoning Administrator and the tree or parts thereof (i.e. dead limbs) removed.
 - 2. During the period of an emergency, such as a hurricane, tornado, ice storm, flood, or any other act of nature, the Zoning Administrator may waive the requirements of this Section.
 - 3. Where due to unusual site conditions or circumstances, the requirements of this Section pose a constraint to development and/or the use of a site or parcel, the Zoning Administrator or Zoning Board of Appeals may adjust the requirements as necessary to moderate the constraint.
 - 4. Trees involved in wetland mitigation.
 - 5. Diseased (unhealthy) or invasive trees, with approval of the Zoning Administrator.
 - 6. Trees located on lots occupied by single-family housing are not included in this ordinance.

4-6.7 Tree Replacement

Where significant trees have been removed, due to site design; where removal is necessitated at any time due to acts of negligence; or where sites were cleared of significant trees in violation of this Section, replacement trees shall be planted in accordance with a replacement schedule approved by the Zoning Administrator or Zoning Board of Appeals, who shall specify the number, species, DBH, and location of replacement trees, using

the following criteria:

- A. Combined DBH of replacement trees is equal to or greater than the DBH of the trees removed and;
- B. Individual replacement trees are of the largest transplantable DBH available

In the event trees are removed and cannot be measured, stumps may be measured or recent photographs may be studied to approximate diameter.

Where replacement of trees is not feasible and/or desirable, the property owner may pay into the Town Tree Fund an amount set by Council per diameter inch removed with approval of the Zoning Administrator. These funds will be used by the Town to plant trees on public property.

Where, due to clear cutting in violation of this Section, the number of significant trees removed is unknown, a replacement plan specifying the numbers, species, DBH, and location of replacement trees shall be submitted to and approved by the Zoning Administrator prior to the issuance of a building permit. The Zoning Administrator may also require the inclusion of berms, walls, and/or more intensive buffer plantings prescribed by ordinance to help mitigate the effects of illegal clear cutting on the adjacent property.

Where replacement of trees is not feasible and/or desirable following a clear-cutting violation, the property owner may pay into the Town Tree Fund an amount set per Council per acre of property cleared, with the approval of the Zoning Administrator. These funds will be used by the Town to plant trees on public property.

As per the Town's code concerning Forestry Activity, the Town may deny a grading, land development, or building permit for one year after completion of a legal timbering operation or five years for a timbering operation in violation of Town regulations. See the Town's Land Development Design Standards for more information.

Section 4-7 Public Tree Protection

4-7.1 Purpose

The purpose of this Section is to establish policies, regulations, and standards for the management of public trees within the Town limits. Public tree management shall include, but not be limited to, tree establishment, maintenance, protection, and removal.

4-7.2 Objectives

The objectives of public tree management shall be to maximize the functional benefits of trees while minimizing the costs of management. The objectives of this Section shall be as listed below.

- A. Maintain the Town's tree canopy cover at or above its current level.
- B. Maintain and improve community character.
- C. Enhance the aesthetic appearance of the landscape.
- D. Provide direction and support to tree management.

4-7.3 Benefits of Trees

Trees provide many environmental, social, and economic benefits that include, but are not limited to, the following.

- A. Trees produce oxygen and absorb carbon dioxide, thereby reducing air pollution and improving air quality.
- B. Trees filter out dust, particulate matter, and airborne pollutants, thereby improving air quality.
- C. Trees intercept precipitation, thereby reducing storm water runoff and improving water quality.
- D. Tree roots hold the soil, thereby reducing soil erosion and sedimentation and improving water

quality.

- E. Trees provide shade and cooling and provide windbreaks, thereby reducing energy usage and air conditioning and heating costs.
- F. Trees provide wildlife food and habitat.
- G. Trees buffer different land uses to eliminate or minimize nuisances such as dust, litter, noise, glare, signs, and unsightly buildings or parking areas.
- H. Trees improve public health by reducing stress, encouraging exercise, calming traffic, decreasing illness recovery times, reducing crime and domestic violence, and improving concentration.
- I. Trees attract residents, visitors, commerce, and industry to the Town and increase the value and marketability of property.
- J. Trees beautify the Town and protect and enhance the quality of life.

4-7.4 Applicability

The provisions of this Section shall apply to all public trees, as described herein.

4-7.5 Public Trees

Public trees shall include all trees growing on Town-owned property within the street rights-of-way, in parks, in cemeteries, around public facilities, and on all other Town-maintained and leased properties within the Town limits.

4-7.6 Administration

The Town Administrator or his/her designee shall be responsible for the administration of all provisions of this Section and for public tree management.

4-7.7 Definitions

As used within this Section, the following terms shall have the meanings set forth in this Section. The word "shall" as used in this Section is mandatory and not merely directory.

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

Certified arborist. An individual who has passed the International Society of Arboriculture's Certified Arborist examination, is designated as a certified arborist by said organization, and maintains such designation through attending at least 30 hours of qualifying continuing education within each three-year certification period.

Critical root zone. A more or less circular area on the ground equivalent to the area within the tree's dripline, or a circle around the trunk with a radius equivalent to one and one foot for every one inch in DBH, whichever is greater.

Crown. The upper portion of a tree that contains the large scaffold limbs, branches, twigs, and leaves.

DBH. Diameter of the tree trunk at breast height, measured four and one-half feet above the ground.

Dripline. A vertical line that extends down at the point of the greatest extent of the tree's branches.

Establishment. The selection, placement, planting, and maintenance of new trees in the landscape. The minimum period of time required for establishing trees is generally considered to be three years.

Hazard tree. A hazard tree is one that is at risk of failure, either whole or in part, with the part large enough to cause damage, and there exists within the falling distance of the tree or tree part a target, such as people, buildings, vehicles, or hardscape.

Maintenance routine. Periodic or occasional activities directed at maintaining or improving a tree's health and condition. Maintenance activities include but are not limited to mulching, pruning, irrigation, fertilization, pest control, cabling and bracing, and lightning protection system installation.

Protection. The active or passive protection of a tree's roots, trunk, and crown for the purpose of avoiding damage to these living structures and maintaining tree health and structural integrity.

Pruning. The deliberate removal of tree branches for a specific purpose, i.e. young tree training, deadwood removal, utility line, traffic, or pedestrian clearance, or correcting structural defects.

Removal. The cutting of a tree at ground line to remove the tree's trunk and crown. The tree stump and roots may or may not be removed along with the trunk and crown.

Roots. The below ground portion of a tree that includes large, woody support roots and small, non-woody, fibrous "feeder" roots. Roots are generally located within the top 18 inches of soil and extend out from the trunk two to three times the width of the crown.

Topping. The improper removal of tree limbs with cuts made between nodes, also known as "tipping," "heading," and "shearing."

Tree. A woody perennial plant, generally with a single trunk but sometimes with multiple trunks, with the potential to attain a mature size of at least three inches in trunk diameter at four and one-half feet above the ground and a height of at least 15 feet.

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 have the potential to reach at least twenty-five (25) feet tall and twenty (20) feet wide at maturity, but no taller than 40 feet.

Tree, Small-maturing. A single-trunk or multi-stem dimensioned tree that has the potential to reach at least fifteen (15) feet tall and fifteen (15) feet wide at maturity, but no taller than 25 feet.

Trunk. The main woody stem of a tree that supports the crown and functions in the transport of water, nutrients, and carbohydrates from the crown to the roots and the roots to the crown.

4-7.8 Annual Work Plan

The Public Services Department shall develop an annual work plan for the management of public trees using the tree inventory information. The work plan shall contain the following plans and schedules.

- A. Tree planting.
- B. New tree maintenance including mulching, irrigation, and young tree pruning and training.
- C. Tree pruning.
- D. Tree mulching.
- E. Tree removal.

4-7.9 Public Tree Maintenance Standards

The Town shall have the right and responsibility to establish, maintain, protect, and remove trees located on public property. Public tree maintenance standards shall be developed and made a part of this Section and

shall include, at a minimum, standards for tree establishment, maintenance (to include pruning, mulching, fertilization, irrigation, and pest control), protection, and removal. These standards shall incorporate the current version of the following professional standards from the American National Standards Institute.

- A. ANSI Z60.1 American National Standard for Nursery Stock.
- B. ANSI Z133.1 American National Standard for Arboricultural Operations - Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush - Safety Requirements.
- C. ANSI A300 American National Standard for Tree Care Operations - Trees, Brush, and Other Woody Plant Maintenance.

4-7.10 Establishment of Public Tree Planting Program

4-7.10(1) *Tree species list*

The Town shall keep a current list of trees recommended and not recommended for planting on public property. The list shall include, at a minimum, the following information.

- A. Species common name.
- B. Scientific (botanical) name.
- C. Mature height category.
- D. Mature height categories shall be as listed below.
 - 1. *Small-maturing* - A single-trunk or multi-stem dimensioned tree that has the potential to reach at least fifteen (15) feet tall and fifteen (15) feet wide at maturity, but no taller than 25 feet.
 - 2. *Medium-maturing* - A single-trunk tree whose canopy dimensions have the potential to reach at least twenty-five (25) feet tall and twenty (20) feet wide at maturity, but no taller than 40 feet.
 - 3. *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.
- E. Recommended or not recommended.

4-7.10(2) *Tree Quality*

Trees planted on Town property shall be good quality and have the following characteristics.

- A. Have healthy roots, trunk, and crown.
- B. Be free from stem encircling and stem girdling roots.
- C. Have a form characteristic of the species, but otherwise with a straight trunk and without co-dominant stems and included bark.
- D. Have well-spaced branches.
- E. Be free from insects, diseases, and mechanical injuries.

4-7.10(3) *Tree Placement*

Trees shall be planted in locations that meet the following criteria.

- A. At least 30 feet from street intersections.
- B. At least 25 feet from stop signs and light poles.
- C. At least 15 feet from driveways, utility poles, fire hydrants, and mailboxes.
- D. At least two and one-half feet from the curb and sidewalks.
- E. Only small-maturing trees shall be planted beneath or within 20 feet of overhead utility lines.
- F. Small-maturing trees shall be planted no closer than 10 feet to a building.
- G. No medium-maturing tree shall be planted closer than 20 feet to overhead electrical power lines or 20 feet to a building.
- H. No large-maturing tree shall be planted closer than 30 feet to overhead electrical power lines or 30

feet to a building.

4-7.10(4) Spacing Between Trees

For all street tree plantings, except for special planting plans approved by the Town Administrator, the following minimum planting distances shall be required.

- A. Small-maturing trees shall be planted at least 15 feet apart.
- B. Medium-maturing trees shall be planted at least 20 feet apart.
- C. Large-maturing trees shall be planted at least 40 feet apart.

4-7.10(5) Open Soil Surface Area

Trees shall have a minimum of 16 square feet of open soil surface area when planted in tree wells or concrete cutouts. Otherwise, trees shall have the minimum open soil surface areas listed below.

- E. Small-maturing trees - 16 square feet (four feet x four feet).
- F. Medium-maturing trees - 64 square feet (eight feet x eight feet).
- G. Large-maturing trees - 144 square feet (12 feet x 12 feet).

4-7.10(6) Utility Locations.

The party excavating the planting hole shall be responsible for insuring that all underground utilities have been located and marked prior to any excavation.

4-7.10(7) Town Tree Planting Approval

Approval from the Town Administrator and Public Services Director shall be required for anyone to plant trees or landscape plants on public property. On state highway rights-of-way, a state encroachment permit shall be required.

4-7.10(8) State Encroachment Permit

A state encroachment permit is required for any landscaping work performed on state highway rights-of-way and can be requested from the state department of transportation. A sketch plan of the proposed project must be attached to the encroachment permit application. This plan should show the planting arrangement and the type of plants to be used. Photographs may also be helpful. All proposed encroachment permit applications should clearly state the following information.

- A. Speed limit (mph).
- B. Cut or fill slope (check with local resident maintenance engineer).
- C. Traffic volume - less or greater than one thousand five hundred (1,500) ADT (check with local resident maintenance engineer).
- D. Label guardrail, barrier curb, sidewalks, edge of pavement, and right-of-way line on sketch; indicate traffic lights at road intersections (a label stating "TL" in a box is acceptable).
- E. State whether distance of plant material is from curb or edge of pavement (offset).

4-7.11 Maintenance

4-7.11(1) Pruning

- A. **Public trees.** Tree pruning shall be done on a routine basis to provide pedestrian, traffic, sign, light, and signal clearance, to reduce conflicts with buildings and infrastructure, to improve tree structure, form, and health, and to remove dead, diseased, dying, and otherwise objectionable branches over two inches in diameter. Tree pruning shall be done in accordance with current professional standards (ANSI A300). The following clearances shall be maintained through routine pruning.

1. Seven feet above sidewalks and walkways.
 2. 12 feet above residential streets.
 3. 16 feet above major thoroughfares.
- B. *Newly planted.* Newly planted trees shall be inspected during the summer months at one, two, and three years after planting and pruned if necessary to improve their structure and health.
- C. *Pruning of private trees.* The Town shall have the right to prune trees on private property to provide clearance over public sidewalks and roadways, to improve visibility of signs, signals, and lights, and to reduce hazards.
- D. *Utility line.* All pruning completed for the purpose of utility line clearance shall be done in accordance with current professional standards (ANSI A300) and shall be supervised by a certified arborist.
- E. *Topping.* The topping of any publicly-owned tree shall not be permitted under any circumstances. The Town may, at its discretion, require that any party topping public trees pay a penalty in an amount up to but no greater than the appraised value of the tree prior to topping.

4-7.11(2) *Mulching*

All newly planted trees shall be mulched with leaves, aged wood chips, pine straw, or other good quality organic mulch during the establishment period - the first three years after planting. Mulch shall be applied in an even layer, three - four inches deep, out to the dripline of the tree. All trees shall be mulched where practical, as far out towards the dripline as possible. Mulch shall be kept at least six inches away from the tree trunk to avoid creating favorable conditions for insect, disease, or rodent infestation.

4-7.11(3) *Fertilization*

Fertilization may be done where and when a soil or foliar test indicates a nutrient deficiency. Fertilization shall be done according to current professional standards (ANSI A300). Unnecessary and excessive fertilization which can contribute to stormwater pollution shall be prohibited.

4-7.11(4) *Watering*

Watering shall be done for all newly planted trees during the months of May through October, at least once per week during periods of drought or low rainfall, and up to an amount of one inch of water per week. Watering may be accomplished through irrigation, tree watering bags, and other watering devices.

4-7.11(5) *Pest Control*

When public trees are found to have insect or disease infestations that pose a major threat to surrounding trees, they shall be effectively treated or removed by the Town. Spraying of insecticides, fungicides, or herbicides shall be done only for the control of specific insects, diseases, or weeds with the proper materials in the necessary strength and applied at the proper time to obtain the desired control. General spraying for insect, disease, and weed control which can unnecessarily contribute to stormwater pollution shall be prohibited.

4-7.12 *Protection*

During the installation, repair, alteration, or removal of any building, house, structure, utility line, or hardscape, or the conduct of a public event or gathering, any person, firm, or corporation in charge of such work or event shall protect the roots, trunk, and crown of adjacent public trees from harmful activities to prevent injury to such trees.

4-7.12(1) *Activities Harmful to Trees*

Activities harmful to trees shall include, but are not limited to, trenching; grading; grubbing; soil backfill or sedimentation; soil cuts; soil compaction from equipment, vehicle, or pedestrian traffic; soil compaction from materials storage; soil contamination from equipment maintenance and washouts; changes in water

drainage; fire; trunk wounds; limb wounds; improper pruning; and broken branches. These activities are common during infrastructure installation or repair, building or facility construction, and public events or gatherings.

4-7.12(2) Tree Protection Fencing and Other Protection Measures

- A. Except in the case of public events and gatherings, tree protection fencing shall be erected at the critical root zone prior to the commencement of any harmful activity by the individual in charge of that activity and shall remain in place until the activity is completed. Other protection measures may include tunneling, trunk wraps, mulching, or irrigation.
- B. Prior to public events and gatherings, trees shall be mulched as described herein.

4-7.13 Removal

4-7.13(1) Tree Removal Approval

Approval from the Town Administrator shall be required for any party, except for Town personnel and those acting at the expressed request or direction of the Town, to remove any tree located on public property.

4-7.13(2) Permittable Reasons for Removal

Removal can be permitted for the following reasons.

- A. Tree is dead.
- B. The tree is affected by an insect or disease problem that is untreatable and results in rapidly declining tree health or a hazardous condition.
- C. Tree is dying due to past damage and its condition cannot be improved with standard maintenance techniques.
- D. Tree has an uncorrectable structural defect that results in an increased risk of whole or partial tree failure.
- E. Tree is reducing sight visibility and the correction of the problem will result in severe disfigurement of the tree or crown reduction below 50 percent.
- F. The tree is in a restricted growing space, is in conflict with the surrounding hardscape or infrastructure, and the conflict cannot be resolved.
- G. Tree is in conflict with overhead utility lines and proper pruning cannot adequately reduce the conflict without severely disfiguring the tree.

4-7.13(3) Replacement of Trees Removed

All trees removed on public property shall be replaced within two years after removal. If the site where the tree was removed is not suitable for replanting, a tree shall be planted in a suitable location as close as possible to the removal location. If there is no suitable location close to the removal location, then a tree shall be planted in a planned planting location in the vicinity. The Town may, at its discretion, assess a replacement fee as set by Council per tree for each tree removed to the individual, group, or agency requesting the removal. Such fee may be found in the Master Fee Schedule.

4-7.13(4) Stump Removal

All stumps of street and park trees shall be removed to a depth of eight inches below the surface of the ground so that the top of the stump shall not project above the surface of the ground. Sod, grass seed, or other satisfactory ground cover shall be placed and maintained on the site of the removed or ground stump. Stumps shall not be ground in cemeteries.

4-7.13(5) *Removal of Private Trees Affecting the Public*

The Town shall have the right to remove or cause to be removed trees on private property that are at a high risk of failure, have insect or disease infestations that are a threat to surrounding trees, or are otherwise nuisances that threaten the health and safety of the public.

Written Notice. Owners of premises where a nuisance tree is located shall be served a written notice either in person or by registered mail that action must be taken to abate the nuisance within 30 days. If after 30 days the nuisance has not been abated, the Town shall have the right to remove the tree or cause the tree to be removed and charge the property owner with the cost of removal and all other associated costs.

4-7.14 *Damage to Public Trees*

No person shall damage, destroy, remove, or otherwise harm a tree located on public property without a tree removal permit. The Town shall require compensation for the damage or destruction of a public tree equal to the appraised value of the tree prior to the damage.

4-7.15 *Appraised Tree Value*

The appraised value of a tree shall be calculated by a certified arborist based on the current edition of the Guide for Plant Appraisal developed by the council of tree and landscape appraisers and published by the International Society of Arboriculture.

4-7.16 *Enforcement*

The Town's enforcement officer shall be responsible for enforcing all the provisions of this Section.

4-7.17 *Violations*

Except when stated otherwise in this Section, any person, firm, or corporation who violates any provision of this Section or who fails to comply with any notice issued pursuant to provisions of this Section, upon being found guilty of violation, shall be subject to a fine per the violations provisions of this Ordinance.

4-7.18 *Emergencies*

In case of emergencies involving, but not limited to, tornadoes, windstorms, floods, hurricanes, freezes, or other natural disasters, the requirements of this Section may be waived by the Town Administrator upon consultation with Town Council.

4-7.19 *Appeals*

The Board of Zoning Appeals shall serve as the appeals board for the administration of this Section. Requests for an appeal shall be made per the Administration Article of this Ordinance.

Article 5 Sign Regulations

Section 5-1 – Purpose and General Provisions

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive community environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

1. General Provisions

- a. The regulations set forth in this article shall apply and govern in all zoning districts. No sign shall be erected, altered or maintained unless it is in compliance with the regulations of this article.
- b. A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the Town or its agent.
- c. All signs must be constructed of durable materials, maintained in good condition and shall not be permitted to become dilapidated or a hazard to the health, safety or general welfare of the community.
- d. The Zoning Administrator or designated agent shall require the property owner or tenant to remove, replace or repair the sign as is deemed appropriate by the Zoning Administrator.
- e. All signs attached to buildings must meet all applicable wind standards as defined by the International Building Code. All freestanding signs greater than six feet (6') in height must meet all applicable wind and seismic standards as defined by the International Building Code.
- f. The purpose of this section is to provide comprehensive regulations for signs within the town that will eliminate confusing, distracting and unsafe signs, ensure the efficient transfer of information; and, enhance the visual environment of the town. It is declared that the regulation of signs within the town is necessary and in the public interest and also is related to the following goals:
 - i. To protect property values within the town;
 - ii. To protect the general public from damage or injury caused by, or partially attributable to the distractions and obstructions which result from improperly designed or situated signs;
 - iii. To provide a pleasing overall environmental setting and community appearance which is deemed vital to tourism and to the continued economic attractiveness of the town;
 - iv. To improve the legibility and effectiveness of commercial and governmental signs;
 - v. To allow signs appropriate to the planned character of each zoning district; and
 - vi. To promote the public safety, welfare, convenience and enjoyment of the unique historic character of the town.
- g. Any signs, displays or devices allowed under this article may contain, in lieu of any other copy, an otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity of service for sale, and that complies with size, lighting and spacing requirements of this article.
- h. All signs shall comply with existing state and federal laws.

Section 5-2 – Signs Permitted by Zone

	RS	RG	CG	CO	CN	LM	FA	IN ¹
Awning & Canopy			X	X	X	X	X	X
Freestanding			X	X	X	X	X	X
Governmental Flags	R	R	R	R	R	R	R	R
Holiday Decorations	R	R	R	R	R	R	R	R
Home Occupation	X	X						
Incidental Sign			X	X	X	X	X	X
Informational Sign	R	R	R	R	R	R	R	R
Multi-Face Sign			X	X	X			
Multiple Family Dwelling		X						
Outdoor Display			X	X	X			X
Projecting Sign			X	X	X			X
Public/Official Notice	R	R	R	R	R	R	R	R
Real Estate	R	R	R	R	R	R	R	R
Sandwich Board/Pedestal			R	R	R			R
Subdivision, Permanent	X	X						
Subdivision, Temporary	X	X						
Temporary Sign	R	R	X	X	X	X	X	X
Wall Sign			X	X	X	X	X	X

X – Allowed with Permit

R – Allowed by Right, no permit required

(Blank) – Not allowed

1 – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, such as schools, churches, parks, etc.

Section 5-3 – Sign Regulations by Type

A. General Regulations

1. All sign dimensions listed are maximums.
2. All signs are to be externally lit unless otherwise noted

B. Awning & Canopy Signs

1. Definitions:
 - a. Awning – An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of 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.
 - b. 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.
- c. 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.
- 2. Permitted Zones: CG, CN, CO, LM, FA, IN
- 3. Requirements:
 - a. Awnings and marquees are considered wall signs for purpose of area allowances, with only one sign permitted per building side. Awnings may only be externally lit, while marquees may be internally or externally lit.
 - b. Canopy signs may be no more than 8% of the area of the canopy façade, with one sign permitted per street frontage. This is in addition to any signage on the primary structure. Canopy signs may be externally or internally lit.
 - c. Any signage on an awning, canopy or marquee must be flush or integral with the awning, canopy, or marquee, and may not project beyond, below, or above the structure.
 - d. 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.
 - e. Awnings or marquees shall project no closer than eight (8) feet from the street curb.
- C. Construction Signs
 - 1. Definition: Any temporary sign located at a construction site, generally to inform the public of the construction company, finance source, etc.
 - 2. Permitted Zones: All Zones
 - 3. Requirements:
 - a. Height: Eight (8) feet
 - b. Area: In the RS, RG, CO, CN districts: Twenty (20) square feet per exposed side; forty (40) square feet aggregate. In the CG and LM Districts, forty (40) square feet per exposed side, eighty (80) square feet aggregate.
 - c. Location: At least ten (10) feet from any street right-of-way.
 - d. One sign per street frontage
 - e. At least 50% of the surface area shall directly reference the specific project under construction, including the name of the development, any specific business(es), and a picture or rendering of the project. An expected completion date is encouraged.
- D. Freestanding Signs
 - 1. Definition: means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
 - 2. Permitted Zones: CG, CN, CO, LM, FA, IN
 - 3. Requirements:
 - a. In CN, CO, FA, and IN Districts
 - 1. Height: Twelve feet (12) feet, except six (6) feet for IN uses in a residential district
 - 2. Area: twenty (20) square feet per exposed side; forty (40) square feet aggregate
 - 3. Location: At least ten (10) feet from any street right-of-way.
 - 4. Changeable copy signs shall constitute no more than fifty percent (50%) of the total sign area and must be placed on the same sign structure as the fixed sign.
 - 5. Externally lit only
 - 6. One sign per street frontage is permitted
 - 7. In developments where existing signage is non-conforming, newly proposed signage may meet the standards of the existing signage with permission of the Zoning Administrator.
 - b. In CG and LM Districts

1. Height: Twenty-Five (25) feet, except along I-26 where signs may be fifty (50) feet
2. Area: Fifty (50) square feet per exposed side; one hundred (100) square feet aggregate
3. Location: At least ten (10) feet from any street right of way
4. Electronic message centers or changeable copy signs shall constitute no more than fifty percent (50%) of the total sign area. Such signs must be placed on the same sign structure as the fixed sign. Gasoline pricing signs are considered changeable copy signs. Electronic message centers must be dimmed from sundown to sunup in such manner as to not negatively affect drivers and any nearby residential lots.
5. Such signs may be externally or internally lit
6. One sign per street frontage is permitted

E. Governmental Flags

1. Definition: means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity.
2. Permitted Zones: All
3. Requirements
 - a. Height of Flagpole: Fifteen (15) feet maximum residential; Twenty-five (25) feet maximum commercial
 - b. Area of Flag: Per the guidelines of the U.S. General Services Administration, a flag pole should be approximately three (3) to four (4) times the length of the flag. As such, a fifteen (15) foot tall pole should utilize 3' x 5' flags, a twenty (20) foot pole should use 3' x 5' or 4' x 6' flags, and a twenty-five (25) foot pole should use 4' x 6' or 5' x 8' flags. The maximum flag sizes allowed per this ordinance are fifteen (15) square feet per flag, no more than thirty (30) square feet total (residential); Forty (40) square feet per flag, no more than one hundred twenty (120) square feet total (commercial)
 - c. Number of Flagpoles Allowed: One (1) residential; Three (3) commercial
 - d. Setback: Pole must be setback from all property lines an amount equal to or greater than the height of the pole
 - e. Governmental flags must be externally lit or removed at dusk.
 - f. If the flags of the United States and the State of South Carolina are flown, a third, commercial flag may be flown on the third pole. The flag will not be included in the overall sign area total on the lot.

