



**SUMMERVILLE**  
**UNIFIED DEVELOPMENT**  
**ORDINANCE**

Adopted October 10, 2019  
Last Amended August 13, 2020

This document was prepared for the  
TOWN OF SUMMERVILLE, SC - 2018

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This Code was adopted on October 10, 2019. It  
was most recently amended on February 13, 2020.  
For a complete amendment log, please visit [www.  
summerillesc.gov/241/Unified-Development-  
Ordinance](http://www.summerillesc.gov/241/Unified-Development-Ordinance)



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## T.1 HOW TO USE THIS CODE

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The following text is advisory only and is intended to give a brief overview of the overall Unified Development Ordinance. The Town Planning Staff is always available via phone or email - see [www.summervillesc.gov/160/Planning](http://www.summervillesc.gov/160/Planning) for contact information.

### T.1.1 IF YOU OWN OR LEASE PROPERTY AND WANT TO KNOW WHAT RULES APPLY IN ORDER TO BUILD OR ESTABLISH A PARTICULAR USE:

- A. **Step 1:** Find your zoning district and any overlay districts by looking at the Official Zoning Map (Planning Department or [www.summervillesc.gov/241/Unified-Development-Ordinance](http://www.summervillesc.gov/241/Unified-Development-Ordinance))
- B. **Step 2:** Determine the development standards — setbacks, building height limits, etc. — as described in [Chapter 2](#). See [Section 2.5](#) for Mixed-Use Districts and [Section 2.7](#) for Conventional Districts.
  1. Additional standards for Parking, Landscaping, and Lighting can be found in [Chapters 7, 8 and 9](#) respectively.
  2. If there is an existing building that does not conform to the development standards in [Chapter 2](#), see [Chapter 12](#): Nonconformities.
- C. **Step 3:** Determine approved uses, and any conditions and special exceptions that may apply — [Chapter 3](#), beginning with [Section 3.2](#). If there is an existing use that does not conform to the Use Provisions in [Chapter 3](#), see [Chapter 12](#): Nonconformities.
- D. **Step 4:** If the project involves any new construction or building modification:
  1. see [Chapter 4](#) for Building Design standards and whether or not they apply
  2. see [Chapter 11](#) for Stormwater Standards, along with other Environmental Protection standards including Floodplain Management.
- E. **Step 5:** If the project involves any signage, see [Chapter 10](#).
- F. **Step 6:** Determine the process for moving forward, as described in [Chapter 13](#).

### T.1.2 IF YOU WANT TO SUBDIVIDE YOUR PROPERTY

- A. **Step 1:** Find your zoning district and any overlay districts by looking at the Official Zoning Map (Planning Department or [www.summervillesc.gov/241/Unified-Development-Ordinance](http://www.summervillesc.gov/241/Unified-Development-Ordinance))
- B. **Step 2:** Determine the development standards — minimum lot sizes, setbacks, etc. — as described in [Chapter 2](#).
- C. **Step 3:** Determine approved uses, and any conditions and special exceptions that may apply — [Chapter 3](#), beginning with [Section 3.2](#).
- D. **Step 4:** Determine the subdivision and infrastructure standards for the proposed development of the property in [Chapter 5](#).
- E. **Step 5:** Determine the process for moving forward, as described in [Chapter 13](#).

### T.1.3 IF YOU WANT TO CHANGE YOUR ZONING DISTRICT

Only Town Council may rezone property following public notice and public hearings. See [Section 13.11](#) for a description of the complete process.

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# 1

## 1 PURPOSE & APPLICABILITY

### 1.1 TITLE

This document is to be known as the “Town of Summerville Unified Development Ordinance (UDO).” It should be read in conjunction with the official zoning map noted in [Section 2.2](#).

### 1.2 AUTHORITY

The development regulations contained in the UDO have been adopted pursuant to the authority conferred by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976, § 6-29-310 et seq.

The enumeration of these sections of the General Statutes is not intended to exclude any other section of the General Statutes which grants or confirms authority to municipalities to promulgate ordinances, rules, or regulations similar or identical to those set forth in the Unified Development Ordinance.

### 1.3 JURISDICTION

Pursuant to the general health, safety and welfare of the community, the articles and sections of the UDO apply as relevant to all public and private development within the corporate limits of Summerville in their current form and in all future extensions and configurations as shown on the official zoning map and its periodic updates.



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## 1.4 PURPOSE AND INTENT

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This document's general purpose is to guide development within the municipal limits:

- In accordance with existing and future needs;
- For the purposes of promoting the health, safety, and general welfare of the town;
- Providing safe and convenient orientation to streets and other public spaces for accessibility;
- Securing safety from fire;
- Providing adequate light and air to dwellings;
- Facilitating the adequate provision of transportation, water, sewerage, schools, parks, public improvements and other infrastructure; And
- Protecting scenic and critical environmental areas.

Specifically, the regulations contained in the UDO and other relevant adopted plans and policies are designed to implement the following planning principles:

- Preserve Summerville's small town charm;
- Enhance Summerville's unique downtown;
- Grow by balancing economic growth with the preservation of our natural resources and our quality of life;
- Preserve open space in connected networks where possible;
- Preserve and regenerate historic buildings and spaces;
- Regenerate older suburban areas that are suffering from economic and physical decline in form of high quality redevelopment that positively contributes to the economic, social, and environmental well-being of the Town;
- Keep pace with growth;
- Balance individual and community interests; and
- Enhance quality of life through quality design

Accordingly, the Town Council does hereby ordain and enact into law these and the following articles and sections.

## 1.5 SCOPE OF AUTHORITY

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In accordance with S.C. Code §5-7-10, the powers of the town shall be liberally construed in favor of the town and the specific mention of particular powers in the South Carolina Code of Laws shall not be construed as limiting in any manner the general powers of the town.

## 1.6 CONSISTENCY WITH ALL ADOPTED PLANS

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### 1.6.1 IMPLEMENTATION OF ADOPTED PLANS AND POLICIES

In accordance with S.C. Code 1976, § 6-29-310 et seq., the UDO is intended to implement the various development-related plans and policies adopted by the Town Council. As such, all development plans submitted shall be in conformance with such adopted plans and policies.

### 1.6.2 VARIATIONS TO ADOPTED PLANS

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis as requested by the developer or the Town Staff, provided the integrity of the proposed network and connections, locations, or areas shown in the plan are maintained. Such variations are subject to the authority of the appropriate approving agency as described in [Chapter 13](#) of the UDO - Administration & Procedures.

## 1.7 CONFORMITY WITH ALL STANDARDS

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No land, structure or parts thereof shall be used, occupied, constructed, erected, altered or moved, unless in conformity with all of the regulations herein specified for the zoning district in which it is located, and with all other applicable local, state and federal laws.

## 1.8 ANNEXATIONS

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All territory which may hereafter be annexed by the town shall be classified in the zoning district which most closely corresponds to its intended use at the time of annexation unless a different classification is recommended by the Planning and Development Committee of Town Council, or unless the petition for annexation requests a specific zoning classification. Such recommendation or request may be considered but the final designation of a zoning classification rests with the Town Council; provided, however, that council shall not take final action upon any annexation request until such time as the matter has been referred to the Planning Commission for its recommendation to Town Council as provided in Sections [13.3.2.C.3](#) and [13.4.1](#) of the Town Code of Ordinances.

## 1.9 TRANSITIONAL PROVISIONS

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### 1.9.1 EXISTING BUILDINGS

- A. Existing buildings and appurtenances that do not conform to the provisions of the UDO at the time of its adoption may continue in use as they are until a substantial improvement is requested, at which time the Town Staff shall determine the provisions of the UDO that shall apply to achieve the highest degree of conformity subject to practical limitations. Such changes shall be subject to the provisions of Article 12, Nonconformities.
- B. The modification of existing buildings is permitted subject to approval by the Town Staff if such changes result in greater conformance with the specifications of the UDO.

### 1.9.2 NEW DEVELOPMENT

New development (except as noted in [1.9.3](#), [1.9.4](#) and [1.9.5](#) below) shall comply with all of the rules noted in the UDO and the expense of compliance is expected to be borne exclusively by the developer. The UDO in no way conveys the promise of any public participation or subsidy unless specifically granted by the Town of Summerville through a Development Agreement.

**1.9.3 APPLICATIONS COMPLETED BEFORE THE EFFECTIVE DATE OF THESE REGULATIONS**

- A. All applications submitted for a development prior or subsequent to the First Reading of the UDO which are in compliance with the then existing Ordinances of the Town shall be informed they are proceeding at their own risk and may not be granted a permit should the complete submission for final approval take place after the enactment of the UDO at Second Reading.

**1.9.4 DEVELOPMENT SUBJECT TO A PUD / OR A DEVELOPMENT AGREEMENT**

- A. Any application that has received approval for a PUD district and/or development agreement before the effective date of the UDO or any amendment thereto may be carried out in accordance with the master plan for the PUD and its terms and conditions of approval, and the terms and conditions of the development agreement, provided the PUD and development agreement does not expire and otherwise remains valid. If the PUD approval or development agreement expires, is revoked (e.g., for failure to comply with time limits or the terms and conditions of approval), or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of the UDO.

**1.9.5 OTHER APPROVED DEVELOPMENT PERMITS AND APPROVALS**

- A. Any other development that has received approval of a development permit or similar approval before the effective date of this chapter or any amendment thereto may be carried out in accordance with the terms and conditions of the development permit or approval and the procedures and standards in effect at the time of approval, provided the permit or approval does not expire and otherwise remains valid. If the development permit or approval expires, is revoked (e.g., for failure to comply with time limits or the terms and conditions), or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of the UDO.
- B. To the extent a prior approval authorizes development that does not comply with the UDO, the subsequent development, although allowed, shall be Nonconforming and subject to the provisions of Article 12, Nonconformities.

## **1.10 CONFLICTS AND SEVERABILITY**

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### **1.10.1 RESOLUTION OF CONFLICTING REGULATIONS**

Wherever there is, or appears to be, a conflict between any provision of this chapter with the provisions of any other lawful ordinance regulation or resolution of the town, the requirements of this ordinance shall take precedence.

### **1.10.2 SEVERABILITY**

In the event of any portion of the UDO being declared unconstitutional or invalid, such decision does not affect the remainder of the ordinance.

## **1.11 EFFECTIVE DATE**

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The date of adoption of this Unified Development Ordinance is recorded as October 10, 2019.

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# 2 DISTRICTS

## 2.1 PURPOSE AND INTENT

For the purposes of this Ordinance, the various districts have been categorized as Mixed-Use Districts, Conventional Districts, Planned Developments, and Overlay Districts. In general, standards and provisions for Mixed-Use Districts are designed to create walkable, mixed-use environments whereas the Conventional Districts are more reflective of the existing, primarily automobile-dependent development patterns. The various zoning district regulations established in this chapter are declared to be the minimum requirements necessary to carry out the purpose of this chapter. The regulations of this chapter apply uniformly to each class or kind of structure or land, and are the standards for all site clearing, development, buildings, structures or alterations to land or structures within the corporate limits of the Town.

## 2.2 OFFICIAL ZONING MAP

### 2.2.1 ZONING MAP

The boundaries of the districts included in this Ordinance shall be shown by one map or a series of maps entitled, “Official Zoning Map, Town of Summerville,” which, with all notations, references and other information shown thereon, is hereby adopted by reference and declared to be a part of this chapter. The Official Zoning Map shall be certified by the Clerk and Treasurer to the Town Council and shall be maintained by the Town Staff in Town Hall and shall be available for inspection by the general public during regular business hours.

### 2.2.2 INTERPRETATION OF DISTRICT BOUNDARIES

When there is any uncertainty as to the intended locations of any zoning district boundary on the Zoning Map, the Town Staff shall make an interpretation of such map upon request of any person. Any person

# 2



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aggrieved by any such interpretation may appeal such interpretation to the Board of Zoning Appeals. The Town Staff, and the Board of Zoning Appeals, in interpreting the Zoning Map or deciding any appeal shall apply the following standards:

- Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed as following such centerlines;
- Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries;
- Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks or to follow the centerline of single tracks;
- Boundaries indicated as following the centerlines of waterways, marshes or ditches shall be construed as following such lines;
- Boundaries indicated as parallel to or extensions of features shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and
- Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by this section, the Board of Zoning Appeals shall interpret the district boundaries.

## 2.3 GENERAL LOT AND BUILDING PROVISIONS

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### 2.3.1 STANDARDS NOT EXCLUSIVE

In addition to the lot and building provisions in this chapter, standards for lots and buildings in related building and fire codes may also apply.

### 2.3.2 INTERPRETATION OF FRACTIONAL MEASUREMENTS

Unless specifically stated otherwise elsewhere in this ordinance, when any requirement of this ordinance results in a fraction of a unit, a fraction of  $\frac{1}{2}$  or more shall be considered a whole unit and a fraction of less than  $\frac{1}{2}$  shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component shall be disregarded and rounded down to the nearest whole number.

### 2.3.3 GENERAL LOT STANDARDS

- A. Lot Occupancy: No building shall hereafter be erected, altered or moved to occupy a greater percentage of lot area than is permitted within the zoning district in which it is or will be located.
- B. Lot Access: Except for lots platted for the sole purpose of providing conservation area and/or area for stormwater control structures, all lots must front:
  1. A publicly or privately maintained right-of-way and built to Town (or other governmental body) standards, or
  2. A common space such as a central courtyard, pedestrian passageway, or pedestrian close (see [Section 6.4.2](#)). All lots fronting on a common space shall provide rear vehicular access through an alley or parking drive of sufficient design to allow for the provision of emergency service access.

**EXAMPLE: LOTS FRONTING PEDESTRIAN WAYS**

*Lots must front on a public street or a pedestrian way such as a pedestrian passageway (left) or common green (right).*



*Buildings Fronting a Pedestrian Alley. Summerville, SC*



*Residential Lots Fronting a Common Green. Summerville, SC*

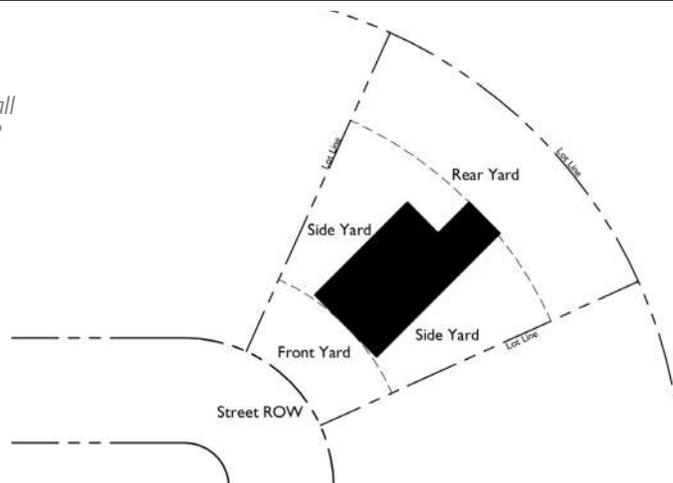
- C. Lot Reduction: No lot shall be reduced in size which will not maintain the total lot area, lot width, necessary yards, courts or other open space, lot area per dwelling unit or other requirements of this chapter.
- D. Yard Use Limitations: No part of a yard, court or other open space or off-street parking required in connection with any building for the purpose of complying with the regulations of this chapter shall be included as part or all of the required yard, court, or other open space or off-street parking for another building or structure, except as provided in this chapter.

**2.3.4 LOT SETBACKS**

- A. Yard Reduction: No building shall hereafter be erected, altered or moved to create narrower or smaller front yards, side yards, rear yards or other open spaces than required by this chapter for the zoning district in which such building is or will be located, except as provided in this chapter.
- B. Side Lot Lines: Side lot lines shall be perpendicular to straight street lines and radial to curved street lines for a minimum distance of 100 feet from the front property line.
- C. Irregular Lots: The location of required setbacks on irregularly shaped lots shall be determined by the Town Staff in accordance with the purpose and intent of this ordinance.

**EXAMPLE: IRREGULAR LOT**

*The location of required setbacks shall be determined by the Town Staff.*



- D. Setbacks from Designated Corridors: Setbacks shall be measured from the future right-of-way established for specifically-designated streets in an adopted corridor plan or small area plan if the adopted plan shows, at a minimum, the horizontal alignment of the future roadway, pedestrian and bicycle amenities, streetscape improvements and necessary right-of-way.
- E. Setbacks from Mid-block Pedestrian Ways: Mid-block pedestrian pathways shall be treated as Secondary Rights-of-Way for the purposes of determining the minimum and maximum permitted setbacks.
- F. Residential variances and restrictive covenants: The Town Staff shall only grant an administrative variance for a lot size or setback requirement that conforms to the restrictive covenants of a subdivision existing at the time of the adoption of this chapter or at the time of annexation into the town.

EXAMPLE: SETBACKS FROM MID-BLOCK PEDESTRIAN WAYS

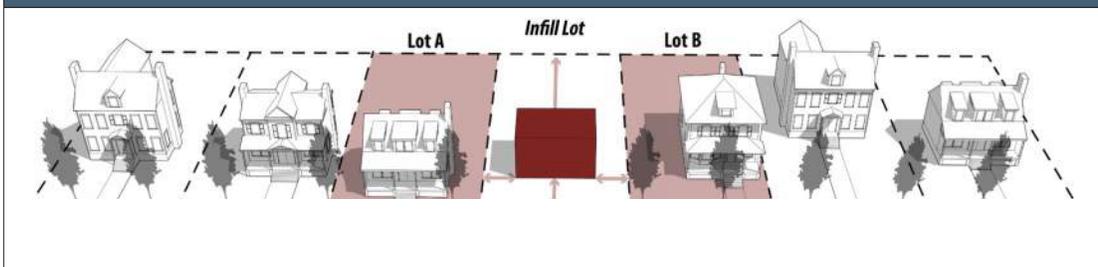


*Mid-block pedestrian pathways, like that pictured above from Nexton, shall be treated as Secondary Rights-of-Way for the purposes of determining setbacks.*

### 2.3.5 INFILL LOT SETBACKS

Infill Lot Setbacks: In certain neighborhoods, historic setbacks do not conform to current standards. It is the intent of the UDO to create predictability within blocks and not reduce or enlarge setbacks where existing precedents are present. The Town Staff shall have the authority to determine setback for infill lots to ensure compatibility with adjacent structures unless superseded by an adopted plan.

EXAMPLE: INFILL LOT SETBACKS



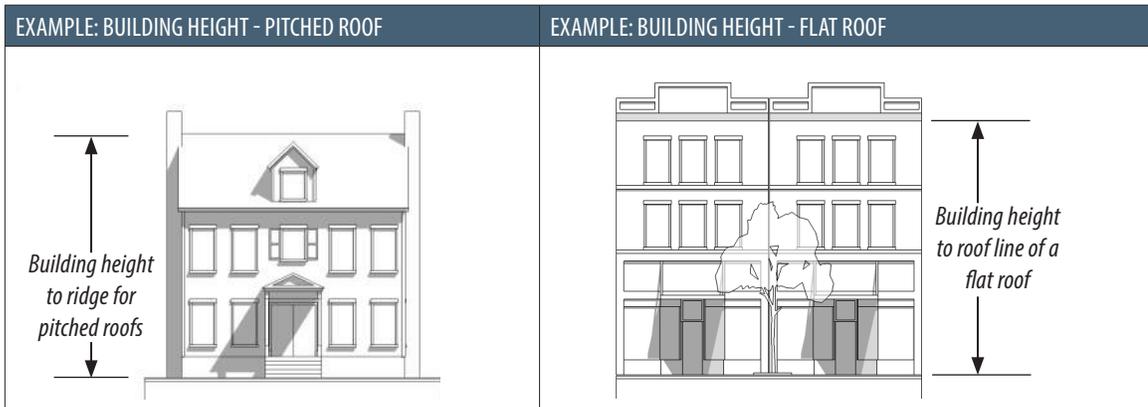
### 2.3.6 ENCROACHMENTS

Certain structures shall be permitted to encroach within the minimum required setbacks (or easements if permitted by the easement holder) as specified below:

- A. Walls, or fences may encroach within minimum required setbacks up to the property lines. Encroaching non-opaque fences in the front yard shall be no greater than 4.5 feet in height. Encroaching walls in the front yard shall be no greater than 3 feet in height.
- B. Residential buildings may have rear decks that encroach up to 8 feet into the rear setback.
- C. Balconies, stoops, open porches, bay windows, and awnings are permitted to encroach up to 5 feet into the minimum front setback. Where a 0-foot minimum setback is required, such features on upper stories may encroach within the public right-of-way with the approval of the Town, County or SCDOT (whichever has authority over a street), but shall be a minimum of 4 feet behind the curb and shall maintain a minimum height clearance of 8 feet above any pedestrian pathways.
- D. Building arcades (see [Section 4.2.10.C](#)) may encroach into any minimum front setback, but shall be designed to avoid the swing of car doors parked parallel to the arcade and shall maintain a minimum height clearance of 8 feet.
- E. Stairs may encroach up to 5 feet into any minimum front, rear or side setback. For lots with steep topography, the Town Staff may waive this requirement and allow any steps and stairs as deemed necessary to provide pedestrian access.
- F. Cornices and eaves may encroach up to 2 feet within any required minimum setback.
- G. Ramps for handicap accessibility and fire escapes required by the South Carolina State Building Code may encroach within any required minimum setback, but may not be closer than 3 feet to any property line.
- H. Outdoor swimming pools may encroach to within 5 feet of any side or rear property line.

**2.3.7 MEASUREMENT OF HEIGHT**

- A. **Building Height:** Building height is measured as the vertical distance from the mean grade elevation taken at the fronting street side of a structure to the roof line of a flat roof, the ridge of a pitched roof, or the deck line of a mansard roof.
- B. **Exemptions from Building Height Requirements:** Unless specifically stated otherwise elsewhere in this ordinance, the height requirements established in this ordinance shall not apply to:
  - 1. Building elements (such as church spires, towers, cupolas, domes, etc.) not intended for human occupancy;
  - 2. Water towers, transmission towers, and observation towers;
  - 3. Chimneys, smokestacks, and conveyors;
  - 4. Flagpoles, masts, and antennas (not otherwise regulated elsewhere); and
  - 5. Mechanical penthouses not exceeding 15 feet in height which are set back at least 20 feet from the front elevation of the building.
- C. **Other Height Requirements:** Height requirements for signs, lighting, landscape screens, and all other structures or objects for which a dimensional height requirement is established by this ordinance shall be measured as the vertical distance from the highest ground level at the structure or object's foundation to its highest point.



## 2.4 MIXED-USE DISTRICTS

### 2.4.1 NEIGHBORHOOD RESIDENTIAL (N-R)

The Neighborhood Residential District is established to accommodate a wide variety of housing types in close walking or biking proximity to Summerville’s mixed-use centers.



### 2.4.2 NEIGHBORHOOD MIXED-USE (N-MX)

The purpose of the Neighborhood Mixed-use district is to encourage diverse housing and residentially-scaled professional services, offices, small shops, limited lodging, and restaurants directly adjacent to or in easy walking distance of neighborhoods.



**2.4.3 DOWNTOWN MIXED-USE (D-MX)**

The Downtown Mixed-use district permits a wide range of mixed-use buildings including the full range of housing, retail, offices, and lodging in the downtown area.



**2.4.4 URBAN CORRIDOR MIXED-USE (UC-MX)**

The Urban Corridor Mixed-Use district is intended to permit the retrofit and redevelopment of various suburban corridors throughout the community into walkable areas with a wide range of mixed-use buildings including the full range of housing, retail, offices, and lodging.



## 2.5 MIXED-USE DISTRICT STANDARDS

DISTRICT	N-R	N-MX	D-MX	UC-MX
<i>Replaces Previous Districts</i>	R-3 / R-5	B-1 / some B-2	CBD/B-3	B-3 (redevelopment areas)
<b>1. DEVELOPMENT</b>				
A. Maximum Density	N/A	N/A	N/A	N/A
B. Required Open Space/Park Space (Note 1)	5%/5%	5%/5%	2% if 5 acres or more	2% if 5 acres or more
C. Perimeter Buffer	None unless adjacent to existing GR-2 & GR-5	None unless adjacent to existing GR-2 & GR-5	None unless adjacent to existing GR-2 & GR-5	None unless adjacent to existing GR-2 & GR-5

<b>2. LOT CONFIGURATION</b>				
A. Lot Size	N/A	N/A	N/A	N/A
B. Maximum Lot Coverage (Note 2)	50% of lot area	80% of lot area	100%	100%
C. Frontage Buildout	N/A	60% min	75% min	N/A
D. Lot Width at Front Setback	15 ft	N/A	N/A	N/A

<b>3. PRIMARY BUILDING PLACEMENT (NOTE 3)</b>				
A. Front Setback	10 ft min	0 ft min	0 ft min	0 ft min
	20 ft max	15 ft max	5 ft max	5 ft max
B. Side Setback - Corner	10 ft min	0 ft min	0 ft min	0 ft min
	No max	10 ft max	15 ft max	15 ft max
C. Side Setback - Interior	0 feet or 10 ft min between detached buildings	0 feet or 10 ft min between detached buildings	5 ft max	5 ft max
D. Rear Setback (Note 4)	20 ft min	5 ft min	5 ft min	5 ft min
E. Rear Setback from Alley (Note 5)	3 ft	0 ft	5 ft	5 ft
F. Attached Garage Setback (from front facade) (Note 4 & 6)	5 ft min behind primary façade (detached homes only - not permitted otherwise)	Attached garages along frontage are prohibited	Attached garages along frontage are prohibited	Attached garages along frontage are prohibited

<b>4. ACCESSORY BUILDING PLACEMENT (NOTE 4)</b>				
A. Side Setback - Corner	5 ft min	3 ft min	2 ft min	2 ft min
B. Side Setback - Interior	5 ft min	5 ft min	0 ft min	0 ft min
C. Rear Setback (Note 4)	5 ft min	5 ft min	3 ft min	3 ft min
D. Rear Setback from Alley (Note 4)	3 ft min	3 ft min	3 ft min	3 ft min

Note 1: Also see Open Space Standards in [Chapter 6](#)

Note 2: Lot coverage may also be subject to Stormwater Regulations (See [Chapter 11](#)).

Note 3: Building and fire codes may also apply

Note 4: In addition to the setback requirements listed above, garage doors which face a public right-of-way, except for rear alleys, must be set back a minimum of 20 ft from that right-of-way.

Note 5: Garage doors shall be a minimum of 15 feet from alley centerline. Setbacks may be increased to accommodate parking outside of the garage.

Note 6: Also see Accessory Uses & Structures in [Section 3.4](#)

Note 7: The height of the accessory building may not exceed the principal structure except where the principal structure is a single story, a two-story accessory structure is permitted located in the rear yard only.

Note 8: Also see Lot Access Standards in [Section 2.3.3.B](#)

DISTRICT	N-R	N-MX	D-MX	UC-MX
<i>Replaces Previous Districts</i>	R-3 / R-5	B-1 / some B-2	CBD/B-3	B-3 (redevelopment areas)
E. Detached Garage Door Setback (from front facade) (Note 6)	15 from centerline of the alley	15 from centerline of the alley	Must be located behind primary building and accessed via alley or side street	

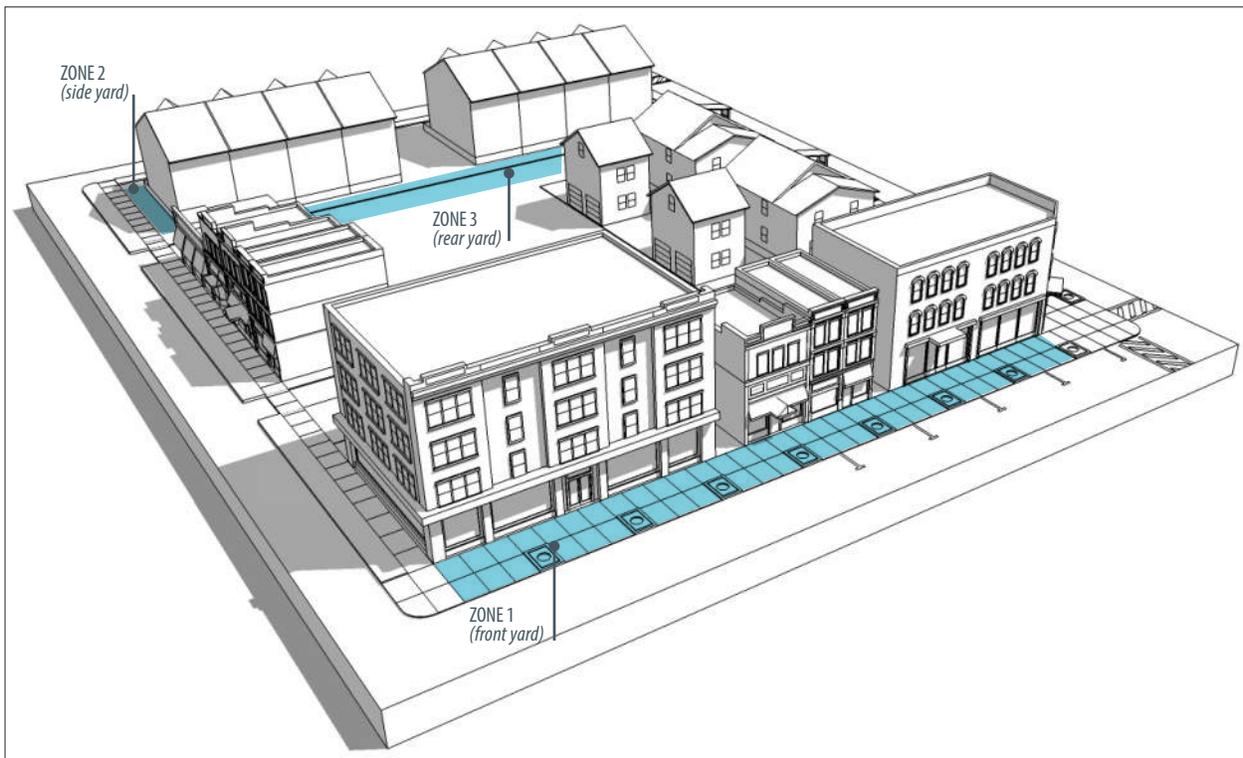
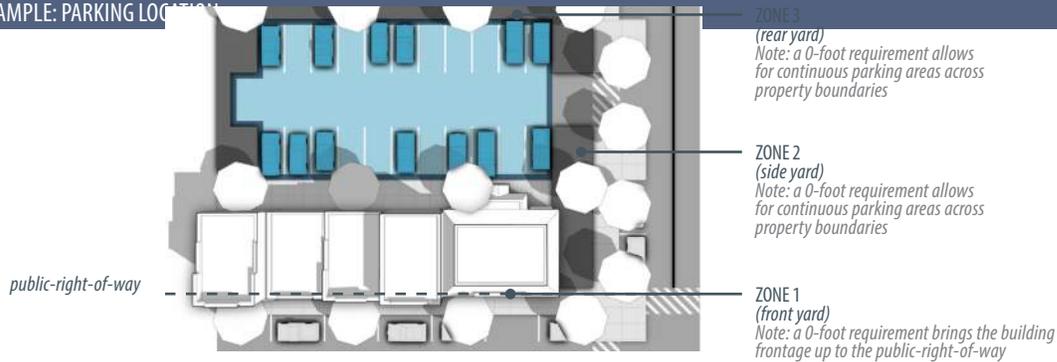
**5. BUILDING HEIGHT**

A. Primary Building Height	36 feet max	40 feet max	55 feet max	55 feet (may be waived through Design Review if site is north of Hwy 78 and does not front Hwy 78)
B. Accessory Building Height (Note 7)	20 feet max	20 feet max	20 feet	30 feet

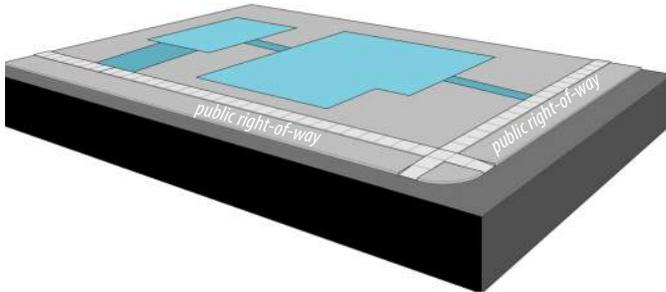
**6. PARKING LOCATION (NOTE 8)**

A. Zone 1 (Front Yard)	Restricted to detached homes only	N/A	N/A	N/A
B. Zone 2 (Side Yard)	✓	✓	N/A	✓
C. Zone 3 (Rear Yard)	✓	✓	✓	✓
D. Unrestricted	N/A	N/A	N/A	N/A

**EXAMPLE: PARKING LOCATION**

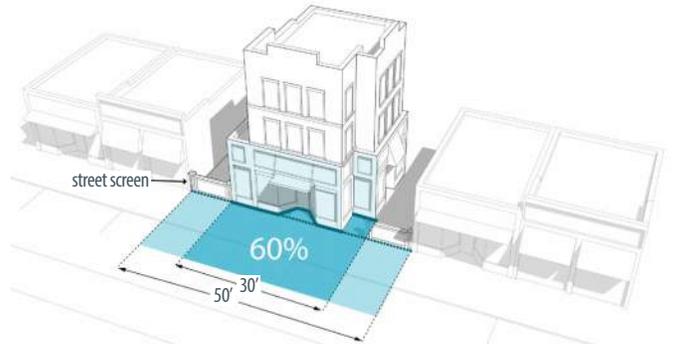


2.B. LOT CONFIGURATION: LOT COVERAGE



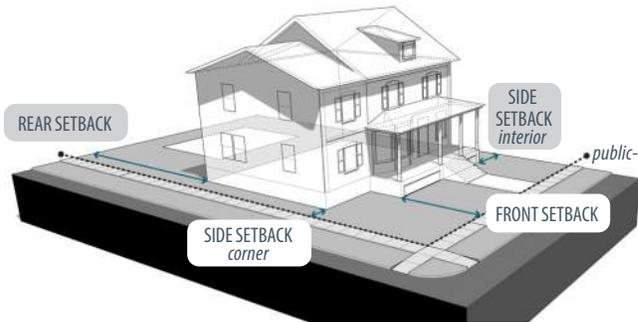
- Impervious areas shall include all paved surfaces and building areas under roof within the private lot

2.C. FRONTAGE BUILDOUT

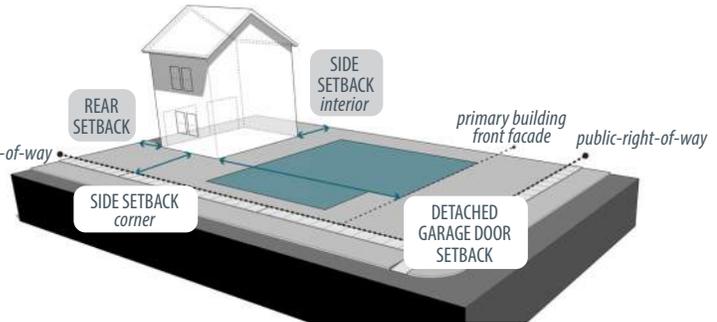


- Frontage Buildout is the percentage of the lot width where the front elevation of the building is located between the minimum and maximum front setbacks established for the district.
- Driveways and pedestrian use areas (such as walkways, plazas and sidewalk cafes) within the minimum and maximum front setbacks shall be exempt from Frontage Buildout requirement. The width of such areas shall be subtracted from the total lot width for the purposes of calculating Frontage Buildout.

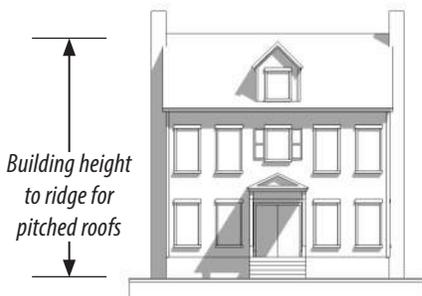
3. PRIMARY BUILDING PLACEMENT



4. ACCESSORY BUILDING PLACEMENT



5. BUILDING HEIGHT



## 2.6 CONVENTIONAL DISTRICTS

### 2.6.1 GENERAL RESIDENTIAL (GR-2)

The purpose of this district is to establish and preserve low-density residential areas (2 units/acre) to encourage and continue a stable and healthy environment for residential uses and to exclude uses which are not compatible with such residential uses. The GR-2 district principally includes the older neighborhoods with large lots containing cottages, garages and customary outbuildings.



### 2.6.2 GENERAL RESIDENTIAL (GR-3)

The purpose of this district is to establish and preserve low-density residential areas (3 units/acre) to encourage and continue a stable and healthy environment for residential uses and to exclude uses which are not compatible with such residential uses.



### 2.6.3 GENERAL RESIDENTIAL (GR-5)

The purpose of this district is to establish and preserve medium density residential areas (5 units/acre) and designed to encourage and continue a stable and healthy environment for residential uses and to exclude uses which are not compatible with such residential uses.



### 2.6.4 MULTI-FAMILY RESIDENTIAL (MF-R)

The purpose of the Multi-family Residential district is to establish and preserve multifamily residential uses designed to encourage and continue a stable and healthy environment for residential uses and to exclude uses which are not compatible with such residential uses.



**2.6.5 MANUFACTURED HOME RESIDENTIAL (MH-R)**

The purpose of the Manufactured Home Residential district is to accommodate manufactured homes, mobile homes and trailer parks and continue a stable and healthy environment for these residential uses and to exclude uses which are not compatible with such residential uses.



**2.6.6 NEIGHBORHOOD BUSINESS (N-B)**

The purpose of this Neighborhood Business center district is to provide for limited shopping areas that contain convenience goods and personal and professional services, shops, and restaurants (no drive-thrus) located near or adjacent to residential areas. Because of the location of this district it is important that any adjacent residential property be protected.



**2.6.7 GENERAL BUSINESS (G-B)**

The purpose of this General Business district is to provide for the continuation and expansion of generally auto-oriented general business and commercial areas along major thoroughfares.



## 2.7 CONVENTIONAL DISTRICT STANDARDS

DISTRICT	GR-2	GR-3	GR-5	MF-R	MH-R	N-B	G-B
<i>Replaces Previous Districts:</i>	<i>R-1</i>	<i>GR-3</i>	<i>R-2 / R-3 (as cu/ sup)</i>	<i>R-6</i>	<i>R-7</i>	<i>B-2</i>	<i>B-3</i>
<b>1. DEVELOPMENT</b>							
A. Maximum Density	2 units/acre	3 units/acre	5 units/acre	N/A	N/A	N/A	N/A
B. Required Open Space/Park Space (Note 1)	10%/15%	10%/15%	10%/15%	10%/15%	10%/15%	10% total	10% total
C. Perimeter Buffer	Buffers may be required per 8.6	Buffers may be required per 8.6	Buffers may be required per 8.6	Buffers required on all sides	Buffers required at side and rear of lot per 8.6	Buffers required at side and rear of lot per 8.6	Buffers required at side and rear of lot per 8.6
<b>2. LOT CONFIGURATION</b>							
A. Lot Width at Front Setback	40 ft min	30 ft min	20 ft min	50 ft min	50 ft min	50 ft min	50 ft or 100 ft
B. Lot Size	20,000 sq ft	14,520 sq ft	8,500 sq ft	None	Minimum of 4,000 feet per mobile home site	None	None
C. Maximum Lot Coverage (Note 1)	30% of lot area	30% of lot area	35% of lot area	65% of lot area	65% of lot area	65% of lot area	80% of lot area
D. Frontage Buildout	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>3. PRIMARY BUILDING PLACEMENT (NOTE 3)</b>							
A. Front Setback	30 ft min	30 ft min	25 ft min	Perimeter buffer required on all sides	20 ft min	0 ft min	10 ft min
B. Side Setback - Corner	15 ft min	10 ft min	10 ft min	0 ft min	7.5 ft min	Buffer per 8.6	Buffer per 8.6
C. Side Setback - Interior	15 ft min	10 ft min	10 ft min	0 ft min	7.5 ft min	Buffer per 8.6	Buffer per 8.6
D. Rear Setback	25 ft min	25 ft min	25 ft min	0 ft min	15 ft min	Buffer per 8.6	Buffer per 8.6
E. Rear Setback from Alley (Note 4)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
F. Attached Garage Setback (from front facade)	Garage doors which face a public right-of-way, except for rear alleys, must be setback a minimum of 20 ft from that right-of-way (Note 4)					N/A	N/A
<b>4. ACCESSORY BUILDING PLACEMENT (NOTE 5)</b>							
A. Side Setback - Corner	15 ft min	10 ft min	10 ft min	3 ft min	7.5 ft min	3 ft min	3 ft min
B. Side Setback - Interior	10 ft min	10 ft min	10 ft min	5 ft min	7.5 ft min	5 ft min	5 ft min
C. Rear Setback (Note 6)	5 ft min	5 ft min	5 ft min	5 ft min	5 ft min	N/A	N/A
D. Rear Setback from Alley (Note 5 & 6)	N/A	3 ft min	3 ft min	3 ft min	N/A	N/A	N/A
E. Detached Garage Door Setback (from front facade) (Note 4)	None	None	None	None	None	None	None

DISTRICT	GR-2	GR-3	GR-5	MF-R	MH-R	N-B	G-B
<i>Replaces Previous Districts:</i>	R-1	GR-3	R-2 / R-3 (as cu/ sup)	R-6	R-7	B-2	B-3

5. BUILDING HEIGHT							
A. Primary Building Height	36 feet max	36 feet max	36 feet max	55 feet max	36 feet max	36 feet max	55 feet (may be waived through Design Review if site is north of Hwy 78 and does not front Hwy 78)
B. Accessory Building Height (Note 7)	No taller than the main structure (20 feet max)	No taller than the main structure (20 feet max)	No taller than the main structure (20 feet max)	25 ft max	20 ft max	20 feet max	N/A

6. PARKING LOCATION (NOTE 8)							
A. Zone 1 (Front Yard)	N/A	N/A	N/A	N/A	N/A	N/A	Subject to CDRB Approval
B. Zone 2 (Side Yard)	N/A	N/A	N/A	N/A	N/A	✓	✓
C. Zone 3 (Rear Yard)	N/A	N/A	N/A	N/A	N/A	✓	✓
D. Unrestricted	✓	✓	✓	✓	✓	N/A	✓

- Note 1: See also Open Space Standards in [Chapter 6](#)
- Note 2: Lot coverage may also be subject to Stormwater Regulations (See [Chapter 11](#)).
- Note 3: Building and fire codes may also apply
- Note 4: In addition to the setback requirements listed above, garage doors which face a public right-of-way, except for rear alleys, must be set back a minimum of 20 ft from that right-of-way.
- Note 5: Garage doors shall be a minimum of 15 feet from alley centerline. Setbacks may be increased to accommodate parking outside of the garage.
- Note 6: Also see Accessory Uses & Structures in [Section 3.4](#)
- Note 7: The height of the accessory building may not exceed the principal structure except where the principal structure is a single story, a two-story accessory structure is permitted located in the rear yard only.
- Note 8: Also see Lot Access Standards in [Section 2.3.3.B](#)

**EXAMPLE: TYPICAL CONVENTIONAL BLOCK**



## 2.8 SPECIAL DISTRICTS

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### 2.8.1 LIGHT INDUSTRIAL (L-I)

The purpose of Light Industrial district is to provide areas for manufacturing, industrial and processing or assembly operations of a non-nuisance nature (i.e., those that can be conducted wholly within a structure and do not produce smoke, odors or excessive noise) and to encourage sound industrial development.



### 2.8.2 HEAVY INDUSTRIAL (H-I)

The purpose of the Heavy Industrial district is to provide areas for the use of non-noxious industries and manufacturers and to encourage sound industrial development.



### 2.8.3 AGRICULTURAL CONSERVATION (AC)

The purpose of the Agricultural Conservation district is to provide areas generally of five acres or more that are undeveloped or used for agricultural, farming or conservation.



### 2.8.4 PUBLIC LANDS (PL)

The purpose of the Public Lands district is to establish and preserve areas for the use of certain public purposes.



## 2.9 SPECIAL DISTRICT STANDARDS

DISTRICT	L-I	H-I	AC	PL
<i>Replaces Previous Districts:</i>	<i>I-1</i>	<i>I-2</i>	<i>no changes</i>	<i>no changes</i>
<b>1. DEVELOPMENT</b>				
A. Maximum Density	N/A	N/A	N/A	N/A
B. Required Open Space/Park Space (Note 1)	20% total	20% total	N/A	N/A
C. Perimeter Buffer	Buffers required at side and rear of lot per 8.7	Buffers required at side and rear of lot per 8.7	Buffers required at side and rear of lot per 8.7	As approved by Council
<b>2. LOT CONFIGURATION</b>				
A. Lot Width at Front Setback	100 ft min	100 ft min	50 ft min	50 ft min
B. Lot Size	N/A	2 acres	5 acres	As approved by Council
C. Maximum Lot Coverage (Note 2)	80% of lot area	80% of lot area	20% of lot area	As approved by Council
D. Frontage Buildout	N/A	N/A	N/A	N/A
<b>3. PRIMARY BUILDING PLACEMENT (NOTE 3)</b>				
A. Front Setback	30 ft min	40 ft min	40 ft min	As approved by Council
B. All Other Yard Setbacks	Buffer per 8.6	Buffer per 8.6	Buffer per 8.6	Buffer per 8.6
<b>4. ACCESSORY BUILDING PLACEMENT (NOTE 4)</b>				
A. All Yard Setbacks	Buffer per 8.6	Buffer per 8.6	Buffer per 8.6	Buffer per 8.6
<b>5. BUILDING HEIGHT</b>				
A. Primary Building Height	70 ft	70 ft	55 ft max	As approved by Council
B. Accessory Building Height	N/A	N/A	N/A	N/A
<b>6. PARKING LOCATION (NOTE 5)</b>				
A. Zone 1 (Front Yard)	N/A	N/A	N/A	N/A
B. Zone 2 (Side Yard)	N/A	N/A	N/A	N/A
C. Zone 3 (Rear Yard)	N/A	N/A	N/A	N/A
D. Unrestricted	✓	✓	✓	As approved by Council

Note 1: Also see Open Space Standards in [Chapter 6](#)  
 Note 2: Lot coverage may also be subject to Stormwater Regulations (See [Chapter 11](#)).  
 Note 3: Building and fire codes may also apply  
 Note 4: Also see Accessory Uses & Structures in [Section 3.4](#)  
 Note 5: Also see Lot Access Standards in [Section 2.3.3.B](#)

## 2.10 PLANNED DEVELOPMENT DISTRICTS

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### 2.10.1 PURPOSE

Subject to the provisions of the S.C. Code § 6-29-740, the purpose of this section is to encourage the development of various types of planned developments (PD) under a single master plan, where the traditional density, bulk, spacing and use regulations of other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. Planned developments are intended to promote flexibility in site planning and structure location, to facilitate the provision of utilities and circulation systems, the mixture of uses, as well as to preserve the natural and scenic features of the parcel.

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

### 2.10.2 INTENT

The intent of the planned unit development is to achieve the following:

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

### 2.10.3 TYPES OF PLANNED DEVELOPMENTS

There shall be two types of PDs allowed within the Town of Summerville:

- A. Less than 25 acres: This type shall have a minimum size of at least 5 acres or one full block, whichever is smaller, and 50 linear feet of frontage on an existing publicly paved and maintained roadway.

- B. Twenty-five acres and more: This type shall have the option of having a development agreement providing the development has 25 acres of highlands as required and defined by S.C. Code 1976, § 6-31-10 et. seq., South Carolina Local Government Development Agreement Act. This type of PD shall have at least 100 linear feet of frontage on an existing publicly paved and maintained roadway.

#### **2.10.4 ADMINISTRATION**

Any request pertaining to the establishment or amendment of a PD zoning district shall be considered an amendment request to the zoning chapter, and shall be administered and processed in accordance with [Section 13.11](#).

#### **2.10.5 PROHIBITED AMENDMENTS**

No Town ordinance shall be eligible for amendment in conjunction with the PD approval if the proposed amendment would apply to: A standardized code or law adopted by the Town in a form specified by state or federal law; or would adversely impact any officially recognized police, fire, flood, pollution, runoff, seismic, or other rating given to the Town or its citizens; or would amend, purport to amend, alter or purport to alter any state or federal law or regulations otherwise applicable.

## **2.11 HISTORIC DISTRICTS**

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### **2.11.1 PURPOSE AND INTENT**

The Town recognizes that the historic, cultural, and architectural resources and heritage of the Town are among its most important assets. Pursuant to S.C. Code Section 6-29-870, it is the purpose and intent of this district to:

- A. Provide a mechanism to identify, protect, and preserve the distinctive historic and architectural characteristics of the Town;
- B. Promote the educational, cultural, economic, and general welfare of the people of the Town;
- C. Foster civic pride in the beauty and accomplishments of the past as represented in the Town's historic places;
- D. Conserve and improve the value of property designated as historic structures or properties within designated historic districts;
- E. Protect and enhance the attractiveness of the Town to residents, tourists, visitors, and business owners, and thereby support and promote business, commerce, industry, and provide economic benefit to the Town;
- F. Foster and encourage preservation, restoration, and rehabilitation of structures, areas, neighborhoods, and help to prevent blight; and
- G. Encourage new developments harmonious and compatible with the historic character of the Town, including but not limited to mass, style, form, proportion, texture, and material.

### **2.11.2 BOUNDARIES OF HISTORIC DISTRICTS OR HISTORIC PROPERTIES**

The boundaries of the Historic District shall be set forth in an official map and included as a layer upon the Zoning Map of the Town and incorporated by reference. Remote historic sites not located within the official Historic District shall also be mapped and provided upon request.

### 2.11.3 CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness in accordance with [Section 13.8.1 and 13.8.2](#) is required from the Board of Architectural Review and/or the Town Staff as appropriate prior to a building permit being issued for any construction within the district, any modification or repair that alters the appearance of a building or structure within the district, any demolition of a building or structure within the district, the moving of any building into or out of the district, or the erection or construction of any above ground utilities including major infrastructure utilities and wireless telecommunications towers.

# 3 USE PROVISIONS

## 3.1 PURPOSE AND INTENT

The Use provisions in this chapter indicate which uses and activities are permitted by right, permitted with conditions, permitted by special exception, and prohibited. They have been intentionally calibrated to the desired development outcomes for each district as set forth in adopted plans. In this manner, walkable neighborhoods and mixed-use centers are supportive of uses that focus on building people-friendly places while auto-dependent uses are relegated to larger thoroughfares and large tract industrial properties.

## 3.2 APPLICABILITY

### 3.2.1 APPLICABILITY OF USE STANDARDS

The Use Table in [Section 3.3](#) assigns 1 of 5 permissions to each use in each District as follows:

- A. Permitted Use (P): The use is permitted by right with no additional requirements and is subject only to the other general standards throughout this Ordinance.
- B. Conditional Use (C): The use is permitted by right, provided that the additional use standards set forth in this chapter are met. The specified standards are intended to insure that these uses are compatible with other development permitted within the Districts.
- C. Special Exception (SE): The use is permitted only when a Special Exception Permit has been approved in accordance with [Section 13.10.4](#).
  - 1. Special Exception Permits are required for uses which are generally compatible with other uses permitted in a District but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.

# 3



## SECTIONS

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- 2. All applications for Special Exception Permits shall, at a minimum, meet the standards for the District in which they are located and the additional standards set forth in this chapter for that use.
- D. In Existing Buildings Only (E): The use is permitted only in existing buildings and any expansions which do not increase the size of the existing structure by more than 50%.
- E. Prohibited Uses (—): The use is prohibited in the specified District.

### 3.2.2 USE CATEGORIES

All uses permitted in this ordinance have been divided into 10 general categories and are generally defined as follows:

- A. Residential: Premises available for long-term human habitation by means of ownership and rental, but excluding short-term leasing or rental of less than a month’s duration.
- B. Lodging: Premises available for short-term human habitation, including daily and weekly rental. These are measured in terms of lodging units: a lodging unit is a furnished room that includes access to sanitary facilities, and that may include limited kitchen facilities.
- C. Office/Service: Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component (less than 50% of the gross square footage)
- D. Commercial/Entertainment: Premises available for the commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing.
- E. Civic Uses and Parks: Premises available for organizations dedicated to religion, government, arts and culture, recreation and sports, and other similar areas of public assembly.
- F. Institutional: Uses and premises dedicated to social service, health care, and other similar functions.
- G. Vehicular: Uses and premises accessed predominately by or dedicated to the sale, maintenance, servicing and/or storage of automobiles or similar vehicles.
- H. Industrial/Wholesale/Storage: Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
- I. Agricultural: Premises for growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch or their natural habitat and all related functions.
- J. Infrastructure: Uses and structures dedicated to transportation, communication, information, and utilities.

### 3.2.3 INTERPRETATION OF USE MATRICES

- A. Principal uses: Principal uses shall be allowed within the base zoning districts in accordance with the Use Table in this section. Where multiple principal uses are proposed to be located on a single parcel, all applicable conditions must be met for each proposed use. For example, if the proposed use is a gas station with a convenience store and a car wash, all requirements and conditions for Gas/Fueling Station, Drive Thru/Drive In Facility, and General Commercial uses must be met.
- B. Uses Not Listed: Town Staff shall make the determination whenever there is a question regarding a use not specifically listed in the Use Table. This determination shall be based on the definitions contained in this Ordinance, the purpose and intent of the respective zoning district, and any commonly accepted use-based guides (e.g., North American Industrial Classification System (NAICS), Institute of Transportation Engineers (ITS) Trip Generation Guide), and may be appealed using the process identified in [Section 13.10.2](#).

