

# **McCORMICK COUNTY**

## **ZONING ORDINANCE**

### **McCormick County Planning Commission**

**Mary Bleakley, Chairman**  
**Tamala White, Vice Chairman**  
**Miriam Azevedo**  
**Paul Daugherty**  
**Carolyn Ehle**  
**James Foster**  
**LaTonya Houston**  
**Patrick Moss**  
**Clifton White**

**Effective Date**  
**September 15<sup>th</sup> 2009**

## Contents

Chapter 1: Purpose and Applicability	1-1
1.1: Authority	1-1
1.2: Purpose	1-1
1.3: Title	1-2
1.4: Jurisdiction	1-2
1.5: District Boundaries	1-2
1.6: Severability	1-3
1.7: Effective Date	1-3
Chapter 2: Definitions	2-1
2.1: Intent	2-1
2.2: Interpretation	2-1
2.3: Definitions	2-1
Chapter 3: General Provisions	3-1
3.1: Applicability	3-1
3.2: Compliance to Ordinance	3-1
3.3: Lots of Record	3-2
3.4: Fence and Wall Standards	3-2
3.5: Temporary Structures	3-3
3.6: Vibration and Light	3-5
3.7: Yard and Garage Sales	3-5
3.8: Home Occupations	3-5
3.9: Pets, Kennels, Animals	3-6
3.10: Private Swimming Pools/Tennis Courts	3-7
3.11: Signs	3-7
3.12: Landscaping	3-15
3.13: Parking	3-25
3.14: Sight Triangle	3-27
3.15: Parking Districts	3-27
3.16: Other Uses Affected by this Article	3-32
3.17: Private Camps/Commercial Campgrounds and Recreational Vehicle Parks	3-35
3.18: Communications Towers	3-37
3.19: Sexually Oriented Businesses	3-40
3.20: Select Public Service Uses	3-41
3.21: Large Scale Projects	3-42
3.22: External Relationships	3-42
3.23: Internal Relationships	3-43
3.24: Manufactured Home Sales Lots	3-44
3.25: Schools	3-44
3.26: Vehicle/Heavy Equip. Sales & Rentals	3-44
3.27: Junkyards or Salvage Operations or Yards	3-45
3.28: Flea Markets	3-45
3.29: Taverns	3-46
3.30: Agricultural Facilities	3-46
3.31: Soil Stabilization/Storm Water Mgt.	3-46

Chapter 4: Zoning Districts	4-1
4.1: Forest/Agriculture District (FA)	4-3
4.2: Single Family Residential (SFR)	4-7
4.3: Rural Development District (RD)	4-10
4.4: Commercial District (CD)	4-16
4.5: Industrial District (ID)	4-20
4.6: Planned Development District (PDD)	4-25
4.7: Mixed-Use District	4-29
4.8: Manufactured Home District	4-42
4.9: Airport Protective Areas	4-46
Chapter 5: Administration	
5.1: Administration, Enforcement, Appeals, Complaints and Remedies	5-1
5.2: Amendments	5-3
5.3: Board of Zoning Appeals	5-5
5.4: Fees	5-7

# Chapter 1: Purpose and Applicability

---

## 1.1: Authority

---

This Ordinance is hereby adopted under the authority and provisions of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

---

## 1.2: Purpose

---

After careful review of the existing development and development patterns in McCormick County, the Planning Commission recommended that regulations concerning health, safety, use, and aesthetics be implemented to protect the residents of the County. The purpose of this Ordinance is: 1) to provide regulations necessary to facilitate safe and orderly growth; 2) to ensure that growth becomes an integral part of the community and existing developments; and 3) to promote civic awareness and responsibility and to enhance the quality of life for the entire County. In addition, the Ordinance works to ensure the greatest possible economic and social benefits for all residents, as described in the Comprehensive Plan.

Following the provisions of the South Carolina Local Government Comprehensive Planning Enabling Act, the Zoning Ordinance has been drafted with consideration for the following:

1. to provide for adequate light, air, and open space;
2. to prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
3. to facilitate the creation of a convenient, attractive, and harmonious community;
4. to protect and preserve scenic, historic, or ecologically sensitive areas;
5. to regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
6. to facilitate the adequate provision or availability of transportation, police and fire protection, water, sewer, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements;
7. to protect from fire, flood, and other damages; and
8. to further the public welfare in any other regard specified by a local governing body.

---

**1.3: Title**

---

This Ordinance is officially titled as “McCormick County Zoning Ordinance”, and shall be known as the “Zoning Ordinance”. The official map designating the various zoning districts shall be titled, “McCormick County Official Zoning Map”, and shall be known as the “Zoning Map”.

---

**1.4: Jurisdiction**

---

These regulations govern the development and use of all land, and structures within the unincorporated boundaries of McCormick County. Where there is an external regulatory body that has more stringent requirements for a particular section of this ordinance, those standards shall supersede those in the ordinance.

---

**1.5: District Boundaries**

---

The boundaries of the zoning districts are shown on a map or series of maps entitled “Official Zoning Map, McCormick, South Carolina” which, together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this Ordinance. In order to accomplish the purpose set forth in the Comprehensive Plan and Section 1.2 of this ordinance, the boundaries of the zoning districts are hereby established as shown on the McCormick County Official Zoning Map, which together with all the explanatory matter hereon, is hereby adopted by reference and declared to be part of this ordinance. The Official Zoning Map shall be identified by the signature of the McCormick County Council Chairperson, attested by the County Clerk, and bearing the Seal of the County under the words, “McCormick County Official Zoning Map”, together with the date of adoption of this ordinance. The Official Zoning Map shall be located in the office of the County Assessor’s Office and shall be the final authority to the current zoning status of land, water areas, buildings and other structures in the County, notwithstanding any other zoning map purported to be a copy of the Official Zoning Map.

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

- (a) Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways, alleys, railways, or public utility easements shall be construed to follow such lines;
- (b) Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private;

- (c) Boundaries indicated as approximately following incorporated area or county limit lines, or special district lines, as amended from time to time, shall be construed to follow such lines;
- (d) Boundaries indicated to approximately follow topography elevations shall be construed to follow such elevations;
- (e) Boundaries indicated as approximately following the center, Mean High Water Mark, or shoreline of streams, rivers, canals, lakes, or other bodies of water, flood plains or low lands, shall be construed to follow such boundaries;
- (f) Boundaries indicated as parallel to or extensions of features indicated in the sections above shall be so construed. When distances are not specifically indicated on the Official Zoning Map, or in other circumstances not covered above, the Zoning Board of Appeals shall interpret the boundaries.

The McCormick County Planning Commission shall make any recommendation for amendments to the McCormick County Official Zoning Map. Following a public hearing, the recommended amendments shall go to the County Council for approval. County Council shall vote on the proposed amendment(s) following public hearing.

Where the total area of the County of McCormick is increased or decreased by any means, the following conditions shall apply:

When reductions are made in the area under the jurisdiction of this Ordinance, the provisions of this Ordinance shall no longer apply to that land area. For additions to the land area under the jurisdiction of this Ordinance, the McCormick County Official Zoning Map shall be amended in anticipation of the land change, and the determined zoning classification will apply when the land is added. If the U.S. Army Corps of Engineers releases any property that is within the boundaries of the high water mark to 1500 feet, that property becomes zoned as SFR.

---

**1.6: Severability**

---

Should any portion of this Ordinance be found illegal by a court of competent jurisdiction, the remainder of the Ordinance shall remain in effect.

---

**1.7: Effective Date**

---

These regulations shall become effective on \_\_\_\_\_.

## Chapter 2: Definitions

---

### 2.1: Intent

---

For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined. Except as defined herein, all other words used in this Ordinance shall have their everyday dictionary definition.

---

### 2.2: Interpretation

---

- 2.2.1. Words used in the present tense include the future tense.
- 2.2.2. Words used in the singular number include the plural, and words used in the plural number include the singular.
- 2.2.3. The word “person” includes a firm, association, organization, partnership corporation, trust, and company as well as an individual.
- 2.2.4. The word “lot” includes the word “plot” or “parcel” or “tract”.
- 2.2.5. The word “shall” is always mandatory.
- 2.2.6. The word “structure” shall include the word “building”.
- 2.2.7. The word “used” or “occupied” as applied to any land or building shall include the words “intended, arranged, or designed to be used or occupied”.
- 2.2.8. Any word denoting gender includes the female and the male.
- 2.2.9. The word “may” is permissive.
- 2.2.10. The term “Planning Commission” refers to the McCormick County Planning Commission.
- 2.2.11. The term “County Council” refers to the McCormick County Council.
- 2.2.12. The term “Tax Assessor” refers to the McCormick County Tax Assessor.
- 2.2.13. The term “Clerk of Court” refers to the McCormick County Clerk of Court.
- 2.2.14. The term “Regional Council” refers to the Upper Savannah Regional Council of Governments and its staff.
- 2.2.15. The term “Zoning Officer” refers to the person subsequently designated by the County Council and so employed by the County as Zoning Officer, or their designee.

---

### 2.3: Definitions

---

**Access:** An unobstructed means of ingress and egress from a lot or parcel to a public street, alley or a County-approved private street or tract, either through private ownership or permanent easement over an improved public street, alley or driveway of sufficient width and structural cross-section to meet or exceed the standards for emergency vehicle approach to the use on said lot or parcel.

**Accessory:** A building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot as the principal use.

**Accessory Use:** An incidental and subordinate use that is customarily associated with the principal use of a lot or building located upon the same lot as the principal use.

**Acre:** A measure of land area containing 43,560 square feet.

**Agriculture:** Agricultural purposes, agricultural uses, farm crops, cultivated crops or words of similar import shall include horticulture, floriculture, and aquaculture. Words of similar import applicable to agriculture are likewise applicable to horticulture, floriculture and aquaculture.

**Alteration:** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. This excludes normal repairs and maintenance of the structure.

**Alteration of Building:** Any change in the supporting members of a building (such as bearing walls, columns or girders), any addition or reduction to a building, any change in use; or any relocation of a building from one location or position to another.

**Annexation:** The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

**Automobile Service Station:** Buildings and premises on any parcel or lot where gasoline, oils, greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), where no part of the premises is used for the storage of dismantled or wrecked vehicles or parts, and also where the following services may be rendered:

- (a) Sale and servicing of spark plugs, batteries and distributors;
- (b) Tire repair and servicing, but no recapping;
- (c) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearings;
- (d) Washing and polishing;
- (e) Greasing and lubrication;
- (f) Exchanging oil pumps and installing fuel lines;
- (g) Minor servicing and replacing of carburetors;
- (h) Emergency wiring repairs;
- (i) Adjusting or repairing of brakes;
- (j) Minor engine adjustments, not involving removal of head and or crank case, or racing the motor;
- (k) Sale of cold drinks and package foods, as accessory only to the principal operation.

**Bed and Breakfast:** A dwelling in which sleeping accommodations are provided or offered for the use of guests in return for compensation, and meals may or may not be offered.



**Berm:** A stabilized mound of earth or the act of forming earth into a mound. Berms are usually two (2) to six (6) feet high and are used to shield, screen, and buffer undesirable views and to separate incompatible land uses. They may also provide visual interest, decrease noise, control the direction of water flow, and act as dams or diversions.

**Board of Zoning Appeals:** A quasi-judicial board appointed by the McCormick County Council which hears and decides on variances to the Zoning Ordinance of McCormick County.

**Buffer:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

**Buildable Area:** The area of a lot remaining after the minimum yard, lot coverage, and buffer requirements of the zoning ordinance have been met.

**Building:** Any structure built for the support, shelter, or enclosure of persons, animals, fowl, or property of any kind, which is enclosed by a roof and solid exterior walls which is permanently affixed to a lot or lots.

**Building Footprint:** The portion of the building with a foundation, cantilevers as specified and other structures that cover the ground such as access buildings or structural stairs, but not fences or walls.

**Building Height:** Building height shall be measured vertically from the highest point of the structure, to the ground level of the grade where the walls or other structural elements intersect with the ground. The height limitations shall not apply to:

- chimneys,
- spires,
- belfries,
- cupolas, and
- domes

provided that they are not intended for human occupancy, do not exceed sixty (60) square feet in floor area, do not exceed twenty (20) feet in total height, and are accessed by an entry door.

**Building Inspector:** The individual designated by the appointing authority to enforce the provisions of the building code.

**Building Permit:** A permit obtained from McCormick County which sets the inspection schedule and construction specifications for a project.

**Business, Wholesale:** Establishments selling commodities in quantities for re-sale to retailers, including wholesalers for all types of retail products, bulk stations for gasoline, kerosene, fuel, oil, bottled gas, etc., and warehouses.

**Camp, Private:** A site, not open to the general public, with or without improvements and utilities containing 3 or more campsites for tents and/or cabins and/or recreation vehicles, which may contain service and facilities for its occupants.

**Campgrounds, Parks, Recreational Vehicle and Commercial:** A place used for public camping where persons can rent space to park individual camping trailers, pick-up campers, motor homes, travel trailers or automobiles for transient dwelling purposes.

**Camper:** A Manufactured Home, motor home, tent, trailer, or other self contained vehicle, designed for recreational purposes, made of metal or other materials, mounted, or

capable of being mounted on two or more wheels and either self propelled or rigged for towing.

**Caliper:** The diameter of a tree trunk.  
*See Figure 1.*

**Certificate of Occupancy:** A certificate allowing the occupancy of use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

**Change in Use:** Any use that substantially differs from the previous use of a building or land.

**Church:** A building, structure, or group of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services. Accessory structures and uses not directly involving religious services are excluded from this definition and are considered accessory structures or uses.

**Clinic:** An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination.

**Commercial Uses:** Uses and activities involving the sale, lease or rent of new or used products to the general public; the provision of personal, consumer and business services (including daycare for children and for the elderly), and entertainment; the provision of product repair or services for consumer and business goods; and office facilities for business, government, professional, medical (including free-standing medical, dental and veterinary clinics) and financial services. Commercial uses do not include hospitals.

**Common Area:** An area set aside by the subdivider for the purpose of recreation, aesthetics, or other benefit of the property owners within a subdivision/development treatment.

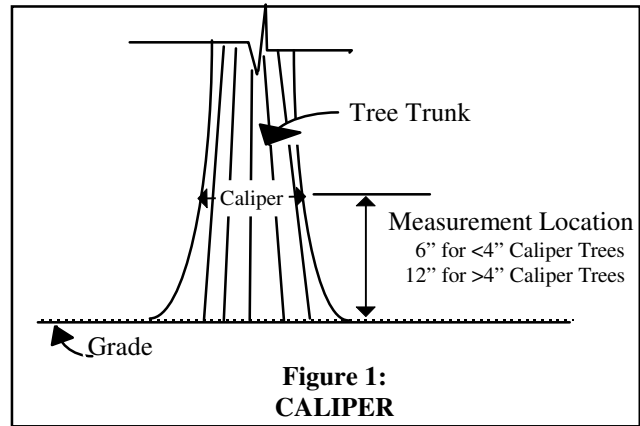
**Conditional Use:** A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

**Contiguous:** Parcels, lots and tracts of land, projects, and expansions of existing uses are considered contiguous regardless of interruptions by streets, alleys, public easements or rights-of-way provided that the parcels would otherwise abut.

**Day Care Services:** Child care services included in 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.

**Deciduous:** Plants/trees that lose their leaves in the fall.

**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:** A person, partnership, or corporation which develops real estate, especially for preparing a site for a residential or commercial use.

**Developing Use:** This is the use being considered for development. The use may be a straight permitted or a conditional use. It is typically this use that requires the filing of a development plan and it is usually this developer who will be responsible for buffering his or her use from an existing adjacent use.

**District:** A section, zone, or geographic area within the county within which certain zoning or development regulations apply; the words “district” and “zoning district” are to be used interchangeably throughout this Ordinance..

**Drive through Facilities:** Facilities allowing transactions for goods or services without leaving a motor vehicle, but excluding car washes and motor vehicle service, maintenance or repair facilities. Also known as “drive-in” facilities.

**Dwelling Unit, Ancillary:** An additional dwelling unit located on the same lot as a single-family dwelling unit or duplex.

**Dwelling, Condominium:** Individual ownership of a unit in a multiunit structure. A condominium is an ownership arrangement, not a land use.

**Dwelling, Detached:** A dwelling that is not attached to any other dwelling by any means.

**Dwelling, Duplex:** A building containing two single family dwelling units totally separated from each other by an unpierced wall extending from ground to roof, and including separate entrances and kitchens for each dwelling unit.

**Dwelling, Duplex Attached:** A duplex, located on its own lot, which shares one or more common or abutting walls with one other duplex, thereby totaling four dwelling units.

**Dwelling, Manufactured Home:** See Manufactured Home.

**Dwelling, Multi-family:** A building containing two or more dwelling units on the same lot, including units that are located one over the other. Multi-family dwellings include condominium and apartment units without regard to ownership status, and includes congregate (or independent) care and assisted care facilities for the elderly but excludes all types of nursing home, convalescent care and institutional type living arrangements.

**Dwelling, Rowhouse:** A residential dwelling in a row of three or more such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

**Dwelling, Single-Family:** A one-family dwelling unit located on a separate lot.

**Dwelling, Single-Family Detached, Zero Lot line (Patio Home):** A residential building containing not more than one dwelling unit, not physically attached to any other principal structure and surrounded on three sides by open space or yards within the same lot. The fourth side of the dwelling rests directly on a property line.

**Dwelling, Townhouse:** A residential dwelling in a row of three or more such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Each dwelling unit and its underlying lot are platted to allow separate ownership.

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

**Evergreen:** Plants/trees that retain foliage throughout the year.

**Existing Adjacent Use:** This is the use of land already in place prior to the development of an adjacent land use.

**Existing Use:** The use of a lot or structure at the time of the enactment of a zoning ordinance or amendment thereof.

**Expansion:** Enlargement of a land use increasing the overall density or intensity of the use. The expansion may be an addition attached to an existing structure or service facility, an additional structure or service facility on the same parcel, or additional structures or facilities constructed on land contiguous with the existing parcel. Construction of new facilities on parcels, which are not contiguous, are considered new uses, not expansions of an existing use. Except as applied to commercial parking facilities, the term is not applicable to enlargement of existing parking lots and structures.

**Facade:** The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

**Family:** One or more persons related by blood, marriage, adoption, or guardianship, and not more than three persons not so related, in accord with the provisions of the state law, but further that domestic servants employed on the premises may be housed on the premises.

**Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**Flea Market:** An occasional or periodic market, with goods offered for sale to the general public by individual sellers from open-air or semi-enclosed facilities or temporary structures. The market is composed of five or more vendors with outdoor stalls, stands or spaces used for the purpose of display and sale, exchange or barter of merchandise. Other terms used to describe this use include: swap meet, open-air market, but does not include supermarket or department store retail operations.

**Flood Hazard Area:** Any area subject to flooding or in danger of flooding based on maps provided by the National Flood Insurance Program or other historic data.

**Garage, Private:** A structure, either attached or detached, that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof.

**Garage, Repair:** A building designed or used for purposes indicated under “automobile service stations” and/or commercial repairs, provided that body work and painting shall be conducted within fully enclosed buildings and provided further that self propelled vehicles in process of repair shall be stored in a fully enclosed and secluded area.

**Ground Cover:** A permanent covering, either vegetative, such as grass, or of a permeable nature, such as pine needles, or of a permeable man-made material, such as porous stone, to ensure soil stabilization, plant root protection, and water absorption.

**Hardscape:** Hard-surfaced areas improved in lieu of landscaping. Such areas include specially treated or textured concrete designed as a plaza, courtyard or building entrance and contain pedestrian-sensitive amenities such as benches, drinking fountains or other design features integrated into the overall design of a building or portion of the site.

**Home Occupation:** Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit and that the business use does not use over (25%) twenty-five percent of the total floor space of any structure.

**Hotel:** A building with common entrance, consisting of individual sleeping quarters for rental to transients, and in which no provision is made for cooking in the lodging room. A "residential hotel" is a hotel typically providing for longer term stays and which may allow in-room cooking.

**Impervious Surface:** Any material that prevents absorption of storm water into the ground.

**Industrial Park:** A tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities (rail and highway), circulation, parking, utility needs, aesthetics, and compatibility.

**Joint Use Parking:** A parking facility shared by two or more uses, or a parking facility that is shared by one or more uses and a unit of general purpose government or a public agency.

**Junk:** Means any of the following junk materials: scrap metal, scrap wood, metal alloy, synthetic or organic material. Three or more junked, ruined, dismantled or wrecked motor vehicles or machinery or parts thereof. A collection of twenty (20) or more used tires that are not being put to a use. Tires used to hold down covers over hay or straw are exempt. Unusable appliance(s). All or parts of dismantled buildings or structures that were not originally parts of the land's principal or accessory buildings and have not been reconstructed within six (6) months of their deposit on the land. (i.e. Dismantled buildings or parts thereof, that are or were imported or relocated to a site are junk on that site.)

**Junkyard or Salvage Yard:** Any land or structure used for a salvaging operation, including but not limited to the storage and sale of waste paper, rags, scrap metal, discarded materials, and manufactured homes and the collection, dismantling, storage, and salvage of three (3) or more unlicensed, untaxed, inoperative vehicles.

**kennel:** An establishment in which dogs or domesticated animals are housed, groomed, bred, neutered, boarded, trained, and/or sold for a fee or compensation or adopted.

**Landfill:** A landfill is a large outdoor site specifically designed for the disposal of waste. Landfills can be industrial waste, hazardous or solid waste, nuclear, construction and demolition debris landfills and municipal solid waste landfills.

**Lot:** An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of McCormick County. The terms "lot", "plot", "lot of record", "parcel", "site" or "tract" whenever used in this Ordinance, are interchangeable.

**Lot Frontage:** The length of the front lot line measured at the street right-of-way line.

**Major Pedestrian Route:** Any pedestrian route located along an arterial or collector street or a transit truck route.

**Manufactured Home:** A single-family structure that meets the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), commonly known as the HUD (U.S. Development of Housing and Urban Development) code, and that is

wholly, or in substantial part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence, and built to the standards of the Federal Manufactured Housing Construction and Safety Standards Act of June 15, 1976. A manufactured home constructed prior to June 15, 1976 shall not be moved into McCormick County without HUD certification.

**Manufactured Home Park:** A lot or parcel with space, improvements, and utilities for the long-term parking of four or more manufactured homes which may include services and facilities for the residents.

**Manufacturing:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

**Marquee:** A permanent canopy often of metal and glass projecting over an entrance.

**Master Plan:** A development plan for a project to be built in two or more phases. A master plan may involve multiple blocks, provided the blocks are contiguous or separated only by public or private streets or rights-of-way, pedestrian ways or space, designated open space, park space or protected natural areas, or surface water treatment facilities.

**Mining:** Any industry based on extracting rock, sand, gravel, soil, or minerals from the earth.

**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 storage of customers goods and wares.

**Mixed Use Building or Development:** Mixed use means a combination of usually separated land uses within a single development, i.e., commercial and residential or office and residential.

**Modular Building Unit or Structure:** A manufactured building, assembled on site, to be used with a permanent foundation and distinguishable from other types of manufactured buildings or homes in that the standards to which it is built do not include provisions for its mobility on some sort of chassis. When meeting the requirements of the Modular Buildings Construction Act, said building unit or structure may be located in any residential zoning district.

**Motel:** See Hotel.

**Motor Vehicle Service:** Maintenance or Repair Facilities. Facilities serving motor vehicles, including gasoline stations, oil and lubrication services, tire and muffler installation and service, body shops, car washes, and other motor vehicle services.

**Net Lot Area:** Space within the property lines of the parcel, excluding any public right-of-way of other adjacent land.

**Nonconforming Lot:** A lot; the area, dimensions, or location of which were lawful prior to the adoption, revision, or amendment of the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**Nonconforming Structure or Building:** A structure or building, the size, dimensions, or location of which lawfully existed prior to the adoption, revision, or amendment to the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**Nonconforming Use:** A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**Nuisance:** Includes any act or omission which annoys, injures or endangers the comfort, health, safety, or repose of others, or in any way renders other persons insecure in life or the use of property.