F. Holiday Decorations

1. Definition: Signs or other material temporarily displayed on traditionally accepted civic, patriotic or religious holidays containing no commercial message
2. Permitted Zones: All; limitations on holiday displays apply only to non-residential uses. Residential uses may display holiday decorations at any time.
3. Requirements: Materials may be displayed for no more than thirty (30) days with the exception of Christmas decorations, which may be displayed from November 15 – January 15. While holiday displays and decorations are only permitted during limited periods, non-residential uses may use non-blinking lights as accents and decoration throughout the year. If, in the opinion of the Zoning Administrator, lights or displays are distracting to motorists or beyond that which is deemed allowable by this ordinance, he or she may direct the business to the Board of Zoning Appeals for a ruling as to appropriateness.
4. Such signs may be internally or externally lit.

G. Home Occupation

1. Definition: A sign advertising a home-based business

2. Permitted Zones: RS, RG, or residential uses in other zones.
3. Requirements: One (1) square foot, unlit, mounted against the wall of the principal building. Only permitted on residential structures.

H. Incidental Sign

1. Definition: A sign which provides information that is secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading zone," or "drive through," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
2. Permitted Zones: CG, CN, CO, LM, FA, IN
3. Requirements: maximum height is four (4) feet.
4. Such signs may be internally lit in the CG zone, or externally lit in any allowable zone.

I. Informational Sign

1. Definition: Signs which direct the reader to the location of a public facility, to a facility operated by a nonprofit entity, to a facility relating to the public health, safety or welfare, to scenic or historical districts, or general business or industrial districts or a subdivision.
2. Permitted Zones: All
3. Requirements:
 - a. The Zoning Administrator is authorized to develop written and publicly posted guidelines for these types of signs.
 - b. The signs are erected by the town or other governmental entity.
 - c. The entire cost of the signs is borne by the entity requesting the sign.
 - d. The signs are installed at locations where they would not constitute a traffic hazard.
 - e. Such signs are allowed in the right-of-way and may not be lit.

J. Multi-Face Sign

1. Definition: Free standing sign advertising more than four businesses located within the same development
2. Permitted Zones: CG, CO, CN, LM
3. Requirements:
 - a. In the CO & CN Districts
 - i. Height: Fifteen (15) feet
 - ii. Area: Forty-five (45) square feet per side, ninety (90) square feet in aggregate
 - iii. Number and Location: One sign per street frontage. Developments with more than 800' of frontage on one road may have two signs on that same road if the signs are at least 600' apart, in addition to any allowable signage on the other frontage(s). Signs shall be placed at least ten (10) feet from any street right-of-way.
 - iv. Changeable copy signs shall constitute no more than fifty percent (50%) of the total sign area.
 - v. Such signs may be externally or internally lit.
 - b. In the CG & LM Districts
 - i. Height: Twenty-five (25) feet
 - ii. Area: Sixty-five (65) square feet per side, one hundred thirty (130) square feet in aggregate
 - iii. Number and Location: One sign per street frontage. Developments with more than 800' of frontage may have two signs on the same road if the signs are at least 600' apart, in addition to any allowable signage on the other frontage(s). Signs shall be placed at least ten (10) feet from any street right-of-way.

- iv. Electronic message centers or changeable copy signs shall constitute no more than fifty percent (50%) of the total sign area.
- v. Such signs may be externally or internally lit.

K. Multi-Family Dwelling

- 1. Definition: Permanent signs announcing the entrance to a multi-family dwelling, such as an apartment complex.
- 2. Permitted Zones: RG
- 3. Requirements:
 - a. Number: One (1) permanent sign shall be permitted per principal entrance to the subdivision.
 - b. Sign Area: Fifty (50) square feet per exposed side; one hundred (100) square feet aggregate
 - c. Location: Such signs shall be located on the premises of the dwelling, set back at least ten (10) feet from any street right of way
 - d. Height: Multiple family group dwelling signs shall not exceed six (6) feet in height as measured from average grade of lot.
 - e. Such signs may be externally lit.

L. Outdoor Display

- 1. Definition: Temporary or permanent outdoor placement of inventory intended for immediate sale and used to advertise or promote the interests of any persons when placed in view of the general public, traveling along a public street right-of-way. Outdoor vehicle sale lots are considered outdoor displays.
- 2. Permitted Zones: CG, LM
- 3. Requirements
 - a. In addition to a freestanding sign, a business may use a display with a valid sign permit. The display must be set ten (10) feet back from the right-of-way and be no more than ten (10) feet in height. Multiple displays may be used provided that they conform to the required setbacks and height limitations subject to approval of the Zoning Administrator.
 - b. Displays that are not intended for immediate sale and/or do not meet the guidelines of this ordinance will be considered outdoor storage of inventory.
 - c. Temporary Displays are displays that are only used during business operating hours. After business operating hours, temporary displays must be placed indoors or behind a solid six (6) foot stockade fence.
 - d. Permanent Displays are defined as a display that is used during business hours as well as after business hours. Permanent displays may be accompanied, in lieu of the required fencing, by a ten (10) feet wide vegetative strip placed along the right-of-way. The vegetative strip must meet the Type A Buffer Requirements detailed in this Code. Shrubs at a ratio of 3:1 may replace required trees with Zoning Administrator Approval.
 - e. No off-premise displays are allowed
 - f. Permanent and temporary outdoor displays shall meet all other requirements of free-standing signs.
 - g. Displays may be externally lit.

M. Projecting Sign

- 1. Definition: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
- 2. Permitted Zones: CG, CN, CO
- 3. Requirements: Such signs may extend outward from the wall of a building not more than four feet and no part of any projecting sign shall extend above the roof line of a building or into a public road,

although such signs may project over a sidewalk. A minimum eight (8) foot clearance shall be maintained. Maximum allowable size is calculated along with any other wall signs.

4. Such signs may be externally lit.

N. Public / Official Notice

1. Definition: Public agency signs are those erected by any public agency, such as the state, county, or local government. Such signs include traffic signals and signs, informational signs, and the like. Official notices are postings placed by any court, officer, or other public agency.
2. Permitted Zones: All
3. Permitted in the right-of-way.

O. Real Estate

1. Definition: 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.
2. Permitted Zones: All
3. Requirements
 - a. Residential: Unlit, maximum size four (4) square feet, four (4) feet in height
 - b. Commercial: Unlit, maximum size thirty-two (32) square feet, ten (10) feet in height

P. Sandwich Board/Pedestal

1. Definition: means a freestanding movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. (Also known as "A" and "T" stands.)
2. Permitted Zones: CG, CO, CN, IN
3. Requirements
 - a. Only one sandwich board or pedestal sign shall be allowed for any single building; provided, however, that where more than one business occupies a building, each business may have a sandwich board or pedestal sign.
 - b. A minimum separation of 20 feet shall be maintained between sandwich boards or pedestal signs.
 - c. Sandwich boards or pedestal signs shall not exceed 24 inches in width and 36 inches in height; provided, however, that a minimum unobstructed sidewalk width of 42 inches shall be maintained.
 - d. No sign shall be placed in a manner which obstructs the clearance vision at a street intersection.
 - e. Sandwich boards or pedestal signs located within a public right-of-way shall be placed within that portion of the public right-of-way which abuts the building containing the business or use. Signs must always be placed as close as practical to the business being advertised; for example, such signs may not be placed along the road on the far side of a parking lot from the business.
 - f. Sandwich boards or pedestal signs placed in the internal area of a shopping center walkway are permitted without a permit, provided that permission is given by the property owner. Such signs shall not be placed in a manner in which they may be construed to be a freestanding sign advertising to vehicle traffic.
 - g. Such signs must be brought indoors when the business being advertised is closed.

Q. Subdivision, Permanent

1. Definition: Permanent signs located at the entrance of a subdivision
2. Permitted Zones: RS, RG
3. Dimensional Requirements

- a. Number: Two (2) permanent subdivision signs shall be permitted per principal entrance to the subdivision if single sided signs are placed on either side of the entrance, as on a wall. Otherwise, one (1) permanent subdivision sign is permitted per principal entrance.
- b. Sign Area: Fifty (50) square feet per exposed side; one hundred (100) square feet aggregate
- c. Location: Such signs shall be located on the premises of the land subdivision, at least ten (10) feet from any street right of way.
- d. Height: Subdivision signs shall not exceed eight (8) feet in height as measured from average grade of lot.
- e. Such signs may be externally lit and shall be accompanied by appropriate landscaping, as approved by the Zoning Administrator.

R. Subdivision, Temporary

- 1. Definition: Temporary signs announcing a new subdivision development
- 2. Permitted Zones: RS, RG
- 3. Requirements
 - a. Number: One (1) temporary subdivision sign shall be permitted per principal entrance to the subdivision.
 - b. Sign Area: The sign area shall not exceed thirty-two (32) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of sixty four (64) square feet.
 - c. Location: Temporary subdivision signs shall be located on the premises of the land subdivision, at least ten (10) feet from any street right of way.
 - d. Height: Temporary subdivision signs shall not exceed ten (10) feet in height as measured from average grade of lot.
 - e. Special Conditions: Temporary subdivision signs shall be removed from the premises once fifty (50%) percent of the lots are conveyed or when a permanent subdivision sign is permitted and constructed.
 - f. Such signs may be externally lit.

S. Temporary Sign

- 1. Definition: Any sign conveying a message which is made of impermanent materials designed to be used temporarily and is not permanently mounted. Temporary signs may include, but are not limited to:
 - a. freestanding banners
 - b. banners attached to permanent structures.
 - c. feather banners
 - d. any advertising and informational materials stuck into the ground using temporary wooden stakes or wire frames, including political signs; temporary directional signs; work under construction signs, garage sale signs; real estate open houses; and signs advertising civic, philanthropic, religious, or educational organizations or events.
 - e. Changeable copy portable signs, while made of permanent materials, are considered temporary signs and are not permitted within the Town of Irmo.
- 2. Permitted Zones: All
- 3. Requirements
 - a. Single-Family Residential Lots: One (1) sign with a maximum size of four (4) square feet is allowed to remain on a permanent basis without permit.
 - b. All other Lots:
 - i. One (1) sign per fifty (50) feet of road frontage with a maximum of four (4) signs
 - ii. Maximum size of thirty-two (32) square feet per sign (Banners) or four (4) square feet (other temporary signs)

- iii. Height: Temporary signs shall not exceed ten (10) feet in height as measured from average grade of lot.
- iv. Maximum of sixty (60) days per year. Days may be non-consecutive.
- v. On lots featuring more than one business, each business may display one (1) sign per fifty (50) feet of the development's road frontage, up to two (2) signs, and signs may only be displayed for thirty (30) days per year. Temporary internal signage, such as wire frame signage in a multi-business parking lot, are permitted but count towards the signage and time limits.
- vi. Such signs must be permitted by the zoning administrator and the permit must show the beginning and ending dates of the sign placement. Signs found to be placed without a permit will have their original placement date estimated by the Zoning Administrator.
- c. During the period forty-five (45) days prior to a political primary or election until seven (7) days following such an event the maximum number of temporary signs allowed and the need for any permits shall be waived. Signs shall be placed on private property and not in the right-of-way. During this period signs other than banners may be sixteen (16) square feet in size on parcels of non-residential use, while signs are limited to four (4) square feet on residential lots. Banners may still be up to thirty-two (32) square feet during this period. Such signs shall not be permitted in the right of way.
- d. Such signs shall not be illuminated.

T. Wall Sign

- 1. Definition: any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- 2. Permitted Zones: CG, CN, CO, LM, FA, IN
- 3. Requirements
 - a. Awning, canopy, and projecting signs are included in the total square footage allowed on a wall sign
 - b. No part of any sign shall extend above the roof line of a building
 - c. In the CN, CO, LM, FA, and IN zones
 - i. The total area of signs on the exterior front surface of a building shall not exceed ten square feet or eight percent of the front surface of the building, whichever is greater.
 - ii. No signs shall be permitted on the side or rear of a building except in the case of buildings with multiple street frontages, which may place signs on all street frontages using the above size calculation.
 - iii. Such signs may be externally lit
 - d. In the CG District
 - i. The total area of signs on the exterior front surface of a building shall not exceed eight percent of the front surface of the building.
 - ii. The total area of signs on the exterior side or rear surface of a building shall not exceed three percent of that surface of the building.
 - iii. Such signs may be internally or externally lit
 - e. For multi-tenant buildings in all districts, wall area shall be calculated by multiplying the building height by the width of that particular business's façade. Businesses without an external façade, such as in an office building, are not permitted a separate wall sign.
 - f. On large retail facades with more than one distinct entrance, such as a Walmart Supercenter or Lowe's, multiple signs may be permitted with the approval of the Zoning Administrator. Only one sign may feature a commercial message, such as the main sign stating the name of the business. Other, smaller signs distinguishing the entrances or services offered inside the

structure (such as Grocery & Pharmacy, Lawn & Garden, or Pickup), may be permitted. The area of each individual sign will be calculated, and the total size of all signage placed on the façade shall not exceed eight percent of the total façade area.

U. Window Signage

1. Definition: A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window. Signs on glass doors are considered window signs for the purposes of this ordinance, subject to the requirements below.
2. Permitted Zones: CG
3. Requirements:
 - a. Window signs are permitted by right in the CG zone. No more than fifty percent (50%) of all windows may feature window signs, and no more than fifty percent (50%) of any given window may be covered by such signage.
 - b. Signs consisting of simple verbiage, such as the name of the store (including logos), address, and hours of operation, are permitted on glass doors by right on all commercial uses. The size of the sign shall not exceed 50% of the size of the door.

Section 5-4 – Prohibited Signs

A. Prohibited signs shall be defined by example as follows:

1. No sign displaying intermittent lights resembling the flashing lights customarily used in traffic signals or on police, fire or rescue vehicles is permitted nor shall any sign use the words "stop," "danger" or any other word, phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver.
2. Permanent moving signs, windblown signs or devices to attract attention, all or part of which move by any means, including fluttering, rotating or otherwise moving devices, set in motion by movement of the atmosphere or by mechanical, electrical or other means, including but not limited to, flags, pennants, posters, propellers, discs, ribbons, streamers, strings of light bulbs, spinners, moving, fluttering or revolving devices, regardless of whether they contain written messages, except as permitted in this article.
3. Except as provided in this article, no signs, whether temporary or permanent, except traffic signs, signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.
4. Any sign and/or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic direction/safety sign.
5. Signs copying or imitating official government signs or which purport to have official government status.
6. Roof Signs. Any sign or sign structure, other than freestanding, any portion of which extends above the parapet, building roofline or canopy against which the sign is located.
7. Signs which display intermittent or flashing lights or lights of varying degrees of intensity, color, or moving parts, except barber's poles, time/temperature signs and signs erected by a public agency. Such prohibited signs include those placed in and on windows and glass doors for the purpose of attracting attention. Permitted freestanding digital changeable copy signs are not prohibited by this section.
8. Portable or mobile signs utilizing any type of illumination or electrical connections.
9. Changeable copy signs unless they meet the requirements of Sec 5-3.C, above. Portable changeable copy signs are prohibited.
10. Signs that identify or advertise a product or business not located at the premises. Off-premises

signs are defined as any sign, including digital and changeable copy signs, that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold that is not the primary activity, service, or commodity provided on the site where the sign is located. Except as allowed under Temporary Signs, any sign which relates in its subject matter to products, accommodations, services, or activities that are sold or offered elsewhere than upon the premises on which such sign is located is not allowed. Off-premises advertising signs include, but are not limited to, those signs commonly referred to as outdoor advertising signs, billboards, or poster boards.

11. Signs that create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
12. Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals.
13. Abandoned signs, defined as a sign which no longer correctly directs or exhorts any person or advertises a bona fide business, lessor, owner, activity conducted, or product available.
14. Dilapidated signs, defined as any sign which is insecure or otherwise structurally unsound, has defective parts in the support, guys and/or anchors, or which is unable to withstand the wind pressure as determined by the Zoning Administrator or Building Inspector using applicable codes. Dilapidated signs also include the entire area of a sign on which advertising copy could be placed and the permanent form or removable letter form wording on a sign surface that is not properly maintained as provided in the standard building code.
15. Searchlights and beacons.
16. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign. The parking of any vehicle which is not in operating condition or lacking current registration bearing a commercial message in the public view. (This does not apply to allowed portable signs, lettering on buses, taxis or vehicles operating during the normal course of business).
17. Inflatable signs and tethered balloons.
18. Signs on street furniture (benches, trash cans, etc) except for one sign of less than 64 square inches showing the donor of the item, provided that the item is accepted by the town.
19. Portable signs, except those permitted by this Ordinance
20. Signs referencing businesses which have been out of business for more than 30 days
21. Sign structures no longer containing signs;
22. Signs which emit audible sound, odor or visible matter;
23. Signs violating any provision of any law of the state relative to outdoor advertising;
24. Signs made structurally sound by unsightly bracing;
25. Snipe signs; any form of leaflets, handbills, posters, flyers, announcements, or any other advertising and informational materials that are tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, buildings, the ground or other objects.
26. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way;

B. Nonconforming signs

1. Any sign that does not meet the regulations herein in terms of size, height, construction, quantity, or type; as of the date of passage of this Ordinance shall hereby be declared nonconforming. To avoid undue hardship, any nonconforming signs associated with single tenant uses, and wall signs in multiple-tenant developments may remain in use until such time as they are voluntarily removed by the owner; damaged in excess of fifty percent (50%) of their current replacement cost by fire, storm, or other act of God; or if the business being advertised by the sign ceases operation. Any of the above conditions shall cause the sign to lose its grandfathered status, and the sign owner shall be required to remove the sign within thirty (30) days. Failure to do so shall constitute authorization for the Town to remove it and assess the full

cost to the sign owner; in addition to any other penalties prescribed for violation of this Ordinance. Such signs shall not be expanded, even if the tenant does not change. For multiple-tenant developments, existing, nonconforming directory signs (regardless of construction) may remain in use until such time as fifty percent (50%) of the original tenants at the time of passage of this Ordinance change. At such time, the nonconforming directory signs shall be removed by the landowner, and may be replaced with a conforming directory sign. Failure to do so shall constitute authorization for the Town to remove it and assess the full cost to the sign owner; in addition to any other penalties prescribed for violation of this Ordinance. Such signs shall not be expanded, even if the tenant(s) does (do) not change.

2. Large format outdoor advertising, commonly known as billboards, may be repaired or upgraded from standard, poster-style billboards, to digital billboards even if such repair or upgrade is worth more than 50% of the existing billboard. A billboard may be fully removed during the repair/upgrade process. Construction of the replacement billboard must commence within six months of removal. If construction of the replacement billboard does not commence within six months of removal, the replacement will be prohibited. Repaired, replaced, or upgraded billboards shall not be taller or larger in area than the existing billboard.

Should the owner of the billboard seek a larger or taller billboard, Town Administration may enter into a negotiation to remove existing billboards from Town in exchange for larger and taller billboards elsewhere in Town. The primary goal of this ordinance is to move billboards to the I-26 corridor and out of the lower density portions of Town, although that need not be the only consideration of Town Administration.

C. Enforcement

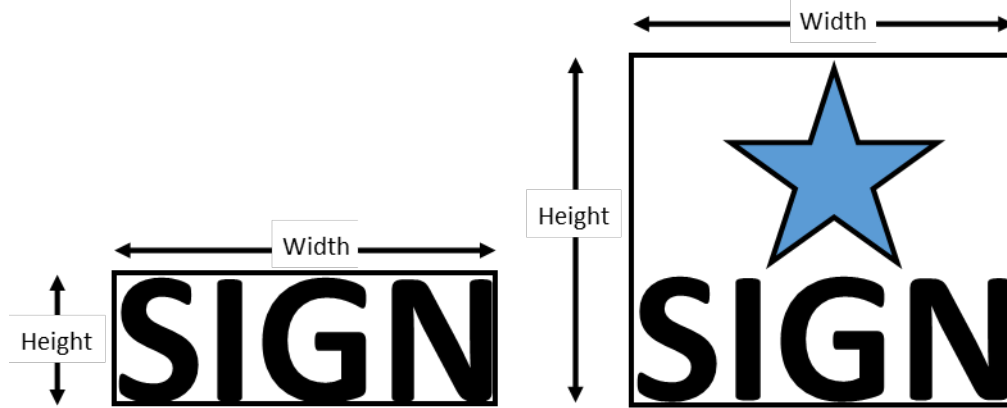
1. Signs which are found to be in violation of the provision of this article shall be subject to the following provisions. Where notice is required, such notice shall be by certified mail and may be reasonable under the circumstances surrounding the violation. Notices shall be addressed to the last known address of the sign owner.
 - a. Notice of violation. The Zoning Administrator shall send notice, by certified mail to the sign owner, stating the nature of the violation and granting an appropriate period of time to correct the violation.
 - b. In the event the certified mail is not accepted, notification of the violation shall be posted on the sign with a description of the violation and timeline to remedy the violation.
 - c. Continued violation. In the case where the Zoning Administrator has sent notice to the sign owner, or posted the sign when notice is not accepted and granted an appropriate period of time to correct the violation and the violation has not been remedied a citation may be issued to the sign owner. Each day such violation continues shall constitute a separate offense.
 - d. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.
2. Any sign installed or placed on public property, except in conformance with the requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies under this article, the town shall have the right to recover from the owner or person placing a sign the full costs of removal and disposal of such signs.
3. Violation of this article or failure to comply with any of the requirements hereof unless remedied by actions and within the time frame prescribed by the administrator shall be classified as a misdemeanor punishable by a maximum \$200.00 fine, and/or a maximum of 30 days imprisonment. In addition, each sign displayed or erected in violation of this article represents a

separate offense. Any person, firm, organization, society, association or corporation, or any agent or representative thereof who commits, participates, or assists in such violations may each be found guilty of a separate offense and suffer the penalties herein provided.

Section 5-5 – Other Sign Regulations

5-5.1 Sign Surface Area

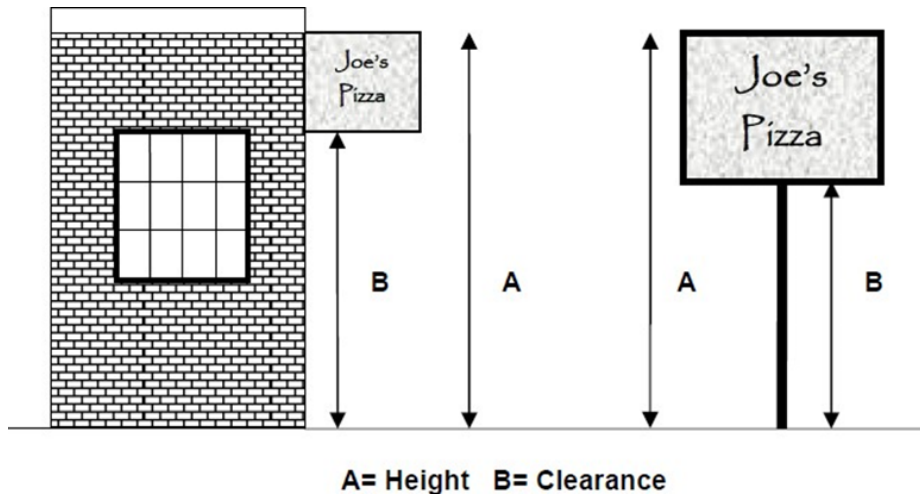
- A. Sign area means the area of a sign shall be that area which is contained within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between elements of such sign. It shall include any material or color forming an integral part of the display or used to differentiate such signs from its background, but shall not include supports.