### 3.3 TABLE OF PERMITTED USES

DISTRICT DESCRIPTION	MIXED-USE DISTRICT STANDARDS				CONVENTIONAL DISTRICT STANDARDS							SPECIAL DISTRICT STANDARDS			
	Neighborhood Residential	Neighborhood Mixed-Use	Downtown Mixed-Use	Urban Corridor Mixed-Use	General Residential	General Residential	General Residential	Multi-Family Residential	Manufactured Home Parks	Neighborhood Business	General Business	Light Industrial	Heavy Industrial	Agricultural Conservation	Public Lands
DISTRICT	N-R	N-MX	D-MX	UC-MX	GR-2	GR-3	GR-5	MF-R	MH-R	N-B	G-B	L-I	H-I	AC	PL
PREVIOUS DISTRICTS	R-3 & R-5	B1 and some B2	CBD/B3	B3 (Re-development)	R-1	TBD	R-2 & R-3 (AS CU/SUP)	R-6	R-7	B-2	B-3	I-1	I-2	No Changes	No Changes
<b>RESIDENTIAL</b>															
Single Family Dwelling	P	P	P	P	P	P	P	P	P	P	C/E	C/E	C/E	P	—
Accessory Dwelling Unit	C	C	P	P	C	C	C	C	C	P	P	—	—	P	—
2-4 Unit Dwelling	P	P	P	P	—	—	—	P	P	P	P	—	—	—	—
Townhome	P	P	P	P	—	—	C	P	P	P	P	—	—	—	—
Multifamily Dwelling (5+ units/ bldg)	—	P	P	P	—	—	—	P	P	P	P	—	—	—	—
Manufactured Housing	C	—	—	—	—	—	—	—	C	—	—	—	—	—	—
Manufactured Home Park	—	—	—	—	—	—	—	—	C	—	—	—	—	—	—
Group Home (<9 residents)	P	P	P	P	P	P	P	P	P	P	P	—	—	—	—
Group Home (>9 residents)	—	P	P	P	—	—	—	C	P	P	P	—	—	—	—
Residential Care Facilities	—	C	C	C	—	—	—	C	C	C	C	—	—	—	—
<b>LODGING</b>															
Home Stay Bed and Breakfast (Up to 5 guest rooms)	C	P	P	P	C	C	C	C	—	P	P	—	—	P	—
Bed and Breakfast Inn (6-10 guest rooms)	C	C	P	P	—	—	—	C	—	P	P	—	—	P	—
Inn (Up to 24 Rooms)	—	P	P	P	—	—	—	—	—	P	P	—	—	—	—
Hotel/Extended Stay (No Room Limit)	—	—	C	C	—	—	—	—	—	—	P	P	—	—	—
Short Term Rental	C	C	P	P	C	SE	SE	C	C	P	P	—	—	—	—
Recreational Vehicle Park	—	—	—	—	—	—	—	—	P	—	P	P	—	—	—
P: Permitted Use C: Conditional Use SE: Special Exception E: in Existing Building Only RF: Retail Frontage Only — Prohibited use															

3 Use Provisions | 3.3 Table of Permitted Uses

DISTRICT DESCRIPTION	MIXED-USE DISTRICT STANDARDS				CONVENTIONAL DISTRICT STANDARDS							SPECIAL DISTRICT STANDARDS			
	Neighborhood Residential	Neighborhood Mixed-Use	Downtown Mixed-Use	Urban Corridor Mixed-Use	General Residential	General Residential	General Residential	Multi-Family Residential	Manufactured Home Parks	Neighborhood Business	General Business	Light Industrial	Heavy Industrial	Agricultural Conservation	Public Lands
DISTRICT	N-R	N-MX	D-MX	UC-MX	GR-2	GR-3	GR-5	MF-R	MH-R	N-B	G-B	L-I	H-I	AC	PL
PREVIOUS DISTRICTS	R-3 & R-5	B1 and some B2	CBD/B3	B3 (Re-development)	R-1	TBD	R-2 & R-3 (AS CU/SUP)	R-6	R-7	B-2	B-3	I-1	I-2	No Changes	No Changes
<b>OFFICE/SERVICE</b>															
ATM	—	C	C	P	—	—	—	—	—	C	P	—	—	—	—
Banks, Credit Unions, Financial Services	—	P	P	P	—	—	—	—	—	P	P	P	P	—	—
Business Support Services	—	P	P	P	—	—	—	—	—	P	P	—	—	—	—
Cash Advance/Payday Lending/Title Loan Services	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—
Funeral Homes/Crematoria	—	—	P	P	—	—	—	—	—	—	P	P	P	—	—
Home Occupation	C	C	P	P	C	C	C	C	C	P	P	—	—	P	—
Kennels	—	—	—	P	—	—	—	—	—	—	P	P	P	P	—
Laundry, Dry Cleaning Plant	—	—	—	P	—	—	—	—	—	P	P	P	P	—	—
Medical Clinic/Urgent Care	—	P	P	P	—	—	—	—	—	P	P	P	P	—	—
Personal Services	—	C	C	C	—	—	—	—	—	C	P	P	P	—	—
Professional Services	—	P	P	P	—	—	—	—	—	P	P	P	P	—	—
Small Equipment Repair/Rental	—	—	P	P	—	—	—	—	—	—	P	P	P	—	—
Studio – Art, dance, martial arts, music	—	P	P	P	—	—	—	—	—	P	P	P	—	—	—
Veterinary Services	—	—	P	P	—	—	—	—	—	P	P	P	P	P	—
<b>COMMERCIAL/ENTERTAINMENT</b>															
Adult Establishment	—	—	—	—	—	—	—	—	—	—	—	—	C	—	—
Alcoholic Beverage Sales Store	—	—	P	P	—	—	—	—	—	—	P	P	—	—	—
Bar/Tavern/Night Club	—	—	P	P	—	—	—	—	—	—	P	P	P	—	—
Entertainment, Indoor	—	—	P	P	—	—	—	—	—	—	P	P	—	—	—
Entertainment, Outdoor	—	—	P	P	—	—	—	—	—	—	P	P	—	—	—

P: Permitted Use C: Conditional Use SE: Special Exception E: in Existing Building Only RF: Retail Frontage Only — Prohibited use

DISTRICT DESCRIPTION	MIXED-USE DISTRICT STANDARDS				CONVENTIONAL DISTRICT STANDARDS							SPECIAL DISTRICT STANDARDS			
	Neighborhood Residential	Neighborhood Mixed-Use	Downtown Mixed-Use	Urban Corridor Mixed-Use	General Residential	General Residential	General Residential	Multi-Family Residential	Manufactured Home Parks	Neighborhood Business	General Business	Light Industrial	Heavy Industrial	Agricultural Conservation	Public Lands
DISTRICT	N-R	N-MX	D-MX	UC-MX	GR-2	GR-3	GR-5	MF-R	MH-R	N-B	G-B	L-I	H-I	AC	PL
PREVIOUS DISTRICTS	R-3 & R-5	B1 and some B2	CBD/B3	B3 (Re-development)	R-1	TBD	R-2 & R-3 (AS CU/SUP)	R-6	R-7	B-2	B-3	I-1	I-2	No Changes	No Changes
General Commercial	—	C	P	P	—	—	—	—	—	C	P	P	—	—	—
General Commercial – Use Greater than 100,000 sf	—	—	—	P	—	—	—	—	—	—	P	P	—	—	—
Mobile Food Vending	—	C	C	C	—	—	—	—	—	C	C	C	C	C	C
Mobile Retail Vending	—	C	C	C	—	—	—	—	—	C	C	C	C	C	C
Open Air Retail	—	—	—	P	—	—	—	—	—	—	P	—	—	—	—
Outside Display/Sales	—	C	C	C	—	—	—	—	—	C	C	P	—	—	—
Restaurant	—	P	P	P	—	—	—	—	—	P	P	P	P	P	P
Tobacco/Tobacco Alternatives Sales Store	—	—	C	C	—	—	—	—	—	—	C	C	—	—	—
<b>CIVIC USES &amp; PARKS</b>															
Cemetery	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Facility	C	P	P	P	C	C	C	P	P	P	P	P	P	P	P
Cultural Facility	C	P	P	P	—	—	—	P	P	P	P	P	—	P	P
Conference/Convention Center	—	—	P	P	—	—	—	—	—	—	P	P	—	—	P
Government Facility	—	P	P	P	—	—	—	—	—	P	P	P	P	—	P
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation Facilities, Indoor	C	P	P	P	SE	SE	SE	P	P	P	P	P	P	P	P
Recreation Facilities, Outdoor	P	P	P	P	SE	SE	P	P	P	P	P	P	P	P	P
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—
<b>EDUCATIONAL/INSTITUTIONAL</b>															
Educational Campus	SE	P	P	P	SE	SE	SE	SE	SE	P	P	P	P	—	P
Family Child Day Care Home (6 or less children)	C	P	P	P	C	C	C	C	C	P	P	P	P	C	—
<i>P: Permitted Use C: Conditional Use SE: Special Exception E: in Existing Building Only RF: Retail Frontage Only — Prohibited use</i>															

3 Use Provisions | 3.3 Table of Permitted Uses

DISTRICT DESCRIPTION	MIXED-USE DISTRICT STANDARDS				CONVENTIONAL DISTRICT STANDARDS							SPECIAL DISTRICT STANDARDS			
	Neighborhood Residential	Neighborhood Mixed-Use	Downtown Mixed-Use	Urban Corridor Mixed-Use	General Residential	General Residential	General Residential	Multi-Family Residential	Manufactured Home Parks	Neighborhood Business	General Business	Light Industrial	Heavy Industrial	Agricultural Conservation	Public Lands
DISTRICT	N-R	N-MX	D-MX	UC-MX	GR-2	GR-3	GR-5	MF-R	MH-R	N-B	G-B	L-I	H-I	AC	PL
PREVIOUS DISTRICTS	R-3 & R-5	B1 and some B2	CBD/B3	B3 (Re-development)	R-1	TBD	R-2 & R-3 (AS CU/SUP)	R-6	R-7	B-2	B-3	I-1	I-2	No Changes	No Changes
Group Child Care Home (7-12 children)	—	P	P	P	—	—	—	—	—	P	P	P	P	—	—
Commercial Child Care Center (More than 13 children)	—	P	P	P	—	—	—	—	—	P	P	P	P	—	—
Community Advocacy Facility	—	C	P	P	—	—	—	—	—	P	P	—	—	—	—
Correctional Institution	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—
Halfway House	—	—	—	—	—	—	—	—	—	SE	SE	—	—	—	—
Homeless Shelter	—	—	—	P	—	—	—	—	—	—	P	P	P	—	—
Health Care Facilities (Hospital, Inpatient Facilities)	—	—	—	P	—	—	—	—	—	—	P	P	P	—	—
VEHICULAR															
Drive-Thru/Drive-In Facility	—	—	—	C	—	—	—	—	—	—	P	P	P	—	—
Gas/Fueling Station	—	—	—	C	—	—	—	—	—	—	C	C	C	—	—
Heavy Equipment/Manufactured Home Rental/Sales	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—
Parking Lot/Structure – Principal Use	—	—	P	P	—	—	—	—	—	—	P	P	—	—	P
Theater, Drive-In	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—
Vehicle Rental/Leasing/Sales	—	—	—	C	—	—	—	—	—	—	P	P	P	—	—
Vehicle Services – Maintenance/Repair	—	—	—	C	—	—	—	—	—	—	P	P	P	—	—
Water/Marine-Oriented Facilities	—	—	—	—	—	—	—	—	—	—	P	P	—	—	P
INDUSTRIAL/WHOLESALE/STORAGE															
Distribution Terminal	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—
Landfill	—	—	—	—	—	—	—	—	—	—	—	—	SE	—	—

P: Permitted Use C: Conditional Use SE: Special Exception E: in Existing Building Only RF: Retail Frontage Only — Prohibited use

DISTRICT DESCRIPTION	MIXED-USE DISTRICT STANDARDS				CONVENTIONAL DISTRICT STANDARDS								SPECIAL DISTRICT STANDARDS			
	Neighborhood Residential	Neighborhood Mixed-Use	Downtown Mixed-Use	Urban Corridor Mixed-Use	General Residential	General Residential	General Residential	Multi-Family Residential	Manufactured Home Parks	Neighborhood Business	General Business	Light Industrial	Heavy Industrial	Agricultural Conservation	Public Lands	
DISTRICT	N-R	N-MX	D-MX	UC-MX	GR-2	GR-3	GR-5	MF-R	MH-R	N-B	G-B	L-I	H-I	AC	PL	
PREVIOUS DISTRICTS	R-3 & R-5	B1 and some B2	CBD/B3	B3 (Re-development)	R-1	TBD	R-2 & R-3 (AS CU/SUP)	R-6	R-7	B-2	B-3	I-1	I-2	No Changes	No Changes	
Light Manufacturing Workshops/Brewery	—	—	C	C	—	—	—	—	—	—	P	P	P	—	—	
Manufacturing & Production, Light	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	
Manufacturing & Production, Heavy	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	
Materials Recovery & Waste Transfer Facilities	—	—	—	—	—	—	—	—	—	—	—	P	P	—	P	
Recycling Collection Stations	—	—	—	—	—	—	—	—	—	—	—	P	P	—	P	
Storage - Outdoor Storage Yard	—	—	—	C	—	—	—	—	—	—	C	P	P	C	P	
Storage – Self-Service	—	—	C	C	—	—	—	—	—	C	P	P	P	—	—	
Truck Terminal	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	
Warehousing	—	—	—	C	—	—	—	—	—	—	P	P	P	—	—	
Wholesaling and Distribution	—	—	—	—	—	—	—	—	—	—	C	P	P	—	—	
<b>AGRICULTURE</b>																
Animal Production	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	
Backyard Pens/ Coops/Beehives	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	
Equestrian Centers	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	
Forestry	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Nurseries & Garden Centers	—	—	P	P	—	—	—	—	—	P	P	P	P	P	—	
Roadside Stands/ Farmer's Markets	P	P	P	P	—	—	—	—	—	P	P	—	—	P	P	

*P: Permitted Use C: Conditional Use SE: Special Exception E: in Existing Building Only RF: Retail Frontage Only — Prohibited use*

3 Use Provisions | 3.3 Table of Permitted Uses

DISTRICT DESCRIPTION	MIXED-USE DISTRICT STANDARDS				CONVENTIONAL DISTRICT STANDARDS							SPECIAL DISTRICT STANDARDS			
	Neighborhood Residential	Neighborhood Mixed-Use	Downtown Mixed-Use	Urban Corridor Mixed-Use	General Residential	General Residential	General Residential	Multi-Family Residential	Manufactured Home Parks	Neighborhood Business	General Business	Light Industrial	Heavy Industrial	Agricultural Conservation	Public Lands
DISTRICT	N-R	N-MX	D-MX	UC-MX	GR-2	GR-3	GR-5	MF-R	MH-R	N-B	G-B	L-I	H-I	AC	PL
PREVIOUS DISTRICTS	R-3 & R-5	B1 and some B2	CBD/B3	B3 (Re-development)	R-1	TBD	R-2 & R-3 (AS CU/SUP)	R-6	R-7	B-2	B-3	I-1	I-2	No Changes	No Changes
<b>INFRASTRUCTURE</b>															
Aviation Services	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—
Minor Infrastructure/Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Major Infrastructure/Utilities	—	—	—	—	—	—	—	—	—	—	—	C	C	SE	SE
Wireless Facility, Small	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Wireless Telecommunication Towers	SE	SE	SE	C	SE	SE	SE	SE	SE	C	C	C	C	C	C
<i>P: Permitted Use C: Conditional Use SE: Special Exception E: in Existing Building Only RF: Retail Frontage Only — Prohibited use</i>															

## 3.4 CONDITIONAL USE PROVISIONS

There are certain uses which, by their nature, have the potential to create adverse impacts on nearby properties. It is the purpose of this chapter to allow such uses to be constructed, continued, and/or expanded without adverse effects by establishing standards that mitigate the impacts of their design and operation. The specified standards are intended to ensure that these uses fit the vision of the zoning districts in which they are permitted, and that these uses are compatible with other development permitted within the districts.

### 3.4.1 GENERAL PROVISIONS

- A. Conflict with Other Regulations: If there is a conflict between the standards set forth in this chapter and any other requirements of this ordinance, the most restrictive standard shall control.
- B. Separation Requirements
  - 1. Separation requirements are included in this chapter for certain uses which, by their nature, tend to have a blighting effect upon surrounding properties when they are permitted to cluster in groups of more than one such use, or when they are located too near adjacent sensitive uses.
  - 2. When separation requirements are established, the distance specified shall be measured as a straight line on a map, not street distance.
  - 3. When separation requirements are established from specific uses, the distance specified shall be enforced from any buildings used for the purpose identified and any off-street parking areas associated with such uses.
  - 4. Any use lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a different use from which a separation requirement is established in this chapter.

### 3.4.2 RESIDENTIAL USE CATEGORIES

- A. Single Family Dwelling (G-B, L-I, H-I)
  - 1. Only existing single family dwellings and alterations and expansions less than 50% of their total floor area are permitted.
- B. Accessory Dwelling Unit (N-R, N-MX, GR-2, GR-3, GR-5, MF-R, MH-R)
  - 1. Infrastructure: The lot shall be served with public water and sewer.
  - 2. Number of ADUs allowed: 1 per lot (2 permitted in N-R, N-MX, and GR-2)
  - 3. Ownership: The primary dwelling must be owner-occupied and the ADU shall have the same ownership as the primary dwelling.
  - 4. Placement on the Lot: The ADU shall be sited to the rear of the primary residence only.
  - 5. Maximum Number of Bedrooms: 2
  - 6. Minimum Size: 240 square feet in total area
  - 7. Maximum Size: Less than 50% of the gross floor area of the primary building
  - 8. Maximum Number of Residents: The number of adults (i.e., persons over 18 years of age) that will reside in the accessory dwelling unit will be limited to two;
  - 9. Maximum Number of Off-Street Parking Spaces: 2 per ADU
  - 10. Outside Entrance: For an attached ADU, any additional entrances will be located in the side or the rear of the primary structure. Additional external stairways or fire ladders are strongly discouraged but permitted when no practical alternative exists.

11. Compatibility: The exterior of the accessory dwelling unit shall be compatible with the primary dwelling in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation appearance.

C. Townhomes (GR-5)

1. A townhome building is permitted as part of a complete block face (from street to street) development/redevelopment only.

D. Manufactured Housing (N-R, MH-R)

All manufactured homes which are hereafter placed either on individual lots or in spaces in manufactured home parks shall comply with the following requirements:

1. Any manufactured home constructed before July 1, 1970, must be approved by Underwriters' Laboratories and any mobile home constructed after that time must meet all applicable state and federal standards.
2. All mobile homes shall be tied down in accordance with the Manufactured Housing Board Installation Regulations.
3. Additional restrictions in N-R districts: Manufactured housing will only be allowed if replacing an existing manufactured home or the owner can provide proof that a manufactured home is currently on the lot.

4. Design Standards

a. Permanent Installation

- i. A continuous foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block, or other masonry, or wood, rigid vinyl or metal fabricated for this purpose.
- ii. Any wood framing for foundation skirting shall be constructed with treated lumber. The foundation or skirt shall be in compliance with all applicable codes and regulations
- iii. Any tongue, axles, running lights, and removable towing apparatus must be removed prior to the issuance of a certificate of occupancy.

b. Roofs

- i. Roofs shall have a minimum eave projection and roof overhang of 6 inches, not including the gutter.
- ii. Roofs must be covered with a material that is customarily used on site-built dwellings.

c. Wall Materials

- i. Exterior siding shall be wood, vinyl, metal horizontal siding, brick, fiber cement board, stucco, or similar materials. Smooth, ribbed, or corrugated metal or plastic panels, exposed plywood, and materials with a high-gloss finish are not permitted.

5. All such units shall be required to have adequate sanitary facilities with such facilities being properly connected to the sanitary sewer system of the town and be served by a separate electric meter.

E. Manufactured Home Park (MH-R)

1. Site Dimensions (minimum): 5 acres with a minimum width of 150 feet.
2. Infrastructure: The site shall be served by public water and sewer facilities.

3. Density (maximum): 8 manufactured home units per acre.
  4. Width per space (minimum): 40 feet
  5. Area per Space (minimum): 4,000 square feet – must be clearly defined
  6. Open Space: Required dedication of open space shall be in accordance with the provisions of [Chapter 6](#).
  7. Posting: The Certificate of Occupancy shall be conspicuously posted in the office or on the premises of the Manufactured Home District.
- F. Group Home (>9 residents) (MF-R)
1. General Standards: Group homes shall be well maintained inside and outside, be safe and sanitary, and not be occupied by a person who would constitute a direct threat to the health and safety of other persons.
  2. Spacing between Group Homes: Group Homes shall not be located within a radius of three thousand (3,000) feet of another Group Home (measured from the nearest point of the existing home to the nearest point of the proposed home)
- G. Residential Care Facilities (N-MX, D-MX, UC-MX, MF-R, MH-R, N-B, G-B)
1. Multi-family dwelling standards apply: Such facilities are subject to the same standards as other multi-family dwellings including the provision of parks and open space and the alignment of buildings along streets.

### 3.4.3 LODGING

- A. Home Stay Bed and Breakfast (Up to 5 guest rooms) (N-R, GR-2, GR-3, GR-5, MF-R)
1. Owner Residency Required: The bed and breakfast shall be owned and operated by at least fifty percent (50%) of the record ownership of the real property upon which the bed and breakfast is located and said owner(s) shall be a resident(s) of the subject property. For purposes of this Zoning Ordinance, to qualify as a resident(s) of a property, the person(s) shall use that property as their legal voting address, South Carolina driver's license address or South Carolina Identification Card address and four percent (4%) homeowners assessment ratio address, and shall actually reside on the property at least 183 days each year and be on site at any time guest are registered. If a bed and breakfast is owned by a Limited Liability Corporation (LLC), Corporation or any other type of business entity, at least fifty percent (50%) of the ownership of said LLC, corporation or other type of business entity shall be by the resident(s) as described above together with the same restrictions and qualifications set forth.
  2. Maximum Number of Guest Rooms: 5
  3. Peaceful Enjoyment by Neighbors: Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problems.
  4. Meals to Guests Only: No meals other than breakfast may be served by the resident owner to the paying guests.
  5. Parking: One off-street parking place shall be provided for each guest room. Guest parking shall be in designated off-street parking areas consistent with neighborhood standards. No parking spaces, other than driveways, may be located in the required front yard setback.
  6. Business License Required: A valid business license is required.

7. Insurance Required: Valid liability insurance is required for the Owner, Property management company/or any other entity. Valid insurance is required for each unit being licensed for short term rentals.
  8. Safety Inspection: An initial safety inspection shall be conducted by the Town. Additional inspections for compliance with the regulations in this section may be performed by the Town if deemed necessary and with 24 hour notice to the permit holder/property manager.
  9. Records Required: The Permanent Resident shall maintain records for two years demonstrating compliance with these provisions, including but not limited to information demonstrating Primary Residency, the number of days per calendar year he or she has occupied the residential unit, the number of days per calendar year the residential unit has been rented as a Short-Term Rental, and compliance with the insurance requirement in this section. These records shall be made available to the Town upon request.
- B. Bed and Breakfast Inn (6-10 guest rooms) (N-R, N-MX, MF-R)
1. Maximum Number of Guest Rooms: 10
  2. Peaceful Enjoyment by Neighbors: Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problems.
  3. Meals to Guests Only: No meals other than breakfast may be served by the resident owner to the paying guests.
  4. Parking: One off-street parking place shall be provided for each guest room. Guest parking shall be in designated off-street parking areas consistent with neighborhood standards. No parking spaces, other than driveways, may be located in the required front yard setback.
  5. Owner-Occupancy Required: See the requirement for 3.4.3.A above.
  6. Business License Required: A valid business license is required.
  7. Insurance Required: See the requirement for 3.4.3.A above.
  8. Safety Inspection: See the requirement for 3.4.3.A above.
  9. Records Required: See the requirement for 3.4.3.A above.
- C. Hotel/Extended Stay (D-MX, UC-MX)
1. Access to all guest rooms shall be from an interior hallway (conditioned space) only.
- D. Short Term Rental (N-R, N-MX, GR-2, GR-3, GR-5, MF-R, MH-R)
1. Determination of Short-Term Rental Offering: Any online advertisement posted by the owner or Permanent Resident is sufficient to determine that a unit is being offered as a short-term rental.
  2. Owner-Occupancy Required: : See the requirement for 3.4.3.A above.
  3. Business License Required: A Permanent Resident offering a residential unit for Short-Term Rental shall maintain a valid business license.
  4. Peaceful Enjoyment by Neighbors: Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problems.
  5. Insurance Required: See the requirement for 3.4.3.A above.
  6. Safety Inspection: See the requirement for 3.4.3.A above.
  7. Records Required: See the requirement for 3.4.3.A above.

### 3.4.4 OFFICE/SERVICE

- A. ATM (N-MX, D-MX, N-B)
  - 1. Design review by the CDRB or BAR is required.
- B. Home Occupation (N-R, N-MX, GR-2, GR-3, GR-5, MF-R, MH-R)
  - 1. Residential Characteristics: There shall be no exterior indication, other than a sign permitted by [Section 10.3](#), that the building is being used for any purpose other than a dwelling. There shall be no exterior indication of mechanical equipment in regular operation.
  - 2. Peaceful Enjoyment by Neighbors: Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problems.
  - 3. On-Site Employees: The number of non-resident, regular, on-site employees shall be limited as follows:
    - a. GR-2 District: 0
    - b. N-R, GR-3, GR-5, MF-R, MH-R: 2
    - c. N-MX: Not limited
  - 4. Commercial Vehicles: Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation. Large vans, construction equipment, and similarly large-sized vehicles are not permitted.
  - 5. Parking: Client parking shall be in designated off-street parking areas consistent with neighborhood standards. No parking spaces, other than driveways, may be located in the required front yard setback. Care shall be taken to ensure that on-street parking by clients does not disrupt normal neighborhood parking.
  - 6. Signage: No more than one sign identifying, or in any way pertaining to, the home occupation shall be permitted, and all such signs shall meet the requirements of [Chapter 10](#).
  - 7. Typical home occupation businesses include, but are not limited to, professional services, personal services, small equipment repair, businesses support services, family day care homes, and studios.
- C. Personal Services (G-B, L-I, H-I)
  - 1. Tattoo and body piercing facilities as principal uses are only permitted in the G-B, L-I, and H-I.

### 3.4.5 COMMERCIAL/ENTERTAINMENT

- A. Adult Establishment (H-I)
  - 1. Purpose and Intent: Adult businesses and sexually-oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, lewdness, public indecency, prostitution, potential spread of disease, illicit drug use and drug trafficking, personal and property crimes, negative impacts on surrounding properties, blight, litter, and sexual assault and exploitation.
  - 2. Proximity to Other Uses: No Adult Establishment shall be within 1000 feet of any religious institution, library, school, residential-zoned property, public park, day care facility, youth activity center, the property line of a lot in residential use, or another Adult Establishment. For the purpose 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 a part of the premises where an Adult Establishment is located, to the affected lot or structure.

3. Prohibitions Regarding Minors and Adult Establishments: No person under 18 years of age may be admitted, purchase goods or services at the business premises, or work at the business premises as an employee.
  4. Interior Activity to be Shielded from View: No portion of the interior premises may be visible from outside the premises.
  5. Parking: All off-street parking areas shall be located in front of the building for safety reasons.
  6. Lighting: All off-street parking and premises entries of the Adult Establishment shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the Adult Establishment for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.
  7. Nudity at Adult Establishments: Sexually explicit nudity is prohibited at any Adult Establishment which is defined as: the showing of: (a) uncovered, or less than opaquely covered human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast; or (b) covered human male genitals in a discernibly turgid state. Full nudity is prohibited at any Adult Establishment.
  8. Hours of Operation: An adult business or sexually-oriented business may not be or remain open for business between 12:00 midnight and 6:00 a.m., except if the business holds a liquor license it may remain open until the hour specified in that license or per Town Code Section 16-13, whichever is more restrictive, provided that it does not conduct, offer, or allow sexually-oriented entertainment activity between the hours of 12:00 midnight and 6:00 a.m.
- B. General Commercial (N-MX, N-B)
1. Maximum Commercial Tenant Space per Building: 5,000 square feet
- C. Outside Display/Sales (N-MX, D-MX, UC-MX, N-B, G-B)
1. Minimum Sidewalk Clearance: A minimum 6 foot clear zone along any public sidewalk shall be maintained.
  2. Temporary Displays: Displays of merchandise which are subject to movement in windy conditions shall be removed when the business is closed.
- D. Tobacco/Tobacco Alternatives Sales Store (D-MX, UC-MX, G-B, L-I)
1. Location requirements:
    - a. Tobacco/Tobacco Alternatives Sales Stores shall only be allowed in the D-MX, UC-MX, G-B and L-I districts and shall require approval of a conditional use permit.
    - b. No new Tobacco/Tobacco Alternatives Sales Stores shall be established or located within 500 feet from any existing residential district, any sensitive receptors, or similar use as determined by the Town Staff, or within 500 feet of any other Tobacco Retail Sales Establishment.
    - c. If the proposed location is within one thousand (1,000) feet of a parcel occupied by a public or private kindergarten, elementary, middle, junior high or high school; licensed child-care facility or preschool other than a family day-care facility; public playground; youth center or public recreational facility, the Town Staff shall consider the compatibility of the proposed use and said use(s) and determine whether:

- i. The proposed use can be approved as proposed; or
  - ii. Conditions can be imposed to mitigate any adverse impacts; or
  - iii. (c) The proposed use should be considered for another locations.
  - iv. This determination shall be accompanied by a finding that there are other suitable locations for the proposed use and that said locations will not have the same or greater adverse impacts than the proposed location. The distances set forth above shall be measured as a radius from property line to property line without regard to intervening structures.
  - d. The applicant shall be required to submit a map, drawn to scale, showing how their proposed business location meets the aforementioned location requirements as part of the conditional use permit application
2. Operating standards: In addition to any conditions of approval imposed by the Zoning Administrator in accordance with this section every Tobacco/Tobacco Alternatives Sales Store permitted under this section shall comply with the following:
- a. Access to merchandise: Tobacco products shall be secured so that only store employees have immediate access to the tobacco products and/or tobacco paraphernalia. Self-service displays are prohibited.
  - b. Advertising and display of tobacco products: Significant tobacco retailers shall comply with local, state and/or federal laws regarding sales, advertising or display of tobacco products, including, posting a sign prominently near the cash register or other point of sale, the legal age to buy tobacco products and checking the identification of all purchasers to ensure they are of legal age.
  - c. Selling or exchange of tobacco products: No minor person may sell or exchange tobacco products.
  - d. Sales to minors: Sampling of tobacco products by minors shall not be permitted and, therefore, tobacco products shall not be given or sold to minors.

### 3.4.6 CIVIC USES & PARKS

- A. Community or Cultural Facility (N-R, GR-2, GR-3, GR-5)
  - 1. Building Design: Such structures shall be designed as detached houses and shall follow the design standards of [Section 4.3](#) or [4.7](#) as applicable.
- B. Recreation Facilities, Indoor (N-R)
  - 1. Building Design: Such structures shall be designed as detached houses and shall follow the design standards of [Section 4.3](#) or [4.7](#) as applicable.
- C. Recreational Facilities, Outdoor (GR-2)
  - 1. All projects shall be subject to Design Review by the DRB.
  - 2. There shall be a minimum 100 foot buffer between any occupiable structure and any adjacent lot.
  - 3. There shall be no field lighting.

### 3.4.7 EDUCATIONAL/INSTITUTIONAL

- A. Educational Campus (N-R, GR-2, GR-3, GR-5, MF-R, MH-R)
  - 1. All projects shall be subject to Design Review by the DRB.
- B. Family Child Day Care Home (6 or less children) (N-R, GR-2, GR-3, GR-5, MF-R, MH-R, AC)
  - 1. Outdoor Play Areas: Play areas shall be safely segregated from parking, loading, or service areas.
  - 2. Resident Operator Required: A Family Day Care Home is permitted in a private residence occupied by the authorized operator only.
  - 3. Buffering: A landscaped hedge or fence of at least 6 feet in height shall be provided along any rear or side property line adjoining existing residential development.
  - 4. The requirements for Home Occupations ([3.4.4.B](#)) shall also apply.
- C. Community Advocacy Facilities (N-MX)
  - 1. Management: The facility must be operated and managed by a nonprofit organization recognized in the community as providing services that relate to the medical care of minor victims of crime and/or abuse including, but not limited to, the physical and mental assessment/counseling of said victims.
  - 2. Building Design: Such structures shall be designed as detached houses and shall follow the design standards of [Section 4.4](#).
  - 3. Peaceful Enjoyment by Neighbors: Such use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, traffic, or parking problem.
  - 4. Visually Inconspicuous: There shall be no exterior indication other than a sign permitted by [Section 10.4.3](#) that the building is being used for any purpose other than a dwelling.
  - 5. Screening: A Landscape Screen in accordance with [Section 8.6.2](#) shall be provided.
  - 6. Signage: No freestanding signs are permitted.
- D. Halfway Houses (N-B, G-B)
  - 1. Separation Requirement: No such use may be located within 2,640 feet (or ½ mile) of a Family Child Care Home, Residential Care Facility, Educational Campus, Child Care Facility, or another such use measured as a straight line on a map.
  - 2. Maximum Number of Residents: Halfway Homes shall accommodate a maximum of 6 residents per use and a maximum of 1 resident per bedroom.

### 3.4.8 VEHICULAR

- A. Drive-Thru/Drive-In Facility (UC-MX)
  - 1. Design Review Required for UC-MX: All new Drive-Through Facilities shall be subject to Design Review and shall be subject to the following standards:
    - a. Rear Location: Drive-thru service facilities must be located in the rear of properties.
    - b. May Not Face Primary Street: The drive-thru window shall not be located on the façade of the building facing the primary street.
    - c. Maximum Stacking: The stacking area may not encroach into the front yard.
    - d. Maximum Number of Stacking Lanes: 1 (May be increased subject to Design Review)
    - e. Location of Stacking Lanes: Stacking lanes are prohibited from circulating between the building and the street.

2. Signs associated with drive-through facilities shall comply with the following:
    - a. Maximum Area: 32 square feet per sign.
    - b. Maximum Number: 3 (only 1 is permitted on a public frontage or in a side yard)
    - c. Location and Screening: May be located to the rear of the establishment without any screening. If located on a public frontage or a side yard, screening is required in the form of a berm, wall or fence and/or an appropriate amount of landscape planting to screen the board effectively from view from the public ROW.
- B. Gas/Fueling Station (UC-MX, G-B, L-I, H-I)
1. Pump Island/Canopy Location (UC-MX only): Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard abutting a street.
  2. Canopy Signs: Signs affixed or painted to the canopy above gas pumps at a gasoline service station shall comply with the following in addition to the signage standards in [Section 10.3](#):
    - a. Permitted Location: Signs may be placed on canopies above gas pumps on the side or sides of the canopy that face a public right-of-way (Maximum two signs).
    - b. Maximum Area: 12 square feet per sign. Letter height is limited to 18 inches.
    - c. Maximum Height: The top of the sign board or individual letters, may not exceed 18 feet nor extend above the top of the canopy.
    - d. Other Standards: The use of internal illumination, including neon, is prohibited.
  3. Pump Island Signs: One gasoline and/or self-service / full-service sign per pump island is permitted. The sign shall have a maximum surface area of 10 square feet and shall be attached to the pump island.
- C. Vehicle Rental/Leasing/Sales (UC-MX)
1. Parking: No vehicles or boats shall be parked in right-of-way.
  2. Outdoor Display: Balloons, spinners, pennants, banners, and other wind-blown devices are prohibited. See [Chapter 10, Section 10.9](#).
  3. Orientation and Screening: Service bay doors shall be located perpendicular to the road fronting the site and shall be screened from all other streets and adjacent residential development.
  4. Outdoor Intercoms: Outdoor amplification of sound (e.g., loudspeakers) shall not be so loud as to be a nuisance beyond the property lines.
- D. Vehicle Services – Maintenance/Repair (UC-MX)
1. Buffer: Parking and/or service areas shall be separated from adjoining residential properties by a planting screen, fence, or wall at least 6 feet in height.
  2. Noise: No objectionable sound, vibration, heat, glare or electrical disturbance shall be created which creates a nuisance beyond the premises.
  3. Outdoor Activities Prohibited: All operations and storage of parts shall be within a fully enclosed building.
  4. Screening: Any vehicles stored on the site during nonbusiness hours shall be located within a fully enclosed building or shall be stored behind the front building line and shall be completely screened (100% opacity) from the street and adjoining properties using natural buffers, fencing, buildings, or a combination thereof. Chain link fencing shall not be permitted as a screening material if the fence will be visible from any street or parking area.

**3.4.9 INDUSTRIAL/WHOLESALE/STORAGE**

- A. Landfill (H-I)
  - 1. Buffer: 100 feet of forested buffer, landscaped with 1 overstory tree per 50 feet, around the entire property is required. If there is an existing residential development on adjacent property, both an opaque wall and an additional 25 feet of forested buffer shall be included.
- B. Light Manufacturing Workshop/Brewery (D-MX, UC-MX)
  - 1. Operations: Any industrial use (and incidental operations) that involves manufacturing, processing, assembly, storage operations are permitted, provided that the manufacturing, processing, assembly or storage in no way involves any junk or salvage operations.
  - 2. Open Storage: No open storage of junk or salvage materials shall occur on the site.
  - 3. Noise and Pollution: Any noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation or other injurious or obnoxious conditions related to the operation shall not be sufficient to create a nuisance beyond the premises.
- C. Storage - Outdoor Storage Yard (UC-MX, G-B, AC)
  - 1. Junkyard Prohibited: No open storage of junk or salvage materials of any type shall occur in conjunction with the operation.
  - 2. Screening Required: All areas established for outdoor storage shall be screened from view from any public right-of-way and from all abutting properties by an opaque landscape screen in accordance with the provisions of [Section 8.6](#). Wherever security fencing is desired, it shall be placed on the interior side of the screen.
  - 3. Accessory Use Location: Where proposed as an accessory use in conjunction with a building, no storage area shall be placed in any building setback area.
  - 4. Principal Use Location: Where proposed as a principal use on a lot, no storage area shall be closer than 40 feet from a street right-of-way.
- D. Storage – Self-Service (D-MX, UC-MX, N-B)
  - 1. Enclosed Storage: All storage shall be located within the building, and outside storage of any type, including moving vans, trailers, vehicles and boats, is prohibited except in a rear yard fully screened from view.
  - 2. Active Ground Floor Uses Required (D-MX Only): Any ground floor building façade that fronts a public street shall be wrapped by professional offices, general commercial, restaurants, bars/taverns/nightclubs, or similar active uses. A maximum of 50% of this space may be occupied by the rental and management office for the self-storage facility.
  - 3. Access to Units: Access to individual self-storage units shall be provided by internal hallways.
  - 4. Compliance with Design Requirements: Compliance with the provisions of [Section 4.5](#) is required.
- E. Warehousing (UC-MX)
  - 1. Truck Terminals are not permitted in UC-MX.
- F. Wholesaling and Distribution (G-B)
  - 1. Truck Terminals and Distribution Centers are not permitted.

### 3.4.10 AGRICULTURE

- A. Backyard Pens/Coops/Beehives (All except L-1, H-1, AC, PL)
1. Small animal husbandry permitted: The keeping of small animals such as poultry, rabbits, miniature goats and other similar small creatures is permitted. The keeping of roosters or of cows, bulls, oxen, horses, donkeys, mules, sheep or any other similar large animals or livestock is prohibited.
  2. Poultry Restriction: For lots less than 1 acre in total area, the keeping of more than 8 hens is prohibited.
  3. Location and Fencing: All animals shall be kept in the rear yard in a fenced area or other enclosure sufficient to prevent their encroachment on neighboring properties.
  4. Fencing Required for Beehives: Fencing shall be required for any colony that is situated within 25 feet of an adjacent property, as measured from the nearest point on the hive to the property line. In such instances the beekeeper shall either:
    - a. Provide a 6 foot barrier such as a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet in each direction so that bees are forced to fly at least 6 feet above ground level over the property lines in the vicinity of the apiary; or
    - b. Locate the hive so that it is at least 8 feet above the ground level at the property line.

### 3.4.11 INFRASTRUCTURE

- A. Major Infrastructure/Utilities (L-I-H-I, AC, PL)
1. Solar Energy Installations (SES) – Large Installations
    - a. FAA Compliance: Applicant shall show proof of compliance with applicable FAA requirements including the notification of all airports within five (5) nautical miles of the center of the SES a minimum of 30 days before any required public hearing.
    - b. Solar Glare Hazard Analysis Tool Required: As a part of any site plan, the applicant shall include the report from a Solar Glare Hazard Analysis Tool, or similar approved evaluation system for measuring aviation hazards from solar glare.
    - c. Buffering/Screening: A Landscape Screen in accordance with [Section 8.6](#) shall be provided (except in H-I districts).
    - d. Decommissioning Plan: A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) and recorded with the Register of Deeds addressing the following shall be submitted with permit application:
      - i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.); and
      - ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations; and
      - iii. Restoration of property to condition prior to development of the SES.
      - iv. Time frame for completion of decommissioning activities, not to exceed one year; and
      - v. Description and copy of any lease or any other agreement with landowner regarding decommissioning; and
      - vi. Name and address of person or party responsible for decommissioning; and
      - vii. Plans and schedule for updating this decommissioning plan.

B. Wireless Facility, Small (All Districts)

1. It is the intent of this Ordinance to establish uniform standards including, but not limited to:
  - a. Prevention of interference with the use of streets, sidewalks, alleys, parkways, traffic light poles or other light poles, and other public ways and places;
  - b. Prevention of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
  - c. Prevention of interference with other facilities and operations of facilities lawfully located in Covered Areas or public property;
  - d. Preservation of the character of neighborhoods where facilities are installed;
  - e. Preservation of the character of historic structures, or historic neighborhoods, including but not limited to such structures or neighborhoods listed on the National Register of Historic Places or locally designated Historic Districts; and,
  - f. Facilitation of the rapid deployment of Small Wireless Facilities to provide the citizens with the benefits of advanced Wireless Services.
2. Permitted Use, Application Process and Fees:
  - a. Routine Maintenance and Replacement. An Application shall not be required for:
    - i. Routine maintenance: The replacement of a Small Wireless Facility with another Small Wireless Facility that is substantially similar or smaller in size, weight, and height; or
    - ii. The installation, placement, maintenance, operation, or replacement of Micro Wireless Facilities that are strung on cables between existing Utility Poles and/or Wireless Support Structures in compliance with the National Electrical Safety Code by a Wireless Services Provider or a Wireless Infrastructure Provider that is authorized to occupy the Public Rights-of-Way and that is remitting a consent, franchise, or administrative Fee pursuant to S.C. Code Ann. § 58-9-2230.
3. Interference with Public Safety Equipment. A Small Wireless Facility shall be operated and maintained in a manner that does not interfere with public safety (police, traffic control, fire and emergency services) equipment.
4. Review of Eligible Facilities Requests. Notwithstanding any other provisions of this Ordinance, the Town shall approve and may not deny Applications that constitute eligible facilities requests for modification of an eligible support structure that does not substantially change the physical dimensions of such structure as provided in 47 CFR 1.40001, within sixty (60) days according to the procedures established under 47 CFR 1.40001(c).
5. Requirements for Small Wireless Facilities in Covered Areas.
  - a. The proposed Wireless Facility shall be designed to not be significantly more readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) from Covered Areas than existing utility structures, poles and equipment located within five hundred (500) linear feet on the same Covered Area as the subject Utility Pole or Wireless Support Structure.
  - b. Where Small Wireless Facilities are determined to be appropriate, the use of reasonable stealth and concealment treatments, low profile equipment and control boxes, and screening may be required to avoid significant negative impacts on the character and visual aesthetics of the area. However, such requirements may be waived by the Town upon a showing that the particular location of a Small Wireless Facility does not warrant stealth or concealment treatments or imposes an excessive expense. The waiver shall be granted or denied within forty-five (45) days after the date of the request.

6. Maximum Size of Permitted Use.
    - a. The height of an Antenna of a Collocated Small Wireless Facility shall be limited to the greater of ten (10) feet above (a) the height of an existing or modified Utility Pole or Wireless Support Structure; or (b) the height of a new Utility Pole or Wireless Support Structure as provided in (ii) below.
    - b. The height of a new or modified Utility Pole, or Wireless Support Structure is limited to the greater of (a) the tallest Utility Pole, excluding Transmission Poles, or Wireless Support Structure located in the same Covered Area, measured from grade, in place within five hundred (500) linear feet on the same Covered Area as the subject Utility Pole or Wireless Support Structure as of the effective date of this Ordinance; or (b) in the absence of any such Utility Pole or Wireless Support Structure, either (i) forty (40) feet in any area zoned exclusively for single family residential use, unless a waiver is granted for good cause shown, or (ii) fifty (50) feet in any other area.
  7. Historic Districts. All new Small Wireless Facilities or new Wireless Support Structures in a Historic District shall comply with the design and aesthetic standards of the Historic District to minimize the impact to the aesthetics in a Historic District. If design and concealment treatments are determined on review by the BAR to be insufficient to mitigate harm to the Historic District, the Application may be denied.
    - a. Special Exception Requirements.
      - i. The applicant has demonstrated other circumstances that, in the reasonable discretion of the BZA, warrant a special exception.
      - ii. The Applicant shall abide by the design, stealth and concealment treatments imposed as conditions of the special exception.
  8. Repair of Damage. A Wireless Services Provider or a Wireless Infrastructure Provider shall repair all damage to a City Right-of-Way directly caused by the activities of the Wireless Services Provider or the Wireless Infrastructure Provider, while occupying, installing, repairing, or maintaining Wireless Facilities, Wireless Support Structures, City Utility Poles, or Utility Poles and to return the Right-of-Way to its functional equivalence before the damage. If the Wireless Services Provider or the Wireless Infrastructure Provider fails to make the repairs required by the City within forty-five (45) days after written notice, unless the City and the Wireless Services Provider or the Wireless Infrastructure Provider agree in writing to a longer time period, the City may undertake those repairs and charge the applicable party the reasonable and documented cost of the repairs. The City may maintain an action to recover the costs of the repairs.
- C. Wireless Telecommunication Towers (All)
1. Application: All requests for communication towers shall be submitted in the form of an application and include the following information in addition to the general information required by this article. A nonrefundable application fee of \$100.00 shall be charged.
  2. Plan Requirements: A scaled site plan showing the location of the towers, guy anchors (if any), and other structures or improvements, parking, driveways, fences, landscaped areas (specifying size, spacing and plant materials proposed), protected and grand trees affected, and adjacent land uses.
  3. Engineer Certification: Report from a registered structural or civil engineer indicating tower height and design, structure, fall zone and total anticipated capacity of structure (including number and types of antennas which could be accommodated). This data shall satisfactorily demonstrate the proposed tower conforms to the requirements of the applicable building codes.

4. **Co-Location Documentation:** The town strongly encourages that a thorough attempt be made to co-locate on existing towers and/or structures and to make use of publicly owned land. Documentation shall be provided indicating that co-location on existing towers or buildings in the vicinity of the proposed tower was attempted by the applicant but found to be unfeasible, with reasons noted. The applicant shall provide a binding statement that it will allow other companies/agencies to co-locate on an approved tower subject to the engineering and technical capabilities of the tower and a financial arrangement between the parties at fair market value.
5. **Demonstration of Visual Impact:** Photographs with the tower superimposed to assess visual impact or a balloon test shall be required.
6. **Review and Approval Administration:** Towers will be allowed as a Conditional Use in D-MX, UC-MX, N-B, G-B, L-I, H-I, AC and PL districts subject to this section. Users wishing to erect towers in all other district are subject to a Special Exception in accordance with [Section 13.3.5](#). Location of towers in the historic district is strongly discouraged and will only be permitted by approval from the Board of Zoning Appeals and the Board of Architectural Review. Those towers located in residential areas and/or the historic district may be subject to more stringent landscaping and fencing which may be required by the applicable boards. Applications for towers on property owned by the town shall be approved by the Town Council.
7. **General Standards:** The following general requirements shall be considered as part of the application review:
  - a. **Maximum Height:** The maximum height of a tower shall be 300 feet. Towers located on existing structures shall be no more than 50 feet above the height of the structure.
  - b. **Distance from Adjacent Residential or N-MX Property:** Towers shall maintain a minimum distance from any residential zone or N-MX zone of 50 feet plus one foot distance per one foot of tower height (measured from the base).
  - c. **Setback:** The setback for the tower, any structure, or guy support shall be the greater of the following; the minimum fall zone as determined in the above section, plus ten feet, or ten feet from any guy base or structure located at the edge of the property. The land used to meet the setback shall be owned, leased or have easement rights by the applicant and the minimum lot size will be determined by meeting the setback provisions.
  - d. **Tower Separation:** Towers shall not be located within 1,000 feet of another tower unless on the same property.
  - e. **Landscaping of Ground Facilities:** Landscaping shall be required around the base of the tower, outside of the security fence, with at least one row of evergreen shrubs capable of forming a continuous hedge at least five feet in height, with individual plantings spaced not more than five feet apart. In addition, at least one row of evergreen trees with a minimum caliper of 4 inches at the time of planting and spaced not more than 25 feet apart shall be provided within 50 feet of the perimeter security fence (N/A if in H-I).
  - f. **Towers and structures shall be illuminated only to the extent required by applicable federal and state regulations.** Any additional lighting shall be oriented inward so as not to project onto surrounding property. All towers shall be gray or black, except as otherwise required by applicable federal or state statute or regulation.
  - g. **Signage:** No signs are permitted on or around the tower except as is required by applicable federal and state law and/or regulation (i.e., purpose of identification, warning, emergency function or contact may be placed as required by standard industry practice).

- h. Removal: A communication tower taken out of service must be removed within 120 days of the date such tower ceases to be used for communication purposes and the site dismantled at the expense of the tower's owner.

## 3.5 ACCESSORY USES AND STRUCTURES

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### 3.5.1 ACCESSORY USES & STRUCTURES

Accessory uses and structures are those uses and structures which are clearly incidental and subordinate to a primary use or structure located on the same lot. Accessory uses and structures are permitted by-right in all districts subject to the issuance of a Development Permit provided they meet the specific standards set forth in this chapter for such uses and structures in addition to other applicable criteria contained in this ordinance.

### 3.5.2 USES CUSTOMARILY ACCESSORY TO RESIDENTIAL DWELLINGS

- A. Private Garage, Workshop, Shed, Storage Building, or Carport: A private garage, workshop, shed, storage building, or carport shall comply with the following standards:
1. Location: Such structure shall not be located in front of the front line of the dwelling except on lots on the marsh or water or where the garage will be more than 100 feet from the front property line.
  2. Footprint: Such structure shall not exceed 50% of the footprint of the dwelling.
  3. Height: Such structure shall be limited to the height in feet prescribed in [Chapter 2](#) (Districts).
  4. Utilities: Utilities may be provided subject to all applicable Building Codes.
  5. Steel cargo storage containers or modified versions thereof are not permitted unless used as a building material approved by the Building Official.
- B. Other permitted accessory uses include, but are not limited to:
- Fences
  - Private swimming pools
  - Outdoor barbecue structures
  - Playhouses/Treehouses
  - Arbors/Pergolas
  - Animal shelters for domestic pets
  - Gardening and agricultural uses incidental to residential use

### 3.5.3 USES CUSTOMARILY ACCESSORY TO CHURCHES

- A. Other permitted accessory uses include uses customarily incidental to the operation of a church including, but not limited to, recreation facilities and buildings, educational buildings, parsonage facilities and parking areas.

### 3.5.4 USES CUSTOMARILY ACCESSORY TO RETAIL BUSINESS, OFFICE USES AND RECREATIONAL FACILITIES

- A. Off-street parking or storage area for customers, clients or employee-owned vehicles.
- B. Completely enclosed building for the storage of supplies, stock or merchandise. Steel cargo storage containers or modified versions thereof are not permitted, unless used as a building material approved by the Building Official.

- C. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation that does not create a nuisance from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the District in which the principal use is located.
- D. Sheds or tool rooms for the storage of equipment used in operations or maintenance. Steel cargo storage containers or modified versions thereof are not permitted.
- E. Within the LI and HI Districts, open yard use for the storage of materials or equipment. Such uses shall be separated from adjoining properties by an opaque screen, fence or wall at least 7 feet in height above finished grade.

### 3.5.5 SATELLITE DISHES

- A. General Requirements: No form of advertising shall be allowed on the dish or framework other than the manufacturer's/provider's identification.
- B. Location: Satellite dishes shall be placed in the side or rear yard or on the roof. Dishes shall not be allowed in any front yard unless a company licensed to install satellite dishes in the town certifies that the front yard is the only place where the dish will be operational. Satellite dishes should be screened from the street and to the degree feasible, from adjoining properties. Such screening can be accomplished through fencing, landscaping, or placement of the dish between/behind architectural features of the building.

### 3.5.6 RAINWATER CISTERNS

- A. Location: Rainwater cisterns shall be affixed to capture rainwater from the principal structure or accessory structure's gutter system and shall be located directly adjacent to the principal structure on a lot. Rainwater cisterns shall not be located within front, side, or rear setbacks, unless the cistern is below 5 feet in height.

### 3.5.7 SMALL WIND ENERGY SYSTEM

- A. Amount: Towers and turbines associated with a small wind energy facility shall be limited to a maximum of one per principal use.
- B. Location and Setback:
  - 1. Small wind energy facilities shall not be located between a principal building and any streets fronting the lot.
  - 2. A small wind energy facility shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus 10 feet from all lot lines and overhead utilities. Guy wires and other support devices shall be set back at least 10 feet from all lot lines.
- C. Height: The maximum height of a small wind energy system (including the tower and extended blades) shall be 90 ft.
- D. Sound: Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 dBA. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.
- E. Appearance: The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).

- F. **Blade Clearance:** The blade tip or vane of any small wind energy facility shall have a minimum ground clearance of 15 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way, parking, or driveway areas.
- G. **Lighting:** No illumination of the turbine or tower shall be allowed, unless required by the FAA.
- H. **Access to Tower:** Any climbing rungs shall be removed to a height of 12 feet above grade.
- I. **Signage Prohibited:** Signage visible from any public street shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- J. **Abandonment:** On determining that a small wind energy facility has been inoperable for 180 days or more, the Town Staff shall send the property owner notice requiring restoration of the system to operating order within 180 days after receiving the notice. If the owner fails to restore the system to operating condition within the authorized time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the Town may pursue legal action to have the wind turbine removed at the owner's expense.

### 3.5.8 SOLAR ENERGY INSTALLATIONS (SES) – SMALL INSTALLATIONS

- A. **Location:** The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground, subject to the dimensional standards for the zone in which it is located. Ground-mounted SES equipment may be located in the side or rear yard only. Lots greater than 5 acres are exempt from this requirement.
- B. **Height:**
  - 1. Ground-mounted SES equipment shall not exceed 8 feet in total height.
  - 2. SES equipment located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane where it is mounted, and no portion of any such equipment shall extend more than 24 inches as measured perpendicularly to the roof at the point where it is mounted
  - 3. Any system incorporated into a nonresidential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and free-standing collectors apart from the main building shall not be permitted.
- C. **Solar Easements:** The property owner shall be responsible for negotiating with other landowners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system.