**Office:** A use or location primarily used for conducting the affairs of a business, profession, service, industry, or government or like activity.

**Operator:** Any person who has charge, care, or control of premises or a part thereof, whether with or without the knowledge and consent of the owner, or any person, individually or jointly, entitled to possession regardless of whether the premises are actually occupied or not.

**Outdoor Storage:** The keeping in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than seven (7) days.

**Parcel:** A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

**Parking Lot:** Any public or private open area used for the express purpose of parking motor vehicles, with the exception of area on single family residences incidental to the principal use. Otherwise, parking lots may be the principal or accessory use on a given lot.

**Parking Structure:** A parking garage located above or underground consistent of two or more levels.

**Pedestrian Space:** An area or plaza on public or private property which is directly accessible to pedestrians and which includes two or more of the following features covering the entire area or disbursed throughout the entire pedestrian space: Hardscaped areas, lawn areas with trees and seating; awnings or other weather protection; water features incorporating or with nearby, seating areas, public art or kiosks; outdoor eating areas with seating and street-side vendor carts or standings selling flowers, food or other small consumer goods. Interior corridors within a building used primarily as access among rooms within the building are not considered pedestrian space, but an atrium or interior court containing the above named features and is accessible from common hallways by the public shall qualify. A space otherwise meeting the definition of a pedestrian space, which is located within a secured area on private property but is accessible, used and useful to employees, residents, and other authorized visitors to the site, qualifies under this definition.

**Pedestrian Way:** Any paved public or private travel route intended for pedestrian use; whether shared with other transportation modes such as bicycle/pedestrian access way or intended solely for pedestrian use.

**Permanent Open Space:** A parcel, lot or tract identified on a recorded plat or by deed designation as intended to provide natural area preserves or environmental, scenic or recreational benefits to an adjacent development. Such a parcel, lot or tract may, at the discretion of the applicant, be considered a part of an abutting lot for purposes of lot setback, open space and similar requirements, provided that the open space is not double counted in this process.

**Permitted Use:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Planned Development:** An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained according to a master plan as a single entity and containing one or more structures with appurtenant common areas.

**Planting Strip or Area:** A ground surface free of concrete, asphalt, stone, gravel, brick, or other paving materials, aside from walkways, that is required or used for landscaping purposes.

**Plot:** See Lot

**Project:** Sometimes referred to as a “development project” or “development”. A residential, non-residential or mixed-use development to be built in one or more phases. A project may involve single or multiple buildings and single or multiple blocks, provided the multiple blocks are contiguous or separated only by public or private streets or rights-of-way, pedestrian connections or spaces, designated open space, park spaces or protected natural areas, or storm water treatment or detention facilities. The construction of one single family, duplex, or ancillary dwelling built on or added to a single lot is not a project unless constructed as part of a larger residential development project or ten or more buildings.

**Public Agency:** The government of the United States, the government of a State or political subdivision of a State or any interstate governmental agency.

**Public Hearing:** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

**Recreational Facilities:** Indoor and outdoor facilities, excluding usable open space intended to serve the recreational needs of the general public. Indoor and outdoor “Land-extensive recreational facilities” are generally discouraged within the Mixed-Use Districts, and include such activities as golf courses, driving ranges, polo fields, shooting ranges and similar uses.

**Recycling Center:** A place where recyclables are collected and/or processed (such as separation and baling) in preparation for market.

**Retail, General:** Establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Road:** See Streets

**Salvage Vehicle:** Any unlicensed and/or inoperative vehicle which is unused, dismantled, wrecked, or kept for spare parts or the re-sale of parts. This does not include used cars in operable condition, vehicles awaiting repair at a licensed repair business, or operable vehicles awaiting sale at a licensed dealer.

**Sanitary Landfill:** A solid waste disposal site where waste is spread in layers, compacted, and covered with soil or other cover materials each day to minimize pest, aesthetic, disease, air pollution and water pollution problems.

**Services, Business:** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.



**Services, Construction:** Construction establishments engaged in the construction, repair, or demolition of buildings, streets, water and sewer systems, bridges, and similar construction, including but not limited to buildings.

**Services, Personal:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services usually include the following: laundry, including cleaning and pressing service, linen supply, diaper service, beauty shops, barbershops, shoe repair, funeral services, reducing salons and health clubs, clothing rental, locker rental, porter service, and domestic services.

**Setback:** The mandatory distance between a lot line and a building wall and/or property improvements.

**Sexually Oriented Business:** An establishment consisting of, including, or having the characteristics of any or all of the following:

- **Adult Bookstore**-An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
- **Adult Cabaret**-(1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or genitalia; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
- **Adult Motion Picture Theater**-An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or genitalia.

**Shrub:** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. A shrub may be deciduous or evergreen.

**Sign:** Any visual display with words or symbols designed to convey information or attract attention.

**Sign, Abandoned:**

1. Any sign that does not display a well maintained message for a consecutive one hundred twenty (120) day period;
2. Any sign the owner of which can not be located at Owner's last address as reflected on the records of the Assessor's Office; or
3. Any sign no longer fully supported by the structure designed to support the sign, for a consecutive one hundred twenty (120) day period.

**Sign, Animated or Moving:** Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation (excepting time or temperature indicators).

**Sign Area:** Means the total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of sign. The area of a double-faced sign shall be measured on one side only.

**Sign, Awning or Canopy:** A sign that is mounted, painted, or attached to an awning or canopy and that provides additional functionality as a shelter.

**Sign, Directory:** A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

**Sign Face:** The area or display surface used for the message.

**Sign, Flashing:** Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

**Sign, Freestanding:** Any non-movable sign not affixed to a building.

**Sign, Ground:** Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground (less than three [3'] feet) and is independent of any other structure.

**Sign, Incidental:** Signs used in conjunction with equipment or other functional elements of a use or operation. These shall include but not be limited to, drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

**Sign, Monument:** A ground sign with low overall height.

**Sign, Neon:** A sign manufactured utilizing neon tubing, which is visible to the viewer.

**Signs, Off-Premise Advertising:** Any sign that is not appurtenant to the use of the property, a product sold, or the sale or lease of the property on which it is displayed, and that does not identify the place of business as purveyor of the merchandise, services, etc., advertised upon the sign. For purposes of this ordinance, easements and other appurtenances and non-contiguous parcels under the same ownership shall be considered off the premises of the parcel of land on which the business or activity is located or conducted. Signs, which are no more than twelve (12) square feet in area and no more than five (5) feet above uniform grade and provide only directions to a business or establishment are excluded from the definition of an off-premise advertising sign.

**Sign, On-Premise:** A communication device whose message and design relates to a business, an event, goods, profession or service being conducted, sold or offered on the same property as where the sign is erected.

**Sign, Pole:** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet (6') or more above grade.

**Sign, Portable:** A sign that is not permanently, affixed to a building, structure, or the ground.

**Sign, Projecting:** A sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches (12") from such building.

**Sign, Pylon:** A freestanding sign with visible support structure or with the support structure enclosed with a pole cover.

**Sign, Roof:** A sign erected upon or which extends above the roof of the building to which it is attached.

**Sign, Wall:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches (12") from such building or structure.

**Special Exception:** A use so specifically designated in this Ordinance that would not be appropriate for location generally or without restriction throughout a given zoning district but which, if controlled as to number, area, location, or relation to the neighborhood,

would in the opinion of the Board of Appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

**Streets:**

- a. **Road or Street:** A public or private way set aside for vehicular traffic affording primary access to abutting property. This excludes private drives serving only one parcel of land.
- b. **Street, Arterial and/or Highway:** A public street designed primarily to carry heavy volumes of regional traffic at high speeds.
- c. **Street, Collector:** A public way designed primarily to connect arterials or to provide access from residential areas to major destination points such as shopping or employment centers and which may be expected to carry a significant volume of traffic, having neither origin nor destination on the street.
- d. **Street, Local or Residential:** A public or private way set aside for vehicular traffic affording primary access to abutting property. This excludes private drives serving only one parcel of land.
- e. **Street, Service:** A minor public street that is parallel and adjacent to a higher classified thoroughfare and which serves to reduce amount of traffic on the thoroughfares.

**Structure:** Anything constructed or built, an edifice or building of any kind, constructed of parts joined together in a definite manner.

**Subdivision:** Refer to Subdivision Ordinance.

**Tavern:** A bar or restaurant licensed to sell alcoholic drinks where food service is secondary and the alcohol is consumed on site.

**Transfer Station:** Facility where solid waste is transferred from collection vehicles to larger trucks or rail cars for longer distance transport.

**Transit-Supportive:** A use or development, which supports increased mobility, particularly by transit, walking and bicycling and is sited in a pedestrian-sensitive manner. Transit-supportive developments are designed to enhance pedestrian and bicycle mobility and access, and to reduce conflicts with motor vehicles through a system of streets, pedestrian ways and bicycle facilities designed for multimodal access and circulation for cars and commercial vehicles, transit vehicles, bicycles, and pedestrians. Also known as “transit-oriented development,” “transit-oriented use” and “TODs”.

**Transportation:** Ground-establishments providing for the interchange of passenger and freight including but not limited to airports, bus passenger and parking terminals, truck terminals, railroad passenger and freight terminals, railway express freight terminals, and taxicab stands and yards.

**Tree, canopy or large maturing tree:** Any tree the height of which exceeds 35 feet at maturity.

**Tree, understory or small maturing tree:** Any tree the height of which is less than 35 feet at maturity.

**Variance:** A modification of the strict terms of this Ordinance granted by the Zoning Board of Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of a property owner, 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 which is not permitted within the Zoning District in which the property is located.

**Vested Interest:** A present right or title to a thing, which carries with it an existing right of alienation, even though the right to possession or enjoyment may be postponed to some uncertain time in the future, as distinguished from a future right, which may never materialize or ripen into title, and it matters not how long or for what length of time the future possession or right of enjoyment may be postponed, if the present right exists to alienate and pass title.

**Zoning Officer:** The person designated by the County to be responsible for the administration of this Ordinance, or their designee.

**Zoning Permit:** Written permission issued by McCormick County to apply for a building permit for the construction, or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities.

# Chapter 3: General Provisions

---

## 3.1: Applicability

---

The following provisions shall apply throughout the jurisdiction of this Ordinance, regardless of the underlying regulating district.

---

## 3.2: Compliance to Ordinance and Provision for Use of Substandard Lots of Record

---

**3.2.1:** No land or structure shall be hereafter used or occupied, and no structure or parts shall hereafter be constructed, erected, altered, or moved, unless in conformity with all of the regulations herein specified for the district in which it is located.

**3.2.2:** Where the owner of a lot existing at the time of adoption of this Ordinance does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such a lot may nonetheless be used as a building site and the Zoning Officer, or their designee, is authorized to issue a permit for the use of the property which conforms to the requirements for the District in which the lot is located as set forth in this Ordinance. If, however, the owner of two or more adjoining lots, with insufficient land dimensions, decides to build on or sell off these lots, he must first combine said lots to comply with the dimensional requirements of the Ordinance. Any substandard lot of record requires waivers on yard requirements applying to the district within which said lot is located shall first be approved by the Zoning Board of Appeals provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

**3.2.3:** Nonconforming buildings or land uses are declared by this ordinance to be incompatible with permitted uses in the Districts involved. However, to avoid undue hardship, the lawful use of any building or land as of the date of adoption of this Ordinance may be continued even though such use does not conform to the provisions of this Ordinance, except that the nonconforming building or land use or portions thereof, shall not be:

1. Changed to another nonconforming use;
2. Permitted if damaged and the replacement of a similar building is for the same use is not completed within one year;
3. Continue nonconforming land use within one year of cessation.

Nonconforming uses shall be allowed to:

1. Be repaired, rebuilt or altered if damaged provided repairs begin within six months of damage and completed within one year;
2. Be enlarged or altered up to (15%) fifteen percent of the existing square footage provided all district standards can be met;
3. Be replaced with another structure (stick built or manufactured if permitted in the zoning district and per building codes) provided said

structure is not larger than (50%) fifty percent of the current assessed value. The owner should provide estimated cost of repair to Building Dept.

4. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any of the building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order by such official.

If an individual has established a vested interest prior to establishment of this ordinance, they will be considered in compliance with this ordinance.

---

### **3.3: Lots of Record**

---

Where a lot of record at the time of the effective date of this Ordinance (or revision thereto) has less area or width than herein required in the district in which it is located, said lot may nevertheless be used for a permitted use in the district.

---

### **3.4: Fence and Wall Standards**

---

Except as otherwise noted in this Ordinance, fences or walls are permitted in the various districts subject to the following regulations:

#### **3.4.1: Residential Use**

- A. Rear yard fences and walls
  1. Max. Height: 6 feet
- B. Side and front yard fences and walls
  1. Max. Height: 6 feet
  2. Materials: Brick, stucco, chain link, composite fences, (barbed wire is permitted for rear yard fences if not visible from street except in Single Family Residential zoned districts) wrought iron, stone, wood, concrete, or combinations of the above. When combination of two (2) or more materials is used, the heavier material shall be below.

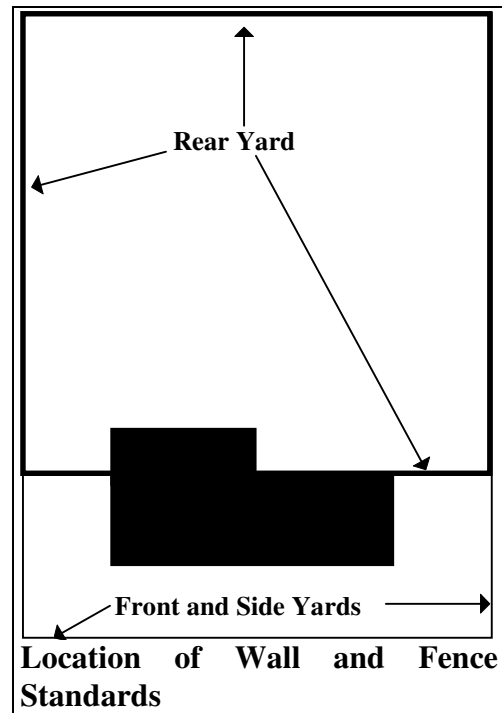
### 3.4.2: Commercial and Industrial Use

#### A. Rear yard fences and walls

1. Max. Height: 8 feet
2. Materials: Brick, stucco, chain link (barbed wire is permitted for rear yard fences not visible from a street), wrought iron, stone, wood, concrete, or combinations of the above. When combination of two (2) or more materials is used, the heavier material shall be below.

#### B. Side and front yard fences and walls

1. Max. Height: 8 feet for chain link or wrought iron, 5 feet for solid walls (exceptions: required screening for the affected district)
2. Materials: Brick, stucco, chain link, wrought iron, stone, wood, concrete, or combinations of the above. When combination of two (2) or more materials is used, the heavier material shall be below.



### 3.4.3: Civic and Institutional Use

#### A. Fences and walls in all yards

1. Max. Height: 8 feet
2. Materials: Brick, stucco, wrought iron, stone, wood, concrete, or combinations of the above. When combination of two (2) or more materials is used, the heavier material shall be below.

---

## 3.5: Temporary Structures

---

**3.5.1:** Temporary structures and uses, when in compliance with all applicable provisions of the Ordinance, and all other ordinances of McCormick County shall be allowed. The following temporary structures and uses shall be permitted:

**3.5.2: Construction Trailers:** Trailers used in conjunction with construction projects provided that the following conditions are met:

- A. Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one of the residential units being constructed.
- B. All construction trailers shall be located at least ten (10) feet off any street right-of-way and not be placed in any required rear or side yard setbacks.

- C. All construction trailers shall be removed within one (1) month of the completion of the project or issuance of the Certificate of Occupancy.
- D. Temporary, on-site sanitary facilities are to be provided, maintained, and removed by the project manager.

**3.5.3: Temporary Sales or Events:** Uses less than thirty (30) days in duration and held no more than three (3) times per year at any particular location which would not otherwise be permitted in a particular zoning district may be issued a temporary zoning permit as herein provided. Upon completion and submittal of an application, the Zoning Officer may grant a temporary zoning permit for the following temporary uses:

- A. Seasonal retail goods
- B. Sidewalk Sales
- C. Revivals
- D. Shows for Civic and Youth Organizations
- E. Fairs, carnivals, or other similar public activities
- F. If required by the nature of the temporary use or event, temporary on-site sanitary facilities will be provided and maintained by the event organizer.

The temporary zoning permit shall be valid for a specified period only, not to exceed thirty (30) days in duration.

**3.5.4: Temporary manufactured homes:** Manufactured homes may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs which results in an occupied single-family dwelling being destroyed (i.e., it receives damage greater than [60%] sixty percent of its tax value). The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or repaired. If a manufactured home is used for such an occurrence, it is subject to the following conditions:

- A. Such manufactured homes or recreational vehicles shall not be placed in the front yard and shall be located no closer than fifteen (15) feet to another structure and no closer than ten (10) feet to any lot line. The Building Official shall approve the final temporary location.
- B. The Zoning Officer shall be given the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of up to one (1) year. Zoning officers should approve site. Such permit may be renewed on a one-time only basis if it is determined that:
  - 1. Construction of a new dwelling unit is proceeding in a diligent manner; and,
  - 2. The granting of such permit will not materially endanger the public health, welfare, or safety; and,
  - 3. The location of the manufactured home on the site does not have a negative effect on abutting properties.



- C. Recreational vehicles are not considered to be a temporary manufactured home and are not allowed as a temporary dwelling unit to replace a permanent dwelling unit.

**3.5.5: Other Temporary Uses:** All other such temporary uses not otherwise listed may be granted a temporary zoning permit only after the Zoning Officer has made the following determinations:

- A. The proposed use shall not materially endanger the public, health, welfare, and safety; and,
- B. The proposed use shall not have a substantial negative effect on adjoining properties.
- C. Temporary permits shall be applied for ten (10) days in advance of the event or function.
- D. A separate permit shall be obtained for each event.
- E. No temporary uses shall be allowed in a flood hazard area as defined by the National Flood Insurance Program or FEMA.

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

---

### **3.6: Vibration and Light**

---

**3.6.1: Vibration:** No inherent and recurring generated vibration shall be perceptible without instruments at the property line.

**3.6.2: Light:** The source of exterior lighting shall be arranged in such a manner as to not be detrimental to adjacent properties or the traveling public.

---

### **3.7: Yard and Garage Sales**

---

Yard, garage, tag, patio, and apartment sales are permitted without a permit on the residential property of the owner no more than two (2) days per calendar month. All other yard, garage, tag, patio, and apartment sales are subject to a permit and shall be limited to no more than one (1) calendar day per month.

---

### **3.8: Home Occupations**

---

A home occupation shall be permitted in any residential district or structure provided that such occupation:

- A. is conducted by members of the family residing in the dwelling and are permitted to be engaged in such occupation.
- B. utilizes not more than (25%) twenty-five percent of the total floor area of principal building;

- C. produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
- D. conducts no retail sales, other than items hand-crafted on the premises, in connection with such home occupation.
- E. no display of products shall be visible from the street;
- F. is not visibly evident from outside the dwelling, except for the permitted sign. (See Section 3.11: Signs)
- G. does not generate traffic in greater volumes than would normally be expected in a residential neighborhood. Any need for parking shall be met by off-street parking. No parking in a front yard shall be permitted.
- H. business activity is compatible with the residential use of the property and surrounding residential uses.
- I. Home occupations, providing that they are conducted in the principal dwelling unit or in a separate structure with a floor area no greater than the heated floor area of the principal dwelling unit, and that the home occupations meet the following criteria:
- J. There will be no hazardous materials or processes used in conjunction with the proposed home occupation and that all appropriate SC DHEC permits are approved.
- K. The home occupation shall not create offensive or objectionable noise, vibration, odors, heat, dirt, traffic, or electrical disturbance perceptible by the average person beyond the lot line of the subject premises.
- L. The occupation is conducted primarily by the permanent resident of the property, who is also listed on the tax parcel as the principal owner.
- M. The occupation employs no more than two (2) persons other than immediate family members.
- N. No business activity shall take place before 6 AM and after 10 PM.
- O. If a zoning district permits a home occupation in a structure other than the principal structure, that structure shall have a floor area no greater than the heated floor area of the principal dwelling unit.

Before permitting this type of use, the Planning Commission reserves the right to hold a public hearing on this matter. Adjacent property owners will be notified by mail, the property will be marked with a proposed zoning district change sign, and a notice will be placed in the newspaper at least fifteen (15) days before the public hearing.

---

### **3.9: Pets, Kennels, Animals**

---

**3.9.1: Private Stables** shall mean the keeping of one (1) or more horses, ponies, mules, donkeys, and other animals used for riding.

- A. **Minimum lot area:** 2 acres and one (1) animal per acre minimum
- B. Stables, corrals, and piles of manure, feed, and bedding shall be located one hundred (100) feet from any street or property line in order to minimize odor and nuisance problems.
- C. Any potential run-off contamination shall be controlled by accepted practices.

- D. Private Stables are allowed only in the Forest/Agriculture and in the Rural Development Districts.

**3.9.2: Kennels**

- A. This section shall not apply to any veterinary hospital, animal hospital or any other establishment or premise wherein or whereon the practice of veterinary medicine, surgery, or dentistry, or any part thereof, is conducted.
- B. An accepted USDA method of waste collection and disposal shall be used.
- C. The Forest/Agriculture and Rural Development Districts are exempt from Item No. B.

---

**3.10: Private Swimming Pools and Tennis Courts**

---

**3.10.1:** Pools and tennis courts, including but not limited to aprons, walls, and equipment rooms, shall not protrude into any setbacks. Tennis and pool fences are exempt from fence height limitations.

**3.10.2:** Pools shall be appropriately fenced to protect against intrusion.

---

**3.11: Signs**

---

Intent: The purpose of this section is to support and complement the various land uses allowed in McCormick County by the adoption of standards concerning the placement of signs. These standards are adopted to achieve the following:

1. To encourage the effective use of signs as a means of communication in the county while preserving the rights of free speech under the First Amendment of the United States Constitution.
2. To maintain and enhance the aesthetic environments and the county's ability to attract sources of economic development and growth.
3. To improve both traffic and pedestrian safety.
4. To minimize the possible adverse effect of signs on nearby public and private property.

**3.11.1:** Signs are considered to be structures and are subject to the regulations in this ordinance. No sign shall be erected or maintained unless it is in compliance with the general regulations of this section and any additional requirements of the specific zoning district.

**3.11.2:** A permit shall be required for the construction, alteration, relocation, or reconstruction of permitted signs unless otherwise noted, and shall be issued by the Zoning Officer in accordance with Chapter 5 of this ordinance.

**3.11.3:** Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.

**3.11.4: Removal of Signs.** Whenever a sign becomes structurally unsafe or endangers the safety of a structure or premise, or the public, or is erected or maintained in violation of this ordinance, the Zoning Officer shall order such sign to be made safe or comply with the ordinance, as the case may be, or be removed. Such order shall be sent to the owner of the sign by registered mail and shall be complied within twelve (12) days from the date of mailing or such time as the Zoning Officer may deem appropriate. Failure to comply shall constitute grounds for the Zoning Officer to have the sign removed, and the cost thereof shall be added to any fine imposed for violation under this ordinance.

**3.11.5: Measurement of Sign Areas.** Refer to definitions of Sign Area on how to measure signs.

**3.11.6: Measurement of Heights of Signs.** The height of any sign shall be measured from ground level except in the case of roof signs where measurement shall be from the roof on which the sign is erected.

**3.11.7: Projection Signs and Marquee Signs.** Projection and marquee signs shall have a minimum clearance of ten (10) feet above any sidewalk.