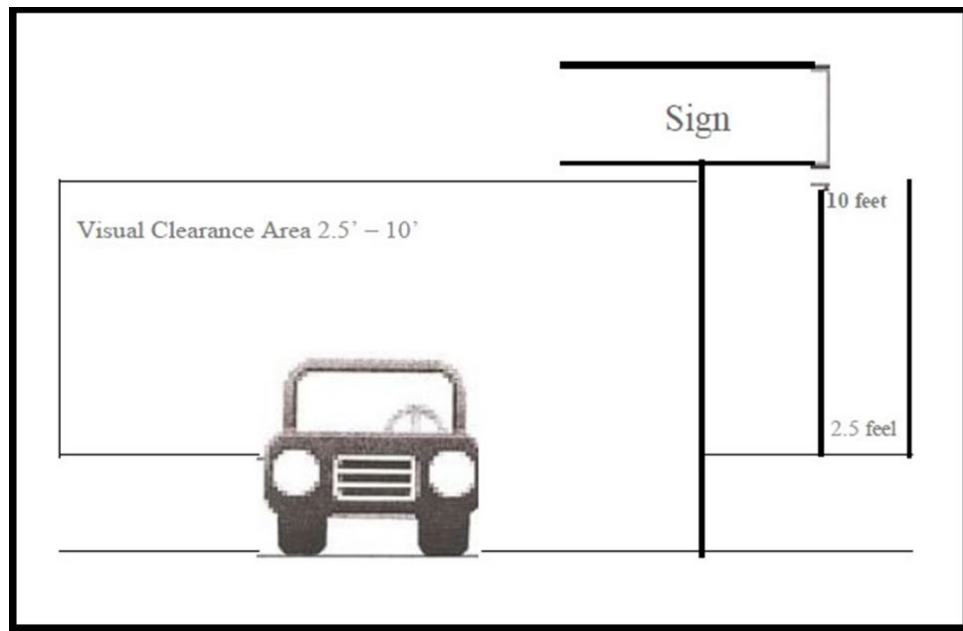
- B. Double Sided Signs - Where two sides of a double-faced sign are separated by an angle of forty five (45) degrees or less, each sign face shall be calculated separately. At greater than forty five (45) degrees the sign area shall be calculated as one face.
- C. Round, Cube, and Other 3-D Signs - In the case of cylindrical signs, signs in the shape of cubes, or other signs that are substantially three- dimensional with respect to their display surfaces, the entire display surface or surfaces are included in computations of the area.

5-5.2 Sign Height

- A. Sign height is measured from the natural grade below the sign to the highest point of the sign frame area. The height shall not be measured from the top of an earth berm, support foundation, or planting box.
- B. Sign clearances are measured from the grade directly below the sign to the bottom of the sign frame. When a sign extends over sidewalks, walkways or other spaces accessible to the public, the bottom of the sign structure shall be at least eight feet above the ground.



- C. No sign shall be located in the visual clearance zone as defined in Article 3 Zoning Regulations for Use of Lots of this Ordinance.



5-5.3 Signs in the Public Right-of-Way

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

- 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. Church signs, in accordance with State law;
- C. Informational signs of a public agency or utility regarding its facilities;
- D. Emergency signs;
- E. Directional signs; and
- F. Signs of a temporary nature not to exceed 24 hours duration for such events as yard sales, auctions, public gatherings, etc., provided such signs shall not be attached to a tree, utility pole, traffic sign, or other public structure.

For the purposes of this ordinance, all areas on or adjacent to a private road interior to adjacent property

lines are considered right-of-way. Put simply, neither permanent nor temporary signs shall be placed in the area immediately adjacent to a private road simply because said private road is not a public right-of-way. In the interior of a commercial development, signs may be permitted in this area with permission of the Zoning Administrator. Sign applicants may seek appeal from the Zoning Administrator or the Board of Zoning Appeals.

5-5.4 Signs Forfeited

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

5-5.5 Removal of Signs

- A. The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, except those declared abandoned or dilapidated, which shall be removed or have remedial action taken upon them by notification of the Zoning Administrator.
- B. Any existing sign that is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area, and that is subsequently destroyed or damaged to the extent of 50 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
- C. Any existing nonconforming temporary sign shall be removed within 90 days of enactment of this Ordinance.
- D. Temporary signs shall be removed within three days of the termination period.
- E. An order under this Section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located, to comply within five days' time. Upon failure to comply with such notice, the Zoning Administrator may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

5-5.6 Sign Materials and Code Compliance

Signs must be constructed in accordance with all applicable provisions of the building code and national electrical code, consist of durable all-weather materials, be maintained in good condition (including paint), and shall not be permitted to fall into disrepair.

5-5.7 Sign Illumination

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 to ensure that the sign is visible but not necessarily radiant.

5-5.8 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 [digital], atmospheric, mechanical, remote, etc.) without altering the face or surface of the sign. For the purposes of this Article, a sign on which the message or image changes more often than once every fifteen (15) seconds shall be considered a sign employing a confusion of motion and is not allowable. Digital changeable copy signs are permitted as follows:

- A. Digital changeable copy is permitted only on permanent principal freestanding signs and shall comply with all the regulations of freestanding and marquee signs as applicable.
- 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. Digital changeable copy signs, including digital message board signs, shall not be operated between the hours of 9:00 p.m. and 7:00 a.m. if located 300 feet of a residential dwelling unless the sign face is visually obscured from the residence. All such signs must be dimmed to minimum levels during this time.
- H. Digital changeable copy signs shall be a minimum of 100 feet from any intersection with a traffic light.
- I. Only one electronic digital sign per street frontage shall be allowed.
- J. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Section 5-6 – Administrative Variances

The Zoning Administrator is authorized to grant administrative variances upon written application by the landowner for the number, height, setback, square footage or placement of signs in cases where unusual circumstances or a particular hardship which would make a strict interpretation of the ordinance go beyond the intent of the Town Council. Examples of cases where a variance might be granted would be as follows:

1. In areas of the town where rights-of-way are unusually large, the setback requirement may be granted a variance as the sign would be a sufficient distance from the pavement without any setback.
2. On lots where there is more than one business in separate and distinct buildings and each building could meet the subdivision requirements to be a separate lot, a variance may be granted to treat each building as a separate lot.
3. The Zoning Administrator, at his discretion, may refer any request for a variance to the Board of Zoning Appeals; likewise, the applicant may appeal any decision of the Zoning Administrator to the BZA.

Article 6 Off-Street Parking Regulations

Section 6-1 Off-Street Parking Lots

6-1.1 General Requirements

- A. Where application of the requirements of Table 1 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 this Ordinance is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase of fifteen (15) 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, and/or mixed uses occupying the same building, 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 per gross floor area 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 Commission shall be documented on the approved site plan for the facility. A change of tenants and/or use of a unit within an existing multiple occupancy site or building 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. 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 1.
 - 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 1.
- E. Off-street parking shall not be permitted in any required buffer area.
- F. During site plan review for land development applications, the Planning Commission may modify the off-street parking requirements for development activities on parcels that have been reduced in size by road widening and/or other transportation improvement projects to the point at which the development cannot reasonably provide the required number of parking spaces. Where space allows, parking requirements will be enforced.
- G. Existing developments where off-street parking spaces were removed by road widening and/or other transportation improvement projects and no longer meet the minimum off-street parking requirements shall be exempt from these requirements until such time as a new land development application is submitted for review.

6-1.2 Land to Provide Parking

Required off-street parking per Table 1 must be provided on the same lot as the principal use for which off-street parking is required, with the following exceptions:

- A. Off-street parking requirements are waived where public on-street parking is provided along the street in the area abutting the principal use.
- B. Near-by (within 750 feet walking distance) public parking garages or lots are available and approved for use by the Planning Commission.
- C. A near-by (within 750 feet walking distance) off-site 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, approved by the Planning Commission.

- D. **Shared Parking Plan** - For adjacent or near-by (within 750 feet walking distance) uses proposing joint use of a parking lot, the applicant(s) submitting a shared parking plan for approval 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 Commission shall determine the shared parking requirements. The total minimum number of required parking spaces as determined by the Planning Commission shall be documented on the approved site plan for the facility.

6-1.3 Design Standards

The following design and development standards shall apply to all off-street parking areas:

- 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. The minimum aisle width shall be as follows:

Table 4 Off-Street Parking Minimum Aisle Widths

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 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 bio retention cells.
- D. **Parking Lots** - Parking lots shall be designed to the extent practicable so as not to drain into or across public sidewalks or onto adjacent property, except into a natural watercourse or a drainage easement.
- E. **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 Community Appearance, Buffering, Screening, Landscaping, Common Open Space, and Tree Protection regulations of this Ordinance.
- F. **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 the

centerline of the driveway.

- G. **Marking** - Parking lots shall be marked by painted lines, curbs, parking bumpers, and blocks or other means to indicate individual spaces. Signs or markers, as approved by the Planning Commission, shall be used as necessary to ensure efficient traffic operation of the lot.
- H. **Lighting** - Lighting shall be provided if off-street parking spaces are to be used at night. Lighting fixtures shall be shielded to prevent misdirected or excessive artificial light that will trespass into adjacent residential properties, interfere with traffic, or contribute to night sky light pollution.
- I. **Landscaping** - Off-street parking areas shall be landscaped in accordance with the Landscaping regulations of this Ordinance.
- J. **Pedestrian Circulation**
 - 1. Walkways, no less than six feet in width, shall be provided along any facade that abuts parking areas.
 - 2. Internal pedestrian walkways shall be provided where pedestrians cross parking aisles or driveways. Walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete, or scored and painted asphalt to enhance pedestrian safety and comfort. Raised walkways may be installed if elevated six inches with tapered side slopes and meet ADA standards.
- K. **Bicycle Parking Spaces** - A minimum of one bicycle rack providing space for at least two bicycles shall be provided for all off-street parking lots. For buildings 15,000 square feet or greater, bicycle racks providing spaces for 5 percent of the required number of auto spaces or a maximum of 15 spaces shall be provided.

6-1.4 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, dismantling, or servicing of any vehicle or equipment except for service and auto repair stations.

6-1.5 Parking Spaces for the Physically Handicapped

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

Required Number of Handicapped Spaces

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
501-1,000	2% of total required
1,001 and over	20, plus one for each 100 or fraction thereof over 1,000

6-1.5.1 Van Accessible Spaces and Handicapped Parking Dimensions

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.

6-1.5.2 Location of Handicapped Parking Spaces

- A. Handicapped spaces shall be located as close as possible to ramps, walkways, and entrances.
- B. 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.

Section 6-2 Off-Street Loading

All uses requiring on-site, off-street parking facilities 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, walkway, 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. The Planning Commission may waive or modify off-street loading requirements for established facilities that have insufficient space to provide on-site, off-street loading.

Section 6-3 Parking, Storage, and Use of Vehicles and Equipment in Residential Zones

- A. Construction and/or commercial equipment and implements shall not be stored on any lot zoned for residential use other than in completely enclosed buildings or if physically removed from vision from the public street or other public or private property. No automobiles, trucks, or trailers of any type without current license plates, non-operational or in a state of disrepair, shall be parked for more than 15 days unless parked in completely enclosed buildings or physically removed from vision from the public street or other public or private property. Visual obscurity may be achieved for one vehicle per lot by an approved custom car cover, in rear yards or side yards, and only on a paved driveway. All vehicles must be supported by four inflated tires.
- B. Vehicles, design of which would normally require a commercial driver's license to operate, are prohibited from parking on lots or parcels less than two acres in the RS and RG zoning districts, including the street/highway right-of-way in such districts, when not actively involved in commerce.
- C. It shall be unlawful to park any vehicle anywhere in the front yard of a residence, except in the driveway or a parking area approved by the Planning Official. Parking on the grass or front lawn area of any residence is allowed for visitors and for temporary parking as long as it does not kill

the grass. Parking on dirt areas in the front lawn area of a home is not allowed, except for temporary use by visitors.

1. Parking area construction that shall be approved by the Planning Official Include:
 - i. Poured concrete slab
 - ii. Asphalt paved area
 - iii. Concrete steppingstones, pavers, and bricks laid out to form a parking pad
 - iv. Any pervious substrate such as gravel, crusher run, ground asphalt, or mulch contained within a boundary/border made of landscaped timbers, railroad timbers, landscaping blocks, bricks, or solid concrete blocks to contain the substrate.
2. Additional parking areas will be approved providing they meet the construction requirements of subsection 1 above and meet the following location requirements listed in descending order of preference:
 - i. Additional parking area adjoining either side of the original driveway
 - ii. Side yard on the same side of the residence as the original driveway
 - iii. Side yard on the opposite side of the residence as the original driveway
 - iv. In the front yard area in front of the residence, but as close to the side yard as possible
3. Any vehicle with a valid handicap plate or placard on the vehicle is exempt from this subsection C.

6-3.1 Heavy-Duty Vehicle Parking

It has been determined by Town Council that certain heavy-duty vehicles should not be parked in residential or low-density commercial areas. Many of these vehicles are commercial in nature, but not all commercial vehicles are prohibited per the following section. For example, a typical passenger vehicle featuring commercial signage would not be prohibited, while a box truck (i.e. a U-Haul truck), with or without signage, would be prohibited. Likewise, a heavy-duty pickup truck, such as a three-quarter-ton, one ton, or one-and-a-half ton truck (i.e., an F-250, F-350, or F-450, respectively) would not be prohibited under this ordinance, as they are regularly owned for personal use, while chassis cab variants of these and larger trucks would be prohibited.

- A. Construction vehicles/equipment and heavy-duty vehicles shall be prohibited from parking in the following districts: RS (Single Family Residential), RG (General Residential), CO (Office Commercial), CN (Neighborhood Commercial) or any areas of negotiated developments with density and use similar to the above zones. The prohibition holds whether on-street or off-street, on private property, public property, or public right-of-way except when said trucks are being used during normal business hours to make deliveries or perform service, when residents are using the vehicle to move in or out of a residence, or when contained within a completely enclosed building removed from vision from a street or other property.
- B. The types of trucks specifically prohibited include but are not limited to: tractor-trailers; truck tractors; trailers only; box trucks; stake trucks; flat-bed trucks; tank trucks including those with and without DHEC identification numbers; dump trucks; concrete mixers; tow trucks; stretch limousines; trucks equipped for hauling shipping containers, timber, rocks, dirt, logs, wood chips, automobiles, and boats; vehicles which require a commercial driver's license to operate; and any type of truck with eight or more wheels. Additionally, construction vehicles such as backhoes, track hoes, skid steers, etc. are prohibited.

- C. The Zoning Administrator shall be authorized to make a determination whenever there is a question regarding the construction, commercial, or heavy-duty nature of a vehicle under this ordinance.

6-3.2 Inoperable Vehicle Parking in Residential Areas

- A. Vehicles without current license plates or which are non-operational are considered inoperable. Such vehicles shall not be parked for more than 15 days in a residential area unless parked in a completely enclosed building or physically removed from vision from the street or other public or private property. Visual obscurity may be achieved by parking in the rear yard or by use of an approved custom car cover. Vehicles with a car cover must be parked on a paved driveway. Only one inoperable vehicle may be stored on a residential lot outside of a completely enclosed building. All tires on such vehicles or trailers must be inflated.
- B. If a vehicle is mechanically inoperable but is undergoing repairs or restoration and is not stored in an enclosed building, a vehicle restoration permit is required. This permit is valid for one year and may be renewed if, in the opinion of the Town, substantial work has been performed on the vehicle. Mechanically inoperable vehicles without a valid restoration permit are prohibited and must be placed in an enclosed building or removed from the property.

6-3.3 Parking, Storage, and Use of Recreational Vehicles (Campers, Travel Trailers), Utility Trailers, and Boats

- A. No recreational vehicle, trailer or boat shall be parked or stored in any required front yard except on a paved driveway. These may be stored on a natural or grass surface in a rear or side yard behind the front building line. Per Section 3-4.1, corner lots have two front yards, so RV, trailer, or boat parking on such lots would have to be in the rear yard or the side opposite the road.
- B. No recreational vehicle, trailer, or boat shall be parked in any right-of-way, whether standing alone or attached to a tow vehicle.
- C. A recreational vehicle, trailer or boat may be parked anywhere on premises for a period not to exceed twenty- four (24) hours during loading or unloading.
- D. Recreational vehicles and trailers may be used for temporary lodging on a residential lot for up to fourteen (14) days per calendar year. Such vehicles and trailers must be parked on a paved driveway or approved surface if located in the front yard. When incidental to on-premises construction pursuant to a valid building permit, such vehicles and trailers may be occupied as temporary lodging for renewable sixty (60) day periods.

6-3.4 Front Yard Parking in Residential Areas

- A. It shall be unlawful to park any vehicle anywhere in the front yard of a residence, except in the driveway or a parking area approved by the Planning Official. Parking on the grass or front lawn area of any residence is allowed for visitors and for temporary parking as long as it does not kill the grass. Parking on dirt areas in the front lawn area of a home is not allowed, except for temporary use by visitors.
 - 1. Parking area construction that shall be approved by the Planning Official include:
 - i. Poured concrete slab
 - ii. Asphalt paved area

- iii. Concrete steppingstones, pavers, and bricks laid out to form a parking pad
 - iv. Any pervious substrate such as gravel, crusher run, or ground asphalt contained within a boundary/border made of landscaped timbers, railroad timbers, landscaping blocks, bricks, or solid concrete blocks to contain the substrate.
- 2. Additional parking areas will be approved providing they meet the construction requirements of subsection 1 above and meet the following location requirements listed in descending order of preference:
 - i. Additional parking area adjoining either side of the original driveway
 - ii. Side yard on the same side of the residence as the original driveway
 - iii. Side yard on the opposite side of the residence as the original driveway
 - iv. In the front yard area in front of the residence, but as close to the side yard as possible
- 3. Additional parking areas shall be maintained by the property owner and/or tenant. Gravel or other approved substrate, as well as substrate boundaries, must be replenished regularly and/or maintained in good condition. Failure to do so will be considered a nuisance, as per Chapter 14 of the Code of Ordinance.
- 4. Additional parking areas installed prior to this ordinance – June, 2025 – shall also be maintained to this Code.
- 5. Enforcement of this subsection 6-3.4 shall begin July 1, 2026 in an effort to educate the public and give residents time to take necessary action to meet this ordinance.
- 6. Any vehicle with a valid handicap plate or placard on the vehicle is exempt from this subsection 6-3.4.

(Amended June 17, 2025)

Article 7 Special Purpose Districts

Section 7-1 Planned Development Districts (PDD)

The individual regulations approved for Planned Development Districts on the Official Zoning Map prior to the effective date of this Ordinance shall remain in full force and effect under the regulations as set for each district at the time approved by the Irmo Town Council and per the following:

7-1.1 Types of Negotiated Development Districts

This section describes the two types of negotiated zoning districts: Negotiated Residential (RN) and Mixed-Use Development (MD). The types are better described as follows:

- A. **Negotiated Residential:** Residential developments with lot sizes, setbacks, or other features different than those permitted in the RS or RG districts. These districts may feature one or more residential types.
- B. **Mixed-Use Development:** Mixed-Use projects featuring residential and commercial uses. Such developments require a development agreement if the property features over 25 highland acres and is thus legally permissible to have such an agreement under the South Carolina Local Government Development Act.

7-1.2 Purpose

The purpose of this section is to encourage the development of various types of flexible, negotiated developments under master plans, where the traditional density, bulk, spacing and use regulations of other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. Negotiated developments are intended to promote flexibility in site planning and structure location, to facilitate the provision of utilities and circulation systems, the mixture of uses, as well as to preserve the natural and scenic features of the parcel.

- A. The proposed development should be of such design that it will promote achievement of the stated purposes of the adopted comprehensive plan and is consistent with the plan as well as other adopted plans and policies of the Town of Irmo.
- B. The development will efficiently use available land and will protect and preserve, to the greatest extent possible, and utilize, where appropriate natural features of the land such as trees, streams, wetlands, and topographical features.
- C. The development will be located in an area where transportation, police and fire protection, schools and other community facilities and public utilities, including public water and sewer service, are or will be available and adequate for the uses and densities proposed. The applicant may, where appropriate, make provisions for such facilities or utilities, which are not presently available.

7-1.3 Intent

The intent of negotiated development is to achieve the following:

- A. To encourage the development of communities which provide a range of harmonious land uses (residential, commercial, cultural, educational, etc.) and/or housing types (single family detached, townhomes, etc.).
- B. To promote flexibility in site planning and structure location that facilitates the provision and use of efficient circulation and utility systems and preservation of natural and scenic features that will result in a diversity of scale, style and details that foster a strong sense of community within the development as well as enhancing the immediate area surrounding the development.
- C. To permit the development of such communities where there is demand for housing, a relationship with existing and/or planned employment opportunities, as well as supporting businesses and other services, and adequate community facilities and infrastructure existing or planned within the area.
- D. To provide a mechanism for evaluating alternative zoning regulations as well as other Town ordinance elements of the proposed application on its own merit, emphasizing that these provisions are not to be used to circumvent the intent or use of conventional zoning classifications set forth in this chapter or other applicable variance, waiver or amendment to other ordinances, contrary to state or federal law but to permit innovative and creative design of communities in the Town of Irmo.

7-1.4 Establishment

Any request pertaining to the establishment of a Negotiated Residential or Mixed-Use Development zoning district shall be considered an amendment request to the zoning ordinance and shall be administered and processed in accordance with Article 12. The application for zoning amendment must include a concept plan, a descriptive statement and, if applicable, a bonus density calculation and/or a development agreement.

The Planning Commission may recommend to the Town Council to approve the plan and application to establish a negotiated district, including specific modifications to the plan, or to deny the application to re-zone to establish a said district. The Town Council shall approve the plan and application to establish the district, include specific modifications to the plan as conditions for approval, or deny the application to re-zone to establish an RN or MD.

If the request for re-zoning to a negotiated district is approved through an ordinance amendment of the Official Zoning Map by Town Council, site development plans and the final plat approval process may proceed. Improvement guarantees may be granted for substantially completed projects per improvement guarantee provisions as may be established by the Town.

After the final plat for the district has been recorded, building and sign permits shall be issued in accordance with the approved plan as a whole, or in phases or portions thereof, per an approved phased development plan as defined in this Ordinance. Said permits shall be issued in the same manner as for building and sign permits generally.

7-1.5 Public Notice

Fifteen (15) days prior to the meeting before the Planning Commission, signs must be erected on site alerting the public to the proposed development. These signs must be at least 4' x 6' and placed along all adjacent roads in a conspicuous location. The signs must feature the following information:

- A. A description of the development
- B. Number of units by type
- C. Minimum lot size
- D. Any amenities

- E. A concept sketch of the development and/or the structures
- F. Dates of all public meetings
- G. Contact information for the Developer and a link to more information. Additional contact information for the Zoning Administrator is encouraged.

Additionally, the Zoning Administrator reserves the right to require a public meeting prior to the Planning Commission meeting for the purposes of receiving public input prior to application submittal.

7-1.6 Amendment

Any changes to the approved characteristics or agreements of a negotiated development shall be classified as either major or minor amendments. Major amendments are considered a rezoning and require the procedures outlined in Article 12. Minor amendments may be made by the Zoning Administrator.

- A. **Major Amendments** – Changes which materially affect the characteristics of the negotiated development shall follow the same procedural requirements as for the amendment originally establishing the negotiated district, including Planning Commission review, public hearing, and Town Council determination. Such changes include, but are not limited to, boundary changes, changes of greater than ten percent (10%) to the minimum/maximum number of allowable residential units or commercial square footage, or changes to the uses allowed within the development.
- B. **Minor Amendments** – Changes such as but not limited to the location of certain uses within the overall development, signage and landscaping modifications, etc.
- C. **Determination** - It shall be the duty of zoning administrator to determine whether any specific request shall be considered a major amendment or minor amendment; provided however, that the applicant shall have the right to have any request for change processed as a major amendment.
- D. **Prohibited Amendments** – No Town ordinance shall be eligible for amendment in conjunction with the approval if the proposed amendment would apply to: A standardized code or law adopted by the Town in a form specified by state or federal law; or would adversely impact any officially recognized police, fire, flood, pollution, runoff, seismic, or other rating given to the Town or its citizens; or would amend, purport to amend, alter or purport to alter any state or federal law or regulations otherwise applicable.