## 3.6 TEMPORARY USES

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### 3.6.1 PERMITTED TEMPORARY USES

The Town Staff may issue permits for the following temporary uses, provided that the property is zoned properly for the proposed use or as specifically exempted below and meets safety, building code and other town and state requirements:

- A. Religious meetings in a temporary structure in G-B zoning districts for a period not to exceed 30 consecutive days and not more than three times per calendar year. Religious/school meetings in all other districts in a tent or other temporary structure, for a period not to exceed 7 days.

- B. Open lot sale of seasonal natural products, such as Christmas trees, in the N-MX, D-MX, UC-MX, N-B, G-B, and L-I zoning districts for a period not to exceed 45 consecutive days and not more than three times per calendar year.
- C. Contractor’s office and trailer for use during construction in any district, except in substantially developed residential districts, for a period of 12 consecutive months, provided that such office is placed on the property under construction. This time period can be extended if the building permit is still active.
- D. Real estate sales offices, in conjunction with an approved subdivision or development project, in any District, for a period not to exceed 1 year (or 75% build-out of the subdivision in the case of model homes), provided no cooking or sleeping accommodations are maintained in the structure.
- E. Festivals or events authorized by the Town however, the Town Staff has the authority to deny the temporary use permit application or revoke the permit immediately if the applicant allows any uses, sales of products, or the provision of information that is deemed by the town to be a public nuisance and/or public safety hazard. For purposes of any town-authorized festival, an overlay zoning district is created herein to include all parcels which immediately abut the boundary of the festival. For the period of the festival, retail sales, vendor sales, food sales, information distribution, and commercial and nonprofit solicitation purposes shall be permitted within the overlay district; provided, however, that the temporary use shall be approved by the Town Staff through the temporary use permit application process no earlier than 60 days prior and no less than 15 days prior to the festival’s official opening date.
- F. Carnival, circus, or fair subject to approval by the Town Staff.
- G. Mobile Food/Retail Vending
  - 1. Permits and Licenses Required: A valid mobile vending permit issued by the Town Staff and a town business license is required prior to setting up or selling food or merchandise. Approved permit certificates and licenses shall be attached to the mobile vending unit where they are readily visible, and shall include the current name, mailing address and valid phone number of the mobile food vending unit owner.
  - 2. Food, Beverage, and Merchandise Limitations: Permitted merchandise shall be limited to edibles, hot and cold beverages containing no alcohol\*\*, and any non-perishable, non-food retail goods, and sale of retail products permitted in the zoning district where sales take place. [\*\*The sale of alcoholic beverages is permitted subject to the issuance of a Special Use Permit by the Town’s Administrative Services Department.]
  - 3. Number Per Lot: No more than two mobile food vendors shall be allowed on any given lot at the same time without the event first obtaining an overall temporary permit (or other permits as required), except that there shall be no limit on the number of pushcart vendors occupying a particular lot, nor shall there be a limit on the number of pushcart vendors or vendors with small, tow-behind carts occupying a General Commercial development.
  - 4. Use of Designated On-Street Parking Spaces: The use of on-street parking spaces by a mobile food/retail vendor shall be subject to any further restrictions that may be imposed by the Town Staff.
  - 5. Signage: Signage shall be permitted on the vehicle only to identify the name of the product or the name of the vendor, and the posting of prices. A separate menu board is allowed, not exceeding 12 square feet in area and 40 inches height. This sign must be located on the same property as and within close proximity to the mobile vending unit, and should not be placed on the sidewalk or in the public right-of-way.

6. Garbage and Recycling Receptacles: Garbage and/or recycling receptacles must be made available for patron use and removed from the site daily by the vendor.
  7. Compliance with DHEC Regulations: Vendors shall meet all applicable DHEC regulations for mobile food units and possess a valid DHEC permit where applicable. Any mobile food vendor or vending unit that has been issued a notice of health violation by any department of the State of South Carolina, which remains uncorrected upon a subsequent inspection, shall have its mobile food vendor permit revoked.
  8. Utilities. A permanent water or wastewater connection is prohibited. Electrical service may be provided only by a temporary service or other connection provided by an electric utility or by an on-board generator.
  9. No vendor shall:
    - a. Leave any vehicle unattended;
    - b. Store, park or leave any vehicle overnight on any street or sidewalk;
    - c. Leave from any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor;
    - d. Remain overnight at any location where operation or retail sales take place;
    - e. Solicit or conduct business with persons in motor vehicles;
    - f. Sell anything other than that for which a license to vend has been issued;
    - g. Sound or permit the sounding of any device that produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public;
    - h. Allow any item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property; and
    - i. Discharge fat, oil, grease, or waste water into the sanitary sewer system. All waste shall be properly stored and disposed of at a properly designated disposal location.
  10. Exemptions. Catered events, special events, and mobile food vendors that fall under other Town permitting processes.
- H. Temporary classroom facilities shall not be located at any school, religious institution or other similar use unless a plan for improvements designed to eliminate the temporary classrooms at a time certain in the future has been approved by the Town Staff. Such plan shall include a review of the placement of the temporary classrooms, and may require screening and buffering in order to comply with this Ordinance.
- I. Tents on property with a permanent structure as part of a “tent sale” supplemental to the existing business not to exceed 30 consecutive days and not more than three times per calendar year.
- J. Concession stands (mobile trailers, trucks and/or vendor carts) with the following requirements:
1. Written agreement from the property owner/manager with regard to the time(s) and location of the use on the premises. For parks and civic spaces, the Town Staff may provide this authority through a special event permit.
  2. The use shall comply with all building and fire codes, business license, revenue collection, and health laws of the Town, County, and the State of South Carolina.
  3. The use shall be licensed by the local health department, if applicable.
  4. A site plan showing the location of the proposed use on the lot and in relation to pedestrian and vehicular circulation is submitted to the Town Staff or his/her designer for approval.

- K. Portable storage containers in any District for purposes of loading or unloading, for a period not to exceed 30 days.
- L. Cargo or freight storage containers or modified versions thereof are permitted to be used as temporary storage facilities in the G-B, LI and HI Districts for up to 3 consecutive months in any 12-month period, on the condition that the containers will not be visible from the street. The CDRB may approve usage of such containers as permanent storage facilities.
- M. All other temporary uses are required to receive a special use permit and meet the following standards to the satisfaction of the Town Staff in order to receive the permit. Such permit will only allow the temporary use to operate for no more than 30 consecutive days and the property to have a temporary use permit no more than three times per calendar year. No property shall be used more than 90 days per calendar year for permitted temporary uses. There shall be a minimum of 15 days waiting period between permits. Variations may be granted by the Board of Zoning Appeals as a Special Exception.

### 3.6.2 STANDARDS FOR TEMPORARY USES

- A. Permanent changes to the site are prohibited, including protected or grand tree removal.
- B. Temporary activities shall not cause the elimination of required off-street parking.
- C. All other required permits must be obtained by the operator.
- D. The applicant must provide a notarized letter of consent from the owner of record of the property on which the temporary uses are to operate, stating their consent to all uses of the property of the temporary operation.
- E. The applicant may be required to provide a site plan drawn to scale or showing measurements, which show the property boundaries, the location and dimensions of the proposed open air sales area, existing buildings, existing parking areas and existing driveways and roads. If there will be any temporary structures, such as a tent or stand, they also need to be shown on the site plan. The site plan also needs to include a note giving the number of parking spaces on the parcel, the approximate square footage of the existing buildings, and the use of the existing buildings, if applicable.
- F. Setbacks: Setbacks for structures (tents, stands, etc.), items for sale, or parking areas shall be 10 feet from any adjacent property line or street right-of-way except, that there shall be a 30 foot setback from any arterial road.

# 4

## 4 SITE & BUILDING DESIGN GUIDELINES

### 4.1 PURPOSE AND APPLICABILITY

#### 4.1.1 PURPOSE

With respect to Summerville's location in the South Carolina Lowcountry, architectural details and development shall incorporate this character as much as possible into buildings that meet today's economic and functional requirements. Window and door openings, glazing, details and finishes, colors, roof profiles, accessory features, landscape treatment, and as much as possible, those building materials that reflect the Summerviller character and have been used in Summerville, are some examples of building design that should reflect this architectural tradition.

These practices, as well as the appropriate use of technology to promote high standards of energy and resource conservation, are strongly encouraged. New projects and renovations to existing buildings will be reviewed for their ability to harmoniously blend into their surroundings.

The guidelines and standards in this chapter are not meant to stifle innovative design or creativity. Instead, they are intended to serve as the minimum standards and guidelines necessary to ensure that development meets the purposes described above and set reasonable expectations for compliance. Therefore, their purpose is to:

- A. Welcome development that is pedestrian in scale and encourages walkable streets; and
- B. Provide standards and guidelines that achieve and promote a consistently high level of architectural design; and
- C. Protect and enhance Summerville's unique aesthetic character.



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#### 4.1.2 APPLICABILITY

The guidelines and standards in this chapter apply to all buildings and sites with the exceptions noted herein, and help the Town Staff and/or the Design Review Board (DRB) as appropriate, evaluate applications. These standards are not applicable to structures in a designated Historic District subject to the jurisdiction of the Board of Architectural Review (BAR). This chapter establishes both broad design guidelines and detailed administrative standards. Design guidelines are typically signified by statements with variants of the words “should”, “encouraged”, and “discouraged” and are utilized by the DRB in evaluating applications under their purview. Design standards are typically signified by statements with variants of the words “shall” and “must” and are considered mandatory minimum standards unless specifically modified by Board action. The following are exempt from these standards: single family homes on lots platted prior to the adoption of this ordinance.

#### 4.1.3 CONTEXT REFERENCE GUIDE

The guidelines found in this chapter are intended to be context sensitive based on general building types. The following contexts will be addressed:

- Residential (GR-2, GR-5, MF-R, MH-R, N-R)
- Mixed Use (N-MX, D-MX, UC-MX)
- Suburban Commercial (N-B, G-B)
- Industrial (L-I, H-I)
- Civic/Institutional (All Districts)

#### 4.1.4 MODIFICATION OF GUIDELINES

Applicants may request modifications to the minimum design guidelines herein to permit design solutions that are otherwise compatible with surrounding development and the intent of this ordinance, but which, because of unique design considerations, are not able to achieve strict compliance with the guidelines of this chapter. Such applications shall be subject to the applicable Design Review process found in [Sections 13.3.5](#) and [13.8.3](#). This option shall not be used to grant a variance or waiver of any requirement in other chapter of this ordinance.

## 4.2 DESIGN GUIDELINES

### 4.2.1 CORE PRINCIPLES

- A. There are two principal components of every pedestrian trip – the journey and the destination. The journey should be unobstructed and safe and the destination should be interesting and attractive.
- B. Ground floor activity is critical to pedestrian comfort and activity. Long expanses of inactivity are strongly discouraged.
- C. Great towns are built at a pedestrian scale. Avoid large scale buildings along the street frontages where possible.
- D. Buildings should be designed to grow and adapt over time. The accommodation of mixed-uses, whether at the time of initial occupancy or over the long-term, is strongly preferred to single-use structures.
- E. To compliment the historic fabric of the downtown area, new buildings, substantial renovations, and expansions should be of the highest design quality and should be considered long-term additions to the downtown fabric.
- F. Buildings should incorporate architecture and scale that is appropriate to its context and location.
- G. Facades should be designed to reflect the interior arrangement in an authentic manner. Excessive verticle or horizontal variations should be avoided in favor of more simplified authentic facade arrangements.
- H. Visual diversity should be greatest along the street frontage. Avoid uniformity of tenant spaces along the ground floor and provide an increment of small-scale tenant spaces for frequent changes of scenery and activity.
- I. Considerations for energy efficiency and environmental stewardship should inform every site and building design but not at the expense of good urban form. For example, passive solar orientation is encouraged so long as it does not cause buildings to form awkward spaces along pedestrian-oriented streets. Further, avoid stormwater facilities between the building and the sidewalk if at all possible.

### 4.2.2 BUILDING PLACEMENT AND SITE DESIGN

- A. Generally: Buildings shall be sited so that they support a walkable public realm and are generally aligned and compatible with one another. In general, parking should be placed to the side or rear of buildings.
- B. Conceal Larger Volume Space Behind Smaller Scale Spaces: Large-scale, single-use buildings (such as parking garages, conference facilities, theaters, athletic facilities, superstores, etc.) should be located behind or above habitable street front space. This shall not apply to industrial development (L-I, H-I districts).
- C. Development Plans with Multiple Principal Buildings: In order to encourage pedestrian activity, principal buildings shall be grouped together or attached along the primary fronting street, or along an internal network of interconnecting streets.
  1. Perimeter buildings and outparcel buildings shall be configured and located to define street edges, development entry points, and spaces for gathering between buildings.
  2. Perimeter buildings and outparcel buildings shall be oriented so that the primary facade faces a public street. Buildings interior to the site may face private parking areas and/or accessways.
  3. Buildings shall be located to break up the site into a series of smaller blocks defined by streets and pedestrian walkways, and to frame and enclose parking areas, outdoor dining areas, and/or gathering spaces for pedestrians between buildings.

CORNER BUILDINGS [4.2.2.D.3]



*Buildings on corner locations should use important architectural treatments and distinctive roof forms to draw importance to the prominence of the location.*

STREET VISTAS [4.2.2.D.4]



*Important street vistas should terminate in a focal point such as a civic/institutional building or other architectural or natural feature.*

D. Building Location and Orientation

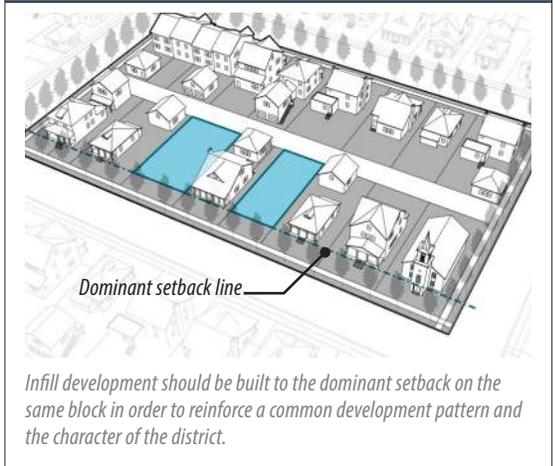
1. Development should incorporate the predominant characteristics of the neighborhood, including block structured lotting patterns, vegetation and topography.
2. Buildings should not significantly overshadow private open spaces or the common/public area windows of adjacent buildings.
3. Buildings located on street corner lots shall be sited and configured to define the corner through the use of one or more of the following:
  - a. Locating the building as close to the right-of-way as possible (in accordance with the minimum setback);
  - b. Eliminating surface parking between the building and the street;
  - c. Providing a public gathering space adjacent to the corner;
  - d. Utilizing distinctive roof forms or pedestrian features such as porches, canopies, or arcades.
4. Important street vistas should terminate in a focal point, such as a Civic/Institutional building or other architectural or natural feature.

### 4.2.3 INFILL COMPATIBILITY

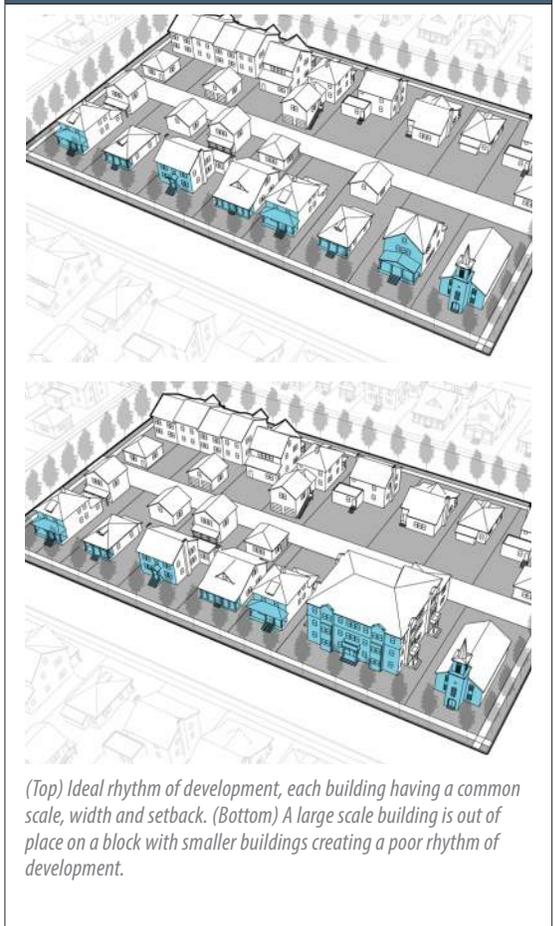
As a means to provide guidance for the design of buildings that integrate well into the context of Summerville, this section identifies the following key features necessary to ensure compatibility:

- A. **Front Setback Patterns:** Established building setback patterns should be continued as practical. Deep front setbacks can compromise the ability to provide backyard space and/or rear parking, particularly at higher densities. Interruptions to street frontage character should be avoided by preserving existing front yard landscaping and street trees and minimizing the amount of frontage devoted to paved vehicle areas.
- B. **Rhythm Of Development Along The Street:** Established building rhythms along street frontages should be continued. Monolithic massing that disrupts fine-grain neighborhood and corridor pattern should be avoided. Large-scale buildings should reduce their impact on the street by utilizing interior block space for the majority of the building area, while addressing the street with liner buildings, or other treatments, that continue the established building frontage width and rhythm of development on the street.
- C. **Facade Orientation:** Windows, main entrances, and other primary building façade elements should be oriented toward the street. Courtyard buildings can contribute to the primary frontage by orienting main entrances toward courtyards that serve as a semi-public extension of the public realm. Structures shall be oriented so that to the extent feasible, loading areas are not visible from residential districts or from public rights-of-way. Loading areas may be oriented toward adjoining developed properties which are zoned for nonresidential uses if such loading areas are screened from view.
- D. **Architectural Features:** The design of buildings should be consistent with prevalent architectural features of the surrounding neighborhood, especially in areas where patterns established by recurring architectural features are well-documented and valued. Avoid mimicry of existing buildings so that opportunities for the evolution of architectural style are not stifled.
- E. **Differing Housing Types to be Compatible:** Housing types should be integrated in terms of scale, proportion, form, architectural detailing and material usage. It is acceptable for new residential structures to be larger than older ones, but not so much larger as to threaten neighborhood character.

INFILL: FRONT SETBACK PATTERNS [4.2.3.A]



INFILL: RHYTHM OF DEVELOPMENT [4.2.3.B]



**CORNICE HEIGHTS [4.2.4.B]**



*Cornices and first floor elevations are consistent in the facades on buildings on the same block.*

**CORNER BUILDINGS (4.2.5.D)**



*Corner buildings should utilize additional detailing to emphasize their location.*

**VERTICAL PROPORTIONS (4.2.5.F)**



*In general, building design should emphasize vertical proportions in window openings, bay dimensions, and other similar details.*

**4.2.4 SCALE**

- A. The scale of buildings and accessory structures (including canopies) should be appropriate to the scale of structures located in the surrounding area.
- B. Cornice or eave height should be consistent with the dominant cornice or eave height of buildings on the same block.
- C. The elevation of the first floor and floor-to-floor heights shall be consistent with the expression of floors in the facades on the same block.
- D. The facade of a proposed building should draw upon the proportion and number of bays, in surrounding buildings as defined by windows, doors and column spacing, to establish a compatible scale.
- E. Lower floors should be differentiated architecturally from the rest of the building to create a sense of human scale.

**4.2.5 MASSING AND ARTICULATION**

- A. When large scale construction is proposed which is not consistent with the predominant building height and lot width of the surrounding area, special attention shall be paid to the siting, setbacks, and facade treatments utilized in such construction in order to articulate a building form that is appropriate to the neighborhood context.
- B. Long, unarticulated or blank facades, including but not limited to those characterized by unrelieved repetition of shape or form, are discouraged on any facade or portion of a facade visible or expected to be visible from a public or private street or from primary vehicular access points or parking areas. For larger scale developments, the building façade shall create repetitive bays, or the façades shall be divided into an asymmetrical, yet balanced, composition.
- C. New construction should complement the massing of neighboring buildings by utilizing roof forms, architectural trim, differentiation of facade planes, and a relationship of solids (siding and walls) to voids (window and door openings) that are consistent with the patterns established in neighboring buildings.
- D. Buildings on corners or axial terminus should be designed with additional height and architectural embellishments to emphasize their location.
- E. The use of pitched roofs and roof overhangs that are consistent with neighboring buildings is encouraged.
- F. In general, building design should emphasize vertical proportions in window openings, bay dimensions, and other similar details.

#### 4.2.6 BUILDING LOCATION AND ORIENTATION

Building facades should be parallel to the frontage line as determined by Town Staff

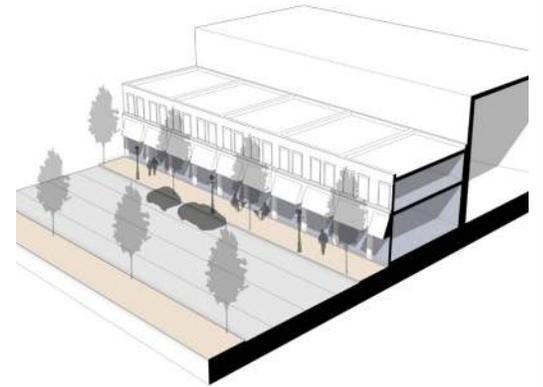
#### 4.2.7 FACADE ARRANGEMENT

All elevations of principal buildings (over 20 feet in height) visible from a public street or park should demonstrate articulation by being organized into three major components which mimic the human body: the base, body, and cap. The feet provide stability, the torso provides height and bulk, and the head provides identity. The base is that portion at ground level, where the building makes contact with the earth. The body is the upper architecture, forming the majority of the structure. The cap is the parapet, entablature or roofline, where the building meets the sky. While they may be present in varying proportions and achieved using a wide variety of techniques, such as changes in color, material, pattern, profile, or texture, these components should be clearly identifiable.

#### 4.2.8 GROUND FLOOR ELEMENTS

- A. Defined Entries: Entrances should be differentiated architecturally to create a sense of human scale.
- B. Architectural elements like openings, sills, bulkheads, columns, and other architectural features should be used to establish human scale at the street level.
- C. All commercial and mixed-use buildings should accommodate active street level uses on all pedestrian-oriented frontages.
- D. Large buildings fronting multiple streets should provide multiple entrances.
- E. In mixed-use districts large-footprint buildings shall front the buildings to the sidewalks, providing windows and doors at frequent intervals.

#### LARGE BUILDING FRONTAGES [4.2.8.E]



*Large buildings should provide storefronts along street frontages as if they were smaller tenants.*

EXAMPLE: BUILDING BASE, BODY & CAP [4.2.7]



Summerville Example: Commercial/Mixed-Use Buildings  
Source: Google Street View



Summerville Example: Residential Buildings  
Source: Google Street View



Commercial/Mixed-Use Buildings



Residential Buildings

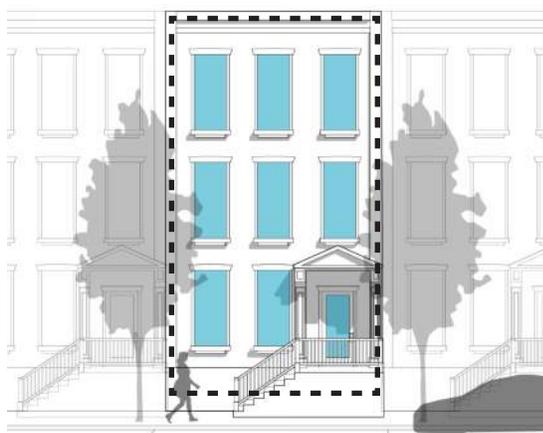


### 4.2.9 FACADE TRANSPARENCY

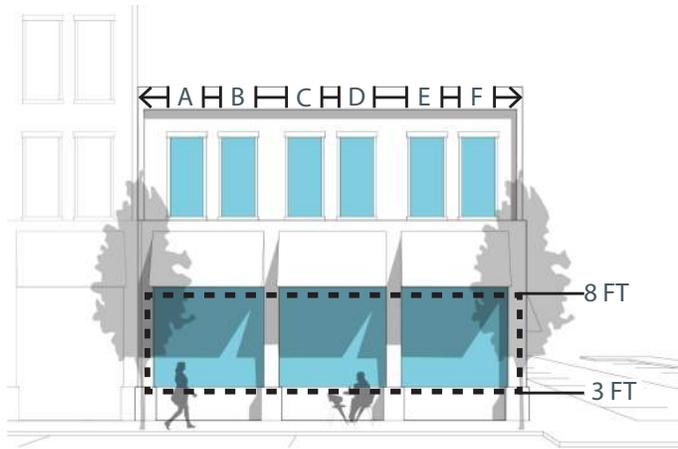
A. The table below establishes minimum requirements for facade transparency by building type. The requirements apply only to facades which face a public street or park.

		F. MINIMUM FACADE TRANSPARENCY		
		Ground Floor Facade*	Upper Floor Facades**	Total Facade Area
Building Types				
Residential Buildings	Detached House in G-R	-	-	10%
	Detached House in N-R	-	-	20%
	All other Housing	-	-	10%
Mixed-Use & Commercial Buildings	Suburban Commercial (N-B, G-B)	50%	30%	-
	Mixed-Use (N-MX, D-MX, UC-MX)	65%	30%	-
	Industrial	-	-	20%
Civic/Institutional		Subject to Design Review		

*\*Minimum percentage applies to the area of the facade between 3 feet and 8 feet above the finished first floor.  
\*\*Minimum percentage applies to the lineal footage of the facade with some type of window or fixed glass.*



**Residential Facade Transparency**  
*(Transparent facade area / total facade area) ≥ min. % from table*



**Mixed-Use & Commercial Facade Transparency**  
*Ground Floor: Transparent facade % between 3 ft and 8 ft above finished floor ≥ min. % from table  
 Upper Floors: [(A+B+C+D+E+F) / total facade width] ≥ min. % from table*

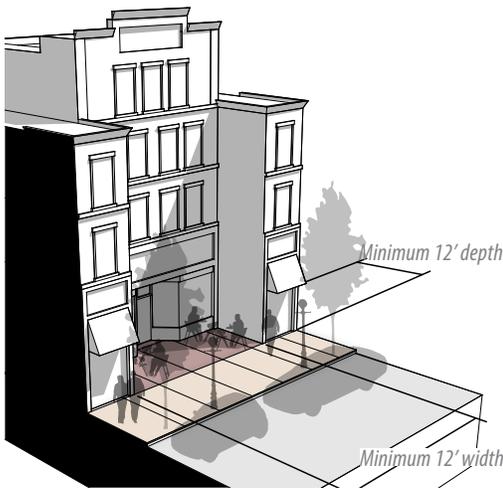
- B. All windows and glazing used to meet the minimum requirements must allow views from habitable areas within the building to the street or property line, except where obstructed by the display of merchandise for retail uses.
- C. Windows or fixed glass areas in doorways may be used to satisfy the minimum requirements except in doorways designed for egress only.
- D. To comply with this standard, the passerby should be able to discern finished, occupiable space inside the building. Nothing herein shall be construed to prevent the installation of blinds or other shading devices post construction.
- E. Glass block, reflective or highly tinted glass, faux windows/spandrels, or casement display windows cannot be used to satisfy the minimum requirements.

**PORCHES AND STOOPS [4.2.10.A]**



*Single-family home with porch. Minimum 6 ft depth*

**FORECOURT [4.2.10.B]**



**COLONNADE/ARCADE [4.2.10.C]**



**4.2.10 FRONTAGE ENCROACHMENTS**

- A. Porches and Stoops: Porches and stoops may be constructed in front of the minimum required setback, but should not extend into the right-of-way.
  1. Minimum Height above Grade: Residential porches and stoops shall be elevated a minimum of 18 inches above the average adjacent sidewalk grade, or 2 feet above the adjacent street grade where no sidewalk is present.
  2. Minimum Porch Dimensions: Porches shall have a minimum depth of 6 feet and a minimum width of 25% of the primary facade. If porches are screened, all architectural expression (columns, railings, pickets, etc.) must occur on the outside of the screen.
  3. Minimum Stoop Dimensions: Stoops shall have a minimum depth and width of 5 feet. Stoops may be shared by two attached units. Stoop stairs may run to the front or to the side. Entry doors from stoops shall be covered or recessed to provide shelter from the elements.
  
- B. Forecourts: Forecourts may be used in residential buildings to provide entry yards and/or shared garden space. Forecourts may be used in commercial and mixed-use buildings to provide areas for outdoor dining, display of merchandise, and/or entries to individual tenants. Where provided, forecourts should be a minimum of 12 feet in depth and 12 feet in width.
  
- C. Colonnades/Arcades: Where provided, colonnades/arcades may encroach over the public sidewalk, but must maintain a minimum horizontal sidewalk clearance of 8 feet for pedestrian circulation. A minimum of 18 inches of horizontal clearance must be provided from the outside of all columns to the face of the curb. A minimum of 10 feet of vertical clearance must be maintained from the sidewalk grade. No more than 1 story of habitable space may be permitted over the colonnade/arcade.
  
- D. Balconies: Where provided, balconies may encroach over the public sidewalk, but must project a minimum of 3 feet from the building facade. A minimum of 10 feet of vertical clearance must be maintained from the sidewalk grade. Balconies may have roofs, but cannot be screened or glassed-in.
  
- E. Awnings and Marquees: Where provided, marquees and awnings may encroach over the public sidewalk, but must project a minimum of 3 feet from the building facade. A minimum of 8 feet of vertical clearance must be maintained from the sidewalk grade. Awnings should be made of fabric and metal only.

- F. If any portion of the building extends into the right-of-way, an encroachment permit will be needed from the Town Engineering office (see Town Code, Chapter 30, Article III)

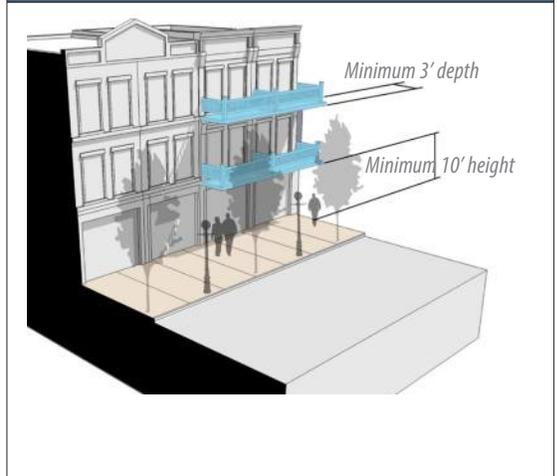
**4.2.11 COLUMNS, PIERS, AND ARCHES**

- A. Placement and Dimensions: Columns and piers should be spaced no farther apart than they are tall. Column bays should be of equal and precise proportions. Columns may be round or square.
- B. Quality Materials
  1. Columns may be constructed of wood structure with finished wood or Hardie-plank cladding, cast iron, concrete with smooth stucco finish, brick, or perma-cast or similar synthetic materials upon approval by DRB.
  2. Arches may be constructed of brick, cast stone, concrete masonry units with stucco (C.B.S.), reinforced concrete with stucco, or wood/timber.
  3. Piers may be constructed of cast stone, concrete masonry units with stucco (C.B.S.), reinforced concrete with stucco, concrete with smooth finish, or brick or other material as approved by DRB.

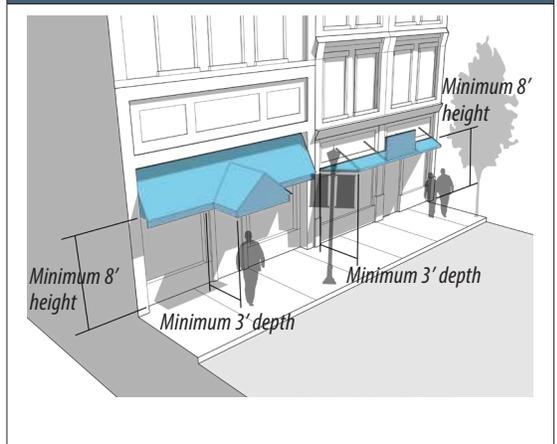
**4.2.12 LOADING/SERVICE AREAS, MECHANICAL EQUIPMENT AND UTILITIES:**

- A. Loading facilities, loading docks, service doors, and other service areas, shall be located and/or screened so as not to be visible from a public street or park.
- B. Utilities: Project elements like mechanical equipment (except small items such as fans and vents), utility meters, storage areas, solid waste containers (including dumpsters, compactors, recycling containers, and solid waste and recycling handling areas), transformers, generators, HVAC units and similar features, or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure; OR they should be so located as not to be visible from any public street or from adjacent buildings. No wall-mounted building utility service equipment (e.g., electrical house panel boxes) shall be placed on the public street right-of-way side of the building. Town Staff may waive this requirement for photovoltaic panels where such panels must be located within view of a public street or adjacent building in order to maximize solar exposure.

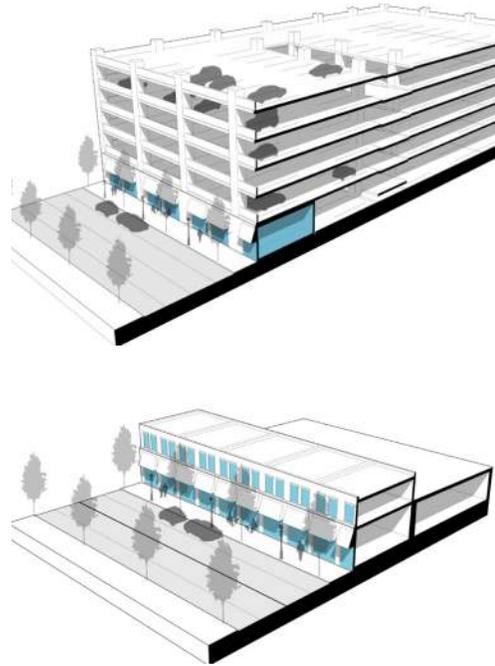
**BALCONY [4.2.10.D]**



**AWNINGS & MARQUEES [4.2.10.E]**



**WRAPPING PARKING STRUCTURES [4.2.14]**



*(Top) Parking Garage Retail Screen: A ground floor retail liner in a parking garage creates an appropriate streetscape environment by screening the parking areas behind. (Bottom) Big-Box with Liner Building: A two-story retail/office liner building provides an appropriate screen for a large-scale single-use building (such as a conference center, theatre, athletic facility or superstore).*

**4.2.13 MATERIALS AND COLORS**

- A. Quality material and facade detailing shall extend to all facades which are visible or are expected to be visible from a public or private street and other public spaces, and/or from primary vehicular access points or parking areas.
- B. Different materials on different exterior elevations are allowed on the same structure so long as those materials maintain the architectural unity and integrity of the entire structure (i.e., there may be brick and wood on the same building).
- C. Generally, no more than four colors complementary to each other will be allowed on the building.
- D. The primary finish materials for new construction should be compatible with neighboring buildings in terms of color, texture, tooling, craftsmanship, size, shape, and the applicability of the material to the function it performs. Materials shall express their function clearly and shall not appear as materials which are foreign to the character of the building.
- E. Piecemeal embellishment and frequent changes in material and color shall be avoided.
- F. Multiple materials on the same roof line are generally discouraged.
- G. The following siding materials are not typically compatible with the traditional vernacular of Summerville and are discouraged except in areas zoned Limited Industrial and Heavy Industrial: sheet plywood, concrete block (CMU), unfinished poured concrete block, and plastic or metal not closely resembling painted wood clapboard. The Design Review Board may permit the use of these materials after considering the location and proposed use of the structure.

**4.2.14 PARKING STRUCTURES/GARAGES**

- A. Parking structures shall not front on pedestrian-oriented streets or terminate a longer vista. Such structures shall be lined or wrapped by human-scaled development.

## 4.3 RESIDENTIAL BUILDING DESIGN GUIDELINES

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### 4.3.1 APPLICABILITY

Exclusively Residential Structures consisting of 5 or more units or lots in All Districts

### 4.3.2 MINIMUM DESIGN GUIDELINES - APPLICABLE TO ALL RESIDENTIAL STRUCTURES

A. Detailed Design Recommended: All buildings other than garages should be designed to include varied relief to provide interest and variety. The following is a partial list of features that may be used to accomplish this objective:

- Bow window,
- Bay window,
- Arched window,
- Gable window,
- Oval or round windows,
- Shutters,
- Arched entry, balcony or breezeway entrance,
- Cast stone or brick accent wall,
- Decorative brick band,
- Decorative tile,
- Veranda, terrace, porch or balcony,
- Projected wall or dormer,
- Variation of roof lines on the building, and
- Decorative caps on chimneys.

#### B. Wall Materials

1. Building walls should be finished in one or more, but not more than four of the following materials: concrete masonry units with stucco (C.B.S.), reinforced concrete with stucco, fiber cement board such as “Hardie-Plank” siding, 50-year siding product, wood, termite resistant, 50-year siding product: painted or natural, brick, stone, stucco, and other materials as approved by Town Staff.
2. Visible foundation walls should be finished in one of the following materials: Brick, Stone, or Stucco.
3. Chimneys: Chimneys should be finished with approved building wall materials.
4. Downspouts and Gutters: Downspouts and gutters are to be galvanized steel, aluminum, non-glossed stainless steel or copper. Downspouts and gutters are to match in materials and finish.
5. Day-glo, luminescent, iridescent, neon or similar types of color finishes are prohibited.
6. Mirrored glass with a reflectivity of 20% or more and spandrel is prohibited.

#### C. Windows:

1. Windows should not be flush with exterior wall treatments. Windows should be provided with an architectural surround at the jambs, header and sill.
2. In general, clear glazing is preferred, but the DRB may allow alternative glazing types depending on the context.
3. Except for round windows, picture windows, accent windows, and transoms, windows and door openings should be taller than they are wide.
4. Exterior Shutters: Shutters, if used, must be sized and placed so as to equal the width that would be required to cover the window opening.

**CLEAR BUILDING ENTRANCES [4.3.3.A & 4.4.4.A]**



*Buildings must have a useable entrance on the primary frontage. In most cases the primary frontage will be a public street, but in some cases the primary frontage may be an alley or a pedestrian pathway from the side or rear. Town Staff shall determine the primary frontage for each lot.*

**FACADE VARIETY [4.3.3.B]**



*Buildings must be designed to provide varied relief. The homes pictured above meet this standard through the use of porches, balconies, shutters, projected dormers, variation in roof lines, and decorative caps on chimneys.*

**D. Roofs**

1. Flat and mono-pitch roofs (sloped to the rear) should be concealed with parapets along the street frontage.
2. Where flat roofs are provided, mechanical equipment shall be screened from view from the street.
3. Skylights must be flat to the pitch of the roof and should not be located on any sloped roof facing the primary frontage.
4. Roof penetrations shall be hidden or painted to match the color of the roof.

**E. Garages and Accessory Structures:** Attached garages, detached garages and other accessory structures, shall be subordinate in height, footprint, and proportion to the primary structure on the site, and shall be compatible with the principal structure in terms of roof form, materials, and color.

**4.3.3 MINIMUM DESIGN GUIDELINES - DETACHED SINGLE FAMILY HOMES ONLY**

**A. Entrances**

1. **Building Entrances to Face Street or Public Open Space:** All residential buildings should face the street or designated public space (e.g., common courtyard, plaza, or green) and have a pedestrian pathway connecting the principal entry to the street. All buildings with shared entrances should be oriented so that the primary entrance(s) faces the street. In some cases (e.g the “Charleston Single” design style) the primary entrance may access a porch or pathway which then provides access into the structure.
2. **Raised Entry Required:** The finished ground floor elevation for units within 18 feet of a sidewalk shall be 18 inches above the average adjacent sidewalk grade, or 2 feet above the adjacent street grade where no sidewalk is present.
3. **Zero-Step Entry:** For residential buildings in developments designed for residents aged 55 and older, at least one zero-step entry should be provided from the fronting sidewalk or pedestrian pathway from the side or rear to the interior of the house. Each unit should have a separate outdoor entrance that includes a porch, stoop, courtyard or similar element which provides a transition from the public sidewalk to the private space within the building or unit.

**B. Facade Variety:** Detached Homes with identical facade designs shall not be permitted on adjacent or facing lots. Where home designs are repeated in new development, materials and detailing shall be varied to distinguish different houses.

- C. Garages: All garages facing a public street shall be visually recessed from the principal structure. See also [Sections 2.5](#) and [2.7](#).

#### 4.3.4 MINIMUM DESIGN GUIDELINES - TOWNHOMES, APARTMENTS, AND OTHER MULTI-FAMILY BUILDINGS

##### A. Entrances

1. **Building Entrances to Face Street or Public Open Space:** All residential buildings should face the street or designated public space (e.g., common courtyard, plaza, or green) and have a pedestrian pathway connecting the principal entry to the street. All buildings with shared entrances should be oriented so that the primary entrance(s) faces the street.
  2. **Raised Entry Required:** The finished ground floor elevation for units within 18 feet of a sidewalk shall be 18 inches above the average adjacent sidewalk grade, or 2 feet above the adjacent street grade where no sidewalk is present.
  3. **Zero-Step Entry:** For residential buildings in developments designed for residents aged 55 and older, at least one zero-step entry should be provided from the fronting sidewalk or pedestrian pathway from the side or rear to the interior of the house. Each unit should have a separate outdoor entrance that includes a porch, stoop, courtyard or similar element which provides a transition from the public sidewalk to the private space within the building or unit.
  4. **Secondary Entries Permitted:** Individual units and tenant spaces on the ground floor may have separate entrances to the public sidewalk, but units on upper floors must be accessed through a common entrance on the ground floor.
  5. **Corner Lot/Entry:** In the case of corner lots, the primary entrance(s) should face the street from which the building derives its street address.
- B. **Facade Transparency:** Building elevations that face the street should have at least 20% of the wall area consist of windows and/or doors. Mirrored glass with a reflectivity of 20% or more is prohibited.
- C. **Cornice and Expression Lines:** Cornices and other similar elements are required to delineate the tops of facades. Expression lines are required to delineate the divisions between the first floor and upper floors.

#### CORNICE AND EXPRESSION LINES [4.3.4.C]



*Cornices and expression lines articulate the building facade and break up the massing of larger buildings. A variety of cornices (blue) are used to provide interest and detail to this facade.*

**ENTRANCES [4.4.2.B.1]**



*Buildings shall provide clear entrances directly to the sidewalk or other public space.*

**MINIMIZE BLANK WALLS [4.4.2.C.1]**



*Ground level detailing should comprise primarily of storefronts and minimize blank walls.*

## 4.4 MIXED-USE BUILDING DESIGN GUIDELINES

### 4.4.1 APPLICABLE DISTRICTS: N-MX, D-MX, UC-MX

### 4.4.2 MINIMUM DESIGN GUIDELINES

- A. Ground Floor Height: The minimum height of a single story building should be 20 feet from finished grade to the bottom of the parapet or to the eave line for a pitched roof. (Applicable to D-MX and UC-MX only)
- B. Entrances:
  1. Primary Entrances: Buildings should be oriented so that the primary entrance is facing the primary fronting street or public space, as determined by Town Staff. Individual units and tenant spaces on the ground floor should have separate entrances to the public sidewalk. Major building entrances that provide access to the primary use of the building should be distinguished from the entrances used for secondary uses, such as ground floor retail.
  2. Entrances to Face Street: All buildings with shared entrances should be oriented so that the primary entrance(s) faces the street.
  3. Entry Interval: Doors or entrances with public access should be provided at intervals no greater than 50 feet.
  4. Corner Lot Buildings: In the case of corner lots, the primary entrance(s) should face the street from which the building derives its street address.
  5. Secondary Entrances: Secondary access may be provided from parking areas located to the rear or side of a building. Large single tenant buildings or building with only common lobby access to building tenants that have more than 200 feet fronting a secondary street should provide an additional common entrance along that frontage as well.
- C. Ground Level Detailing
  1. Minimize Blank Walls: Expanses of blank walls facing streets (excluding rear access drives or alleys) or public civic spaces may not exceed 20 feet in length. (A “blank wall” is a facade that does not contain transparent windows or doors.)

2. Transparency to be Dispersed: Required transparency should not be aggregated into a single undivided area of glazing treatment. Individual glazing areas should not span more than 15 linear feet, and must be separated by at least 1 linear foot of contrasting material.
3. Mechanical equipment: All mechanical equipment shall be completely screened from the ground level of any adjacent property with architectural materials that are consistent with those used on the primary building.
4. Spandrel Glazing Forbidden: The use of spandrel or similar inauthentic glazing treatments is prohibited, unless approved by DRB.
5. Ventilation Grates and Emergency Exit Doors: Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, should be decorative. Unless otherwise required by the building code, such grates and doors should be located away from pedestrian spaces (sidewalks and pedestrian paths).

#### D. Windows

1. Window openings, other than transoms, display windows, and accent windows on upper stories should be taller than they are wide.
2. Windows should not be flush with exterior wall treatments. A header and sill is required for all windows in masonry construction.
3. In general, clear glazing is preferred, but the DRB may allow alternative glazing types depending on the context.
4. Windows in wood construction should have trim around all four sides.
5. Windows are not to be covered with paper, cardboard or other materials, with the exception of approved window signage.

#### E. Building Walls

1. Wall Materials: Building walls visible from a public street or civic space should be primarily brick, stone masonry units, wood clapboard, cementitious fiber board, exposed heavy timber, or architectural concrete masonry units (CMU). Glass curtain walls may be approved subject to Design Review to ensure the styling and details are appropriate for the context. Exterior insulation finishing systems (EIFS) may be used on facades not facing a public street or civic space or as a secondary building material only (less than 25% of the wall area) on primary frontage facades. Under no circumstances should unfinished concrete block or stacked stone be permitted.
2. Balance of Wall Materials: When 2 or more materials are used on a façade, the heavier material should be placed below the lighter material (e.g., siding over brick) to give the sense of support and grounding.
3. Colors: The use of garish, high-intensity, metallic, fluorescent, day glow, or neon colors is prohibited. Variations in color schemes are encouraged in order to articulate entry ways and public amenities so as to give greater recognition to these features.

## 4.5 SUBURBAN COMMERCIAL BUILDING DESIGN GUIDELINES

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### 4.5.1 APPLICABLE DISTRICTS: N-B, G-B

### 4.5.2 MINIMUM DESIGN GUIDELINES

- A. Ground Floor Height: The minimum height of a single story building should be 20 feet from finished grade to the bottom of the parapet or to the eave line for a pitched roof. (Applicable to G-B only)
- B. Entrances:
  - 1. Primary Entrances: Buildings should be oriented so that the primary entrance is facing the primary fronting street or public space, as determined by Town Staff. Individual units and tenant spaces on the ground floor should have separate entrances to the public sidewalk. Major building entrances that provide access to the primary use of the building should be distinguished from the entrances used for secondary uses, such as ground floor retail.
  - 2. Entrances to Face Street: All buildings with shared entrances should be oriented so that the primary entrance(s) faces the street.
  - 3. Entry Interval: Doors or entrances with public access should be provided at intervals no greater than 100 feet.
  - 4. Corner Lot Buildings: In the case of corner lots, the primary entrance(s) should face the street from which the building derives its street address.
  - 5. Secondary Entrances: Secondary access may be provided from parking areas located to the rear or side of a building. Large single tenant buildings or building with only common lobby access to building tenants that have more than 200 feet fronting a secondary street should provide an additional common entrance along that frontage as well.
- C. Ground Level Detailing
  - 1. Minimize Blank Walls: Expanses of blank walls facing streets (excluding rear access drives or alleys) or public civic spaces may not exceed 40 feet in length. (A “blank wall” is a facade that does not contain transparent windows or doors.)
  - 2. Transparency to be Dispersed: Required transparency should not be aggregated into a single undivided area of glazing treatment. Individual glazing areas should not span more than 20 linear feet, and must be separated by at least 1 linear foot of contrasting material.
  - 3. Mechanical equipment: All mechanical equipment shall be completely screened from the ground level of any adjacent property with architectural materials that are consistent with those used on the primary building.
  - 4. Spandrel Glazing Forbidden: The use of spandrel or similar inauthentic glazing treatments on the ground floor is prohibited, unless approved by DRB.
  - 5. Ventilation Grates and Emergency Exit Doors: Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, should be decorative. Unless otherwise required by the building code, such grates and doors should be located away from pedestrian spaces (sidewalks and pedestrian paths).

D. Windows

1. Window openings, other than transoms, display windows, and accent windows on upper stories should be taller than they are wide.
2. Windows should not be flush with exterior wall treatments. A header and sill is required for all windows in masonry construction.
3. In general, clear glazing is preferred, but the DRB may allow alternative glazing types depending on the context.
4. Windows in wood construction should have trim around all four sides.
5. Windows are not to be covered with paper, cardboard or other materials, with the exception of approved window signage.

E. Building Walls

1. Wall Materials: Building walls visible from a public street or civic space should be primarily brick, stone or stone masonry units, wood clapboard, cementitious fiber board, exposed heavy timber, or architectural concrete masonry units (CMU). Glass curtain walls and tilt-up cast concrete may be approved subject to Design Review to ensure the styling and details are appropriate for the context. Exterior insulation finishing systems (EIFS) may be used on facades not facing a public street or civic space or as a secondary building material only (less than 25% of the wall area) on primary frontage facades. Under no circumstances should unfinished concrete block be permitted.
2. Balance of Wall Materials: When 2 or more materials are used on a façade, the heavier material should be placed below the lighter material (e.g., siding over brick) to give the sense of support and grounding.
3. Colors: The use of garish high-intensity, metallic, fluorescent, day glow, or neon colors is prohibited. Variations in color schemes are encouraged in order to articulate entry ways and public amenities so as to give greater recognition to these features.

SPANDREL AND FAUX WINDOWS FORBIDDEN [4.5.2.C.4]



*The use of spandrel or other opaque treatments for window openings along street frontages discourages pedestrian activity and is forbidden.*

WALL MATERIALS [4.5.2.E.1]



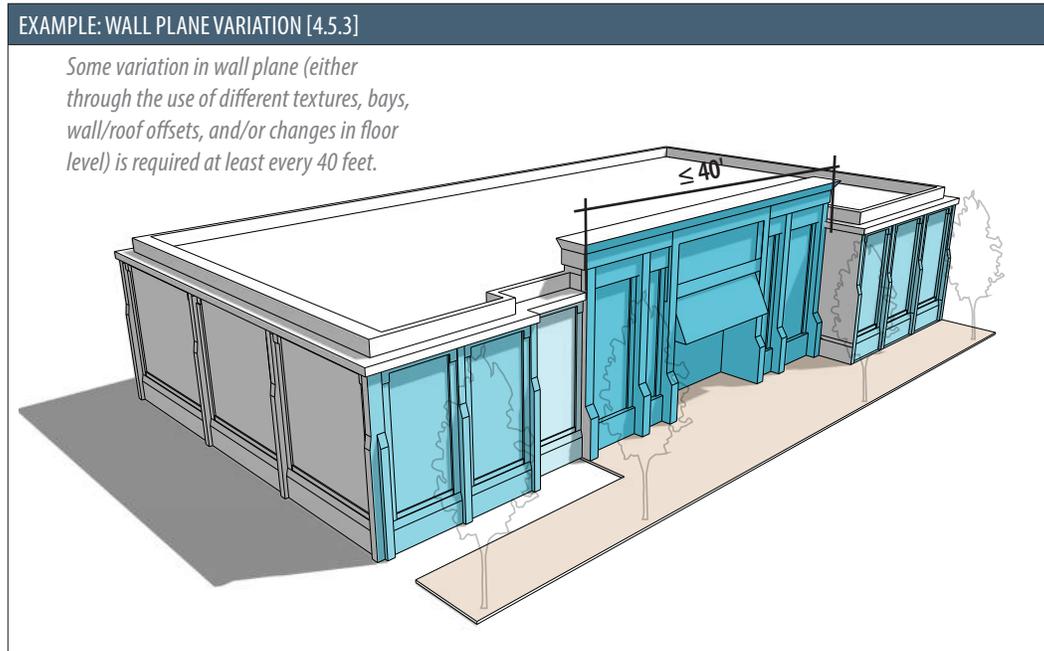
*Building walls facing public streets should be predominately brick with EIFS as a secondary material only.*

- F. Additional Standards for Large Footprint Buildings: Buildings with a footprint of 20,000 square feet or greater must abide by the following additional standards:
1. Buildings may be one story but shall be at least 24 feet in height. This may be accomplished with higher ceiling heights, parapets, and/or separate liner buildings.
  2. Large-footprint buildings should front the buildings to the sidewalks, providing windows and doors at frequent intervals.
  3. Building footprints shall not be larger than a single block. Floor area of buildings shall not cantilever over public rights-of-way.

### 4.5.3 WALL PLANE VARIATION

Facades which are visible from a public street or park, must be divided into architecturally distinct sections of no greater than 40 linear feet through the use of different textures, bays, wall/roof offsets (a minimum of 24 inches in depth) such as projections and recesses, and/or changes in floor level. (Not applicable to residential structures)

Roof line offsets should be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.



## 4.6 INDUSTRIAL BUILDING DESIGN GUIDELINES

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### 4.6.1 APPLICABLE DISTRICTS: L-I, H-I

### 4.6.2 MINIMUM DESIGN GUIDELINES

- A. Entrance: The principal entrance to a building, and any ground floor tenant space entrance should front the primary public street or a side parking area.
- B. Facade Materials and Colors
  - 1. Materials: Industrial building walls should have a decorative front façade that wraps the side elevation at least 20 feet from the front wall. The following materials may be permitted subject to Design Review: brick, stucco, architectural concrete masonry units (CMU), decorative pre-cast concrete, architectural metal cladding or wall systems (including corrugated metal), or EIFS. Vinyl sheeting is prohibited except for use on the side or rear elevations
  - 2. Material Colors: The use of garish high-intensity, metallic, fluorescent, day glow, or neon colors should be prohibited. Variations in color schemes are encouraged in order to articulate entry ways and public amenities so as to give greater recognition to these features.
- C. Building Addition Exceptions: A new building or addition to an existing building associated with pre-existing industrial or warehouse use may elect, in lieu of the other design regulations in this section, to continue the existing design aesthetic with respect to building height, materials, roof configuration, fenestration, orientation, and setbacks.
- D. Loading Docks and Service Areas: Loading docks, service areas and trash disposal facilities shall be hidden or screened from view of streets, parks, squares, waterways, or significant pedestrian spaces. Screening should utilize the primary materials of the building, wood fencing, or approved vegetation.

CIVIC BUILDING TERMINATING VISTA [4.7.2.A.3]



*Civic buildings with primary architectural elements (blue) should be placed .at the terminus of important public vistas.*

## 4.7 CIVIC/INSTITUTIONAL BUILDING DESIGN GUIDELINES

### 4.7.1 APPLICABILITY

Civic buildings contain uses of special public importance and are therefore subject to Design Review. Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, hospitals, public recreation facilities, and places of assembly but do not include day care facilities, retail buildings, residential buildings, and privately-owned office buildings.