**3.11.8: Signs for which a permit is not required:**

- Traffic, directions, warning or information signs authorized by any public agency.
- Official notices issued by any court, public agency or officer.
- Non-illuminated “for sale”, “for rent” or “for lease,” “open house” signs not exceeding twelve (12) square feet.
- One home occupation sign, provided it is non-illuminating, no larger than two (2) feet by three (3) feet, and mounted against a wall of the principal building, or in zoning districts in which a home occupation is allowed in a secondary building, mounted against a wall of the secondary building.
- Private street or road name signs.
- No trespassing, no hunting, no fishing, no loitering and similar signs not exceeding one (1) square foot in area.
- One (1) temporary in-season agricultural products sales sign not exceeding ten (10) square feet in total area.
- Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, or names of occupants on premises not having commercial connotations.
- Integral decorations or architectural features of buildings or grounds, except letters, trademarks, moving parts, or moving lights.
- Wall identification signs and commemorative plaques not more than four (4) square feet in area, memorial cornerstones, or tablets providing information on building erection or commemorating a person or event.
- Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

- Signs attached to the interior of a window (but not a glass door) that are visible through such window, so long as such signs are not internally illuminated or externally illuminated by spotlighting or other illuminating techniques designed to draw particular attention to them.
- Home security signs, limited to no more than two (2) square feet in area and limited to no more than four (4) signs per zoning lot.
- Signs on litter receptacles and benches in nonresidential areas and on private property including, but not limited to, signs advertising businesses, services, commodities, or entertainment conducted, offered or sold on or off the premises where such signs are located. Such signs shall be an integral part of the receptacle or bench and shall not protrude beyond the edges of such.
- Canopy or awning sign. The valance area of the awning or canopy signs which shall be an area of one (1) square foot may be used as a sign surface area and does not count towards the allowed sign allotment. The remaining area of the awning or canopy sign may not be used as a sign surface. This area may contain a logo for the use that shall be no more than four (4) square feet in size. The bottom one (1) foot of the awning or canopy shall be used for the message area for those that do not have a specific valance area.
- Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within thirty (30) days following the holiday and shall not be considered a roof sign when located on a residential structure.
- Temporary, non-illuminated signs announcing any public, charitable, educational or religious event or function provided that they are located entirely within the premises of the institution, or on private property with permission of the owner, set back no less than ten (10) feet from the property line, do not exceed a sign area of thirty-two (32) square feet and do not constitute a safety hazard in the opinion of the Zoning Officer. Such signs shall be allowed no more than thirty (30) days prior to the event and must be removed no more than seven (7) days after the event or function. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than eight (8) feet above the ground level.
- Temporary banners announcing new construction, additions and renovations provided that they are located entirely on the premises at the construction/building site, set back no less than 10 feet from the property line, do not exceed a sign area of 32 sq. ft. and do not constitute a safety hazard in the opinion of the Zoning Officer. Such banners shall be allowed no more than 6 months before the planned opening of the completion of the project and must be removed no more than 30 days after completion of the project.
- Non-illuminated signs not exceeding twelve (12) square feet on work under construction, such as non-illuminated signs displaying the contractors, subcontractors, architects, engineers, owners, financial, selling and development agencies.
- Flags, provided:
  - A maximum of five (5) flags per lot. No logos or advertising of products

- The maximum height of the flag pole should not exceed twenty-five (25) feet
- Flag poles cannot be used as supports for freestanding signs
- Proper display of the United States of America flag; the South Carolina state flag is not controlled by this section.
- Mailboxes and similarly located on-premise signs identifying a private residence.
- Political signs:
  - A refundable fee of one hundred dollars (100.00) is required to be paid to the McCormick County Zoning Officer by all candidates and political parties before posting any political signs within the County. If all political signs are removed by the end of the seventh day following the election, the hundred dollar (\$100.00) fee will be refunded in full to the candidate or political party.
  - Shall not be placed more than thirty (30) days before an election and must be removed no later than seven (7) days after the election.
  - Signs shall:
    - Not be placed in the public right-of-way
    - Not be attached to trees, fences, and utility poles
    - Not be larger than thirty-two (32) square feet in area
  - Notice of violation: Ten (10) days after the election, the Zoning Officer shall send notice of the sign violation by registered mail, return receipt requested to the political party who is responsible for the sign. Within five (5) days of receipt or refusal of the order, the violator must remove the sign.
  - Fines: Failure to comply with the Zoning Officer's order shall constitute a civil violation. Admission of liability or finding of liability shall be punishable by a fine of one hundred dollars (\$100.00) for each individual charge. Each day during which the violation is found to have existed shall constitute a separate offense.
  - If any zoning district has additional or more restrictive ordinances regarding political signs, those ordinances will supersede those in this section.

**3.11.9: Signs Permitted in Forest Agriculture.** The following types of signs are permitted in Forest Agriculture Districts:

- A. Signs for which permits are not required.
- B. For uses other than dwellings, a single illuminated or non-illuminated business identification sign or bulletin board not exceeding thirty-two (32) square feet in area. Such sign shall be set back not less than fifteen (15) feet from the street right-of-way line unless attached to the front wall of a building. The sign shall be on the premise where the business or service is located or conducted.
- C. An off-premise advertising sign of no more than twelve (12) square feet in area and not more than five (5) feet above uniform grade and providing only directions to a business or establishment.

- D. Developments, residential subdivisions, and manufactured home parks may have one (1) sign at each entry indicating only the name of the development. Such signs shall be either Wall or Monument Signs and shall not be more than thirty-two (32) square feet in size.
- E. If illuminated, the lighting shall be such that light and glare are not projected onto adjacent properties or road rights-of-way.
- F. Signs shall not include mechanically moving parts or intermittent lights. Lights shall not flash, move across, etc.
- G. Billboards are not permitted.

**3.11.10: Signs Permitted in Single Family Residential Districts.** The following types of signs are permitted in Single Family Residential Districts:

- A. Signs for which permits are not required.
- B. Residential subdivisions may have one (1) sign at each entry indicating only the name of the development. Such signs shall be either Wall or Monument Signs and shall not be more than (thirty-two) 32 square feet in area.

**3.11.11: Signs Permitted in Rural Development Districts.** The following types of signs are permitted in Rural Development Districts:

- A. Signs for which permits are not required.
- B. Signs permitted in Single Family Residential Districts
- C. Signs for commercial businesses in Rural Development Districts shall comply with the requirements of the sign requirements for commercial districts.

**3.11.12: Signs Permitted in Commercial Districts.** The following types of signs are permitted in the Commercial Districts:

- 1. Signs for which permits are not required.
- 2. Awning Signs.
- 3. Wall Signs. The maximum area of Wall Signs shall not exceed ten percent (10%) of the front building face of a main building and five percent (5%) of not more than one (1) additional building face. Canopies over gasoline islands shall be considered accessory structures for purposes of this section and may have Wall Signs incorporated into them, which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.
- 4. Each business or commercial complex may have one (1) monument sign for each separate public street frontage. Such signs shall be set back a minimum of twenty-five (25) feet from side property lines. The maximum height of a monument sign shall be eight (8) feet. There must be a minimum separation of fifty (50) feet maintained between such signs.
- 5. The minimum setback from front property lines shall be fifteen (15) feet. If widening of a public street is planned or projected, this setback shall be measured from the future right-of-way line.
- 6. Ground Signs, subject to the following provisions:
  - a. Lot frontage of at least one hundred (100) feet is required before a Ground Sign will be permitted.

- b. For each commercial lot or commercial complex with between one hundred (100) feet and three hundred (300) feet of frontage on a public street, one (1) Ground Sign may be allowed for each separate street frontage. For each additional three hundred (300) feet of separate street frontage, one (1) additional Ground Sign may be permitted.
  - c. Ground Signs on individual lots or commercial complexes, shall be separated by at least one hundred (100) feet from signs on adjacent lots. Where there are multiple signs on one (1) lot of commercial complex, such signs shall be separated by at least two hundred (200) feet. If a monument sign is used, then the separation shall be at least fifty (50) feet from signs on adjacent lots.
  - d. The area of a Ground Sign shall not exceed one (1) square foot of area for each lineal foot of street frontage, or two hundred (200) feet, whichever is less. This standard may be reviewed by the Planning Commission in conjunction with a Conditional Use and may be adjusted either up or down.
  - e. The maximum height of Ground Signs at the minimum setback shall be twenty (20) feet above ground level nearest to the sign. The height may be increased to a maximum of thirty (30) feet if the sign is set back an additional one and one half (1.5) feet for each foot of height over twenty (20) feet. These standards may be reviewed by the Planning Commission in conjunction with a Conditional Use application and may be adjusted either up or down.
  - f. All ground signs shall maintain a minimum side yard of twenty-five (25) feet from an interior side lot line. Any ground signs located on a corner shall meet the front yard requirement for signs on both street frontages.
7. Billboards are not allowed.
8. No projection of any sign shall be allowed into the required side yard where a Commercial Zone abuts any Residential Zone or residential use. When Site Plan Review is required for a proposed development, a master plan for signs shall be included in the application.

**3.11.13: Signs Permitted in Industrial Districts**

- A. All signs permitted in Commercial Districts, subject to the provisions identified
- B. Billboards subject to the following provisions:
  - a. Billboards shall comply with the height standards established above for Ground Signs.
  - b. Billboards shall not exceed three hundred (300) square feet in total area unless an increase is specifically approved by the Planning Commission in conjunction with a Conditional Use Application.
  - c. Billboards shall only be permitted within two hundred (200) feet of the right-of-way lines of the highway on which the industrial district is located.
  - d. Billboards for an adult or sexually-oriented business are prohibited within one (1) mile of a public highway. Violation of this provision is a



misdemeanor under SC law and, upon conviction, the owner of the sign must be imprisoned for not more than one (1) year. Each week a violation continues constitutes a separate offense.

- C. Electronic message Signs are permitted.
- D. Neon Signs are permitted.
- E. No projection of any sign shall be allowed into the required side yard where an Industrial District abuts any Residential Zone or residential use.
- F. If illuminated, the light or glare must not project onto adjacent properties or road rights-of-way.

#### **3.11.14: Signs permitted in Planned Development Districts**

Approval of signs in Planned Development Districts will be done as part of the Site Review Plan, consistent with the covenants established.

#### **3.11.15: Signs permitted in Mixed Use Districts**

Approval of signs in Mixed Use Districts shall be done as part of the Site Review Plan.

#### **3.11.16: Prohibited Signs. In consideration of these facts:**

- Excessive and inadequately controlled off-premise advertising signs endanger the unique character and scenic beauty of McCormick County, harm the appearance of neighborhoods, and reduce property values of neighboring property owners.
- That tourism and commerce from both residents and non-residents of McCormick County is an essential part of the economy of the County.
- That standardized logo signs provided by the SC Department of Transportation, information centers, on-premise signs and other media offer local businesses ample opportunity to promote their goods and services to both residents and visitors.
- That the proliferation in number, the increase in size, and the use of special effects in message presentation of off-premise outdoor advertising signs distracts operators of motor vehicles and causes confusion with traffic signs, signals or lights and, therefore, increases the risks to the safety of motorists, pedestrians and cyclists.

McCormick County finds that a complete prohibition of the construction of new off-premise outdoor advertising signs advances the public health, safety, and welfare of the County. New off-premise outdoor advertising is prohibited in accordance with the provisions of this ordinance.

#### **3.11.17: Off-Premise Advertising Signs are Prohibited**

Effective with the adoption of this ordinance, no new off-premise advertising signs are permitted within the jurisdiction of McCormick County.

Notice of Violation: Immediately upon learning of a new off-premise advertising sign, the Zoning Officer shall send notice of the violation by registered mail, return receipt requested, to the owner of the sign. The owner shall have thirty

(30) days from receipt of the notification to remove the entire structure supporting the sign to ordinary uniform grade. After the thirty (30) day removal period, each day shall constitute a new violation. The fine for each violation shall be one hundred dollars (\$100.00). For off-premise advertising signs in place at the time of the adoption of this ordinance, any relocation and reconstruction of the off-premises outdoor advertising sign shall be done in a manner consistent with the terms of H.3381, the “South Carolina Landowner and Advertising Protection and Property Valuation Act.”

### **3.11.18: Other Prohibited Signs**

The following signs are also prohibited:

- Sign imitating warning signals. No sign or structure shall display flashing or intermittent lights of any type, nor shall any colored lights be utilized for sign or building outline purposes that resemble lights utilized on emergency vehicles, including police, fire, EMS, towing and rescue vehicles; nor shall any sign use the words, “Stop”, “Danger,” or any other words that may confuse an automobile or other vehicle driver.
- Signs within street or highway right-of-way. Except traffic signs and signals, information signs erected by or authorized by a governmental or other public agency.
- Certain attached and painted signs. Signs painted on or attached to trees, fence posts and telephone poles or other utility poles or signs painted on or attached to rock or other natural features.
- Signs which advertise activity, business, product or service no longer offered on the premises upon which the sign is located. Upon the closing, moving or loss of the use of the property due to a disaster, any signs on the premises must be removed and any new signage must be approved under existing ordinances at that time.
- Obstructive and confusing language. Signs which are a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view at a street or road intersection.
- Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment.
- Any sign that obstructs ingress or egress to any window, door, fire escape, stairway, ladder or opening intended to provide light or air for any room or building.
- Signs that violate the corner visibility restrictions of this Ordinance.
- Any sign on an officially designated S.C. Scenic Highway that does not comply with the requirements of the S.C. Code of Laws and Federal Regulations for federally designated scenic highways.

### **3.11.19: Non-Conforming Signs**

Intent: This ordinance is intended to encourage the eventual elimination of signs that do not comply with the Ordinance. The elimination of non-conforming signs

is important to the purpose stated above. However, it is also the intent of this Ordinance to avoid unreasonable invasion of property rights while accomplishing removal of non-conforming signs.

**Compliance.** A sign not complying with this ordinance, but in place on the effective date of this Ordinance shall be brought into compliance with this Ordinance, if it is practical to do so, as determined by the owner of the sign.

**Continuance.** A non-conforming sign may be continued if it is maintained in good condition. It shall not, however, be replaced by another non-conforming sign. It may not be structurally altered so as to prolong the life of the sign. It may not be reestablished after damage or destruction by natural causes if the Building Department determines that the estimated cost of reconstruction exceeds (50%) fifty percent of the estimated replacement cost. However, it may be replaced if intentionally damaged or destroyed by person(s) who are proven to be unconnected to the owner(s) of the sign.

**Nuisance.** An unsafe or abandoned sign if declared to be a public nuisance, shall be abated by the owner within sixty (60) days of receiving notice from the Building Department. After sixty (60) days, the Sign may be removed by the Building Department.

### **3.11.20: Protection of First Amendment Rights**

Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business, activity conducted or product sold or offered at a location not on the same premises where such business sign is located.

---

## **3.12: Landscaping**

---

**3.12.1 Intent:** McCormick County is a developing, changing area. As a result, some of its natural landscape could be negatively impacted in the development process. Landscaping requirements can help balance against this loss. In addition, there are other reasons for the use of landscaping and buffers:

- **Screening between incompatible adjacent land uses:** Greater freedom in the use of property and greater privacy for the landowner can be achieved through buffering between land uses. This buffering can be accomplished through vegetation, distance, landforms, and fencing.
- **Erosion control and water pollution:** Trees and plants reduce erosion by binding soil particles with their roots and holding the soil together against the effects of wind and water. When development occurs and impervious surfaces are created (for example, concrete and asphalt), the flow of water across exposed soils can greatly increase, causing serious water pollution problems. Vegetation can slow the runoff by acting as a sponge, gradually releasing rain. This results in an improvement of water quality and reduces the need for engineered drainage solutions.
- **Modification of the climate in the immediate vicinity:** Landscaping and other forms of landforms such as berms can improve air quality and moderate daily

temperature by absorbing pollution, providing shade and offering protection from the wind. Additionally, trees, grass, leaves, shrubs and branches can absorb and disperse sound energy, reducing overall noise levels.

- **Aesthetics:** Landscaping can serve to soften the effects of the modern day build environment.

### **3.12.2: Applicability of Landscaping/Buffer Standards and Terms**

**a. Application:** Landscaping requirements may apply to developing uses and are a condition of development permit approval. A buffer requirement may also apply to a developing project if:

- i. It shares a common boundary line with a different zoning district of significantly different use; or
- ii. It is required to buffer as a Conditional Use listed elsewhere in this ordinance.

In the event both buffer and landscaping requirements apply in the same physical location, the buffer requirement is the one requiring compliance.

### **3.12.3: Exceptions and alternative methods of compliance**

**a. Ongoing development projects.** Developments granted a building permit prior to the date of adoption of this Ordinance are exempt from the requirements of this Chapter.

**b. Where physical features preclude strict compliance.** It is recognized that, on occasion, complete compliance with the terms of this Chapter may be impractical. Accordingly, a developer may request approval for an alternate landscaping scheme when any one or combination of the below listed conditions exist:

- a. The site involves space limitations or unusually shaped parcels.
- b. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical.
- c. Natural vegetation on the site, if undisturbed during the development process, can meet or exceed the vegetation that is required; and/or:
- d. Safety considerations are involved.

In order to have landscape requirements modified due to one or a combination of the above, the applicant should submit a justification to the Zoning Officer. Within the justification, the applicant must describe:

- a. which of the landscape requirements will be met with modifications
- b. which of the conditions set forth above justifying using alternative; and
- c. how the proposed alternative meets or exceeds what is required.

Deviations from the requirements of this Chapter may be approved or disapproved by the Zoning Officer as long as the deviation does not exceed 30 percent of the written requirement. A variation greater than 30 percent of any landscaping/buffer regulation must be reviewed by the Planning Commission and the Zoning Appeals Board. Deviations granted within the scope of the authority of the Zoning Officer shall be so noted on the zoning compliance permit along with the reason for allowing or requiring the deviation.

### **3.12.4: Buffers: Composition and When Required**

#### **A. Purpose**

Certain land uses, because of their character and intensity, may create an adverse impact on less intensive and varied adjacent land uses. Accordingly, the following regulations are established to protect and preserve the appearance, character, and value of property throughout McCormick County. Table (number to be determined) at the end of this Chapter establishes three levels of buffering and describes how each should be constructed. The tables explain basic features of the buffer; for example, how wide it must be, the number of trees and/or shrubs per 100 feet, etc. Level three is the slightest amount of buffering. It is minimal and would be appropriate between a residence and a library, for example. Level two is an intermediate level and Level One is the level that involves the most separating of adjacent land uses. Level One would be appropriate between quite dissimilar land uses, for example a shopping center and a neighborhood of single-family residences.

- **When buffers are required**

- 1. New Uses.** Buffers are required when certain land uses develop and share a common property line with either a significantly different type of use in the same zone, or in some cases, a differing zone. Buffer requirements are set forth in Table (Number to be determined) at the end of this Chapter.
- 2. Expansion of an existing use falling into any of the categories listed above:** The expansion of an existing use can have an adverse impact on adjoining properties. When an expansion is less than 5 percent of the building floor area or 1,000 square feet, whichever is lesser, buffers are not required. Additionally, the entirety of the existing use need not be buffered. Buffers are required instead as follows:
  - a. Expansion of a structure or parking facility:** Only the area undergoing expansion must comply with the buffer requirements. The buffer should encompass the area along the side and/or rear lot line where construction activity occurs, 90 degrees from the beginning and end points of construction. When parking or accessory buildings bar the development of a full buffer, they need not be removed to facilitate full compliance.

- b. **Addition of buildings to a lot:** Any new building, or parking lot(s) added to an already developed lot are required to meet the buffer requirements; the prior development is not.
- 3. **When a Use is Conditional and requires an identified level of buffering. Refer to Chapter 3 Conditional Use section for specific landscaping requirements for individual Conditional Use.**

**Responsibility for developing:** The developing land use is completely responsible for creating the buffer yard with the following modification:

- **Exceptions/modifications**

1. When an abutting parcel contains a natural vegetative strip comparable to a buffer yard, this area may count toward the requirement of the buffer yard.
2. When a required buffer abuts a public alley, up to ½ of the alley width can be used to satisfy the buffer width requirement of these regulations.
3. The width of a required buffer may be reduced by 25 percent if a wall, fence, or berm is provided that meets the following standards:
  - a. The fence or wall is constructed in a durable fashion of brick, stone, other masonry materials or wood posts and planks or any combination of the aforesaid materials. No more than 25 percent of a fence surface may be left open, open work being distributed equally over the entirety of the fence, and the finished side of the fence faces the abutting property. See 3-2 for fencing standards.
  - b. Walls and fences used for the buffers must be a minimum height of six feet.
  - c. Berms must be a minimum height of 4 feet with a maximum slope of 3:1 and those exceeding 6 feet in height must have a maximum slope of 4:1. Additionally, they must be stabilized to prevent erosion and landscaped.
  - d. Shrubs may be waived if a fence or wall is built. If a berm is constructed, shrubs are still required but may be reduced by 25 percent.
4. Buffer requirements may be waived when their requirement would result in buffering between fundamentally compatible land uses; for example, when a use has been allowed “permitted” by standards. Accordingly, the Zoning Officer is authorized to waive buffer levels if and only if their requirement would serve no purpose. The waiver must be written and dated on the face of the zoning compliance permit of the developing use.

- **General standards for trees and shrubs placed in the buffer**

Specifications for the measurement, quality and installation of trees and shrubs must be in accordance with the *American standards for Nursery Stock* published by the American Association of Nurseryman, and free of disease.

**Other specific requirements are:**

1. Trees At least 40 percent of required trees within a buffer must be large maturing trees with a minimum caliper of 2 1/2 inches measured 6 inches above ground at

the time of planting; small maturing trees must have a minimum caliper of 1 ½ inches measured 6 inches. Twenty-five percent of the trees in the buffer must be evergreen.

2. **Shrub** Must be evergreen and at least 2 ½ feet tall when planted with an average height of 5 to 6 feet expected as normal growth over a four-year period. Twenty-five percent of shrubs may vary from the above as follows:
  - a. May be deciduous
  - b. May be two feet tall when planted provided three to four feet growth is anticipated over a four year period
  - c. If planted on a berm may be of lesser height provided that combined height of the berm and plantings is at least 6 feet after four years.

All tree and shrubs are to be planted in both a visually pleasing fashion and in such a way as to facilitate the creation of a visual screen. Generally, plantings should be spaced equidistance throughout the buffer with final design approval part of the overall site plan approved.

A minimum of two types of trees and shrubs must be used to minimize the effects of disease and/or blight.

- **Landscaping requirements for Nonresidential Use**
- **Parking lot landscaping requirements**
- **Applicability: All parking areas in excess of five spaces for all uses except parking for single family or two family dwellings.**

**Types of landscaping required:** Two types are required within each parking area as follows:

**Perimeter landscaping:** Parking area perimeters that are adjacent either to public right-of-way or residentially used property must landscape perimeters with minimum 8 feet wide strips of landscaping. Both trees and shrubs are required via the following formula:

Trees: Required at the rate of one canopy tree for every two hundred square feet of required planting area or one understory tree for every one hundred fifty square feet.

Shrubs: Shrubs are required in addition to trees and at a rate of one per every fifty square feet of planting area.

**Interior Landscaping:** Landscaping within the interior of parking areas is important for aesthetics and also functional because landscaping moderators heat, glare, wind and other climatic effects produced by paved areas. Accordingly, interior parking area space is to be landscaped as follows:

Trees: Required at a rate of one per sixteen parking spaces. At least forty percent of required trees must be large maturing trees with a minimum caliper of 2 ½ inches

measured 6 inches above ground at the time of planning; small maturing trees must have a minimum caliper of 1 ½ inches measured 6 inches. Twenty-five percent of the trees throughout the parking lot must be evergreen.

**Shrubs:** Required at a rate of three per sixteen spaces. Must be evergreen and at least 2 ½ feet tall when planted with an average height of 5 to 6 feet expected as normal growth over a four-year period. Twenty-five percent of shrubs may vary from the above as follows:

- May be deciduous, or:
- May be two feet tall when planted provided three to four feet growth is anticipated over a four-year period.