7-1.7 Minimum Area Requirements

The minimum size for a negotiated district shall be 3 acres unless it is a continuation of an existing, adjacent negotiated district.

7-1.8 Requirements

All negotiated developments require the following to be maintained by a Home or Property Owner's Association

- A. Sidewalks
- B. Streetlights
- C. Street Trees
- D. Stormwater facilities outside of the Right of Way
- E. Customized Street Signs
- F. Crosswalks
- G. Amenities

Note: Private streets are prohibited in any developments unless by County law they cannot be brought into the County maintenance program, which may include road types such as rear access alleys or in a townhome development. A failure to seek County approval in a timely fashion does not preclude this requirement. Any streets which must be private by County law are required to meet all Town of Irmo ordinances concerning private streets, including but not limited to manner of construction, bonding, maintenance, and long-term financial support. At the time of this ordinance, the Town of Irmo has no streets department or method for funding street repairs and maintenance. No private roads will be taken in by the Town of Irmo for maintenance.

7-1.9 Failure to Begin, Failure to Complete, or Failure to Make Progress

The descriptive statement as approved by Town Council and duly recorded shall set forth the development for the project including phasing of development of non-residential uses in relationship to residential use. The Town Council may require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the descriptive statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the Town Council may enforce and collect upon such bonds or sureties as described above, or may rezone the district and thus terminate the right of the applicant to continue development, or may initiate action to charge developers with specific violation of the zoning ordinance subject to the penalties set forth or any appropriate combination of the above remedies may be taken. If the development is not initiated within two years of its establishment, the planning commission shall initiate the rezoning of the property to an appropriate zoning district classification.

7-1.10 Vested Rights

A vested right is the right to undertake and complete the development of a negotiated district under the terms and conditions provided in this Section. A vested right is established for two (2) years upon the approval of the rezoning, including phased development plans as provided herein. The period of the vested right may be longer depending upon the terms of any development agreement. 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 Planning Commission that there is just cause for extension and that the public interest is not adversely affected. A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons.

Any vested right is subject to revocation by the Town 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.

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 change in the zoning district designation or land use regulations made after vesting that affects 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 Town Council

must not require a landowner to waive his vested right as a condition of approval of a site-specific Negotiated Residential or Mixed-Use Development Plan including a phased development plan.

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. The vested right is 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 certain nonconforming structure and use regulations that do not provide for the grandfathering of the vested right.

7-1.11 Single-Family Residential Density

In an effort to achieve a higher level of quality and architectural interest in the Town's residential stock, the Town Council and Planning Commission have created a density bonus system by which single-family residential units may achieve higher densities in exchange for a variety of desirable design elements. In this system, single-family detached homes begin at a base minimum lot size of 12,500 square feet. Developers then have the opportunity to apply a number of density bonuses to the project, resulting in lots that may reach a minimum of 6,000 square feet in size. While single-family detached lot sizes below 6,000 s.f. may be considered, Town Council strongly encourages minimums of 6,000 s.f., 50' lot widths and setbacks of 25' (front), 15' (rear) and 7½' (side) with a maximum density of six detached residential units per gross acre. Town Council reserves the right to allow smaller residential lots when the developer is proposing projects such as conservation subdivisions, tiny homes, affordable housing, senior housing, or other concepts that meet the approval of Town Council.

Items eligible for a density bonus may include, but are not limited to the following:

- Neighborhood Revitalization Program
- Commercial development
- Improved exterior façade textures and materials
- Rear access alleys/rear entry garages
- Minimal repetition of floor plan
- Wider side setbacks

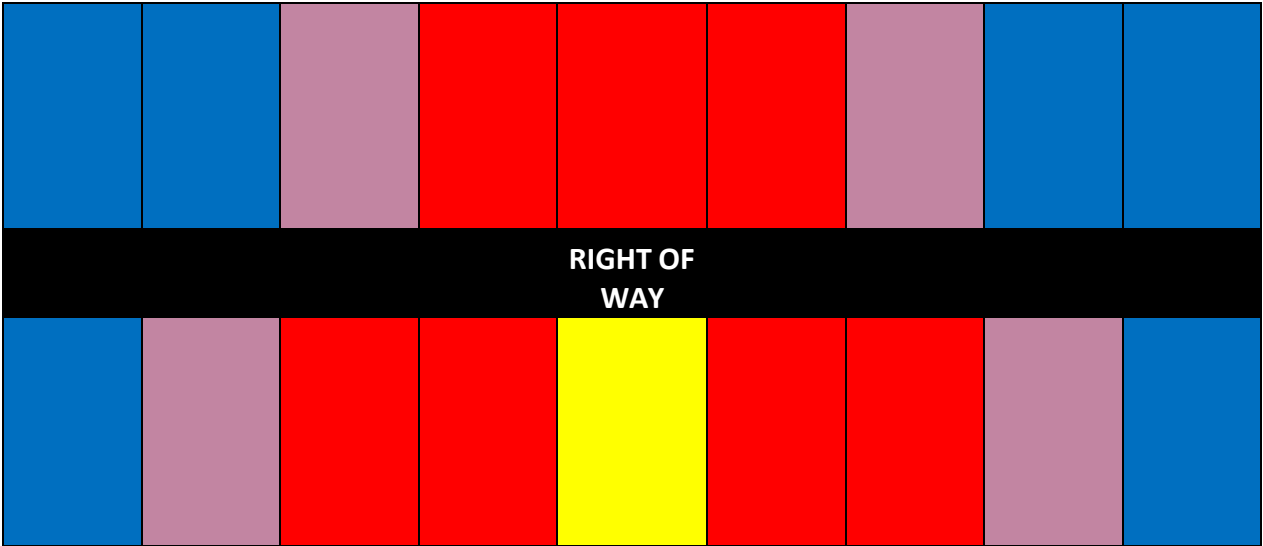
Density bonus information may be obtained from the town website or the Zoning Administrator. Standard bonuses may be applied to single-family detached houses, while modified bonuses may be applied to duplex and townhouse units. All bonuses will be negotiated between the developer and the Town, with final approval coming from Town Council as part of the acceptance of the development plan.

7-1.12 Architectural and Design Requirements

Residential structures in the negotiated districts are required to meet the following design requirements:

- A. The front façade and sides of the building must be covered in a cementitious material, such as Hardiplank, brick, or stone. If the rear of the building faces a road, it too must be covered in similar material. Trim may still be made of vinyl. Single-family detached, duplexes, and townhomes must all meet this standard.

- B. Houses placed along, but which do not front onto, the streets exterior to the development are required to be buffered from those streets with a Type B Buffer or a Type A Buffer and an opaque screen. This buffer and screen is to be maintained by the HOA.
- C. Houses on corner lots or which otherwise have a side wall facing towards the public must have architectural details on that side, such as, but not limited to, a porch, bay windows, shutters (if they appear on the front of the house), or more windows than otherwise on that house plan. As an alternative, at least one canopy tree, one understory tree, and multiple shrubbery plantings may be placed along that side of the house. The additions are to be approved by the Zoning Administrator.
- D. In developments with fifty (50) or more single-family detached homes, house placement must meet the “Rule of Seven,” such that houses are not adjacent to houses with the same plan, façade, and similar color. All facades and colors are to be approved by the Zoning Administrator to determine variety.



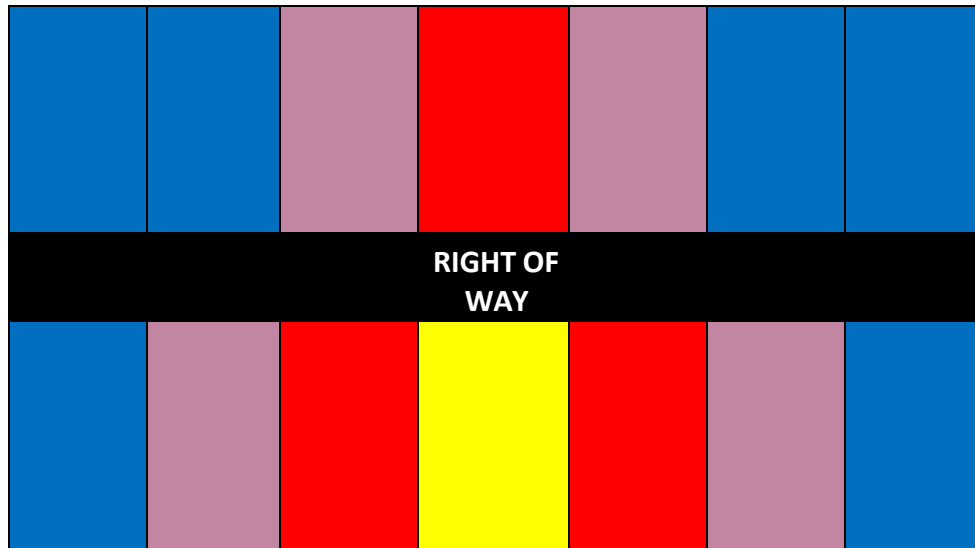
**Subject Lot
Floor Plan “A”
Elevation “A”**

**Other Than
Floor Plan “A”
& Elevation
“A”**

**Other
Than
Building
Elevation
“A”, Any
Floor Plan**

**Any Floor Plan
and/or
Elevation**

In developments with 49 or fewer single-family detached homes, house placement must meet the “Rule of Five.” All facades are to be approved by the Zoning Administrator to determine variety.



- E. Townhomes must meet the conditional requirements outlined in Article 2. Additional requirements include:
 - i. At least four (4) facades per six-unit structure. Structures with fewer units may have fewer facades with Zoning Administrator approval.
 - ii. At least four (4) colors per six-unit structure. Structures with fewer units may have fewer colors with Zoning Administrator approval.
- F. All single family detached homes and duplexes must feature at least two 2½" trees in the front yard of each residence, at least one of which must be a canopy tree. Additionally, five 24" shrubs are required in each front yard. A comprehensive street tree program may be substituted for one tree in each yard. All plantings must be from the approved tree list found elsewhere in the Zoning Ordinance.
- G. The main boulevard(s) of all residential negotiated developments shall be wider to accommodate on-street parking. Moreover, on-street parking shall be restricted to one side of the street throughout the development, to be enforced by the Homeowner's Association.
- H. The floor area of the heated air space of detached single family homes in the development shall be at least 25% of the gross lot size for all lots under 8,000 s.f. For example, a 6,000 s.f. lot must feature a home with at least 1,500 s.f. of heated floor space. For lots over 8,000 s.f., the minimum heated floor area of the house must be 2,000 s.f.

Section 7-2 Conservation Design

Negotiated developments can be designed to maximize open space and green space. This zoning can be used to accomplish a Conservation Design in which residential and/or commercial development can be incorporated into predominantly undivided permanent open space, thereby permanently protecting agriculturally, environmentally, or ecologically significant areas within the parcel. The remaining developable land is subdivided into buildable lots or utilized as a group development, typically with more density in the developed portion of the project than would be found in a traditional development within a general zoning district. Conservation Design standards are found in the Land Development Design Standards Article of this Ordinance.

Section 7-3 Mixed-Use Development Districts

7-3.1 Permitted Uses

Mixed-use negotiated districts 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 approved plan constitutes the district regulations for a specific planned mixed-use development. Any use or combination of uses meeting the objectives of this Section may be established in a district through a zoning map amendment ordinance 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 based on 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 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 General Commercial (GC) zoning district regulations shall apply.

7-3.2 Development Standards for Mixed-Use Developments

The applicant may propose alternate regulations specific for the proposed negotiated district regarding signage, parking, buffers, screening, open spaces, and landscaping, etc.; which, if approved, shall become the regulations for the district. If no alternate regulations are proposed, the regulations for the primary zoning districts per this Ordinance shall apply. The following principles shall be considered in creating negotiated development standards:

- A. **Residential Dimension Requirements** – Residential density, building setbacks, 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, recreational 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 compatibility of uses.
- 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 district 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 and shall be provided in accordance 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 should mitigate impacts of intensity of uses and/or to serve as transitions between uses.
- E. **Landscaping and Common Open Space** – Landscaping and open space requirements for each development shall comply with the provisions of this Ordinance, unless alternate standards are specified in an approved development plan.

- F. **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.

Section 7-4 Concept Plan Requirements

A site plan showing the proposed development of the area (zone) shall be a prerequisite to approval of a negotiated district. 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 general location and dimensions of proposed streets.
- D. Area by land use (i.e., retail, single-family detached residential, multi-family, townhouses, office, park, green space, etc.).
- E. Specific allowable uses for each area.
- F. A tabulation of the number of acres in each use area.
- G. Maximum densities expressed in dwelling units per net acre for residential uses, and floor/area ratio for non-residential uses.
- H. Building setbacks.
- I. Maximum building heights.
- J. The position of the proposed development in relation to its surroundings. Current land use (commercial, residential, vacant, etc.) and zoning of the subject site and adjacent property and a site location (vicinity) map shall be provided.
- K. Proposed plan for development in phases, as applicable
- L. 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 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.

Section 7-5 Descriptive Statement Requirements

The descriptive statement accompanies the concept plan and any required development agreement or bonus density calculations. This document will outline the nature of the development, to include the following:

- General description of the project
- Maximum number of residential units by type
- Maximum square footage of commercial or other non-residential use
- Setbacks and dimensional requirements for each use
- Listing of allowable commercial uses
- Description of any amenities
- Any concept drawings of the development or the commercial and/or residential structures located therein

Section 7-6 Development Agreement

Development agreements are required for any negotiated development for which such an agreement is allowable by state law.

Development agreements and their requirements are described in full in the South Carolina Local Government Development Agreement Act, Title 6, Chapter 31 of the South Carolina Code of Laws.

Article 8 Nonconformities

Section 8-1 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/her to conform to the area, yard, and setback requirements of Table 2 of this Ordinance, such lot may nonetheless be used as a building site and the Planning 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 by more than twenty (20) percent. Setback reductions greater than twenty (20) percent shall be referred to the Board of Zoning Appeals for consideration, observing normal review procedures. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell these lots, they must first be combined to comply with the area, yard, and setback requirements of Table 2.

Section 8-2 Existing Nonconforming Uses, Buildings, Signs, 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 uses, buildings, or structures at the time of the enactment, amendment, or revision of this Ordinance may be continued even though such structures do not conform with the provisions of this Ordinance; however, said nonconforming uses, buildings, structures or portions thereof shall not be:

- A. Changed to another nonconforming use which would not otherwise be permitted in the same zoning district in which the existing nonconforming use is permitted. However, the Board of Zoning Appeals may grant a special exception to change a nonconforming to another nonconforming use not otherwise permitted in the same zoning district, provided the new nonconforming use will have less of an adverse impact and will be more compatible with surrounding property than the current or previous nonconforming use.
- B. Repaired, rebuilt, or altered after damage exceeding seventy-five (75) percent of its replacement cost at the time of destruction. Reconstruction is to begin within six months after damage is incurred. Structures with less than seventy-five (75) percent damage may be repaired or rebuilt provided said repair or alteration does not increase the nonconformity of side, rear, or front yard setbacks or other applicable requirements or reduce the amount of off-street parking below the amount provided prior to such damage. The provision of this sub-section shall not apply to any residential unit, which unit may be reestablished, irrespective of the amount of damage.
- C. Enlarged or extended by more than ten percent of the gross floor area. Where such enlargement to a nonconforming building is proposed, it shall be allowed, but only if all applicable setbacks, buffer area, 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.
- D. Reused, reestablished, reoccupied, or replaced after discontinuance, physical removal, or relocation of the use or structure from its original location for a period of one year (365 days).
- E. Nothing in this Section shall prevent the strengthening or alteration to a safe condition of all or part of a building or structure that is a nonconforming use, provided that the repair or alteration will not increase the height, size, or volume of the building or structure, except as provided by subsection C above.

8-2.1 Change of Ownership of Non-Conforming Uses

Non-conforming uses may continue with the change of ownership of the property under the conditions of section 8-2 above.

8-2.2 Nonconforming Signage

- A. The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance; however, those declared abandoned or dilapidated shall be removed, or else remedial action shall be taken upon notification by the Planning Official.
- B. Any existing sign that is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area by twenty-five (25) percent, and that is subsequently destroyed or damaged to the extent of fifty (50) percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
- C. Any existing nonconforming temporary sign shall be removed within 90 days of enactment of this Ordinance.

8-2.3 Nonconforming Mobile Homes

No new mobile homes shall be permitted within the town incorporated limits. Existing mobile homes shall be permitted until they are removed. New/replacement mobile homes may be allowed under the following exception provisions:

- 1. The mobile homeowner owns the land on which the mobile is located before the adoption of this Ordinance. The property must be in the person's name reflected in the deed, not as part of et al and specifically listed in survivorship.
- 2. The mobile home is the owner's primary residence.
- 3. The purchased mobile home must be ten years or less than the current calendar year (i.e. 2012 mobile home purchased in 2022).
- 4. The mobile home must meet the Town's latest zoning and land development standards, including:
 - a. installed per HUD's foundation requirements and the following:
 - i. the foundation piers shall bear upon reinforced poured concrete footings that are constructed below the frost line.
 - ii. piers shall be constructed of reinforced concrete, masonry, or steel;
 - iii. a permanent perimeter wall (skirting) shall enclose the foundation to keep out vermin and water. This wall shall be self-supporting and shall rest on a concrete footing. An access opening must be constructed in this perimeter wall. The perimeter wall shall be constructed of masonry (clay, cement, or stone) block or brick. If cement or cement block or brick is used, it shall be painted or rendered with stucco. A completely enclosed masonry foundation must meet the latest IBC [building code standards] and,
 - iv. the home shall have adequate tie downs anchored to the footings to resist horizontal overturning, transverse and longitudinal loads; and,
 - v. the dirt floor of the crawl space shall be covered with a 6-mil polyethylene plastic vapor barrier.
 - b. the tongue, axles, and wheels shall be removed.
 - c. an adequate number of screened vents shall be installed around the entire perimeter of the building to provide air circulation in the crawl space (one square foot of net free area per 150 square feet of crawl space floor area).
 - d. the perimeter walls shall extend at least eight inches above grade.
 - e. the exterior grade must taper away from the home for drainage.

- f. utilities must be permanently installed.
- g. firmly anchor stairs, porches, entrance platforms, ramps, etc.
- h. roof pitched with a minimum of four-inch vertical rise for every 12 inches of horizontal run and consists of roofing shingles.
- i. roof overhang of not less than eight inches, measured from the vertical side of the structure.

Article 9 Regulations for the Subdivision of Land and the Creation of Lots

Section 9-1 Terms and Definitions

- A. **Driveway** - A paved or unpaved area used for ingress or egress of vehicles, allows access from a street to a building, lot, structure, or facility, and that provides access to no more than two (2) parcels of land. Access to multiple Group Developments is excluded from the two-parcel restriction.
- B. **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. Access easements providing vehicular access to no more than two (2) parcels of land, or access easements to multiple parcel Group Developments, shall be classified as driveways for the purpose of this Ordinance. Access easements providing vehicular access to more than two (2) parcels of land shall be classified as streets.
- C. **Lot** - A parcel of land considered as a unit. The terms *lot*, *property*, *plot*, *parcel*, or *tract*, whenever used in this Ordinance, are interchangeable.
- D. **Lot of Record** - A lot that is recorded by plat or deed with the Lexington County or Richland County Register of Deeds.
- E. **Street** - Any publicly or privately maintained thoroughfare (street, road, drive, avenue, circle, way, lane, boulevard, etc.) or space which has been dedicated, deeded, designed, or used for vehicular traffic that provides access to more than two (2) parcels of land. Multiple parcel Group Developments are excluded from the two-parcel restriction. Streets constructed after the effective date of this Ordinance shall be constructed to all applicable engineering specifications. The terms *street* and *road* shall be used interchangeably in this Section.
- F. **Street, Improved** – Street constructed to Lexington or Richland County standards.

Section 9-2 Definition of Subdivision, SC Code of Laws 6-29-1110

According to SC Code of Laws 6-29-1110, the term *subdivision* means all divisions of a tract or parcel of land into two or more lots; building sites or other divisions for the purpose, whether immediate or future, of sale, lease, or building development; includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any street or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record.

9-2.1 Exemptions (Under SC Code of Laws 6-29-1110)

The following are exempt from the definition of a subdivision and, as such, are not governed by the regulations for subdivisions of this Ordinance; however, exempt subdivisions are subject to applicable zoning district regulations. These exceptions are included within this definition only to require that the Planning Official be informed and have a record of the exempt subdivisions:

- A. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and other applicable regulations.
- B. The division of land into parcels of five acres or more where no new street is involved (refer to the definition of street). Plats of these exceptions must be received as information by the Planning Official, which shall indicate that fact on the plats.

- C. The combination or recombination of entire lots of record where no new street or change in existing streets (refer to the definition of street) is involved.

Section 9-3 Creation of Lots

Lots include existing lots of record and lots created by the subdivision of a tract or parcel of land. The word *lot* includes the words *parcel*, *plot*, *property*, and *tract*. As of the effective date of this Ordinance, the following regulations apply to the creation of all new lots of record including lots exempt for the definition of subdivision.

- A. *Accessibility*. No lot, including lots exempted from the definition of subdivisions, may be created without vehicular and pedestrian access. All new lots must have direct access to a publicly dedicated street or an approved private street as provided for in this Ordinance. All publicly dedicated and approved private streets must be constructed to applicable engineering standards.
- B. *Design*. The lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated.
- C. *Dimensions and Street Frontage*. All lots shall meet the minimum area and dimensional requirements of the zoning district in which they are to be located. Except as otherwise provided in this Ordinance, a minimum street frontage of 50 feet shall be required for all lots created after the effective date of this Ordinance. The frontage of the lot shall be determined by the frontage that abuts a public or approved private street. Side lot lines shall be aligned at approximately right angles to straight street lines and radial to curved street lines.
- D. *Double Frontage*. Residential subdivisions, where proposed for areas adjacent to arterial streets and roads, shall be denied direct access to and separated from such streets and roads by double or reverse frontage lots. Elsewhere, double frontage lots shall be prohibited. Residential reverse frontage lots shall have a minimum rear yard of 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 20 feet in depth.
- E. *Alignment*. Side lot lines shall be aligned at approximately right angles to straight street lines and radial to curved street lines.

9-3.1 Flag Lots and Lots Accessed by Easements

A flag lot is a lot with a dedicated access to a public road provided to the bulk of the lot by means of a narrow corridor. Except as provided herein, flag lots and lots accessed by access easements are not allowed for new lots created after the effective date of this Ordinance and flag lot subdivisions shall not be allowed. The Planning Commission may allow the creation of a flag lot to permit full use of a lot of record (existing lot) created and existing prior to the adoption of this Ordinance that does not meet the minimum 50-foot street frontage requirements. When meeting the above, as determined by the Planning Commission, flag lots may be created and access easements may be permitted in accordance with the following development standards:

- A. The other lot of record (lot providing access) meets all zoning requirements specified for the respective zone in which it is located, both before and after the subdivision, to create the access easement or flag lot.
- B. The “flag” section of an existing flag lot, or an existing lot accessed by the access easement, shall meet or exceed the requirements, other than the minimum street frontage specified for the respective zone. The area of the access driveway of the flag lot or access easement shall not be

included in computing minimum lot area requirements. Title to the access driveway must be conveyed by general warranty deed in the same manner as the title to the “flag” portion of the lot; or in the case of an easement, recorded with the deeds to the accessed lot and the lot providing access.

- C. The driveway section of the flag lot or access easement shall be not less than 30 feet wide. However, the required street frontage of the flag lot drive shall not be less than County or State encroachment permit requirements to install driveways. Flag lot access driveways shall be separated from other driveways by the required fifty-foot minimum lot width measured from the front property line unless shared driveways are provided.
- D. Once subdivided to include a flag lot or access easement, the other lot of record (lot providing the access) shall not be further subdivided for a period of twelve (12) months after the creation and recording of the flag lot.
- E. Flag lots created under this Section may not be further subdivided.

9-3.2 Street Frontage Lots on Cul-de-Sacs and on Curbs Less than 90 Degrees

The fifty-foot minimum street frontage requirement may be waived on lots abutting an approved cul-de-sac or on lots abutting sharp curbs with a radius of less than ninety degrees (90°). However, the required street frontage on such lots shall not be less than County or State encroachment permit requirements to install driveways.

9-3.3 Subdivision of Parcels on Unimproved (Non-paved) County-Maintained Roads

Subdivision of existing lots, parcels, and tracts of record (recorded with the Register of Deeds) fronting on an unimproved (dirt) county-maintained road that does not meet Lexington County or Richland County, as applicable, standards shall require the road to be paved to the respective county standards.

Note that if said subdivision requires a road (street) to be created to provide access, this subdivision shall be a Major Subdivision with all required standards as prescribed by this Ordinance.