### 4.7.2 MINIMUM DESIGN GUIDELINES

A. Placement: In order to provide greater flexibility to create a special architectural statement, civic buildings are not subject to minimum or maximum setback requirements. Instead building placement should conform to the following guidelines.

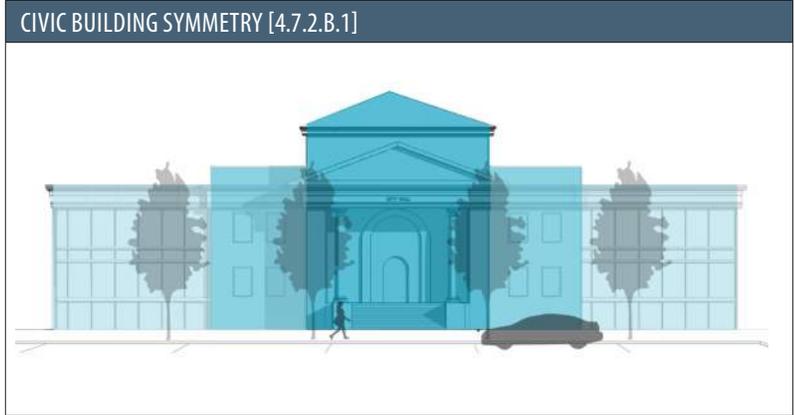
1. Placement of civic buildings, depending upon program and site, can often benefit from being set back from the adjacent build-to lines of private development. This allows the scale of the building to have more visual emphasis and can create a public space in the foreground. The amount of this setback should be carefully determined based on the urban design objectives of the particular site.
2. Principal buildings should be oriented toward the public realm (streets, squares and plazas) in a very deliberate way.
3. Civic buildings and their primary architectural elements should be placed at the termination of public vistas to provide an appropriate level of visual importance.
4. Entrances should always be located on the most prominent façade(s). Avoid entrances that are at the rear or are visually concealed.

B. Massing

1. The primary massing of civic buildings should generally be symmetrical in form. The appearance of a balanced design increases the level of formality which is appropriate to the public use.
2. Massing of civic buildings, although often larger as a whole, should be divided into visually distinct sections. Massing divisions should provide visual order to the building and create vertical proportions within individual elements.

C. Scale/Height

1. In general, the height of civic buildings should be in keeping with surrounding uses. However, to increase their prominence in the community, architectural elements of buildings which exceed the height or are proportionately larger than surrounding buildings should be considered if they meet the following: are complimentary to the primary design concept of the building and lend help to create a visual landmark status for the structure and site.
2. Prominent roof forms and additive elements such as cupolas should be used to visually extend the height of the building.



D. Materials/Details

1. Civic buildings shall evoke a civic presence and be carefully designed to reflect the architectural character of Summerville.
2. Civic buildings shall be made of durable, high-quality materials that create a sense of permanence and lend civic identity to the Town. Preferred materials include brick and cast concrete. Stucco lacks appropriate scale and texture, and should generally be avoided unless the stucco has an integral pigment and is scored to define human-scaled dimensions on the façade.
3. Building details should be designed at two scales. At the larger scale, details should be robust so as to be read from a distance. Nearer to the building, the details of the lower levels should include another measure of refinement that can only be seen up-close at a pedestrian scale.
4. Building design elements should be used which allow civic buildings to act as focal points of the community. Depending on the architectural style of the building, the following elements should be considered in the building design:
  - a. Pronounced window lintels/sills/muntins/etc.,
  - b. Columns with a capital and base,
  - c. A water table constructed of high-quality masonry units (such as cast stone) that extends beyond the face of the facade,
  - d. Vertically oriented windows of at least a 2:1 ratio,
  - e. Cornice lines with significant depth and multiple levels of relief,
  - f. A monumental raised entryway,
  - g. A formal landscaped area or plaza, and
  - h. A tower element with a turret, cupola, or similar treatment.

ROOF FORMS AND ELEMENTS THAT DISTINGUISH CIVIC BUILDINGS [4.7.2.D.4]



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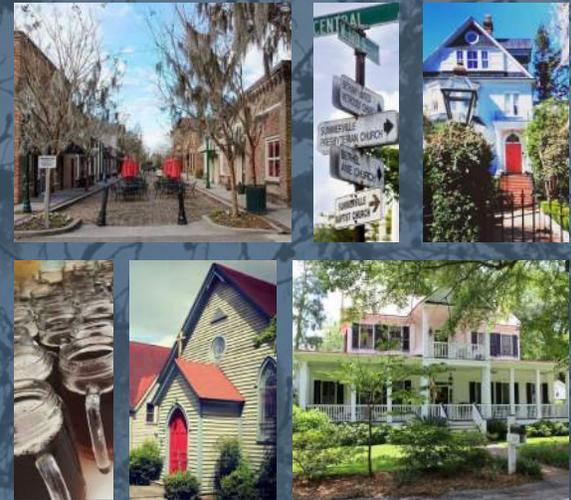
# 5

## 5 SUBDIVISION AND INFRASTRUCTURE STANDARDS

### 5.1 PURPOSE AND INTENT

The purpose of this chapter is to establish criteria for the subdivision and development of real property within the jurisdiction of the Town of Summerville. These regulations are intended to:

- A. Provide for the protection of the public health, safety and welfare;
- B. Encourages development that is both economically sound and environmentally sensitive;
- C. Assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- D. Assure the adequate provision of safe and convenient traffic access and circulation, for vehicles, bicycles and pedestrians, in and through new land developments;
- E. Assure the provision of needed open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes;
- F. Coordinate proposed development with existing or planned streets and with other public facilities; and
- G. Assure, in general, the wise and timely development of new areas, in harmony with the Comprehensive Plan of the Town.



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## 5.2 APPLICABILITY AND ADMINISTRATION

### 5.2.1 APPLICABILITY

- A. The developer/applicant shall be responsible for the installation and guarantee of required improvements according to the provisions of the UDO, except as may otherwise be specifically provided herein or by Town policy or agreement.
- B. Approval of a final plat shall be subject to the subdivider having installed the improvements designated in this section, or having guaranteed, to the satisfaction of the Town, the installation of said improvements.
- C. All new development and redevelopment projects shall be required to install or construct the improvements specified in the Table of Required Improvements (5.3) below, with the exception of projects that are located in the AC and PL Districts. This applies to both subdivision and site plan applications.
- D. Review of Exempt Subdivisions: Despite being exempt, the subdivider may still present the subdivision plat to Town Staff for review and comment. After review, Town Staff may attach a statement qualifying the use of the lot of land that are: the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority; the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning agency which shall indicate that fact on the plats; and the combination or recombination of entire lots of record where no new street or change in existing streets is involved.

### 5.2.2 COMPLIANCE AND RESPONSIBILITY

- A. Compliance with State Law: All land subdivisions in the town shall be in accord within (Class A) Urban Land Surveys as promulgated by S.C. Code, 1976, Title 40, Chapter 21, as amended July 1, 1991, and described by the Minimum Standards Manual for the Practice of Land Surveying in South Carolina.
- B. Reference to Professional Standards: All infrastructure shall be installed in accordance with the standards herein as well as other professional standards including, the latest approved edition of:
  - American Association of State Highway and Transportation Officials (AASHTO) Highway Safety Manual (Green Book)
  - Institute for Traffic Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach
  - Federal Highway Town Staff (FHWA) Manual on Uniform Traffic Control Devices (MUTCD)
  - National Association of City Transportation Officials (NACTO) Design Guidelines
- C. Conformance to Plans: Improvements in all cases shall conform to cross sections, dimensions, technical specifications, and grades shown on the approved plans. Major deviations (where the horizontal alignment is greater than one foot) from the plans during construction or otherwise shall require written approval by Town Staff prior to the construction of all deviations. Minor variations may be installed and shown on the as-built plans.
- D. Licensed Professional Required: Only a licensed professional may prepare the necessary plats, analyses and plans for ascertaining whether or not the work performed and materials used in conjunction with the public infrastructure are in accordance with the requirements and intent of these specifications. The design engineer shall submit water and sewer utility plans to Town Staff for final approval and coordinate with other utility providers as necessary prior to the installation of any utilities.

1. Any work done or materials used without supervision or inspection of the licensed professional or his or her representatives may be ordered removed and replaced at the developer's expense.
  2. Failure to reject any defective work or material shall not in any way prevent later rejection, when such defect is discovered.
  3. Final inspection and acceptance of required infrastructure will be made by the Town Staff prior to approval for a Final Plat.
- E. Responsibility of Developer:
1. The developer and contractor shall procure all permits and licenses, pay all charges, fees, and taxes, and give all notice necessary and incident to the due and lawful prosecution of the work.
  2. The developer shall at all times conduct the work in such a manner to:
    - a. Provide for and insure the safety and convenience of the traveling public and of the residents along and adjacent to the streets or roads; and
    - b. Offer the least practicable obstruction to the flow of traffic.
- F. Safeguarding the Work:
1. The developer shall provide, erect, and maintain in good condition, all necessary barricades, suitable and sufficient lights, danger signals, and other signs and take all necessary precautions for the protection and safety of the workers, contractors, the public and others in conformance with the MUTCD, federal, state, and local safety codes and regulations.
  2. The developer shall indemnify agents, and employees from all suits or claims of any character brought because of injuries or damages received or sustained by any person or property on account of operations of the developer; or on account of or in consequence of any neglect in safeguarding the work; or because of any act of omission, neglect, or misconduct of the developer or contractor.

### 5.2.3 ACCEPTANCE OF DEDICATION AND MAINTENANCE OF IMPROVEMENTS

- A. The dedication of public space, parks, right-of-way, easements, or the like on the plat shall not constitute an acceptance of the dedication by the Town. Acceptance of the dedication shall be indicated by the recording of the Final Plat.
- B. Provision of Services and Acceptance by Town: The following shall not occur upon any land for which a plat is required to be approved, unless and until the requirements set forth in this ordinance have been complied with and the Final Plat has been approved and recorded with the County Register of Deeds and TMS numbers assigned:
- No street shall be maintained or accepted by the Town, and
  - No water or sewer shall be extended to or connected with any subdivision of land, and
  - No permit shall be issued by an administrative agent or department of the Town for the construction of any building or other improvement requiring a permit.
- C. Ownership & Maintenance of Common Areas: All developments containing land, amenities or other facilities under private common ownership shall provide for the ownership & maintenance of such areas. Multi-family developments that are subject to fee-simple lot/unit ownership shall convey all such common areas to a non-profit corporate homeowners' association with a membership of 100% of the lots/units in the development. The developer shall file with the County Register of Deeds a "dedication of covenants" and must meet the following criteria:
- The homeowners' association must be established before the units are sold;
  - The homeowners' association is established as the responsible entity for the liability insurance, pertinent local taxes, and maintenance of all recreation and other facilities;

- Sums levied by the homeowners' association that remain unpaid shall become a lien on the delinquent property;
- For condominium development, documents must meet the requirements of SC Code of Laws Title 27, Chapter 31 Horizontal Property Act
- All easements over common areas for access, ingress, egress and parking shall be shown and recorded on a final plat with the County Register of Deeds

#### **5.2.4 RESTRICTIVE COVENANTS**

- A. In accordance with S.C. Code Ann. Section 6-29-1145 of South Carolina Code of Laws, Town Staff must inquire of any applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.
- B. If Town Staff has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity in the application for the permit; from materials or information submitted by the person or persons requesting the permit; or from any other source including, but not limited to, other property holders, Town Staff must not issue the permit unless Town Staff receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

#### **5.2.5 ATTRIBUTION RULES**

Parcels may not be subdivided in such a manner as to avoid compliance with any regulations of this ordinance. Town Staff has the authority to interpret this provision in a reasonable manner in order to accomplish its intent.

## 5.3 REQUIRED IMPROVEMENTS & COORDINATION FOR ALL DEVELOPMENT

### 5.3.1 TABLE OF REQUIRED IMPROVEMENTS

The table below indicates required improvements by district for all development applications requiring a site plan or preliminary plat. For existing lots on substandard streets, Town Staff may waive certain requirements that are inconsistent with the long-term vision of the street or are impractical to install.

REQUIRED IMPROVEMENTS (SECTION REFERENCE)	MIXED-USE DISTRICT STANDARDS				CONVENTIONAL DISTRICT STANDARDS						SPECIAL DISTRICT STANDARDS			
	Neighborhood Residential	Neighborhood Mixed-Use	Downtown Mixed-Use	Urban Corridor Mixed-Use	General Residential	General Residential	Multi-Family Residential	Manufactured Home Parks	Neighborhood Business	General Business	Light Industrial	Heavy Industrial	Agricultural Conservation	Public Lands
	N-R	N-MX	D-MX	UC-MX	GR-2	GR-5	MF-R	MH-R	N-B	G-B	L-I	H-I	AC	PL
Underground Drainage (5.5.4)	R	R	R	R	—	R	R	R	R	R	R	R	—	—
Curb and Gutter (C/G) or LID* (LID)	C/G or LID	C/G or LID	C/G	C/G or LID	C/G or LID	C/G or LID	C/G or LID	C/G or LID	C/G or LID	C/G or LID	C/G or LID	C/G or LID	—	—
Public Water and Hydrants (5.5.1)	R	R	R	R	R	R	R	R	R	R	R	R	—	—
Public Sewer (5.5.2)	R	R	R	R	R	R	R	R	R	R	R	R	—	—
Street Lights (5.7.11)	R	R	R	R	R	R	R	R	R	R	R	R	—	—
Street Trees (5.7.6)	R	R	R	R	R	R	R	R	R	R	R	R	—	—
Paved Streets (5.7.2)	R	R	R	R	R	R	R	R	R	R	R	R	—	—
Street Signs (public streets) (all)	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Underground Wiring (5.5.3)	R	R	R	R	R	R	R	R	R	R	R	R	—	—
Civic/Open Space (6.2)	R	R	R	R	R	R	R	R	R	R	R	R	—	—
Sidewalks (5.7.5)	R	R	R	R	R	R	R	R	R	R	R	R	—	—

*R: Improvement Required    — : Improvement Not Required*

*\*LID = "Low Impact Development"*

### 5.3.2 IMPROVEMENT OF EXISTING SUBSTANDARD CONDITIONS

Where the existing right of way is substandard, the fronting property owner shall be required to dedicate the appropriate amount of right-of-way (as measured from the centerline of the existing street) as well as install all noted sidewalk zone improvements including expanded sidewalks and street trees, lighting, storm drain improvements and street furniture as a part of the development process. Requests for waivers based on practical hardships shall be made to Town Staff and considered by the Technical Review Committee (TRC). Appeals to this decision shall follow the process outlined in [Section 13.10.2](#).

## 5.4 LAND SUITABILITY

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Land subject to flooding, improper drainage, and/or erosion; land that has been used for the disposal of solid waste and not adequately mitigated; and any other land deemed by Town Staff based on historical data to be uninhabitable shall not be subdivided and platted for residential or commercial occupancy, nor for such other uses as may increase danger to health, life or property or aggravate a flood hazard. Such land shall be set aside for uses that are not endangered by periodic or occasional inundation or that do not produce unsatisfactory living conditions.

### 5.4.1 FLOOD HAZARD AREA

In accordance with the Flood Damage Prevention Ordinance, any development that contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed development of the land being subdivided, and that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin. In no case shall any fill, levee, or other protective works be approved unless sufficient compensating adjustments of waterways, ditches, or impounding basins are made to prevent any appreciable expansion of flood hazard areas.

### 5.4.2 LANDFILL DEVELOPMENT

Land that has been used for the disposal of solid waste and not adequately mitigated shall not be subdivided into commercial or residential building sites. This includes areas that have been used, and not adequately mitigated, for the disposal of trash, demolition waste, construction debris, stumps, and other waste materials.

## 5.5 UTILITIES AND DRAINAGE

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### 5.5.1 PUBLIC WATER AND HYDRANTS

Public water distribution systems and hydrants shall be installed in accordance with the standards of the Summerville Commissioners of Public Works (CPW) or other applicable agency and the South Carolina Board of Health and shall be approved by the Summerville Commissioners of Public Works (CPW) or other applicable agency.

### 5.5.2 PUBLIC SEWER FACILITIES

Public sewer collection systems shall be installed in accordance with the standards of the Summerville Commissioners of Public Works (CPW) or other applicable agency and the South Carolina Board of Health and shall be approved by the Summerville Commissioners of Public Works (CPW) or other applicable agency.

### 5.5.3 UNDERGROUND UTILITY LINES REQUIRED

All utility lines within a development site shall be installed underground.

### 5.5.4 STORM DRAINAGE AND WATER MANAGEMENT

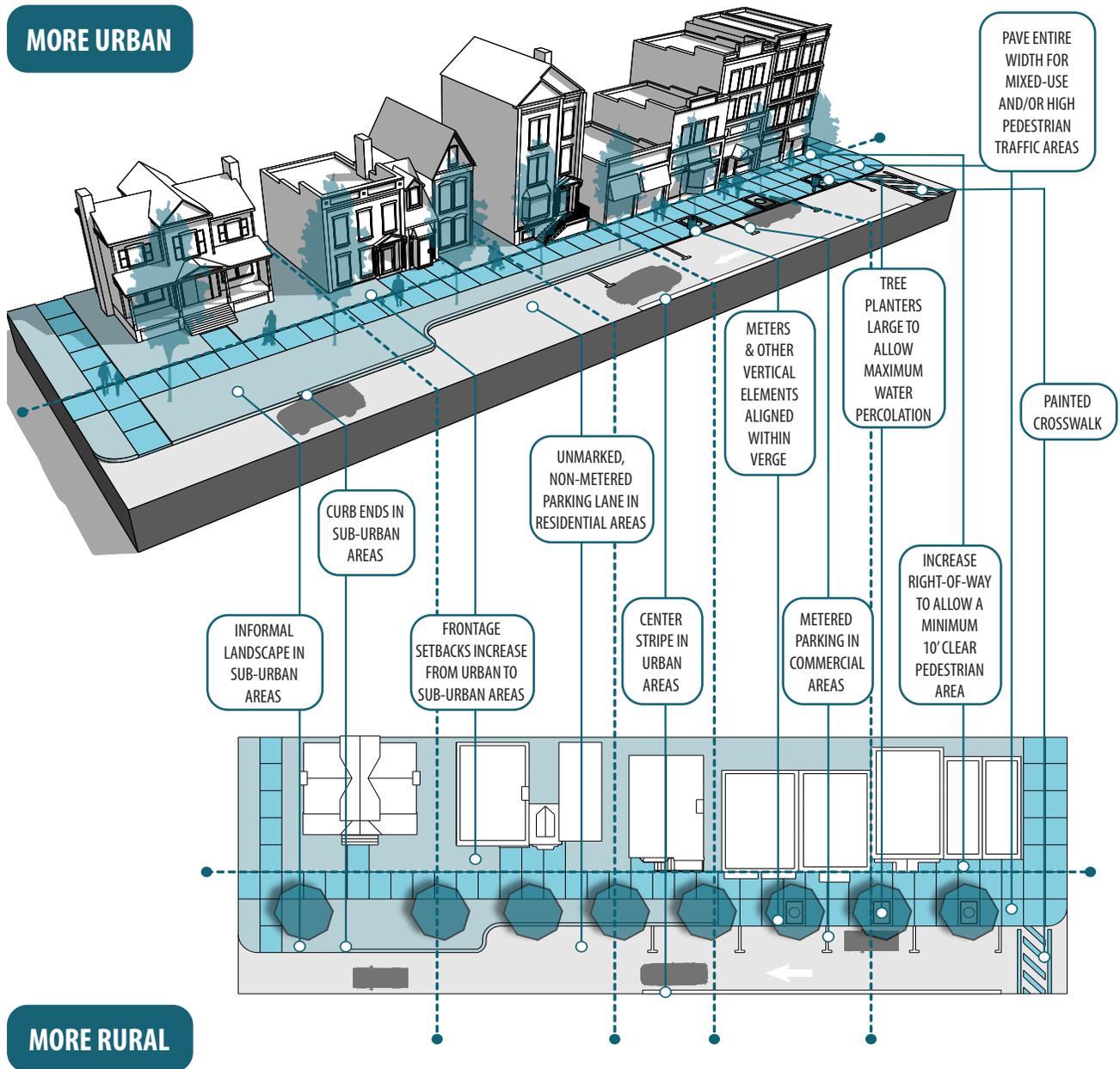
All development shall comply with the provisions of [Chapter 11](#) and install improvements in accordance with the Town's Land Development Standards Manual/Stormwater Manual.

## 5.6 STREET CLASSIFICATION AND DESIGN

The following standards are intended to provide general clarity for most conditions in Summerville. Deviations to these standards may be granted by Town Staff subject to generally accepted safety and engineering practices. For additional guidance, the Town may use “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” by the Institute of Transportation Engineers and any design guideline by the National Association of City Transportation Organization (NACTO), or a similarly generally accepted document.

### 5.6.1 STREET DESIGN

The illustration below is a simplified diagram of the many different parts that go into the assemblage of each street. Care should be taken to ensure that context plays a primary role in the selection of the various right-of-way elements.



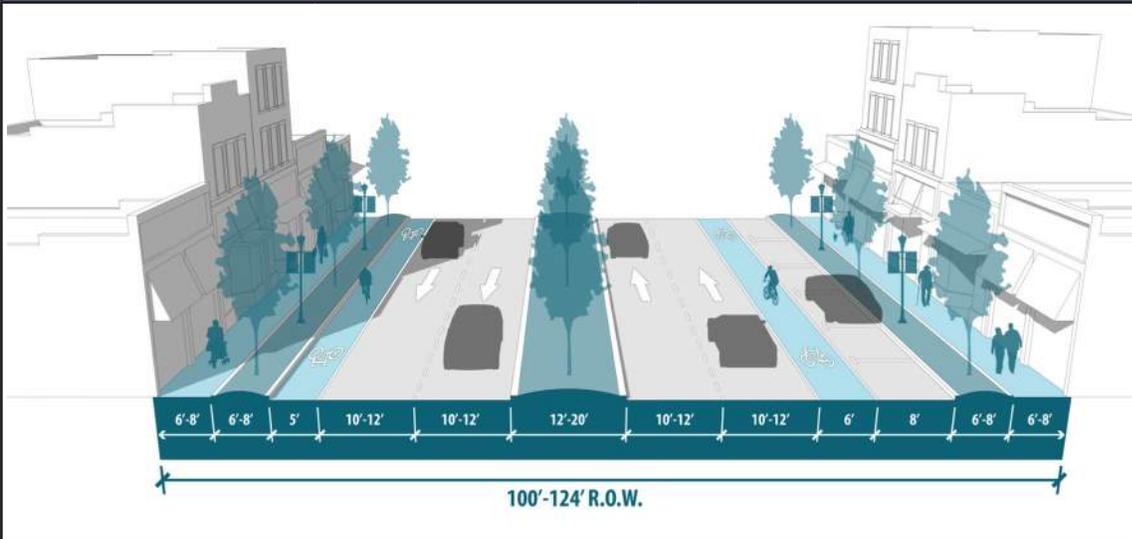
## 5.6.2 STREET CLASSIFICATIONS

Many different parts go into the assemblage of each street. Care should be taken to ensure that context plays a primary role in the selection of the various right-of-way elements (see illustration in [5.6.1](#)):

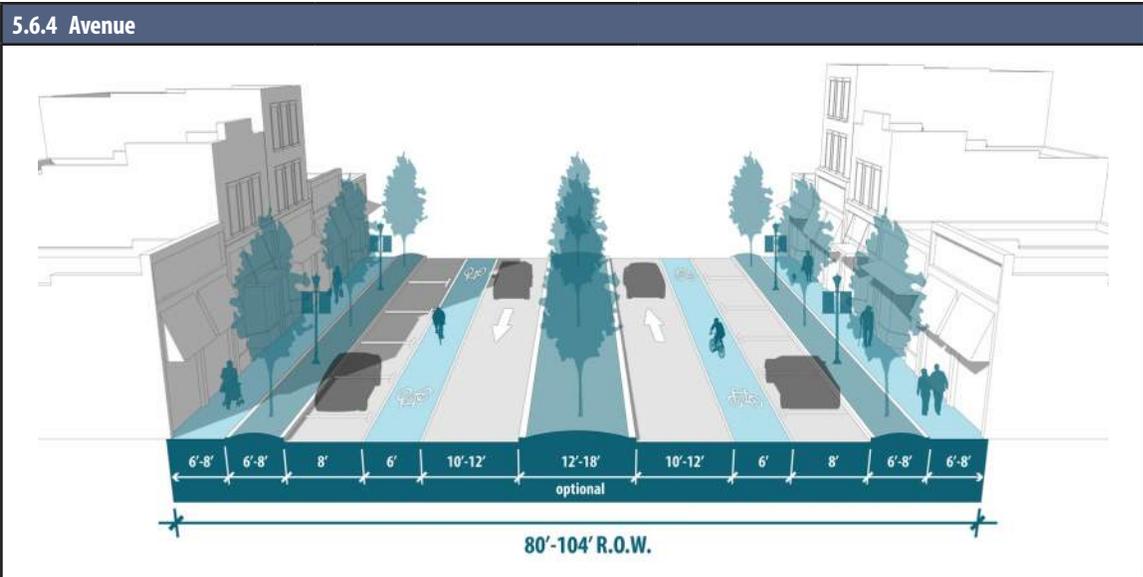
- A. Rights-of-Way: The right-of-way should be the minimum required to accommodate the street, median, planting strips, sidewalks, utilities and maintenance consideration.
- B. Measurement of Pavement Area Details: The dimensions established below for lane widths, sidewalks, bike lanes and parking lanes indicate the required face of curb to face of curb measurement, or to the edge of pavement for roadways with open drainage. Typical dimensions will be noted.
- C. Curb and Gutter: Where the dimension for curb and gutter is noted, LID techniques may be utilized subject to the approval of Town Staff.
- D. Turn Lanes: Dedicated right turn lanes, where required, may be taken from the parking lane.
- E. Dimension Ranges: Where ranges are given, the project designer should consult with Town Staff as to the appropriate detail.
- F. Substandard Right-of-Way: Where the existing right of way is substandard, the fronting property owner shall be required to dedicate the appropriate amount of right-of-way (as measured from the centerline of the existing street) as well as install all noted streetscape improvements including expanded sidewalks and street trees, lighting and street furniture.
- G. Designation of New Right-of-Way: Where a future right-of-way is identified in the Comprehensive Plan or other applicable plan, new development may reasonably adhere to the conceptual alignment as the development allows, and shall conform to all of the Street Network Requirements of [Section 5.8](#). All right-of-way designations shall be approved by the Technical Review Committee (TRC).

H.

**5.6.3 Urban Boulevard**



Boulevards provides multi-lane access to commercial and mixed-use developments. Boulevards also serve to carry regional traffic throughout the town.	1. Right of Way Width	100-124 ft
	2. Lane Width	10-12 ft all lanes marked (11 ft preferred)
	3. Median Width	12-20 ft (16 ft preferred)
	4. Design Speed	30-35 mph
	5. Traffic Lane	4 lanes
	6. Parking Lane	Both sides @ 8 ft marked (if provided)
	7. Curb Radius	15-25 ft (15 ft preferred)
	8. Curb Type	Vertical curb and gutter or approved LID alternative
	9. Walkway Type	6 ft sidewalk both sides (Residential districts) 8 ft all other districts
	10. Pedestrian Facilities	Intersection bulb outs (Required) Mid-block crosswalks marked
	11. Planter Type (see also <a href="#">5.7.6</a> )	Urban Mixed Use: 5 ft grate and tree well is required All Others: 6 ft minimum planting strip/planting beds, or 5 ft grate/tree well
	12. Street Tree (see also <a href="#">5.7.6</a> )	1 canopy tree per 40 ft of street frontage
	13. Bicycle Facilities	Parking protected bike lane or buffered bike lane per NACTO standards
	14. Volume	25,000-55,000 Vehicles Per Day



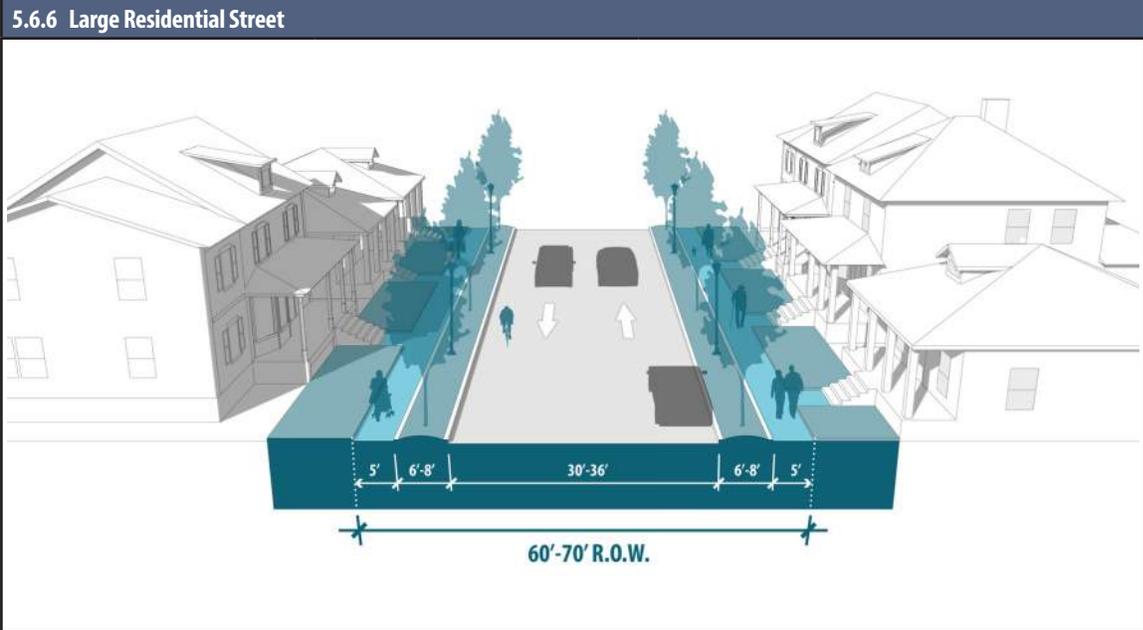
<p>Avenues serve as connectors between neighborhoods and area centers. As such, they are used both in residential and commercial areas, often terminating at prominent buildings or plazas. Avenues may also circulate around squares or neighborhood parks.</p>	1. Right of Way Width	80-104 ft
	2. Lane Width	10-12 ft all lanes marked (11 ft preferred)
	3. Median Width	12-18 ft (optional) (12 ft preferred)
	4. Design Speed	25-30 mph
	5. Traffic Lane	2 lanes
	6. Parking Lane	Both sides @ 8 ft marked
	7. Curb Radius	15-25 ft (15 ft preferred)
	8. Curb Type	Vertical curb and gutter or approved LID alternative
	9. Walkway Type	6 ft sidewalk both sides (Residential districts) 8 ft all other districts
	10. Pedestrian Facilities	Intersection bulb outs (Required) Mid-block crosswalks marked
	11. Planter Type (see also <a href="#">5.7.6</a> )	Urban Mixed Use: 5 ft grate and tree well is required All Others: 6 ft minimum planting strip/planting beds, or 5 ft grate/tree well
	12. Street Tree (see also <a href="#">5.7.6</a> )	Urban Mixed Use: 1 canopy tree per 40 ft of street frontage All Others: 1 canopy tree per 50 ft of street frontage
	13. Bicycle Facilities	Parking protected bike lane or buffered bike lane per NACTO standards
	14. Volume	15,000-30,000 Vehicles Per Day

5.6.5 Commercial Street



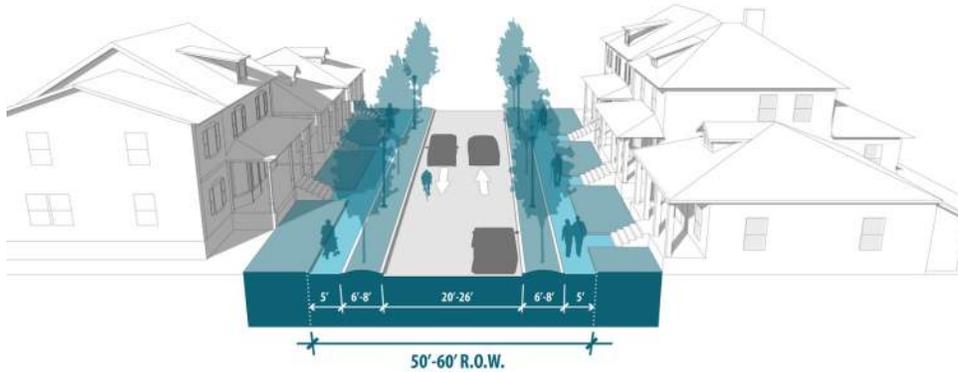
Commercial streets are intended to provide access to neighborhoods and high density residential and commercial areas.

1. Right of Way Width	60-80 ft
2. Lane Width	10-12 ft all lanes marked (11 ft preferred)
3. Median Width	N/A
4. Design Speed	20-25 mph
5. Traffic Lane	2 lanes
6. Parking Lane	Both sides @ 8 ft marked (or one side as appropriate)
7. Curb Radius	15-25 ft (15 ft preferred)
8. Curb Type	Vertical curb and gutter or approved LID alternative
9. Walkway Type	6 ft sidewalk both sides (Residential districts) 8 ft all other districts
10. Pedestrian Facilities	Intersection bulb outs (Required) Mid-block crosswalks marked
11. Planter Type (see also <a href="#">5.7.6</a> )	Urban Mixed Use: 5 ft grate and tree well is required All Others: 6 ft minimum planting strip/planting beds, or 5 ft grate/tree well
12. Street Tree (see also <a href="#">5.7.6</a> )	Urban Mixed Use: 1 canopy tree per 40 ft of street frontage Industrial: 1 canopy tree per 60 ft of street frontage All Others: 1 canopy tree per 50 ft of street frontage
13. Bicycle Facilities	Parking protected bike lane or buffered bike lane per NACTO standards
14. Volume	10,000-18,000 Vehicles Per Day



Residential streets (large and yield types) serve as the primary transportation network in the community. Generally, Large Residential Streets serve as the primary travel routes and entryways through residential neighborhoods.	1. Right of Way Width	60-70 ft
	2. Lane Width	30-36 ft all lanes marked (10 ft lane width preferred)
	3. Median Width	N/A
	4. Design Speed	20 mph
	5. Traffic Lane	2 lanes
	6. Parking Lane	Informal, one side only if bike lane is included
	7. Curb Radius	15-25 ft (15 ft preferred)
	8. Curb Type	Vertical curb and gutter, valley curb, or approved LID alternative
	9. Walkway Type	5 ft sidewalk both sides
	10. Pedestrian Facilities	N/A
	11. Planter Type (see also <a href="#">5.7.6</a> )	6 ft minimum planting strip
	12. Street Tree (see also <a href="#">5.7.6</a> )	1 canopy tree per 50 ft of street frontage
	13. Bicycle Facilities	Informal or bike boulevard (per NACTO)
	14. Volume	2,500-15,000 Vehicles Per Day

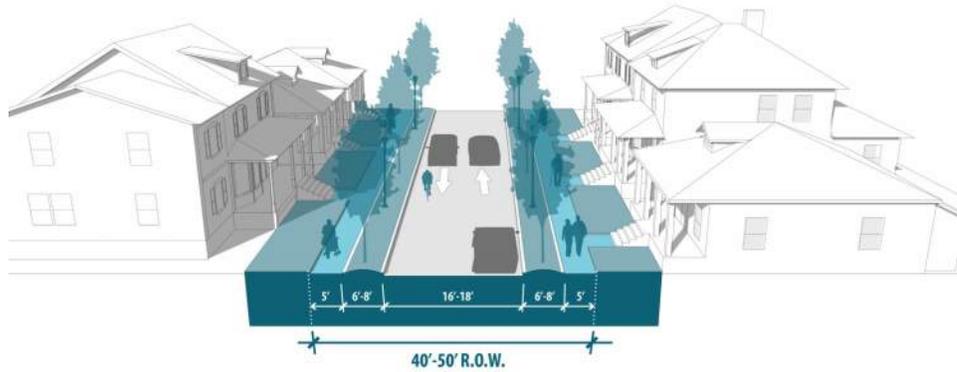
**5.6.7 Residential Yield Street**



Residential streets (yield and large types) serve as the primary transportation network in the community. Generally, Residential Yield Streets are 2 to 6 blocks in length.

1. Right of Way Width	50-60 ft
2. Lane Width	26-28 ft
3. Median Width	N/A
4. Design Speed	20 mph
5. Traffic Lane	2 lanes
6. Parking Lane	Informal, one side only
7. Curb Radius	27 ft
8. Curb Type	Vertical curb and gutter, valley curb, or approved LID alternative
9. Walkway Type	5 ft sidewalk both sides
10. Pedestrian Facilities	N/A
11. Planter Type (see also <a href="#">5.7.6</a> )	6 ft minimum planting strip
12. Street Tree (see also <a href="#">5.7.6</a> )	1 canopy tree per 50 ft of street frontage
13. Bicycle Facilities	Informal
14. Volume	1-1,000 Vehicles Per Day

**5.6.8 Lane**



Lanes are small traveled ways intended to provide direct access to the front of a limited number of single-family structures. Lanes are limited in the number of lots served. Generally, they are very short; often less than 400 feet. Items including, but not limited to, traffic carrying capacity, topography and connectivity, shall be a consideration when permitting a lane in lieu of a street.

1. Right of Way Width	40 ft (Curb and Gutter), 50 ft (Open Drainage)
2. Lane Width	16-18 ft total pavement width
3. Median Width	N/A
4. Design Speed	20 mph
5. Traffic Lane	2 lanes
6. Parking Lane	Informal, one side only
7. Curb Radius	27 ft
8. Curb Type	Vertical curb and gutter, valley curb, or approved LID alternative
9. Walkway Type	5 ft sidewalk both sides
10. Pedestrian Facilities	N/A
11. Planter Type (see also <a href="#">5.7.6</a> )	6 ft minimum planting strip
12. Street Tree (see also <a href="#">5.7.6</a> )	1 canopy tree per 50 ft of street frontage
13. Bicycle Facilities	Informal
14. Volume	0-1,000 Vehicles Per Day

5.6.9 Alley		
<p>Alleys are intended to be privately maintained and to provide indirect, limited access to the rear of properties but not accommodate through traffic. Utilities may be located in alleyways to provide service connections to rear elevations.</p>	1. Right of Way/ Easement Width	20-24 ft
	2. Lane Widths	12 ft inverted crown for one way and 16ft inverted crown for two-way traffic (including 1 ft ribbon curb on each side)
	3. Parking Lanes	None
	4. Curb Radius	Taper
	5. Pedestrian Facilities	Path optional
	6. Curb Type	Concrete ribbon curbing with the top of curbing matching the top grade of the asphalt surface course.
	7. Landscape Type	None
	8. Building Setback from Alley Centerline	15 ft
	9. Maximum Length	400 ft unless approved by Administrator

## 5.7 STREET CONSTRUCTION STANDARDS

### 5.7.1 GENERAL STREET DESIGN REQUIREMENTS

- A. **Approval Required:** Before construction may begin on any proposed public street, complete plans and specifications for layout, design and construction shall be submitted to Town Staff or TRC for approval. Subdivisions of property creating five or more lots shall be required to have frontage on a publicly maintained roadway and shall be subject to these standards. Subdivisions with 4 or less lots may be accessed via a 20 foot wide easement (shared driveway) subject to the approval of the TRC.
- B. **Minimum Construction Standards:** Land designated for public streets shall be cleared and filled in accordance with the latest edition of the Standard Specifications for Highway Construction, South Carolina State Highway Department as determined appropriate by Town Staff.
- C. **Special Consideration for Protected Resources and other Natural Features:** Street layout and design shall give special consideration to preserving protected resources and enabling natural areas to be protected or minimally disturbed. Where streets are built in areas that have protected resources or natural features, all utilities shall be placed within the street right-of-way and/or under the street to the greatest extent practical in order to avoid additional destruction of the natural features.

### 5.7.2 CONSTRUCTION DETAILS

- A. All work, materials, methods and equipment, unless otherwise specified herein, shall be in accordance with the requirements of the South Carolina Highway Department's Standard Specifications for Highway Construction, latest edition and the Town's Development Standards Manual.
- B. Street Width Transition: Where a proposed street extends an existing street of a different width than what is required by this section, the width transition shall be made within the first block of the proposed development, but in no instance less than the distance specified by the MUTCD.

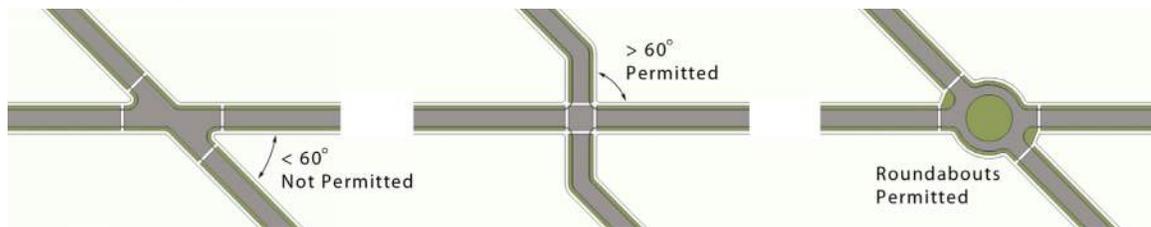
### 5.7.3 GEOMETRIC DESIGN

The following geometric design elements are the base design elements but may be varied subject to permission of the TRC in accordance with generally accepted professional guidelines.

- A. Horizontal curves shall not have a centerline radius less than 100 feet.
- B. Tangent road sections shall not exceed 750 feet in length without a horizontal curve.
- C. Centerline Slope (minimum): 0.5 percent for all streets (except alleys)

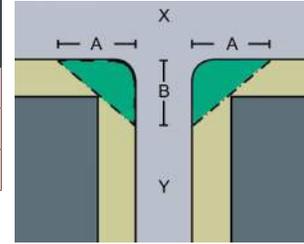
### 5.7.4 INTERSECTIONS

- A. Angle: All streets shall intersect as nearly as possible at right angles and no street shall intersect at less than 75 degrees, as illustrated below.



- B. Minimum Separation: With the exception of intersections with lanes and alleys, street intersections shall either intersect directly opposite each other, or shall be separated by at least 150 feet between centerlines, measured along the centerline of the street being intersected.
- C. Centerline Offsets: Street jogs with centerline offsets of less than 150 feet are prohibited. Street jogs with centerline offsets may be permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for through connections. Where a centerline offset occurs at an intersection, the distance between centerlines of the intersecting streets shall not be less than 60 feet.
- D. Railroad Offsets: Street intersections shall be located at least 150 feet from the right-of-way of any railroad, measured from the centerpoint of the intersection to the railroad right-of-way line nearest the intersection.
- E. Sight Distance: Proper sight distance in accordance with professionally accepted standards shall be maintained at all intersections and mid-block pedestrian crossings in order to maintain clear sightlines for pedestrians and motorists. Within the sight distance triangle no fence, wall, sign (except regulatory and street name signs), embankment, landscaping or structure shall be placed, erected or maintained which will obstruct visibility. Calculations shall be provided by the project engineer at the request of the Town Engineer to show proper site distance is achieved at street intersections. At all intersections nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision above a height of 3.5 feet and within the sight triangle area, formed by a diagonal line between 2 points on the rights-of-way lines, as specified by the illustration and the corresponding table on the next page:

Intersection Type (See Diagram at Right)	Required Distance
If X and Y = Town Streets	A = 25 feet, and B = 25 feet
If X = Town Street, and Y = Driveway	A = 15 feet, and B = 10 feet
If X or Y = SCDOT Street	SCDOT Standards shall apply



- F. Curb Radii: Curb radii at all intersections shall be rounded with a minimum radius specified per the Street Classification Guidelines in [Section 5.6](#) at an angle of intersection of less than 90 degrees, a greater radius may be required. Curb radii shall be designed to reduce pedestrian crossing times along all streets.
- G. Street trees and on-street parking shall be held 25 feet from all intersections and mountable curbs should be used as necessary to allow for the turning radius of emergency vehicles.
- H. All proposed connections to SCDOT roads shall meet the criteria of the latest revisions of the SCDOT Access and Roadside Management Standards (ARMS) Manual.

### 5.7.5 SIDEWALKS

- A. Sidewalks Required: Concrete sidewalks shall be installed on both sides of new streets in residential and commercial subdivisions. Sidewalks shall be a minimum of 5 feet wide or as noted on the applicable street section in [Section 5.6](#), meet all American with Disability’s Act (ADA) Standards and shall be in accordance with the South Carolina Department of Transportation Standard Specifications for Highway Construction, latest edition.
- B. Multi-use Paths: Where shown on an adopted plan, a multi-use path a minimum of 10 feet in width shall be provided. The multi-use path shall be in lieu of any required sidewalk on that side of the street.
- C. Timing of Sidewalk Construction: All sidewalks must be constructed before each house or structure receives a final Certificate of Occupancy or, if the street is already constructed, prior to acceptance of any improvements. Exceptions to or partial waiver of this requirement may be granted by the TRC if:
  - 1. Alternative pedestrian paths/bikeways have been or will be provided outside of the normal right-of-way; or
  - 2. There are unusual topographic, vegetative, or other natural conditions to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of the UDO.
- D. Design Standards
  - 1. Where existing sidewalk abuts an area where new sidewalk is to be developed, the new sidewalk shall be the same width as the existing sidewalk or meet the standards of [Section 5.6](#), whichever standard width is greater.
  - 2. Within commercial areas and places with high pedestrian volumes, sidewalks should be designed to meet the anticipated pedestrian/traffic volume as well as accommodate outdoor seating.
  - 3. Multi-family and planned developments shall provide sidewalks for interior movement of pedestrians and for interior to connect to public sidewalk system.
  - 4. Sidewalks shall be constructed of concrete or other approved materials and built in accordance with applicable ADA provisions.

5. Where a sidewalk must be constructed at the back of curb and can't accommodate a street tree planting area because of right-of-way, topographic or existing building limitation the minimum width shall be increased by 2 feet. Where a sidewalk abuts a wall the minimum width shall increase by 1 foot.
- E. Alternative Compliance: Alternative provisions for pedestrian movement meeting the intent of this section may be used where unreasonable or impractical situations would result from application of these requirements. Such situations may result from significant street trees, impending road widening, topography, utility easements, lot configuration or other unusual site conditions. In such instances, Town Staff may approve an alternate plan that proposes different pedestrian amenities provided that the intent of this section is fulfilled.
  - F. Payments in Lieu: In lieu of alternative compliance in D above, Town Staff may approve a payment in lieu (in accordance with an adopted annual fee schedule) where any one or a combination of factors render compliance impractical:
    1. Steep slopes
    2. Absence of existing sidewalks along the corridor and in the general neighborhood
    3. Where sidewalks are not shown on the Town's adopted Comprehensive Plan or other adopted plan.

**5.7.6 STREET TREE REQUIREMENTS**

- A. Location, Spacing & Quantity: Except along a rural road, alley, or the park side of a parkway, trees shall be planted wherever a new street right-of-way is constructed, or where new construction occurs along an existing street right-of-way. Street tree planting location and spacing are detailed in the table below based on context. Existing trees within the ROW to be preserved and protected through the construction process may be applied toward this requirement. Please note, the minimum distance from the edge of travel lane at a street intersection to a tree trunk is 40 linear feet (lf).

CONTEXT	STREET TREE PLANTING LOCATION	SPACING DISTANCE (1 TREE ON EACH SIDE OF ROW AT THE SPECIFIED SPACING)
Urban Residential	Large Maturing Trees Planted in Tree Wells or Planting Strip (minimum 5' width)	40 lf
Urban Mixed Use	Large Maturing Trees Planted in Tree Wells	40 lf
Suburban Residential	Large Maturing Trees in Planting Strip (minimum 6' width)	50 lf
Suburban Commercial	Large Maturing Trees in Planting Strip (minimum 8' width)	50 lf
Industrial	Large Maturing Trees in Planting Strip (minimum 10' width)	60 lf

- B. Planting and Maintenance Specifications: Street trees shall be installed and maintained in accordance with [Section 8.7](#) - Installation and Maintenance Standards and the Tree Planting Specifications on file with Town Staff.
- C. Species: Street tree species shall be selected from the Suggested Plant Species List on file with Town Staff in accordance with their intended function as follows:
  1. Streets in all contexts shall have trees with canopies which complement the face of the buildings and shade both the street and sidewalk. At time of planting, street trees should be at least 8 feet tall, no branches below 4.5 feet with a single central leader (straight trunk).

2. Large maturing trees with up-arching form are preferred for emergency vehicle maneuvering and to create a clear zone for passing pedestrians. This should also ensure the trees do not obstruct street lighting, street signs and traffic signals.
  3. A diversity of tree species should be utilized in order to prevent the spread of pests and disease. Generally speaking, trees opposite one another on a street should be the same species.
- D. Tree Wells: Tree size and longevity is directly related to soil volume and quality; projects where tree wells are utilized will be evaluated on an individual basis to determine the ideal size of the tree well for the application and context in an attempt to maximize volume. Where possible with new construction, a continuous trench of soil (even underneath hardscape) should be provided for root growth.
- Tree wells should be as large as possible while also considering sidewalk clear zone but shall be no less than 5 feet in width; ADA standards must be followed.
  - Utilize the highest quality soil available and prevent compaction by using a load bearing soil panel or cell.
  - Ensure proper drainage and aeration to the soil in these applications.
  - Place a 3” layer of natural shredded mulch around the tree. The installation of “mulch volcanoes” is prohibited.
  - Add tree grates over the pit in the urban mixed use context.

### 5.7.7 PEDESTRIAN CROSSWALKS

Mid-block crossings, bulb-outs, raised crosswalks and similar crossing techniques should be commonly used to accommodate pedestrians when appropriate for traffic conditions and site specific situations as directed by Town Staff. A pedestrian crosswalk not less than 10 feet in width shall be required across any street 800 feet or more in length where deemed essential by Town Staff. When required such crosswalks shall utilize ladder striping to enhance their visibility or other approved decorative elements in accordance with the MUTCD.

### 5.7.8 BICYCLE FACILITIES

- A. Required Improvements: Bike lanes or separate off-street multi-use paths shall be installed on new or modified roadways where designated for such by the Comprehensive Plan or any other applicable plan or similarly adopted plan; and/or as specified in [Section 5.6](#) where the adopted plan does not provide sufficient guidance.
- B. Reservation: Where a proposed development does not include new or widening of existing collector or thoroughfare streets, the developer shall reserve right-of-way sufficient to accommodate the appropriate bikeway facility.
- C. Design Standards: Bicycle facilities shall be designed according to the NACTO Urban Bikeway Design Guide or a similarly generally accepted document.

### 5.7.9 SIGN INSTALLATION AND PAVEMENT MARKINGS

- A. Traffic Control and Signs: Traffic control and street name signs shall be installed at all street intersections. All sign types shall adhere to the Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition and all reflectivity requirements must be met.
- B. The two-inch galvanized iron post shall be encased in concrete for a distance of three inches completely around it and for a depth of 18 inches below ground. Decorative sign posts may be approved on a case-by-case basis. Decorative sign posts that become damaged shall be replaced by the Town of Summerville, with standard posts unless the developer chooses to replace with the same decorative sign posts.

- C. Road name signs shall be attached to the tops of stop signs at road intersections. This is an effort to minimize the number of signposts at street intersections.
- D. The size, style and location of the road name sign and its lettering shall meet the standards in the Town's Development Standards Manual.
- E. All roadway pavement markings such as stop bars and turn arrows must be applied before the first certificate of occupancy is issued. Paint shall be used for temporary pavement markings in lieu of thermoplastic, or pavement markings on the asphalt binder course. Permanent pavement markings shall be applied when the asphalt surface course is applied. Both temporary and permanent pavement markings shall meet standards as set in the MUTCD.

#### **5.7.10 STREET NAMES**

Proposed streets which are obviously in alignment with other existing and named streets shall bear the assigned name of the existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names within an established zip code area, regardless of the use of suffix, street, avenue, boulevard, drive, place, court, etc. It shall be unlawful for any person in laying out any new street or road to name such street or road on any recorded plat, by making in any deed or instrument without first getting approval of the Planning Commission.

#### **5.7.11 STREET LIGHTING**

It is the intent of the town to have streets be well lit for cars most importantly for the safety and comfort of pedestrians. Lighting shall be placed such that it is well coordinated with the expected canopy of street trees. The Town of Summerville will require street lights to be installed at a minimum ratio of one light for every six units in public developments. Additional street lights in developments with public streets that exceed the one to six ratio will be paid for by parties other than the Town of Summerville. Lighting plans shall be submitted and approved prior to installation.

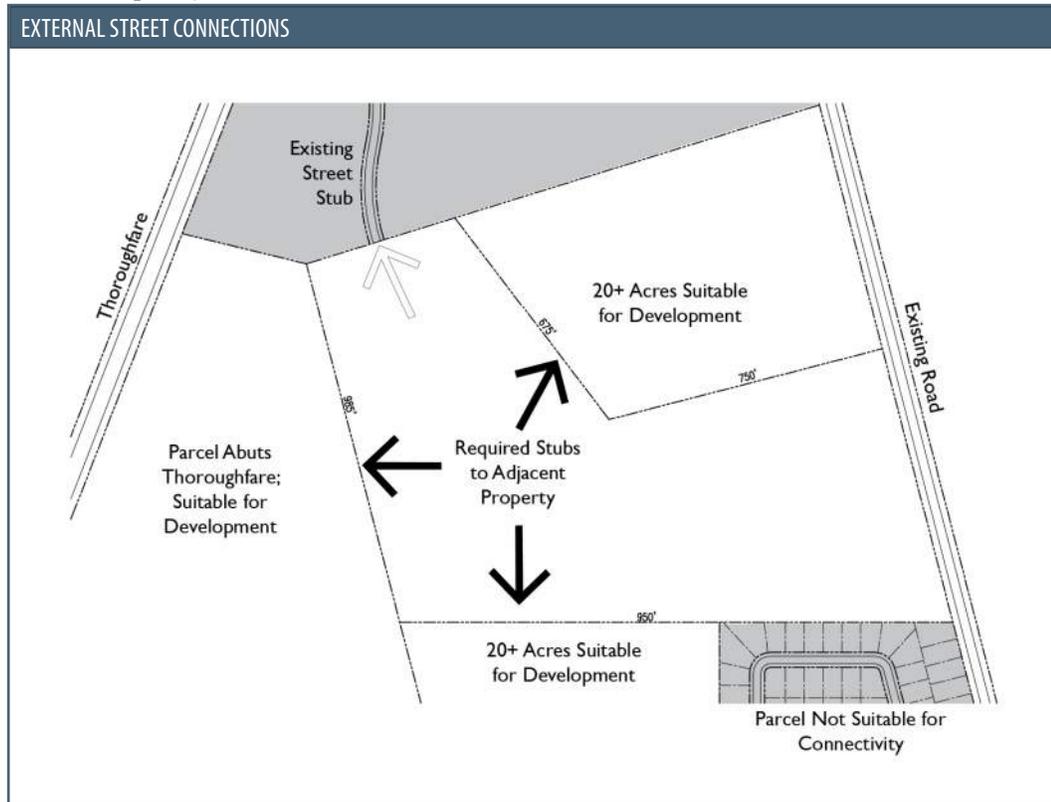
## 5.8 ACCESS & CONNECTIVITY

### 5.8.1 STREET NETWORK REQUIREMENTS

A well-connected street network shall be provided in order to facilitate pedestrian, bicycle and vehicular movement, improve access/egress, provide faster response time for emergency vehicles, and improve the connections between neighborhoods.