**Placement of landscaping throughout the parking area:** Trees and shrubs must be placed throughout the parking area to decrease the appearance of a single expanse of pavement and provide shade. Alternatives include:

- A continuous landscape strip between every four rows of parking. A minimum of nine feet in width should be adequate to accommodate both shrubbery and trees, or
- Large planting islands (over 600 square feet) located throughout the lot and planted with shade trees, low shrubs and/or ground cover. They should preferably be located at the ends of parking rows, or,
- Planting islands between every 10 to 16 spaces to avoid long rows of parked cars. The size should be a minimum of nine feet wide to allow for an adequate planting area. Each planting island should provide at least one large, maturing/canopy tree.

In general, all trees and shrubs are to be placed in a visually pleasing fashion. Additionally, it is also strongly recommended that a variety of both trees and shrubs be used when possible to preclude disease or blight from eliminating all of each.

- **General Site Landscaping Requirements**

**Applicability:** All commercial and industrial uses. This does not include Commercial Uses in the Mixed Use District; refer to those separate requirements.

**General Requirements:**

1. **Minimum landscaped area.** Each site must develop a planting strip with a minimum ten-foot width along all areas that front public rights of way.
2. **Ratio of trees and shrubs to square footage:**
  - a. **Trees:** Required at the rate of one canopy tree for every two hundred square feet of required planting area or one understory tree for every one hundred fifth square feet.
  - b. **Shrubs:** Shrubs are required in addition to trees and at a rate of one per every fifty square feet of planting area.

**Visibility:** Nothing in this section shall be construed as permitting any obstruction to view that could constitute a traffic hazard and/or violate the sight triangle requirements described in 3-24 of this Ordinance.



- **Maintenance of required landscaping**
  - **Responsibility:** Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning and other maintenance of all plantings as needed.
  - **Replacement:** The owner must replace plants damaged, diseased or dead within sixty (60) days of the occurrence of such condition and/or the Zoning Officer will issue a maintenance warning notice. If seasonal conditions are such that replacement cannot be accomplished immediately, this requirement can be waived by staff and temporarily delayed.
  - **Nonliving Material:** Nonliving buffer materials, e.g. fencing, are to be kept maintained, cleaned and repaired by the owner of the property upon which they are located.

### *Landscape Plans*

**Submission of landscape plans:** Landscape plans must be submitted along with development site plans and may be superimposed upon the development plan as space permits. Landscape plans are considered to be an integral part of any submitted development plan and will be subject to the same approval process. The plan shall include:

1. Project information including the total square footage of the property, the square footage of the building areas, parking, and other vehicular use areas.
2. Each project's calculations, i.e. dimensional attributes and resulting amount of planted areas
3. Location, size and type of planting material, both existing and proposed.

**Unavoidable delays in the installation of landscaping:** Installation of landscaping must be completed in accordance with an approved landscape plan. Unusual environmental conditions such as drought may occur or the appropriate planting season may not parallel that of the development's. In such cases, a temporary Certificate of Occupancy for a specified period may be used based on a performance guarantee. Performance guarantees shall be accompanied by a description of the factor(s) hindering installation of landscaping, and a written estimate of materials and installation from a licensed landscaping contractor. Such guarantee may be in the form of a letter of credit, a bond, a certified check or cash and shall be in the amount of 125 percent of the total price reflected in the estimate. The amount shall be reviewed and approved by the Zoning Officer. The performance guarantee will be released after landscaping is installed in accordance with the landscaping plan.

**Landscaping Requirements Mixed Use District:** Refer to Section 3.12.6. Refer also to Parking Landscaping requirement in Section 3.15.5.

**Landscaping Requirements Planned Development District:** Landscaping is part of the overall development plan for a Planned Development District. Refer to Section 4.6.

**Landscaping Requirements Conditional Uses:** Landscaping and buffer requirements may also be included in the Conditional Use section 3.16.

**TABLE 1 Buffer Yard Levels**

**How to use the following chart:** Determine the acreage of the property to be buffered by reading the first row across. Then, look to the first vertical column on the left. Within this column, three differing levels of buffer yard are presented. Find the buffer yard level required. Read across until you have located the acreage column. Buffer yard requirements appear vertically under the acreage column. For example, a parcel over three acres but less than 3.5 requiring a level one buffer yard would need a yard of at least 58 feet wide with 10 trees per every 100 linear feet and 60 shrubs per every 100 linear feet.

Acreage less than ⇒	2	4	6	8	10	10 or more acres
Buffer yard #1 – Width of yard	46	57	68	81	92	100
Trees per 100’	9 trees	10 trees	10 trees	11 trees	11 trees	12 trees
Shrubs per 100’	60 shrubs					
Buffer yard #2 – Width of yard	27	36	47	59	67	75
Trees per 100’	6 trees	7 trees	8 trees	9 trees	10 trees	11 trees
Shrubs per 100’	40 shrubs					
Buffer yard #3 – Width of yard	14’	22’	30’	39’	45’	50’
Trees per 100’	3 trees	4 trees	5 trees	6 trees	7 trees	8 trees
Shrubs per 100’	18 shrubs					

**EXCEPTIONS:**

- 1. The minimum width of a buffer may be reduced by 25 percent if a fence or wall is constructed. (See fencing standards)**
- 2. Shrubs are not required if a fence or wall is constructed. (See fencing standards)**
- 3. An evergreen (opaque) vegetative hedge if used will reduce the buffer yard width by one half and eliminate the need for shrubbery and/or trees.**

4. A berm with a minimum height of six feet will reduce the buffer yard width by one half and the otherwise required planting materials by one half. The resulting berm must be sown with grass and maintained.

**TABLE 2 Buffer Requirements Between Zones and Use.**

Developing Use	Adjoining		Buffer level Required	Timing of Buffer
	Zone	Use		
Manufactured Home Park	Within any District Permitted	Residential Use	#2	Upon development
All Commercial Uses Permitted	SFR District	Any residential use	#2	Upon development
All Institutional/Civic Uses Permitted	Within SFR	Any residential use	#3	
All uses listed as Permitted within the Industrial District	1) SFR 2) RDD 3) PDD 4)MU 5) F/A	Any use permitted in these districts	#1	Upon development
All uses listed as Permitted/Conditional Uses within the Industrial District	1) CD	Any use permitted in the CD	#2	Upon development

**3.12.5: Landscaping Industrial District**

---

A minimum of 10% of total lot area shall be landscaped with appropriate vegetative cover.

**3.12.6: Landscaping Mixed Use District**

---

**Requirements for Improvements Between Streets and Buildings**

Landscaping or “hardscaping” of property between the street curb and buildings promotes and enhances a comfortable pedestrian scale and orientation and encourages pedestrian use of the area.

The following street design standards shall apply to development in the Mixed Use Districts:

- 1) The property between the street curb and an adjacent building shall be landscaped or hardscaped. Landscaping shall be irrigated.
- 2) Except for single family dwellings, where a hard-surfaced area, other than a pedestrian connection leading from the sidewalk to a building entrance, is used in lieu of landscaping between the sidewalk and the building, such areas shall contain at least two pedestrian sensitive amenities. Such amenities include, but are not limited to, benches, low walls with seating or planters stop, drinking fountains, courtyards, free-standing planters, street furniture, public art or other pedestrian space or design features integrated into the overall design of the building or portion of the site in order to enhance the pedestrian environment.
- 3) Trees may be within tree wells with a minimum planting area of fifteen (15) sq. feet (with standard 3' x 5', 4'x4' of 4' diameter cast iron grates. Such trees shall be planted every thirty (30) feet on center (or, depending on species, at some other distance to ensure their proper spacing), so as to develop a continuous canopy when mature. Street trees shall be at least two and one-half (2 ½") inches in caliper at planting, shall be planted within an approved root barrier, and shall be irrigated and maintained by the property owner along with other landscaping planted within the parking strip.
- 4) Topping, shearing or pollarding of street trees is prohibited, unless necessary to protect overhead utility lines.
- 5) Except as noted below, all public utility distribution and service connections to new buildings and dwellings within Mixed Use Districts shall be underground. Aerial utility service (electricity, telephone, cable, etc) may be used in new construction where all of the following circumstances apply:
  - a. The project is an in-fill building or dwelling within an existing neighborhood where utility service is provided aurally rather than underground.
  - b. The project is located between other utility users on the same block face.
  - c. It would not be practical to serve the new project underground without also serving the neighboring uses; and
  - d. The neighboring uses on the same block face and the utility company are unwilling to pay the additional cost of undergrounding their service.
- 6) Ornamental street lights shall be installed when public right-of-way improvements are required as part of a development
- 7) Bulb-out, or curb extensions, shall be constructed at all intersections of public streets when public right-of-way improvements are required as a part of a development. The design of the bulb-outs shall be approved by the Building Department and County Engineer.

Street Design: The plan for street design and connectivity shall be approved as part of the Project review to ensure that the street design and connectivity supports the goals set for the Mixed-Use District.

Refer also to Parking Landscaping Requirements in Section 3.15.

---

### **3.13: Parking**

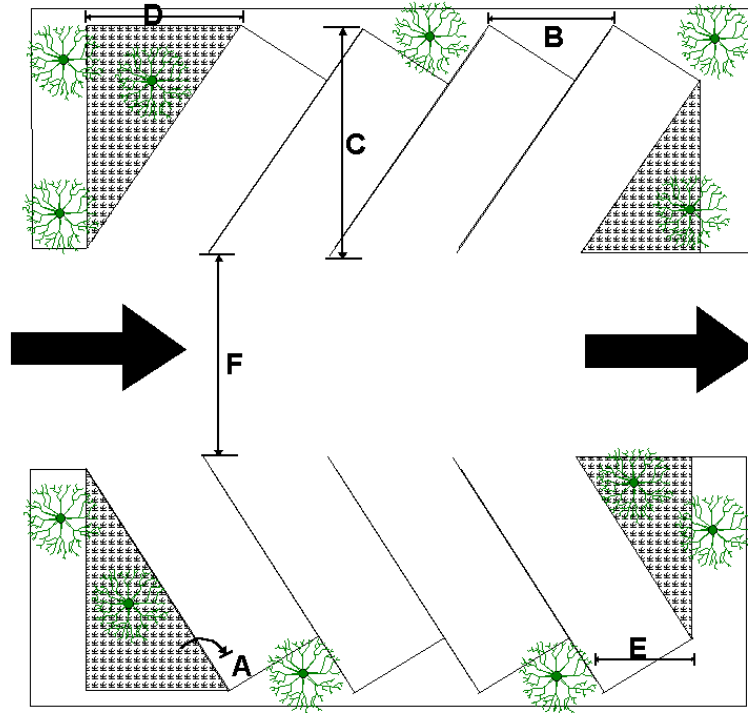
---

#### **3.13.1. General Design Standards:**

- A. Unless no other practicable alternative is available, any off-street parking area shall be designed so that vehicles may utilize such areas without backing onto a public street.
- B. Off-street parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments.
- C. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.
- D. No off-street parking area shall be located over an active or auxiliary septic tank field.
- E. Retaining walls, screen, landscaping, and building walls shall be protected from vehicle contact.
- F. Whenever a road is one thousand (1,000') feet in distance and there is not a crossroad within that distance, a permanent turn-around shall be required.
- G. Parking areas and driveways shall have a minimum covering of two (2") inches crushed stone or other suitable material. Driveway entrance shall be consistent with DOT standards.

#### **3.13.2. Parking Space Dimensions:**

- A. Each parking space shall contain a rectangular area of at least one hundred eighty (180) square feet.
- B. Parallel parking shall provide a space of twenty (20) feet by nine (9) feet.
- C. Parking areas and widths shall conform to the following table:



Parking Standards						
A Parking Angle	B Curb Length	C Stall Depth	D Starting Loss	E Last Car Requirement	F Aisle Width Minimum	
					ONE WAY	TWO WAY
30°	18'	18'	30'	4'	12'	20'
45°	12'	20'	20'	6'	14'	20'
60°	10'	21'	12'	8'	18'	22'
90°	9'	20'	0.0'	9'	20'	22'

**3.13.3: Disabled Parking:**

- A. Except for a lot containing a single-family or duplex dwelling, all uses shall be required to provide disabled parking subject to ADA requirements

**3.13.4: Application of Parking Requirements:**

- A. Change In Use, Alteration Of Use, Or Extension Of Use: Off-street parking spaces shall be provided in accordance with these regulations whenever a building or use is changed, altered or enlarged by at least (50%) fifty percent in floor area, number of employees, number of dwelling units, seating capacity, or otherwise.
- B. A scale drawing or layout of all required parking areas showing the location, size, and arrangement of the individual parking spaces, loading spaces, and landscaped areas shall be submitted to the Zoning Officer for approval.

**3.13.5: Lighting Standards:**

- A. All parking space area lighting shall be energy efficient and designed so that any glare is directed away from adjacent properties or create any hazardous traffic conditions.
- B. Lighting shall be provided to illuminate any off-street parking or loading spaces within developments providing customer service to the public after sunset. Required lighting shall be designed at a mounting height, luminance, and spacing to provide a minimum average horizontal illumination of 0.6 foot-candles within the parking area and at primary building entrances.

---

**3.14: Sight Triangle**

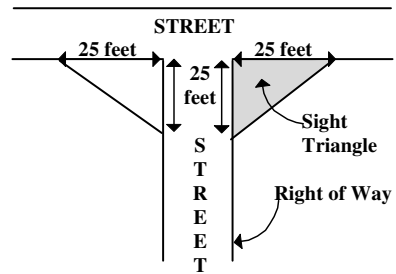
---

**3.14.1: Intent:** For protection against traffic hazards, no impediment to visibility shall be placed, allowed to grow, erected or maintained within visibility triangles described as follows:

**3.14.2: Size of Sight Triangle:** A triangular-shaped portion of land twenty-five (25) feet wide and twenty-five (25) feet deep at the intersection.

**3.14.3:** No structure, sign, or landscaping material shall exceed three and one-half (3½) feet in height within the sight triangle as measured from adjacent street level.

**3.14.4:** No parking is allowed within the sight triangle.



---

**3.15: Parking (Districts)**

---

**3.15.1: Parking Single Family Residential**

---

- A. **Residential:** The following parking requirements shall apply within the Single Family Residential district.
  - 1. Residential: Two (2) parking spaces per single family residence.

**3.15.2: Parking Rural Development**

---

**A. Rural Development:** Refer to general parking provisions in Chapter 3, Section 3.13: Parking.

**3.15.3: Parking Commercial District**

---

**A. General Requirements:** See general parking requirements in Chapter 3 Section 3.13.

**B. Required Parking Spaces Per Square Feet of Public Area**

Office/Personal Services/Business Services	1 per 300 square feet
General Retail/Commercial	1 per 250 square feet
Restaurant/Bars	1 per 75 square feet
Hotels/Motels/Bed and Breakfast Inns	1 per room or suite
All other uses	1 per 250 square feet

**C. Required Loading Spaces**

One (1) space for every thirty thousand (30,000) square feet of floor area, or a portion thereof with a maximum of two (2) spaces.

**D. Stacking Requirements**

Five (5) stacking spaces per drive-through window shall be provided at businesses with drive through facilities. These spaces shall be located off the public right-of-way and shall not conflict with the parking and circulation in the balance of the required parking area. Stacking spaces shall be a minimum of twenty-four (24) feet long and nine (9) feet wide.

**3.15.4: Parking Industrial District**

---

One (1) space for each two (2) employees on the largest shift, one (1) space for each member of the managerial or office staff, one (1) visitor parking space for each ten (10) persons on the managerial staff, and one (1) space for each vehicle used directly in the conduct of the business.

Areas designed for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress. All drives shall be located at least one hundred and fifty (150') feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress.

**3.15.5: Parking Mixed Use Location and Design of Off-Street Parking**

---

Parking should be located and designed so as to not only facilitate its major function but also to complement and encourage easy and safe pedestrian movement to, through and around the facility. The scale and orientation of parking areas shall be consistent with their purposes in supporting a mix of commercial and residential uses and shall be consistent with the pedestrian and vehicle-oriented communities to which they contribute.



Except as expressly modified below, the parking design standard contained in Section 3.13 shall apply. The following additional standards shall apply only within Mixed Use Districts.

a) No surface parking or maneuvering area shall be located between the facing façade of an adjacent building (or a line extended from the plane thereof) and a public or private street where a maximum setback is prescribed by this Section. Service docks and loading areas may be located between a building and public or private street when an anchor tenant requires the use of delivery vehicles with an overall length of forty (40') feet or greater and where the service docks and loading areas comply with the provisions contained in Section 3.15.5b.

b) To create pedestrian interest, maneuvering areas, service docks and loading areas shall be located interior to the site wherever practical. Where location of these facilities or the site exterior adjacent to a street, driveway or pedestrian route cannot be avoided, exterior building walls or screen walls for such facilities include decorative elements that provide visual (pedestrian) interest such as openings with decorative grates, artwork and decorative tiles. Screening walls surrounding service docks and loading areas shall be a minimum of twelve (12') feet in height. Windows and display area are not required on walls surrounding docks and loading areas.

c) Bicycle parking spaces shall be sited so as not to occupy space within, reduce the size of, or impede the use of required sidewalks, pedestrian ways, curbside landscape strips, landscape buffers or usable open spaces. All bicycle parking must be easily accessible and shall be equipped or located so as to allow the bicycle to be conveniently and securely locked to a parking device or within a secured bicycle parking area. Covered bicycle may be provided within a parking structure, garage, under a separate roof, within a bicycle locker, or in a designated area within residential complex or building. Except in single-family detached and duplex dwelling units, allowance for required bicycle parking within an individual residence is not considered to be in compliance with this requirement.

d) Surface parking areas shall provide perimeter parking lot landscaping adjacent to a street other than a major pedestrian route that meets one of the following standards:

- I. A five (5') foot wide planting strip between the right-of-way and the parking area shall be provided for streets designated Collector or Local streets. A ten (10) foot wide planting strip between the right-of-way and

parking area shall be provided for streets designated Arterial. The planting strip may be pierced by pedestrian-accessible and vehicular access ways. Planting strips shall be planted with large-scale, high canopy horizontally branching street tree species and/or an evergreen hedge. Hedges shall be no less than thirty (30") inches or more than forty-two (42") inches in height. Hedges and other landscaping shall be planted and maintained to afford adequate sight distance for vehicles exiting the parking lot.

II. In lieu of hedges specified in Section 3.3 decorative walls or fences thirty (30") inches to forty-two (42") inches in height parallel to and not nearer than two (2') feet from the right-of-way line may be utilized. The area between the wall or fence and the back of the sidewalk shall be landscaped. The required wall or screening wall shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance as described above for vehicles exiting the parking lot.

III. Surface parking areas shall provide interior landscaping that meets the following standards:

i. Angled or perpendicular parking spaces shall provide, where needed, extruded curbs (tire stops) or widened curbs to prevent bumper overhang into landscape areas or walkways.

ii. All surface parking facilities shall include landscaping along the perimeter of the lot to a depth of at least four (4') feet. Perimeter landscaping shall not be required where two (2) parking lots using a common driveway are joined by a common circulation aisle or other traffic area, and landscaping may be reduced or eliminated adjacent to landscaped open space in order to transition the open space landscaping into the parking area and afford better access between the two (2) areas. Landscaping shall also be installed within planting bays, and in any other area where parking stalls; circulation aisles, driveways, or pedestrian movements would not be precluded by landscaping. Except where required by the applicant, if in following these standards, the amount of interior landscaping would exceed (10%) ten percent of the area developed to outdoor auto parking facilities, the amount of required

- landscaping shall be limited to (10%) ten percent. All landscaping required under the provisions of this subsection may be applied towards compliance with other applicable landscaping requirements.
- iii. A minimum of one (1) two and one-half (2 1/2") inch caliper street tree shall be provided in protected planting bays located within the surface parking area at the end of each parking row and at intervals not exceeding one hundred (100) feet within the parking rows. Planting bays shall have a minimum width of five (5) feet and a minimum area of one hundred eighty-five (185) square feet for double loaded parking bays and ninety (90) square feet for single load parking bays. The remainder of each bay shall be landscaped in a manner consistent with the provisions of this subsection.
  - iv. All parking lot construction, internal walkways, markings and access shall meet and fully comply with the requirements of the Americans with Disabilities Act.
- IV. Except in residential areas, parking associated with new development shall be designed to the extent practical to connect with auto parking areas on adjacent sites to eliminate the necessity of utilizing the street for parallel movement.
- V. General Landscaping Standards for Off-Street Parking Areas
- i. The minimum planting size for all required trees shall be two and one-half (2 1/2") inch caliper as measured by American Association of Nurserymen standards. Trees shall be deciduous shade trees capable of at least thirty-five (35') feet in height and spread at maturity.
  - ii. A minimum of (70%) seventy percent of all required landscaped areas, including required planting strips and planting bays, shall be covered with trees or shrubs. All areas shall also include continuous ground cover consisting of lawn, low growing evergreen shrubs, or evergreen ground cover or mulch.
  - iii. Evergreen shrubs shall not be less than two (2) feet higher than finished grade at the time of planting. Evergreen shrubs shall be of the type that grows to be at least thirty-six (36") inches higher than finished grade.

- VI. All curb cuts are subject to approval based on standards to ensure safe pedestrian circulation, traffic flow, access point needed for the proper functioning of the development and the objectives of this Section. To meet these standards, consolidation of curb cuts may be a condition of development approval.

**Requirements for Drive Through Facilities:**

Where Drive Through Facilities are permitted in the Mixed Use District, the following standards shall apply:

- 1) A maximum of two (2) drive through service lanes shall be permitted between a building façade and a public right-of-way.
- 2) Drive through lanes located between a building façade and a public right-of-way shall be buffered by evergreen shrubs. The shrubs shall be not less than two (2') feet higher than finished grade at the time of planting. Evergreen shrubs shall be of the types that grow to at least thirty-six (36") inches higher than finished grade.

**3.15.6: Parking – Manufactured Home Park**

---

Two (2) parking spaces per residence.

---

**3.16: Other Uses Affected by this Article**

---

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

- Hazardous or Solid Waste and Nuclear Waste Disposal Sites (Including storage and production)\*
- Automotive Race and Testing Tracks\*
- Mining and Extraction Operations\*
- Gun Clubs or Skeet Range
- Stockyards, Slaughter Houses, Feed Lot and Livestock Auction Houses
- Camps and RV Parks
- Communication Towers\*
- Manufactured Homes Sales Lots
- Vehicle and Heavy Equipment Sales and Rentals
- Junkyards or Salvage Operations or Yards
- Flea Markets
- Sexually Oriented Businesses\*
- Taverns
- Select Public Service Uses\*
- Large Scale Projects\*
- Agricultural Facilities

**3.16.2:** The Planning Commission shall review all requests for uses identified in section 3.16.1. The requests shall be evaluated with respect to all applicable development

standards contained herein and elsewhere in this Ordinance. At the conclusion of its review, the Planning Commission may approve the proposal as presented, approve it with specific modifications, or disapprove it. This recommendation will then be forwarded to County Council for consideration and action.

If approved by Council, the Staff shall be instructed to issue the appropriate permit(s), or if conditionally approved, to issue such permit(s) contingent on the specified modifications imposed. If disapproved, the applicant shall be notified in writing with the reasons therefore.

Owing to the nature and potential impact of certain of these uses listed in this article, the Planning Commission shall call for and conduct a public hearing on any application to establish such use in McCormick County, having given at least fifteen (15) days notice of time and place in a newspaper of general circulation in McCormick County. Those uses requiring a public hearing are marked with an asterisk.

**3.16.3: Hazardous or Solid Waste Landfills and Nuclear Waste Disposal Sites (Including Storage and Production):**

Due to consideration for the public health and safety and potential pollution to the environment resulting from hazardous or solid waste and nuclear waste disposal sites, any such uses proposed for McCormick County shall comply with the following supplemental development standards. Additionally, they will be subject to state and federal law, which shall supersede any local ordinances.