9-3.4 Subdivision of Parcels on Pre-existing Private Roads

Per the Lexington County Subdivision Ordinance, this provision applies to those roads that existed prior to January 10, 1979; are not in the County, State, or Federal Road Maintenance System; and that access two or more parcels of land under different ownership. This type of private road shall not suffice as approved access for further subdivision of land without approval by the Lexington County Planning Commission. Approval shall also be required by the Irmo Planning Commission for such roads within the Town Limits. Per this Ordinance, any private right-of-way, access easement, driveway, path, or any other access that is used for vehicular traffic and provides access to more than two lots is considered a road or street and must be constructed to respective Richland or Lexington County standards before further subdivision of lots are allowed.

Article 10 Land Development Submittal Requirements and Approval Process

Section 10-1 General Application Process

This Section establishes the procedure for processing land development applications. The Town of Irmo lies within both Richland and Lexington Counties. The Town of Irmo has agreements with Richland County for Richland County to provide engineering services for land development projects and for the maintenance of roadways for the Town within Richland County. The Town of Irmo has agreements with Lexington County and has formally adopted the Stormwater Ordinance and Land Development Manual, with Lexington County to allow for review, approval, and inspection of development for the Town within Lexington County.

As of the effective date of this Ordinance, the agreements are as follows:

10-1.1 Determining County of Jurisdiction for Land Development Projects

- A. Land Development projects within the Town of Irmo located entirely within either county boundary will be reviewed, inspected, and maintained by the county in which it is located.
- B. For projects within the Town of Irmo where the project lies in both counties, the Town shall submit copies of the proposed development to each county. The following determines which county will be responsible for review and inspection:
 1. **Residential Developments** - The county which has the majority of the existing and proposed roadway within the development that will be maintained by that county will review and inspect the project to that county's engineering standards. Once the final plat has been approved, each county agrees to maintain their respective roadways and storm drainage systems as to the approved plans. Coordination between the two counties will decide who has the majority of the roadway. The county inspecting the project will give a courtesy call to the other county for inspection of major items such as proof rolls, etc.
 2. **Commercial Developments** - The county with the majority of the acreage of disturbance will review and inspect the project to that county's engineering standards. Coordination between the two counties will decide who has the majority of the acreage of disturbance.
 3. The county responsible for review and inspections will be responsible for notifying the Town and for contacting the developer and/or engineer to inform them to which county the project has been allocated.

Section 10-2 Land Development Applications

- A. Applications will be assigned to one (1) of the following five categories, as determined by the Planning Official, and processed accordingly:
 1. Exempt Subdivision (exempted from the definition of subdivision)
 2. Minor Subdivisions
 3. Major Subdivision
 4. Group Development
 5. Mixed-Use Development
- B. Town of Irmo Review
 1. The Planning Official shall review, and stamp for recording, plats for subdivisions meeting the exemption requirement, Minor Subdivisions, and plats of re-surveys of previously recorded lots.

2. The Planning Commission shall review and approve Major Subdivisions, Group Developments, and Mixed-Use Developments (MD) applications.
- C. **Pre-application Conference** - At the request of the applicant, the Planning Official shall arrange a pre-application conference to discuss requirements of this Ordinance, land development practices, proposed plans of the applicant, applicable provisions of the Comprehensive Plan, and related matters. The Planning Official shall invite all affected or interested agencies and may invite consultants and other persons with knowledge of land development practices and regulations.

10-2.1 Submittal Requirements and Approval Processes for Exempt Subdivisions and Re-Survey Plats

- A. The Planning Official shall determine that the proposed subdivision qualifies for and meets the requirements of an exempt subdivision, or the Planning Official shall make a determination that the submitted plat is a re-survey of a previously recorded plat.
- B. Within ten (10) working days of submission of the plat, the Planning Official shall determine that the proposed exempt subdivision conforms to applicable zoning district regulations of this Ordinance and shall approve, approve with changes, or reject the plat. If rejected, changes, additional analysis, or other information necessary to make an approval determination shall be identified and transmitted to the applicant.
- C. The Planning Official will transmit the approved plat to the county of jurisdiction.
- D. Upon determination that all county conditions for approval have been met, the Planning Official shall sign and stamp the final plat as approved for recording.

10-2.2 Submittal Requirements and Approval Processes for Minor Subdivisions

10-2.2(1) *Definition of a Minor Subdivision*

- A. A Minor Subdivision is a subdivision that involves the creation of five or fewer lots on an existing street meeting the requirements of this Ordinance.
- B. A Minor Subdivision shall not include the extension of an existing Minor or Major Subdivision or development under the same ownership or control which would in effect create more than five contiguous lots.

10-2.2(2) *Minor Subdivision Submittal Requirements*

- A. Applicants requesting approval of a Minor Subdivision shall submit to the Planning Official a Minor Subdivision Plan. The Minor Subdivision Plan shall comply with the zoning district regulations, regulations for the subdivision of land and creation of lots, and the development standards of this Ordinance, and shall include:
 1. **General Information**
 - a. Name and address, including the telephone number of the developer/applicant and/or owner/applicant, and licensed contractor.
 - b. North arrow, scale, and date, including revision dates.
 - c. Tract boundaries and acreage.
 - d. Tax Map Survey Number(s).
 - e. Vicinity map.
 2. **Site Information**
 - a. Location, names, and right-of-way widths of existing streets within the subject tract and existing and plotted streets adjacent to the subject tract.
 - b. Location and dimensions of all existing rights-of-way and easements.

- c. Political lines, if applicable, and the position of the proposed development in relation to its surroundings indicating current land use (commercial, residential, vacant, etc.) and zoning of the subject site and adjacent property.
- d. Significant tree survey.

3. Planned Improvements

- a. Approximate locations, dimensions, and area of all proposed lots.
- b. Layout of all existing lots, including scaled dimensions of lots, zoning district setbacks, and lot numbers.
- c. Other site improvements (sidewalks, open space, etc.).

10-2.2(3) Minor Subdivision Approval Process

- A. The applicant shall submit to the Planning Official the Minor Subdivision Plan drawn per the requirements stipulated in this Section.
- B. The Planning Official shall review the Minor Subdivision Plan for completeness per the Minor Subdivision Plan submittal requirements of this Section.
- C. Within 10 working days of receipt of the Minor Subdivision Plan, The Planning Official shall approve, approve conditionally, or disapprove the Minor Subdivision Plan. If the Minor Subdivision Plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, Ordinance, or regulation with which the Minor Subdivision Plan does not conform. If granting a conditional approval, the Planning Official may require the applicant to resubmit the Minor Subdivision Plan with all recommended changes before approving said Minor Subdivision Plan. Final determination shall be made Within 10 working days of receipt of the revised Minor Subdivision Plan.
- D. Once Planning Official approval of the Minor Subdivision Plan is granted, the Planning Official shall transmit the approved Minor Subdivision Plan to the county of jurisdiction for processing, which may include civil plans and construction drawings per the county of jurisdiction's engineering and land development standards and regulations.
 - 1. Civil Plans for Land Development Projects within Lexington County shall submit plans to Lexington County Engineering Stormwater Division for processing per county procedures currently in practice.
 - 2. Civil Plans for Land Development Projects within Richland County shall submit plans to Richland County Public Works Department Land Development Services, New Construction, for processing per county procedures currently in practice.
- E. When the county of jurisdiction has approved the final plat, it shall be transmitted to the Planning Official for final review and approval for recording.
- F. If the proposed Minor subdivision is in both counties, the two counties shall make a determination of jurisdiction per section 10-1.1B above.

10-2.3 Submittal Requirements and Approval Processes for Major Subdivisions

10-2.3(1) Definition of a Major Subdivision

A Major Subdivision is any subdivision that is not exempt as a subdivision or does not qualify as a Minor Subdivision.

10-2.3(2) Major Subdivision Submittal Requirements

Applicants requesting approval of a Major Subdivision shall submit to the Planning Official ten (10) copies of a Major Subdivision Plan. The Major Subdivision Plan shall comply with the zoning district regulations,

regulations for the subdivision of land and creation of lots, and the development standards of this Ordinance, and shall include:

A. General Information

1. Name and address, including the telephone number of the developer/applicant and/or owner/applicant, and licensed contractor.
2. North arrow, scale, and date, including revision dates.
3. Tract boundaries and acreage.
4. Tax Map Survey Number(s).
5. Vicinity map.

B. Site Information

1. Floodplain areas, wetlands, and storm drainage ditches.
2. Location, names, and right-of-way widths of existing or platted streets within and adjacent to the subject tract.
3. Location and dimensions of all existing rights-of-way and easements.
4. Political lines, if applicable, and the position of the proposed development in relation to its surroundings indicating current land use (commercial, residential, vacant, etc.) and zoning of the subject site and adjacent property.
5. Significant tree survey.

C. Planned Improvements

1. Approximate location and layout of proposed streets, roads, sidewalks, and trails.
2. Approximate locations, dimensions, and area of all proposed lots.
3. Layout of all existing lots including scaled dimensions of lots, zoning district setbacks, and lot numbers.
4. Total number of lots (existing and/or proposed).
5. Open space.

D. Phased Development

If the applicant intends future phases of development, location of future phases shall be shown on the Major Subdivision Plan. The applicant is encouraged to submit a Major Subdivision Plan of the entire tract ultimately to be developed, although the present plans may only call for development of part of the property.

10-2.3(3) Major Subdivision Approval Process

- A. The applicant shall submit to the Planning Official ten (10) copies of the Major Subdivision Plan drawn per the requirements stipulated in this Section.
- B. The Planning Official shall review the Major Subdivision Plan for completeness per the Major Subdivision Plan submittal requirements of this Section. A Major Subdivision Plan deemed complete by the Planning Official will be placed on the agenda for the next regular Commission meeting scheduled at least twenty (20) days after the Major Subdivision Plan is filed, and copies of the Major Subdivision Plan will be distributed to the Planning Commission.
- C. The Planning Commission shall consider compliance of the proposed Major Subdivision with the applicable subdivision regulations and design standards and required improvements and zoning regulations per this Ordinance, the impact on public facilities, and compliance with the goals and objectives of the Comprehensive Plan.
- D. The Planning Commission shall approve, approve conditionally, or disapprove the Major Subdivision Plan. If the Major Subdivision Plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, Ordinance, or regulation with which the Major Subdivision Plan does not conform. If granting a conditional approval, the Planning

Commission may require the applicant to resubmit the Major Subdivision Plan with all recommended changes before approving said Major Subdivision Plan. The Planning Commission may direct the Planning Official to review the resubmitted Major Subdivision and to make a determination of approval, or it may require that the resubmitted Major Subdivision Plan be brought before the Planning Commission for review at the next regular Planning Commission meeting scheduled at least ten (10) days after the resubmitted Major Subdivision Plan is filed.

- E. Once Planning Commission approval of the Major Subdivision Plan is granted, the Planning Official shall transmit the approved Major Subdivision Plan to the county of jurisdiction for processing, which may include civil plans and construction drawings per the county of jurisdiction's engineering and land development standards and regulations.
- F. If the proposed Major subdivision is in both counties, the two counties shall make a determination of jurisdiction per section 10-1.1B above.
- G. When the county of jurisdiction has approved the final plat, it shall be transmitted to the Planning Official for final review and approval for recording.

10-2.3(4) Major Subdivision Performance Guarantee

Subject to the approval of a Major Subdivision Final Plat, the developer/owner shall deposit with the Town a performance financial guarantee in the amount of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects that may surface during the respective county's warranty period. The Lexington and/or Richland County Public Works Department, as applicable, shall review and approve documentation of the total cost of improvements made under county requirements. If defects do surface and the developer does not correct said defects, the Town, in coordination with the county(s), may act to do so using the deposited funds. In the absence of any defects or where the cost of any needed repairs is less than the amount deposited, the balance shall be returned to the developer/owner. At the conclusion of the warranty period, the applicable county may accept said dedicated streets and other improvements into the county maintenance system. The performance financial guarantee shall be one of the following and approved by the Town Attorney:

- A. Irrevocable letter of credit from a bank or other reputable institution.
- B. Escrow account where applicant may deposit cash or other instruments readily convertible into cash at face value with the Town or to the Town in escrow with a bank.
- C. Prepayment to the Town with any unexpended funds to be returned to the applicant.
- D. Other Financial Assurances - Such other financial assurances that the Town Attorney finds will reasonably guarantee the availability of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects which may surface during the warranty period.

Any document providing such financial guarantee required under this Section shall be in such form and substance as specified by and satisfactory to the Town Attorney. The required performance financial guarantee (completed and fully executed) shall be a condition of Final Plat approval and shall be delivered to and approved by the Town Council prior to the recordation of the Final Plat and/or the subdivision of the affected property by plat, deed, or otherwise. Written approval from the Lexington County Public Works Department and Richland County Public Works Department, if applicable, shall mean the Final Plat accurately depicts as-built conditions as approved and inspected by the respective County Public Works Department, and/or other applicable departments.

10-2.4 Group Developments

10-2.4(1) Group Development Defined

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, recreational camps, and manufactured home parks. A Group Development may consist of a single-use, single-occupant building or a multi-use, multi-occupant complex. Examples are shopping centers and malls, a single commercial business, office parks, industrial parks, apartment buildings and complexes, and “big box” retail. No building permit shall be issued for a Group Development until the following process has been completed.

10-2.4(2) Group Development Site Plans

The applicant shall submit to the Planning Official ten (10) copies of the Group Development Site Plan drawn per the requirements as stipulated below:

A. General Site Plan Information

1. Tax Map Survey (TMS) number(s) for the subject parcel(s).
2. Contact information for the responsible party.
3. The Group Development Site Plan shall be on one plan sheet and must be of sufficient scale to show the entire subject parcel, adjacent boundary lines of adjoining properties, and abutting roads.
4. TMS number, owner information, and land use (commercial, residential, vacant, etc.) and zoning of adjoining properties.
5. Right-of-way of abutting road(s).
6. Existing and proposed encroachments (curb cuts).
7. All existing and proposed structures, their size, height, elevation, and their setbacks from property lines.
8. Demonstration of compliance with the visibility at intersections standards per SCDOT requirements and the regulations of this Ordinance.
9. Flood zone and wetlands verification and base flood elevation as applicable.
10. Total acreage in the tract proposed for Group Development and a statement of total contiguous acreage owned by the developer(s).
11. The location and size of all proposed utilities and storm drainage easements.
12. The location of topographical lines (closest available contour intervals - United States Geological Survey [USGS] contours acceptable).
13. The intended use of each building and (if multiple use) number of units the building is designed to accommodate.
14. Vicinity map.

B. Landscaping

A landscape plan including all required buffers, screening, landscaping, open space, and tree protection provisions of this Ordinance. The landscape plan shall:

1. Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
2. Indicate the location and dimensions of landscaped areas (including required buffers, screening, interior parking, and other landscaping), plant materials (planting schedule), decorative features, etc.
3. Significant tree site design including:
 - a. Existing location and size of all significant trees.
 - b. Trees to be removed.

- c. Trees to be preserved.
 - d. Percent of significant trees to be removed from the buildable area.
- C. Parking

The Site Plan must include an off-street parking facilities plan designed in accordance with the off-street parking regulations of this Ordinance. The plan must include:

 - 1. The required number of parking spaces per the zoning district regulations of the Zoning Ordinance.
 - 2. The required number of handicapped parking spaces and their locations.
 - 3. Parking slip and aisle dimensions.
 - 4. Off-street loading.
 - 5. Parking area landscaping per the landscaping provisions of this Ordinance.
 - 6. Site parking, aisles, vehicular and pedestrian ingress and egress, loading zones, etc., shall be laid out to facilitate safe and efficient internal vehicular and pedestrian traffic circulation.
- D. Signage

The applicant is not required to submit sign permit applications at the time of Group Development application submittal. The developer may, however, opt to include the signage plan per the signage regulations of this Ordinance. Final certification (certificate of occupancy) shall not be granted until any required sign permits have been applied for and approved per the provisions of this Ordinance.

10-2.4(3) Group Development Site Plan Approval Process

- A. The Planning Official shall review the Group Development Site Plan for completeness. A Site Plan deemed complete by the Planning Official will be placed on the agenda for the next regular Planning Commission meeting scheduled at least twenty (20) days after the Site Plan is filed. The Planning Official shall distribute copies of the Site Plan to all affected Town and/or County agencies for review and comment. The Planning Official shall present the application to the Planning Commission in a staff report with the Planning Official's analysis and recommendations and any other County agency's comments that have been received by the Planning Official. The Planning Commission shall consider the prevention of traffic hazards and the provisions of off-street parking and required utilities. In addition, the Commission will consider compliance of the proposed Group Development with the applicable zoning and design standards and required improvements per this Ordinance and with the goals and objectives of the Comprehensive Plan.
- B. The Planning Commission shall approve, approve conditionally, or disapprove the Group Development Site Plan. If the Site Plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan, Ordinance, or regulation with which the Plan does not conform. On conditional approval, the Planning Commission may require the applicant to resubmit the Site Plan with all recommended changes before approving said Plan. The Planning Commission may direct the Planning Official to review the resubmitted Site Plan and to make a determination that the conditions have been met and grant approval, or it may require that the resubmitted Plan be brought before the Planning Commission for review at the next regular Planning Commission meeting scheduled at least ten (10) days after the resubmitted Site Plan is filed.
- C. Once Planning Commission approval of the Group Development Plan is granted, the Planning Official shall transmit the approved Group Development Plan to the county of jurisdiction for

processing, which may include civil plans and construction drawings per the county of jurisdiction's engineering and land development standards and regulations.

- D. If the proposed Group Development is in both counties, the two counties shall make a determination of jurisdiction per section 10-1.1B above.

Section 10-3 Mixed-Use Developments

These provisions apply to the development of Mixed-Use Development Districts (MD) after final MD zoning designation has been received per the MD zoning provisions of this Ordinance. The MD Site Plans submitted for the MD re-zoning application shall be the basis for development of the MD. The zoning MD District Site Plan requirements are repeated below:

10-3.1 MD District Site Plan

- 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 net acre for residential uses, and floor/area ratio for non-residential uses.
 - 5. Building setbacks.
 - 6. Maximum building heights.
- F. The position of the proposed development in relation to its surroundings. Current land use (commercial, residential, vacant, etc.) and zoning of the subject site and adjacent property and a site location (vicinity) map shall be provided.
- G. Proposed plan for development in phases, as applicable
- H. 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 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.

Note that alternate street designs apply to private streets. Any alternations in street design for streets dedicated to Richland and/or Lexington Counties must be approved by the respective county.

10-3.2 MD Preliminary Plan

Prior to development, the applicant shall submit an MD Preliminary Plan to the Planning Commission for review and approval. The Preliminary Plan submittal shall be in compliance with the MD Site Plan as approved by the Planning Commission and Town Council during the re-zoning process. There shall be no major changes from the MD District Site Plan in the MD Preliminary Plan. Note that the Town of Irmo MD Preliminary Plan is separate from, and in addition to, the civil plans required by Richland and

Lexington Counties through their respective engineering and land development standards and regulations.

A. General Submittal Requirements

1. Plans sheets shall be of a convenient scale of not less than one (1) inch equals 100 feet, adjustable depending upon lot sizes and total acreage.
2. Plan sheets should be of standard size of not greater than 24" x 36" and no smaller than 24" x 18".
3. The number of items presented on any one (1) sheet should be limited such that each item is clearly defined and easily reviewed.
4. Sheets overcrowded with too much information such that they are difficult and/or confusing to review shall be avoided.
5. A line and object legend shall be located within the plans.

B. Submittal and Distribution

1. The applicant shall submit 10 copies of the Preliminary Plan to the Planning Official.
2. The Planning Official shall distribute the Preliminary Plan to the Planning Commission for the next regular Planning Commission meeting scheduled at least twenty (20) days after the Plan is submitted.
3. The Planning Official will distribute relevant copies of the Preliminary Plans to affected County and Town departments for review and comment.

C. The Preliminary Plan for Mixed-Use Developments shall contain the following:

1. General Information

- a. Proposed name of the development.
- b. Name, address, and telephone number(s) of the developer/applicant and/or the owner/applicant.
- c. Name, address, and telephone number(s) of the professional person(s) responsible for the MD's design, or for the design of any public improvements, and for the surveys.
- d. North arrow, scale, and date, including revision dates.
- e. Tract boundaries and acreage.
- f. Phase boundaries and acreage.
- g. Tax Map Survey number(s).
- h. Vicinity map.

2. Site Information

- a. The location of topographical lines at two (2) foot intervals, wetlands, floodplain areas, and storm drainage ditches.
- b. Current zoning and land use (e.g., residential, commercial, timberland, etc.) of subject site.
- c. Political lines, if applicable, and identification of all surrounding land use and zoning. Any adjoining subdivision or development shall be identified by name.
- d. Location, names, and right-of-way widths of existing or platted streets within and in the vicinity of the tract. In the case of re-subdivisions, a copy of the existing plat with proposed re-subdivisions superimposed shall be submitted on a separate sheet.
- e. Location and dimensions of all existing rights-of-way and easements either on or adjacent to the property to be developed. Specifics must be given as to whether utilities are located within the easements or rights-of-way, and the location of poles and/or towers must be shown.

- f. Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract.
- 3. Planned Improvements
 - a. Layout of streets, alleys, sidewalks, paths, and/or greenways.
 - b. Layout of all blocks and lots, including building setback lines, scaled dimensions of lots, consecutive lot and block numbers, and total number of lots.
 - c. Layout of all easements and rights-of-way, indicating width and use.
 - d. The location, dimensions, and acreage of all common open space property proposed to be set aside for the common use of property owners in the proposed MD, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
 - e. Mixed-Use Plan: Proposed uses shall not be contrary to those regulations stipulated in the approved MD.
 - i. Area by land use (i.e., retail, single-family detached residential, multi-family, townhouses, office, park, green space, etc.).
 - ii. Specific allowable uses for each area.
 - iii. A tabulation of the number of acres in each use area.
 - iv. Maximum densities expressed in dwelling units per net acre for residential uses, and floor/area ratio for non-residential uses.
 - v. Building setbacks.
 - vi. Maximum building heights.
- 4. Plan for development in phases, as applicable.
- 5. Alternate design standard plans to include, as applicable:
 - a. Parking and loading.
 - b. Buffers, landscaping, and common open space.
 - c. Street design for private streets or as approved by Richland and/or Lexington County as applicable.
 - d. Signage plan.

10-3.2(1) Preliminary Plan Approval Process

- A. The Planning Commission shall approve, approve conditionally, or disapprove the Preliminary Plan. If the Preliminary Plan is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the MD Site Plan approved by Town Council which the Preliminary Plan does not conform. If granting a conditional approval, the Planning Commission may require the applicant to resubmit the Preliminary Plan with all recommended changes before approving said Preliminary Plan. The Planning Commission may direct the Planning Official to review the Preliminary Plan and to make a determination that the conditions have been addressed and grant approval, or it may require that the resubmitted Preliminary Plan be brought before the Planning Commission for review at the next regular Planning Commission meeting scheduled at least ten (10) days after the resubmitted Preliminary Plan is filed.
- B. Once Planning Commission approval of the MD Preliminary Plan is granted, the Planning Official shall transmit the approved MD Preliminary Plan to the county of jurisdiction for processing, which may include civil plans and construction drawings per the county of jurisdiction's engineering and land development standards and regulations.

- C. If the proposed Minor subdivision is in both counties, the two counties shall make a determination of jurisdiction per section 10-1.1B above.
- D. If the proposed Mixed-Use development is in both counties, the two counties shall make a determination of jurisdiction per section 10-1.1B above.

10-3.3 MD Final Plat

- A. Prior to recording the Final Plat with the Lexington County and/or Richland County Register of Deeds, thus creating individual lots of record that can be sold or transferred, the Final Plat must be submitted to the Planning Commission for review and approval for recording. Approval is contingent upon all Lexington County and Richland County (as applicable) approvals. The Final Plat shall conform substantially with no major changes with the approved MD Site Plan and Preliminary Plan.
- B. **MD Performance Guarantee** - The developer/owner shall deposit with the Town a performance financial guarantee in the amount of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects which may surface during the respective county warranty period. The Lexington County Public Works Department and/or Richland County Public Works Department, as applicable, shall review and approve documentation of the total cost of improvements made under county requirements. In the event that defects do surface and the developer does not correct said defects, the Town, in coordination with the county, may take action to do so using the deposited funds. In the absence of any defects or where the cost of any needed repairs is less than the amount deposited, the balance shall be returned to the developer/owner. At the conclusion of the warranty period, the respective county may accept said dedicated streets and other improvements into the respective county maintenance system. The performance financial guarantee shall be one (1) of the following approved by the Town Attorney:
 - 1. Irrevocable letter of credit from a bank or other reputable institution.
 - 2. Escrow account where applicant may deposit cash or other instruments readily convertible into cash at face value with the Town or to the Town in escrow with a bank.
 - 3. Prepayment to the Town with any unexpended funds to be returned to the applicant.
 - 4. Other Financial Assurances - Such other financial assurances that the Town Attorney finds will reasonably guarantee the availability of fifteen (15) percent of the total cost of improvements to cover any expenses associated with correcting and repairing any defects which may surface during the warranty period.