- A. Continuation of Adjoining Street System: Proposed streets shall be coordinated with the existing street system in the surrounding area and where possible shall provide for the continuation of existing streets abutting the subdivision. Streets or rights-of-way shall be stubbed to potential developments to promote total vehicular connectivity. Adequate street connectivity shall be assessed by the Technical Review Committee based on the ability of the proposed alignments to:
  1. Permit multiple routes between origin and destination points;
  2. Diffuse traffic; and
  3. Shorten walking distances.
- B. The arrangement of streets shall be such as will not cause hardship to owners of adjoining property in providing convenient access.
- C. Proposed street layout shall not create double-frontage lots.
- D. Block Length: Low speed, low volume streets shall be designed with short block lengths of between 250 and 500 feet. The TRC may approve alternative block length designs based on topography, the existence of environmentally-sensitive lands, the need to preserve cultural resources and similar considerations.
- E. Street Stubs: New developments shall connect to any existing street stubs from adjacent properties and shall stub to all adjacent properties. Stub streets extending to the boundary line of the subdivision shall be of the same construction as the streets in the subdivision.
  1. Exemptions: Street stubs shall not be required where the conditions listed below would prevent connections:
    - a. Topographical conditions (pre-development slopes of 18% or greater)
    - b. Environmental conditions (marshes, floodplains, etc.)
    - c. Property shape
    - d. Property accessibility (existing platted subdivision with no stubs)
    - e. Incompatible adjacent land uses. Note that connections from a residential neighborhood to commercial development is generally not considered incompatible unless such a connection represents the only means by which excessive automobile or truck traffic can access the community.
  2. Location: Street stub connections shall be prioritized as follows:
    - a. Adjacent parcels 20 acres or greater in size
    - b. Adjacent parcels that abut or are traversed by existing or proposed streets
    - c. Where the Comprehensive Plan recommends a street connection.
  3. Design:
    - a. Stub streets and streets intended for extension during future phases shall be constructed to extend to the property line or as close to the line as practical.

- b. It shall be the responsibility of the second development to construct the connection to an existing stub street.
- c. Stub streets shall not exceed 150 feet in length without a turnaround (permanent or temporary).



- F. Culs-de-sac and Dead End Streets: Culs-de-sac may only be approved by the TRC to accommodate a site-specific topographic (e.g., steep slope) or environmental feature (e.g., creek crossing requiring a Corps of Engineers Section 404 Permit). Culs-de-sac approved by the TRC shall meet the following standards:
  1. Permanent dead-end streets shall be no longer than 1,000 feet and shall be provided with a cul-de-sac;
  2. Temporary dead-end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal;
  3. Turnarounds shall be provided at the closed end of the street and shall have a minimum right-of-way radius of 50 feet and a circular area, paved if permanent or gravel if temporary, with a minimum radius of 40 feet measured from face-of-curb to face-of-curb and;
  4. Whenever cul-de-sac roads are created, at least one pedestrian access easement shall be provided, to the extent practicable, between each cul-de-sac head or road turnaround and the sidewalk system of the closest adjacent road or pedestrian pathway. The access easement shall be direct with a minimum width of 20 feet (see Sec. 5.8.2C).
- G. Future Street Connection Signage: All dead-end streets and stub streets that have the potential to connect to adjacent property or with nearby streets must be signed with the following language: “This cul-de-sac is temporary. The street will be extended when the adjacent property develops.”

- H. Private Streets: Private streets are not permitted unless approved by the TRC. If approved, such streets shall be constructed to the standards of the Town as if they were to be publicly dedicated.
- I. Reserve Strips Prohibited: Reserve strips (parcels of land dedicated to the homeowners association or similar private organization) at the terminus of a new street shall be prohibited. All rights-of-way must be stubbed to the adjacent property-line without encumbrances.
- J. Developer shall construct all roads agreed to or shown on original approved plans prior to closeout and acceptance of public improvements.

**5.8.2 PEDESTRIAN/BICYCLE CONNECTIONS**

- A. Connections to Greenways and Parks: When a development abuts greenways, parks and open space areas, pedestrian/bicycle accessways must be provided at a minimum of every 600 feet when feasible as determined by Town Staff. Where a cul-de-sac street is permitted within a development, pedestrian/bicycle accessways to greenways, parks and open space areas must be provided where such streets back up to these areas.
- B. Connection of Culs-de-sac: Where 2 cul-de-sac streets end within 300 feet of each other, pedestrian/bicycle accessways shall be provided between the culs-de-sac where feasible as determined by Town Staff.
- C. Dedication of Pedestrian/Bicycle Accessways: Where pedestrian/bicycle accessways are required by this chapter, a strip of land of at least 20 feet in width shall be dedicated to the Town or a homeowner’s association to accommodate such pedestrian/bicycle accessways and shall be laid out along front, side or rear property lines.
- D. Pedestrian/Bicycle Accessways to be Public: All pedestrian/bicycle accessways shall be dedicated for public use through the dedication of public right-of-way or by public access easement.
- E. Minimum Width: Pedestrian/bicycle accessways shall not be less than 5 feet in width.
- F. Surface Treatment of Accessways: Pedestrian/bicycle accessways shall comply with the Federal Americans with Disabilities Act. The surface of accessways shall be constructed of a smooth, compactable material that is accessible for wheelchairs and strollers.

**5.8.3 GREENWAYS**

- A. Standards for Greenway Types: Greenway width and surface treatment shall comply with the standards for Comprehensive Plan or other adopted plan as follows:

Greenway Type	Trail Width	Surface Treatment	Right of Way/Easement Width
Unpaved Multi-Use Trail	10 feet minimum* 14 feet maximum	Compacted gravel, soil cement, compacted limestone screenings, crushed stone**	See <a href="#">Section 5.10.2</a>
Paved Multi-Use Trail	10 feet minimum* 14 feet maximum	Asphalt or concrete**	

\*Town Staff may allow a reduction of the minimum width in instances where topographical conditions, the presence of drainageways, or similar circumstances prevent the construction of a wider path.

\*\* Or other material approved by Administrator.

- B. Connections to Sidewalks: Trail stubs at property lines should be placed in areas that are easily accessible for future connectivity through adjacent parcels.

#### 5.8.4 PUBLIC TRANSIT CONNECTIONS

Projects with 200 or more residential units or 100,000 square feet of non-residential space that are adjacent to present or planned transit routes shall provide adequate and well-located space for a shelter and bus drop-off area as specified by the local transit operator/authority.

## 5.9 TRAFFIC IMPACT ANALYSIS

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### 5.9.1 TRAFFIC IMPACT ANALYSIS

All developments shall have a Traffic Impact Analysis, based on Sec. 5.9.2 below, performed by an on-call consultant hired by the Town at the expense of the applicant. This analysis shall be undertaken to ensure that access to all proposed developments and subdivisions is accomplished in a safe manner.

- A. The standards in the South Carolina Department of Transportation's Access and Roadside Management Standards Manual shall serve as a guide for this Analysis, which shall include identification of the following:
  1. Access improvements that the applicant must install at his or her expense, such as deceleration lanes.
  2. The location of any curb cuts based on, but not limited to sight distances, existing roadway infrastructure, opposing driveways locations and shared access.
  3. Requirements for adequate driveway design, including but not limited to, turning radius and throat length.
- B. The access requirements approved by the Town Engineer or designee shall be incorporated on development or subdivision plans prior to their approval.
- C. If an applicant is required to provide site-related traffic improvements, the cost of implementing such improvements shall be borne by the applicant and no such costs shall be eligible for a credit or offset from any transportation impact fees.

### 5.9.2 TRAFFIC IMPACT ANALYSIS REQUIRED

- A. Applicability: A Traffic Impact Analysis (TIA) shall be required for any development that would generate more than 50 trips during the peak hour on the adjacent street in accordance with the ITE Trip Generation Manual, latest edition.
  1. A second phase, second subdivision, or addition that generates traffic beyond this threshold when taken as a whole shall also require a TIA, even though that development does not qualify on its own.
  2. Change of Use: A new TIA will be required if the new use would generate traffic beyond the 50 trips during peak hour threshold.
  3. A TIA can be required at any time as determined by the Town Engineer or designee in his/her discretion and judgment when there is a belief that the development may have an adverse impact to the surrounding area.
- B. Thorough and complete TIA's are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan.
- C. Traffic Impact Analysis Plan Preparation
  1. The TIA shall be conducted by an engineer registered in South Carolina that is experienced in the conduct of traffic analysis, whom is one of the consultants the Town has previously selected for on-call traffic study services.

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

#### D. Plan Contents

1. All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A traffic impact analysis plan for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.
2. Efficient traffic operations, safety and pedestrian accessibility are to be considered in the development plan. The adequacy of the roads to which the development takes access shall be assessed in the TIA. Recommendations for improvements shall be made where operational or safety concerns exist and installation of these improvements shall be required as a condition of any approval from the Town. The relative share of the capacity improvements needed shall be broken down as follows: development share, other developments share, any existing over capacity, and capacity available for future growth.

3. The following elements shall be included in a traffic impact analysis plan:
  - a. Study Area - Description of the study area including surrounding land uses and expected development in the vicinity that would influence future traffic conditions. The study area shall include the intersections immediately adjacent to the development and those identified by the Town Engineer. These intersections may include those not immediately adjacent to the development if significant site traffic could be expected to impact the intersection. If intersections impacted by the development are within a coordinated traffic signal system, then the entire system shall be analyzed. If the signal system is very large, a portion of the system may be analyzed if approved by the Town Engineer and SCDOT. A study area site map showing the site location is required.
  - b. Proposed Land Use - Description of the current and proposed land use including characteristics such as the number and type of dwelling units, gross and leasable floor area, number of employees, accompanied with a complete project site plan (with buildings identified as to proposed use). A schedule for construction of the development and proposed development stages should also be included.
  - c. Existing Conditions - Description of existing traffic conditions including existing peak-hour traffic volumes adjacent to the site and levels of service for intersections in the vicinity, which are expected to be impacted. Existing traffic signal timings should be used. In general, AM and PM peak hour counts should be used, but on occasion other peak periods may need to be counted as determined by the Town Engineer or designee. In some cases, pedestrian counts will be required. Data should be adjusted for daily and seasonal variations. Existing counts may be used if taken within 12 months of the submittal of the TIS. In most cases, counts should be taken when school is in session unless otherwise determined by the Town Engineer or designee. Other information that may be required may include, but not limited to, crash data, stopping sight distances, and 50th and 85th percentile speeds.
  - d. Future Background Growth - Estimate of future background traffic growth. If the planned completion date for the project or the last phase of the project is beyond 1 year of the study an estimate of background traffic growth for the adjacent street network shall be made and included in the analysis. In general, the growth factor will be determined from local or statewide data. Also included, is the state, local, or private transportation improvement projects in the project study area that will be underway in the build-out year and traffic that is generated by other proposed developments in the study area.
  - e. Estimate of trip generation - The site forecasted trips should be based on the most recent edition of the ITE Trip Generation Manual. A table should be provided in the report outlining the categories and quantities of land uses, with the corresponding trip generation rates or equations, and the resulting number of trips. The reason for using the rate or equation should be documented. For large developments that will have multiple phases, the table should be divided based on the trip generation for each phase. Any reductions due to internal trip capture and pass-by trips, transit use, and transportation demand management should be justified and documented. All trip generation and trip reduction calculations and supporting documentation shall be included in the report appendix.
  - f. Trip Distribution and Traffic Assignment - The distribution (inbound versus outbound, left turn versus right turn) of the estimated trip generation to the adjacent street network and nearby intersections shall be included in the report and the basis should be explained. The distribution percentages with the corresponding volumes should be provided in a graphical format.

- g. Analysis and Estimate of Impact - A capacity analysis should be performed at each of the study intersections and access intersection locations (signalized and unsignalized) in the vicinity of the development. Intersection analysis shall include LOS determination for all approaches and movements. The levels of service will be based on the procedures in the latest edition of Transportation Research Board's Highway Capacity Manual. Coordination analysis will be required for the signal systems or portion of the signal systems analyzed.
  - h. Access Management Standards - The report shall include a map and description of the proposed access including any sight distance limitations, adjacent driveways and intersections, and a demonstration that the number of driveways proposed is the fewest necessary and that they provide safe and efficient traffic operations.
  - i. Traffic signalization: If a traffic signal is being proposed, a signal warrant analysis shall be included in the study. The approval of a traffic signal on projected volumes may be deferred until volumes meet warrants given in the MUTCD, in which the developer shall provide funds for the future signal(s) to the Town to deposit in an escrow or special account set up for this purpose. The developer should make any laneage improvements during construction so that if in the horizon year a signal is warranted, one may be installed with little impact to the intersection.
  - j. Mitigation and alternatives - The traffic impact study should include proposed improvements or access management techniques that will mitigate any significant changes in the levels of service. The Town Engineer will be responsible for final determination of mitigation improvements required to be constructed by the applicant.
- E. Traffic Impact Analysis Plan Review: The Town Engineer or designee shall review all traffic impact analysis plans as part of the initial approval for the concept plan or master plan. Final traffic impact analysis plans shall be approved at the development plan phase.
- F. Action on Traffic Impact Analysis Plan: The Town Engineer or designee must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, Town Engineer or designee shall recommend action as follows:
- 1. Approval of the traffic impact analysis as submitted;
  - 2. Approval of the traffic impact analysis plan with conditions or modifications as part of the development review and approval process. An acceptable traffic impact analysis plan with traffic mitigation measures may include the reduction of the density or intensity of the proposed development; phasing of the proposed development to coincide with state and/or county programmed transportation improvements; applicant provided transportation improvements; fees in lieu of construction, or any other reasonable measures to ensure that the adopted traffic service level goals are met. If mitigation is required, it shall be required as a condition of any approval from the Town.
- G. Timing of Implementation: If a traffic mitigation program is part of an approved traffic impact analysis plan, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area. The amount of the performance bond shall be equal to 150% of the estimated construction cost for the required traffic mitigation improvements.
- H. Responsibility for Costs of Improvements: The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the transportation impact analysis are met.

- I. **Traffic Goals:** The average stop time delay in seconds per vehicle for each intersection determined to be critical to the traffic impact analysis for the proposed development shall be compared to the Town’s adopted traffic service level goal of “D” for the average delay for all vehicles at any intersection and all movements and approaches to the intersection during the a.m. and p.m. peak hours.
- J. **Function and Safety Improvements:** The Town Engineer or designee may require improvements to mitigate and improve the safety and function of multiple transportation modes the site traffic may impact. These improvements may not be identified in the TIA, but improvements to benefit the function and safety of the transportation system of the development site. These improvements may include but are not limited to center medians, sidewalks and/or bicycle accommodations, modifications to ingress and egress points, roadside shoulders, pavement markings, traffic calming and other traffic control devices.

## 5.10 EASEMENTS AND DEDICATIONS

### 5.10.1 GENERAL REQUIREMENTS

- A. Town Staff shall be authorized to promulgate regulations defining utility corridors within the public right-of-way or to require an additional general utility easement.
- B. **Utility Easements:** Easements having a minimum width of 10 feet and located along the side or rear lot lines shall be provided as required for utility lines and underground mains and cables.

### 5.10.2 EASEMENT WIDTH

Easements shall be conveyed to the town or other appropriate agency for underground and overhead utility installation, stormwater drainage, pedestrian/bicycle access, and other purposes as required by the town. Easements shall be centered along rear or side lot lines, and where possible, be placed in common areas. The minimum width for easements is set out in the table below. Town Staff may vary easement widths if the topography along the proposed right-of-way is such that maintenance equipment or other necessary access cannot reasonably be achieved within the minimum width specified by the table.

Easement Type	Minimum Width
Greenway	50 feet
Pedestrian/Bicycle Accessway	20 feet
Alleys	20 feet
Watercourse or drainage channel	Dependant on channel width - See Stormwater Manual
Underground storm drainage	20 feet
All other easements	20 feet
Public utility access easement (Suburban Districts only)	5 feet - all yards
Utility (water & sewer)	Per Summerville CPW Standards

### 5.10.3 DRAINAGE EASEMENTS

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, adequate areas shall be reserved, conforming substantially with the lines of such watercourses, and of sufficient width to carry off storm water and to provide for maintenance and improvement of such watercourses.

- A. **Minimum Standards:**
  1. Where practicable, drainage easements shall center along or be adjacent to a common property line.

2. Adequate areas of suitable size and location shall be allocated for easements.
  3. The location and size of such easements shall be agreed to by the public and private entities involved, and shall center along or be adjacent to a common property line where practicable.
- B. Maintenance:
1. Easements shall be deeded to the Town for the purpose intended, as shown on the plat. Areas to be maintained by an HOA or private entity shall also be noted on the plat.
  2. Maintenance activities will be provided by the Town for the specific intended purpose only.
  3. The easement grants to the Town the right to enter, inspect, survey, and conduct needed activities related to the easements' purpose.
  4. The Town has no obligation to repair, replace or compensate the easement owner for the trees, plants, grass, shrubs or other elements damaged or destroyed during the course of its activities.
- C. Lot Owner's Obligations:
1. Drainage easements shall not be altered after Final Plat approval unless approved by Town Staff
    - a. A site plan and such engineering calculations as are deemed necessary shall be submitted for approval prior to undertaking such work.
    - b. Reshaping the topographical features or installation of fences or hard surfaces shall not be permitted within drainage easements containing swales.
    - c. Installation of landscaping items, except for the planting and maintenance of low growing grass, shall not be allowed within drainage easements.
    - d. Trees, shrubs, and other features remaining within drainage easements after construction by the subdivision developer are the maintenance responsibility of the lot owner.
    - e. Facilities within sanitary sewer, water, utility, and other easements are subject to the requirements set forth in granting such easements.
  2. Town Staff is authorized to assess alterations made to drainage easements.
    - a. If remedial work is deemed necessary, the lot owner shall be notified by letter.
    - b. The lot owner shall have 30 days in which to correct the conditions stated in the letter.
    - c. A certificate of occupancy shall not be approved if unauthorized work is undertaken that alters the draining system during building construction.

#### 5.10.4 EASEMENTS ON COMMON PROPERTY

- A. Areas designated on approved plans and plats as common area property [also shown as HOA (homeowners' association), POA (property owners' association), or similar designations] are intended primarily for the common use and enjoyment of all subdivision residents.
- B. Easements that benefit all lot owners, such as access easements, drainage easements, utility easements and the like, shall be allowed over and through the common area property.
- C. Private easements that exclusively benefit adjoining lot owners, shall not be allowed over and through common area property, unless good and sufficient cause is shown that the provision of the easement will not interfere with or otherwise compromise the intended common use and enjoyment of the common area property by all lot owners.
- D. Any easements shall be initially established through the appropriate plan or plat approval process in conjunction with the initial establishment of the common area property.
- E. Subsequent new easements can only be established through the appropriate plan or plat approval process as was utilized to initially establish the common area property.

### 5.10.5 RESERVATION OF SCHOOL SITES & OTHER PUBLIC BUILDINGS

- A. New School / Public Building Sites for Large Developments: If the total size of a development exceeds 200 acres or 500 housing units, the developer shall reserve for future purchase a minimum of 18 usable acres in prominent sites for the location of schools or other public buildings. Sites reserved for school uses may include up to ½ of their total area towards the open space dedication requirement in [Section 6.3](#).

## 5.11 SURVEYING, INSPECTIONS & WARRANTIES

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All surveying shall meet the Standards of Practice Manual for Surveying in the State of South Carolina, latest edition.

### 5.11.1 INSPECTION DURING CONSTRUCTION

The developer shall furnish the services of a South Carolina licensed professional engineer (hereinafter referred to as the project engineer) to ascertain whether or not work performed and materials used in construction of public roads and drainage facilities are in accordance with the requirements and intent of the approved plans. Construction shall not begin until plans have been approved by Town Staff. Any work done or materials used without supervision or inspection by the project engineer or his representative may be ordered removed and replaced at the developer's expense. Failure to reject any defective work or material shall not in any way prevent later rejection, when such defect is discovered, or obligate the Town to final acceptance. Inspection fees may be charged as referenced in the fee schedule ordinance. During construction, the project engineer or contractor shall notify and receive approval from the Town of Summerville through the engineering department of the following key milestones:

- Twenty-four hours prior to commencing construction.
- Upon completion of installation of perimeter BMPs.
- Upon completion of clearing and grubbing.
- Prior to drainage pipe installation and backfilling. All pipe shall be inspected before backfilling.
- Upon completion of subgrade preparation, prior to placing base or curb and gutter.
- Upon completion of base placement and compaction prior to placing curb and gutter.
- Installation of all under drains prior to covering.
- Prior to asphalt paving.

The purpose of the notification(s) is to allow the Town's representative an opportunity to inspect the work. If the Town's representative observes deficiencies in the work that could result in the completed improvements being unacceptable, the project engineer will be advised of the nature and location of the deficiencies. However, it is the obligation of the project engineer to determine the suitability of each phase of the work before proceeding with the next phase. When, in the opinion of the project engineer, roadway and drainage system construction is substantially complete, the engineer will submit a "construction completion certification" stating that all construction has been completed in accordance with the approved plans. The engineer will also request that a warranty inspection be scheduled within 15 days. (Every effort will be made to schedule the inspection as soon as practicable.)

### 5.11.2 REQUIRED IMPROVEMENTS FOR FINAL PLAT APPROVAL

- A. All of the infrastructure improvements must be in place in accordance with this section and shown on the approved construction plans prior to submission of the final plat. The project engineer must submit a letter to Town Staff certifying the infrastructure is in place. Infrastructure includes, but is not limited to;
  - 1. A permit to operate the water and sewer system for the entire phase of the development must be submitted to Town Staff's office prior to any building permits being issued, final plat recorded or TMS numbers being issued.
  - 2. The asphalt binder course must be in place prior to submission of the final plat. The asphalt surface course shall not be installed until the end of the warranty period.
  - 3. Proposed drainage improvements, street signage, and temporary pavement markings must be in place prior to submission of the final plat.
- B. Permitted Performance Guarantee: The developer shall be required to post a performance guarantee equal in amount to 150 percent of the cost of the unfinished improvements (as certified by Town Staff). The unfinished improvements should typically be the asphalt surface course and sidewalks. A performance guarantee shall be in the form of a surety bond, letter of credit, or escrow account. In the event the required improvements are not completed within the time specified by Town Staff, the town may let or relet a contract for the purpose of completing the unfinished improvements of the project using the posted security.

### 5.11.3 WARRANTY LIABILITY PERIOD

- A. Prior to the commencement of the warranty liability period and issuance of any building permits, the developer shall submit to Town Staff:
  - 1. A final plat will be approved only after the warranty guarantee has been posted.
  - 2. A warranty guarantee in the form of a surety bond, or letter of credit representing 15% percent of the contract amount for the construction of all roads and drainage/stormwater systems. The warranty guarantee shall contain language preventing revocation by the developer or the surety prior to the completion of the warranty liability period, and shall contain a provision that the Town Treasurer, upon request of the town engineer, can draw upon the security after notifying the bonding entity that the developer is in default. Town Staff is authorized to reject the 15 percent guarantee amount and specify an alternate amount when, in his sole opinion, 15 percent of the construction contract is insufficient to cover potential deficiencies and/or repairs. The warranty guarantee must be secured by the property owner. The surety bond or letter of credit must not expire less than 180 days after the two-year warranty period expires.
  - 3. An as-built certification and one complete set of record drawings showing any alterations or deviations from the approved construction plans. Each page of the set shall be signed and sealed by the project engineer or licensed surveyor submitting the as-built certification.
- B. Warranty Inspection: After the construction and installation of required improvements is complete and the "construction completion certification" submitted, a warranty inspection will be scheduled. At the time of the warranty inspection, the following conditions must be satisfied:
  - 1. Streets and gutters must be swept.
  - 2. Ditches, ponds and drainage structures must be mowed and cleared of sediment and/or debris.
  - 3. Erosion control measures shall be in place in disturbed areas to prevent sediment runoff. This includes the installation of silt fence along the back of curb as well as inlet protection of interior roadways. Pond slopes, shoulders, and swales shall be grassed and mowed.

4. Stormwater manhole covers and grates must be opened for inspection.
5. Traffic signs, street signs, and pavement markings must be installed.

Failure to satisfy these conditions could potentially postpone the inspection. The project engineer or his representative must be present for the warranty inspection. It is generally recommended that a representative of the construction contractor and the developer also be present. Within one week following completion of the warranty inspection, the developer will either be notified in writing that the project was found to be acceptable, or will be advised of the need to correct specific deficiencies observed during the inspection. Any deficiencies must be corrected and accepted prior to the commencement of the warranty period.

- C. During the warranty liability period, the developer shall be responsible for maintenance of the roads and drainage systems, including but not limited to the following:
  1. Repair/replacement of defective work or materials.
  2. Repair/replacement of damaged or stolen work or materials.
  3. Mowing grasses shoulders, slopes and other disturbed areas.
  4. Maintaining unobstructed gutters, pipes, ditches and drainage structures.
  5. Maintaining the stormwater detention facility.
  6. Sweeping streets and gutters to remove soil and construction debris on a monthly basis or as required by the town engineer.
- D. Upon a successful warranty inspection and acceptance of the improvements by the Town, a 2-year or 75% build-out of the subdivision, whichever occurs later, warranty period shall commence. During the 2-year warranty period, the developer shall repair any latent defects that occur. For the purposes of this section, the term “defects” refers to any condition in publicly dedicated facilities, utilities or streets that requires the Town to make repairs to such improvements over and above the normal amount of maintenance that they would require. If such defects appear, the warranty may be enforced regardless of whether the facilities, utilities or streets were constructed in accordance with the requirements of this ordinance. At the end of the two-year warranty period, the developer shall request a final inspection. Upon successful completion of all warranty items, the developer shall be released from maintenance responsibilities for the warranted construction.
- E. Whenever possible, the developer shall provide a separate construction entrance for developments consisting of multiple subdivisions or multiple phases of the same subdivision. If a separate construction entrance is not provided, the warranty liability period shall remain in effect on the entrance road until the warranty liability period begins for all subdivisions and/or phases of the development or two years, whichever is longer. Entrance roads may require additional design criteria at the discretion of Town Staff.
- F. Maintenance: The developer shall make such adequate provisions as shall be approved by Town Staff for the perpetual maintenance of all stormwater facilities in the subdivision until such obligations have been assumed by another entity. The Town will not maintain stormwater detention facilities. Town Staff shall approve adequate provisions for the perpetual maintenance of such facilities. The maintenance of all roadway storm drainage systems (excluding detention facilities) and easements, as defined by this article, and properly identified on the plat as such, shall be the responsibility of the Town upon completion of the warranty period from and after final approval by the Town of all required improvements, and acceptance of such easement ownerships by the Town into its maintenance program.

- G. Final Inspection/Acceptance.: Within 90 days of the termination of the warranty liability period, it shall be the developer's responsibility to request a "final inspection" by Town Staff or his designee. The applicant shall repair any noted defects (abnormal wear and tear) within 90 days of the inspection. Failure to make the necessary repairs within 90 days may result in forfeiture of the warranty surety. Upon favorable final inspection results, the Town Engineer or his designee will write a "release of liability" letter to the applicant and release the 15 percent surety bond within 30 days.
- H. Forfeiture Provisions: All improvement guarantees and performance securities shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this ordinance, approvals issued pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.
- I. Default by Developer
  - 1. Upon default, meaning failure on the part of the developer or surety to make timely completion of the required improvements, or to maintain privately owned improvements in accordance with an approved operations and maintenance agreement, the Town may require the developer, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the Town.
  - 2. Upon payment, the Town, at its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements.
  - 3. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement.

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# 6

## 6 PARKS & OPEN SPACE

### 6.1 PURPOSE & INTENT

It is the intent of this ordinance to require that new development provide centrally-located, unencumbered land as neighborhood parks for human use as well as cohesive and viable natural habitats as preserved open space. Parks, as defined by this chapter, are distinct from those areas that are environmentally significant and must be otherwise protected from human transgression.

For the purposes of this ordinance, parks are publicly accessible areas set aside for public use and recreation and which are improved to the requirements of one or more of the park types outlined in this chapter. By contrast, open space comprises those areas set aside and protected from development which may be left in a generally unimproved state.

It is the intent of this section to:

- Ensure that new development provides centrally-located, unencumbered land as improved park space for resident use,
- Preserve rural views, significant hardwood forests, wildlife habitats, and watersheds in pristine form, and
- Conserve areas which are inappropriate for development because they contain stream buffers, floodplains or steep slopes.



### SECTIONS

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## 6.2 DEDICATION & CONSERVATION REQUIREMENTS

Any person developing and/or subdividing property into 5 or more lots for residential purposes shall be subject to the park dedication and open space conservation requirements as follows:

### 6.2.1 MINIMUM PARK DEDICATION & OPEN SPACE CONSERVATION

The minimum amount of park space required for dedication and open space required for conservation (measured as a percentage of the gross area of development) shall be as follows:

CONTEXT	DISTRICT	REQUIRED PARK SPACE (IMPROVED) – SEE SECTION 6.4	REQUIRED OPEN SPACE (UNIMPROVED) – SEE SECTION 6.5	TOTAL REQUIRED DEDICATED SPACE
Mixed-Use	N-R, N-MX	5%	5%	10%
	D-MX, UC-MX	2% for projects $\geq$ 5 acres	Exempt	2% for projects $\geq$ 5 acres
Conventional	GR-2, GR-5	10%	15%	25%
	MF-R, MH-R	10%	15%	25%
	N-B, G-B	No Minimum	No Minimum	10%
Special District	LI, HI	No Minimum	No Minimum	20%
	AC, PL	Exempt	Exempt	Exempt

### 6.2.2 CREDIT TOWARD REQUIRED PARKS DEDICATION

- A. Proximity to Existing Parks: Developments that are near an existing town-owned, publicly accessible park, which meets the park standards in [Section 6.4](#), may count all such lands in their park dedication requirement, as follows:
  1. Adjacent (sharing a property boundary): Credit of area of adjacent park up to 50% of required park space dedication.
  2. Within  $\frac{1}{4}$  Mile: Credit of area of park area or shared park use up to 25% of required park space dedication.
- B. Greenways: Greenways within the development site may be credited toward the minimum park dedication requirements at the rate of the length of the greenway times 20 feet in width.

### 6.2.3 CREDIT TOWARD REQUIRED OPEN SPACE CONSERVATION

- A. Viewshed Bonus: If dedicated Open Space is within a viewshed or similar preserved landscape designation shown on the Zoning Map, Comprehensive Plan map, or any similar town document, such Open Space shall count for 50% more than its actual area.
- B. Greenway Connection Bonus: If greenways are constructed as shown on any town document, such Open Space shall count for 20% more than its actual area.
- C. Parkway Streets: The Open Space requirements for a development may be reduced by building Parkway Streets (see [Section 5.6](#)) including construction of a Multi-Purpose Trail, alongside designated park and open space areas which are not encumbered by utility easements, wetlands or other unbuildable areas. The Open Space reduction shall equal 50% of the area of the Parkway Street within the development site.

- D. Reservation of School/Public Building Sites: Sites reserved for schools and/or public buildings in accordance with the standards of [Section 5.10](#) may include up to 50% of their total area towards the open space dedication requirement.

## 6.3 PAYMENT IN LIEU OF DEDICATION AND CONSERVATION

### 6.3.1 APPLICABILITY

Any person developing a property subject to this chapter may, upon approval of Town Staff, make a payment in lieu of any required Park or Open Space, except that the dedication requirement for any areas designated as future greenways on an adopted plan are not eligible to be met by payments in lieu of dedication. Reasons for permitting payments in lieu of dedication may include, but are not limited to, sufficient proximity to existing public parks; the presence of severe topographic or geographic conditions which limit the potential development area of a site; the small size of a proposed infill or redevelopment project; and other similar reasons as determined by Town Staff.

### 6.3.2 FEE DETERMINATION & DISBURSEMENT

- A. Determination of Payment In Lieu: Payment in lieu of dedication shall be the product of the post-development appraised value of the land to be developed (per gross acre) multiplied by the number of acres to be dedicated. The following formula shall be used to determine the fee:

$$\frac{\text{Post Development Appraised Value of Entire Development (per gross acre)} \times \text{Required Park Space Dedication (acres)}}{1} = \text{Payment in Lieu of Dedication Fee}$$

- B. Determination of Post Development Appraised Value: The Post Development Appraised Value of the Entire Development shall be established prior to Subdivision or Site Plan approval by an Appraiser who is a Member of the Appraisal Institute (MAI) or a South Carolina General Certified Appraiser. This should be done at the developer's expense.
- C. Credit for Park and Greenway Connections: Credit toward a payment in lieu shall be given for the cost of constructing pedestrian/bicycle accessways that connect to existing parks or greenways, up to a maximum of 50% of the required payment in lieu. Such pedestrian/bicycle accessways shall meet the standards of [Sections 5.8](#) and [5.9](#).
- D. Disagreements Regarding Payments In Lieu: Any disagreement in the amount of required payment shall be resolved by conducting a professional appraisal of the fair market value of the property. The professional appraiser shall be mutually agreed upon by the developer and town. An appraiser shall be appointed by the Town, at the developer's expense, should an agreement not be reached.
- E. Disbursement of Payments In Lieu: All payments made in lieu of dedication shall be made at the time of Site Plan or Subdivision - Final Plat approval or prior to the issuance of the first Certificate of Occupancy (whichever comes first as appropriate). Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be deposited in a general fund with a line item to be used only for the acquisition, development, or redevelopment of public recreation space by the town.

## 6.4 PARK STANDARDS

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### 6.4.1 STANDARDS FOR ALL PARKS

#### A. Location

1. Land for parks shall be centrally and internally located so as to serve the needs of the residents of the neighborhood or the residents of the immediate area within which the development is located.
2. Required park spaces shall provide focal points for community activity amidst development in the center of neighborhoods and the town.
3. Easements for public utility transmission lines shall not receive credit toward required Park area.
4. For developments which abut or include areas set out as parks in the Summerville Parks and Recreation Master Plan or any other adopted plan, Town Staff may require that the minimum required park area(s) be located in accordance with the site, or portion thereof, as shown on the applicable plan.
5. For developments that abut or include areas designated as future greenways on an adopted plan, Town Staff shall require a 20-foot minimum width public pedestrian and non-motorized vehicle easement be dedicated along all such areas.
6. All required park area shall be located outside protected areas as designated in [Chapter 11](#) (Environmental Protection Regulations), except that up to 25% of required park area may be comprised of lakes, ponds, streams, or man-made stormwater features provided that these areas meet the following criteria to establish them as a usable park area as determined by Town Staff:
  - a. Such areas shall be subject to all provisions of [Chapter 11](#).
  - b. Such areas must be designed as a focal point of the development, and must be part of a larger park area that meets all of the standards of this section.
  - c. Such areas must be designed explicitly for recreational use through the inclusion of a dock, pier, boardwalk or other structure or feature that permits users direct access to the water feature.
  - d. The perimeters of such areas must be improved with native plantings and landscaping or a vertical retaining wall constructed of brick, stone or other natural material. Rip rap, shot rock, rock armor or other typical large aggregate reinforcement mechanisms shall not be used as a visible finishing material.

#### B. Topography

1. The average slope of land for active recreation shall not exceed 7.5%
2. The average slope of land for passive recreation shall not exceed the average slope of the entire neighborhood or development, and in no case shall the average slope exceed 15%.

#### C. Shape and Dimension

1. The shape and dimensions of required parks shall be such as to be deemed usable for the recreational activities proposed, as determined by Town Staff with reference to established recreational standards and the provision of [6.4.2](#).
2. All parks shall have at least 50 feet of frontage on at least one public street within the development.

D. Accessibility

1. All parks shall be conveniently accessible to all residents of the development.
2. No residential unit within a development shall be further than ¼ mile from a publicly accessible park facility.

E. Unity

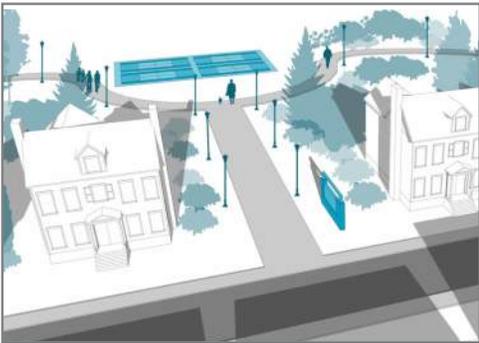
1. Where the amount of required park area is ½ acre or less, such park area shall be dedicated as a single parcel of land, except where 2 or more parcels are necessary to meet the ¼ mile accessibility requirement above, or where it is determined by Town Staff that 2 or more parcels would be in the public interest.

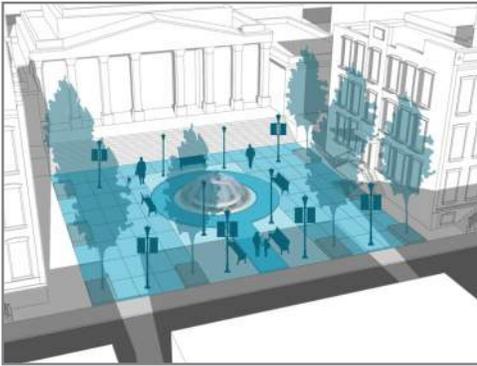
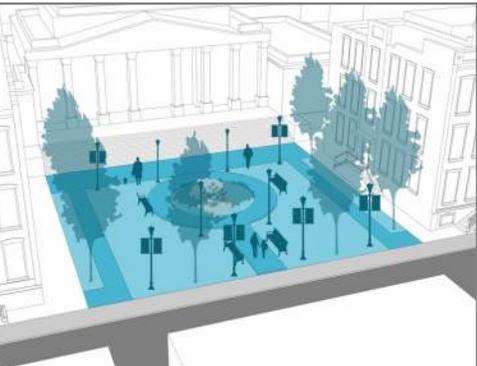
F. Minimum Amenities

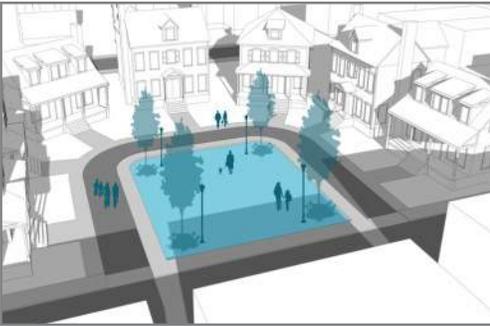
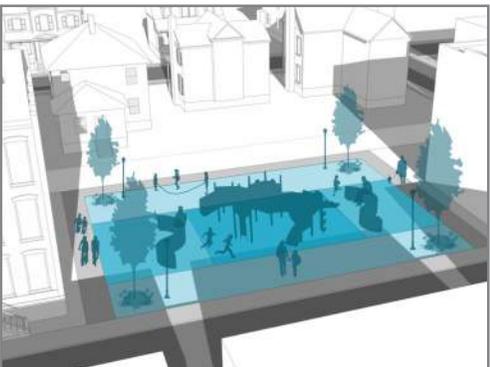
1. Public seating areas shall be provided which are appropriate to the intended use of the park area (e.g., benches and/or durable chairs may be appropriate for formal/active spaces; garden wall seats and landscape terraces may be appropriate for informal/passive spaces). A minimum of 2.5 linear feet of seating shall be provided for every 2,500 square feet of Park area.
2. Garbage and recycling receptacles shall be required at each public entrance and gathering space.
3. At least four (4) Class III bicycle parking spaces shall be required for every ¼ acre of park area and every ½ mile of greenway. (See [Sections 5.8](#) and [5.9](#) for Greenways and Bicycle Standards).
4. These provisions may be managed by the appropriate Homeowners Association (HOA) in lieu of Town Services.

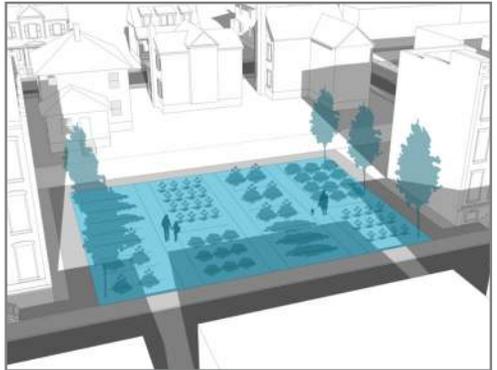
**6.4.2 PARK TYPES**

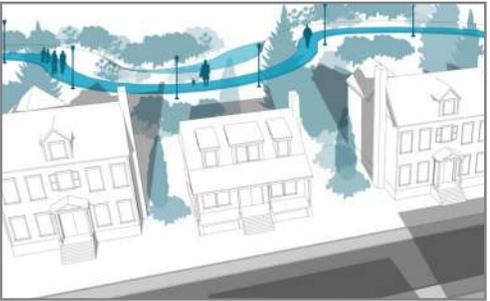
All Parks shall be designed in accordance with the requirements of one or more of the eight (8) park types established in this section.

PARK/OPEN SPACE TYPE		MINIMUM STANDARDS
<p><b>A. NEIGHBORHOOD PARK</b>                      Neighborhood Parks are protected natural spaces that provide opportunities for active and passive recreation. They may include ball fields, tennis courts, basketball courts, fitness areas, paths, trails, meadows, water bodies, woodland, open shelters, performance areas and other recreational amenities.</p>	 	<ol style="list-style-type: none"> <li>1. Parks should be designed for both passive and active recreational use.</li> <li>2. There shall be no active recreation within a park area that has undergrowth or limbs lower than 8 feet from the ground where contact could present injury to people or damage to property.</li> <li>3. At least 25% of the park area shall be dedicated to active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc.</li> </ol>

PARK/OPEN SPACE TYPE		MINIMUM STANDARDS
<p><b>B. PLAZA</b>                      A plaza is a paved, open area adjacent to or between civic or commercial buildings. Plazas function as gathering places and may contain a variety of intermittent activities, such as vendors and display stands. These can add vitality, promote security, and draw people to the ground level retail.</p>	 	<ol style="list-style-type: none"> <li>1. Plazas shall be paved primarily with brick, pavers or similar material and may include areas of crushed stone or soft landscape.</li> <li>2. Plazas shall be level, stepped, or gently sloping (less than 3% grade).</li> <li>3. The shorter dimension of a plaza shall be no less than ½ the average height of surrounding buildings.</li> <li>4. Plaza design should incorporate sculpture, fountains, or other focal points and gathering spaces.</li> <li>5. A minimum of one linear foot of seating shall be provided for every two (2) linear feet of the Plaza perimeter.</li> </ol>
<p><b>C. SQUARE / GREEN</b>                      Squares and Greens are open spaces that are spatially defined by building frontages and/or landscaping. They provide space for unstructured recreation and civic purposes.</p>	 	<ol style="list-style-type: none"> <li>1. Horizontal dimensions of Squares and Greens should not exceed six (6) times the average vertical height of buildings enclosing the space at the perimeter.</li> <li>2. The walkways within Squares and Greens shall be paved in universally accessible surfaces such as concrete, asphalt, crushed gravel, brick pavers, or similar material, or partially paved with areas of soft landscape.</li> <li>3. Where adjacent to street ROW's, Squares and Greens shall be planted parallel to such ROW's with one tree species a minimum of 10 feet and a maximum of 30 feet on center.</li> </ol>

PARK/OPEN SPACE TYPE	MINIMUM STANDARDS	
<p><b>D. CLOSE</b>                      A Close is a front space for buildings interior to the block. The close is a superior alternative to the cul-de-sac, as the focus is a green rather than vehicular paving.</p>	 	<ol style="list-style-type: none"> <li>1. A Close may be used in a residential or a commercial area, but must be fronted by buildings with operable doors that provide ingress and egress to the primary space within the building.</li> <li>2. Closes may be designed with only pedestrian access, or they may have a roadway loop around a green area.</li> <li>3. If a roadway loop for cars is included, the paved area used for cars shall not exceed 50% of the total area of the Close. The roadway shall be designed to minimize the amount of paved surface while maintaining an adequate vehicular travelway.</li> </ol>
<p><b>E. PLAYGROUND</b>                      Playgrounds provide permanent play equipment within sunny and shaded play areas for children as well as shelters with benches for parents. Playgrounds may be built within squares or parks or may stand alone within a residential block.</p>	 	<ol style="list-style-type: none"> <li>1. Playing surfaces shall be covered in sand, wood chips or other equivalent material.</li> <li>2. Paths and walkways shall be paved in concrete, crushed gravel, brick pavers or similar material.</li> <li>3. Playground equipment shall be equivalent to the standards established by the Consumer Products Safety Commission and the American Society for Testing and Materials (ASTM) for playgrounds.</li> </ol>

PARK/OPEN SPACE TYPE	MINIMUM STANDARDS	
<p><b>F. COMMUNITY GARDEN</b>                      A Community Garden is a grouping of garden plots available for small-scale cultivation, generally to residents of nearby neighborhoods.</p>	 	<p>1. Community Gardens must include garden sheds for the storage of gardening equipment and access to a public water source.</p>
<p><b>G. PEDESTRIAN PASSAGEWAY</b>                      Pedestrian Passageways are relatively narrow public spaces between buildings, allowing pedestrian access from rear parking areas to the public sidewalk or between two other public spaces. These passageways can be attractive, successful locations for store entries, window displays, and cafe seating.</p>	 	<p>1. Pedestrian passageways may be covered or uncovered, shall be a minimum of 6 feet wide with a paved surface.</p>

PARK/OPEN SPACE TYPE		MINIMUM STANDARDS
<p><b>H. GREENWAY</b>                      Greenways are corridors of protected open space managed for conservation and recreation purposes, often following natural land or water features. Greenways include pathways for walking and cycling which are separated from vehicular traffic, providing users a safe transportation corridor. Greenways link parks, cultural features and historic sites with each other and with developed areas.</p>	 	<ol style="list-style-type: none"> <li>1. Greenways shall include a paved pathway, a minimum of 10 feet wide.</li> <li>2. The minimum easement for a greenway shall be 20 feet wide.</li> </ol>

## 6.5 OPEN SPACE STANDARDS

### 6.5.1 STANDARDS FOR ALL OPEN SPACE

The location, nature, configuration, and use of the Open Space shall be determined by the following regulations and criteria:

A. Location

1. **Primary Conservation Areas:** Primary conservation areas have been determined as inappropriate for development because they contain stream buffers, flood plains, or slopes greater than 20%. Dedication of Open Space shall include all primary conservation areas, and designate any additional Open Space for preservation as necessary to attain the minimum required percentage of Open Space.
2. **Additional Open Space:** Additional required Open Space may lie within other protected areas as designated in [Chapter 11](#) (Environmental Protection Regulations) or elsewhere in this ordinance, but shall be subject to all applicable provisions of this ordinance as well as any applicable State or Federal regulatory jurisdiction. The following criteria should be considered in the conservation of Open Space beyond primary conservation areas:
  - a. Proximity or relationship to other Open Space within or outside the proposed development;
  - b. The presence of significant natural features (rock outcroppings, forests, ponds, streams, etc.), viewsheds, wildlife habitats, trails, and/or community farms and gardens.
3. **Non-Contiguous Open Space Areas:** The open space requirement for a development may be met by property such as a town park that is not contiguous with the development, nor owned by the applicant, as long as a 10% minimum requirement for Open Space is met on-site and

the non-contiguous property is approved by Town Staff. Town Staff will consider the following factors in approving/disapproving the use of non-contiguous property to meet the minimum Open Space conservation requirement:

- a. Size and location of utility and/or road right-of-way on the property;
- b. Legal or practical restrictions to the development of the property - e.g. maintained as open space by covenant;
- c. Size of the property;
- d. Location of the property in relation to roads or other open space;
- e. The number of non-contiguous properties proposed; and
- f. Environmental conditions on the property.
- g. Applicability of property to be so used by more than one development.
- h. A conservation easement or similar restrictive covenant shall be placed on the non-contiguous area to ensure its conservation in perpetuity.

## 6.6 OWNERSHIP AND MAINTENANCE

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### 6.6.1 OWNERSHIP OF PARKS AND OPEN SPACE

#### A. Permitted Ownership Entities

Parks and Open Space shall be separately deeded to one of the following:

- The Town of Summerville
- Berkeley County
- Charleston County
- Dorchester County
- A non-profit land trust or conservancy,
- A homeowner's association
- A private owner.

#### B. Ownership Conditions

1. Non-public ownership strategies (i.e., ownership by non-profit land trust or conservancy, a homeowner's association, or a private owner) must be accompanied by a long-term maintenance plan.
2. Ownership by a non-profit land trust or conservancy must be recorded by contract in a form approved by the town or relevant county.
  - a. Ownership by a homeowner's association or private owner must be accompanied by a permanent conversation easement placed upon the land.
  - b. The Town reserves the right to designate a third party to maintain, manage, and/or hold ownership of any Parks and Open Space land dedicated to the Town.

#### C. Property Description: A metes and bounds description of the Park or Open Space and limits on its use shall be recorded on the development plan, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common.

### 6.6.2 MAINTENANCE OF PARKS AND OPEN SPACE

- A. Cost and Responsibility: Unless accepted for dedication or otherwise agreed to by the Town of Summerville, another unit of government, or a private non-profit land conservancy, the cost and responsibility of maintaining Park or Open Space and any associated facilities shall be borne by the property owner.
- B. Maintenance of Designated Open Space Areas: Natural features shall be maintained in their natural condition, but may be modified to improve their appearance, functionality, or overall condition, at the discretion of Town Staff in consultation with other experts in the particular area. Permitted modifications may include:
  - Reforestation,
  - Woodland management,
  - Pasture or cropland management,
  - Buffer area landscaping,
  - Stream bank protection, and/or
  - Wetlands management.

### 6.6.3 PERMANENT PROTECTION

- A. Legal instrument for Permanent Protection: The open space shall be protected in perpetuity by a binding legal instrument that is recorded simultaneously with the final subdivision plat. The instrument shall be one of the following:
  1. A permanent conservation easement in favor of either:
    - a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept the easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or
    - b. A governmental entity with an interest in pursuing goals compatible with the purposes of this section. If the entity accepting the easement is not the Town of Summerville, then a third right of enforcement favoring the Town of Summerville shall be included in the easement.
  2. A permanent restrictive covenant for conservation purposes in favor of the Town of Summerville; or
  3. An equivalent legal tool that provides permanent protection, if approved by the Town of Summerville.
- B. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the use of the open space.
- C. The recipient of any general use, special use, or sign permit, or the recipient's successor, shall be responsible for maintaining all common areas, improvements, or facilities required by this chapter or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. Without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping or shading must be replaced if they die or are destroyed.

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# 7

## 7 PARKING & DRIVEWAYS

### 7.1 PURPOSE AND INTENT

Parking lots and similar facilities are necessary elements in the urban environment. While it is expected that on-street parking will contribute substantially to parking demand, sufficient off-street parking must also be provided to serve the particular needs of the building(s).

However, the provision of parking facilities must be regulated in order to avoid negative impacts such as:

- Increased storm water volume, velocity and pollutants;
- Increased surface level heat and glare;
- Reduction in the efficiency of the connecting street system;
- Reduction in the operations of the surrounding pedestrian and bicycle network; and
- Interruption of a vibrant and attractive streetscape character.

The purpose of this section is to ensure the adequate provision of parking in Summerville without degrading the urban or natural environment, and to provide clear regulations regarding the location, sizing and screening of off-street parking facilities.

It provides options for adjusting parking requirements and providing parking alternatives. The intent of these standards is to ensure that the parking needs of new land uses and development are met, while being designed and located in a manner consistent with the desired character and development patterns of the community.



### Sections

<b>7.1 PURPOSE AND INTENT</b>	<b>123</b>
<b>7.2 APPLICABILITY</b>	<b>124</b>
<b>7.3 VEHICLE PARKING LOCATION</b>	<b>124</b>
<b>7.4 REQUIRED PARKING</b>	<b>125</b>
<b>7.5 BICYCLE PARKING STANDARDS</b>	<b>127</b>
<b>7.6 PARKING LOT DESIGN STANDARDS</b>	<b>129</b>
<b>7.7 DRIVEWAYS AND OFF-STREET PARKING ACCESS</b>	<b>132</b>

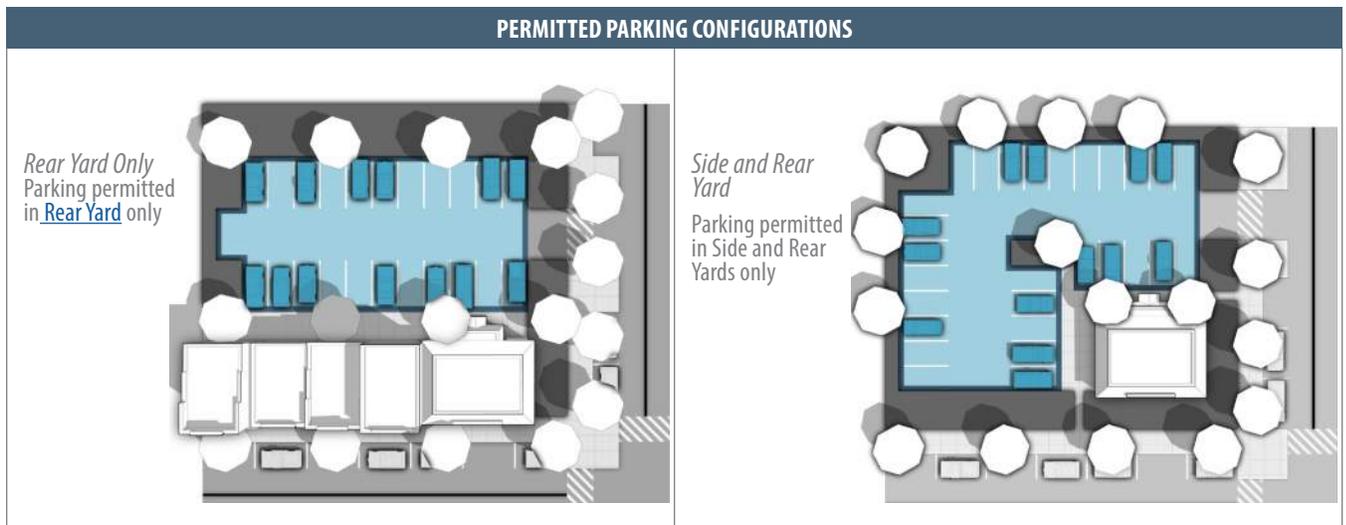
## 7.2 APPLICABILITY

The provisions of this section shall apply to all new and expanded development, as well as certain changes in use and rezoning. However, the provision of additional vehicle parking shall not apply to existing structures where no expansion is proposed and unless the use is converting from a residential use to a non-residential use. The intent is to minimize the amount of paved surfaces for vehicles to the greatest extent possible.