- (1) No such use shall be located within three (3) miles of any existing residential use.
- (2) A geotechnical engineering firm shall certify in writing that the rock formations being used to contain the solid waste are impermeable and that the surrounding ground water sources will not be contaminated.
- (3) A drainage plan shall accompany the request showing all on-site and off-site drainage.
- (4) Proposed facilities shall have direct access off a collector or arterial street or road.
- (5) Bufferyards specified between heavy industrial uses and residential uses on local streets shall be provided along all property lines.
- (6) The South Carolina Department of Health and Environmental Control and the Department of Natural Resources shall certify in writing that the site will meet all necessary requirements.
- (7) Plans and funding for closing and maintaining the facility after closure are required.

**3.16.4: Automotive, Motorcycle, ATV, or Go-Cart Race and Testing Tracks**

Automotive, motorcycle, or go-cart race and testing tracks are declared by this Ordinance to be incompatible with residential development. Additionally, such uses have the

potential of negatively impacting many non-residential uses. As a result, any such use proposed for McCormick County shall comply with the following development standards:

- (1) No such use shall be located within three thousand (3,000) feet of any residential use unless adjacent land owners located within the three thousand (3,000) feet provide written permission permitting such use.
- (2) Level I buffer requirements shall apply along all property lines.
- (3) Proposed facilities shall have direct access off collector or arterial streets only.

### **3.16.5: Mining and Extraction Operations**

Due to the land disturbing nature of these operations, pollution to air and water, and use of explosives to break up earth materials, such uses shall be permitted in McCormick County only under the following conditions:

- (1) A mining permit must be obtained from the South Carolina Department of Natural Resources and the Department of Health and Environmental Control prior to securing a county permit. The mining permit shall have been issued within six (6) months of the date of the request for the county permit.
- (2) A drainage plan, sedimentation plan, and restoration plan shall accompany the application.
- (3) No such use shall be located less than three thousand (3,000) feet from any residential use or residential zoned property.
- (4) A vegetated strip may be required along the margins of the excavation site to reduce sedimentation and air borne debris.
- (5) Proposed facilities shall have direct access off collector or arterial streets only.
- (6) Level I buffer requirements shall apply along all property lines.

### **3.16.6: Gun Club or Skeet Range**

The unique nature of this use is such that the following criteria shall be observed in siting such use in McCormick County:

- (1) No rifle or skeet range shall be operated in McCormick County unless said range is in compliance with state regulations.
- (2) Gun ranges should have materials that contain and hold any bullets or shrapnel that are fired from weapons to avoid injury to surrounding spectators or residents.
- (3) No such use shall be located less than three thousand (3,000) feet from any residential use.

### **3.16.7: Stockyards, Slaughter Houses, Feed Lot and Livestock Auction Houses**

The above referenced uses shall be located no closer than one thousand five hundred (1,500) feet from any residential use. No incineration of animals or animal refuse shall be permitted. This section applies to all stockyards, slaughter or auction houses, and feed lots dealing with pigs, hogs, chickens, cattle, and other livestock. Such uses shall meet Level 2 buffer requirements. No such use shall be operated in McCormick County unless it is in compliance with DHEC and other state regulations.

---

### **3.17: Private Camps and Commercial Campgrounds & Recreational Vehicle Parks**

---

#### **A. Site Plan**

A site plan is required showing limits and square footage of the proposed campground and location and size of driveways, parking areas, playgrounds, service buildings, other buildings, manufactured home lots, together with required setbacks from right-of-ways and property lines. All campsites shall be numbered in sequence on the plot plan.

1. A storm drain system to accommodate run-off within the recreational vehicle park or campground and to transfer said run-off to a satisfactory point of disposal.
2. The method of fire protection shall be approved by the appropriate fire agency.
3. An enlarged plot plan showing a typical site and a typical recreational vehicle space, including all facilities available and accurately dimensioned.
4. All parking spaces and aisles drawn and accurately dimensioned, with flow of traffic noted thereon.
5. Plans showing the location, size and height of all proposed signs.
6. The location and types of all water supply sources, sewage systems, storage tanks and similar facilities shall be depicted on the plot plan.
7. If applicable, a location for a dump station for self-contained trailers and campers.
8. Detailed building elevations of all proposed buildings.
9. The level of buffering required along the property lines will be determined as part of the Site Plan review and determined through a consideration of adjacent land uses and the Zoning District(s) involved.
10. Must meet DHEC regulations.

#### **B. Density**

Density in any campground shall not exceed seven (7) campsites per gross acre.

#### **C. Campsites**

1. Minimum width of campsite lots shall be thirty-five (35) feet and forty (40) feet in length.
2. No camping structure shall be placed within twenty (20) feet of another.
3. Each campsite shall have “back in” parking for one automobile in addition to a tent or trailer site. Each parking space in a recreational vehicle park shall be improved with gravel or better covering in order to maintain a dust and mud-free condition.
4. Every campsite shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number

corresponding to the number of each campsite as shown on the site plan. Changes in the numbering or number of campsites shall be subject to a new application and approval. The owner shall upon approval provide a copy of the site plan with numbering for campsites to the local fire and ambulance organizations.

5. Adequate numbers and locations of restrooms and shower facilities shall be provided with appropriate parking areas adjacent thereto.

6. Useable open space for common areas shall be planned and provided for at convenient locations to provide at least two hundred (200) square feet per recreational vehicle and campground space. Such open space may include play yards, pools, and recreation buildings but shall not be deemed to include public facilities and open areas not accessible to the tenants.

7. Refuse storage areas shall be provided in key locations throughout the park or campgrounds with provisions for screening and refuse separation for recycling containers and collections.

8. Security and safety issues will be considered as part of a site plan.

9. A secondary emergency exit shall be provided and property signed.

#### **D. Internal Streets and Driveways**

The internal streets and driveways must be privately built and maintained. All streets and driveways shall be built and maintained to DOT standards. Campgrounds designed to serve only backpackers, bicyclists, and others not utilizing motorized vehicles shall not be required to comply with the requirements of this section that apply only to motor vehicle use.

#### **E. Limitations on Occupancy**

No persons or group of persons other than the owner or operator thereof shall permanently occupy any of the spaces in a recreational vehicle park, commercial campground, or private campground. Length of temporary occupancy of all campgrounds, camping sites, or recreational vehicle spaces shall be regulated as follows: (A) Vehicles with total hook-up capacity, including sewer, water and electricity, shall not occupy any campground space in a recreational vehicle park for a period exceeding six (6) months in any twelve (12) month period, nor shall the cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed six (6) months in any twelve (12) month period. (B) Tents or vehicles with less than total hook-up capacity shall not occupy any campground space in a recreational vehicle park for a period exceeding thirty (30) days in any twelve (12) month period, nor shall cumulative occupancy by such persons of different campground spaces anywhere in the facility exceed a total of thirty (30) days in any twelve (12) month period.

#### **F. Setbacks**

Minimum setbacks for all structures and vehicles shall be one hundred (100) feet from the street frontage and fifty (50) feet from all other property lines.



---

### **3.18: Communications Towers**

---

The applicant for a zoning permit for construction of a communications tower or placement of a commercial telecommunications antenna on an existing structure other than a tower previously permitted must file with the Zoning Officer an application accompanied by a fee as set by McCormick County and the following documents, if applicable.

Application Requirements. The applicant for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file with the County Planner an application accompanied by a fee of five hundred dollars (\$500) and the following documents, if applicable:

- A. Specifications – one copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
- B. Site Plan – a site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property (a site plan is not required if the antenna is to be mounted on an approved existing structure).
- C. Tower Location Map – a current map, or update for an existing map on file, showing locations of applicant’s antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the county.
- D. Antenna Capacity and Wind Load – 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.
- E. Antenna Owners – identification of the owners of all antennae and equipment to be located on the site.
- F. Owner Authorization – written authorization from the site owner for the application.
- G. FCC License – evidence that a valid FCC license for the proposed activity has been issued.
- H. Visual Impact Analysis – a line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- I. Removal Agreement – a written agreement to remove the tower and/or antenna within 30 days after cessation of use. In the event of bankruptcy, it will remain the sole responsibility of the tower’s owner to remove the tower along with all appendages.
- J. Additional Information – additional information required by the Zoning Officer for determination that all applicable zoning regulations are met.

The Applicant must show that all applicable conditions are met as follows:

- A. Location and Visual Impact – The proposed communications tower, antenna, or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant’s technical design requirements.
- B. Inability to Locate on Existing Structure – Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant’s technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant.
- C. Necessity for Location in Residential District – Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.
- D. Public property or other private property not suitable – Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant’s technical design requirements.
- E. Design for Multiple Use – Applicant must show that the new tower is designed to accommodate additional antennae equal in number to applicant’s present and future requirements.
- F. Applicant must show that a new tower one hundred (100’) feet in height is designed to accommodate two (2) additional antennae; and a tower greater than one hundred (100’) feet in height is designed to accommodate three (3) additional antennae.
- G. Safety Codes Met – Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
- H. Paint and Illumination – A communications tower must not be painted or illuminated contrary to the requirements of this ordinance unless otherwise provided by state and federal regulations.
- I. Distance from Existing Tower – A permit for a proposed tower site within one half (1/2) mile of an existing tower (regardless of ownership) shall not be issued unless the applicant certified that the existing tower does not meet applicant’s structural specifications and applicant’s technical design requirements, or that a co-location agreement could not be obtained.
- J. Indemnity and Claim Resolution – Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Zoning Officer a written indemnification of the county and proof of liability insurance or financial ability to respond to claims up to one million dollars (\$1,000,000) in the aggregate which may arise from operation of the

facility during its life, at no cost to the county, in form approved by the county attorney.

- K. Application of Zoning Regulations – Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size exterior illumination, sign, storage, and all other general zoning district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.
- L. Minimum Setbacks – A tower must be a minimum distance equal to one-half (1/2) the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements or (25%) twenty-five percent of the tower height, whichever is greater.
- M. Landscaping shall be required as follows:

- a. Around the base of the communication tower, outside of the security fence, at least one row of evergreen shrubs capable of forming a continuous hedge at least five (5') feet in height shall be provided, with individual plantings spaced not more than five (5') feet apart. In addition, at least one (1) row of evergreen trees with a minimum caliper of one and three-quarter (1-3/4") inches at the time of planting and spaced not more than twenty-five (25') feet apart shall be provided within fifty (50') feet of the perimeter security fence.

- b. All required landscaping shall be installed according to established planting procedures using good quality plant materials.

- c. A Certificate of Completion shall not be issued until the required landscaping is completed in accordance with the approved Landscape Plan and verified by an on-site inspection by the Zoning Officer or the Zoning Officer's designee, unless such landscaping has been waived in accordance with (B), above. A temporary Certificate of Completion may, however, be issued prior to completion of the required landscaping if the owner or developer provides to the County a form of surety satisfactory to the County Attorney and in an amount equal to the remaining plant materials, related materials, and installation costs as agreed upon by the Zoning Officer or the Zoning Officer's designee and the owner or developer.

- d. The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing condition, replacing unhealthy or dead plant materials within one (1) year or by the next planting season, whichever first occurs. Replacement materials shall conform to the original intent of the Landscape Plan.

- e. A chain link fence six (6') feet in height together with three (3) strands of barbed wire (for an approximate height of seven and one-half [7.5']

feet) shall be provided around the communication tower and any associated building.

The applicant must appeal to the Board of Zoning Appeals as follows:

Time limit for Zoning Officer Action – Failure of the Zoning Official to act on an application which is determined to be complete under this Article within forty-five (45) days, unless extended by mutual agreement, may be considered by applicant to be a denial of a permit which is subject to appeal to the Board of Zoning Appeals.

Abandoned towers must be removed within thirty (30) days of written notice of abandonment from the County to the tower owner. After thirty (30) days, a fine will be assessed in the amount of one hundred dollars (\$100) per day to the tower owner until the tower is completely removed. Abandoned is hereby defined as a tower without antenna, not providing any transmission signals or lacking a power source, not operating for sixty (60) days or express notification from the owner that it is abandoned.

Special Exceptions:

A tower, pole, or antenna may be permitted by special exception granted by the Board of Zoning Appeals after public hearing and findings of fact based on the following criteria:

- (1) All application requirements and conditions imposed by Section 3.18 of this ordinance for conditional uses are met except height limitations and setbacks.
- (2) If additional tower height is requested, total tower height will not exceed (150%) one hundred fifty percent of the maximum height permitted in the district as a conditional use.
- (3) Applicant has demonstrated that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the County.
- (4) The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence.
- (5) The Board may not grant a variance from the standards imposed for a communications tower or antenna in connection with granting a special exception as permitted by Appeal to Board.

---

### **3.19: Sexually Oriented Businesses**

---

It is in the interests of the health, safety, and welfare of the patrons of Sexually Oriented Businesses, as well as of the citizens of McCormick County, to provide minimum standards and regulations for sexually oriented businesses and for their operators and employees.

Sexually oriented businesses generate secondary effects that are detrimental to the public health, safety, and welfare. Additionally, sexually oriented businesses are frequently

used for unlawful sexual activities, including public sexual indecency, prostitution, and sexual encounters of a casual nature. Such businesses are of particular concern to the community when they are located in close proximity to each other, or close to schools, churches, or parks and playgrounds.

The concern over sexually transmitted diseases is a legitimate health concern of McCormick County that demands reasonable regulation of these businesses in order to protect the health and well being of our citizens.

The location of sexually oriented businesses close to residential areas diminishes property values and leads to conditions that give risk to crime in residential neighborhoods. Many studies performed in other communities indicate conclusively that property crimes and sexual crimes increase significantly in neighborhoods in which such a business is located.

It is not the intent of this section to suppress any speech activities protected by the First Amendment or to place any impermissible burden on any constitutionally protected expression or expressive conduct by the enactment or enforcement of the Ordinance. Rather, it is the intent of McCormick County Council to enact a “content neutral regulation” that addresses the secondary effects of sexually oriented businesses.

No such use shall be located one (1) radial mile from a church, school, residential use, hospital, public library, a public or private park, playground or play area, a licensed or certified day care center, group day care home, or preschool, property of any county school district, a licensed nursing home, any public building, any other adult uses, or any club or organization where children might gather. For the purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest portion of a residential lot, or the nearest exterior wall of another sexually oriented business.

---

### **3.20: Select Public Service Uses**

---

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

1. Landfills
  - a. Industrial Waste
  - b. Construction and Demolition Debris
  - c. Municipal Solid Waste
2. Sewage treatment facilities (area wide). This does not include sewer transport facilities.
3. Electrical substations
4. Prisons

A proposed siting of any of the above uses shall be subject to the following requirements as well as any special conditions imposed by the Planning Commission and County Council to secure public health, safety and acceptance:

1. Full disclosure of all emergency procedures and an analysis of the adequacy of these procedures where applicable.
2. Environmental impact analysis, where appropriate, or required by the Planning Commission.
3. These uses can substantially impact environmental features, surrounding land use, traffic conditions and facilities, and public utilities. The purposes of this section, therefore, are to ensure the proper siting of such projects in relation to its surroundings, and to avoid any negative impact from improper planning and design. Large scale projects shall be submitted for approval and reviewed by the Planning Commission and approved by County Council.
4. As part of the Site Plan review, any landscaping and buffer requirements needed will be determined by consideration of adjacent land uses and the Zoning District(s) involved.

---

### **3.21: Large Scale Projects**

---

For purposes of this section, a large-scale project is defined as follows:

1. Any project that generates a need for one hundred (100) or more off-road parking spaces, as determined by section 3.13.
2. A truck or bus terminal, including service facilities designed principally for such uses. A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, and including the transport, loading or unloading of goods. A terminal may include facilities for temporary storage of goods prior to transport/shipment.
3. Any project that places a substantial burden on the public services of McCormick County is a large scale project.
4. Large scale projects shall be submitted for approval and reviewed by the Planning Commission and approved by County Council.
5. A proposed siting shall be submitted. Since Large Scale Projects can substantially impact environmental features surrounding land use, traffic conditions and facilities and public utilities it is important to ensure the proper siting of such projects in relations to their surroundings and to avoid any negative fallout from planning and design.
6. For purpose of this section, subdivisions are not considered large scale projects. Subdivisions are subject to the subdivision ordinances.

---

### **3.22: External Relationships**

---

Road systems serving large scale projects shall be designed in relation to existing and planned external systems.

1. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movement and minimize hazards to vehicular or

- pedestrian traffic. Merging and turning lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.
2. Such projects shall not be permitted access to a minor local road but may border or front a major local road.
  3. Access for pedestrians and cyclists entering or leaving multifamily projects shall be by safe and convenient routes. Such access need not be adjacent to or limited to the vicinity of access points for automotive vehicles. Where there are crossing of pedestrian ways and vehicular routes at edges of the project, such crossings shall be safely located, marked and controlled; and where such ways are exposed to substantial automotive traffic at edges of the district, safeguards including fencing may be required to prevent crossings except at designated points.
  4. More specifically, ingress, egress openings in concrete, asphalt, rock or other road curbing provision, commonly referred to as curb cuts, as well as other means of vehicular access to and from such projects shall be in accordance with the following requirements.
    - a. Size, spacing of curb cuts, other access points. Access points to large-scale projects shall consist of two twelve (12) foot exit lanes and a sixteen (16) foot entrance lane. A twenty-five (25) foot turning radius space will be provided and seventy (70) feet of right-of-way where the entrance/exit fronts with the intersecting road. Entrances/exits may not take access closer than one hundred twenty-five (125) feet from the right-of-way line of an intersection major road and one hundred fifty (150) feet from an intersecting minor road.
    - b. Access points in vicinity of grade separate interchange. In no case shall any point of access or other means of vehicular ingress and egress from private property onto a public road be permitted closer than two hundred (200) feet to the intersection point of that road's right-of-way line with the right-of-way of any portion of an interchange involving grade separations with that road and any limited access highway; such interchange to include all portions of all ramps, accelerating and decelerating lanes, merge lanes, and other facilities specifically designed to facilitate traffic movement onto and off of the limited access highway.
    - c. Sight clearance. Where possible, entrances shall be located in a manner to allow at least one hundred (100) feet of sight distance for each ten (10) miles per hour of speed limit. Sight distance shall be measured from a seeing height of three and one half (3.5) feet to an object one (1) foot in height.

---

### **3.23: Internal Relationships**

---

Roads, drives and parking and service areas shall provide safe and convenient access to all facilities, and for service and emergency vehicles. Roads (1) shall be laid out so as not to encourage outside traffic to traverse the development on minor roads, (2) not occupy more land than is required to provide access as indicated, or (3) create unnecessary fragmentation of the project into small blocks. In general, the project shall

be consistent with use and shape of the site and the convenience and safety of occupants and persons frequenting the project. Vehicular access to roads, or portions of roads from off-road parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic to and from such areas conveniently, safely and in a manner that minimizes traffic friction and promotes free flow of traffic on roads without excessive interruption.

---

### **3.24: Manufactured Home Sales Lots**

---

When allowed, Manufactured Home Sales facilities shall be subject to the following additional requirements:

- 1) The boundary of the property shall be a minimum of five hundred (500) feet from any residential zone or use.
- 2) Manufactured home sales facilities shall not be allowed within any flood zone.
- 3) The site plan shall define all display and sales areas and designate the proposed use for each defined area. Other accessory uses, for example rental vehicle displays, may not be located on the site unless they have been designated on the site plan. All travel lanes and parking areas shall be clearly marked and maintained. Display areas for the homes may be natural grass areas and shall be regularly maintained. The Planning Commission may add additional conditions to the site to protect the health, safety, and welfare of the public.
- 4) Parking spaces shall be provided at the ratio of one (1) space per three hundred fifty (350) square feet of office space and one (1) space for each five thousand (5,000) square feet of display area.
- 5) The maximum lot coverage allowed is (80%) eighty percent.
- 6) The display area shall be set back a minimum of seventy-five (75) feet from the street right-of-way and ten (10) feet from all other property lines.
- 7) Storage and repair of damaged homes is prohibited.
- 8) Signs are prohibited on the manufactured homes on the site, with the exception of one (1) sign per home, not to exceed three (3) square feet in size, stating the price of the home.
- 9) Manufactured Home Sales Lots are only allowed in the Industrial District.

---

### **3.25: Schools**

---

Schools are a conditional use to ensure that the design would not detract from the neighborhood, that additional traffic caused by the school would not be detrimental to the community and that the traffic flow addresses child safety.

---

### **3.26: Vehicle and Heavy Equipment Sales and Rentals**

---

- 1) Customer and employee parking and vehicles or equipment on display shall not be parked on Federal, State, or local public right-of-way, including streets and sidewalks.



- 2) Junked or inoperable vehicles or equipment shall not be allowed to accumulate on the premises unless such vehicle is within a completely enclosed building. A vehicle covered with a car cover does not constitute an enclosure.
- 3) Nothing in this subsection shall be construed as allowing properties designated as Heavy Equipment Sales and Rental establishments to be involved in disassembling, tearing down, or scrapping of a vehicle or to permit one (1) vehicle to be scavenged or stripped for parts for use on another vehicle.

---

### **3.27: Junkyards or Salvage Operations or Yards**

---

When allowed, junkyards or salvage operations shall be subject to the following additional requirements:

- 1) The operation shall be enclosed by a fence and shall be completely screened from view. The fence shall be eight (8) feet high, measured from the lowest point of the grade. The fence shall be maintained in good condition. No stored materials shall be visible from ground level immediately outside the fence.
- 2) A plan shall be submitted to show that the stored materials will not pose a danger to surrounding properties, or residents, due to noise, runoff, animal or insect populations, or other factors.
- 3) The site may not be located adjacent to residentially zoned property.
- 4) A landscape screen shall be provided based on consultation with the Zoning Officer.
- 5) The approving authority may add additional conditions in order to protect the general welfare of citizens.
- 6) A minimum of five (5) acres of land is required.
- 7) Stacking of vehicle bodies over one (1) tier in height is not allowed and no junked or salvage material may be stacked over six (6) feet high.
- 8) Such businesses shall have a front setback of at least one hundred (100) feet from any road or street.

---

### **3.28: Flea Markets**

---

- 1) Applications for flea markets shall submit a sketch of the layout of buildings, stalls, driveways, walkways, parking spaces and material storage and sales.
- 2) All structures shall conform to building codes.
- 3) Adequate site drainage shall be approved by SC DHEC.
- 4) No business sales or activities shall be allowed within the minimum required building setback area.
- 5) No campers, mobile homes, or living quarters are allowed.
- 6) No parking shall be allowed on the street or highway right-of-way.

---

**3.29: Taverns**

---

Taverns must meet all applicable state laws. Restaurants or taverns serving beer, wine or alcohol after 1:00 AM cannot abut a residential use in a residential zone and must have sufficient customer parking available in the zone where it is located without impacting adjacent zones.

---

**3.30: Agricultural Facilities**

---

Must comply with all the applicable requirements of the South Carolina Department of Health and Environmental Control and show evidence thereof before a permit is issued. McCormick County seeks to conserve, protect, and encourage the development and improvement of its agricultural land and facilities for the production of food and other agricultural products. Agriculture is a conditional use and is permitted in Forest/ Agriculture Zones.

---

**3.31: Soil Stabilization and Storm Water Management**

---

Soil stabilization and storm water management control will be goals of every ground disturbing activity or development in McCormick County. Silt fencing will be used at appropriate locations to abate run-off. Ground stabilization techniques either natural (grass, vines, mulch, and straw, crushed stone) or man-made (permeable permanent materials) will be encouraged. SC DHEC regulations will be followed by the applicant. All other governmental requirements will be met by the applicant.