Any document providing such financial guarantee required under this Section shall be in such form and substance as specified by and satisfactory to the Town Attorney. The required performance financial guarantee (completed and fully executed) shall be a condition of Final Plat approval and shall be delivered to and approved by the Town Council prior to the recordation of the Final Plat and/or the subdivision of the affected property by plat, deed, or otherwise. Written approval from Lexington County Public Works Department and Richland County Public Works Department, if applicable, shall mean the Final Plat accurately depicts as-built conditions as approved and inspected by the respective County Public Works Department, and/or other applicable departments.

Section 10-4 Bonded Plat

10-4.1 Policy

It shall be the general policy of the Town of Irmo that all improvements required by this Ordinance be completed prior to approval for recording of a Final Plat of a subdivision or development, or the effect of which creates lots of record that may be sold or transferred along with site improvements. However, recognizing that completion of all required improvements prior to obtaining Final Plat approval may not in some cases be feasible, practical, or financially possible, this Section provides a mechanism by which final approval may be granted, contingent upon certain required improvements being completed as and when specified by the Irmo Town Council and upon the applicant providing financial guarantees for the completion of such other required improvements.

Development projects or the approved development phase must be substantially complete prior to final approval through the improvement guarantee process. In general, the development must be completed except for final road surfacing, minor grading, and minor stormwater management controls. Substantially complete includes, but is not limited to, the following site improvements:

- A. Utilities Installed.
 - 1. Water, where applicable.
 - 2. Sewer, where applicable.
 - 3. Electricity and underground communications cables.
- B. All roads completed to all-weather construction.
- C. Major stormwater utilities (retention ponds, sedimentation basins, etc.) completed.
- D. Approvals from all other applicable Federal, State, and local regulatory authorities secured.

The Town shall have the right to refuse any of the optional financial guarantees and require construction and installation of all improvements by the developer, where:

- A. Past performance of the developer has been unsatisfactory;
- B. the selected option is unacceptable; or
- C. for other reasons so stated.

10-4.2 Bond Application Submittal Requirements

- A. Engineer's Cost Estimate prepared by a SC Registered Professional Engineer, sealed and signed
- B. Statement of Conditions prepared by the developer or his representative
- C. Letter of Credit or Cash Bond drafted with a minimum three (3) year expiration period
- D. Bonded Plat prepared by a SC Registered Professional Engineer, sealed and signed

10-4.3 Bond Submittal Process

- A. The estimate shall be submitted to the County Engineer. The Town shall add twenty-five percent (25%) to the estimate.
- B. The Statement of Conditions shall be received by the Town and forwarded to Town Attorney for review. The approval of Town Administrator is required prior to acceptance of the Bond.
- C. Bonds will be entered into the Town tracking system and reviewed annually for construction progress. Projects built in phases will be completed and a formal request submitted to the County for acceptance into their system for maintenance.
- D. Bonds are tracked for the benefit of the Town. The developer should not rely upon reminders from the Town of Irmo to manage the terms of the surety instrument; however, the Town will take an active role in the process and establish a relationship with the bank or insurance company. The Town will require the bank or insurance company to sign a **Memorandum of Understanding (MOU)** as it relates to the agreement between the developer and the Town. The tracking process

includes sending letters, at specified times prior to expiration, to all relevant parties. The following criteria apply:

1. 90-Day Letter (sent to developer)
2. 45-Day Letter (sent to developer and lending institution) ****CERTIFIED****
3. 30-Day Letter (series of calls made to the developer and surety institution)
4. 15-Day Letter (claims letter sent to lending institution) ****CERTIFIED****

10-4.4 Approval

All bond instruments involving the infrastructure improvements will be approved by the Town Council. Bond instruments will remain in place until the respective County has accepted the infrastructure into their system for maintenance.

Projects that are submitted in phases will not be allowed to advance to a new phase until the County has accepted 100% of the previous phase roads and infrastructure, where applicable.

10-4.5 Allocation of Bond

Any funds received from financial guarantees required by this Ordinance shall be used only for the purpose of making the improvements for which said guarantees are provided.

10-4.6 Reduction of Bond

As completion is progressed and documented, the Town Council may allow reductions in letters-of-credit or bonds. Reductions will not be allowed without a formal inspection by the County Engineer and/or his designated representative and a revised estimate approved by the Town that covers improvement costs.

10-4.7 Extension of Bond

If it appears to the developer that he may not complete construction of required improvements before expiration of his improvement guarantee, it shall be his obligation, at least fifteen (15) days prior to the expiration period, to submit an extended guarantee request. Such extension, if approved, shall be for a period of six (6) months. A maximum of two (2) such extensions shall be allowed.

10-4.8 Approval for Recording

Any Bonded Plat that is approved for recording under an improvement guarantee must be annotated as: "Bonded Plat Approved Under Improvement Guarantee." Once the terms of the improvement guarantee have been completed and the financial guarantee has been retired, it shall be the developer's responsibility to record a Final Plat without the Bonded Plat notation, and such recording must be done as a condition for release of the performance guarantee upon termination of the warranty period.

Section 10-5 Development Agreements

As of the effective date of this Ordinance, the Town of Irmo may enter into a binding development agreement with the developer for long-term developments on large tracts of land. The development agreement shall meet all the requirements under SC Code of Law, Title 6, Chapter 31 § 6-31-10, et seq., *The South Carolina Local Government Development Agreement Act* (the Act). The development agreement gives the developer a vested right for the term of the agreement to proceed according to the provisions of the Ordinance in existence on the execution date of the agreement per §6-31-80 of the Act. Benefits to The Town may include enhanced development design standards, on and off-site infrastructure, public facility and other improvements and funding, affordable housing, and other

benefits negotiated with the developer in return for vesting of development rights for the term of the agreement.

10-5.1 Minimum Requirements

- A. The property must contain a minimum of twenty-five (25) acres of highland as defined as land above the 100-year floodplain as delineated on the official FEMA flood maps of Lexington and/or Richland County.
- B. Development Time - The following table specifies the maximum term of a development agreement by the size of the project:

MAXIMUM TERM OF DEVELOPMENT AGREEMENT BY SIZE OF PROJECT	
Size of Project	Maximum Term of Development Agreement
25-250 acres of highland	5 years
>250-1000 acres of highland	10 years
>1000-2000 acres of highland	20 years
>2000 acres of highland	As set by the Town and the developer

The maximum term of a development agreement may be extended by a subsequent agreement.

10-5.2 Procedures for Adoption of Development Agreements

10-5.2(1) Drafting of Agreement

The developer shall consult with the Planning Official, Town Attorney, and other staff and consultants in drafting the terms and conditions of the development agreement. The development agreement shall include, but is not limited to, all elements as required by §6-31-60 of the Act.

10-5.2(2) Planning Commission Public Hearing

The Planning Commission shall hold a public hearing. A notice of intent to consider the development agreement shall be published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The notice shall include:

- A. The specific location of the property.
- B. The proposed uses of the development.
- C. The location where a copy of the proposed agreement may be obtained.

At the conclusion of the Planning Commission Public hearing, The Planning Commission Chairman shall announce the Town Council's public hearing and the date, time, and place that the County Council will hold a public hearing on the proposed development agreement. The Town Council public hearing shall be held at least fifteen (15) days after the Planning Commission public hearing.

10-5.2(3) Planning Commission Recommendation to Town Council

The Planning Commission shall review the development agreement and make a recommendation to the Town Council to:

- A. Accept the development agreement as drafted;
- B. accept the development agreement with amendments; or
- C. deny the development agreement.

10-5.2(4) Town Council Public Hearing

The Town Council shall hold a public hearing. A notice of intent to consider the development agreement shall be published in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The notice shall include:

- A. The specific location of the property.
- B. The proposed uses of the development.
- C. The location where a copy of the proposed agreement may be obtained.

10-5.2(5) Development Agreement Ordinance

The proposed development agreement shall be approved by the Town Council by adoption of an Ordinance.

10-5.3 Recording of Development Agreement

The developer shall record the development agreement with the Lexington or Richland County Register of Deeds within fourteen (14) days after the development agreement Ordinance is executed.

10-5.4 Annual Review

The Planning Official shall conduct annual reviews to assess the progress of the development for the purposes of determining if the developer is demonstrating good faith compliance with the terms of the agreement. The Planning Official shall prepare a written report to the Planning Commission, Town Council, and the developer within thirty (30) days following the annual review. When the annual review reveals a material breach of the agreement, the following steps shall be taken:

10-5.4(1) Notice of Breach

The Planning Official shall include in the report a notice of breach setting out the specific nature of the breach and the evidence supporting this determination.

10-5.4(2) Corrective Action Plan

The developer shall have thirty (30) days to respond with a corrective action plan with the time frame to cure the material breach. The developer should be given a reasonable time to correct the breach, commensurate with the nature of the breach. The Planning Official may approve the corrective action plan. A decision of the Planning Official may be appealed to Town Council.

10-5.4(3) Termination of Agreement

Upon failure of the developer to respond to the notice of breach within thirty (30) days, or to correct the breach within the time given, the Town Council may unilaterally terminate or modify the agreement. However, failure of the developer to meet a commencement or completion date shall not, in and of itself, automatically constitute a material breach of the agreement, but must be judged based on the totality of the circumstances. The developer shall have an opportunity to rebut the determination in executive session of Town Council, or consent to amend the agreement to meet the concerns raised by the findings and determination of the breach.

Article 11 Land Development Design Standards

Section 11-1 Purpose

Land development and subdivision projects within the Town of Irmo shall comply with all applicable regulations of this Ordinance as well as applicable Richland County engineering and land development regulations and standards and Lexington County engineering and land development regulations and standards. The purpose of this Article is to provide additional design standards and required improvements that create functional, attractive, and livable land developments; to minimize environmental impacts; and to support and promote the health and safety of the community. If both Irmo Land Development and the respective county regulations are applicable to a specific land development activity, both shall apply. Where the conditions imposed by any provision of this Article are either more restrictive or less restrictive than any other applicable Federal, State, Lexington County, Richland County, or Town of Irmo statute, the more restrictive statute, imposing higher standards or requirements, shall govern.

Section 11-2 General Site Design

11-2.1 General Site Design Considerations

Site design shall take into consideration all existing local and regional plans. To the extent practicable, development shall be located:

- A. to preserve any natural features on the site;
- B. to minimize negative impacts and alteration of natural features;
- C. to avoid areas of environmental sensitivity;
- D. to avoid adversely affecting ground water and aquifer recharge;
- E. to reduce cut and fill;
- F. to avoid unnecessary impervious cover;
- G. to prevent flooding;
- H. to provide adequate access to lots and sites;
- I. to promote healthy activities by providing safe and accessible pedestrian and bicycle access; and
- J. to mitigate adverse effects of noise, odor, traffic, drainage, and utilities.

11-2.2 Site Analysis

- A. **Development Site Characteristics** - An analysis shall be made of characteristics of the development site, such as:

- 1. geology and soil;
- 2. topography;
- 3. ecology;
- 4. existing vegetation;
- 5. structures;
- 6. road networks;
- 7. visual features; and
- 8. past and present use of the site.

A report of the site analysis shall be included with Major Subdivision Plans, Group Development Site Plans, and Mixed-Use Development Preliminary Plans that are submitted to the Planning and Commission for review.

- B. **Site Analysis Components and Design Objectives** - The size and scope of the site analysis shall dictate the detail required of the analysis. Some site analysis components applicable to a large

residential subdivision may not be applicable to a small commercial (group development) project on a small lot. The following table presents some key components of a site analysis with associated development design objectives:

SITE ANALYSIS KEY COMPONENTS AND DESIGN OBJECTIVES	
Site Analysis Component	Design Objective
Slope and Contour Analysis	• Slopes of 0%-5% are prime buildable areas. • Avoid any development on slopes greater than 10% in areas with unsuitable soils. • Build roadways on ridges. • Delineate sensitive areas.
Hydrologic Analysis	• Avoid wetlands, floodplains, and ground water recharge areas. • Preserve natural drainage ways. • Delineate sensitive areas.
Soils Analysis	• Avoid soils unsuitable for development. • Locate stormwater controls in pervious soils (hydric soil group A and B). • Delineate sensitive areas.
Vegetation Analysis	• Avoid clear cutting as erosion control BMP. • Preserve significant trees and understory vegetation. • Delineate sensitive areas.

The layers of information from the above table can be overlaid on a common scale to create a composite inventory map to analyze the suitability of each portion of the site for the proposed development.

C. **Hydrologic Soil Groups** - Soils are classified by the Natural Resource Conservation Service into four hydrologic soil groups based on the soil's runoff potential. The four hydrologic soils groups are "A", "B", "C" and "D", where Group "A" generally has the smallest runoff potential and Group "D" the greatest. Details of this classification can be found in *Urban Hydrology for Small Watersheds* published by the Engineering Division of the Natural Resource Conservation Service, U.S. Department of Agriculture, Technical Release-55. The characteristics of each group are as follows:

1. Group "A" is sand, loamy sand, or sandy loam types of soils. It has low runoff potential and high infiltration rates even when thoroughly wetted. They consist chiefly of deep-well to excessively drained sands or gravels and have a high rate of watertransmission.
2. Group "B" is silt loam or loam. It has a moderate infiltration rate when thoroughly wetted and consists chiefly of moderately-deep to deep, moderately-well to well drained soils with moderately-fine to moderately-coarse textures.
3. Group "C" soils are sandy clay loam. They have low infiltration rates when thoroughly wetted and consist chiefly of soils with a layer that impedes downward movement of water and soils with moderately-fine to fine structure.
4. Group "D" soils are clay loam, silty clay loam, sandy clay, silty clay, or clay. This hydrologic soil group has the highest runoff potential. They have very low infiltration rates when thoroughly wetted and consist chiefly of clay soils with a high swelling potential, soils with a

permanent high-water table, soils with a clay pan or clay layer at or near the surface, and shallow soils over nearly impervious material.

Section 11-3 Phased Clearing During Site Development

After receiving plan approval from the Irmo Planning Commission and prior to commencing site work on a land development that has been approved by the respective county for the site construction phase, the applicant shall submit a clearing plan for approval by the Planning Official. The approved Clearing Plan shall be submitted to the respective county for review and information.

11-3.1 The Clearing Plan

The Phased Clearing Plan shall include the following as applicable to the size and scope of the project.

11-3.1(1) Identify the Project Footprint

- A. Infrastructure:
 - 1. Roads and drainage
 - 2. Stormwater facilities
 - 3. Utilities
 - 4. Other infrastructure
 - 5. Site improvements:
 - a. Parking lots
 - b. Driveways and walkways
 - c. Buildings and other structures

11-3.1(2) Identify all Protected Areas

- A. Natural open space
- B. Buffers, yards, and other areas required to be landscaped
- C. Lake and pond shoreline buffers
- D. Stream buffers
- E. Significant tree protection zones
- F. Identify location of any streets and associated facilities, utility mains and easements, and/or greenways and pedestrian paths approved by the Town or county to encroach upon a protected area per the provisions of this Ordinance

11-3.1(3) Identify all significant trees (20" or greater DBH pine trees, 8" or greater DBH all other species) located within:

- A. Site improvement areas.
- B. Protected areas.

11-3.2 Site Clearing Predevelopment Phase

Once the Clearing Plan has been approved, logging for marketable timber using State (SC Forestry Commission) Best Management Practices (BMPs) as required by this Article (below), may be undertaken in the project footprint area. All significant trees located within site improvement and protected areas are to be left uncut. No stump removal, grubbing, clearing, or grading shall be allowed at this time.

11-3.3 Infrastructure Construction Phase

Once final approval for construction has been granted, the areas to receive site infrastructure, such as roads and drainage, stormwater facilities, utilities, etc., may be cleared and graded in preparation for construction. All applicable county erosion prevention and sediment controls shall be observed.

11-3.4 Building Phase

After issuance of the building permits or individual lot building permits in the case of a subdivision, the areas to receive the principal building and accessory structures may be cleared and graded for construction. Erosion prevention and sediment control BMPs and tree and root protection during construction, as required by the respective county, shall be followed. Placement and location of parking lots, perimeter buffer areas, common open space areas, walkways and drives, screening, and other areas shall be designed to utilize and preserve as many existing trees and vegetation as possible. Significant trees in tree protection areas shall be preserved per the Tree Protection provisions of this Ordinance.

11-3.5 Applicability

Note the three phases of clearing are applicable for large projects such as residential subdivisions and large Group Developments. For small projects on small lots with minimal clearing involved and relatively quick construction times, site clearing may be done in one phase. However, all applicable County erosion prevention and sediment control BMPs shall be observed.

Section 11-4 Conservation Design Standards

11-4.1 Conservation Design

Conservation design is a type of residential and/or commercial development where sixty (60) percent or more of the developable land area is designated as undivided permanent open space, thereby permanently protecting agriculturally, environmentally, or ecologically significant areas within the parcel. The remaining developable land is subdivided into buildable lots or utilized as a Group Development, typically with more density in the developed portion of the project than would be found in a traditional development within a general zoning district. Conservation Design projects can be accomplished through Mixed-Use Development zoning.

11-4.2 Purpose of Conservation Design

The use of conservation residential subdivision and group development design seeks to optimize land use in the undeveloped portions of the Town of Irmo while maintaining a balance between the preservation of agriculturally, environmentally, and ecologically significant areas and allowing for reasonable and sustainable growth. New development shall avoid disturbance of areas or elements identified as "significant." In keeping with the Town of Irmo Comprehensive Plan objective of "protecting [rural, farming, and forest areas] where appropriate to conserve open space, protect water quality and sensitive environmental habitats, and to promote working lands use activities where appropriate," the purpose of Conservation Design shall be to:

- A. Preserve the unique rural areas of the Town.
- B. Preserve agriculturally significant lands.
- C. Permit reasonable development that is in accordance with the principles of open space conservation.

- D. Accommodate the development of sustainable communities while protecting and preserving areas of agricultural, environmental, and ecological significance.
- E. Maintain separation of non-compatible land uses.
- F. Preserve the remaining scenic and natural characteristics of the Town.
- G. Promote an interconnected network of open space that promotes livable, sustainable subdivision development and wildlife habitat and corridors.
- H. Economize in the installation of infrastructure and the provision of public services.
- I. Direct development away from wetlands, floodplains, areas of highly erodible topography, and soil types unsuitable for development.

To achieve these objectives, clustering is allowed on the developable portion of the land. Clustering is a subdivision and group development design method that concentrates development in specific areas on the proposed site. The purpose of clustering is to allow increased density on a portion of the parcel, while preserving the rest as permanent open space. The overall density of the entire development property remains comparable to a traditional development within the zoning district. The concept of clustering provides for flexibility in subdivision and group development design that fits the natural characteristics of the land and permits more useable open space, the preservation of prime agricultural land, and land containing one or more sensitive areas.

11-4.3 Significant Lands

Those areas deemed to be of agricultural, environmental, or ecological significance, as defined below, shall, for the purposes of this Ordinance, be referred to as "significant." The specific characteristics of these areas are defined as follows:

- A. **Agriculturally Significant Land** - Prime farmland soils as defined and delineated by the U.S. Department of Agriculture, and soils classified as "Soils of Statewide Importance" by the State Food and Agriculture Council comprised of the USDA State agency heads of the Natural Resource Conservation Service, the Farm Service Agency, and Rural Development.
- B. **Erodible Lands** - Areas of incline, whether natural or manmade, lacking sufficient vegetation to prevent instability, erosion, or downstream siltation. The key indicator for erodible lands is a slope of five (5) percent or greater. Areas with a five (5) percent slope or greater are subject to review by the USDA Natural Resources Conservation Service (NRCS). The NRCS will make the final determination regarding the area's erodibility.
- C. **Environmentally Significant Areas** - Any tract of land that contains one (1) or more of the following sensitive areas as defined by the SC Department of Natural Resources:
 - 1. Critical wildlife habitats - Areas containing elements vital to the survival of endangered or threatened species including, but not limited to, food sources and cover.
 - 2. Scenic natural areas.
- D. **Flood Hazard Areas** - Areas at high-risk of inundation by water as a result of a flood. Known areas of flood hazard are indicated on the Flood Insurance Rate Map (FIRM) for the Town of Irmo.
- E. **Scenic Natural Areas** - Any area which contains a unique feature of the rural landscape including, but not limited to, large rock formations, hill crests, scenic rivers, mature tree stands, and/or any other feature deemed to be significant by the SC Department of Natural Resources or as demonstrated to the Irmo Planning Commission and Town Council in the Mixed-Use Development application.

- F. **Stream Corridors** - The primary channel of a river or stream and any portions of the floodplain adjoining the channel that is reasonably required to carry and discharge its water.
- G. **Outstanding Natural Resource Waters** – Waters of high water quality as designated by the SC Department of Health and Environmental Control (SCDHEC) which are protected from any discharges.
- H. **Wetlands** - An area saturated by surface water or ground water such that it supports the growth and existence of vegetation suited to such areas. The key indicator for wetlands is the presence of hydric soils. Hydric soils are soils susceptible to saturation by water, as defined by the USDA Natural Resources Conservation Service. Areas containing hydric soils will be subject to review by the USDA Natural Resources Conservation Service. The United States Army Corps of Engineers will make the final determination regarding the existence of a wetland.
- I. **Old-Growth Forests** - An area containing contiguous wooded parcels of significant size, containing a rich diversity of native flora species in association typical of pre-European settlement ecosystems; areas with rare, threatened, endangered, or special species; or with ancient individual specimens, when in combination with understory species typical of pre-European settlement ecosystems.

Section 11-5 Forestry Activity and Land Development

Forestry activity includes, but is not limited to, timber harvest; site preparation; controlled burning; tree planting; applications of fertilizers, herbicides, and pesticides; weed control; animal damage control; fire control; insect and disease control; forest road construction; and any other generally accepted forestry practices.

11-5.1 Permitted Forestry Activity

Forestry activities are permitted on all forestland parcels within the Irmo Town Limits that meet one or more of the following conditions:

- A. Taxed based on its present value as forestland under SC Code of Laws Section 12- 43-220(d);
- B. Managed in accordance with a forest management plan that is prepared or approved by a South Carolina Registered Forester;
- C. Certified under the Sustainable Forestry Initiative, the Forest Stewardship Council, the American Forest Foundations Tree Farm System, or any other nationally recognized forest certification system;
- D. Subject to a legally binding conservation easement under which the owner limits the right to develop or subdivide the land; or
- E. Managed and harvested in accordance with the best management practices established by the State Commission of Forestry pursuant to SC Code of Laws Section 48-36-30.

11-5.1(1) Forestry Management Plan

A forestry management plan means a document or documents prepared or approved by a forester registered in SC that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives. A management plan shall include silvicultural practices, objectives, and measures to achieve them, that relate to a stand or potential stand of trees

that may be utilized for timber products, watershed or wildlife protection, recreational uses, or for other purposes.

11-5.2 Time Restrictions on Issuing Permits Following Forestry Activity

The Town of Irmo may deny a grading, land development, or building permit for the following time periods:

- A. One year after the completion of a forestry activity if the activity results in the removal of all, or substantially all, the trees that were protected under the Town of Irmo tree protection regulations governing development from the tract of land for which the permit or approval is sought.
- B. Five years after the completion of a timber harvest if the forestry activity (timber harvest) results in the removal of all, or substantially all, the trees that were protected under the Town of Irmo's regulations governing development from the tract of land for which the permit or approval is sought, and the harvest was a willful violation of Town regulations.

Section 11-6 Street Standards

In general, Richland County and/or Lexington County, as applicable, street (road) design and construction standards shall apply to new road construction and road improvements within the Town of Irmo. Town of Irmo street design standards are as follows. Nothing in these regulations shall impede or restrict the respective county's permitting, inspections, and acceptance of roadways into the county maintenance systems. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than any other applicable Federal, State, Lexington County, Richland County, or Town of Irmo statute, the more restrictive statute, imposing higher standards or requirements, shall govern.

11-6.1 Cul-de-Sacs and Dead-End Streets

Cul-de-sacs and dead-end streets lengthen distances for travelers, discourage pedestrian travel, and make transit service more difficult to operate and use, while placing an added financial burden in providing emergency, safety, and maintenance services. Cul-de-sacs and dead-end streets result in poor connectivity that often restricts the viability of bicycle and pedestrian transportation.