## 7.3 VEHICLE PARKING LOCATION

The following table details the permitted parking locations for each district according to the building types detailed in [Chapter 2](#) of this ordinance. Additional locational requirements may apply to parking areas for specific uses. Such requirements are outlined in [Chapter 3](#) Use Standards. Notwithstanding the parking location requirements below, any property located at a street intersection shall not have parking, loading, or service areas at the corner.

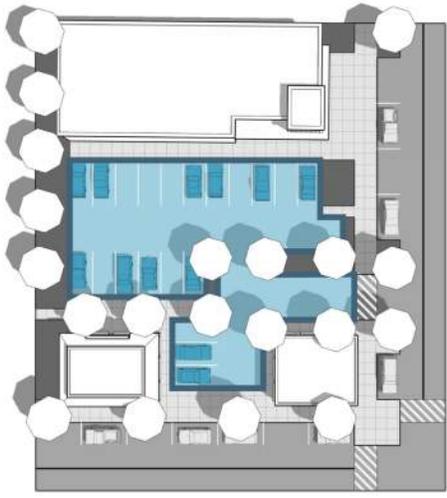
	MIXED-USE DISTRICTS			CONVENTIONAL DISTRICTS			SPECIAL DISTRICTS	
	N-R (1)	N-MX, D-MX	UC-MX	GR-2, GR-5,	MF-R, MH- R, N-B	G-B	L-I, H-I	AC, PL
Permitted Parking Locations								
A: Rear Yard only	X	X						
B: Side and Rear Yard Only			X		X	X		
C: Shopping Center			X			X		
D: Detached House	X			X				
E: Unrestricted					X		X	X
Notes: (1) See <a href="#">Section 7.7.1</a> for provisions related to Off-Street Parking Access/Driveways for Small Residential Lots								



**PERMITTED PARKING CONFIGURATIONS**

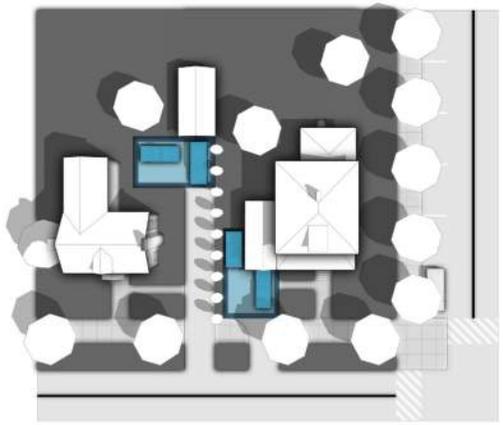
*Shopping Center*

Parking is shielded from the frontage by outparcel/ frontage buildings. This configuration requires CDRB approval.



*Detached House*

Parking permitted in all Yards. Parking in Front Yard is restricted to a driveway or paved surface not to exceed 40% of the lot width.



*Note - Yards are determined in relation to the Primary Frontage as determined by Town Staff.*

## 7.4 REQUIRED PARKING

### 7.4.1 MINIMUM AND MAXIMUM REQUIREMENTS

The number of vehicle and bicycle parking spaces required shall be determined by the table below. Uses not listed below shall use the parking requirement for the most similar use, as determined by Town Staff. All area calculations use gross leasable area (GLA). Calculations which result in a fraction of a space shall be rounded up to the next whole number. If required, parking shall be provided prior to the issuance of the final Certificate of Occupancy.

USE	NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED			EXEMPT FROM BICYCLE PARKING
	MINIMUM	MAXIMUM	CURRENT STANDARDS	
<b>RESIDENTIAL</b>				
Single-Family Dwelling	1 per unit	None	2 per unit	Yes
Accessory Dwelling Unit	1 per unit	None		Yes
Group Home	1 per 2 bedrooms	None	1 per 2 bedrooms	
Residential Care Facilities	1 per 4 units	None		
All Other Residential Uses	1 per unit	None	2 per unit	
<b>LODGING</b>				
Short-Term Rental	1 per unit	None		
Recreational Vehicle Park	None	None		
All Other Lodging Uses	1 per lodging room	200% of minimum	1 per room + 1 per 3 employees	
<b>OFFICE/SERVICE</b>				
Home Occupation	None	None	1 per 200 square feet	Yes

USE	NUMBER OF MOTOR VEHICLE PARKING SPACES REQUIRED			EXEMPT FROM BICYCLE PARKING
	MINIMUM	MAXIMUM	CURRENT STANDARDS	
Medical Office/Clinic	3 per 1,000 square feet	200% of minimum	1 per employee + 2 per doctor	
All Other Office/Service Uses	2 per 1,000 square feet	200% of minimum	1 per 300 square feet	
<b>COMMERCIAL/ENTERTAINMENT</b>				
Bar/Tavern/Nightclub/Brewery	3 per 1,000 square feet	200% of minimum	1 per 4 seats + 1 per 2 employees	
Entertainment, Indoor	To be determined by Town Staff	None	5 per 1,000 square feet	
Entertainment, Outdoor	To be determined by Town Staff	None		
Restaurant	3 per 1,000 square feet	200% of minimum	1 per 4 seats + 1 per 2 employees	
All Other Commercial/Entertainment Uses	2 per 1,000 square feet	200% of minimum	5 per 1,000 square feet	
<b>CIVIC USES AND PARKS</b>				
Cemetery	None	None		Yes
Parks & Playgrounds	None	None		
Recreation Facilities, Indoor and Outdoor	To be determined by Town Staff	None	5 per 1,000 square feet	
Religious Institution (Mixed-use Districts)	None	None	1 per 4 seats + 1 per 2 employees	
Religious Institution (Conventional Districts)	1 per 5 seats in main assembly hall	200% of minimum	1 per 4 seats + 1 per 2 employees	
All Other Civic Uses and Parks	2 per 1,000 gross square feet	200% of minimum	5 per 1,000 square feet	
<b>INSTITUTIONAL</b>				
Family Day Care Home	None	None		Yes
Group Child Care Home	2 per 1,000 square feet	200% of minimum		Yes
Commercial Child Care Center	2 per 1,000 square feet	200% of minimum		
All Other Institutional Uses	1 per 1,000 square feet	200% of minimum	2 per bed + 5 per 1,000 square feet	
<b>VEHICULAR</b>				
Drive-Thru/Drive-In Facility	None	None		Yes
All Other Vehicular Uses	1 per 1,000 square feet	200% of minimum		Yes
<b>INDUSTRIAL/WHOLESALE/STORAGE</b>				
All Industrial/Wholesale/Storage	None	None	1 per 2 employees + 1 per company vehicle	
<b>AGRICULTURE</b>				
All Agricultural Uses	None	None		Yes
<b>INFRASTRUCTURE</b>				
All Infrastructure Uses	None	None		Yes

**7.4.2 D-MX - NO MINIMUM PARKING REQUIREMENTS**

There shall be no minimum parking requirement for any use or activity in the Downtown-Mixed-Use District (D-MX).

**7.4.3 SHARED PARKING**

Where vehicular access is provided between adjoining or nearby lots the uses may share required parking spaces subject to a shared parking easement or similar legally binding document. Parking spaces required for churches, theaters or assembly halls, the peak attendance of which will be at night or on Sundays, may be those which are partially or wholly assigned to another use which will be closed at night or on Sundays, provided that such shall be approved by Town Staff.

**7.4.4 CREDIT FOR ON-STREET PARKING**

In commercial, mixed-use and multifamily districts, on-street parking spaces adjacent to the lot frontage may count towards the minimum number of required parking spaces.

**7.4.5 OFF-SITE (SATELLITE) PARKING**

If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property, provided that such property lies within 800 feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

**7.4.6 MAXIMUM PARKING**

Parking may be provided up to a maximum of 200% of the minimum required in [Section 7.4.1](#). All spaces over the maximum amount allowed must be constructed with pervious materials approved by Town Staff. For parking that exceeds 200% of the minimum required, the developer must submit parking data to support the need for the additional parking as well as the results of a shared parking analysis before Town Staff can grant the increase in parking.

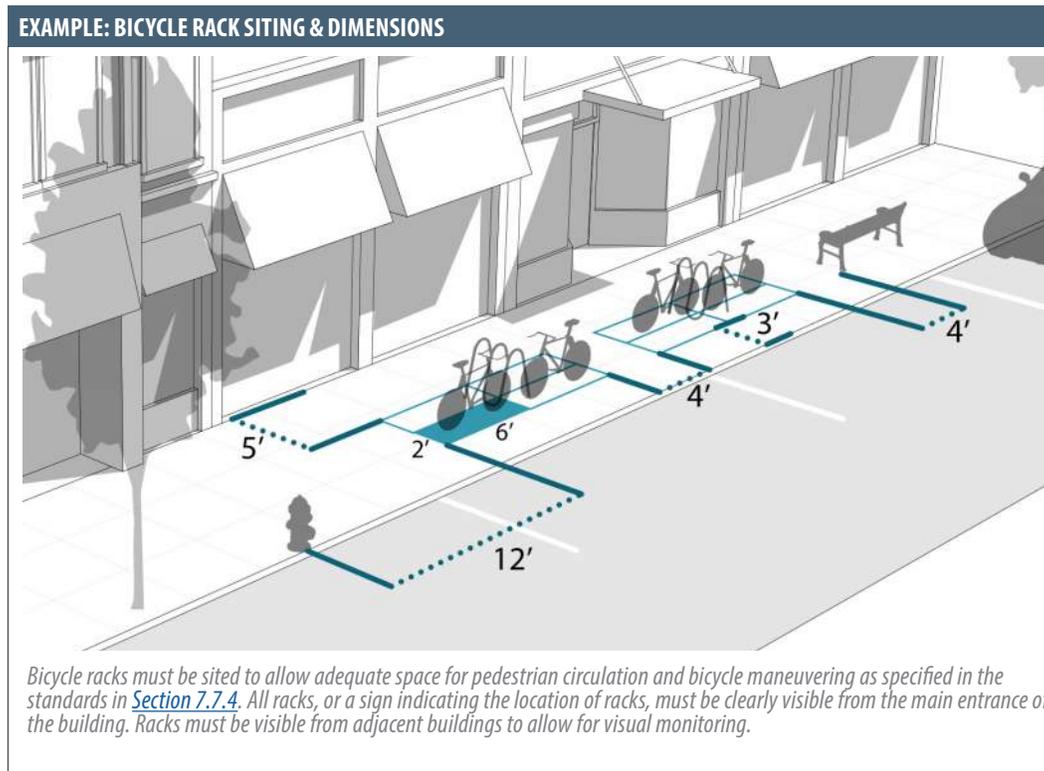
**7.5 BICYCLE PARKING STANDARDS**

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**7.5.1 BICYCLE PARKING**

- A. Applicability: Bicycle parking is required for all uses noted in table in [Section 7.4.1](#).
- B. Required Spaces: Two bicycle parking spaces shall be provided plus an additional bicycle parking space for every 15 vehicular parking spaces thereafter. After 15 bicycle parking spaces are provided, the requirement shall be decreased by half.
- C. Bicycle parking shall be provided in accordance with the following standards:
  1. Bicycle parking shall be placed in a convenient, highly-visible, active, and well-lit location not more than 100 ft walking distance of the main entrance, but shall not interfere with pedestrian movements.
  2. Bicycle parking spaces should be dispersed throughout large parking areas such as those found in shopping centers and all bicycle parking spaces shall be as convenient as possible and no less convenient than the American with Disabilities Act parking requirements.
  3. Acceptable bicycle parking elements, location, access, area, and site conditions shall conform to the latest edition of the Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Guidelines.

4. Racks shall be secured to the ground on a hard surface such as concrete, asphalt, or unit pavers.
  5. Each bicycle parking space shall provide 6 feet by 2 feet in area per bicycle and at least 4 feet between parallel racks for access.
  6. Bicycle racks installed on sidewalks should provide for a clear, unobstructed width of at least 5 feet for pedestrians and should be installed at least 3 feet from the face of the curb.
  7. Bicycle parking shall be located no closer than 3 feet to any wall to provide adequate space for access and maneuvering and a minimum of 4 feet from existing street furniture and other obstruction (e.g., mailboxes, light poles, benches) and be no closer than 12 feet from the edge of fire hydrants.
- D. Maintenance: The bicycle racks and spaces required by this ordinance shall be maintained and kept clean and in proper working order at all times.
- E. Long-Term Bicycle Parking: The provision of long-term bicycle parking (long-term storage protecting the entire bicycle and its components from inclement weather) for employees, tenants or residents is strongly encouraged.



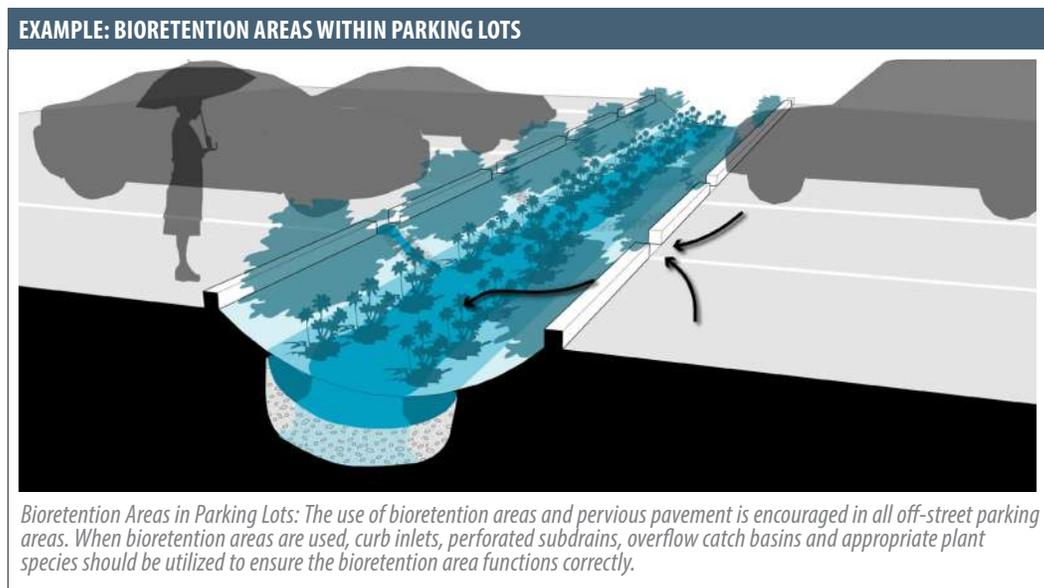
## 7.6 PARKING LOT DESIGN STANDARDS

### 7.6.1 GENERAL DESIGN PRINCIPLES

- A. Utility/Emergency Vehicle Circulation: Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles without posing a danger to pedestrians or impeding the function of the parking area.
- B. Encroachment: Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure. Parking stalls shall be located a minimum of 10 feet from public rights-of-way and buildings to allow sufficient separation for sidewalks, landscaping and other site features except along the backs of buildings in areas designed for loading and unloading.
- C. Parking Space Marking: Off-street parking areas of 4 or more spaces and off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and distinguishing such spaces from aisle and other circulation features.
- D. Parking Space Dimensions: All parking spaces, including compact spaces, shall be designed and constructed in accordance with industry standard specifications.
- E. Compact Spaces: Up to 25% of all required parking spaces may be dimensioned and labeled as compact.
- F. Electric Vehicle Parking: All parking facilities shall include electric vehicle charging stations, or similar alternative fuel facilities, in a ratio of at least one station for every 100 automobile parking spaces to a maximum of 12 stations.

### 7.6.2 PAVING MATERIALS

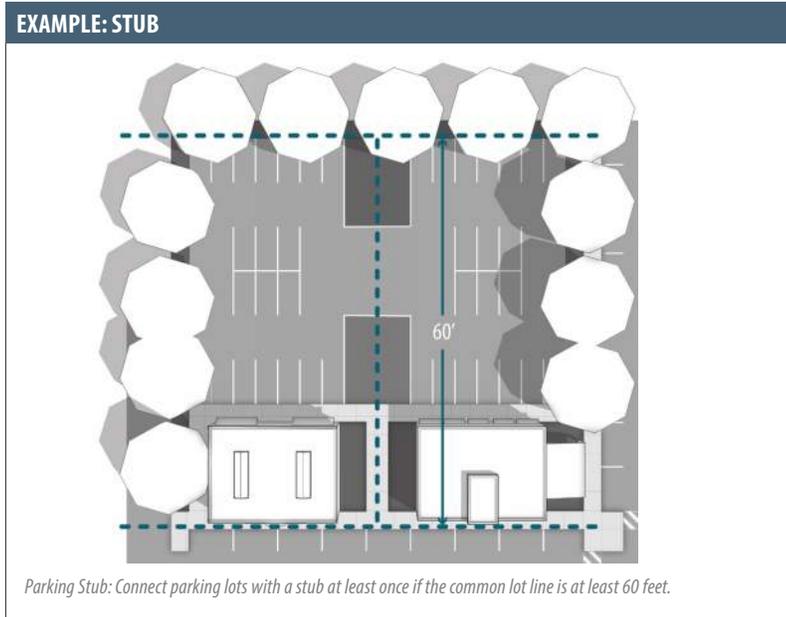
- A. Off-street parking areas for ten or more cars, maneuvering areas and passageways established in connection with such facilities shall be provided with a dust-proof surface and with adequate drainage facilities. The use of pervious material shall be not be permitted in travel lanes.
- B. Parking areas should be organized to provide consolidated landscape areas as opportunities for passive stormwater management including bioretention areas where possible.



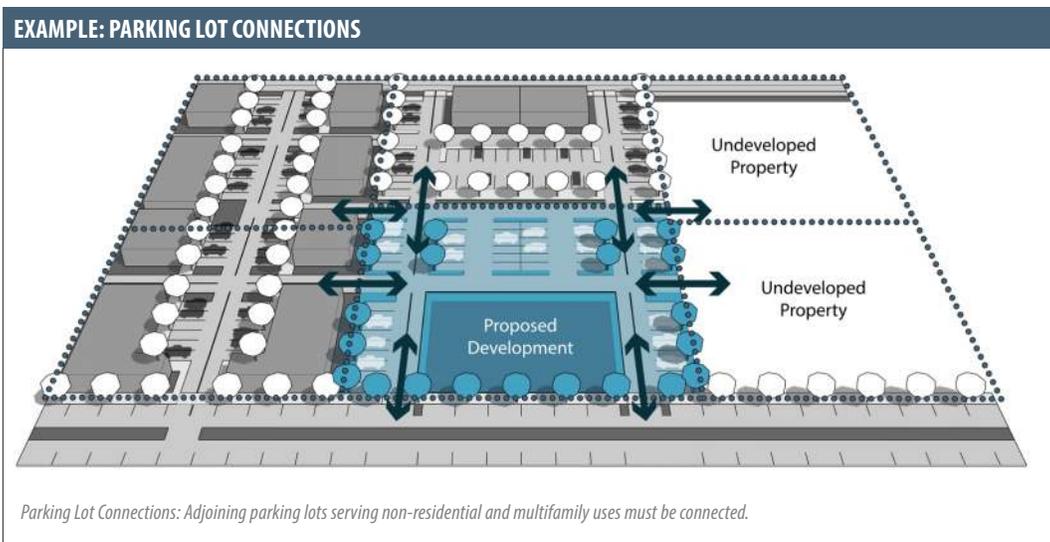
### 7.6.3 PARKING LOT CONNECTIONS

Adjoining parking lots serving non-residential and multifamily uses shall be interconnected according to the following standards:

- A. At least 1 connection “stub” shall be provided at all common lot lines that share a boundary of at least 60 feet.



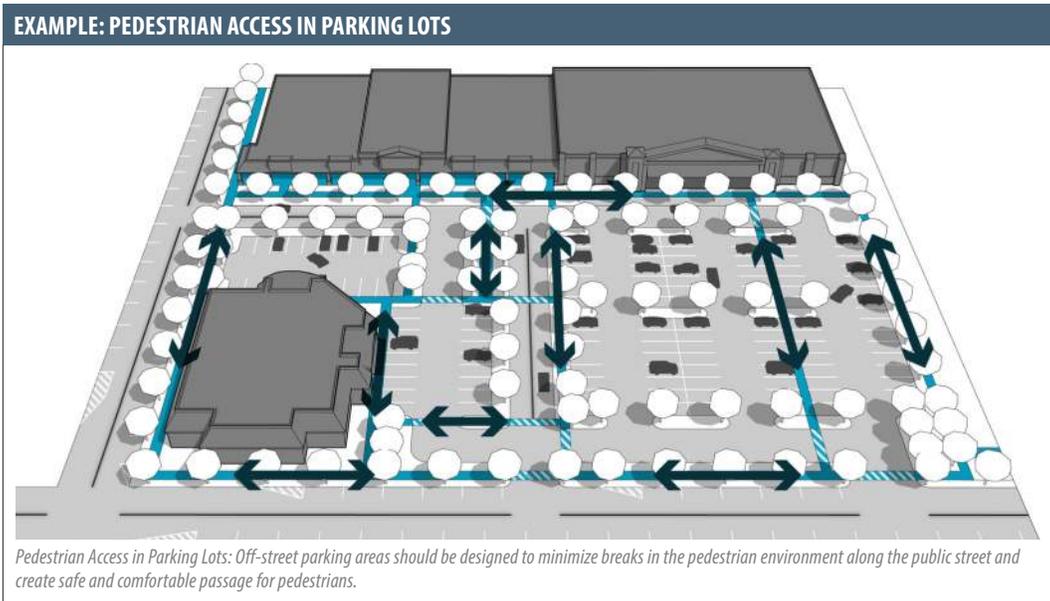
- B. All connection(s) shall be at least 20 feet wide and permit two-way vehicular circulation.
- C. If applicable, the connection(s) shall align with any previously established connection(s) on an adjacent property.
- D. The connection(s) shall have a slope of no greater than 15%.
- E. The connection(s) shall not be placed where a building on an adjacent property would hamper traffic movements within the parking lot.
- F. The connection(s) shall be placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of 8 inches or more.
- G. An easement for ingress and egress to adjacent lots through the connection(s) shall be recorded by the property owner with the appropriate Register of Deeds in the form of an easement plat and documentation submitted to Town Staff.
- H. In the event these conditions cannot be met without undue hardship, or if such connections would create undesirable traffic flow, Town Staff may waive or adjust the connection requirements as appropriate.
- I. Separate and clearly marked pedestrian routes between the parking lot and the public right-a-way must be included.



#### 7.6.4 PEDESTRIAN ACCESS

Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building. On small parking lots (36 spaces or less), this may be achieved by providing a sidewalk at the perimeter of the lot. On larger parking lots, parking rows shall be oriented perpendicular to the main building entrance(s) and corridors within the parking area should channel pedestrians from the car to the perimeter of the parking lot or to the building.

Pedestrian corridors in parking lots shall be delineated by a paving material that differs from that of vehicular areas and shall be planted to provide shade. The use of small posts or bollards to provide additional delineation and separation of pedestrian and vehicular corridors is encouraged.



## 7.7 DRIVEWAYS AND OFF-STREET PARKING ACCESS

Any use which requires a driveway (lowered or cutaway curbs, for purposes of ingress or egress) shall be subject to the provisions of this section. All new driveways must be approved by the Town; Berkeley, Dorchester, or Charleston counties; or SCDOT, as appropriate. Driveways connecting to a town right-of-way shall be reviewed and approved as part of a subdivision or site plan approval, or as an independent Encroachment Permit according to the procedures outlined in [Chapter 13](#).

### 7.7.1 OFF-STREET PARKING ACCESS/DRIVEWAYS FOR SMALL RESIDENTIAL LOTS (LESS THAN 1/2 ACRE)

The following standards shall apply to residential lots less than 1/2 acre:

- A. Lots of 50 Feet or Less in Width: Garages or off-street parking areas shall be accessed only from an alley. Driveways shall not be permitted to connect to the fronting street.
- B. Lots between 50 Feet and 60 Feet in Width: One driveway of no more than 12 feet in width may be used to provide access to garages or off-street parking areas in the rear yard of the lot only (the garage must be recessed 20 feet behind the plane of the main building facade).
- C. Lots of 60 Feet or More in Width
  - 1. If the street side elevation of an attached garage is side-loaded (i.e., oriented at least 90 degrees to the street) the attached garage may be flush with the front building facade. In all other conditions, the garage must be recessed 10 feet behind the plane of the main building facade.
  - 2. In a townhouse development, garages and townhouse entrances shall alternate, so that no garage is adjacent to another garage.
  - 3. For attached units, a maximum of 1/3 of the linear dimension of the front facade of an individual unit may be garage.
  - 4. For Detached Houses, the maximum width of a front-loaded garage shall be 25 feet.
  - 5. The maximum curb cut for a driveway shall be 12 feet wide. Driveways may widen, if necessary, to a maximum of 20 feet at the garage, but at no time may the width of a driveway exceed 1/3 of the lot width.
- D. Alley-accessed garages shall be setback 15 feet from the alley centerline.
- E. Off-street parking areas on lots served by alleys shall be constructed of pervious materials.

### 7.7.2 OFF-STREET PARKING ACCESS/DRIVEWAYS FOR ALL OTHER LOTS

- A. Curb Cuts: Curb cuts shall be minimized in width and number in order to limit interruption to the public sidewalk, streetscape and perimeter landscaping.
- B. Maximum Permitted Number: The maximum number of driveways allowed for any property shall be as follows:

FRONTAGE WIDTH	*MAXIMUM PERMITTED DRIVEWAYS (CURB CUTS)
50 feet or Less	1
Between 50 feet and 150 feet	2
150 feet or More	2 - Additional driveways shall be permitted only after the applicant successfully demonstrates the necessity for such additional driveways as determined by Town Staff.
<i>*Permitted driveways may be combined entrances and exits as necessary</i>	

- C. Joint-Use Driveways: Wherever feasible, Town Staff shall require the establishment of a joint-use driveway serving 2 abutting properties. When a property is developed before an abutting property is developed, the site shall be designed to ensure that its driveway and circulation may be modified to create a joint-use driveway and interconnected parking with the abutting property at a later date.

**7.7.3 LOCATION**

- A. Visibility: Driveways shall be located at a point along the frontage where it is possible for drivers of vehicles entering the street to see in both directions along the traveled way far enough to allow entering the roadway without creating a hazardous situation. A 15-foot by 15-foot sight distance triangle shall be maintained at all intersections between driveways and streets. Within the sight distance triangle no fence, wall, sign (except regulatory and street name signs), embankment, landscaping or structure shall be placed, erected or maintained which will obstruct visibility.
- B. Minimum Separation: All driveways shall have a minimum separation from certain features as follows:

FEATURE	MINIMUM SEPARATION
Adjacent Property Line (does not apply to shared or joint-use driveways)	5 ft
Another Curb Cut (driveway or street intersection) on a Local Road	25 ft*
Another Curb Cut (driveway or street intersection) on Arterial Roads and Thoroughfares* - <i>Depends on Posted Speed Limit</i>	
<35 mph	200 ft*
40 mph	250 ft*
45 mph	300 ft*
50 mph	400 ft*
55+ mph	500 ft*
<i>*As measured from centerline of the driveway or street</i>	

**7.7.4 WIDTH**

To maintain pedestrian comfort and calm the speed of entering traffic, driveways to parking areas shall not exceed 24 feet in width (2 lanes) or 12 feet in width (1 lane), except those with turn lanes required by the Town or other approving agency.

**7.7.5 DRIVEWAY SPACING**

Lot entrance and exit drive curb cuts shall be no more than 30 feet in width. Curb cuts shall be not less than 25 feet apart, provided, however, that this distance shall be increased should the lot frontage on a street permit such increase. Entrance and exit drives shall be located at least 25 feet from a street intersection's closest edge of travel lane. Where feasible, business establishments on contiguous lots are encouraged to consolidate entrance and exit points. Suitable provisions shall be made to prevent entrances or exits other than those made at designated entrance or exit drives.

**7.7.6 MANEUVERING**

When determining parking area requirements for individual uses, portions of the public rights-of-way on minor streets may be considered as permissible for maneuvering incidental to parking. On major streets, parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.

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# 8

## 8 TREE PRESERVATION, LANDSCAPING & SCREENING

### 8.1 PURPOSE & INTENT

The purpose and intent of these regulations is to establish minimum standards for the preservation of existing landscape and the planting of new trees and shrubbery in order to:

- A. Better control soil erosion,
- B. Reduce the hazards of flooding,
- C. Stabilize ground water tables,
- D. Absorb carbon dioxide,
- E. Provide shade for cooling,
- F. Screen noise, dust, and glare,
- G. Protect and replace trees to enhance property values,
- H. Maintain and/or improve aesthetic values
- I. Preserve, protect and enhance the natural environment

### 8.2 APPLICABILITY

#### 8.2.1 APPLICABILITY

The landscaping regulations apply to both public and private property, according to the following standards:

- A. New Development: All standards of this section shall apply.
- B. Existing Development: For major changes of use please see Town Staff for applicability.



### SECTIONS

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- C. Exemptions: The regulations set forth in this section shall apply to all real property within the town limits, subject to the following exceptions:
1. Commercial timber operations: Commercial timber operations shall be exempt from the provisions of this section. The town encourages the retention of a 50 foot buffer of existing trees adjacent to all public rights-of-way.
  2. Wetlands mitigation: The mitigation of wetlands pursuant to a development order or approved plan from, and the requirements of, the state coastal council or the Army Corps of Engineers shall be exempt from the provisions of this section.
  3. Commercial tree operation exemption: Trees grown specifically for sale by commercial nurseries are exempt from the provisions of this section.
  4. Agricultural exemption: Any bona fide agricultural use shall be exempt from the provisions of this section.
  5. Utility companies, electric suppliers and governmental agencies: Utility companies, electric suppliers and governmental agencies in the course of constructing or maintaining easements for water, sewer, electricity, gas, drainage, telephone or television transmission or rights-of-way shall be exempt from the provisions of this section provided that the applicable company, supplier or agency has executed an agreement with the town which, at a minimum:
    - a. Minimizes trimming of Grand Trees that do not substantially interfere with the intended purpose of construction or maintenance
    - b. Establishes design guidelines for construction and maintenance which identifies the saving of Grand Trees as a factor to be considered in the design process
    - c. Provides a mandatory consultation process with the town prior to the commencement of major construction or maintenance or the removal of Grand Trees
    - d. Specifies that trees to be removed from the public rights-of-way by electric utilities and other utilities may be required to be replaced by such entity in equal quantity with an approved species from the Suggested Plant Species List on file with Town Staff.
    - e. Provides that a breach of such agreement constitutes a violation of this section and a loss of exemption from the requirements of this section.

### 8.2.2 CONTEXT REFERENCE GUIDE

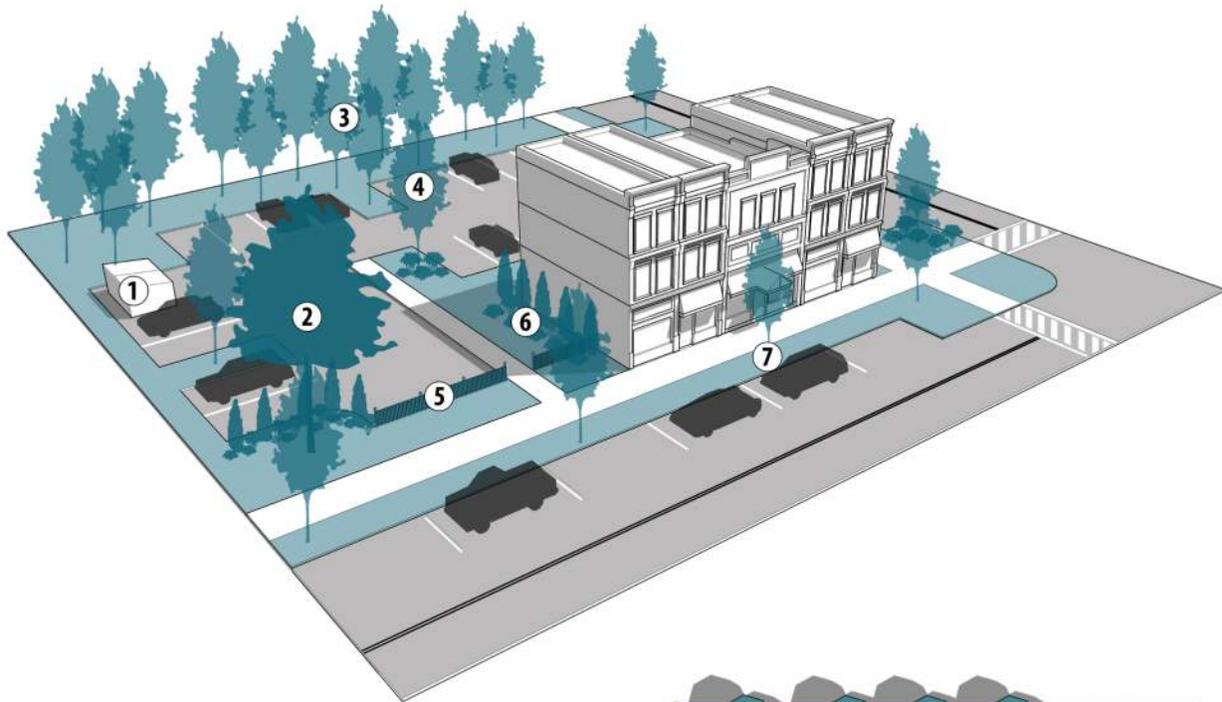
The landscaping guidelines found in this chapter are intended to be context sensitive. The following contexts will be addressed:

- Urban Residential (N-R)
- Urban Mixed Use (N-MX, D-MX, UC-MX)
- Suburban Residential (GR-2, GR-5, MF-R, MH-R)
- Suburban Commercial (N-B, G-B)
- Industrial (L-I, H-I)

### 8.2.3 SCOPE OF THESE STANDARDS

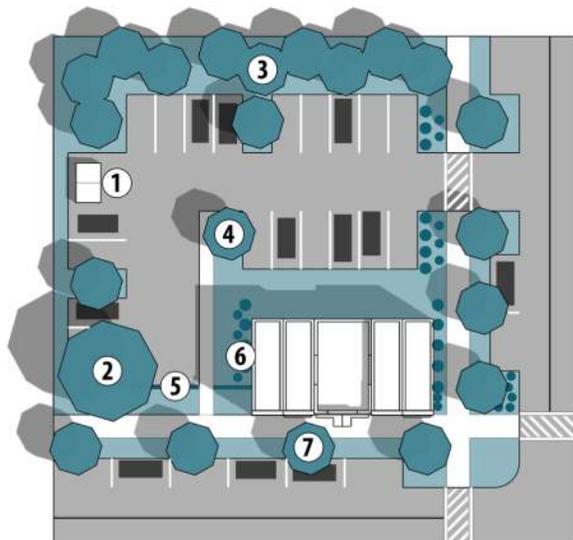
There are six principal elements of tree protection and landscaping that apply to each site

- Tree Protection: The protection of existing individual trees and forest stands on public and private property
- Street Trees: The systematic planting of new trees within or adjacent to the street right-of-way
- Site Landscaping: The installation of new vegetation (or protection of existing contributing vegetation) on a site
- Site Specific Vegetation: Plant material selected and customized for unique site conditions
- Parking Area Landscaping: The installation of screening elements and shade trees around and within parking lots
- Screening: The physical separation of sites through the use of various landscape treatments



**KEY**

- ① Place for dumpster: add perimeter screen
- ② Tree protection: save "grand" trees
- ③ Preserve existing trees in the perimeter
- ④ Parking lot shade trees
- ⑤ Screen wall
- ⑥ Site landscaping
- ⑦ Street trees



## 8.3 TREE PROTECTION

### 8.3.1 PERMIT REQUIRED FOR REMOVAL OF TREES OVER 8 INCHES DBH

No person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any trees in excess of eight (8) inches DBH (Diameter at Breast Height - 4.5 feet above grade) without approval. This section shall not restrict the ability of the town, public utilities and electric suppliers from maintaining safe clearance around utility lines subject to the provisions below.

- A. Permit Required: A permit shall be required for the removal or destruction of trees in accordance with the procedures set out in [Sections 13.3.4](#), [13.7.1](#) and [13.9.1](#). The permit shall be issued when Town Staff in conjunction with the Tree Protection Board has determined that:
  - 1. The trees to be removed are dead, diseased, irreparably damaged, hazardous, or clearly causing damage to the property or injury to person in the opinion of a certified arborist, or
  - 2. The density of trees is great enough that removal of some would be beneficial to the overall area, or
  - 3. The tree removal is part of a greater development plan for which an approved landscape plan has been issued pursuant to this section.
- B. Removal by Utilities: Trees to be removed from the public rights-of-way by electric utilities and other utilities must be replaced by such entity in equal quantity in an approved location and with an approved species from the Suggested Plant Species List on file with Town Staff.
- C. Tree Removal and Mitigation Standards

TREE SIZE (DBH)	LOCATION/ CONTEXT	PRESERVATION REQUIREMENTS	MITIGATION STANDARDS
1. Individual Tree Removal (Post-occupancy, No construction activity)			
Grand Trees (16 inches or greater)	All areas	Removal prohibited except as approved by the Tree Protection Board and in accordance with the mitigation standards. See also note (1) below.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. See also note (4) below.
Protected Trees (8 inches or greater)	All areas	Removal prohibited except as approved by Town Staff and in accordance with the mitigation standards. See also note (1) below.	Must replant trees with a minimum combined DBH equal to 50% of the tree(s) removed. See also note (4) below
		(1) Removal without mitigation is permitted if necessitated by emergencies, death, disease, or damage not caused by the property owner as determined by staff. Removal without mitigation is also permitted for the removal of invasive species or if a tree(s) was removed due to the density of the trees on the lot. (as defined on the SC invasive species list) (2) Requirements for the interior portion of a lot may be reduced by planting more trees in Perimeter areas than is otherwise required by <a href="#">Section 8.4 Site Landscaping</a> or <a href="#">Section 8.6 Screening</a> . (3) Trees less than 8 inches that are required as part of mitigation are prohibited from being removed. (4) Trees planted on site for mitigation must also comply with standards 2-5 laid out in <a href="#">Section 8.3.2 A</a> .	

TREE SIZE (DBH)	LOCATION/ CONTEXT	PRESERVATION REQUIREMENTS	MITIGATION STANDARDS
<b>2. Construction Activity/Site Development</b>			
Protected Trees (8 inches or greater)	Perimeter of Lot (Suburban, Industrial)	Full preservation of all Protected Trees is required in all yards (front, side and rear) except for any required or permitted driveways, roads, easements and drainage structures. See also note (1) below.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. See also note (4) below
	Perimeter of Lot (Urban)	Full preservation of all Protected Trees is required in side and rear yards only except for any required or permitted driveways, roads, easements and drainage structures. See also note (1) below.	Must replant trees with a minimum combined DBH equal to 100% of the tree(s) removed. See also note (4) below
	Interior of Lot (Suburban, Industrial)	A combined DBH greater than or equal to 160 inches per acre OR Twenty (20) trees per acre, whichever is greater. See also note (2) below.	Replanting required at same trees/ acre ratio. See also note (4) below
	Interior of Lot (Urban)	A combined DBH greater than or equal to 60 inches per acre OR Ten (10) trees per acre, whichever is greater. See also note (2) below.	Replanting required at same trees/ acre ratio. See also note (4) below
		<p>(1) Removal without mitigation is permitted if necessitated by emergencies, death, disease, or damage not caused by the property owner as determined by staff. Removal without mitigation is also permitted for the removal of invasive species or if a tree(s) was removed due to the density of the trees on the lot. (as defined on the SC invasive species list)</p> <p>(2) Requirements for the interior portion of a lot may be reduced by planting more trees in Perimeter areas than is otherwise required by <a href="#">Section 8.4 Site Landscaping</a> or <a href="#">Section 8.6 Screening</a>.</p> <p>(3) Trees less than 8 inches that are required as part of mitigation are prohibited from being removed.</p> <p>(4) Trees planted on site for mitigation must also comply with standards 2-5 laid out in <a href="#">Section 8.3.2 A</a>.</p>	

**8.3.2 MITIGATION ALTERNATIVES**

Where Town Staff has determined that site constraints result in the inability to provide for all the required trees (as many trees as possible must be planted on site) the remaining balance of required trees must be planted on public properties using the Tree Bank or Tree Replacement Fund Alternative. Town Staff shall decide whether to require replacement of trees or accept a fee.

**A. Tree Bank**

1. The tree bank site location shall be in the same planning area of the Town as the project site. (Town Staff has final authority to determine site location).
2. Each tree bank tree must be 3 inch caliper size at a minimum.
3. All tree bank trees must be long-lived, hardy, native or naturalized, and compatible with local conditions, with good aesthetic value, healthy, and disease and pest free and approved by Town Staff.
4. To prevent a monoculture among plantings, the town shall require a diversity in the trees planted. Depending on the number of trees planted, there shall be a diversity of the plantings as follows:
  - 5 to 10 trees: minimum 2 types of trees to be planted;
  - 10 to 20 trees: minimum 4 types of trees to be planted;
  - 20 to 100 trees: minimum 7 types of trees to be planted;
  - Greater than 100 trees: minimum 10 types of trees to be planted.
5. All tree bank trees are to be guaranteed for 1 full year after planting. Any trees that die within this time period must be replaced by the developer and/or permittee.

- B. **Tree Replacement Fund:** If the tree banking alternative is not desirable, then the tree replacement fund is the alternative to meet tree density requirements. If constraints result in the inability in using the Tree Bank alternative then the installed cost of the remaining balance of required trees must be contributed to the Tree Replacement Fund. The following criteria must be observed:
1. In cases where any or all replacement trees cannot be adequately accommodated on a site, the developer/owner shall, in lieu of planting the trees, pay a fee to the town.
  2. The required replacement fee shall be 100% of the total cost to plant the balance of trees that were unable to be planted to satisfy the site density requirement or recompense tree requirements. This fee will be based on the current market retail value of three inch caliper trees installed to the American Association of Nurserymen standards.
  3. Revenue collected in this fund shall be placed in the Tree City USA account and be used solely to support tree planting for the beautification of public lands in the Town limits. Upon recommendation and report of Town Staff, Town Council may authorize expenditures of funds from the Tree City USA account to provide maintenance for threatened Grand Trees on private property in the Town limits or beautification efforts on private property.

### 8.3.3 PRESERVATION DURING CONSTRUCTION

- A. **Prohibited Activities:** Trenching, placing backfill in the critical root zone (CRZ), driving or parking equipment in the CRZ, and dumping of trash, oil, paint or other materials detrimental to plant health in close proximity of the trees to be preserved is prohibited.
- B. **Barriers Required:** Protective barricades shall be placed around all trees designated to be saved, prior to the start of development activities or grading. Such barricades shall be erected at a recommended minimum distance from the base of protected trees according to the following standards:
1. For trees 10 inches or less diameter at breast height (DBH): Protective barricades shall be placed a minimum distance of 10 feet from the base of each protected tree, or outside the dripline, whichever is greater.
  2. For trees greater than 10 inches DBH: Protective barricades shall be placed at a minimum distance equal to 10 feet from the base of a protected tree plus an additional 1 foot for each additional 1 inch DBH greater than 10 inches DBH, or outside the dripline, whichever is greater.
  3. Protective barriers shall consist of barriers approved by the Planning Department (a minimum of 4 feet in height). Protective barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, stockpiled soil or other construction debris. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of the existing trees. Any violations must be addressed immediately or a stop work will be issued.
  4. Construction access to a site should occur where an existing or proposed entrance/exit is located. Except for driveway access points, sidewalks, and curb and gutter, land disturbance within a tree dripline is prohibited subject only to the exceptions noted in [Section 8.3.3](#) below.
  5. Where grading within a tree dripline cannot be avoided, cut and fill shall be limited to 1/4 to 1/3 of the area within the dripline. Tree roots must be pruned with clean cuts at the edge of the disturbed area, and no fill shall be placed within the dripline of a tree without venting to allow air and water to reach the roots.
- C. **Replacement of Preserved Trees:** Should any tree designated for preservation in the landscape plan

die, the owner shall replace it within 180 days of confirmed death with landscaping equal to that required in this ordinance. Improper construction practices can lead to the death of preserved trees for many years following project completion. This ordinance requires owner obligation to extend to 5 years post construction to ensure preserved trees actually survive.

- D. Required Preservation Areas: The following shall be preserved (See [Sections 6.2.1](#) and [6.5.1](#)):
1. Trees and native undergrowth (excludes invasive exotics or noxious weeds) in designated open space in an approved plan, except for permitted pathways; and
  2. Grand trees - those within the right of way or those shading the pedestrian zone of the street. If the preservation of certain grand trees is in conflict with build-to or setback requirements, Town Staff may grant exceptions on a case-by-case basis. Also, large specimens of invasive exotics, such as mimosa, are not to be considered grand trees.
- E. Other Preservation Areas
1. Existing vegetation in other areas shall be preserved whenever feasible.
  2. The decision to preserve trees shown on the environmental inventory shall be made jointly by Town Staff, developer and design team in conjunction with the Tree Protection Board during the project approval process (See [Section 13.9](#)).
  3. When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition and species of tree; and location of site improvements and utility connections.

## 8.4 SITE LANDSCAPING

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### 8.4.1 APPLICABILITY

The following provisions for site landscaping shall apply to all sites in Suburban Business (N-B, G-B) and Industrial (L-I, and H-I) Districts except where such buildings have a 0-foot setback from the public sidewalk.

### 8.4.2 MINIMUM REQUIREMENTS

- A. Minimum Required Area: A minimum 5-foot wide area, measured perpendicular from the building, shall be provided for landscaping along any side of the building facing a public right-of-way or park. Up to 25% of the building width along the street or park may be exempt from this requirement in order to provide entrance walkways/plazas.
- B. Minimum Required Landscaping: The minimum required landscaping shall consist of one of the following every 40 linear feet:
1. 2 small maturing trees,
  2. 10 shrubs, or
  3. Any equivalent combination thereof.
- C. Location of Plantings: The 40-foot requirement shall only serve as a ratio for establishing the minimum required landscaping. In locating the minimum required landscaping care shall be taken to ensure that adequate space is provided for the width of tree spread, height and root system requirements.

## 8.5 PARKING AREA LANDSCAPING

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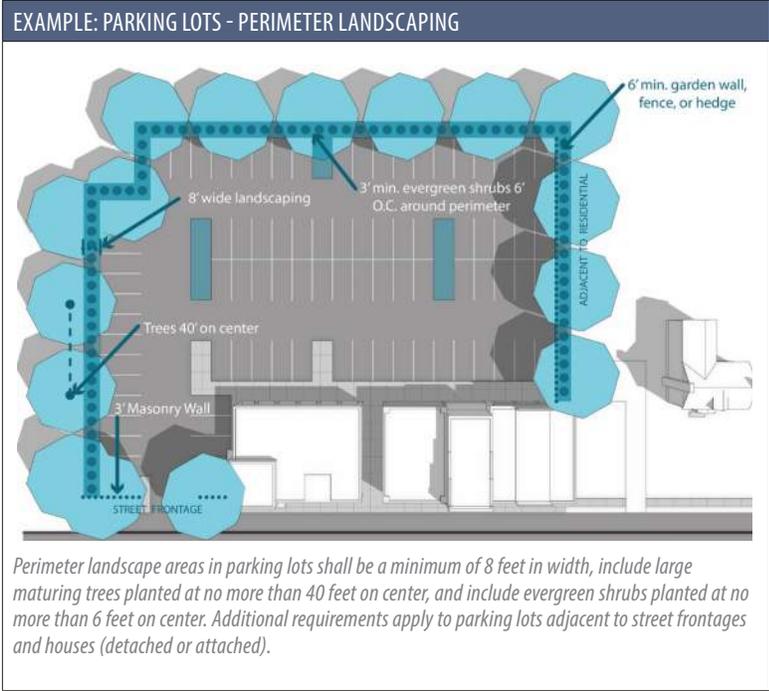
### 8.5.1 APPLICABILITY

The parking area landscaping requirements of this section shall apply according to the following standards.

- A. Existing Parking Lots: All expansions of impervious surfaces in existing parking lots with 5 or more spaces shall comply with this section.
- B. New Parking Lots: All new parking lots of 5 or more spaces shall comply with this section.
- C. Small Parking Lots: For small lots (36 spaces or less), landscaping shall be required at the perimeter only, according to the standards of [Section 8.5.2](#).
- D. Large Parking Lots: For large lots (more than 36 spaces), landscaping shall be at the perimeter and the interior, according to the standards of [Sections 8.5.2](#) and [8.5.3](#). In large lots, the landscaping shall be placed to break the lot into parking modules of not more than 36 spaces.

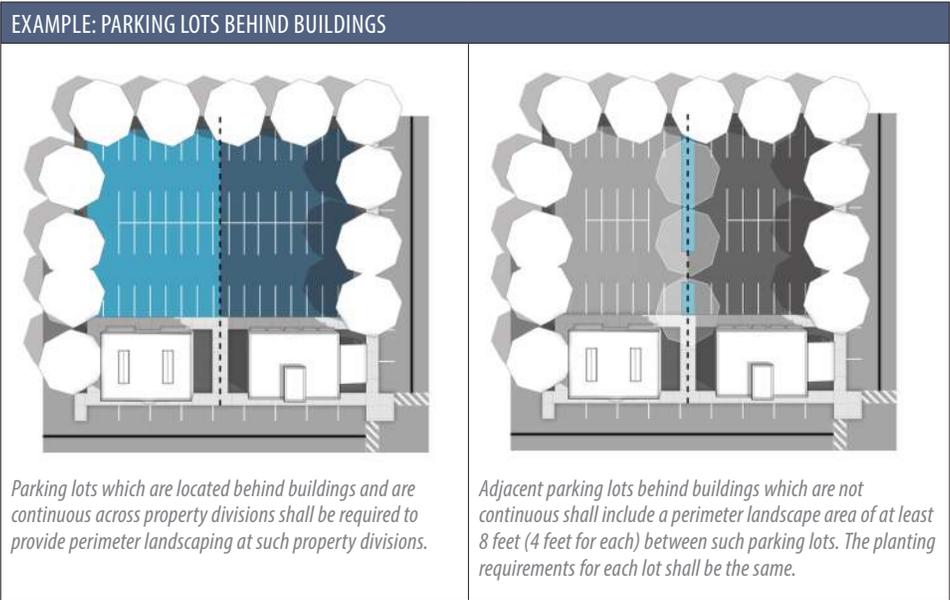
### 8.5.2 PARKING LOTS- PERIMETER LANDSCAPING & SCREENING

- A. Minimum Width: Perimeter landscape areas shall be a minimum of 8 feet in width adjacent to all parking spaces and travel areas.
- B. Required Trees: Large maturing trees shall be planted a minimum of 40 feet on center.
- C. Required Shrubs: A continuous row or staggered row of evergreen shrubs, with a minimum expected height at maturity of 3 feet, shall be installed at not more than 6 feet on center. If used in addition to a wall or fence, the evergreen shrubs shall be planted on the exterior side of such features.
- D. Additional Requirements for Parking Lots Adjacent to Street Frontage: A masonry wall or garden hedge (minimum 3 feet in height, maximum 3 feet 6 inches in height) shall be installed along any street frontage adjacent to parking areas. At sidewalks with extensive pedestrian use, the masonry wall is subject to sight visibility triangles.
- E. Additional Requirements for Parking Lots Adjacent to Detached and Attached Houses: Off-street parking areas adjacent to Detached and Attached Houses, as defined in [Section 2.2](#), shall be screened from such buildings by one of the following
  - 1. A garden wall or hedge not along public right-of-way (minimum 6 feet in height); or
  - 2. Evergreen shrubs planted at a minimum of 6 feet on center and a minimum of 3 feet in height at the time of planting with an expected maturity height of at least 6 feet; or
  - 3. A combination of the above options.



F. Exception for Parking Lots Behind Buildings

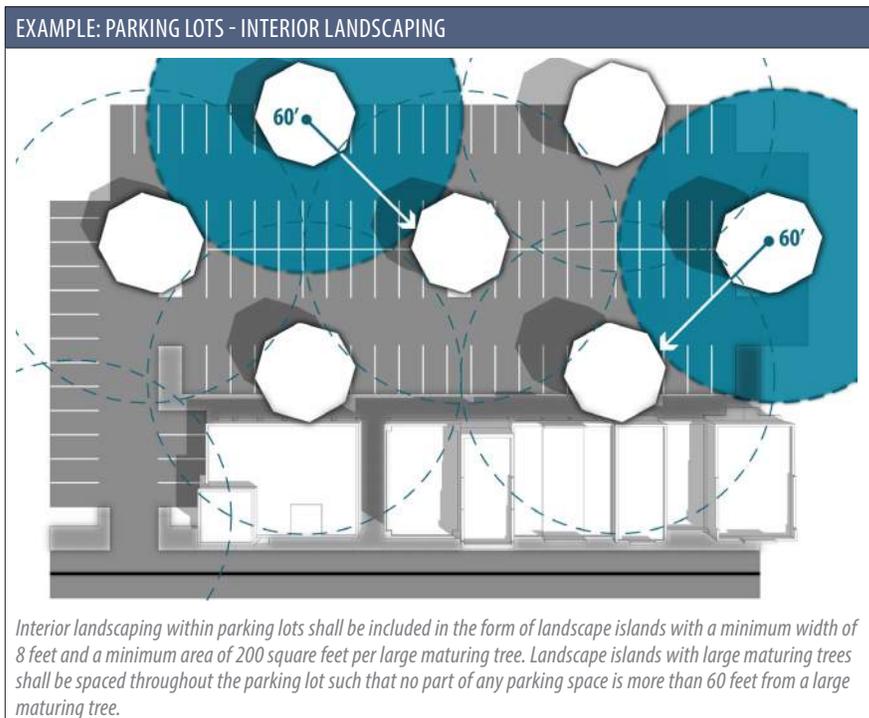
1. Adjacent parking lots which are located behind buildings and are continuous across property divisions shall not be required to provide perimeter landscaping at such property divisions.
2. If adjacent parking lots behind buildings are not continuous, and are connected across property divisions by a drive only, the width of the perimeter landscaping area between the two lots shall be 8 feet total, 4 feet for each parking lot. The minimum required perimeter landscape plantings for each parking lot shall not be reduced.