# Chapter 4: Zoning Districts

# Forest/Agriculture District (FA)

---

#### **4.1: Forest/Agriculture District (FA)**

---

**4.1.1: Intent:** This District is intended to protect and preserve areas of the County which are presently rural or agricultural in character and use; to provide for a full range of agricultural activities; and to allow low density residential development for those who are willing to live in more remote locations and to assume the costs of providing many of their own services. The regulations which apply within this district are designed: 1) to encourage the formation and continuance of a compatible environment for public and recreational areas, farming, orchards, livestock, ranches, dairies, timberland, forest management areas, horticultural nurseries, and other agricultural uses which involve the growing of crops, livestock and animals and/or trees; 2) to provide suitable services, commercial and otherwise, to residents of the district; 3) to discourage any encroachment by incompatible housing developments, commercial and/or industrial operations, or other uses capable of adversely affecting the basic agricultural or environmentally sensitive areas of the district.

#### **4.1.2: General**

---

1. **Minimum Parcel Size:** 1 acre
2. **Minimum Lot Width:** 200 feet
3. **Minimum Front Yard Depth:** Fifty (50) feet; except that stands or displays of seasonal agricultural produce or other permitted commercial activities may be located within the minimum front yard area but no closer to the nearest street right-of-way than ten (10) feet.
4. **Minimum Side Yard:** Thirty (30) feet
5. **Minimum Rear Yard:** Thirty (30) feet
6. **Maximum Building Height:** Thirty-five (35) feet  
Silos, water towers, chimneys, windmills, flag poles, masts, and aerials are permitted to exceed height limits, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.
7. Lot shall adjoin or have direct access to at least fifty (50) feet of a publicly dedicated, publicly accepted or publicly maintained street or road.

#### **4.1.3: Uses**

---

**A. Permitted Uses:** The following uses or combination of uses shall be considered:

- 1) Farms or establishments for the growing, care and handling of field crops, truck farming, fruit and/or nut trees, poultry, and/or animals, livestock, or fish
- 2) Tree farms and/or forest management areas
- 3) Horticultural or aquatic plant nursery
- 4) Single family residence

- 5) Church
- 6) Private or semi-private club, lodge, or union hall or social center
- 7) Animal hospital or boarding facility, riding stables
- 8) Any publicly owned and operated building, facility, or land
- 9) Golf course
- 10) Individual manufactured home used for permanent residential purposes on individual lots containing not less than one acre of land
- 11) One ancillary dwelling unit
- 12) Private dock
- 13) Boat marina
- 14) Boat house
- 15) Wildlife refuge, including one (1) family or two (2) family dwelling units of caretakers employed to maintain and protect the refuge
- 16) Saw mills
- 17) Day Care Center
- 18) Florist or Gardening Shop
- 19) Fruit, nut or vegetable store
- 20) Barber/beauty shop
- 21) Farm supply store
- 22) Restaurant with no drive through facilities
- 23) Meat, fish or poultry shop provided that no slaughtering of animals is permitted
- 24) Convenience store
- 25) Other uses shall be considered by the Planning Commission on an individual basis.

**B. Prohibited Uses:** The following uses shall not be considered in the Forest Agriculture District:

- 1) Sexually oriented businesses

#### **4.1.4: Conditional Uses**

The following uses shall be permitted in any Forest/Agriculture District subject to conditions set forth herein below:

- (1) Stand or shelter for the selling and/or display of agricultural products provided that such uses provide at least four (4) off-street parking spaces that are adequately maintained;
- (2) Commercial riding stable provided that no building or enclosure for animals is located closer than one hundred (100) feet from any property line or other residence;
- (3) Cemetery, when accessory to and on the same property as a permitted use in the FA district;
- (4) Temporary use in compliance with stated regulations;

- (5) Telecommunications Towers – transmission and receiving towers provided towers are under two hundred (200’) feet, are painted silver or gray or retain galvanized finish in order to camouflage against the sky (unless Federal Aviation Administration imposes other requirements); and provided no strobe lights are used (unless required by the FAA);
- (6) Junkyards including, but not limited to, storage of non licensed vehicles. Subject to performance standards identified in 3.27;
- (7) Animal auction/slaughterhouse/processing plant;
- (8) Home Occupation may be offered in the primary building or an accessory building.

# Single Family Residential (SFR)

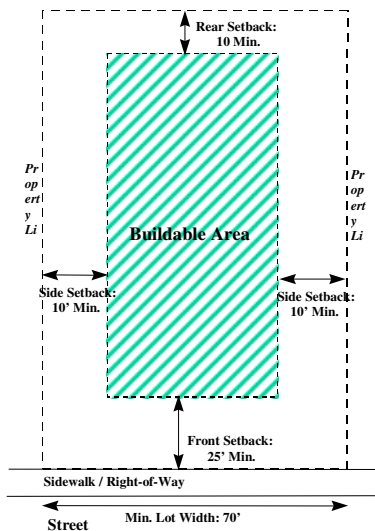


## 4.2: Single Family Residential (SFR)

**4.2.1: Intent:** Single Family Residential is a single family residential area. Standards for all uses in the district are designed to protect the health, safety, and welfare of the citizens of McCormick County.

### 4.2.2: General

	<b>Lots with No Municipal Sewer</b>	<b>Lots with Municipal Sewer</b>	
Minimum Lot Size	.4 acre	.3 acre	
Minimum Lot Width	70 ft.	70 ft.	
Maximum # of Dwelling Units	1 dwelling unit	1 dwelling unit	
<b>Setbacks</b>			
	Front	25 feet minimum	25 feet minimum
	Side	10 feet minimum	10 feet minimum
	Rear	10 feet minimum	10 feet minimum
	Setbacks apply to all structures greater than 6' above ground level.		
Max Height of dwelling	35 feet	35 feet	
% Maximum Lot Coverage	50%	50%	



#### **4.2.3: Uses**

---

**A. Permitted Uses:** The following uses are permitted in the Single Family Residential District provided that all specified standards are met.

1. Single Family Residence - One (1) housing unit per lot permitted.

2. Civic Building(s)

a) Use List:

(1) Church

(2) Park/playground

(3) Community Hall

3. One (1) outdoor storage shed per Single Family dwelling unit not to exceed 12 feet x 12 feet and aesthetically compatible with existing unit.

4. Other uses consistent with the Single Family Residential intent shall be considered by the Planning Commission on an individual basis.

5. Private Docks

**B. Conditional Uses**

1. Home Occupation in principal structure only

2. School

**C. Prohibited Uses:** The following uses shall be prohibited in the Single Family Residences

1. Any use not listed as being permitted is prohibited.

# Rural Development District (RD)

---

### 4.3: Rural Development District (RD)

---

#### 4.3.1: Intent

The Rural Development Districts are established to protect the small communities of McCormick County and to encourage balanced commercial and residential growth.

#### 4.3.2: General Requirements

---

**A. Minimum Lot Size:** 1 ac

**B. Maximum Lot Coverage:** Building footprint shall not exceed (70%) seventy percent of the lot coverage.

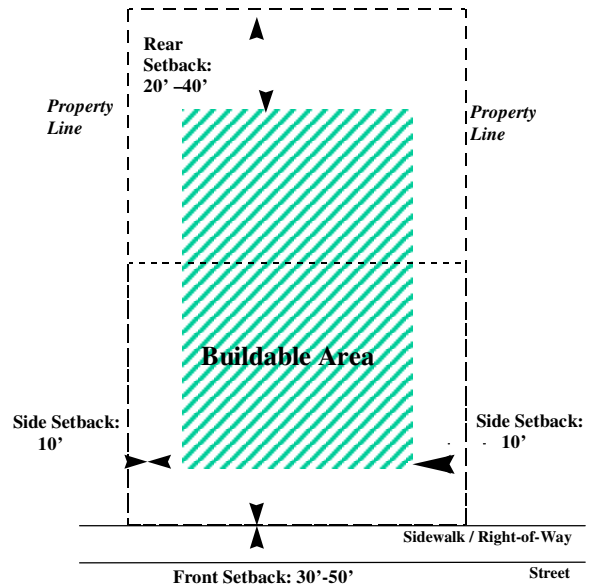
**A. Setbacks:**      **Residential**      **Commercial**

1. **Front:**      50 feet              30 feet
2. **Side:**        10 feet                10 feet
3. **Rear:**        40 feet                20 feet

**B. Maximum Building Height:** 35 feet

**C. Minimum Lot Width:** 100 feet

Water towers, chimneys, flag poles, masts and aerials shall not exceed 50' in height, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.



#### 4.3.3: Uses

---

**A. Permitted Uses:** The following uses shall be permitted in the Rural Development District.

**1. Commercial:** The following commercial uses are permitted in the Rural Development District provided that all specified standards are met. Retail business involving the display and sale of merchandise inside stores only is allowed, provided, however, that agricultural products may be displayed or sold outside. Permitted retail businesses specifically include and may be similar to:

a) Permitted Commercial Use List:

- (1) Antique Store
- (2) Appliance, furniture, radio, television store and/or repair shop
- (3) Art supply store
- (4) Bank, savings and loan associations, personal loan agencies and branches
- (5) Barber/beauty shop
- (6) Bicycle repair and sales
- (7) Book, magazine, newspaper shop
- (8) Candy store
- (9) Clothing store and/or tailor
- (10) Dry cleaning self service and/or laundry self service facility

- (11) Drug store or pharmacy
- (12) Florist shop or gardening shop
- (13) Fruit, nut and/or vegetable store
- (14) Gift or curio shop
- (15) Grocery store
- (16) Hardware store and/or farm supply store
- (17) Hobby and/or top shop
- (18) Insurance agency
- (19) Jewelry or watch repair
- (20) Locksmith or gunsmith
- (21) Medical, dental, or chiropractic office, clinic, and/or laboratory
- (22) Music store and/or record shop
- (23) Office supply and equipment store
- (24) Office for government, business, professional, or general purposes
- (25) Package liquor store
- (26) Photographic and camera supply and service store
- (27) Real estate agency
- (28) Restaurant, diner, and/or food service establishment
- (29) School offering instruction in art, music, dancing, drama or a similar cultural activity
- (30) Day care center
- (31) Bed and Breakfast

**Prohibited** - any commercial use not listed as permitted or being similar in the opinion of the Planning Commission to a use listed as permitted is prohibited.

**Conditional Uses** – the following uses shall be permitted on a conditional basis in any Rural Development District:

- (1) Auto accessory store provided there is no storage of wrecked automobiles or scrapped or salvaged parts on premises.
- (2) Automobile service station provided operations involving major repairs, body and fender work, and painting are not conducted on the premises; provided all pumps are set back at least twenty-five (25) feet from the right-of-way line of all abutting streets; and provided parking and/or service areas are separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6') feet in height above finished grade. No business activities should take place before 6 AM or after 11 PM.
- (3) Contractor's office provided there is no storage of construction vehicles, equipment, or materials on the premises.
- (4) Meat, fish, and/or poultry shop provided that no slaughtering be permitted.
- (5) Pet shop, provided all animals are housed within principal buildings so that no sound is perceptible beyond the premises.

- (6) Private or semiprivate club, lodge, union hall, or social center providing that no activities take place before 8AM or after 12 midnight.
- (7) Automobile sales, as long as the vehicles are in operable condition and are not used for spare parts.
- (8) Uncovered Storage: Outdoor storage uses are permitted in the Rural Development District provided that these standards are met:
  - The storage shall be either an accessory use on the same lot as or a primary use for a lot providing that the primary business utilizing the storage is located within the Rural Development District
  - Outdoor storage shall not be on the main thoroughfare
  - A fence must screen outdoor storage such that the contents are not visible from the walls
- (9) Entertainment theaters, mini golf.

**2. Institutional Permitted Uses**

- a. Church
- b. Publicly owned and operated building or facility

**3. Institutional Conditional Use:**

- a. School

**4. Utility:** Utility uses are permitted in the Rural Development District provided that all specified standards are met.

**5. A temporary office** and/or storage building during a project involving construction but not used as a dwelling with the removal of it within thirty (30) days of project completion.

**6. Residential Uses**

**A. Permitted Uses**

Single Family and Multi-Residential: Single Family and Multi-Family residential uses are permitted in the Rural Development District.

- a. Single Family Homes as described in the SFR Zoning District. Minimum lot size one (1) acre for one (1) home.
- b. Manufactured homes. Minimum lot size one (1) acre for one (1) home.
- c. Single Family Detached Dwelling Unit, Zero Lot Line: Minimum lot size two (2) dwelling units per acre. Maximum Number of Dwelling Units: eight (8).
- d. Attached Duplex: Minimum Lot Size for four (4) dwelling units is two (2) acres, for two (2) dwelling units is one (1) acre.
- e. Townhouse: Maximum number of townhouses is six (6) on two (2) acres of land.

- f. Rowhouse: Maximum number of rowhouses is six (6) on two (2) acres of land.
- g. Multi-Family Dwelling Unit: No more than eight (8) dwelling units on two (2) acres of land. Any multi-family dwelling units of greater than eight (8) dwelling units will be considered as a conditional use, subject to Site Plan Review. Consideration for greater density will be given if a portion of the units are intended for affordable housing units.
- h. Parking requirements: two (2) parking spaces per dwelling unit.
- i. One (1) ancillary dwelling unit.

- 1. **Single-Family Unit:** Single family residential uses are permitted in the Rural Development District, including manufactured homes.
- 2. **Multifamily Units:** Attached or detached multi-family residential uses are permitted in the Rural Development District.
  - (a) **Minimum lot area per housing unit:** 20,000 square feet
  - (b) **Parking Requirement:** 2 spaces per unit min.

**Prohibited:** Any residential use not specifically listed is prohibited.

**B. Accessory Uses:** Permitted accessory uses and structures shall be limited to the following and any additional uses and structures the Zoning Officer finds are similar to those listed in scope, size, and impact and which are otherwise in compliance with this Ordinance.

**1. Residential**

- a) Private greenhouse.
- b) Private swimming pool.
- c) Private tennis or outdoor recreational court.
- d) Storage shed for personal, non-commercial use.
- e) Studios and workshops without outdoor display for personal use.
- f) Utility transformers.
- g) Public utility or communication tower, provided previously mentioned requirements are met.
- h) Home Occupation in primary building or ancillary dwelling unit

**2. Commercial**

- a) Storage shed.
- b) Utility substation.
- c) Public utility or communication tower, provided previously mentioned requirements are met.

**3. Standards:** The following standards apply to accessory uses or structures listed as permitted in 1 and 2 above.

- a) Accessory uses or structures shall be located on the same lot as the principal structure or use.

- b) Accessory structures shall be included in the calculation of total lot coverage.
- c) Unless otherwise noted, no accessory use or structure shall be located in a front yard.
- d) No accessory use shall create a nuisance or hazard.
- e) No accessory use shall be established until the principal use is established.
- f) Accessory use shall have the same setback requirements as the principal structure.

**4. Mixed Uses:** A mixture of residential, business, institutional and commercial uses are permitted provided that these uses meet the specified standards for that use in addition to the following standards:

- a. When residential uses are attached to business or institutional uses, where business and residential portions of the building are located on different floors, business/commercial uses shall occupy the floors below the residential uses to preserve a residential atmosphere for the residents above.
- b. When residential uses are attached to business, commercial or institutional uses, businesses, commercial or institutional uses must be separated from the residential portions of the mixed use building by either a soundproof concrete or masonry wall or two (2) framewalls at least two (2) feet apart, either insulated or otherwise soundproofed with the intervening space unoccupied except for utility lines, heating and air conditioning ducts, and similar devices not producing noise or vibration requiring regular access.
- c. Home Occupation in either primary building or ancillary dwelling unit.

**C. Prohibited Uses:** The following uses shall be prohibited in the RD district:  
Sexually Oriented Businesses.



# Commercial District (CD)

---

## 4.4: Commercial District (CD)

---

### 4.4.1: Intent

Businesses in this district, due to the heavy auto traffic along the highways, will be primarily auto dependent businesses. This district may represent the first impression that visitors to McCormick County are exposed to. Because of this, the intent of these provisions is to create business districts that represent the County and its rural character. In addition, these provisions are intended to facilitate convenient access, minimize traffic congestion, and reduce visual clutter along the highways. Uses in this District should develop as commercial centers.

### 4.4.2: General

---

**A. Minimum Lot Size:** None

**B. Maximum Lot Coverage:** Building footprint shall not exceed (50%) fifty percent of the lot coverage.

**C. Minimum Street Frontage:** None

**D. Maximum Height:** 35 feet

**E. Setbacks:**

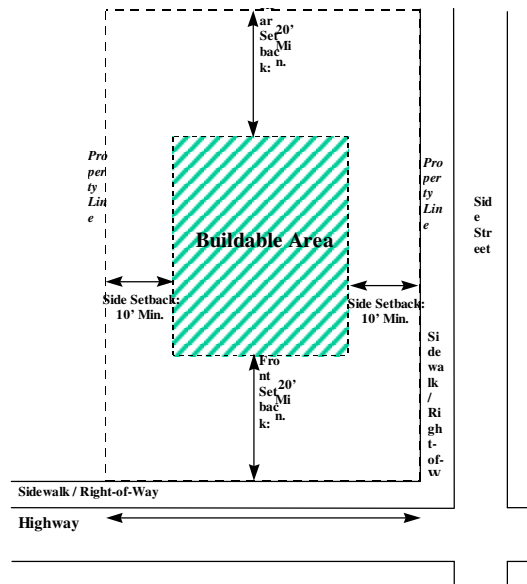
1. Front: 20 feet min.
2. Side: 10 feet min.
3. Rear: 20 feet min.

**F. Entranceways and Awnings:** Permitted to encroach a maximum of six (6) feet into front setbacks. Corner lots may encroach up to six (6) feet on both the front and street-side setback.

**G. Trash Containers:** Located in the parking area and screened from the right-of-way.

**H. Mechanical Equipment at Ground Level:** Shall be placed on the parking lot side of building, away from buildings on adjacent sites, and screened from view of public streets and residential uses.

**I. Underground power lines encouraged.**



### 4.4.3: Uses

---

**A. Permitted Uses:** The following uses shall be permitted in the commercial district.

1. General retail or wholesale business involving the sale of merchandise on the premises
2. Any use permitted in the Rural Development District
3. Personal Services
5. Business Services involving the rendering of personal services other than an automobile garage or automobile carwash
6. Office
7. Entertainment Uses (i.e. Theaters, Drive-in Theaters, Mini Golf)

8. Civic Uses, club, lodge, or social center
9. Church or religious institution
10. Hotel, bed and breakfast inns, and motels
11. Eating or drinking establishment
12. Public utility installation or sub-installation, including water towers
13. A mini-warehouse or self service storage facility provided such structure is located not less than one hundred (100) ft. from any residential structure or residential zoned district. Commercial storage units shall provide buffering consisting of a combination of fence and shrubbery at least six (6) ft. in height.
14. Warehouse/distribution center
15. Day care centers
16. Nursing homes
17. Other uses consistent with the Commercial District intent shall be considered by the Planning Commission on an individual basis.

**B. Conditional Uses** – the following uses shall be permitted on a conditional basis in any Commercial District

- (1) Auto accessory store provided there is no storage of wrecked automobiles or scrapped or salvaged parts on premises.
- (2) Automobile service station including operations involving major repairs, body and fender work, and painting so long as these services are conducted inside a building; provided that all pumps are set back at least twenty-five (25') feet from the right-of-way line of all abutting streets; and provided parking and/or service areas are separated from adjoining residential properties by a suitable planting screen, fence or wall at least six (6') feet in height, but not more than eight (8') feet in height, above finished grade. Also, provided that there is no storage of wrecked vehicles, scrap or salvage vehicles, and no more than three (3) vehicles in an outside parking area may be kept and no individual vehicle may remain for more than thirty (30) days.
- (3) Automobile carwash provided off-street paved parking area of not less than two (2) parking spaces per bay (not including the bay), and no safety hazard or impediment to traffic movement is created by the operation of such an establishment. Entrances and exits to the carwash facility shall not face any residentially zoned property.
- (4) Contractor's office provided there is no outdoor storage of construction equipment, or materials on the premises.
- (5) Meat, fish, and/or poultry shop provided that no slaughtering be permitted.
- (6) Animal hospital, veterinary clinic or kennel, provided any structure shall be no closer than two hundred (200') feet to any residential zoning perimeter or residential dwelling; provided all boarding arrangements are maintained within the structure and such noise as will be audible from the use of outside runs or exercise areas be kept at a minimum. Refer to the County Noise Ordinance for further clarification.
- (7) A solid waste transfer facility, site and accessory uses, including a recycling center, provided such facility is one hundred (100') feet or greater from any

residential building and is completely screened from view of adjacent residential properties.

- (8) Manufactured home sales based on the requirements in Chapter 3 of this ordinance.
- (9) Automobile sales based on the requirements in Chapter 3 of this ordinance.
- (10) Agricultural and construction equipment based on the requirements in Chapter 3 of this ordinance.
- (11) Flea Market
- (12) Mixed uses as allowed in the RD district.

**C. Prohibited Uses:** The following uses shall be prohibited in the Commercial District.

1. Manufactured homes
2. Sexually Oriented Businesses
3. Telecommunications Towers (except those specifically used for individual businesses)
4. Sewer Treatment Facility
5. All Single Family Residential and Multi-Family Dwelling Units

**D. Accessory Uses:** The following uses shall be permitted in the Commercial District as an accessory to the primary use.

1. Outdoor Storage provided it is screened by a fence
2. Outdoor Sales

# Industrial District (ID)

---

## 4.5: Industrial District (ID)

---

### 4.5.1: Intent

---

The purpose of the Industrial District is to accommodate industrial businesses within McCormick County. The Industrial District shall have limited impacts on surrounding properties. The Industrial District is intended to generate development using creative design that will enhance the character of the surrounding area.

### 4.5.2: General

---

**A. Minimum Lot Size:** Industrial sites shall be of size to meet all requirements for landscaping, buffer zones, setbacks, parking, and other requirements based on type of industry.

**B. Maximum Lot Coverage:** Building foot print shall not exceed (70%) seventy percent of the lot coverage

**C. Maximum Height:** Ninety (90') ft. No building may exceed the height limitations of the district unless the building meets all the applicable fire code requirements.

**D. Setbacks:**

1. **Adjacent to roads:** No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than fifty (50') feet to the right-of-way of any road. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between building and streets where such uses are visible from the road.
2. **Adjacent to Agricultural and Residential Uses/Districts:** No buildings, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100') feet to any agricultural district or any zoned residential district. No parking shall be permitted closer than fifty (50') feet to any such districts and uses.
3. **Adjacent to Other Nonresidential Districts:** Fifteen (15') feet for minimum for buildings, parking outdoor storage and loading areas.

**E. Minimum Distance Between Buildings:** Thirty (30') feet

**F. Maximum % Impervious Service:** (80%) eighty percent

**G. Trash containers** shall be located to the side or rear of the main building and shall be screened from the right-of-way.

**H. Mechanical equipment** at ground level should be placed to the side or rear of the main building, away from buildings on adjacent sites and screened from view of public streets and residential uses.

**I. Underground power lines encouraged.**

### 4.5.3 Uses

---

**A. Permitted Uses:** The following uses shall be permitted in the Industrial District:

1. Wholesale Business
2. General Commercial
3. Business Services
4. Personal Services

5. Office building for governmental, business, professional or general purposes
6. Agricultural or horticultural nursery
7. Manufacturing
8. Research or experimental laboratories certified by SC DHEC
9. Public utility installation

**B. Conditional Uses:** The following uses shall be permitted on a conditional basis in any Industrial District.

1. Any industrial use, plus operations incidental to such use, which involves manufacturing, processing, assembly, storage operations, provided said manufacturing, processing, assembly or storage in no way involves any junk or salvage operations; provided that there is no open storage of junk or salvage materials, and provided that any noise, vibration, smoke, gas, fume, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation are not sufficient to create a nuisance beyond the premises.
2. Warehouse or other storage facility, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
3. Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
4. Gas stations with repair service or garage/shop provided that all pumps are set back at least twenty-five (25') feet from the right-of way line of any street; and provided that there is no permanent storage of junk vehicles and no more than ten (10) cars, with current licenses and tags, being repaired which are temporarily parked outside at any one time.
5. Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility exceeds DHEC standards beyond the premises.
6. Any structure incidental to a permitted agricultural or horticultural use provided that only persons employed directly on the premises occupy such related dwellings.
7. Public building, facility or land other than a school, clinic, playground, hospital, clinic or care home.
8. Manufactured home sales based on the requirements of Chapter 3 of this ordinance.
9. Automobile sales based on the requirements of Chapter 3 of this ordinance.
10. Telecommunication Towers based on the requirements in Chapter 3 of this ordinance.
11. Manufactured homes incidental to the permitted use.
12. Hazardous waste, solid waste, industrial, construction, demolition debris and municipal waste landfills.
13. Sexually Oriented Businesses subject to the limitation set out in 3.19.