11-6.1(1) Planning Commission Review and Approval Required

As of the effective date of this Ordinance, cul-de-sacs and dead-end streets shall require Planning Commission approval on a case-by-case basis utilizing the following considerations:

- A. Limited use
- B. Site-specific topographic or geophysical conditions
- C. Preservation of any natural features on the site
- D. Minimizing of negative impacts and alteration of natural features
- E. Avoidance of areas of environmental sensitivity
- F. Reduction of excessive cut and fill
- G. Other site-specific design considerations

Dead-end streets may be approved as temporary until connection with an intersecting street is constructed. Temporary dead-end streets must have a turn-around at the terminus.

11-6.2 Block Lengths

11-6.2(1) Residential

- A. Block lengths shall be appropriate to topographic conditions and density to be served but shall

not exceed 600 feet in length.

- B. Blocks should be of sufficient width to allow for two tiers or lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by size, topographical conditions, or other inherent conditions of the property.
- C. When allowed by the Planning Commission, permanent cul-de-sacs and dead-end streets shall not exceed 400 feet in length as measured from the centerline of the perpendicular street to the center of the cul-de-sac or terminus of the dead-end street.

11-6.2(2) Commercial and Industrial

Blocks intended for commercial or industrial development may vary from the standards of design detailed above in favor of dimensions more suitable to their prospective use, provided such blocks permit adequate traffic circulation.

11-6.3 Reverse Frontage Roads

Where major residential subdivisions are proposed to be located adjacent to arterial streets, such subdivisions shall be denied direct access to the arterial street and shall be separated from such streets by double frontage lots accessing onto reverse frontage roads.

11-6.3(1) Residential Lots on Reverse Frontage Roads

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. They shall also, within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement of at least twenty (20) feet in depth planted to Type C buffer requirements of the buffer regulations of this Ordinance. Alternately, the required buffer area may be held in common open space.

Section 11-7 Driveway Standards

11-7.1 Driveway Defined

A driveway is a paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building, lot, structure, or facility that provides access to no more than two (2) parcels of land. Any driveway providing access to more than two parcels of land shall be classified as a street (road) and subject to all applicable design and construction standards. However, access within multiple parcel Group Developments is excluded from the two-parcel restriction.

11-7.2 Driveway Width

The width in feet of a driveway approach shall be within the minimum limits as specified below, excluding detached single-family residential properties. Driveway approach widths shall be measured at the road right-of-way line and the width of any driveway shall not increase when crossing the right-of-way except at properly designated curb returns.

- A. One-way drives shall have a minimum width of twelve (12) feet.
- B. Two-way drives shall have a minimum width of eighteen (18) feet.

11-7.3 Number of Driveways

- A. Generally, one point of access to a given property will be allowed if it is situated in a safe location and in accordance with other provisions of this Ordinance and State and County access regulations. Additional access points, however, may be allowed if driveway spacing

requirements can be met.

- B. Driveways shall be limited to the number needed to provide adequate and reasonable access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the number of driveways approved. A property with more than one (1) frontage may have the frontages considered separately.

11-7.4 Joint Use of Driveways and Connectivity

For commercial areas, where feasible, development plans shall require the establishment of a joint-use access driveway serving two (2) or more abutting properties. Additionally, when a property is developed, the Planning Commission shall require, where feasible, connectivity with adjoining parking areas or may require that a driveway/parking area be designed for future connection with an abutting property. Joint-use driveways for residential developments may be utilized to meet the driveway spacing standards.

11-7.5 Driveway Separation

All driveway approaches shall be allocated and spaced per SCDOT minimum spacing requirements per the SCDOT Access and Roadside Management Standards. The Planning Commission shall determine connectivity feasibility solely on site-specific topographical conditions.

11-7.5(1) Exceptions

- A. Internal residential access streets in subdivision developments are exempt from these standards.
- B. For individually developed single-family lots, the Planning Commission may reduce the spacing requirements of this Section if it can be demonstrated that a hardship exists and there is no opportunity to design a conforming access point.
- C. Minimum spacing may be increased if right-turn deceleration lanes are provided.
- D. A pair of one-way drives may be substituted only if the internal circulation on the site is compatible with the one-way driveways. Nowhere shall a distance of less than forty (40) feet between edges of one-way drives be permitted.
- E. A replacement of a driveway not meeting the minimum spacing requirements is allowed if lost or disrupted due to a Town, County, State, or Federal road project.

Section 11-8 Underground Wiring

All electric, telephone, television, or other communication lines (both main and service connections) servicing new Major Subdivisions and Mixed-Use Developments shall be provided by underground wiring within easements or dedicated public rights-of-way and installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

Lots that abut existing easements or public rights-of-way on existing streets and roads, where overhead electric or telephone distribution supply lines and service connections have previously been installed, may be supplied with electric and telephone service from those overhead lines; but, should a road widening or an extension of service or other such condition occur as a result of development and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

11-8.1 Exceptions

Where conditions are such that underground wiring is not practical, the Planning Commission may make an exception, provided the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines; that clearing swaths through treed areas shall be avoided by selective cutting

and staggered alignment; that trees shall be planted in open areas and at key locations to minimize the view of poles and alignments; and that alignments shall follow rear lot lines and other alignments, as practicable.

Section 11-9 Non-Motorized Access and Connectivity

Sidewalks, paths, trails, and/or greenways designed to accommodate all-weather pedestrian, bicycle, and other non-automotive traffic shall be provided in all Major Residential Subdivisions, multi-building Group Developments, and Mixed-Use Developments. The system of sidewalks, paths, trails, greenways, or combination thereof shall be designed such that every lot in the development or building in a Group Development has access to the system. Connectivity of the system to nearby schools, businesses, institutions, and other facilities shall be provided as applicable and practicable. Where not currently applicable, dedication of right-of-way shall be given for the installation of sidewalks, paths, trails, greenways, or a combination thereof for connectivity to future nearby schools, businesses, institutions, and other facilities. The proposed system design shall be approved by the Planning Commission in the plan review per the provisions of this Ordinance.

11-9.1 Cul-de-sac and Dead-end Street Connectivity

When dead-end streets and cul-de-sacs are allowed by the Planning Commission in Major Residential Subdivisions, multi-building Group Developments, and Mixed-Use Developments, dead-end streets and cul-de-sacs shall be required to be connected with the sidewalk, path, trail, and/or greenway system such that every lot on the dead-end street or cul-de-sac has access to the system.

Section 11-10 Street Lighting

Street lighting shall be required in all Major Residential Subdivisions and Mixed-Use Developments. Street lighting shall be properly shielded so as not to create a hazard to drivers or a nuisance to residents. The residential lighting plans shall demonstrate that the proposed street lighting is adequate to provide for safe motorist, cyclist, and pedestrian street usage. Light spacing shall take into consideration the diameter and intensity of the light projection, lot size, road curves, hills, and other visibility restrictions. Flood lighting shall not be allowed for street light fixtures. Lighting must be provided for dead-end alleys.

Section 11-11 Surveys and Markings

All land developments within the jurisdiction of this Ordinance shall be surveyed, platted, and marked in accordance with the *Minimum Standards Manual for the Practice of Land Surveying in South Carolina*, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 21. This manual is hereby adopted by reference and is as much a part of this Ordinance as if contained herein.

Article 12 Administration

Section 12-1 Planning Official

The Planning Official is hereby charged with the administration of this Ordinance subject to the provisions of the South Carolina *Home Rule Act*. Planning Official means Irmo Town Administrator or other Town of Irmo employee, consultant, or contractor designated by the Irmo Town Administrator to administer assigned duties in the administration of this Ordinance.

The Planning Official shall accept and examine all applications for construction, land use, or reuse and shall issue permits where such applications are in accordance with the provisions of this Ordinance and applicable building codes. The Planning Official shall direct parties in conflict with this Ordinance and cause records and files to be kept of any and all referenced matters.

If the Planning Official shall find that any one of the provisions of this Ordinance is being violated, the person responsible for such violation shall be notified, indicating the nature of the violation and ordering the action necessary to correct it. The Planning Official shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 12-2 Administrative Procedures and Requirements

- A. No building, structure, or sign requiring a permit, or any part thereof, shall be erected, added to, or structurally altered, nor shall the felling of trees on undeveloped lots for excavation or grading be commenced until the required permits have been issued.
- B. No building, structure, or land shall be used, nor shall any building, structure, or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates, and permits have been issued certifying compliance with the requirements of this Ordinance.
- C. No permits inconsistent with the provisions of this Ordinance shall be issued unless accompanied by an approved variance as provided by this Article.
- D. The provisions of this Section shall not apply to the necessary construction, replacement, or maintenance by a public utility of its outside plant facilities, including such items as poles, cross arms, guys, wires, cables, and drops.

12-2.1 Filing Applications and Fees

Applications for permits shall be filed on forms provided by the Planning Official, signed by the owner or developer, and accompanied by the applicable fees.

The Irmo Town Council shall set fees for the processing and administration of the provisions of this Ordinance and for other Town services. Fees to be levied may include but are not limited to the following services:

- A. Zoning permits.
- B. Plans review fees for building (architectural) plans, site plans, and other development plans as may be required to process a land development or building application.
- C. Permit fees for building construction, moving, and demolition permits; grading permits; sign permits; communications towers; electrical, gas, plumbing, and other specialty permits; manufactured housing moving and installation permits; use permits; and swimming pool

- permits.
- D. Inspection fees.
- E. Retirement of title processing fees for the conversion of manufactured housing to real property.
- F. Development agreement fees for the drafting, processing, and administration of the agreements.
- G. Written zoning verification and compliance determinations.
- H. Plat approval fees for re-surveys, minor subdivisions, major subdivisions (final plats), lot reconfigurations, and other plats requiring Planning Official or Planning Commission approval prior to recording with the Lexington or Richland County Register of Deeds.
- I. Board of Zoning Appeals fees for petitions for appeal of administrative zoning decisions, variance requests, and special exceptions.
- J. Planning Commission fees for petitions for appeals of administrative land development decisions and applications for exceptions to land development standards, required improvements, or submittal requirements.
- K. Map amendment petitions for re-zoning.
- L. Publications and duplication fees.

12-2.1(1) Continuance of Fees

All fees previously set by Irmo Town Council shall continue and remain in effect under this Ordinance until and unless such time as amended by Town Council.

12-2.2 Application Requirements for a Zoning Permit

Each application for a zoning permit for a building or structure other than a sign shall be accompanied by two sets of the following or as much thereof as the Planning Official shall find necessary to determine whether the proposed building or use will be in compliance with the provisions of this Ordinance.

A plat and/or site plan showing:

- A. Date and scale,
- B. Actual shape and dimensions of the lot to be built upon,
- C. Size, height, and location on the lot of existing and proposed buildings and structures,
- D. Existing and intended use of each building or part of a building,
- E. Number of families or housekeeping units,
- F. Location of existing trees 12-inch DBH,
- G. Flood and wetland areas,
- H. Proposed parking, buffer areas, and landscaping, and
- I. Such other information with regard to the lot and contiguous land uses as required to determine compliance with and provide for the enforcement of this ordinance.

12-2.2(1) Construction Progress

Any zoning permit shall become invalid unless the work authorized by it has been commenced within six months of the date of issue of the permit, or if the work authorized by it is suspended or abandoned for a period of one year. Upon the expiration of said zoning permit, the Planning Official shall notify in writing the owner or owners of the affected property.

12-2.2(2) Certificate of Occupancy

Upon completion of the construction or alteration of a building or structure for which a zoning permit has been granted, application shall be made to the Planning Official for a certificate of occupancy. Within

three days of such application, the Planning Official shall make a final inspection of the property in question and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of the Ordinance and the statements made in the application for the permit. If such a certificate is refused, the Planning Official shall state such refusal in writing with cause. No land or building hereafter erected or altered in its use shall be used until such a certificate of occupancy has been granted. No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance has been issued.

Section 12-3 Board of Zoning Appeals

The Board of Zoning Appeals shall consist of five members who shall be citizens of the Town and shall be appointed by the Mayor and Town Council for overlapping terms of four years, commencing on April 1. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

There will be a 2-term limit for serving on the board. However, if an individual is appointed to complete an unfinished term, they may do so, and then get up to two consecutive terms on the board. Any former member will be allowed to reapply for additional terms after he/she has vacated the seat for a full 4-year term. In the event no new qualified applicants apply for the empty seat, a majority of the Council can approve the reappointment for additional terms of any board member. Term limits are hereby in effect beginning with the date of each member's initial appointment to the board. Any vacancy in the membership of the board of zoning appeals shall be filled for the unexpired term by the council. Members shall serve until their successors are appointed and qualified. All members of the board shall serve without compensation but be reimbursed for actual expenses incurred in connection with their official duties from budgeted funds pursuant to reimbursement policies and procedures for employees of the town.

Members of the board of zoning appeals may be removed at any time by the town council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 1976, § 30-4-70(a)(1), and the determination of removal shall be by vote in the public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

Members of the board shall complete annually a minimum of three hours of continuing education on zoning and/or planning in seminars either provided by the town, or by other authorities approved by the town council. Records of such attendance and recommendations for education shall be the responsibility of the town's administrator in cooperation with the planning commission chairperson. Failure to complete such training annually may be grounds for removal of any member by the town council in January of each year.

12-3.1 Proceedings of the Board of Zoning Appeals

The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one year or until reelected. The Board shall appoint a secretary who may be a town employee or a member of the Board of Zoning Appeals. The Board shall adopt rules and bylaws in accordance with S.C. Code 1976, § 6-29-790. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. A quorum shall be required to take any official action by the Board. Three members present shall constitute a quorum.

12-3.2 Appeals to the Board of Zoning Appeals, Hearings, and Notices

Appeals to the Board shall be taken within thirty (30) days of the date of the action which is appealed by filing notice of appeal with the Planning Official, who shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and/or property. In such case, proceedings shall not be stayed except by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Planning Official and on due cause shown.

The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give at least fifteen (15) days public notice thereof in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

12-3.3 Powers and Duties of the Board of Zoning Appeals

The Board of Zoning Appeals shall have the following powers and duties:

- A. *To Hear and Decide Administrative Appeals* in which it is alleged there is error in any order, requirement, decision, or determination made by the Planning Official in the enforcement of this Ordinance.
- B. *To Grant Variances* to authorize upon appeal in specific cases a variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in the unnecessary hardship. so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship if the Board makes and explains in writing the following findings:
 - 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - 2. These conditions do not generally apply to other property in the vicinity;
 - 3. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - 4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The Board may not grant a variance if the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land except as allowed under Article 8 Nonconformities, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

- C. *To Grant Special Exceptions* per Article 2 of this Ordinance.
- D. *To Hear and Decide* upon nonconformities and other provisions as granted to the Board of

Zoning Appeals by this Ordinance.

12-3.4 Decisions of the Board of Zoning Appeals

In exercising the above powers, the concurring vote of two-thirds of the members present and voting shall be required to reverse or affirm, wholly or in part, or modify any order, requirement, decision, or determination of the Planning Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, and to that end, shall have the powers of the officer from whom the appeal is taken and may direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

All final decisions and orders of the Board must be in writing and be permanently filed in the office of the Board as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest by certified mail.

12-3.5 Appeal from Board of Zoning Appeals to Circuit Court

A person who may have a substantial interest in any decision of the Board of Zoning Appeals or an officer or agent of the Town of Irmo may appeal a decision of the Board to the circuit court in and for the county of jurisdiction by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the Board is mailed.

Section 12-4 Planning Commission

The Town of Irmo Planning Commission is established in the Town of Irmo Code of Ordinances, Chapter 2, Article IV, Division 3.

12-4.1 Appeal to the Planning Commission

An appeal of a decision of the Planning Official or other Town official made under a provision or regulation within Articles 4, 9, 10, and 11 under the review authority of the Planning Commission shall be made to the Planning Commission. The appeal must be filed within sixty (60) days after actual notice of the administrative decision and shall be heard at the next regular Planning Commission meeting scheduled at least thirty (30) days after the appeal is filed.

12-4.2 Exceptions Granted by the Planning Commission

The Planning Commission shall have the power to grant exceptions from the submittal requirements for land development applications; Community Appearance, Buffering, Screening, Landscaping, Common Open Space, and Tree Protection; and other land development projects under the review authority of the Planning Commission as may be reasonable and within the general purpose and intent of the provisions of this Ordinance. Said exceptions shall be granted if the literal enforcement of one or more of the provisions of this Ordinance is not applicable to the specific project and/or is impractical or will exact undue hardship because of peculiar conditions pertaining to the site in question.

Section 12-5 Amendments

From time to time the provisions of this Ordinance may be amended by the Irmo Town Council. The procedures for amending the various articles of this Ordinance shall be as proscribed by SC Code of Laws §6-29-760 and §6-29-1130.

12-5.1 Zoning Map Amendments

The following procedures apply to amending the Official Zoning Map through the process of re-zoning a parcel, a portion of a parcel, or multiple parcels from one zoning classification to another.

12-5.1(1) Initiation of Map Amendment

A zoning map amendment may be initiated by a property owner, the property owner's agent, the Planning Commission, or the Town Council. The Planning Official shall develop map amendment application forms and guidelines for petitions initiated by the property owner or his agent. If the petitioner is not the property owner or owners, the property owner or owners shall complete and have notarized a form designating the petitioner as his agent. Action shall not be initiated for an amendment to re-zone the same parcel or parcels of property or any part thereof to the same zoning classification by a property owner or owners or owner's agent more often than once every twelve (12) months. An application for a zoning map amendment withdrawn after the public notice has been published is subject to the twelve (12) month waiting period.

No amendment shall be initiated for a change in zoning classification or creation of a separate district which involves an area of less than two acres, except for the following:

- A. The extension of existing district boundaries, and
- B. The addition of CO zoning contiguous to any other commercial or industrial zone.

12-5.1(2) Application Procedure

Application forms for map amendments shall be obtained from the office of the Planning Official. Completed forms, together with the required application fee to cover administrative costs (advertising), plus any additional information the applicant feels to be pertinent, shall be filed with the Planning Official. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in the form required. Applications for amendments must be received in proper form, at least fifteen (15) days prior to a Planning Commission meeting in order to be heard at that meeting.

- A. *Review by the Planning Commission.* All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted by the Planning Official to the Planning Commission.
 - 1. The Planning Commission, at regular meetings, shall review and prepare a report, including its recommendation for transmittal to Town Council.
 - 2. All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person or by agent or attorney.
 - 3. No member of the Planning Commission shall participate in a matter in which he/she has any pecuniary or special interest.
- B. *Report of Planning Commission.* Following review of the proposed amendment, the Planning Commission shall reach a decision regarding said amendment and report its findings and recommendation to Town Council for final action to be preceded by an advertised public hearing.
 - a. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30)-day period, it shall be deemed to have approved the proposed amendment. No change in or departure from the text or maps as recommended by the Planning Commission may be made pursuant to the public hearing unless the change or departure is first submitted to the Planning Commission for review and recommendation.

12-5.1(3) Notice of Public Hearing

In scheduling a public hearing for a proposed zoning map amendment, notice of the time and place shall be published in a newspaper of general circulation in the community at least fifteen (15) days in advance of the scheduled public hearing. The Town Council shall hold such hearing and act on the proposed amendment within sixty (60) days of receipt of the Planning Commission's recommendation on the application.

12-5.1(4) Posting of Property

In cases involving rezoning of property, conspicuous notice shall be posted on or adjacent to the affected property, with at least one such notice being visible from each public thoroughfare that abuts the property. Such notice shall be posted at least fifteen (15) days prior to the announced hearing, indicating the nature of the proposed change, identification of the affected property, and time, date, and place of the hearing.

12-5.1(5) Action by Town Council

The Town Council shall take action to approve, disapprove, modify, or remand the matter back to the Planning Commission within sixty (60) days of receipt of the Planning Commission's recommendation on an application. If no action is taken by the Town Council within such time, the proposed amendment shall be considered denied unless otherwise specified by Council.

Following final action by Town Council, any necessary changes shall be made to the Official Zoning Map. A written record of the type and date of such change shall be maintained by the Planning Official.

12-5.2 Ordinance Text Amendments

This subsection shall apply to all text and other amendments to this Ordinance other than amendments to the zoning map.

12-5.2(1) Referral to Planning Commission

Proposed text amendments to this Ordinance not initiated by the Planning Commission must be referred to the Planning Commission for deliberation and recommendation. The Planning Commission's recommendations shall be received by the Town Council prior to Town Council action on the proposed text amendment.

12-5.2(2) Public Hearing

The Town Council shall hold a public hearing on the proposed text amendment. The public hearing shall be held prior to the second reading of the amendment. In scheduling a public hearing for a proposed Ordinance text amendment, notice of the time and place shall be published in a newspaper of general circulation in the area at least thirty (30) days in advance of the scheduled public hearing.

12-5.2(3) Action by Town Council

The Town Council shall take action on the proposed amendment within sixty (60) days of receipt of the Planning Commission's recommendation on an application. If no action is taken by the Council within such time, the proposed amendment shall be considered denied unless otherwise specified by the Council. Town Council may approve of the Planning Commission's recommendations on the proposed text amendment, amend the Planning Commission's recommendations on the proposed text amendment, or deny the Planning recommendations on the proposed text amendment. All amendments to this Ordinance shall be made through the adoption of an ordinance.

Section 12-6 Interpretation and Conflict

The provisions of this Ordinance shall be held to be minimum requirements. Where the conditions

imposed by any provision of this Ordinance are either more restrictive or less restrictive than any other applicable statute, the more restrictive statute, imposing higher standards or requirements, shall govern.

Article 13 Definitions

Section 13-1 General Definition Rules

Words not defined in this Ordinance shall have the meanings stated in the standard building code, standard plumbing code, standard gas code, or standard fire prevention code. Words not defined in the standard codes shall have the meanings in *Webster's New Collegiate Dictionary*, as revised.

Words defined in the *Lexington County Land Development Manual* (LDM) and other applicable Lexington and Richland County regulations and Ordinances shall apply specifically to those documents and do not necessarily apply to this Ordinance. **Refer to definitions within pertinent Articles and Sections of this Ordinance if a specific definition is not found within this Article.**

- Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- The words *must* and *shall* are always mandatory.
- The word *may* is permissive.
- The word *lot* includes the words *parcel*, *plot*, *property*, or *tract*.
- The word *person* includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.
- The word *used* or *occupied* as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words *intended*, *arranged*, or *designed to be used or occupied*. An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.
- The term *zoning map* shall mean the Official Zoning Map for the Town of Irmo.
- The term *Town* refers to the Town of Irmo.
- The term *County* refers to Lexington County or Richland County, as applicable.
- The term *Council*, *Mayor and Council*, or *Town Council* shall mean the legally elected governing body of the Town of Irmo.
- The term *Planning Commission* refers the Planning Commission for the Town of Irmo.
- The term *Planning Official* means the person charged with the administration of this Ordinance subject to the provisions of the South Carolina *Home Rule Act*. Planning Official means Irmo Town Administrator or other Town of Irmo employee, consultant, or contractor designated by the Irmo Town Administrator to administer assigned duties in the administration of this Ordinance.
- The term *Zoning Administrator* officially refers to the Town Administrator, who has been designated the Zoning Administrator in the Town Administrator job description. However, for the purposes of Town of Irmo Code of Ordinance and this appendix, the term Zoning Administrator is interchangeable with the term Planning Official and is defined as the Town Administrator or other town employee, consultant, or contractor designated by the Town Administrator assigned duties in the administration of this appendix.
- The term *Board of Zoning Appeals* refers to the Board of Zoning Appeals for the Town of Irmo.
- The term *Land Development Manual* refers to the *Lexington County Land Development Manual*.

Section 13-2 Selected Definitions

Adult uses - For purposes of this Ordinance, adult uses shall mean and include the following:

- (1) **Adult arcade** - 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

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."

- (2) **Adult bookstore or adult video store** - A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or
 - b. Instruments, devices, or paraphernalia that 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 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."
- (3) **Adult cabaret** - A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - a. Persons who appear in a state of nudity; or
 - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the description of "specified sexual activities" or "specified anatomical areas."
- (4) **Adult motel** - A hotel, motel, or similar commercial establishment that:
 - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, 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
 - b. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
- (5) **Adult motion picture theater** - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (6) **Adult theater** - A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(7) **Sexual encounter center** - A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. 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 seminude.

Animal shelter, domestic - A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine (including potbellied pigs), sheep, ponies, grazing animals and fowl of any kind, are boarded or kept.

Best management practices (stormwater) - Schedules of activities, prohibitions of practices, maintenance procedures, other management practices, as well as structural controls to prevent or reduce the pollution of waters of the United States. Best management practices (BMPs) also include treatment requirements, operating procedures, and practices to prevent erosion; control runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.

Buildable area - That portion of any lot that may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side, and rear yard, open space, and applicable buffer area requirements have been met.

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons or property.

Building, accessory - A subordinate structure on the same lot and detached from the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, domestic animal shelters, pool houses, etc., when detached from the principal building, and carports attached to the principal building when at least 75 percent open or unenclosed.