- G. Natural Buffers: Where a natural buffer exists adjacent to parking areas, it is to remain undisturbed. The removal of undergrowth and limbing up of trees is prohibited unless approved by Town Staff as part of a tree removal permit. Only dead wood and invasive exotics are allowed to be removed. All buffers required for environmental protection as set out in [Chapter 11](#) shall remain completely undisturbed, except for permitted pathways.
- H. Existing Vegetation: Existing vegetation located in the perimeter landscape area which is designated for preservation may be applied toward the requirements of this section.

### 8.5.3 PARKING LOTS - INTERIOR LANDSCAPING

- A. Landscape Islands
  1. Landscape islands within parking lots shall be located so as to define and direct vehicular movement.
  2. Landscape islands shall have an overall minimum width of 8 feet, an overall minimum length of 18 feet, and an overall minimum depth of 3 feet.
  3. Landscape islands with large maturing trees shall include a minimum of 200 square feet of pervious space per tree
- B. Minimum Spacing: Large maturing trees shall be planted within the interior landscape islands of parking lots so that no part of any parking space is more than 60 feet from the center of a tree. This should be illustrated on submitted landscape plans as part of the approval process.
- C. Other Landscaping Areas: All areas not specifically required for parking or circulation should be landscaped with plant material or sod at the discretion of the DRB.



## 8.6 SCREENING/BUFFERS

### 8.6.1 BUFFERS

Perimeter Buffers as required by the provisions of this ordinance are intended to provide spatial separation between incompatible uses and to promote compatibility between new or expanding residential subdivisions and surrounding land uses. These buffers may be included in buffers that are required for protection of environmentally-sensitive areas such as floodplains or wetlands as required by other sections of this ordinance.

- A. Required District Buffers: Landscaped perimeter buffers shall be preserved or established along the adjoining boundary lines of all sites located within Conventional Business (N-B, G-B) and Industrial (L-I, H-I) Districts as defined in [Chapter 2](#); along the boundary of Mixed-Use Districts (N-MX, D-MX, UC-MX) adjacent to GR-2, GR-3, and GR-5 Districts; along all boundary lines of residential subdivisions at least 25 acres and/or 50 lots and MF-R developments; and along perimeter road corridors that will not have lots directly fronting upon them (e.g., major thoroughfares) to screen the side and rear elevations of any homes within the subdivision.

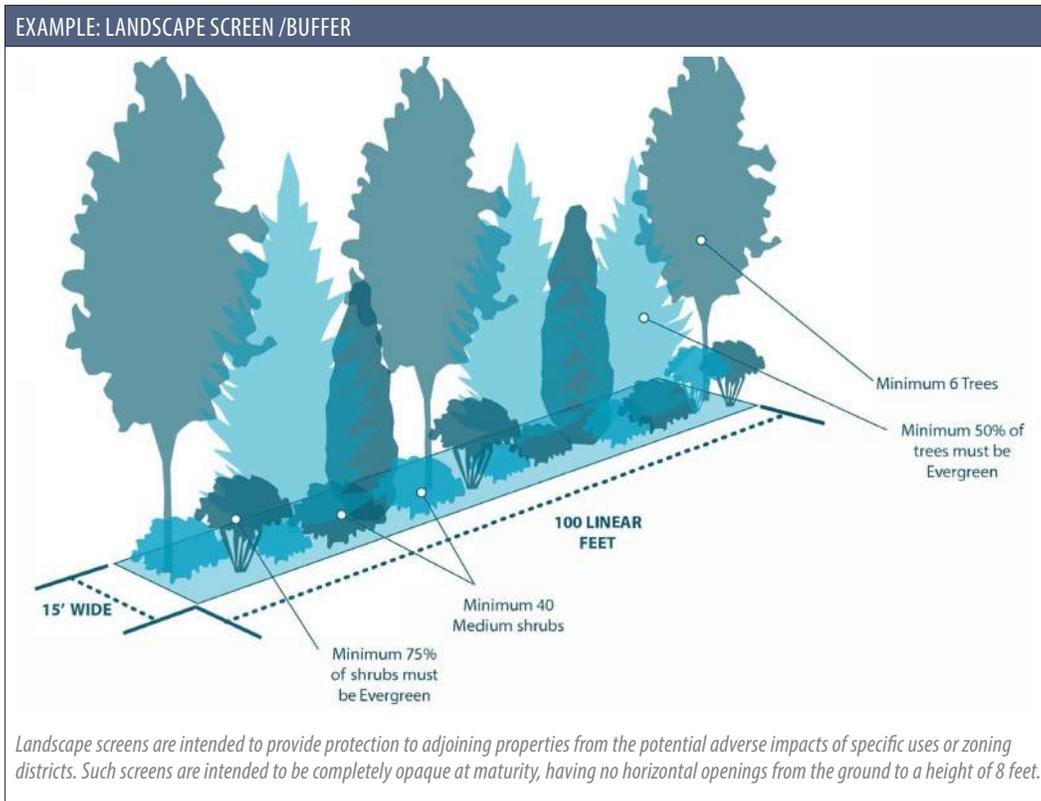
REQUIRED BUFFER WIDTH AND PLANTING		
PROPOSED DEVELOPMENT/DISTRICT	ABUTTING USE OR DISTRICT	MINIMUM WIDTH
Business (N-B, G-B)	Business or Industrial Districts	5 ft min.
	All Other Districts	30 ft min.
Industrial (L-I, H-I)	Business or Industrial Districts	15 ft min.
	All Other Districts	60 ft min.
Mixed-Use Districts	GR-2, GR-3, or GR-5	15 ft min.
MF-R & Residential Subdivision boundary	All Other Districts	15 ft min.
Residential Subdivision perimeter road frontage	Major roads such as major thoroughfares to screen the side and rear elevations of any homes from view from the thoroughfare	50 ft min.

- B. Composition of Required Buffer: Each 15 foot increment shall be composed of a landscape screen depicted in 8.6.2 below. This requirement may be satisfied with the preservation of existing vegetation.
- C. Maintenance of Required Plantings: Trees and shrubs shall not be pruned in any manner that would significantly diminish the desired softening character of the buffer except in accordance with standard horticultural practice or except as required at driveway sight triangles. Trees shall not be limbed-up from the ground more than 7 feet to the lowest branches except in accordance with ANSI A300 pruning standards or as required at driveway sight triangles.
- D. Permitted Improvements within Perimeter Buffers: Perimeter Buffers shall contain only vegetation with the following exceptions:
  1. Vehicular access driveways may encroach into buffers only if the driveway is placed approximately perpendicular to the buffer, or if the driveway is shared by adjoining parcels.
  2. Sidewalks and bicycle paths, provided that they shall not count toward meeting the required landscaped area.
  3. Signage, lighting fixtures, and street furniture.
  4. Walls, fences, arbors, trellises, and sculpture.

5. Utility lines and services. (Note: Utility access shall be designed to provide the least intensive impacts on the existing vegetation and should utilize existing rights-of-way and easements for such utility, where possible. In the event utilities and/or subsequent easements occupy 30 percent or more of the buffer, the required buffer width shall still be maintained internal to the development beyond the limits of such utilities and/or easements.
- E. Residential subdivision boundary and road corridor buffers shall be platted separately as common area or open space. These buffers may be utilized as open space, provided such areas are platted separately as common area, designated and maintained as such, and meet all applicable requirements of [Sections 6.5](#) and [6.6](#) of this Ordinance. All required buffers must be located within the principal residential subdivision.

### 8.6.2 LANDSCAPE SCREENS

- A. Applicability: Landscape screens shall be required anywhere that [Chapter 2](#) - District Standards and/or [Chapter 3](#) - Use Standards specify requirements for a landscape screen. Where landscape screens are required, they shall be installed in accordance with the provisions below.
- B. Minimum Width: For a landscape screen, a minimum 15-foot wide pervious space shall be provided, unless another width is deemed appropriate by Town Staff during the approval process based on site conditions.
- C. Minimum Required Landscaping
  1. A minimum of 6 large maturing trees and 40 shrubs shall be planted for each 100 linear feet of landscape screen area to provide continuous coverage.
  2. Trees shall be a minimum 50% evergreen.
  3. Shrubs shall be a minimum 75% evergreen.
- D. Existing Vegetation: Town Staff will evaluate the quality and opacity of existing vegetation to determine if supplemental plantings are required to achieve 100% opacity at maturity. Existing vegetation located in the required landscape screen area which is designated for preservation may be counted toward the minimum required landscaping for landscape screens as long as such vegetation meets the following requirements:
  1. Free from pests or structural problems;
  2. Clearly shown on the site plan;
  3. Approved by Town staff prior to development as meeting the intent of the landscaping requirements;
  4. Not considered invasive or noxious plants; and
  5. Adequately protected before and during grading and development of the site.



### 8.6.3 SCREENING OF MECHANICAL REQUIREMENT AND GARBAGE CONTAINERS

- A. Rooftop Mechanical Equipment: Rooftop mechanical equipment shall not be visible from any street or public park/greenway. Unused equipment should be removed.
- B. Other Project Elements
  1. Required Screening: The following project elements shall be concealed and contained or screened from view from public right-of-ways, public property or property being used for residential purposes. In these visible locations screening shall be constructed with materials similar to the structure(s) they serve. Alternatively, these elements shall be located so as not to be visible from any public view or from potential buildings nearby:
    - a. Mechanical equipment;
    - b. Utility meters;
    - c. Storage areas;
    - d. Solid waste containers (including dumpsters, compactors, recycling containers, and solid waste and recycling handling areas);
    - e. Transformers;
    - f. Generators; and
    - g. Similar features or other utility hardware on the building, roof, or ground.
  2. Design: These elements must be integrated with the site and building plan, be designed so as not to attract attention and be easily serviceable.

3. Exceptions:
  - a. Mechanical equipment, garbage and refuse containers used on a temporary basis for construction activities.
  - b. See [4.7.2 D](#) for industrial properties.

## 8.7 INSTALLATION & MAINTENANCE STANDARDS

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All vegetation required by this section shall meet the planting specifications provided below unless otherwise approved by Town Staff.

### 8.7.1 GENERAL STANDARDS

- A. Planting Seasons: For optimal health of the material, all required plantings should be generally be installed during the spring or fall planting seasons.
- B. Quality of Plantings: All new plant material shall be of good quality, installed in a sound, workmanlike manner and meet the standards set forth in the American Standard for Nursery Stock by the American Association of Nurserymen.
- C. Size of Plantings: Large maturing trees must be no less than 3” caliper at time of planting. Small maturing trees must be no less than 2” caliper at time of planting. Evergreen shrubs must be a minimum of 7 gallon at time of planting, and ornamental shrubs and grasses must be a minimum of 5 gallon at time of planting.
- D. Existing Vegetation Preferred: Use of existing vegetation, native plants, drought tolerant plants, and water conserving irrigation techniques is encouraged. Preservation of tree save areas is encouraged and generally favored over preservation of scattered individual trees.
- E. Soil Compaction: Installation and construction practices shall be utilized which preserve existing topsoil or amend the soil to reduce compaction.
- F. Preservation of Topsoil
  1. Original topsoil must be utilized as topsoil in any areas that remain pervious.
  2. When a site is graded, the topsoil being removed from the ground shall be stored on site and repositioned as topsoil in the pervious areas of the site as needed in those areas.
- G. Staking: All trees shall be properly guyed or staked in accordance with accepted practices in the landscape industry, to prevent winds from loosening the roots.
- H. Groundcover: In conjunction with any development, ground cover shall be planted or mulch installed to a depth of 3 inches on all portions of exposed bare ground not otherwise developed or landscaped. This shall include planting strips and other areas within rights of way that are contiguous to the development site. Ground covers shall provide 75% coverage within 1 calendar year from the time of planting for grass and 50% coverage within 1 calendar year for other materials. Mulch shall only be pine straw or non-dyed hardwood mulch.
- I. Irrigation: Irrigation shall be required in all new development unless Town Staff specifically waives this requirement based on the unique character of the development and/or the nature of the proposed plant material.
- J. Maintenance Required: Landscaping shall be maintained in good condition and shall be kept free from refuse and debris.

- K. Severe Trimming/Pruning Prohibited: Severe trimming, pruning or other maintenance that results in significant alteration of the natural shape of a tree or modification of the central leader (including “lollipopping,” “hat-racking” or similar techniques) is prohibited, except in conjunction with public utility maintenance.
- L. Sight Distance Triangles: No plants shall be planted within the sight distance triangle at an intersection, or driveway access points unless an unobstructed view between 30 inches and 6 feet in height is maintained.
- M. Overhead Utility Lines: Where large maturing trees are required and overhead utility lines exist or are proposed, small maturing trees (a maximum of 15 feet in height) planted 1 per 30 linear feet and setback from poles, guys and switchboxes a minimum of 15 feet shall be substituted with the approval of Town Staff.
- N. Drainage Swales and Underground Utilities: Trees shall be planted a minimum of 5 feet from the centerline of drainage swales and underground utilities including drainage structures.
- O. Encroachment Agreement: No irrigation lines may be installed within the planting strip, or other portions of the public right-of-way, without an encroachment agreement executed by the town or SCDOT as appropriate.

### 8.7.2 REPLACEMENT PLANTING AND MITIGATION

- A. Replacement planting of trees or other landscaping features or other appropriate mitigation measures shall occur where any vegetation used to comply with the requirements of this section, does not survive in a healthy condition.
- B. Where replacement planting is required the total caliper inches of replacement trees shall equal at least one-third of the total DBH of the trees to be removed. However, where replacement planting is required as a result of a violation of the UDO, the total caliper inches of replacement trees shall equal at least 100% of the total DBH of the trees that were removed.

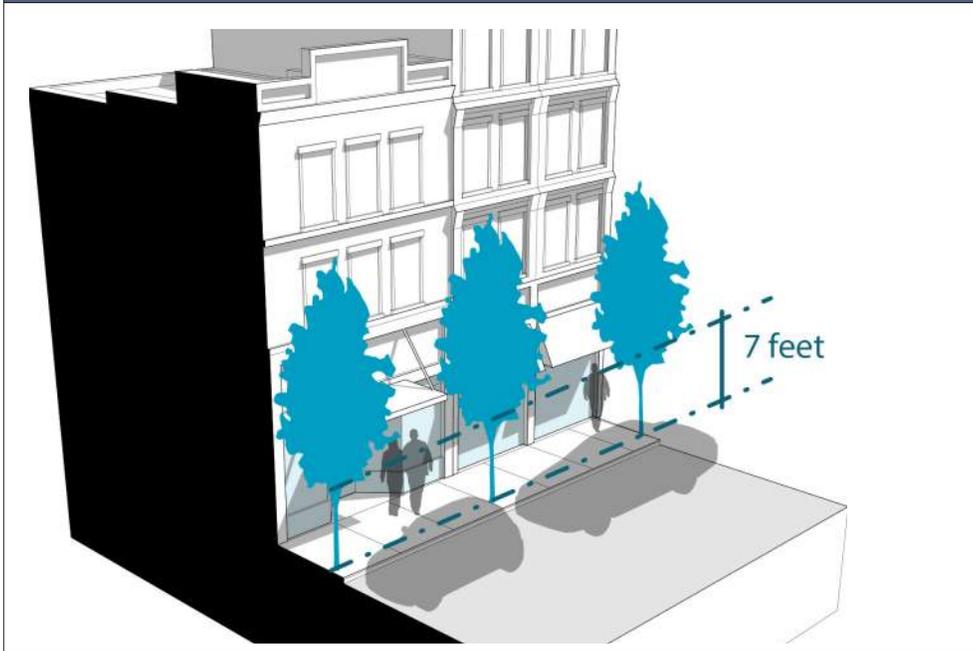
### 8.7.3 PLANT MATERIAL SPECIFICATIONS

- A. Plant Species List: Where new landscape materials are to be installed, the type of material used shall be complimentary to plant materials existing on the property and on adjoining properties if within master plan developments. Use of native plant materials is strongly encouraged. Town Staff maintains a list of recommended plants. This list is not exhaustive, and creative plant selection is encouraged. Native plants are desirable, but non-native plants adapted to our climate may be appropriate as well. These lists simply serve as a guide; however, the town will not approve the use of Bradford pear trees, hackberry trees, mimosa trees, silver leaf maples, water oak trees, popcorn trees, and other species found on the SC invasive species list.

### 8.7.4 MAINTENANCE

- A. The owner of the property is responsible for the continued proper maintenance of all landscaping.
- B. Street trees in subdivisions will be maintained by the associated HOA.
- C. Trees in the public right-of-way and those on private property which encroach into the public right of way above a public sidewalk must be maintained so that the lowest limbs are a minimum of 7 feet above the grade of the sidewalk to create an unobstructed movement zone for pedestrians.

EXAMPLE: MAINTENANCE - TREES ENCROACHING ON SIDEWALKS



## 8.8 ADMINISTRATION

### 8.8.1 ALTERNATE METHODS OF COMPLIANCE

- A. Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from utility easements, unified development design, or unusual site conditions.
- B. Town Staff may approve an alternate plan that proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this chapter.
- C. The performance of alternate landscaping plans shall be evaluated by Town Staff to determine if the alternate plan meets the intent and purpose of this section. This determination shall take into account the zoning classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening height, spread, and canopy of the planting(s) at maturity.
- D. Decisions regarding alternate methods of compliance can be appealed to the Design Review Board.

### 8.8.2 REVISIONS TO APPROVED LANDSCAPE PLANS

Due to seasonal planting problems and/ or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by Town Staff if:

- A. There is no reduction in the quantity of plant material;
- B. There is no significant change in size or location of plant materials; and
- C. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

### 8.8.3 EMERGENCIES

In the case of emergencies such as windstorms, ice storms, fire, or other disasters, the town may waive the requirements of this section in a manner to be determined by either Town Council, the Mayor, and/or his designee during the emergency period so that the requirements of this section will in no way hamper private or public work to restore order in the town. This shall not be interpreted to be a general waiver of the intent of this ordinance.

### 8.8.4 INSTALLATION

- A. A Certificate of Occupancy for the development shall not be issued unless the landscaping required under this section is installed in accordance with these standards and in accordance with the approved site plan.
- B. Temporary occupancy may be granted prior to completion of landscaping requirements on approved plans provided that a performance bond or other approved surety is posted with the town in an amount equal to 150 percent of the estimated landscaping cost. Landscaping not completed at the time of occupancy must be completed within 180 days after occupancy under this bond and should be installed during the fall and spring planting seasons for optimal life expectancy.

**8.8.5 INSPECTIONS**

Town Staff may inspect the site one year after the issuance of a permanent Certificate of Occupancy in order to ensure compliance with the approved site plan and to ensure that the landscaping is properly maintained.

**8.8.6 PUBLIC TREE MANAGEMENT**

Public trees within the town are considered to be a valuable public resource. Public trees shall include all trees growing on town-owned property, within the town street rights-of-way, in parks, around public facilities, and on all other town maintained properties within the town limits. Public trees shall include trees located on South Carolina Department of Transportation rights-of-way which were planted by or are maintained by the town. In order to appropriately care for and maintain these public resources, the town will work to create inventories and develop work plans as described in this section. The Town Staff and/or the Tree Protection Board shall be responsible for public tree care and management as follows:

- A. Maintain a current inventory of all public trees. The inventory data gathered and recorded for each tree shall include, at a minimum, the following information:
  1. Location (address or latitude/longitude coordinates);
  2. Tree species;
  3. DBH;
  4. Condition;
  5. Maintenance needs.
- B. Develop an annual work plan for the management of public trees utilizing tree inventory information. The work plan shall contain the following plans and schedules:
  1. Tree planting;
  2. New tree maintenance including mulching, irrigation, and young tree training, pruning;
  3. Tree pruning;
  4. Tree mulching;
  5. Tree removal.

# 9 LIGHTING

## 9.1 PURPOSE AND INTENT

The purpose of this section is to regulate exterior lighting in order to enhance the areas being lit; help ensure the safety of pedestrians, cyclists and drivers; and minimize light spillage and glare.

## 9.2 APPLICABILITY

### 9.2.1 APPLICABILITY

The provisions of this section shall apply to all development in the Town of Summerville and future annexations unless exempted in accordance with Section 9.2.2 below. A lighting plan shall be required as part of any landscape plan submitted through a site plan or design review process (See [Section 13.4](#)).

### 9.2.2 EXEMPTIONS

The following lighting types shall be exempt from the requirements of this section:

- A. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular lights.
- B. All hazard warning lights required by Federal regulatory agencies and in compliance with adopted standards.
- C. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public area outdoor lighting.
- D. Lighting associated with holiday, festival or other temporary uses.



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- E. Lighting of public art that has been permitted or otherwise approved by the Town.
- F. Other Municipal or State lighting installed for the benefit of public health, safety, and welfare.
- G. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.
- H. Lighting of US and South Carolina State Flags provided the flag standard/pole does not exceed the maximum permitted building height for that district.

## 9.3 DESIGN STANDARDS

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### 9.3.1 GENERAL STANDARDS

The following standards are required of all exterior lighting with the exception of street lighting (See [Section 9.4](#)):

- A. Design: Exterior lighting shall be consistent with the architectural character of the building as determined by the reviewing body.
- B. Quantity: The quantity of fixtures to be provided shall be based upon the desired level of uniform illumination as established in [Section 9.3.3](#) below.
- C. Location: Fixtures shall be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.  
All lighting poles shall be located at least 10 feet from property lines defining rear and side yards.  
Light sources shall not be located within any perimeter-landscaped areas with the exception of pedestrian walkways or in compliance with sub-section D below.
- D. LED Lighting: The use of LED lighting or other high efficiency lighting equal to or higher performing than LED as approved by Town Staff is required for all lighting of public buildings, spaces, and rights-of-way and is strongly preferred for all other locations.
- E. Shielding: Building lighting and landscaping lighting shall be located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, building foundation, plantings, or other site features and away from adjoining properties and the street right-of-way.  
Any upwardly-directed lighting used to illuminate structures shall be limited to low-wattage architectural lighting.  
Lighting used to illuminate pedestrian walkways and signage shall be downcast or cutoff type lighting fixtures.
- F. Maximum Height: The maximum height as measured from grade for outdoor lighting, except outdoor recreation and performance areas, shall be:
  - Non-Cut-Off Lights: 12 feet
  - Cut-Off Lights: 25 feet
- G. Hours of Illumination: Public and institutional uses, commercial uses, and industrial uses (heavy and light) that are adjacent to existing residential development or vacant land in the PL Zoning Districts shall turn off all exterior lighting within 1 hour of closing with the following exception:
  1. Lighting that is necessary for security or emergency purposes—meaning the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas, may be turned on at all times. Additional standards for security lighting are noted in [Section 9.3.2](#) Security Lighting.

**9.3.2 SECURITY LIGHTING**

- A. Motion Activated Security Lights: Unshielded flood and spotlights, with 675 lumens or less, installed for security and activated by motion sensor, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light spillage.
- B. Floodlights
  - 1. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical and shall be positioned such that any such fixture located within 50 ft. of a public street right-of-way is mounted and aimed perpendicular to the right-of-way (with a side-to-side horizontal aiming tolerance not to exceed 5 degrees from perpendicular to the right-of-way).
  - 2. All flood or spot lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
- C. Landscape and Decorative Lighting: Landscape and decorative lighting, of 600 lumens or less is permitted, provided that the light is installed and aimed to prevent lighting build up and light spillage.
- D. Lights with Photosensors: Area “dusk to dawn” open-bottom lights, with photosensors that automatically turn the light on and off at certain levels of ambient illumination, are permitted. These lights must be full cutoff.

**9.3.3 AVERAGE MAINTAINED FOOTCANDLES REQUIREMENTS**

- A. Measurement: The maximum permitted illumination shall be measured in average maintained footcandles from ground level. This average shall be arranged to prevent light spillage as specified in [Section 9.3.4](#) below.
- B. Level of Illumination: The level of illumination shall be based on the primary activity in each area to be lighted as shown in the table below. Foot-candle designations represent measurements for the average intensity at grade.

LIGHTING TYPE	MAINTAINED FOOTCANDLES		ADDITIONAL NOTES/REQUIREMENTS
	MAXIMUM	MINIMUM	
<b>1. UTILITY LIGHTING</b>			
a. Street Lighting	2.0	0.5	• Also see <a href="#">Section 9.4</a> for additional street lighting standards
b. Pedestrian Paths/ Sidewalks	1.0	0.5	
<b>2. AREA LIGHTING</b>			
a. Commercial/Mixed-Use Areas	2.0	1.0	• As measured at the property line • Outdoor lighting from commercial and mixed-use areas shall not shine directly into the yard or windows of a residence.
b. Residential Areas	0.3	n/a	• As measured at the property line
c. Landscaped Areas	2.0	n/a	• Lighting shall be focused exclusively on the plantings and away from adjoining properties and the street right-of-way

LIGHTING TYPE	MAINTAINED FOOTCANDLES		ADDITIONAL NOTES/REQUIREMENTS
	MAXIMUM	MINIMUM	
d. Parking Lots	3.0	1.0	<ul style="list-style-type: none"> <li>Lighting shall be coordinated with trees and landscaping so as not be obscured by such plantings.</li> <li>Lighting fixtures of more than 2,000 lumens shall be cut-off fixtures.</li> <li>Decorative lighting fixtures no more than 18 feet in height shall be installed along pedestrian walkways, as approved by Town Staff. Such lighting shall provide uniform distribution of lighting to produce minimal shadows.</li> </ul>
e. Outdoor Recreation and Performance Facilities	n/a	n/a	<ul style="list-style-type: none"> <li>Fixtures shall be designed and aimed so that their beams fall within the primary playing or performance area and the immediate surroundings only, so as not to shine onto adjacent properties.</li> <li>All fixtures shall be fully shielded or installed with a manufacturer's glare control package so as to minimize up-light, spill-light and glare.</li> <li>Fixtures must not exceed 80 feet in height as measured from grade.</li> </ul>
<b>3. BUILDING EXTERIORS</b>			
a. Entrances (frequent use)	6.0	2.0	
b. Entrances (infrequent use)	1.0	0.5	
c. Building Facade	5.0	2.0	<ul style="list-style-type: none"> <li>Lighting shall be focused exclusively on the building features and away from adjoining properties and the street right-of-way.</li> </ul>

[Note: This table is derived from recommendations of the Illuminating Engineering Society]

**9.3.4 LIGHT SPILLAGE REQUIREMENTS**

Lighting intensities shall be controlled to assure that light spillage and glare are not directed at adjacent properties, neighboring areas, drivers, or the sky. The table below shows the maximum light permitted, as measured in footcandles, at the property line in order to prevent light spillage.

LIGHTING TYPE	MAXIMUM FOOTCANDLES AT PROPERTY LINE
A. Commercial/Mixed-Use Areas	2.0
B. Residential Areas	0.3
C. Parking Lots	3.0
D. Outdoor Recreation and Performance Areas	2.0
E. All Other Areas	0.3 (non cut-off lights); 1.5 (cut-off lights)

**9.3.5 LIGHT MEASUREMENT TECHNIQUE**

- A. Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated.
- B. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant.

- C. Measurements shall be made at finished grade (ground level), with the light registering portion of the meter held parallel to the ground pointing up. Light levels are specified, calculated and measured in foot-candles (FC).
- D. All FC values are maintained foot-candles unless otherwise specified.

### 9.3.6 ILLUMINATION OF OUTDOOR SPORTS FIELDS AND PERFORMANCE AREAS

Lighting of outdoor sports fields and performance areas shall comply with the following standards:

- A. Glare Control Package: All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
- B. Hours of Illumination: The hours of operation for the lighting system for any game or event shall continue for a reasonable time after the end of the event
- C. Lighting of fields in GR-2 is prohibited.

### 9.3.7 PROHIBITED LIGHTING TYPES

The following types of lighting are prohibited:

- A. Lasers: Laser source light or any similar high intensity light for outdoor advertising or entertainment that is projected above the horizontal.
- B. Searchlights: The operation of searchlights for advertising purposes.
- C. Flashing Lights: Flickering or flashing lights.
- D. Exception: These may be allowed as determined by Town Staff for special event purposes.

## 9.4 STREET LIGHTING

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### 9.4.1 REQUIRED IMPROVEMENTS

The owner, developer, or subdivider of property shall install street lighting via underground distribution along all proposed streets and along all adjoining existing streets in conformance with the Town of Summerville and appropriate utility standards at the developer's expense. Detailed improvement requirements are noted in [Chapter 5](#) (Infrastructure Standards).

### 9.4.2 DESIGN

- A. Type: In neighborhoods and mixed-use districts, pedestrian-scale street lighting no more than 18 feet in height shall be provided using decorative lighting fixtures provided by the developer, as approved by Town Staff.
- B. Location: The placement of street lighting fixtures in residential and mixed-use areas shall be at 200 foot intervals and at each intersection unless:
  1. The roadway length is less than 200 feet, a street light is placed at the intersection, and no natural features obstruct the light source, in which case a street light will not be required at the end of the street; or
  2. The vertical and horizontal street alignment or natural features necessitate shorter spacing intervals.
- C. Shadows: Pedestrian lighting shall be placed to minimize shadows on sidewalks.

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# 10

## 10 SIGNS

### 10.1 PURPOSE AND INTENT

It has been found that signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. Therefore, the purpose of this section is:

- A. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
- B. To establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing individual and community interests.
- C. To regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on public and private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, and attractive and harmonious community, and to encourage economic development.
- D. To differentiate between areas that are auto-oriented and those that are pedestrian-oriented.
- E. To promote signs that are compatible with the use, landscape and architecture of the surrounding buildings and sites to which they are appurtenant, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- F. To ensure that the constitutionally guaranteed right of free expression is protected.



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## 10.2 APPLICABILITY

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### 10.2.1 APPLICABILITY

- A. The regulations of this chapter shall apply to the placement, construction, erection, alteration, replacement, maintenance, use, type, quantity, location, material, and size of all exterior signs within the planning jurisdiction of the Town of Summerville. No sign shall be erected, altered or maintained unless it is in compliance with the regulations of this section.
- B. A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and the permit shall be issued by Town Staff. Only one application and permit shall be required for multiple signs that are associated with the same development project.
- C. All applications for signs requiring a permit in the Historic Overlay District as defined by [Section 2.11](#) -- except for sandwich boards, informational and temporary event signs -- shall require additional approval of the Historic District/Board of Architectural Review (BAR).
- D. Master Sign Plans shall be reviewed and decided upon by the Design Review Board (DRB) according to the procedure as defined in [Section 13.8.4](#). All exceptions noted for additional review in this chapter shall be reviewed by the DRB in accordance with [Section 13.8.3](#).

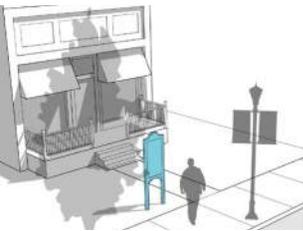
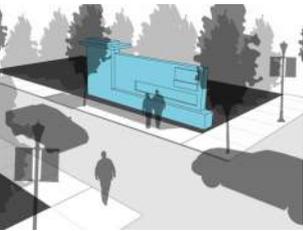
### 10.2.2 GENERAL TO ALL SIGNS

- A. Content Neutral Regulations: Except where otherwise permitted by law, any signs, display or device allowed under this article may contain, in lieu of any other copy, an otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity of service for sale, and that complies with size, lighting and spacing requirements of this article.
- B. Compliance with Other Laws: All signs shall comply with all relevant State and Federal laws.
- C. Signs to Be Located Outside of Right-of-Way: No sign, except for Government Signs or signs otherwise permitted by the Town, may be located within any public right-of-way.
- D. Signs to Be Located Outside of Sight Distance Triangles: No sign may be located within any designated sight distance triangle. Additionally, any sign which is designed to occupy a space between three and ten feet in height shall be located so as not to create a safety hazard by obstructing the vision of pedestrians and motorists entering and exiting the business.
- E. Property Addressing: All permanent, freestanding, on-premises signs shall contain address numerals. The area devoted to required address numerals shall not be included in the calculation of maximum sign area.

## 10.3 RESIDENTIAL SIGNS

### 10.3.1 APPLICABLE DISTRICTS: ALL DISTRICTS

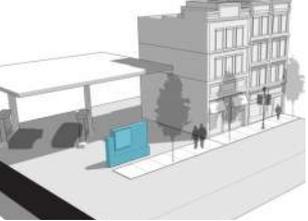
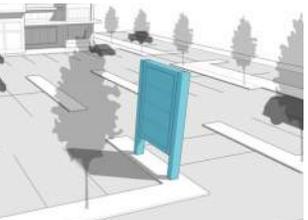
### 10.3.2 SIGNS REQUIRING A PERMIT

PERMITTED SIGN TYPES	MAXIMUM AREA & HEIGHT	OTHER REQUIREMENTS	MAXIMUM NUMBER
<p><b>A. Yard Sign</b></p>  <p>Applicability: For all residential structures</p>	<p>Maximum Area: 6 sq ft Maximum Height: 4 ft</p>	<ul style="list-style-type: none"> <li>External illumination only</li> </ul>	<p>1</p>
<p><b>B. Monument Sign</b></p>  <p>Applicability: For all residential development with more than 20 units and all educational establishments, churches or spiritual institutions, or permitted commercial establishments whose main entrance is set back at least 20 feet from the ROW.</p>	<p>Residential Development Entrances: Maximum Area: 20 sq ft Maximum Height: 6 ft</p> <p>All Other Permitted Applications: Maximum Area: 36 sq ft Maximum Height: 6 ft</p>	<ul style="list-style-type: none"> <li>Minimum setback from the public right-of-way: 10 feet</li> <li>There shall be a maximum of two (2) feet between the ground and the base of the sign face.</li> <li>The base and surrounding structural components of a monument sign must be finished with materials consistent with those of the principal structure on the lot.</li> <li>Monument signs shall be complemented by small shrubs and/or other ornamental plantings, of 60 percent opacity, surrounding the base of the sign structure.</li> <li>Changeable copy shall be subject to 10.4.5.</li> <li>External illumination only</li> </ul>	<p>1 per residential development entrance</p> <p>1 only for all other applications</p>

## 10.4 MIXED-USE, COMMERCIAL, AND INDUSTRIAL SIGNAGE

### 10.4.1 APPLICABLE DISTRICTS: N-MX, D-MX, UC-MX, N-B, G-B, L-I, H-I, AC, PL

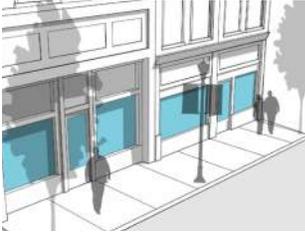
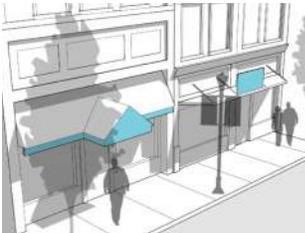
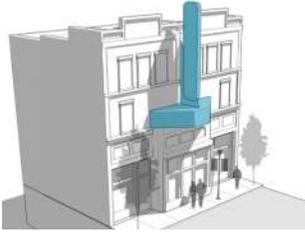
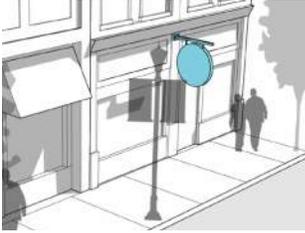
### 10.4.2 FREESTANDING SIGNS REQUIRING A PERMIT

PERMITTED SIGN TYPES	MAXIMUM AREA & HEIGHT	OTHER REQUIREMENTS	MAXIMUM NUMBER
<p><b>A. Monument Signs</b></p>  <p>Applicability: Permitted for all individual buildings whose main entrance is set back at least 20 feet from the ROW.</p>	<p>H-I, L-I, G-B Maximum Area: 50 sq ft Maximum Height: 8 ft</p> <p>N-B Maximum Area: 50 sq ft Maximum Height: 6 ft</p> <p>ALL OTHER DISTRICTS Maximum Area: 36 sq ft Maximum Height: 6 ft</p>	<ul style="list-style-type: none"> <li>▶ May be located anywhere within front or side yard setback unless otherwise noted.</li> <li>▶ There shall be a maximum of two (2) feet between the ground and the base of the sign face.</li> <li>▶ The base and surrounding structural components of a monument sign must be finished with materials consistent with those of the principal structure on the lot.</li> <li>▶ Monument signs shall be complemented by small shrubs and/or other ornamental plantings, of 60 percent opacity, surrounding the base of the sign structure.</li> <li>▶ External illumination only except in G-B and UC-MX</li> </ul>	<p>1 per parcel. For corner lots, an additional monument sign is permitted on another street frontage subject to Design Review.</p>
<p><b>B. Multi-Tenant Signs</b></p>  <p>Applicability: Permitted for all multi-tenant buildings and centers in H-I, L-I, and G-B greater than 40,000 square feet.</p>	<p>Maximum Area: 75 sq ft Maximum Height: 15 ft</p>	<ul style="list-style-type: none"> <li>▶ May be located anywhere within front or side yard setback unless otherwise noted.</li> <li>▶ There shall be a maximum of two (2) feet between the ground and the base of the sign face.</li> <li>▶ The base and surrounding structural components of a monument sign must be finished with materials consistent with those of the principal structure on the lot.</li> <li>▶ Signage is permitted for each individual tenant.</li> <li>▶ No freestanding signs are permitted for an individual building if a multi-tenant sign is used.</li> <li>▶ External illumination only</li> </ul>	<p>1 per multi-tenant building/center. An additional multi-tenant sign is permitted on another street frontage on lots greater than 3 acres, if it is located 300 feet from an existing multi-tenant sign.</p>

### 10.4.3 BUILDING SIGNS REQUIRING A PERMIT

PERMITTED SIGN TYPES	MAXIMUM AREA & HEIGHT	OTHER REQUIREMENTS	MAXIMUM NUMBER
<p><b>A. Applicable to all Building Signs</b></p>	<p>Maximum Aggregate Area of all Building Signs per facade:</p> <ul style="list-style-type: none"> <li>▶ Front Facade: 10%</li> <li>▶ Side or Rear Facade: 5%</li> </ul>	<ul style="list-style-type: none"> <li>▶ Building Sign packages that exceed 5% in total aggregate wall area shall be subject to Design Review by the DRB or BAR as appropriate.</li> <li>▶ The maximum allowable Building signage for each tenant in a multi-occupancy building is computed by measuring the street front wall area for each tenant's space.</li> </ul>	

PERMITTED SIGN TYPES	MAXIMUM AREA & HEIGHT	OTHER REQUIREMENTS	MAXIMUM NUMBER
<p><b>B. Wall Signs</b></p>  <p>Applicability: Permitted for all individual buildings and tenant spaces on building façades that face the right-of-way, pedestrian passageways and/or parking areas associated with the establishment.</p>	<p>Maximum Width: 50% of the Building Facade</p> <p>Copy area should be in proportion to the building facade</p>	<ul style="list-style-type: none"> <li>▶ Wall Signs may not project more than 12 inches from wall surface</li> <li>▶ Neon, up to 6 square feet of sign area may be used for letters, border and logos (Neon is not permitted in the Historic District Overlay).</li> <li>▶ Internally illuminated signs per <a href="#">Section 10.6.3</a> are not permitted in N-MX or in the Historic District Overlay.</li> <li>▶ Internally lit cabinet signs are prohibited.</li> <li>▶ If a location for a wall sign is designated on the facade by its architecture (i.e., sign frieze), then the wall sign may only be placed in that location and in proportion to it.</li> <li>▶ Wall Signs may not cover windows or architectural details.</li> </ul>	<p>Subject to total allowable Building Sign area</p>
<p><b>C. Crown Signs</b></p>  <p>Applicability: Permitted for all buildings greater than 55 feet or 4 stories in height, whichever is less.</p>	<p>Maximum Width: 75% of the Building Facade</p> <p>Maximum Height of Copy Area: 8 ft</p> <p>Maximum Sign Area: 250 sq ft</p>	<ul style="list-style-type: none"> <li>▶ Maximum Projection from Wall: 3 feet</li> <li>▶ May not cover windows or architectural details.</li> <li>▶ Internal illumination is permitted</li> <li>▶ Sign may be composed of channel letters only</li> <li>▶ May not be placed below the start of the highest floor or extend above the roof line</li> </ul>	<p>1 per building</p>
<p><b>D. Projecting Signs</b></p>  <p>Applicability: Permitted for all individual buildings and tenant spaces on building façades that face the right-of-way, pedestrian passageways and/or parking areas associated with the establishment.</p>	<p>Maximum Height:</p> <ul style="list-style-type: none"> <li>▶ Mounted below 2nd floor: 4 ft</li> <li>▶ Mounted above 2nd floor: 8 ft</li> </ul> <p>Minimum clearance between the bottom of the sign and the sidewalk: 8 feet</p>	<ul style="list-style-type: none"> <li>▶ Maximum Projection from Wall: 4 feet</li> <li>▶ Distance from other Projecting Sign: 25 feet</li> <li>▶ May be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both frontages may be used for a corner projecting sign.</li> <li>▶ No portion may extend above the roof line or above a parapet wall of a building with a flat roof. No portion may extend above the lower eave line of a building with a pitched roof.</li> <li>▶ External illumination only except with DRB or BAR approval (as appropriate)</li> </ul>	<p>1 per tenant</p>

PERMITTED SIGN TYPES	MAXIMUM AREA & HEIGHT	OTHER REQUIREMENTS	MAXIMUM NUMBER
<p><b>E. Window Signs</b></p>  <p>Applicability: Permitted on windows and doors.</p>	<p>Maximum Area: 25% of each window</p>	<ul style="list-style-type: none"> <li>▶ Permitted on first floor and second floor windows only</li> <li>▶ Neon signs mounted on the inside face of windows shall not exceed 5 sq. ft. and shall be counted as part of the total window sign area</li> <li>▶ Good visibility, both in and out of the window, must be maintained</li> </ul>	<p>Subject to total allowable Building Sign area</p>
<p><b>F. Awning/Canopy Signs</b></p>  <p>Applicability: On the awning or canopy above entrance doors or storefront windows</p>	<p>Maximum Width of Canopy Sign: 75% of canopy width</p> <p>Minimum clearance between the bottom of the sign and the sidewalk: 8 feet</p>	<ul style="list-style-type: none"> <li>▶ Illumination integral to the design of the awning/canopy is prohibited</li> <li>▶ Sign Copy on awnings may be placed on the drip flap or other vertical surface only. No copy is permitted on any sloping surface unless approved by the DRB/BAR.</li> <li>▶ For Gas/Fueling Station canopies, refer to 3.3.7.B.</li> </ul>	<p>1 per tenant</p>
<p><b>G. Marquee Signs</b></p>  <p>Applicability: Permitted in lieu of all other Building Signs</p>	<p>May not extend above the parapet</p> <p>Minimum clearance between the bottom of the sign and the sidewalk: 8 feet</p>	<ul style="list-style-type: none"> <li>▶ All Marquee Signs are subject to approval by the DRB or BAR (as appropriate)</li> <li>▶ No portion of a sign, awning or canopy may be within 2 feet of a street or parking area.</li> <li>▶ Internal illumination is permitted</li> </ul>	<p>1</p>
<p><b>H. Shingle Signs</b></p>  <p>Applicability: Permitted for all individual buildings and tenant spaces.</p>	<p>Maximum Area: 10 sq ft</p> <p>Minimum clearance between the bottom of the sign and the sidewalk: 8 feet</p>	<ul style="list-style-type: none"> <li>▶ No portion of a sign, awning or canopy may be within 2 feet of a street or parking area.</li> <li>▶ Must be perpendicular to the building façade</li> <li>▶ Maximum Projection from Wall: 4 feet</li> <li>▶ External illumination only</li> </ul>	<p>1 per tenant</p>

**10.4.4 MIXED-USE, COMMERCIAL, INDUSTRIAL SIGNAGE NOT REQUIRING A PERMIT**

- A. Sandwich Board Signs:
1. Placement: Shall be placed directly in front of and on the premises of the associated establishment
  2. Sidewalk Clearance: Signs must leave a minimum horizontal clearance of 5 feet on the sidewalk and must not interfere with pedestrian circulation or block required sight visibility triangles
  3. Duration: Must be removed each day after the business is closed
  4. Maximum Area: 6 square feet
  5. Maximum Height: 3 feet
  6. Maximum Number: 1

**10.4.5 GENERAL STANDARDS FOR MIXED-USE, COMMERCIAL, AND INDUSTRIAL SIGNAGE**

- A. Architectural Compatibility: Signage shall be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs on nearby buildings.
- B. Minimum Setback: The minimum setback shall be 10 feet from any public-right-of-way and 5 feet from any adjacent property line.
- C. Master Sign Plan: A Master Sign Plan approved by Town Staff shall be required for all development that contains 3 or more principal uses, establishments, or tenants, as applicable. The DRB, or BAR as appropriate, shall review and approve all applications for master sign plans for development greater than 40,000 square feet in total leaseable space. The Master Sign Plan shall depict all signs located or proposed for the development and shall be the regulating document for all sign allocations for individual applicants.

**10.5 CHANGEABLE COPY SIGNS**

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**10.5.1 APPLICABILITY**

Changeable copy signs are allowed only at indoor entertainment, gas/fueling stations, and civic uses and parks.

**10.5.2 APPROVAL REQUIRED**

Reader Boards or other signs with changeable letters or images (manual or digital) are not allowed by-right as freestanding or wall signs. Such signs may be allowed for the following uses and must be approved by Town Staff unless otherwise noted:

- A. Educational establishments: kindergarten, elementary, junior, senior or degree educational programs
- B. Churches or spiritual institutions
- C. Commercial establishments:
1. Fuel Sales: For fuel sales establishments the changeable copy shall not be more than 40% of the sign face area.
  2. Other establishments: For other establishments, the changeable copy shall not be more than 25% of the maximum freestanding signage area subject to approval by the DRB. Churches, schools and theaters are exempt from this requirement.

**10.5.3 STANDARDS**

- A. Sign Area: Changeable copy signs count as part of the computation for freestanding or marquee signs only and shall not exceed 50% of the total allocated sign area.
- B. Digital Signs: Digital signs with changeable copy shall be subject to the same size and placement limitations as non-digital signage subject to approval by the DRB.
- C. Single Color: Changeable copy shall be expressed in one color only.
- D. Time for Message Rotation: Signs containing automatic changeable copy messages must remain fixed, static, motionless, and non-flashing for a period of at least eight (8) seconds.

**10.6 SIGN ILLUMINATION**

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Illumination of signs must be in accordance with the following requirements.

**10.6.1 PROHIBITED LIGHT SOURCES**

The following light sources are not permitted:

- A. Blinking, flashing, chasing or scrolling.
- B. Bare bulb illumination (unless approved by DRB/BAR).
- C. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
- D. Direct reflected light that creates a hazard to operators of motor vehicles.

**10.6.2 BRIGHTNESS**

The light from any illuminated sign must not be of an intensity or brightness that will interfere with the comfort, convenience and general welfare of residents or occupants of adjacent properties. Brightness must not exceed Town maximum footcandle standards.

**10.6.3 INTERNAL ILLUMINATION**

- A. Channel letters may be internally lit, halo lit or back-lit.
- B. For internally illuminated signs, the background must be opaque or a substantially darker color than the sign message.
- C. Light emitting diodes (LED)'s are permitted as a light source only where the LED is behind an acrylic, metal or similar sign face and returns in such a manner that the LED modules are not visible from the exterior of the sign.
- D. The letter or message of internally illuminated signs must consist of non-reflective materials.

**10.6.4 EXTERNAL ILLUMINATION**

- A. Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties. External lighting of signs in Residential Districts is permitted if illumination levels are low and all fixtures are concealed.
- B. Flood lights or spotlights near the top of a sign must be focused downward onto the sign. Floodlights or spotlights must be aimed such that the entire beam falls within the intended area of the sign to be lit.

**10.6.5 RACEWAYS AND TRANSFORMERS**

- A. If a raceway is necessary, it must not extend in width or height beyond the area of the sign.
- B. Raceways must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- C. Visible transformers are not permitted.

**10.7 TEMPORARY SIGNS**

The following Temporary Signs shall require a permit from Town Staff.

**10.7.1 TEMPORARY SIGNS ON CONSTRUCTION SITES**

- A. Permitted Location: Temporary project construction or marketing signs are allowed on the frontage of a project site only.
- B. Time Period: Such signs shall not be installed prior to the issuance of a building permit for the development.
- C. Project Construction Signs: Commercial project construction signs must be removed upon issuance of a certificate of occupancy. Residential project construction signs must be removed when 95% of the lots owned by the developer or builder are sold. For mixed-use development, containing both commercial and residential, signs must be removed on attainment of a certificate of occupancy.
- D. Maximum Area: 32 square feet
- E. Maximum Width: 8 feet
- F. Maximum Height: 6 feet
- G. Maximum Number: One sign for each 10 acres

**10.7.2 TEMPORARY BANNERS**

- A. Time Period: Up to 30 days a maximum of 4 periods each year
- B. Permitted Location: Attached securely (on all four corners) to the building or staked in a yard.
- C. Maximum Area: 15 square feet with a vertical dimension no greater than 3 feet for signs staked in a yard. 32 square feet with a vertical dimension no greater than 4 feet for signs attached securely to the building.
- D. Maximum Height (on wall): 18 feet with 7 feet clear headroom above sidewalk
- E. Maximum Number: One banner per frontage per tenant; 2 banners total per tenant per event
- F. Temporary/Special Event Signs:
  1. Sign shall be permitted 30 days prior to a function and shall be removed within 3 days after the function.
  2. Signs shall be located on private property. Temporary signs are permitted on public property only in the case of publicly-sponsored events or permitted events on publicly-owned property but shall be erected and maintained in such a manner as to not interfere or obstruct access, activity or vision along any such public right-of-way.

### 10.7.3 TEMPORARY FREESTANDING SIGNS ERECTED DURING AN ELECTION SEASON

During the period thirty (30) days prior to a political primary or election until seven (7) days following such an event the following additional signs are permitted temporary signs up to 32 square feet shall be allowed without a permit in all mixed-use, commercial, and industrial districts however, all signs over 7 feet in height will require a permit and are otherwise subject to the standards for free-standing signs in that district. Yard signs shall be subject to the provisions of [Section 10.8.3](#).

## 10.8 SIGNS THAT DO NOT REQUIRE A PERMIT

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No Sign Permit is required for the following signs:

### 10.8.1 INCIDENTAL SIGNS

- A. Building Addressing: Building addressing and other signs required for the provision of emergency services and the delivery of mail/packages.
- B. Multi-Tenant Building Sign: On multi-tenant building an additional sign is permitted that may be up to 4 square feet in area.
- C. Wall or Directional Signs (e.g., tenant identification, directional signs):
  - 1. Residential Structure: All signs under 1 square feet in area
  - 2. All Other Structures: All signs under 4 square feet in area are permitted and do not require a sign permit.
- D. Decorations: Temporary holiday decorations.
- E. Flags: Flags shall not exceed 60 square feet in area and shall not be flown on a pole greater than 24 feet in height.

### 10.8.2 OFFICIAL SIGNS

- A. Government Signs: Includes signs required by any law, order or governmental regulation.
- B. Warning signs such as “No trespassing,” “High voltage,” and “Beware of dog” signs are permitted in addition to other allowed signage up to a total of 2 for each 100 feet or street frontage. The maximum size shall be 4 square feet unless otherwise permitted by other governmental regulations.
- C. Utilities: Signs denoting the location of underground utilities.

### 10.8.3 TEMPORARY YARD SIGNS

Small, temporary signs (e.g., garage sale signs, political signs, real estate signs) that do not contain a permanent foundation or electricity and that do not advertise the sale of goods or services that are off the premises are permitted as follows:

- A. For primarily residential districts (N-R, GR-2, GR-5, MF-R. and MH-R): A maximum of 1 sign per street frontage, 4 square feet in area per display surface, and a maximum height of 4 feet; and
- B. For all other districts: A maximum of 1 sign per street frontage, 32 square feet in area per display surface, and a maximum height of 6 feet.
- C. Yard Signs Erected During an Election Season: During the period thirty (30) days prior to a political primary or election until seven (7) days following such an event the maximum number of yard signs allowed shall be waived.

#### 10.8.4 WALL MURALS

- A. Murals on Buildings: Exterior wall murals in the Historic Overlay District are subject to a Certificate of Appropriateness by the Board of Architectural Review. In all other districts, the mural will be subject to Design Review by the DRB.
- B. Murals on Public Infrastructure: Wall murals that serve as community-based public art projects may be permitted on structures around the Town outside the Historic Overlay District such as bridge underpasses or other infrastructure elements subject to the requirements of this section. A permit must be obtained from Town Staff prior to the commencement of any such work or art project.
- C. Location: Wall Murals are permitted on side and rear facades only. Wall Murals on front facing facades may be allowed by a unanimous vote (of the members present) of the DRB or BAR.
- D. Maximum Area: The size of a Wall Mural must be proportional to the wall on which it is painted.
- E. Maximum Number: Only one Wall Mural on one façade is allowed per structure.
- F. Additional Requirements
  - 1. Materials: The materials used to produce the Wall Mural shall be appropriate for outdoor use (i.e., long lasting and graffiti-resistant to the greatest extent possible).
  - 2. Colors: Neon, fluorescent, or reflective colors or materials are not permitted.
  - 3. Content: Wall Murals shall not contain commercial or political content which are otherwise regulated as Wall Signs.

#### 10.8.5 OTHER SIGNS ON PUBLIC PROPERTY

Town Staff is authorized to permit informational/directional signs on public property under the following conditions outside of the permitting process contained within this Chapter:

- A. The signs direct the reader to the location of a public facility, to a facility operated by a nonprofit entity, to a facility relating to the public health, safety or welfare, to scenic or historical districts or general business or industrial districts or a subdivision. The zoning officer is authorized to develop written and publicly posted guidelines for these types of signs.
- B. The signs are erected by the town.
- C. The entire cost of the signs is borne by the entity requesting the sign.
- D. The signs are installed at locations where they would not constitute a traffic hazard.
- E. Signs for businesses, donors, benefactors, supporters, business partners may be allowed as considered appropriate by the Planning Department.”