**C. Prohibited Uses:**

1. Residential Uses
2. Manufactured Homes for residential use

**D. Accessory Uses:** The following uses shall be permitted in the Industrial District as an accessory to the primary use. These uses shall meet minimum setbacks.

1. Outdoor Storage, screened by an opaque fence.
2. Outdoor Sales.

**E. Other Uses:** The following uses shall be permitted in the Industrial District as a conditional use provided that the standards in Section 4.5 as shown:

1. Supplemental development standards for certain uses and large scale projects:  
The purpose of the supplemental development standards is to ameliorate the impact and improve the siting of certain land uses whose characteristics could adversely affect surrounding property and environmental conditions. Towards this end, these standards are set forth over and above those established elsewhere in this ordinance.
2. Such uses shall have direct access off a public street designed to carry heavy volumes of regional traffic at high speeds or a public way designed primarily to connect such streets or to provide access from residential areas to major destination points that may be expected to carry a significant volume of traffic having neither origin nor destination on the street.

**4.5.4: Performance Standards for Nonresidential Uses:** The purpose of these standards is to prevent land or buildings from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable or hazardous condition. Toward that end, the operational characteristics of all nonresidential uses shall be measured for conformance to the following standards:

1. **Fire and explosives:** All activities related to and all storage of flammable and explosive materials shall only be provided with adequate safety devices against the hazards of fire and explosion including adequate firefighting and fire suppression equipment.
2. **Noise:** Comply with McCormick County noise ordinance.
3. **Air pollution:**
  - a. The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the state pollution control authority.
4. **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 that 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 shall be maintained in the event of failure of the primary safeguard system.
5. **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.
6. **Fumes, vapors and gases:** There shall be no emission of any fumes, vapors or gases of a noxious, toxic or corrosive nature that can cause any damage or irritation to health, animals, vegetation, or to any form of property.



7. **Heat, cold, dampness or movement of air:** Activities that could produce any adverse affect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.
8. **Toxic matter:** The measurement of toxic matter shall be at the ground level or habitable elevation and shall be the average of any 24-hour sampling period. The release of any airborne toxic matter shall exceed the quantities permitted for those toxic materials currently listed in Threshold Limit Values, adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in the listing, the application shall satisfy the Planning Commission that the proposed level will be safe to the general population.
9. **Exterior illumination:** Exterior illumination shall be carefully considered in order to promote safety and security while limiting light trespass and reading glare. All exterior lighting designs shall meet the IESNA (Illuminating Engineering Society of North America) guidelines.

**4.5.5:** Compliance guarantee: The applicant for a certificate of compliance or building permit for a nonresidential use that would produce any of the objectionable elements as set forth in this section shall acknowledge in writing an understanding of the performance standards applicable to his/her proposed use and shall submit with the applications an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this section of the ordinance.

# **Planned Development District (PDD)**

---

## **4.6: Planned Development District (PDD)**

---

### **4.6.1: Intent**

The intent of the Planned Development District is to encourage flexibility in the development of land areas greater than one hundred (100) single family residential units in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features of open areas.

### **4.6.2: General**

- A.** Any area may apply to be zoned Planned Development if one (1) or more of the following conditions are met:
  - 1. Separate land uses, which would not otherwise be permitted to locate within the same zoning district, are proposed for development on one (1) or more adjacent parcels.
  - 2. Exceptions or variations to the existing regulations are essential for the project in terms of site, design, or dimensional requirements.
- B. Minimum Parcel Size:** .3 acres or as agreed to by in the final plan. Plan has to be submitted for approval and can only be revised through amendment procedures.
- C.** Lot shall adjoin or have direct access to at least one (1) street.
- D.** The site shall be in one (1) ownership, or if in several ownerships, the application for amendment to the Zoning Ordinance shall be filed jointly by all of the owners.

### **4.6.3: Uses**

- A. Permitted Uses:** The following uses or combination of uses shall be considered.
  - 1. Any use proposed by the developer and considered by the Planning Commission and County Council as being compatible to other nearby uses within and beyond the district may be permitted in such district, upon approval by the Planning Commission and County Council. A listing of permitted uses within a particular Planned Development district shall be adopted as part of the regulations applying to that district.
- B. Prohibited Uses:** The following uses or combination of uses shall not be considered in the Planned Development district:
  - 1. Sexually Oriented Businesses
  - 2. Any use not listed as being permitted is prohibited.

### **4.6.4: Design Criteria and Development Standards**

- A.** Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.
- B.** Densities for residential dwelling units shall not exceed one (1) unit per two thousand five hundred (2,500) square feet of land area including yard and other dimensional requirements.

- C. Bufferyards: As determined as needed by the Planning Commission and County Council.
- D. Open Space: As determined as needed by the Planning Commission and County Council.
- E. All standards of the existing zoning district shall apply, if not specified otherwise in that particular PD district.

#### **4.6.5: Administrative Procedures with Regard to Planned Development Zoning Districts**

---

- A. **Zoning Chapter Amendment Required:** Any request pertaining to the establishment of a Planned Development Zoning District shall be considered an amendment to the Zoning Chapter and shall be administered and processed in accordance with Section 5.3. The request shall first be submitted to the Planning Commission for review, public hearing, and recommendation, then forwarded to County Council for final action. If approved by the County Council, all information pertaining to the proposal shall be adopted. Any proposed changes in the district shall be treated as amendments to the Zoning Chapter and must be considered accordingly.
- B. **Time Limitation:** If the approved planned development project has not begun within two (2) years of its approval date by County Council, the planned development chapter shall become null and void and the land classification shall revert to its previous zoning classification.

#### **4.6.6: Submission Materials Required for Development Plan**

---

- A. **Purpose and Effect:** An application for rezoning to a Planned Development district shall include a Development Plan incorporating the information required in B and such additional information as the applicant may deem necessary to provide a detailed understanding of the proposed planned development. Although it is unnecessary to become involved in the preparation of engineering drawings at this stage, the Development Plan must be sufficiently detailed to be judged for its superiority to other forms of development or other zoning districts.
- B. **Application Contents:** The following information and documentation together with such additional information as required by the Commission shall constitute a complete rezoning application:
  - 1) The applicant's name and address and ownership interest in the subject property.
  - 2) The name and address, and signed written consent of those having an ownership interest, if different than the applicant filing the application.
  - 3) The tax map identification number.
  - 4) The present and proposed zoning classification and use of the subject property and adjacent land.
  - 5) A survey showing property boundary lines, metes and bounds, utility transmission lines and public rights-of-way crossing and adjacent to the subject property.
  - 6) A vicinity map.

- 7) A general topographic map accompanied by a plan for the management of storm water and general site drainage.
- 8) A written statement generally describing the proposed development's compliance with the Comprehensive Plan.
- 9) One or more Development Plans at a scale approved by the Zoning Officer depicting or describing the following features of the development:
  - a) A land use plan map with a description of the type, location, and nature of land use (and building type) within each area of the development indicating the acreage and proposed density and lot requirements of each sub area.
  - b) A proposed traffic circulation map which illustrates internal trafficways related to the development, existing and proposed access points, and through roads accessing adjacent parcels.
  - c) A general description of the means of providing water service, sanitary sewerage, utilities, refuse collection, schools, fire protection, libraries, parks and similar services, where applicable.
  - d) A delineation and description of the open space areas.
  - e) A statement identifying easements and restrictive covenants relating to the establishment of common open space or service facility within the planned development, and the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or private common area.
- 10) A tabulation of the following information:
  - a) The maximum total number of dwelling units proposed by type of structure, by sub area, if applicable.
  - b) The maximum total square feet of building floor area proposed for nonresidential uses by type of use, by sub area, if applicable.
  - c) The total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to residential and non-residential uses.
  - d) The minimum lot requirements for each proposed use (if different than the minimum lot requirements specified in the current zoning district).
- 11) If the planned development is proposed for construction in phases during a period exceeding a single construction season, a proposed phasing plan shall be submitted stating the portion of each use and public spaces to be provided during each stage.
- 12) A statement identifying each of the regulations or other applicable provisions of this Ordinance which the applicant proposes to be modified as part of the Development Plan, the proposed modification, and the justification thereof.
- 13) A performance bond may be required as determined by the Planning Commission and/or County Council.

# Mixed-Use (MU)

---

## 4.7: Mixed-Use District

---

The overall purpose of the Mixed-Use District is to create and enhance community neighborhoods with a variety of intermixing of uses that complement the surrounding county. In order to accomplish these purposes, the Mixed-Use districts permit commercial, residential and multiple use developments. Mixed uses may occur vertically or horizontally. The districts also include design requirements to create active pedestrian amenities. Mixed-Use districts are designed to work together to result in vibrant, prosperous neighborhoods that serve as attractive places to live, work, shop, and recreate.

### 4.7.1: Permitted and Conditional Uses

---

Land uses listed in Table 1 shall be allowed, conditionally allowed or not permitted Mixed-Use Districts. The listed uses must be consistent with the description of the district and may be further restricted by other subsections of this Section and other applicable standards throughout the zoning ordinance.

Table 1: Land Use	
Use Category	
P = Permitted	C = Conditional Use      N = Not Allowed
<b>RESIDENTIAL</b>	
Household Living	
Single Family Attached	P
Single Family Detached	P
Dwelling Units located above the ground floor	P
Multi-Family Units, Residential	C
Rowhouse	P
Townhouse	P
Duplex	P
Group Living/Assisted Living	P
Group Home	P
Nursing Home	P
<b>PUBLIC AND CIVIC</b>	
Colleges and Universities	C
Cultural Exhibits and Libraries	P
Day Care	P
Hospital	N
Lodge or Pvt Club	N
Parks and Recreation	P
Postal Service	P
Public Safety Services	P
Religious Assembly	P
School	C
Sewage Treatment Facility	N
Utilities – Services, Minor	P
Utilities – Services, Major	C
<b>COMMERCIAL</b>	
Sexually Oriented Business	N

Animal Services	
Shelter/Boarding Kennel	N
Sales and Grooming	P
Veterinary	P
Artist Work or Sales Space	P
Drive Through Facility	C
Eating and Drinking Establishment Restaurant	P
Tavern	C
Financial Services	P
Food and Beverage Retail Sales	P
Gas Stations	N
Medical Service	P
Office	P
Personal Service	P
Repair Service, Consumer	P
Residential Storage Warehouse	N
Retail Sales, General	P
Vehicle Sales, Service and Repair	N
<b>INDUSTRIAL</b>	
Artisan (Jewelry, Ceramic)	C
<b>OTHER</b>	
Wireless Communication Facility (co-located)	P
Freestanding (Towers)	C

- A. This Section establishes clear and objective development standards with which all uses permitted in the Mixed-Use District shall comply. In the Mixed-Use Districts, site development standards are used to encourage minimum and maximum setbacks; these create a street with a walkable character. In the Mixed-Use Districts, buildings must be close to the street to create a vibrant pedestrian environment, slow traffic down, provide a visually interesting character to the street, and encourage walking. The setback standards encourage public spaces between sidewalks and building entrances (e.g. extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks.)



Table 2

<b>Performance Standard</b>	<b>Mixed Use</b>
Minimum Residential Density	If housing is part of a mixed-use development, dwellings are permitted on and above the second floor of commercial uses with no minimum density.  Freestanding residential buildings are allowed at a minimum density of 8 dwelling units per net residential acre.
Maximum Residential Density	12 dwelling units per net residential acre, either in freestanding residential buildings or in mixed use buildings on and above the second floor.
Lot Size	No lot size restrictions
Minimum Lot Frontage	18 feet
Maximum Building Footprint	12,000 square feet
<b>Setbacks</b>	
Minimum (front) based on type of development*	Residential-10 feet Mixed Use-0 feet Commercial/Other-0 feet
Maximum (front)**	20 feet
Minimum (side and rear)	5 feet 0 feet on common wall for attached residential or commercial development
<b>Building Height</b>	
Minimum	1 story
Maximum***	3 stories
Useable Open Space	100 square feet per dwelling unit

\* Subject to Building Height Transition Standards contained in Section 2.3.

\*\* Additional maximum setback widths may be permitted subject to the standards contained in Section 4.7.IB.

\*\*\*Building height transition standard applies to all uses in the Mixed-Use District in Section 4.7.B VII.

**B. Setbacks**

Minimum setbacks are intended to ensure new construction occurs in a manner consistent with applicable building code, public utility easement or public open space requirements. Required maximum building setbacks are intended to complement applicable standards as a means for ensuring the placement of buildings to promote an attractive streetscape and pleasant pedestrian environment.

I. Front Yard Setbacks

- i. Minimum Setback: The minimum front setbacks are shown in Table 2.
- ii. Maximum Setback: The maximum front setbacks are shown in Table 2. Maximum setbacks shall apply to all street frontages on Mixed-Use zoned lots. The maximum setback standard for commercial multi-family apartment or mixed use buildings is met when a minimum of (75%) seventy-five percent of the front building façade is located no farther from the property line of future right-of-way lines than the maximum setback specified in

Table 2. The maximum setback standard for single family attached and detached housing, townhouses, and row houses is met when at least one façade, including a porch, is located no farther from the property line than the setback specified in Table 2.

- II. Rear Yard Setbacks
  - i. Minimum Setback: The minimum rear setback for all structures is shown in Table 2.
  
- III. Side Yard Setbacks
  - i. Minimum Setback: The minimum side yard setback for all structures in the Mixed-Use Districts is shown in Table 2.
  
- IV. Setback Exception
  - i. Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, balconies, stoops, and similar architectural features may encroach into setbacks by no more than four (4') feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code.
  - ii. Maximum front setbacks may be exceeded up to ten (10') additional feet for mixed use developments upon determination by the Planning Commission that (100%) one hundred percent of the additional setback would be used to provide enhanced pedestrian amenities such as plazas, arcades, courtyards, or other such usable pedestrian space as a feature of the development.
  - iii. Where a public utility easement is wider than the maximum setback of the applicable district, the structure may be set back to accommodate the easement.
  - iv. When a residential garage or carport is directly accessible from a public or private street or alley, the setback to the opening of the garage or carport shall be either five (5') feet or nineteen (19') feet except:
    - 1. Where the setback of the dwelling unit is greater than nineteen (19') feet, then the setback to the garage/carport shall be equal to or greater than the dwelling unit; or
    - 2. Where the garage door or carport entrance is oriented perpendicular or nearly perpendicular to the front property line, and there is sufficient distance to park in front of the garage/carport entrance without extending over the property line or the sidewalk, then the setback shall be equal to or no greater than the building.
  - v. Where loading areas or drive through lanes are permitted between a public or private street and the associated structure, the maximum setback requirement may be exceeded to accommodate the loading area of drive through lanes. The building shall be

- placed as close to the street as practicable in order to accommodate the loading area and drive through lanes.
- vi. Cantilevered awnings and canopies may extend into the public or private street right-of-way, upon approval of the jurisdiction having authority over the right-of-way, the County Engineer and the Building Department.
- V. Lot Size:  
There is no minimum lot size in the Mixed-Use District.
- VI. Building Height
- i. Maximum height standards. Maximum height standards for the Mixed-Use District are shown in Table 2.
  - ii. Minimum height standards. Minimum height standards for the Mixed-Use District are shown in Table 2.
  - iii. Within the Mixed-Use District building height is measured from native grade four (4') feet outside the foundation of the structure. For purposes of calculating minimum and maximum height as cited in Table 2 and notwithstanding the provisions of the South Carolina Building Code, a story for mixed-use buildings and parking structures shall be considered to be not greater than fifteen (15') feet and a residential use "story" shall be considered to be not greater than ten (10') feet. The maximum height shall not include the roof structure above the ceiling of the top floor of the residential living space or the commercial occupancy, provided the roof pitch does not exceed 12:12. Where construction of grade level floors includes placement of earth berms above the native grade, such grade level floors are considered stories within this standard. However, a basement is not a story if the finished floor of the basement is at least six (6') feet below native grade.
- VII. Building Height Transition
- i. Development in the Mixed-Use Districts shall provide for a building height transition when adjacent to existing single family residential development that is zoned Single Family Residential. This is done to provide compatible scale and privacy between developments. This requirement is that taller buildings shall "step-down" to create a building height transition to adjacent single-family residential developments.
  - ii. This standard applies to new and vertically expanded buildings in the Mixed-Use District with twenty (20') feet (measured horizontally) of an existing single-family residential building with a height of thirty (30') feet or less.
  - iii. The standard is met when the height of the taller building does not exceed one (1') foot of height for every one (1') foot separating the new building from the existing single-family residential structure.
- VIII. Open Space for Residential Developments: Residential projects shall provide a minimum of one hundred (100) square feet of usable open space per unit, which may be private yards, courtyards, decks or

commonly owned tracts. Usable open space within such residential projects may be privately accessible to residents and guests only, without providing public accessibility.

#### **4.7.2: Design Standards**

---

- A. Purpose: This Section establishes design standards for development in Mixed-Use Districts. These clear and objective standards shall apply to permitted uses in all districts. The design standards described in this subsection are intended to promote good quality design in site development and new building construction within mixed use zoning designations. Good design in mixed-use zones results in buildings and dwellings visually compatible with one another and adjacent neighborhoods, contributing to a district that is attractive, visually stimulating, vibrant and safe. These qualities continue to the creation of an environment that facilitates easy pedestrian movement and a rich mixture of uses. A diversity of architectural styles is to encourage except in large scale mixed-use developments where unified architectural and urban design is important to the identity of the development project. On sites that have historic or cultural significance, architectural consistency with the design standards of the area shall be required.
- B. Process: All new development and expansions of existing uses located in the Mixed-Use district shall comply with these design standards during Development Review.
  - a. Building Entry and Orientation Requirements: The purpose of this subsection is to require buildings and entrances to be oriented to the street to the maximum extent that is practical to encourage pedestrian access and movement. Requirements for orientation and primary entrances are intended to provide for convenient, direct and accessible pedestrian routes to and from public sidewalks, provide safe, pleasant and convenient circulation by connecting activities within a structure to the adjacent sidewalks, and to promote the use of pedestrian modes to retail and commercial facilities.

The following design standards shall apply to development in the Mixed-Use District:

1. All ground floor tenant spaces with at least twenty-five (25') feet of frontage facing a public or private street shall have at least one (1) building entrance oriented to the adjacent street. Such an entrance shall open directly to the outside and shall not require a pedestrian to first pass through a garage, parking lot or loading area to gain access to the entrance from the street, but the entrance may include architectural features such as arcades, anti-chambers, porticos, and the like without being in violation of this provision. If a building has frontage on more than one (1) street, the building shall provide a main building entrance or a single entrance to the corner where the two (2) streets intersect. When one (1) single tenant has fifty

- (50') feet or more of frontage on a public or private street, one additional entrance shall be provided for each fifty (50') feet of frontage on one (1) of the public or private streets. A building may have more building entrances than required by this Section oriented to a public or private street, and may have secondary entrances facing off-street parking areas and loading areas.
2. An exception to the requirement of paragraph 1 above shall be allowed upon the finding that:
    - a. The slope of the land between the building and the street is greater than 1:12 for more than twenty (20') feet and a more accessible pedestrian route to the building is available from a different side of the building.
    - b. The land between the building and the street contains a natural resource that would be reasonably and irreparably degraded by providing a reasonably direct pedestrian connection and an alternative route without such impact is available or:
    - c. The land between the building and the street contains mature, healthy trees of greater than eight (8') feet caliper that would be unavoidably destroyed or damaged by any reasonably direct routing of a pedestrian connection, and an alternative route without such impacts is available.
  3. Residential dwellings fronting on a public or private street shall have a main entrance to the dwelling opening onto the front of the dwelling at the ground floor level. Such an entrance shall open directly to the outside and shall not require passage through a garage to gain access to the doorway. The doorway may be above final grade where a porch, stoop, portico, anti-chamber, wheelchair ramp or similar architectural feature is included in the design. Ground floor single family attached and row/town house residential units fronting on a public or private street shall have separate entries directly from the major pedestrian route. Ground floor and upper story residential units in a multi-family building fronting on a public or private street may share one (1) or more entries accessible directly from the street.
  4. Residential building facades over one hundred fifty (150') feet in length facing a street shall provide two (2) or more main building entrances.
  5. Entryways into mixed-use buildings containing residential units shall be clearly marked with a physical feature

incorporated into the building or on an appropriately scaled element applied to the façade.

**Ground Floor Windows and Building Façade Requirements:** Long expanses of blank walls facing a street or other public areas detract from the attractiveness of the streetscape and perceived safety of pedestrians using those spaces. The standards of this subsection are intended to enhance street safety and provide a comfortable street environment by providing ground-level features of interest to pedestrians along streets. These standards also have the purpose of encouraging surveillance opportunities where buildings face abutting streets and public areas, preventing fortress-like facades, and avoiding a monotonous pedestrian environment. The standards also help enhance the economic vitality of a neighborhood by providing the opportunity for merchants to display goods and advertise their wares to shoppers. By encouraging “window shopping” in mixed-use districts, the activity on the street is encouraged, along with the security.

**The following design standards shall apply to development in Mixed-Use Districts:**

**a)** All development shall provide ground floor windows on the building façade facing and adjacent to a public street, or facing onto a park, plaza or other public outdoor space. Required windows shall allow views into lobbies or similar areas of activity, pedestrian entrances or display windows. Required windows shall provide a lower sill no more than three (3’) feet above grade, except where interior floor levels prohibit such placement, the sill may be located not less than two (2’) feet above the finished floor to a maximum sill height of five (5’) feet above exterior grade. Where on-site service docks and loading areas are provided, buildings containing ten thousand (10,000) square feet or more and demised up to two (2) individual tenants, are exempt from the ground floor window requirement.

**b)** Darkly tinted windows and mirrored windows that block two (2) way visibility are prohibited as ground floor windows required under this provision, except where the closest face of the building to the nearest edge of the sidewalk within a public right-of-way or private street parallel and adjacent to the building is greater than fifty (50’) feet.

**c)** In all districts building frontages along streets shall break any flat, monolithic façade by including architectural elements such as bay windows, recessed entrances or other articulation so as to provide pedestrian scale to the first floor.

**d)** Where ground floor windows are required by this section on multifamily, apartment, public institution and commercial structures, exterior walls facing a public street, public open space, pedestrian walkway shall have windows, display areas or doorways for at least (50%) fifty percent of the length and (50%) fifty percent of the area of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or fifteen (15’) feet above finished grade, whichever is less.

**e)** On single family detached, single family attached, townhouse, and rowhouse structures, exterior walls facing a public street, public open space, pedestrian walkway shall have windows, display areas or doorways for at least (20%) twenty percent of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or fifteen (15’) feet above finished grade, whichever is less.

### **Building Step-Back Requirements**

Step-back requirements help assure a comfortable street environment by preventing fortress-like facades, providing light and air at the street level, and providing features of interest to pedestrians along streets in mixed-use districts.

The following design standards shall apply to development in Mixed-Use Districts:

Step-back requirements shall be achieved, at the option of the applicant, by one of two methods:

- 1) Floors above the ground floor shall be stepped back a minimum of five (5') feet for the first story above two or:
- 2) A building shall be stepped back by an appropriate amount from the plane of the street so as to maintain an angle not greater than sixty (60) degrees between the top of the building façade fronting on to the street and the back of the sidewalk of the opposite side of the same street.