Building, principal - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

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

Canopy tree - A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, and poplars.

Child care services - Child care services shall mean and include any home, center, agency, or place, however styled, where children not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day or night and upon any number of successive days or nights.

Club, private - An organization catering exclusively to members and their guests including buildings and grounds with commercial activities serving the membership only.

Clustering, cluster development - Clustering is a subdivision and group development design method that concentrates development in specific areas on the proposed site. The purpose of clustering is to allow increased density on a portion of the parcel, while preserving the rest as permanent open space. Cross-reference **conservation design**.

Code Enforcement Officer - The person(s) designated by the Irmo Town Council to enforce Town codes and regulations which include zoning and land development regulations.

Common open space - Common open space is land and/or water bodies used for recreation, amenity, or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of the open space, including associated roads or parking, nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

Conditional use - A use of land or structure which is permitted in a district under conditions specified in the zoning ordinance.

Condominium - A unit in a multi-unit structure owned by an individual who has use of all common areas associated with that structure.

Conservation Design - Conservation design is a type of residential and/or commercial development where sixty (60) percent or more of the developable land area is designated as undivided permanent open space, thereby permanently protecting agriculturally, environmentally, or ecologically significant areas within the parcel. The remaining developable land is subdivided into buildable lots or utilized as a Group Development, typically with more density in the developed portion of the project than would be found in a traditional development within a general zoning district. Conservation design projects can be accomplished through Mixed-Use Development zoning.

Density - The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use and common open space exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds, or other public uses.

Developer - An individual, partnership or corporation (or agent therefor) that undertakes the activities covered by the regulations of this Ordinance.

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Development, Group - 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, recreational camps, and manufactured home parks. A Group Development may consist of a single-use, single-occupant building or a multi-use, multi-occupant complex. Examples are shopping centers and malls, a single commercial business, office parks, industrial parks, apartment buildings and complexes, and "big box" retail.

DBH - Diameter at breast height - Diameter of the tree trunk at breast height, measured four and one half (4.5) feet above the ground.

Drainage - The removal of surface water or groundwater from land by drains, grading, or other means.

Drainage facility - The system through which water flows from the land, including all watercourses, water bodies, and wetlands.

Drainage system - The system through which water flows from the land, including all watercourses, water bodies, and wetlands.

Driveway - A paved or unpaved area used for ingress or egress of vehicles, allows access from a street to a building, lot, structure, or facility, and that provides access to no more than two (2) parcels of land. Access to multiple Group Developments is excluded from the two-parcel restriction. Cross-reference street.

Dwelling - A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, apartment - See **dwelling, multi-family**.

Dwelling, attached - A dwelling unit attached to one or more other dwelling units by common vertical walls.

Dwelling, detached - A single dwelling unit, other than a mobile home, surrounded by open space or yards and that is not attached to any other dwelling by any means.

Dwelling, duplex - A building containing two dwelling units on one lot.

Dwelling, group occupied - dwelling unit occupied by five or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, manufactured home - A factory-built home built after the enactment of and bearing a label of compliance with the *Federal Manufactured Home Construction and Safety Standards Act*, effective June 15, 1976 (HUD Code).

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

Dwelling, multi-family - A building containing five or more dwelling units.

Dwelling, quadruplex - A building containing four dwelling units.

Dwelling, single-family - A building containing one dwelling unit.

Dwelling, townhouse - Two or more attached dwelling units on separate lots which may or may not have a common roof and are separated from each other by common vertical walls.

Dwelling, triplex - A single building containing three dwelling units.

Dwelling unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

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. Access easements providing vehicular access to no more than two (2) parcels of land, or access easements to multiple parcel Group Developments, shall be classified as driveways for the purpose of this Ordinance. Access easements providing vehicular access to more than two (2) parcels of land shall be classified as streets.

Escrow - A deed, bond, money, or piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

Evergreen tree - A coniferous or deciduous tree that remains green throughout the year.

Factory-built housing - A three-dimensional, transportable, factory-built structure designed for long term residential use. Such housing includes manufactured, mobile, and modular homes.

Façade - The front face of a building given special architectural treatment.

Family - One or more persons related by blood, marriage, adoption, or guardianship, and not more than four persons not so related, except that nine mentally or physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accordance with the provisions of S.C. Code 1976, § 6-7-830, including approval or licensing of the home in which they are located by a state agency for that purpose.

Family day care home - 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).

Farmers market - An occasional or periodic market held in an open area or in a structure and where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages.

Federal manufactured home construction and safety standards - Regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency, and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditioning, thermal, and electrical systems.

Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Floor - The top surface of an enclosed area in a building (including basement); i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. Term does not include floor of a garage used solely for parking vehicles.

Floor area - The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building which is designed for parking of motor vehicles.

Floor area ratio - An intensity measure of land use derived by dividing the total floor area of a building by the total site area.

Frontage, street (road) - The length of the property line adjacent to a public street or approved private 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.

Garage, private - As defined by the standard building code.

Garage, public - As defined by the standard building code.

Garden, urban - A lot, or any portion thereof, managed and maintained by a person or group of persons for non-commercial growing and harvesting, farming, community gardening, or any other use that contributes to the production of agricultural, floricultural, or horticultural products for beautification, education, recreation, community use, consumption, off-site sale, or off-site donation.

Group Development - See **Development, Group**.

Gutter - A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off water.

Habitable dwelling - A dwelling meeting the minimum habitability requirements of this Ordinance and other applicable regulations.

Hardscape - Man-made landscaping features.

Height - The vertical distance of a structure or vegetation measured from the average grade elevation within twenty (20) feet of the structure to the highest point of the structure.

Home occupation - Any occupation within the principle residence, clearly incidental thereto, carried on by a member or members of the family residing in the principal residence.

Impervious surface - Impervious surfaces are those that do not absorb water. Unless otherwise certified

as made of pervious material, all buildings, paved parking areas, driveways, roads, sidewalks, and any areas in concrete or asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Planning Official to be impervious within the meaning of this definition also will be classified as impervious surfaces.

Impervious surface ratio - The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Improvement - Any man-made immovable item that becomes part of, placed upon, or is affixed to real estate.

Institutional uses - Uses which are supportive of the residential community. They provide indoor space for recreation, hobbies, meetings, education, day care, head start services, and worship, as well as cultural facilities and group quarters for religious groups and the infirm or elderly. While some uses may be operated for private profit, they duplicate services that are generally provided by public or non-profit groups.

Intersection Sight Distance (ISD) - The sight distance required within the corners of intersections to safely allow a variety of vehicular access or crossing maneuvers based on the type of traffic control at the intersection.

Junk, scrap, or salvage - Any materials consisting of waste, discarded, or salvage matter that are bought, sold, exchanged, stored, baled, packed, or disassembled for profit, trade, or hire, and shall include any vehicle damaged so as not to comply with State or Federal safety regulations, incapable of self-propulsion, or partially dismantled, if retained on the premises for more than 72 hours whether for repair or not. The term *junk* shall also mean, but is not limited to, old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material.

Junk, scrap, or salvage yard - Any premises where salvage, scrap, or junk as defined herein is found and has been permitted to remain with the consent of the owner, lessee, or person(s) responsible for maintenance of such premises.

Land development - The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Lot - A parcel of land considered as a unit. The terms **lot, property, plot, parcel, or tract**, whenever used in this Ordinance, are interchangeable.

Lot area - The area contained within the boundary line of a lot.

Lot, corner - A lot located at the intersection of two or more streets.

Lot depth - The horizontal distance between front and rear lot lines.

Lot, double frontage - A lot which has frontage on more than one street.

Lot, interior - A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot line - A line bounding a lot which divides one lot from another or from a street or any other public or private space.

Lot of record - A lot that is recorded by plat or deed with the Lexington County or Richland County Register of Deeds.

Lot width - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Mini-warehouse - A building or group of buildings in a controlled-access and fenced compound that contains individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customers' goods or wares.

Mixed-Use Residential Structure - a structure featuring both commercial and residential uses. Typically consisting of a first-floor commercial use such as an office, restaurant, or retail shop with second and higher floors dedicated to residential uses.

Mobile food services (vendors, food trucks) - Mobile food services prepare and serve meals and snacks for immediate consumption from motorized vehicles or non-motorized carts. Mobile food services include hotdog carts and ice cream trucks.

Mobile or manufactured home park - A lot or parcel with space, improvements, and utilities for the long-term parking of two or more mobile or manufactured homes, which may include services and facilities for the residents.

Mobile or manufactured home park space - A plot or ground within a mobile or manufactured home park designed for the accommodation of one unit.

Modular building unit or modular structure - Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the *Modular Building's Construction Act* (S.C. Code 1976, § 23-43-10), said building unit or structure may be located in any of the Town's several zoning districts, except no residential uses are allowed in LM (Light Manufacturing) zoning districts.

Nonconformity - A nonconformity is any lot of record, use, building, structure, or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

Non-residential use - A principal use of land for other than residential purposes; i.e., commercial, industrial, institutional.

Open space - See **Common Open Space**.

Open space ratio - The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the total site area.

Parcel - A land area bounded by property lines that is recognized as such by the respective County Assessor's Office.

Park - A public facility open for recreation, with commercial activities for recreational uses only, open space, or public garden.

Phased development plan - A site plan showing the proposed final development of the site in phases, including initial and interim phases. A written statement describing each phase, including the proposed uses, and approximate timeline for each phase of development shall be provided.

Plat - A map or drawing upon which the developer's plan of a subdivision or land development is presented for approval.

Plat, final - The final map of all or a portion of a development or subdivision that is presented for final approval for recording.

Premises - A lot, plot, or parcel of land including the buildings or structures thereon, under control by the

same owner or operator, together with all adjacent land.

Right-of-way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

Riparian buffers or buffer zones - Corridors of vegetation along rivers, streams, and waterways. Riparian areas form the transition between aquatic and terrestrial environments.

Shipping (cargo, freight) container - A rectangular, prefabricated metal structure, designed for stacking, storage, and transfer of goods and commodities by ship, train, and/or container chassis trucks.

Sight Distance - See **Intersection Sight Distance**.

Sign - Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Flags are not signs.

Sign, abandoned - A sign structure not containing a sign for 120 continuous days, sign not in use for 120 continuous days, or sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

Sign, animated - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, awning, canopy, or marquee - A sign that is mounted or painted on or attached to an awning, canopy, or marquee.

Sign, banner - Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, bench - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, building - Any sign attached to any part of a building.

Sign, changeable copy - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Sign face - The area or display surface used for the message.

Sign, free-standing - Any non-movable sign not affixed to a building.

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

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

Sign, permanent - A sign attached to a building, structure, or the ground in some manner and made of

materials intended for more than short term use.

Sign, political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Sign, portable - A sign designed to be transportable but not limited by means of wheels.

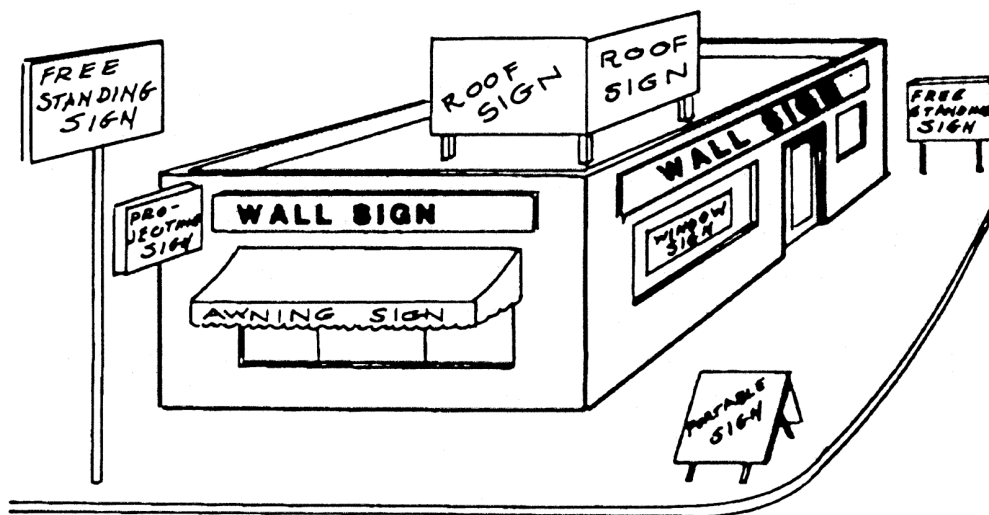
Sign, projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.

Sign, roof - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

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

Sign, wall - Any sign attached to and within six (6) inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, that is supported by such wall or building and displays only one sign surface.

Sign, window - A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window



SIGN TYPES

Significant tree - Any pine tree measuring twenty (20) inches DBH (diameter breast high) or greater and all other tree species measuring twelve (12) inches DBH or greater shall constitute a "significant tree" for purposes of this Ordinance and shall be protected to the extent practical and feasible.

Small-scale food production - Small-scale food production includes bakeries, jam and preserve makers, candy makers, and other neighborhood-oriented retail food production businesses. Small-scale production facilities shall be limited to 5,000 square feet gross floor area in CN zoning districts without a special exception by the Board of Zoning Appeals.

South Carolina Manufactured Housing Board - Is authorized by State Statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing Regulations, May 26, 1990.

Specified anatomical areas - The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities - Includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in a. through c. above.

Street - Any publicly or privately maintained thoroughfare (street, road, drive, avenue, circle, way, lane, boulevard, etc.) or space that has been dedicated, deeded, designed, or used for vehicular traffic and provides access to more than two (2) parcels of land. Multiple parcel Group Developments are excluded from the two-parcel restriction. Streets constructed after the effective date of this Ordinance shall be constructed to all applicable engineering specifications. The terms street and road shall be used interchangeably. Cross-reference **driveway**.

Street, improved - A street constructed to Lexington or Richland County standards.

Street, major - Includes all state primary and federal aid highways and streets that serve to circulate traffic on to, out, or around the Town, having signals at important intersections and stop signs on side streets and/or having controlled access and channelized intersections.

Street, minor - A street designed principally to collect traffic from subdivisions and provide access to abutting property.

Street, private - A street not dedicated for public use or maintenance.

Structural alteration - Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Structure - (As defined by the standard building code)

Subdivision - The division of a tract, parcel, or lot into two or more lots or building sites, or other division of land for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets and the re-subdivision of land.

Travel trailer or recreational vehicle - A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

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 have the potential to reach at least twenty-five (25) feet tall and twenty (20) feet wide at maturity, but no taller than forty (40) feet.

Tree, small-maturing - A single trunk or multi-stem dimensioned tree that has the potential to reach at least fifteen (15) feet tall and fifteen (15) feet wide at maturity, but no taller than twenty-five (25) feet.

Urban garden -See garden, urban.

Use - The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, accessory - See **building, accessory**.

Use, principal -The primary purpose for which land is used.

Variance - A modification of the area regulations of this Ordinance, granted by the Board of Zoning Appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property that is not permitted within the zoning district in which the property is located.

Vegetation - Any object of natural growth.

Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

Yard, front - A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, rear - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, required - That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Ordinance.

Yard, side - A yard extending the full length of the lot in the area between the side lot line and a side building line.

Zero lot line - Refers to a building that, instead of being centered on a lot, is placed against at least one of the side lot lines with no setback from the property line.

Zoning district - A specifically delineated area or district in the Town within which regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Article 14 Irmo Planting Materials

CANOPY

DECIDUOUS CANOPY TREES (30 feet or taller at maturity)

Common Name/Botanical Name

American Beech/*Fagus Grandifolia*
Bur Oak/*Quercus Macrocarpa*
Elm/*Ulmus sp.*
Fastigate European Hornbeam/*Carpinus Betulus*
Ginkgo/*Ginkgo Biloba*
Green Ash/*Fraxinus Pennsylvanica*
Lacebark Elm/*Ulmus Parvifolia*
London Plane Tree/*Platanus Acerifolia*
Pin Oak/*Quercus Palustris*
River Burch/*Betula Nigra*
Shingle Oak/*Quercus Imbricaria*
Swamp White Oak/*Quercus Bicolor*
White Oak/*Quercus Alba*

Common Name/Botanical Name

American Elm/*Ulmus Americana*
Blackgum/*Nyssa Sylvatica*
English Oak/*Quercus Robur*
Chinese Flametree/*Koelreuteria Bipinnata*
Golden Raintree/*Koelreuteria Paniculate*
Japanese Pagoda Tree/*Sophora Japonica*
Laurel Oak/*Quercus Laurifolia*
Overcup Oak/*Quercus Lyrate*
Post Oak/*Quercus Stellata*
Silver Linden/*Tilia Tomentosa*
Swamp Chestnut Oak/*Quercus Michauxii*
Water Oak/*Quercus Nigra*
Willow Oak/*Quercus Phellos*

EVERGREEN, SEMI-EVERGREEN AND CONIFEROUS CANOPY TREES (30 feet or taller at maturity)

Common Name/Botanical Name

American Holly/*Ilex Opaca*
Chinese Evergreen Oak/*Quercus Myrsinifolia*
Deodar Cedar/*Cedrus Deodora*
Japanese Cryptomeria/*Cryptomeria Japonica*
Pond Cypress/*Taxodium Ascendens*

Common Name/Botanical Name

Bald Cypress/*Taxodium Distichum*
Dawn Redwood/*Metasequoia Glyptostroboides*
Eastern Red Cedar/*Juniperus Virginiana*
Live Oak/*Quercus Virginiana*
Southern Magnolia/*Magnolia Grandiflora*

UNDERSTORY TREES

DECIDUOUS UNDERSTORY TREES (30 feet tall or less at maturity)

Common Name/Botanical Name

American Hornbeam, Ironwood/*Carpinus Caroliniana*
Autumnalis Cherry/*Prunus X Autumnalis*
Chinese Fringetree/*Chionanthus Retusis*
Common Smoketree/*Cotinus Coggygria*
Eastern Redbud/*Cercis Canadensis*
Jackii Crabapple/*Malus Baccata*
Japanese Maple/*Acer Palmatum*
Okame Cherry/*Prunus X Okame*
Saucer Magnolia, Tuliptree/*Magnolia X Soulangiana*
Winter King Hawthorn/*Crataegus Viridis*

Common Name/Botanical Name

American Hophornbeam, Ironwood/*Ostrya Virginiana*
Carolina Cherrylaurel/*Prunus Caroliniana*
Chinese Pistache/*Pistacia Chinensis*
Crape Myrtle/*Lagerstromia Sp.*
Flowering Dogwood/*Cornus Florida*
Japanese Flowering Cherry/*Prunus Serrulata*
Kousa Dogwood/*Cornus Kousa*
Oklahoma Redbud/*Cercis Reniformis*
Sourwood/*Oxydendron Arboretum*
Yoshino Cherry/*Prunus X Yedoensis*

EVERGREEN, SEMI-EVERGREEN AND CONIFEROUS UNDERSTORY TREES (30 feet tall or less at maturity)

Common Name/Botanical Name

American Arborvitae/*Thuja occidentalis*
Emily Brunner Holly/*Ilex X Emily Brunner*
Foster Holly/*Ilex X Attenuate*
Little Gem Magnolia/*Magnolia Grandiflora*
Nellie R. Stevens Holly/*Ilex X Nellie R. Stevens*
Waxmyrtle/*Myrica Cerifera*

Common Name/Botanical Name

Camellia/*Camellia japonica*
English Holly/*Ilex Aquilifolium*
Japanese Black Pine/*Pinus Thunbergii*
Lusterleaf Holly/*Ilex Latifolia*
Sweetbay Magnolia/*Magnolia Virginiana*
Yaupon Holly/*Ilex Vomitoria*

SHUBS AND GROUND COVER

DECIDUOUS SHRUBS – SMALL (up to four feet in height)

Common Name/Botanical Name

Big Leaf Hydrangea/*Hydrangea Macrophylla*
Dwarf Fothergilla/*Fothergilla Gardenii*
Slender Deutzia/*Deutzia Gracilis*

Common Name/Botanical Name

Cranberry Cotoneaster/*Cotoneaster Apiculatus*
Rock Cotoneaster/*Cotoneaster Horizontalis*
Winter Jasmine/*Jasminum Nudiflorum*

DECIDUOUS SHRUBS – MEDIUM (between four and six feet in height)

Common Name/Botanical Name

Big Leaf Hydrangea/Hydrangea Macrophylla
Butterfly-Bush/Buddleia Davidii

Japanese Beautyberry/Callicarpa Japonica
Kerria/Kerria Japonica
Purple Beautyberry/Callicarpa Dichotoma
Smooth Hydrangea/Hydrangea Arborescens
Thunberg Spirea/Spiraea Thunbergii

DECIDUOUS SHRUBS – LARGE (six feet and above in height)

Common Name/Botanical Name

Forsythia/Forsythia X Intermedia
Mock Orange/Philadelphica X Virginialis
Sweetshrub/Calycanthus Floridus
Virginia Witchhazel/Hamamelis Virginiana
Wintersweet/Chimonanthus Praecox

Common Name/Botanical Name

Bridalwreath Spirea/Spiraea Prunifolia
French Mulberry or American Beautyberry
/Callicarpa Americana
Japanese Flowering Quince/Chaenomeles Japonica
Old Fashioned Wiegela/Weigela Florida
Reeves Spirea/Spiraea Cantonensis
Summersweet Clethra/Clethra Alnifolia
Virginia Sweetpire/Itea Virginica

Common Name/Botanical Name

Fuzzy Deutzia/Deutzia Scabra
Oakleaf Hydrangea/Hydrangea Quercifolia
Vanhoutte Spirea/Spiraea X Vanhouttei
Winterberry/Ilex Verticillata

EVERGREEN SHRUBS – SMALL (up to four feet in height)

Common Name/Botanical Name

Dwarf/Loropetalum
Dwarf Japanese Holly/Ilex Crenata
Dwarf Yaupon Holly/Ilex Vomitoria
Harbor Dwarf Nandina/Nandina Domestica
Loropetalum/Chinensis

Common Name/Botanical Name

Dwarf Inkberry/Ilex Glabra
Harbor Dwarf Nandina/Nandina Domestica
Glenn Dale Azalea/Azalea Hybrida
Kurume Azalea/Azalea Kurume

EVERGREEN SHRUBS – MEDIUM (between four and six feet in height)

Common Name/Botanical Name

Banana Shrub/Michelia Figo
Camellia/Camellia Japonica
Chindo Sweet Viburnum/Viburnum Awabuki
Cleyera/Cleyera Japonica
Emily Brunner Holly/Ilex X
Florida Leucothoe/Leucothoe Populifolia
Fragrant Tea Olive/Osmanthus Fragrans
Golden Privet/Ligustrum X Vicaryi
Hetzi Japanese Holly/Ilex Crenata
Holly Tea Olive/False Holly/ Osmanthus
Heterophyllus
Inkberry/Ilex Glabra
Japanese Fatsia/Fatsia Japonica
Japanese Privet/Ligustrum Japonicum
Leatherleaf Mahonia/Mahonia Bealei
Loropetalum/Loropetalum Chinense
Nandina/Nandina Domestica
Pittosporum/Japanese Mockorange/Pittosporum
Tobira
Roundleaf Japanese Holly/Ilex Crenata
Scarlett Firethorn/Pyracantha Coccinea
Wax Myrtle/Myrica Cerifera
Yaupon Holly/Pilex Vomitoria

Common Name/Botanical Name

Burford Holly/Ilex Cornuta
Carolina Cherry Laurel/Prunus Caroliniana
Chinese Holly/Ilex Cornuta
Convex Japanese Holly/ Ilex Crenata
English Holly/ Ilex Aquifolium
Fortune's Osmanthus/Osmanthus X Fortunei
Fraser Photinia/Photinia X Fraseri
Hedge Bamboo/Bambusa Multiplex
Hetzi Junipe/Juniperus Chinensis
Indian Azalea/Azalea Indica

Japanese Euonymus/Euonymus Japonicus
Japanese Pieris/Pieris japonica
Laurestinus Viburnum/Viburnum tinus
Leatherleaf Viburnum/Viburnum Rhytidophyllum
Lusterleaf Holly/Ilex Latifolia
Perny Holly/Ilex Pernyi
Podocarpus/Japanese Yew/Podocarpus Macrophyllus
Maki
Sasanqua Camellia/Camellia Sasanqua
Sweet Bay Laurel/Laurus Nobilis
Wintergreen Barberry/Berberis Julianae

GROUNDCOVERS

Common Name/Botanical Name

Aaronsbeard/Hypericum Calycinum
Asiatic Jasmine/Trachelospermum Asiaticum
Bigleaf Periwinkle/Vinca Major

Common Name/Botanical Name

Ajuga/Ajuga Reptans
Bearberry Cotoneaster/Cotoneaster Dammeri
Cast-Iron Plant/Aspidistra Elatior