Upon petition of the applicant, the Planning Commission may waive the building step-back requirements of this subsection provided that the applicant clearly demonstrates the proposed project.

- 1) Includes window treatments, entry placement, façade relief and other architectural treatments to provide visual interest and pedestrian sensitive design at the street level and to maintain a human scale in the streetscape; and
- 2) extends the same architectural features described in the above paragraph above the ground floor level through variations in design, detail and proportion, and by avoiding designs featuring a monolithic street façade; and
- 3) is designed so as not to obstruct sunlight from falling on the back of the sidewalk on the opposite side of the street for more than four (4) hours of any given day between March 21<sup>st</sup> and September 21<sup>st</sup>.

### **Architectural Design Requirements**

Good design results in buildings visually compatible with one another and adjacent neighborhoods, contributing to mixed-use areas that are attractive, vibrant, active and safe. The following design requirements shall apply to development in Mixed-Use Districts:

1) Buildings shall promote and enhance a pedestrian scale and orientation on the façade facing the public street. Street-side building facades and dwelling units within the Mixed-Use District shall be varied and articulated to provide visual interest to pedestrians and avoid a flat appearance. In addition, development proposals shall make provisions and include designs consistent with the following:

- a) All new commercial, public/institutional mixed use, and residential buildings constructed within the Mixed-Use District shall demonstrate during the Development Review process that it promotes and enhances a pedestrian scale and orientation on any facade facing a public or private street and it incorporates discernible and architecturally appropriate features; such as, but not limited to, cornices, bases, fenestration, fluted masonry, bays, recesses, arcades, display windows, unique entry areas or other treatments for visual interest, to create

community character and to promote a sense of pedestrian scale. The design shall recognize that the simple relief provided by window cutouts or sills on the otherwise flat façade in, and of themselves, does not meet the requirements of this subsection; and

- b) All residential dwellings, of any type, constructed within any Mixed-Use District shall be constructed with exterior building materials and finishes of high quality to convey an impression of permanence and durability. Materials such as, and including, masonry, stucco, stone, terra cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, authentic vertical board and batten siding, articulated architectural concrete masonry units (CMU) and similar durable architectural materials are allowed. Materials such as, and including T-111 siding, plain or plain painted plywood and standboard sheets, concrete or cinder block smooth surface, concrete panels and similar quality and non-durable material are prohibited.

2) Commercial building and sites shall be organized to group the utilitarian functions away from the public view. Delivery and loading operations, HVAC equipment, trash compacting and collection, and other utility and service functions shall be incorporated into the overall design of the building(s) and the landscaping. The visual and acoustic impacts of these functions, along with all wall- or ground-mounted mechanical, electrical and communications equipment shall be out of view from adjacent properties and public streets, and screening materials and landscape screens shall be architecturally compatible with and not inferior to the principal materials of the building and primary landscaping. The visual and acoustic aspects of roof-mounted equipment, vents and chimneys shall be minimized by placing equipment behind parapets, within architectural screening, roof-top landscaping, or by using other aesthetically pleasing methods of screening and deadening the sound of such equipment.

#### **4.7.3: Review Procedures**

Applications for Development Review approval for projects within a Mixed-Use District shall include preliminary plans and drawings, and other pertinent materials and reports illustrating and documenting the following:

- 1) Site plans, housing types, proposed commercial and industrial uses, elevation sketches, exterior building material/color board and floor plans for all typical multi-family and attached single-family dwellings, mixed use and non-residential buildings within the project.
- 2) Residential densities.
- 3) Usable open space, landscaping and natural resource and tree preservation plan.
- 4) Planned streets and alleys, public rights-of-way, pedestrian and bicycle system plan and of-and on-street parking.
- 5) Storm water management and grading plans, underground utility service plan and easement, dedications, including infrastructure location, sizing and system connections.
- 6) Compliance with the goals of the McCormick County Comprehensive Plan, Land Use.
- 7) Compliance with the Zoning Ordinance provisions for the applicable Mixed-Use District and the applicable sections of the entire Zoning Ordinance.



The County shall require that the developer provide for and establish one (1) or more property owner associations, or similar mechanism acceptable to the County Attorney, for the ownership and maintenance of any common open space, private streets or alleys, or other appropriate lands and improvements that are of a public nature and are not dedicated to and accepted by the County. A Certificate of Completion will not be granted unless there is in place a mechanism to maintain common areas.

Further, the County shall require any such association be incorporated, or otherwise legally organized such that the association is legally capable of, and shall adopt and file by-laws, restrictive covenants, and/or other binding agreements that provide an enforceable mechanism to raise the revenue required to maintain such property and which include provisions that prohibit the association from disposing of or abandoning any common open space, private street or alley without the permission of the County, in which case the association shall first offer to dedicate the property to the County and shall provide for its long term maintenance in a manner satisfactory to the County. Nothing in this provision shall obligate or be construed to imply any obligation by the County to accept any street, alley, park, greenway, open space, or other common lot, parcel or tract of land or improvement proposed to be dedicated by an application, owner or developer of a project, or by an owner's association.

#### **4.7.4: Variances**

---

The development and design standards in the Mixed-Use District are intended to implement the goals of the Comprehensive Plan. Variances to these standards are discouraged. However, some sites may be difficult to develop in compliance with these regulations. In those instances, the Variance process provides relief where the proposed development continues to meet the intended purpose of these regulations.

1. Standards
  - a) Variances to zoning need to be reviewed by the Board of Zoning Appeals and that procedure should be followed. These considerations will be used in deciding to grant a variance request.
    - a) The adjustment will equally or better meet the purposes of the Mixed-Use Districts and of the regulation to be modified.
    - b) The Variance or cumulative Variance adjustments result(s) in a project which is still consistent with the overall purpose and intent of the district; and
    - c) The Variance will not result in significant detrimental impacts to the environment or the natural, historic, cultural or scenic resources of the County
2. The Planning Commission may recommend to the Board of Zoning Appeals a variance from the standards listed if the proposal meets the following criteria:
  - a) Multiple main building entrances required to be oriented to the street: Variances may be granted to allow a single secured entrance to an establishment upon a finding that the internal security measures which are standard operating procedures of the applicant would be irreparably harmed by this requirement; except, in no case shall there be less than one (1) main entrance oriented to a

public or private street unless otherwise authorized by an exception contained in this Section.

b) Ground floor windows: A variance to the percentage of window area required for ground floor windows in building facades where required by this Section may be allowed upon findings that:

- a. Such windows would unavoidably compromise necessary person privacy or security or security within the building (for example, privacy in a clinic examination room, security in a pharmacy storeroom, or security and privacy in a research and development laboratory).
- b. Due to the design of the structure or other demonstrable restrictions or constraints, the required personal privacy or security cannot otherwise be provided; and
- c. The loss of the window area cannot be recaptured elsewhere on the façade.

# **Manufactured Home Park (MHP)**

---

#### 4.8: Manufactured Home District

---

The manufactured home park district is established to allow manufactured home parks provided certain criteria are met and the request is approved by County Council.

##### 4.8.1: Intent

---

The intent of this Manufactured Home District is to provide a sound and healthy residential environment sufficient to meet the unique needs of inhabitants living in manufactured homes to protect manufactured home owners from encroachment by incompatible uses, and to encourage the consolidation of manufactured homes into parks.

##### 4.8.2: General

---

#### A. Set Backs

		<b>Lots with no municipal sewage treatment</b>	<b>Lots with municipal sewage treatment</b>
Minimum Lot Size		3,000 square feet	3,000 square feet
Maximum # of Dwelling Units		4 dwelling units, 1.0 acre	7 dwelling units per acre
Minimum Park Size		10 acres	10 acres
Setbacks			
	Front	25 feet minimum	35 feet minimum
	Side	30 feet minimum	15 feet minimum
	Rear	30 feet minimum	15 feet minimum
% Maximum Lot Coverage		35%	80%
Distance between additional habitable structure on the same lot		20 feet minimum	20 feet minimum

## **B. Park Plan**

---

A site plan shall be submitted with each MH rezoning request indicating the general circulation pattern, layout and size of spaces, general site dimensions to assist the Planning Commission and County Council to make a decision. Manufactured home parks permitted in MH Districts shall conform to the following requirements:

1. The park shall be no less than ten (10) acres in size, and located on a well drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
2. No manufactured home park shall contain more than four (4) manufactured home units per acre with municipal water and seven (7) manufactured homes per acre with municipal water and sewer.
3. Each manufactured home park shall have a minimum total area of twenty-five hundred (2500) square feet set aside for common recreational open space, or at least one hundred (100) square feet of space for each manufactured home lot, whichever is greater.
4. A manufactured home park must conform to the regulations of the State Department of Health and Environmental Control and other appropriate agencies, which shall advise the Planning Commission of its findings prior to the Commission's making a recommendation on the proposal. The Planning Commission shall be prohibited from making a favorable recommendation unless DHEC determines that all pertinent local and state codes can or will be met by the applicants.
5. Garbage disposal. Garbage containers with tight fitting covers shall be required for each site to permit the disposal of all garbage and rubbish. Collection will be on a regular basis to ensure the containers shall not overflow. In lieu of individual containers, a twenty (20) cubic yard dumpster for every twenty (20) manufactured homes may be provided. Refuse shall not be disposed of within the park.
6. Anchors. Each manufactured home shall be anchored according to the HUD regulation of the National Manufactured Housing Construction and Safety Standards Act as required of each manufacturer specification.
7. Street lighting. All streets within the park shall be lighted at night. The lighting system shall be in accordance with standards recognized by the appropriate utility provider and the National Electric Codes.

### **4.8.3: Uses**

---

**A. Permitted Uses:** The following uses are permitted in the Manufactured Home District provided that all specified standards are met.

1. Civic Building(s)

a) Use List:

- (1) Church
- (2) Park/playground
- (3) Community Hall
- (4) Governmental Services Building

## 2. Manufactured Home(s)

- a) Only one (1) manufactured home is permitted per parcel provided that it meets the following standards:
  - (1) Evidence must be provided that the manufactured home meets the definition of a Manufactured Home as defined in Section 2.3 of this Ordinance.
  - (2) Roofing Material: Type of shingle or roofing material that is commonly used in standard residential construction.
  - (3) Minimum Roof Pitch: 3' X 12' roof pitch, or the standard of each manufacturer's equivalent to a 3' X 12' roof pitch.
  - (4) Skirting: Continuous permanent brick or curtain wall of an approved material, continuous except for ventilation and access, shall be installed upon a poured concrete footing after placement on the lot, and before occupancy.
  - (5) The portable transporting lights and removable towing apparatus must be removed after placement on the lot and before occupancy.
  - (6) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in a manner commonly used in standard residential construction and attached firmly to the primary structure and anchored securely to the ground. Porches should be at least three (3') feet by three (3') feet at both front and back entrances.
  - (7) Storage area. On each manufactured home site, a space shall be designated for a storage building.

3. One (1) Single Family Residence for Park Manager/Owner – On permanent structure maximum height shall not exceed 35 ft.

### **B. Conditional Use**

1. Home Occupation
2. School

**C. Prohibited Uses:** The following uses shall be prohibited in the Manufactured Home Housing district.

1. Any use not listed as being permitted is prohibited.

# Airport Protective Areas

---

## **4.9: Airport Protective Areas**

---

**4.9.1: Intent:** McCormick County Ordinance 91-01, Airport Protective Areas, was adopted June 18, 1991. It is the intent of Ordinance 91-01 to restrain influences which are adverse to the proper and safe conduct of aircraft operations in the vicinity of airports, to prevent creation of conditions hazardous to aircraft operations and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning – while informing the public and potential developers of the consequences of developing in an airport protective area.

In order to fulfill the intent of the airport protective areas regulations – certain airspace surfaces and/or zones have been created and are detailed in Ordinance 91-01. The protective surfaces and/or zones created on Ordinance 91-01 are shown on the drawing entitled “HEIGHT/HAZARD SURFACES” which is a separate but integrate part of Ordinance 91-01.

Ordinance 91-01, all maps and/or plats attached thereto and the Protective Areas Maps referred to in Ordinance 91-01 – including the drawing entitled “HEIGHT/HAZARD SURFACES” – are incorporated herein by reference and made a part hereof.



## Chapter 5: Administration

---

### 5.1: Administration, Enforcement, Appeals, Complaints, and Remedies

---

**5.1.1: Zoning Officer:** This Ordinance shall be administered and enforced by the County Zoning Officer.

**5.1.2: Zoning Permits:** A zoning permit will only be issued after it is demonstrated to the satisfaction of the Zoning Officer that all land development and zoning codes will be met.

**5.1.3: Building Permits:** Building permits are required for all structures constructed, assembled or located on site after the effective date of this ordinance. No building permit shall be issued until a zoning permit has been issued by the Zoning Officer.

**A. General Provisions:** No building or structure shall be erected or occupied, no use, or change in use commenced, and no excavation or grading commenced relating thereto unless a zoning permit has been issued by the Zoning Officer and is still valid.

**B. Permit Applications:** All applications for building permits shall be accompanied by plans in duplicate drawn to scale, showing the following:

1. the actual dimensions and shape of the lot to be built upon (current plat);
2. the exact size and locations on the lot of buildings already existing, if any;
3. the location and dimensions of the proposed building or alteration;
4. the number, size, location, and lighting of proposed and existing signs, if any; and
5. the number, size, and location of proposed and existing off-street parking lots or spaces.

The application shall include such other information as lawfully may be required by the Zoning Officer, including:

1. existing or proposed uses of the building and land;
2. the number of families, housekeeping units, or rental units the building is designed to accommodate;
3. conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

One (1) copy of the plans shall be returned to the applicant by the Zoning Officer, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the County.

**C. Records:** The Zoning Officer shall maintain a record of all zoning permits on file at his office, and copies shall be made available on request to interested parties. Copies of public records will be made available to the public at cost specified in the current County ordinance.

**D. Expiration of Building and Zoning Permits:** Any building and zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a

period of at least one (1) year. Written notice of the permit lapse shall be given to the persons affected, together with notice that further work as described in the canceled permits shall not proceed unless and until new permits have been obtained.

**5.1.4: Certificate of Occupancy:**

**A. Inspections:**

1. At least one inspection of the structure will be required prior to the issuance of a certificate of occupancy. This inspection will be conducted either by employees of the County, or by an entity under contract with the County.
2. The inspection will evaluate whether the structure complies with the provisions of this ordinance, and with any conditions required by the building permit, or County Land Development Regulations.

**5.1.5: Planning Commission:** The McCormick County Planning Commission as established by McCormick County Council, shall function as an advisory committee to the Zoning Officer with respect to the provisions of this Ordinance. The Planning Commission shall make recommendations to the McCormick County Council.

**5.1.6: Violations:** If the Zoning Officer shall find that any of the provisions of this chapter are being violated or has received reliable information indicating that a violation of this Ordinance is about to occur, he shall:

- A.** notify in writing the person responsible for such violations and the property owner, if different, indicating the nature of the violation; and
- B.** take such action as is necessary to correct the violation and prevent further, similar violations from occurring.

**C. Selection of Remedial Action:**

1. In order to correct a violation of this ordinance, or to mitigate the adverse impacts resulting from a violation of this ordinance, the Zoning Officer has the discretion to select among the following courses of action, as appropriate under the circumstances;
  - a) order a discontinuance of the illegal action;
  - b) require cessation of construction, or of an unauthorized activity or use, pending the submission and approval of a building permit, or Development Plan as provided for in this Ordinance;
  - c) require the developer or owner to take specific actions to bring the construction or activity in question into compliance with this Ordinance;
  - d) where the severity of the situation warrants, require the removal of illegal structures, additions, and uses;
  - e) require the developer or owner to take appropriate actions to mitigate the adverse impacts caused by, or associated with, the violating action or use; and/or
  - f) require the developer or owner to otherwise make reasonable restitution for damage caused or expenses incurred as a result of the violation of this Ordinance.

**D. Penalties:** Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined, as determined by the Court for each offense. Each day such violation continues shall constitute a separate offense. Nothing herein shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

**E. Appeals:** The developer or owner may appeal any action of the Zoning Officer under this section to the Board of Zoning Appeals. Such appeal must be filed within thirty (30) days of the receipt of notice of such action. The Zoning Officer's action will remain in effect during the appeal process.

**F. Judicial Action:** The Zoning Officer is empowered to seek injunctive relief or specific performance to enforce the provisions of this Ordinance, or of any requirements for remedial action taken under this section. Injunctive relief is especially warranted when land altering activity is commenced, or is about to commence, which could be construed as contrary to the provisions of this ordinance.

**5.1.7: Appeal from the Decision of the Zoning Officer:** It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Officer and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the written decision of the Zoning Officer.

---

## **5.2: Amendments**

---

**5.2.1:** The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, according to the appropriate state statute.

**5.2.2: Application to County:**

A. Any amendments, change or supplement to the Zoning Map or ordinance must first be submitted to the Zoning Officer for review and recommendation.

B. Application form, together with the application fee for zoning amendment shall be filed with the Zoning Officer. The Zoning Officer shall review the application as to proper form. Within fifteen (15) working days of receipt, applicant shall receive written notice from the Zoning Officer of review, if application is incomplete and notice of the proposed meeting date, or if additional information is required.

C. Upon receipt of a complete application the Zoning Officer shall then transmit application and recommendation to the Planning Commission within fifteen (15) days.

**D. Required Information:** The applicant shall set forth a detailed description of the amendment on an application provided by the Zoning Officer. When the amendment involves a change in the Zoning Map, the applicant shall submit the following information:

1. A legal description and street address of the subject property, together with a property boundary map if subject property is not explicitly delineated on the Zoning Map.
2. Name, address, and phone number of applicant.

3. Name of property owner(s) and applicant's interest in the property if not the owner in fee simple title.
4. Filing date of application.
5. Applicant's and property owner's signature.

**5.2.3: Notice:**

- A. **Newspaper Notice:** A notice shall be placed in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing. The notice must list the hearing time and place.
- B. **Posting Property:** In rezoning cases, conspicuous notices shall be posted on or adjacent to the affected property by the Zoning Officer. One (1) notice must be visible from each public street that borders the property. Such sign(s) shall be posted at least fifteen (15) days prior to the public hearing.
- C. **Mail Notice:** Written notice must be mailed to all interested groups requesting notice. All adjoining property owners shall also be given advance notice by mail.

**5.2.4: Planning Commission Review:** All proposed amendments must be submitted to the McCormick County Planning Commission for its review and recommendation. The Planning Commission shall have thirty (30) days from the date of the public hearing in which to submit its report. If the Planning Commission cannot submit a report within thirty (30) days it must submit a written status report which details why it cannot comply with the thirty (30) day requirement. Failure to submit the report or the status report within the thirty (30) day period shall constitute approval of the requested amendment. In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. These facts should include, but not be limited to, the following:

- A. Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original Ordinance.
- B. Whether or not the requested zoning change is consistent with the comprehensive plan.
- C. The precedents and the possible effects of such precedents, which might result from approval or denial of the petition.
- D. The capability of the County or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
- E. Effect of approval of the petition on the condition and/or value of property in the County.
- F. Effect of approval of the petition on adopted plans and policies of McCormick County.

**5.2.5: Public Hearing:** The County Council or the Planning Commission shall conduct a public hearing. County Council shall review the Planning Commission report and comments made at the Public Hearing before taking action to either adopt or reject the Ordinance.

**5.2.6: Limit on Re-application:** Except for requests which are continued with the mutual consent of the applicant and the Planning Commission, a property owner or owners shall not initiate action for a zoning amendment affecting the same parcel of property, or any part thereof, more often than once every twelve (12) months.

**5.2.7: Adoption of Ordinance:** After the required public hearing and Planning Commission review, the amendment or rezoning is submitted to County Council for consideration of adoption. Adoption of the amendment or rezoning must be by Ordinance. After adoption, the Zoning Officer shall make the necessary changes to the Zoning Ordinance text and Official Map.

---

### **5.3: Board of Zoning Appeals**

---

**5.3.1: Establishment of Board of Zoning Appeals:** A Board of Zoning Appeals is hereby established. Said Board shall consist of five (5) members.

**5.3.2: Membership:**

- A. Members shall be citizens of McCormick County.
- B. Members shall be appointed by the Council for overlapping terms of four (4) years.
- C. Members may serve up to two (2) terms.
- D. Members may continue to serve until a successor is appointed.
- E. Initial appointment shall be one (1) member each for terms of one (1), two (2), three (3), and four (4) years.
- F. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- G. Members shall serve without pay, but may be reimbursed for expenses incurred while representing the Board.
- H. Members cannot hold any other public office or position in the County.

**5.3.3: Proceedings of the Board of Zoning Appeals**

- A. The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. Elections shall be held at the January meeting every year.
- B. The Board shall appoint a secretary, who may be a County officer, a County employee, a member of the Planning Commission, or a member of the Board of Zoning Appeals.
- C. The Board shall adopt rules and by-laws in accordance with the provisions of this Ordinance and the South Carolina Code of Laws, 1994, Title 6, Chapter 7; as amended.
- D. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

**5.3.4: Decisions of the Board of Zoning Appeals:** The concurring vote of three (3) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question,

or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be filed in the office of the Board and shall be a public record. On all appeals, applications and other matters brought before the Board of Zoning Appeals, the Board shall inform in writing all the parties involved of its decision(s) and the reason(s) heretofore.

**5.3.5: Procedures for Appeals and Variances:**

**A. Application:** Any person displeased with the written decision of the Zoning Officer may appeal it to the Board of Zoning Appeals. Such appeals shall be filed with the secretary within thirty (30) days after the date of written notice of the decision or order of the Zoning Officer. The applicant and parties to the permitting process are entitled to notice of the appeal.

**B. Stay of Proceedings:** Filing an appeal to the Board stays all legal proceedings to enforce the appealed action unless the appealed officer certifies that a stay would cause imminent peril to life and property. In such cases, a Board or court restraining order may stay the action.

**C. Hearings:** The Board of Zoning Appeals shall hold a public hearing within thirty (30) days of receiving written application for the hearing, give public notice thereof at least fifteen (15) days prior to the hearing by placing notice in a general circulation newspaper in the community.

**D. Posting Property:** In cases involving variances, staff must post conspicuous notices on or next to the affected property. At least one (1) notice must be visible from each street that borders the property. All adjoining property owners shall be given advance notice by mail.

**5.3.6: Powers of the Board of Zoning Appeals:**

**A. Administrative Review:** The Board may hear and decide appeals where it is alleged the Zoning Officer erred in an order, requirement, decision, or determination. In such cases, the Board may reverse or affirm, wholly or in part, the Zoning Officer's actions. The Board has all the powers of the Zoning Officer in such cases and may direct the issuance of a permit.

**B. Variances:** The Board has the power to hear and decide requests for variances when strict application of the Zoning Ordinance would cause an unnecessary hardship.

1. The following standards must apply for finding an unnecessary hardship:

a) **Extraordinary Conditions:** There are extraordinary and exceptional conditions pertaining to the particular piece of property, which could exist due to topography, street widening, or other conditions which make it difficult or impossible to make an economically feasible use of the property.

b) **Other Property:** Extraordinary conditions generally do not apply to other property in the vicinity.

c) **Utilization:** Because of these extraordinary conditions, the application of the Ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

- d) **Detriment:** The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting of the variance.
- 2. **Conditions:** In granting a variance, the Board may attach conditions to it. These conditions may address the location, character, or other features of a proposed building, structure, or use. The Board sets the conditions to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
- 3. **Use Variances:** The Board may not grant use variances. A “use variance” involves the establishment of a use not otherwise permitted in a zoning district, or extends physically a non-conforming land use or changes the zoning district boundaries shown on the official zoning map.

**5.3.7: Appeals from Decisions of Board of Zoning Appeals:**

- A. Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal from any decision of the Board to the circuit court filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is rendered.

---

**5.4: Fees**

The County Council shall establish a schedule of fees, charges and expenses, and a collection procedure for Building Permits, Zoning Permits, Zoning Amendments, and Variances, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer and may be altered or amended only by the County Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.