### 10.9 PROHIBITED SIGNS

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The following signs are prohibited:

- A. General: Signs violating any provision of any law of the state relative to outdoor advertising.
- B. Signs that may Confuse Motorists: No sign displaying intermittent lights resembling the flashing lights customarily used in traffic signals or on police, fire or rescue vehicles is permitted, nor shall any sign use the words “stop”, “danger” or any other word, phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver.
- C. Signs in the Right-of-Way: Except as provided elsewhere in this chapter (e.g., sandwich board signs), no signs, whether temporary or permanent, except traffic signs, signals and information signs erected by a public agency, are permitted within any street or highway right-of-way. (See [Section 10.8](#) for a specific exemption for holiday decorations).

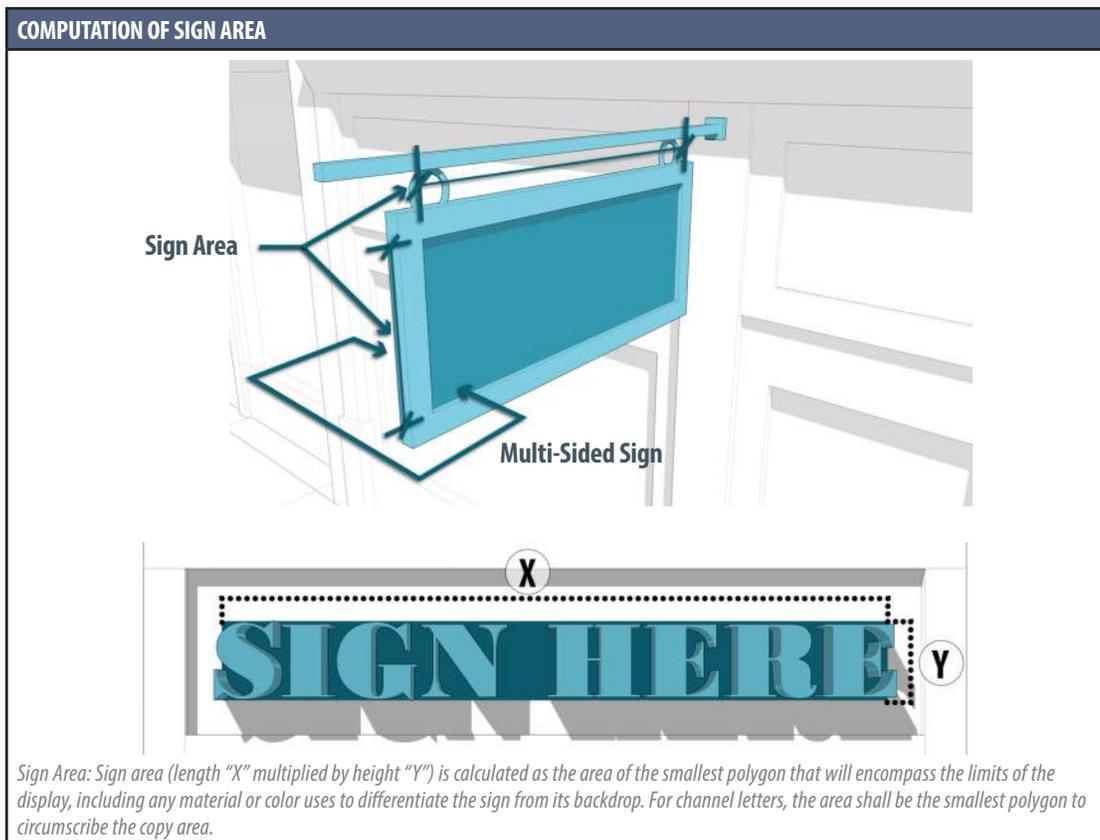
- D. Random Signage: Signs painted on or attached to trees, fences and utility poles or signs painted on rocks or other natural features or painted on the roofs of buildings are prohibited.
- E. Moving, Flashing or Audible Signs: Signs that can potentially distract drivers with the following features are prohibited:
  - 1. Signs which display intermittent or flashing lights or moving parts are not permitted, except barber's poles, time/temperature signs and temporary signs erected by a public agency.
  - 2. Portable or mobile signs utilizing any type of illumination or electrical connections except temporary signs erected by a public agency.
  - 3. Devices consisting of banners, streamers, pennants, wind-blown propellers, balloons, inflatable devices, strung light bulbs and similar installations, unless approved by Town Staff for temporary events only.
  - 4. Permanent moving signs or devices designed to attract attention with any of the following features:
    - a. All or part of which move by any means regardless of whether they contain written messages.
    - b. Set in motion by movement of the atmosphere or by mechanical, electrical or other means, including but not limited to: flags (other than those of government origin and not used for commercial purposes), pennants, posters, propellers, discs, ribbons, streamers, forced air tubes, strings of light bulbs and spinners
    - c. Flashing signs or devices displaying flashing or intermittent lights or lights of changing degrees of intensity, except for signs displaying time and temperature and temporary signs erected by a public agency.
    - d. Signs which emit audible sound, odor or visible matter.
  - 5. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign. (This does not apply to lettering on buses, taxis or service vehicles operating during the normal course of business.)
- F. Portable or Towed Signs:
  - 1. Any sign constructed so as to permit its being used as a conveyance upon public streets, and usually parked in public places or private property primarily for the purpose of public display. (This does not apply to lettering on buses, taxis or service vehicles operating during the normal course of business.)
  - 2. Commercial vehicles, other than standard passenger vehicles, shall be parked as far from the street as reasonably possible during non-business hours if such vehicles bear a commercial message. This is to avoid the vehicle serving as a freestanding sign.
  - 3. The parking in public view of any vehicle bearing a commercial message which is not in operating condition or lacking current registration.
  - 4. Any sign on or towed behind a boat, raft, or unmanned aircraft.
- G. Off Premise Advertising: Signs that identify or advertise a product or business not located at the premises.
- H. Safety Hazard: Signs that create a safety hazard by obstructing clear view of pedestrian and vehicular

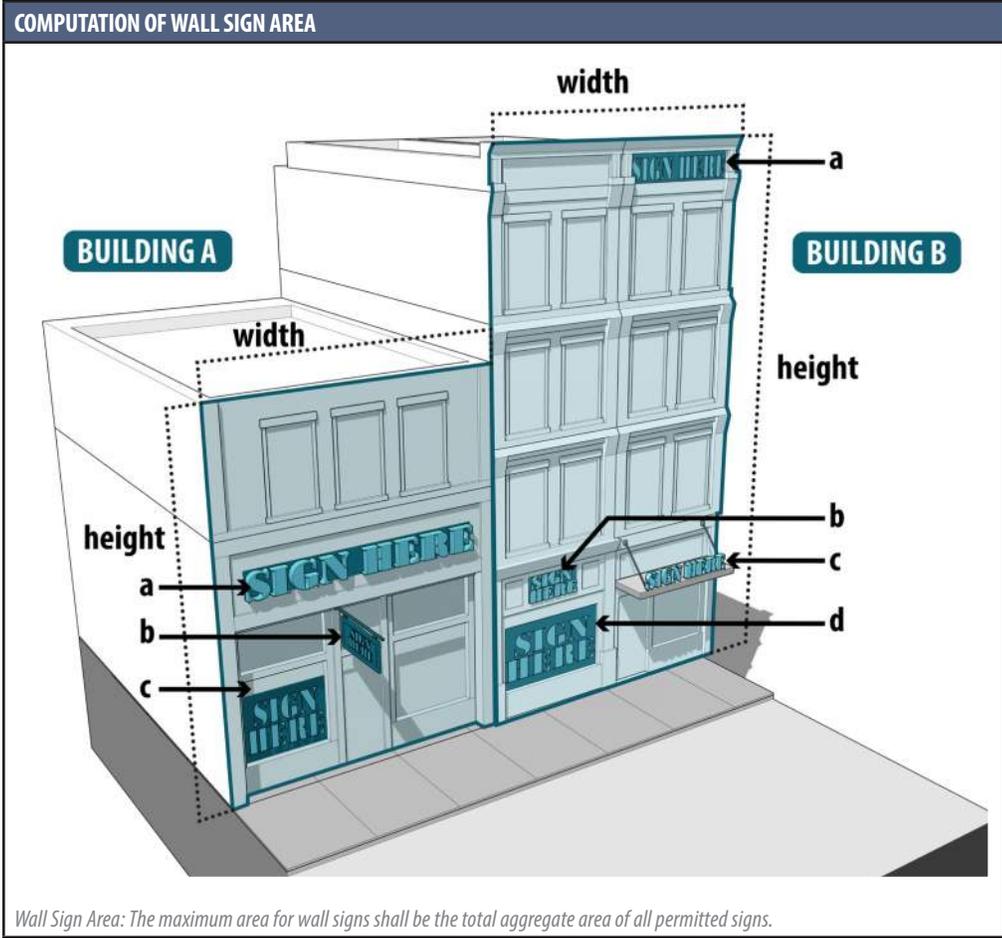
- traffic, or sited in a manner that obstructs free ingress to or egress from a required door, window, fire escape or other required exit.
- I. Content / Copy Limitations:
    1. Signs containing statements, words or pictures of obscene or pornographic character that is not considered protected speech.
    2. Signs copying or imitating official government signs or which purport to have official government status.
    3. Any sign and/or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic direction/safety sign.
    4. Signs using the words “stop,” “danger” or any word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver.
  - J. Abandoned or Deteriorated Signs.
    1. Sign structures no longer containing signs
    2. Signs made structurally sound by unsightly bracing
    3. Abandoned or dilapidated signs
    4. Signs referencing businesses which have been out of business for more than 60 days.
  - K. Searchlights and beacons
  - L. Inflatable Signs and Tethered Balloons
  - M. Street Furniture: Signs on street furniture (benches, trash cans, etc.) except for 1 incidental sign less than 64 square inches in area.
  - N. Banners, Flags and Pennants: Except as permitted / described in [Sections 10.7](#) and [10.8](#).
  - O. Signs in marshes, wetlands and required environmental buffers except public signs
  - P. Human Billboards: A sign held by or attached to a human, located in front of the business, during business hours, for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product.
  - Q. Roof Signs: Signs mounted onto any roof except that for purpose of this chapter, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space.

## 10.10 ADMINISTRATION

### 10.10.1 SIGN AREA MEASUREMENT

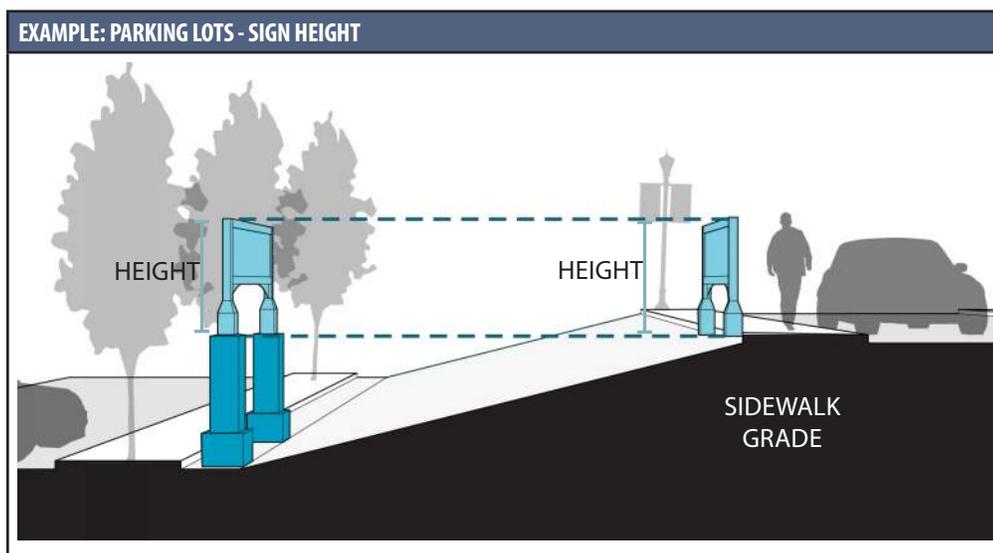
- A. The area of a sign shall be computed by means of the entire surface on which the letters, emblem or other display is to be located not including the framework, bracing or decorative fence or wall when the fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. For channel letters, the sign area shall be calculated as the smallest polygon to circumscribe the copy area only.
- B. The sign area of a sign with more than one face shall be calculated to include the entire area of all faces or parts which is visible from one vantage point. When two identical faces are placed back to back so that both faces cannot be viewed from any one point at the same time, and when the sign faces are part of the same sign structure and are not more than ten inches apart, the sign shall be computed by the measurement of one of the faces.
- C. All sides of a multi-sided sign shall be included in the computation of area, except that the total area of a 2-sided back-to-back to sign shall only be calculated as the area of one of the sides as illustrated below.





### 10.10.2 SIGN HEIGHT MEASUREMENT

- A. The height of the sign shall be computed as the distance from the base of the sign or sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of either:
1. Existing grade prior to construction; or
  2. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign; or
  3. The grade of the fronting sidewalk, provided that the total height does not exceed twice the permitted height.



- B. A sign may project above any parapet up to 5 feet subject to Design Review by the DRB or the issuance of Certificate of Appropriateness by the BAR. This section shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.
- C. Grade May Not be Altered for Sign: Altering the average adjacent grade for installing a sign is subject to the discretionary approval by Town Staff. It is not intended to allow for mounding that would circumvent any requirements of any applicable ordinance.

### 10.10.3 REMOVAL OF SIGNS IN THE RIGHT-OF-WAY

Permitted signs shall be located outside of the street right-of-way, behind sidewalk areas and outside of required site triangles, except where encroachments are specifically permitted by the provisions of this chapter. No non-governmental sign shall be attached to or painted on utility poles, traffic signs or other objects not intended to support a sign. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition, to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.

### 10.10.4 SIGN MAINTENANCE

Signs shall be kept in proper repair. The following maintenance requirements must be observed for all signs visible from any public street or highway within the jurisdiction of the Town of Summerville.

- A. **Maintained in a State of Good Repair:** All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. Any sign in such a state of disrepair, or signs which lack adequate lettering, fixtures or devices, so that they no longer effectively communicate a message as originally intended, shall be immediately removed.
- B. **Surface Appearance:** No sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper for a period of more than 30 successive days.
- C. **Broken Displays:** No sign shall remain with a bent or broken display area, broken supports, loose appendages or struts or stand more than 15 degrees from the perpendicular for a period of more than 30 successive days.
- D. **Illuminated Signs:** No indirect or internally illuminated sign shall have only partial illumination for a period of more than 30 successive days.
- E. **Flags:** Frayed, tattered or otherwise distressed flags must be taken down or replaced within a period of 30 successive days.

#### **10.10.5 LIMITATION OF NON-CONFORMING SIGNS**

- A. Signs erected after the passage of this section shall conform to the standards set forth herein. All legal nonconforming signs in existence as of the effective date of this chapter may be continued and shall be maintained in good condition. Nothing in this ordinance shall prevent the normal maintenance of an existing non-conforming sign. However, a nonconforming sign shall not be:
  - 1. Changed to another type or shape of nonconforming sign; provided, however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered.
  - 2. Structurally altered.
  - 3. Physically expanded, enlarged, or extended in any manner.
  - 4. Reestablished after discontinuance for 60 days.
  - 5. Reestablished after the sign is removed.
  - 6. Reestablished after damage or destruction where the estimated expense of reconstruction exceeds 50% of the appraised replacement cost of the sign in its entirety.
- B. For the purpose of repairing or maintaining any non-conforming sign in existence prior to the adoption of this section, a permit shall be submitted establishing the basis for the nonconformity must be submitted to Town Staff and shall contain a record of the following information:
  - 1. Approximate month and year the sign was installed;
  - 2. Owner;
  - 3. Value of the sign at installation;
  - 4. Approximate value of the sign at date of the application; and
  - 5. Size and area and height of the sign.
- C. Town Staff may also request information which would be adequate for such a purpose of record keeping. Failure to apply for a sign permit shall constitute a violation of the ordinance which could result in the removal of the sign by the Town.

#### **10.10.6 ADJUSTMENTS AND EXCEPTIONS**

- A. **Administrative Adjustments:** Town Staff is authorized to grant administrative adjustments upon written application by the landowner for the number, height, setback, square footage or placement

of signs in cases where unusual circumstances or a particular hardship which would make a strict interpretation of the ordinance go beyond the intent of the town council. Examples of cases where an adjustment might be granted would be as follows:

1. In areas of the town which have unusually large right-of-way areas such as the original “Detmold area”, the setback requirement may be granted an adjustment as the sign would be a sufficient distance from the pavement without any setback.
  2. On lots where there is more than one business in separate and distinct buildings and each building could meet the subdivision requirements to be a separate lot, an adjustment may be granted to treat each building as a separate lot.
- B. Exceptions: For all other requests for relief not addressed by A. above, the applicant may petition the DRB or the BAR (as applicable) to consider a waiver or exception to the rules of this chapter. Any such request shall be a waiver or exception to the standards of [Sections 10.3](#), [10.4](#), and [10.5](#) only subject to the following:
1. The total area or maximum height for free-standing or wall signs may not be increased.
  2. At no time may the opacity of any windows exceed the maximum standards.

# 11

## 11 WATER MANAGEMENT

### 11.1 PURPOSE AND APPLICABILITY

#### 11.1.1 GENERALLY

In order to protect and maintain the Town's community character and natural resources, this chapter establishes basic standards to protect natural systems, wildlife habitat, species diversity, and water quality.

#### 11.1.2 FLOODPLAIN MANAGEMENT STATUTORY AUTHORIZATION

The Legislature of the State of South Carolina has in SC Code of Laws, Title 5 and Title 6, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Summerville, South Carolina does ordain the floodplain management regulations defined in this chapter and may be cited as the "Flood Damage Prevention Ordinance".

#### 11.1.3 STORMWATER MANAGEMENT STATUTORY AUTHORIZATION

The stormwater management regulations ordained in this chapter may be cited as the "Stormwater Management Utility Ordinance" and is adopted pursuant to S.C. Code 1976, § 48-14-10 et seq., S.C. Code 1976, § 5-7-30, and S.C. Admin. Regs. § 72-300 et seq. and S.C. Code 1976, § 5-31-10 et seq.



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## 11.2 STREAM AND WETLAND BUFFERS

### 11.2.1 PURPOSE AND INTENT

It is the intent of this section to seek to maximize retention of the natural beauty of vegetation along creeks, streams, rivers, and lakes, and other bodies of water and their ecology while simultaneously providing for the retention of surface water run-off from areas adjacent to these natural and/or built features, resulting in a net reduction of pollutants that enter these water features.

### 11.2.2 LOCATION AND APPLICABILITY

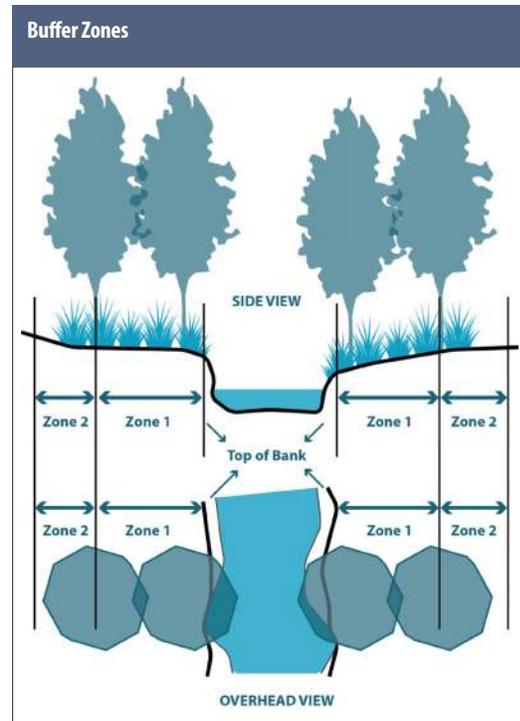
- A. Applicability: All protected drainageways and surface waters shall have riparian buffers directly adjacent to such surface waters of the width specified in 11.2.3 below. When multiple watercourse buffer standards apply, the more stringent standard shall dictate.
- B. Location of Buffers
  - 1. For the purposes of this section, intermittent streams, perennial streams, upper watershed drainageways that drain more than 5 acres, water supply impoundments, lakes, and jurisdictional ponds and wetlands shall be deemed to be present if the feature is indicated on the most recent versions of the following:
    - a. United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps;
    - b. A soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture;
    - c. The South Carolina Department of Health and Environmental Control (SCDHEC) identification methodology for determination of perennial and intermittent streams; or
    - d. Other site-specific evidence.
  - 2. Wetlands may also be identified, as either a bordering or isolated wetland, using the latest Corp of Engineers technique and/or supplemental Corps-approved methodology. Buffers shall apply only to wetlands that remain after any permitted fill is completed.
  - 3. In order to determine the amount of land drained by an upper watershed drainageway, USGS or County topographic maps may be used.
  - 4. Where obvious conflicts between actual field conditions and USGS and county soil survey maps exist, appeals may be made to Town Staff.
  - 5. All surface waters shall be determined by a qualified professional using the most recent version of Identification Method for the Origins of Intermittent and Perennial Streams and verified by qualified Staff and/or the SCDHEC.

### 11.2.3 MINIMUM WATERCOURSE BUFFERS

	Zone 1 Buffer	Zone 2 Buffer
<i>Rivers</i>	100 ft	50 ft
<i>Intermittent and Perennial Streams</i>	25 ft	25 ft
<i>Wetlands</i>	25 ft	Not required

### 11.2.4 WATERCOURSE BUFFER STANDARDS

- A. Buffer Measurement: The width of each required riparian buffer shall be measured perpendicular to the banks of the protected drainageway, beginning at the most landward limit of the top of bank.
- B. Delineation of Buffer Zones
1. Zone 1: Zone 1 begins at the top of bank for intermittent streams and perennial streams and extends landward on all sides of the water body. For all other water bodies, Zone 1 begins at the top of bank or mean high water line or edge of designated floodway. Zone 1 is an undisturbed area of vegetation.
  2. Zone 2: Zone 2 begins at the outer edge of Zone 1 and extends landward. Zone 2 is inclusive of any mapped floodplains. Zone 2 consists of a stable vegetated area that may be graded and revegetated provided that the health of vegetation in Zone 1 is not compromised.
- C. Permitted Uses in Watercourse Buffers: All required buffers shall remain natural and undisturbed, except as specifically stated otherwise in this section. These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of best management practices (BMP's). No new development is allowed in the vegetative buffer area except for water-borne structures (e.g., piers, docks, etc.) and public projects such as road crossings, sewer lines, and greenways, where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.
- D. Buffers to be Shown on Plans: All required watercourse buffers shall be shown on all approved site plans and subdivision plans. Where designated by Town Staff, the placement of signs may be required to relay the buffer protection requirements to the public.



## 11.3 FLOODPLAIN MANAGEMENT

### 11.3.1 FINDINGS OF FACT

The Special Flood Hazard Areas of the Town of Summerville are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages

### 11.3.2 STATEMENT OF PURPOSE AND OBJECTIVES

It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

### 11.3.3 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Summerville as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Studies, dated July 18, 2017, with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance.

Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of Dorchester, Berkeley and also Charleston County, with accompanying map and other data are adopted by reference and declared part of this ordinance.

### 11.3.4 ESTABLISHMENT OF DEVELOPMENT PERMIT:

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

**11.3.5 COMPLIANCE:**

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

**11.3.6 INTERPRETATION**

In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions, shall prevail.

**11.3.7 WARNING AND DISCLAIMER OF LIABILITY:**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Summerville or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**11.3.8 PENALTIES FOR VIOLATION:**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Summerville from taking such other lawful action as is necessary to prevent or remedy any violation.

## **11.4 ADMINISTRATION OF FLOODPLAIN MANAGEMENT**

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**11.4.1 DESIGNATION OF A LOCAL FLOODPLAIN ADMINISTRATOR**

The Town Engineer or his/ her designee is hereby appointed to administer and implement the provisions of this ordinance.

**11.4.2 ADOPTION OF LETTER OF MAP REVISIONS (LOMR)**

All LOMRs that are issued in the areas identified in [11.3.3](#) of this ordinance are hereby adopted.

### 11.4.3 DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENT

- A. Development Permit: Application for a development permit shall be made to the local floodplain administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:
1. A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the local floodplain administrator of [Section 11.4.4](#), or the Standards for Subdivision Proposals of [Section 11.5.2](#) and the Standards for streams without Estimated Base Flood Elevations and Floodways of [Section 11.5.3](#). The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of [Section 11.4.4](#) or the standards for subdivision proposals of [Section 11.5.2.I](#) and the standards for streams without estimated base flood elevations and floodways of [Section 11.5.3](#).
  2. Where base flood elevation data is provided as set forth in [Section 11.3.3](#) or the duties and responsibilities of the local floodplain administrator of [Section 11.4.4](#) the application for a development permit within the flood hazard area shall show:
    - a. The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
    - b. if the structure will be floodproofed in accordance with the Non-Residential Construction requirements of [Section 11.5.2](#), the elevation (in relation to mean sea level) to which the structure will be floodproofed .
  3. Where base flood elevation data is not provided as set forth in [Section 11.3.3](#) or the duties and responsibilities of the local floodplain administrator of [Section 11.4.4](#), then the provisions in the standards for streams without estimated base flood elevations and floodways of [Section 11.5.3](#) must be met.
  4. Alteration of Watercourse: Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood- carrying capacity of the altered or relocated watercourse is maintained and a map showing the location of the proposed watercourse alteration or relocation.
- B. Certifications
1. Floodproofing Certification: When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of [Section 11.5.2.B](#) and [Section 11.5.5.B.2](#) .

2. **Certification During Construction:** A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared and certified by or under the direct supervision of a registered land surveyor or professional engineer. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
3. **As-Suited Certification:** Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of [Section 11.4.3.B1, B2](#), and [11.4.4.G.4](#) that the development is built in accordance with the submitted plans and previous pre-development certifications.

#### 11.4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL FLOODPLAIN ADMINISTRATOR

- A. **Permit Review:** Review all development permits to assure that the requirements of this ordinance have been satisfied.
- B. **Requirement of Federal and/or state permits:** Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.
- C. **Watercourse alterations:**
  1. Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  2. In addition to the notifications required watercourse alterations per [Section 11.4.3.A.4](#), written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
  3. If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to the start of construction.

4. Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of [Section 11.4.3](#), the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.
- D. Floodway Encroachments: Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of [Section 11.5.2.E](#) are met.
  - E. Adjoining Floodplains: Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
  - F. Notifying Adjacent Communities: Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.
  - G. Certification Requirements:
    1. Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in [Section 11.4.5](#) or the coastal high hazard area requirements outlined in [Section 11.5.2.K](#).
    2. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in [Section 11.4.3.B.1](#).
    3. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in [Section 11.5.2.B](#)
    4. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in [Section 11.5.2.K](#).
  - H. Map Interpretation: Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section
  - I. Prevailing Authority: Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in [Section 11.5.2.B](#).
  - J. Use of Best Available Data: When base flood elevation data and floodway data has not been provided in accordance with [Section 11.3.3](#), obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in [Section 11.5.2.L](#), in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

- K. Special Flood Hazard Area/Topographic Boundaries Conflict; When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.
- L. On Site Inspections: Make on-site inspections of projects in accordance with the administrative procedures outlined in [Section 11.4.5.A](#).
- M. Administrative Notices: Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in [Section 11.4.5](#).
- N. Records Maintenance: Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
- O. Annexations and Detachments: Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas.
- P. Federally Funded Development: The President issued Executive Order 11988, Floodplain Management May 1977. EO. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
- Q. Substantial Damage Determination: Perform an assessment of damage from any origin to the structure using FEMA's Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.
- R. Substantial Improvement Determinations: Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur. The market values shall be determined by one of the following methods:
  1. The current assessed building value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.
  2. One or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, less the cost of site improvements and depreciation for functionality and obsolescence.
  3. Real Estate purchase contract within 6 months prior to the date of the application for a permit.

### 11.4.5 ADMINISTRATIVE PROCEDURES

- A. Inspections of Work in Progress: As the work pursuant to a permit progresses, the local floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- B. Stop Work Orders: Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- C. Revocation of Permits: The local floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- D. Periodic Inspections: The local floodplain administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- E. Violations to be Corrected: When the local floodplain administrator finds violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.
- F. Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
  - 1. the building or property is in violation of the Flood Damage Prevention Ordinance,
  - 2. a hearing will be held before the local floodplain administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
  - 3. following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

- G. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe; provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- H. Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- I. Failure to Comply With Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished as reference by [11.3.8](#).
- J. The following documents are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at [www.fema.gov](http://www.fema.gov):
  1. FEMA 55 Coastal Construction Manual
  2. All FEMA Technical Bulletins
  3. All FEMA Floodplain Management Bulletins
  4. FEMA 348 Protecting Building Utilities from Flood Damage
  5. FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets

## 11.5 PROVISIONS FOR FLOOD HAZARD REDUCTION

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### 11.5.1 GENERAL STANDARDS

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

- A. Reasonably Safe from Flooding: Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding
- B. Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
- C. Flood Resistant Materials and Equipment: All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency.
- D. Minimize Flood Damage: All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages,

- E. Critical Development: Shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data,
- F. Utilities: Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus two (2)feet.
- G. Water Supply Systems: All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,
- H. Sanitary Sewage Systems: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,
- I. Gas Or Liquid Storage Tanks: All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent floatation and lateral movement resulting from hydrodynamic and hydrostatic loads.
- J. Alteration,Repair, Reconstruction, Or Improvements: Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance. This includes post-FIRM development and structures.
- K. Non-Conforming Buildings or Uses: Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,
- L. American with Disabilities Act (ADA): A building must meet the specific standards for floodplain construction outlined in [Section 11.5.2](#), as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

### 11.5.2 SPECIFIC STANDARDS

In all areas of special flood hazard ( Zones A, AE, AH, AO, A 1 -30, V, and VE) where base flood elevation data has been provided, as set forth in [Section 11.3.3](#) or outlined In the Duties and Responsibilities of the local floodplain administrator [Section 11.4.4](#), the following provisions are required:

- A. Residential Construction: New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two (2) feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in [Section 11.5.2.D](#).

## B. Non-Residential Construction

1. New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two (2) feet above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in [Section 11.5.2.D](#). No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
2. A registered, professional engineer or architect shall certify that the standards of this section are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in [Section 11.4.3.B1](#). A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in [Section 11.4.3.B](#) of this ordinance. Agricultural structures not meeting the criteria of [Section 11.6.5](#) must meet the non residential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.

## C. Manufactured Homes

1. Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in [Section 11.5.2.A](#) of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse and lateral movement.
3. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 40-29-10 of the South Carolina Manufactured Housing Board Regulations, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.
- D. Elevated Buildings: New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
1. Certification by Professional: Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:
    - a. Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
    - b. The bottom of each opening must be no more than 1 foot above the higher of the interior or exterior grade immediately under the opening,
    - c. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
    - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
    - e. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
  2. Hazardous Velocities: Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.
  3. Enclosures Below Lowest Floor
    - a. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
    - b. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.
    - c. One wet location switch and/ or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in [Section 11.5.2.A, B and C](#).
    - d. All construction materials below the required lowest floor elevation specified in the specific standards outlined in [Section 11.5.2.A, B, C and D](#) should be of flood resistant materials.

- E. Floodways: Located within areas of special flood hazard established in [Section 11.3.3](#), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
1. No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:
    - a. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.
    - b. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.
  2. If [Section 11.5.2.E1](#) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [Section 11.5](#).
  3. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of [Section 11.5.2.C](#) and the encroachment standards of [Section 11.5.2.E1](#) are met.
  4. Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this section are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.
- F. Recreational Vehicles
1. A recreational vehicle is ready for highway use if it is:
    - a. on wheels or jacking system
    - b. attached to the site only by quick-disconnect type utilities and security devices; and
    - c. has no permanently attached additions
  2. Recreational vehicles placed on sites shall either be:
    - a. on site for fewer than 180 consecutive days; or
    - b. be fully licensed and ready for highway use, or meet the development permit and certification requirements of [Section 11.4.4](#), general standards outlined in [Section 11.5.1](#), and manufactured homes standards in [Section 11.5.2.C & D](#).
- G. Map Maintenance Activities: The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in [Section 11.3.3](#) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

1. Requirement to Submit New Technical Data
  - a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable , but no later than six months of the date such information becomes available. These development proposals include; but not limited to:
    - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
    - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
    - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
    - iv. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with [Section 11.5.3.A](#).
  - b. It is the responsibility of the applicant to have technical data, required in accordance with [Section 11.5.2.G](#), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
  - c. The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
    - i. Proposed floodway encroachments that increase the base flood elevation; and
    - ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway .
  - d. Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to [Section 11.5.2.G](#).
2. Right to Submit New Technical Data: The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

#### H. Accessory Structures

1. A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 Wet Floodproofing Requirements or be elevated in accordance with [Section 11.5.2.A](#) and [11.5.2.D](#) or dry floodproofed in accordance with [Section 11.5.2.B](#).
2. If accessory structures of \$ 3,000 or less are to be placed in the floodplain, the following criteria shall be met:
  - a. Accessory structures shall not be used for any uses other than the parking of vehicles and storage,

- b. Accessory structures shall be designed to have low flood damage potential,
  - c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
  - d. Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure,
  - e. Service facilities such as electrical and heating equipment shall be installed in accordance with [Section 11.5.1.F](#),
  - f. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with [Section 11.5.2.D1](#).
  - g. Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
- I. Swimming Pool Utility Equipment Rooms: If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:
- 1. Meet the requirements for accessory structures in [Section 11.5.2.H](#).
  - 2. The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.
- J. Elevators
- 1. Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
  - 2. All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- K. Fill: An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of [Section 11.5.2.A](#) or [2\(B\)](#), and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:
- 1. Fill may not be placed in the floodway unless it is in accordance with the requirements in [Section 11.5.2.E1](#).
  - 2. Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
  - 3. Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
  - 4. Fill used to support structures must comply with ASTM Standard D- 698, and its suitability to support structures certified by a registered, professional engineer.

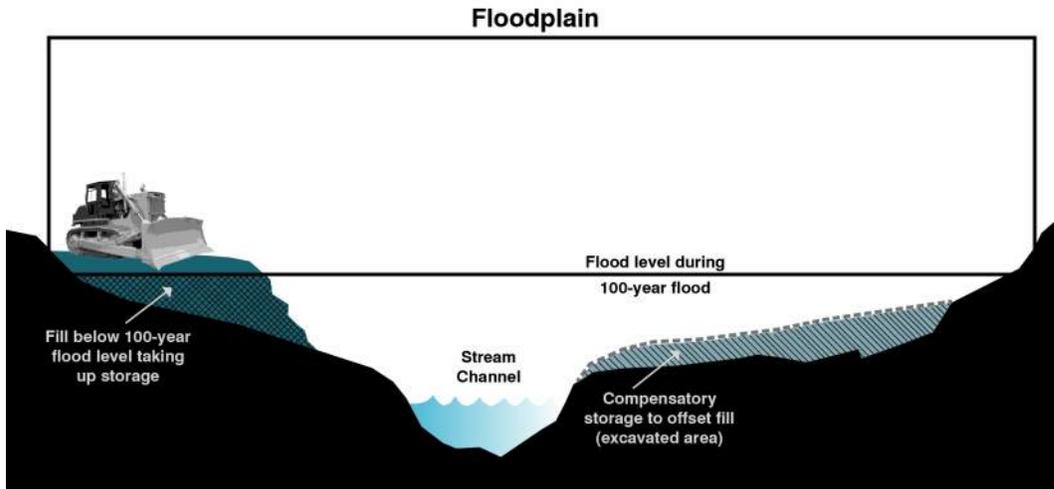
5. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
6. The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
7. Fill may not be used for structural support in the coastal high hazard areas.
8. Will meet the requirements of FEMA Technical Bulletin 10-01, Ensuring That Structures Built On Fill in or Near Special Flood Hazard Areas Are Reasonable Safe from Flooding.
9. Compensatory Storage Required for Fill: Fill within the SFHA shall result in no net loss of natural floodplain storage. The volume of the loss of floodwater storage due to filling in the SFHA shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site. If such placement is not feasible, analysis must show that the proposed location is a hydraulically equivalent site and will not result in an adverse impact to adjacent properties or development.

“Compensatory storage” means a volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of flood water which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways such compensatory volume shall be provided within the same reach of the river, stream, or creek.

Compensatory storage is a separate volume than that required for peak attenuation under the Town’s Stormwater Management Program Ordinance ([Section 11.10](#)). During flood events, available storage volume within a permanent Stormwater Best Management Practice (BMP) (wet pond, dry pond, etc) will be occupied by stormwater and consequently unavailable for the storage and conveyance of floodwaters. Therefore, stormwater BMPs generally may not be counted towards compensatory flood storage and any use of the floodplain for stormwater management which involves the loss of flood storage, such as placement of a berm for a detention basin, would require compensatory storage. Additionally, BMPs that have voids associated with fill, such as permeable pavement with a stone base layer, may not be considered compensatory storage.

Compensatory Storage Areas shall meet the following requirements:

- a. Compensatory storage site plans, calculations or modeling shall be based upon at least 1’ contours that have been field surveyed. All proposed fill and compensatory storage must be clearly identified on the site plans. A comparison of storage volumes impacted at all elevations up to the base flood elevation (100-year flood event) must be summarized to quantify the impacts from the development.
- b. All excavations should be constructed to drain freely to the adjacent watercourse and not pond water in the area as flood levels recede.
- c. Test pits should be excavated to demonstrate that the proposed compensatory storage will not intercept the seasonal high groundwater table.
- d. Compensatory storage must be available at each elevation increment lost to the proposed fill and able to accept flood flows at any time.
- e. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.



#### L. Standards for Subdivision Proposals and Other Development

1. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
2. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage .
3. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
4. The applicant shall meet the requirement to submit technical data to FEMA in [Section 11.5.2.G](#) when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

#### 11.5.3 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND FLOODWAYS

Located within the areas of special flood hazard (Zones A and V) established in [Section 11.3.3](#), are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

- A. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- B. No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- C. If [Section 11.5.3.A](#) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of [Section 11.5](#) and shall be elevated or floodproofed in accordance with elevations established in accordance with [Section 11.4.5](#).

- D. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 Use of Flood Insurance Study (FIS) Data as Available Data. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
- E. When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual Managing Floodplain Development in Approximate Zone A Areas:
  1. Contour Interpolation:
    - a. Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
    - b. Add one-half of the contour interval of the topographic map that is used to the BFE.
  2. Data Extrapolation: A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.
  3. Hydrologic and Hydraulic Calculations: Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

#### 11.5.4 STANDARDS FOR STREAMS WITH ESTABLISHED BASE FLOOD ELEVATIONS BUT WITHOUT FLOODWAYS

Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS.

- A. No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

#### 11.5.5 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Located within the areas of special flood hazard established in [Section 11.3.3](#), are areas designated as shallow flooding. The following provisions shall apply within such areas:

- A. All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.
- B. All new construction and substantial improvements of non-residential structures shall:
  1. Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,

2. Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in [Section 11.4.4](#).
- C. All structures on slopes must have drainage paths around them to guide water away from the structures.

## 11.6 FLOODPLAIN MANAGEMENT VARIANCES

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### 11.6.1 ESTABLISHMENT OF APPEAL BOARD

The Board of Zoning Appeals (BZA) as established by the Town of Summerville shall hear and decide requests for variances from the requirements of this ordinance.

### 11.6.2 RIGHT TO APPEAL

Any person aggrieved by the decision of the BZA or any taxpayer may appeal such decision to Circuit Court.

### 11.6.3 HISTORIC STRUCTURES

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

### 11.6.4 FUNCTIONALLY DEPENDENT USES

Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

### 11.6.5 AGRICULTURAL STRUCTURES

Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of [Section 11.6.8](#), this section, and the following standards :

- A. Use of the structure must be limited to agricultural purposes as listed below:
1. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,
  2. Steel grain bins and steel frame corncribs,
  3. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
  4. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of [Section 11.5.2.B](#).

- B. The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
- C. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
- D. The agricultural structure must meet the venting requirement of [Section 11.5.2.D](#) of this ordinance.
- E. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE), plus any required freeboard, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with [Section 11.5.1.F](#) of this ordinance.
- F. The agricultural structure must comply with the floodway encroachment provisions of [Section 11.5.2.E](#) of this ordinance.
- G. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

#### 11.6.6 CONSIDERATIONS

In passing upon such applications, the BZA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facilitation of a waterfront location, where applicable;
- F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- G. The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- H. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- I. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and

- J. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

#### 11.6.7 FINDINGS

Findings listed above shall be submitted to the BZA, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

#### 11.6.8 FLOODWAYS

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a Conditional Letter of Map Revision (CLOMR) is obtained prior to issuance of the variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

#### 11.6.9 CONDITIONS

Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

- A. Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- D. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
- E. The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
- F. Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with [Section 11.4.5.E](#) of this ordinance.

## 11.7 FLOODPLAIN MANAGEMENT LEGAL STATUS PROVISIONS

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### 11.7.1 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE

This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted March 9, 2017, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Summerville enacted on March 9, 2017, as amended, which are not reenacted herein, are repealed.

### 11.7.2 EFFECT UPON OUTSTANDING BUILDING PERMITS

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Official or his authorized agents before the time of passage of this ordinance; provided, however, that when start of construction has not occurred under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

## 11.8 STORMWATER MANAGEMENT

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### 11.8.1 FINDINGS OF FACT

- A. In the Town the management of stormwater runoff and sediment is necessary to reduce pollution, siltation, sedimentation, local flooding, inflow and infiltration of stormwater into the public sewer collection system, and stream channel erosion, all of which impact adversely on land and water resources and the health, safety, property and welfare of the residents of the Town.
- B. The Town maintains a system of stormwater management facilities including, but not limited to, inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways.
- C. The stormwater management facilities and components of the Town need to be regularly rehabilitated, upgraded or expanded, and additional stormwater management facilities and measures need to be installed throughout the Town.
- D. In the Town current and anticipated growth will contribute to the need for improvements in and maintenance of the stormwater management system.
- E. The Town needs to upgrade its capability to maintain existing and future stormwater management facilities and measures.
- F. Every parcel of real property in the Town either uses or benefits from the stormwater management system and the improvement of existing facilities and construction of additional facilities in the system will directly benefit the owners of all real property.
- G. In the Town the extent of use of the stormwater management system by each classification of real property is dependent on a variety of factors that influence runoff, such as land use, topography, intensity of development, amount of impervious surface, and location in a particular watershed or basin.

- H. In the Town property owners and users should finance the stormwater management system to the extent they contribute to the need for the system and benefit from the system, and charges therefore should bear a reasonable relationship to the cost of the service, and every effort should be made to fairly and reasonably spread the cost of the system to all property owners and users.
- I. It is in the best interests of the citizens of this Town and, most specifically, the owners of real property, that a stormwater management utility with fees and classifications thereunder be established by ordinance and implemented as part of the Town's utility enterprise system as authorized by S.C. Code 1976, §§ 48-14-10 to 48-14-150, S.C. Code 1976, § 5-7-30, and other relevant laws and regulations of the state.

## 11.9 ADMINISTRATION OF STORMWATER MANAGEMENT

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### 11.9.1 DESIGNATION OF A STORMWATER MANAGEMENT UTILITY; ADMINISTRATION; DUTIES AND POWERS

The Town Council hereby establishes a stormwater management utility (utility) to carry out the purposes, functions and responsibilities set forth in this section. The governing body of the utility shall be the mayor and Town Council. The mayor shall administer the utility under the Department of Public Works. The utility shall have the powers and duties set out in this section, which powers are not necessarily exclusive to the utility:

- A. Stormwater management planning and preparation of comprehensive watershed master plans for stormwater management.
- B. Regular inspections of public and private stormwater management facilities and measures and the construction thereof.
- C. Maintenance and improvement of stormwater management facilities that have been accepted by the Town for that purpose.
- D. Plan review and inspection of sediment control and stormwater management plans, measures, and practices.
- E. Retrofitting designated watersheds to reduce existing flooding problems or to improve water quality.
- F. Acquisition of interests in land, including easements.
- G. Design and construction of stormwater management facilities and measures and acquisition of equipment.
- H. Water quantity and water quality management, including monitoring and surveillance.
- I. Billing and collecting a stormwater management utility fee shall be by agreement with the appropriate County.
- J. Any and all powers and duties delegated or granted to it as a local government implementing agency under the laws and regulations of the state, and the ordinances of this Town.

### 11.9.2 BOUNDARIES AND JURISDICTION

The boundaries and jurisdiction of the stormwater management utility shall extend to the corporate limits of the Town, including all areas hereafter annexed thereto, and such additional areas lying outside the corporate limits of the Town as shall be approved by the Town Council.

### 11.9.3 TOWN REGULATIONS OF LAND-DISTURBING ACTIVITY

The Town Council shall establish by ordinance a system regulating land-disturbing activities including, but not limited to, provisions for reviewing and approving stormwater management and sediment control plans; creating design requirements for such plans and land-disturbing activities; and providing operational and maintenance requirements for stormwater management facilities and measures.

### 11.9.4 STORMWATER UTILITY FEES

The Town Council shall establish by ordinance the amounts and classifications of stormwater management utility fees to be implemented to help fund the utility and its programs and projects. The Town Council shall consider, among other things, the following criteria in establishing fees:

- A. The fee system must be reasonable and equitable so that property owners and users pay to the extent they contribute to the needs for and benefit from the utility. The fees shall be apportioned with approximate equality and upon a reasonable basis of equality with due regard for the benefits conferred. The Town Council recognizes that these benefits, while substantial, in many cases cannot be measured directly.
- B. Cost analysis, construction, maintenance, and the overall operation of the stormwater system should be borne equally by all classifications of property owners in the Town in that all will enjoy the direct and indirect benefits of an improved and well-maintained system.
- C. Any fee established should be in an amount that is reasonable and equitable and not unduly burdensome on each property owner and user.
- D. The components of the calculations used to establish fees may include, but shall not be limited to, the following cost factors:
  1. Stormwater management planning and preparation of comprehensive watershed master plans for stormwater management;
  2. Regular inspections of public and private stormwater management facilities and measures and the construction thereof;
  3. Maintenance and improvement of stormwater management facilities that have been accepted by the city for that purpose;
  4. Plan review and inspection of sediment control and stormwater management plans, measures, and practices;
  5. Retrofitting designated watersheds to reduce existing flooding problems or to improve water quality;
  6. Acquisition of interests in land, including easements;
  7. Design and construction of stormwater management facilities and measures and acquisition of equipment;
  8. Administration of enforcement;
  9. Water quantity and water quality management, including monitoring and surveillance; and
  10. Debt service and financing costs.
- E. The practical difficulties and limitations related to establishing, calculating, and administering such fees.
- F. The components of the calculations used to establish fees shall be based on whatever is determined to be reasonable and fair, to be approved by the Town Council.

### 11.9.5 INVESTMENT AND REINVESTMENT OF FUNDS AND BORROWING

Funds generated for the stormwater management utility from fees, bond issues, other borrowing, and other sources shall be utilized only for those purposes for which the utility has been established including, but not limited to, planning; acquisition of interests in land including easements; design and construction of facilities; maintenance of the stormwater system; billing and administration; and water quality and water quantity management, including monitoring, surveillance, private maintenance inspection, construction inspection, and other activities which are reasonably required. Such funds shall be invested and reinvested pursuant to the same procedures and practices established by the Town for investment and reinvestment of funds. The Town Council may use any form of borrowing authorized by the laws of the state to fund capital acquisitions or expenditures for the stormwater management utility.

### 11.9.6 BILLING OF STORMWATER MANAGEMENT UTILITY FEE

- A. The Town Engineer, along with the Town Administrator, shall prepare and forward all information necessary to the appropriate county, for the purpose of billing of fees. The fee shall appear as a separate item on the appropriate County tax bill.
- B. If the fees are not paid when due, interest and/or late fees shall accrue and be collected per each County stormwater collection agreement with the Town.
- C. Developed properties shall be subject to the imposition of a fee upon final approval of site development by the Town.

### 11.9.7 ENFORCEMENT AND PENALTIES

- A. The Town Engineer, or such other officials as the mayor shall designate, shall be the enforcement officers for the provisions of this chapter.
- B. In addition to any other penalties provided in this chapter, the Town Engineer may assess a civil penalty not to exceed \$200.00 against any person violating any provision of this chapter. In setting the amount of the civil penalty, the Town Engineer shall consider the type, duration, and severity of the violation and the responsiveness of the person against whom the penalty is assessed in remedying the violation. Each day a violation continues constitutes a separate violation that may be the subject of such a penalty. The Town Engineer, with the assistance of the Town attorney, shall make a written demand for payment of the civil penalty upon the person, including an explanation of the basis of the violation and penalty. If full payment of the penalty is not made within 30 days after such demand is mailed or delivered to the person, the Town attorney may commence a civil action in the appropriate court to recover the penalty.
- C. In addition to any other penalties or remedies provided in this chapter, the Town, upon the recommendation of the Town attorney and approval of the mayor, may institute a civil action in the appropriate court to obtain compliance with the provisions of this chapter or remedy or prevent the violation or threatened violation of any provision of this chapter.
- D. The billing and collections of the stormwater management utility fee shall be affected by an agreement with the commissioners of public works and shall provide that the failure to pay the stormwater management utility fee can be enforced through the termination of water and/or sewer services.

### 11.9.8 MUNICIPAL LIABILITY

Nothing in this chapter and no action or failure to act under this chapter shall or may be construed to:

- A. Impose any liability on the Town, or its departments, agencies, officers or employees for the recovery of damages; or
- B. Relieve any person engaged in a land-disturbing activity of duties, obligations, responsibilities, or liabilities arising from or incident to operations associated with such activity or imposed by the provisions of this chapter or the laws and regulations pursuant to which it was adopted.

### 11.9.9 REQUESTS FOR RECONSIDERATION

- A. A utility customer may request a reconsideration of any determination or interpretation by the Town Engineer in the operation of the stormwater management utility. Such request must be in writing specifically explaining the grounds for the request and filed with the Town Engineer.
- B. The Town Engineer shall review the application and make a decision on the request within 30 working days.
- C. The request shall be made upon such forms and be accompanied by such information as the Town Engineer, by written policy, shall require.
- D. In cases where the applicant believes the fee to be inappropriate based on the actual impervious area of the property in which he has interest, the applicant shall submit a site survey of such property. The survey shall include, at a minimum:
  - 1. Property boundaries;
  - 2. Parking areas;
  - 3. Driveways;
  - 4. Buildings;
  - 5. Storm drainage facilities;
  - 6. Any other surface improvements;
  - 7. Calculation of total impervious area;
  - 8. Calculation of total pervious area.
- E. The survey shall be prepared by a licensed land surveyor and shall contain the name and license number of the surveyor and the date when the field survey was conducted.

### 11.9.10 APPEALS

Any person aggrieved by the stormwater management utility fee charged with respect to property in which he has an interest or against whom a civil penalty is imposed may appeal the fee or penalty by filing a written explanation of the grounds of the appeal with the Town Engineer within 30 days of the mailing or delivery of the notification of the fee or penalty to the utility customer, real property owner, or person. The Town Engineer shall render his decision on the appeal in writing within 20 days after receipt of the written appeal. Any person aggrieved by the decision of the Town Engineer may appeal, pursuant to the foregoing procedures, to the mayor/Town Council, whose decision is final with respect to utility fees and civil penalties. At each level of appeal, the reviewing official or body shall conduct a de novo review of the fee or civil penalty, provide the appellant with notice of the review, and allow the appellant an opportunity to be heard orally or in writing upon request.

**11.9.11 CLASSIFICATION OF PROPERTY AND DETERMINATION OF UTILITY FEE**

The classification of all property in the Town and the determination of the stormwater utility fee shall be made from time to time by the Council, and a schedule of such fees is on file and available in the Town offices.

**11.9.12 FINDINGS OF FACT**

- A. By Ordinance No. 96-1002, Town Council created a Stormwater Management Utility and provided that fees may be adopted to assist in the operation of the Utility.
- B. In the adoption of such ordinance, Town Council made certain findings and declarations which findings and declarations are hereby reaffirmed as if set forth verbatim.

**11.9.13 CLASSIFICATIONS OF PROPERTY AND DETERMINATION OF THE INTERIM UTILITY FEE**

- A. For purposes of determining the fee, all properties in the Town are classified as follows:
  - 1. Single Family Residential Property (includes individual Agricultural Residential Property, Town houses, Condominium Units, or Mobile Homes);
  - 2. Multi-Family Residential Property (apartments);
  - 3. Non-Residential Commercial Property;
  - 4. Vacant and/or undeveloped property.
- B. Base Rate: The base rate shall be four (\$4.00) dollars per month or as otherwise adjusted by the Town Council as a part of their annual budget fee schedule.
- C. Equivalent Residential Unit (ERU): The ERU is considered to be a single-family lot with a maximum impervious area of 2,975 square feet (the total allowable area of impervious surface of residential lot in a GR-2 district). The ERU is used to translate a rate charged for a typical residential property into its non-residential equivalent. Actual amounts of impervious surface on a parcel may be physically measured or development plans may be used to determine the impervious surface. If actual amounts are not known the maximum allowable impervious for the “zoning” will be used.
- D. Monthly Fees: Monthly fees for all property, whether occupied or vacant, shall be as follows:
  - 1. Single Family Residential Property- Single family residential property shall be charged a fee equal to the Base Rate times one Equivalent Residential Unit (ERU), regardless of the size of the parcel or the improvements.
  - 2. Multi-family Residential Property- The fee will be 75% of the base rate per unit.
  - 3. Non-residential /Commercial Property - Shall be charged the base rate multiplied by the numerical factor obtained by dividing the total impervious area of the property, as determined by the Town Engineer or his designee, by one (1) ERU (2,975 square feet). The numerical factor will be rounded to the nearest hundredth (0.01) of a unit. The minimum fee for any non-residential property shall be no less than the base rate.
  - 4. Undeveloped/Vacant Property - Regardless of the use classification, unimproved real property shall be exempt from the fee.

Computation of Stormwater Utility Fee	Example Calculation
Base Rate ERU is 2975 sq ft of impervious surface	ERU = \$4.00/month for each 2,975 sq ft
Determine total impervious surface of the commercial property	16,450 square feet
Divide total impervious area by base rate ERU square footage (round to nearest hundredth of a unit)	$16,450 \text{ sq ft} / 2,975 \text{ sq ft} = 5.53 \text{ ERUs}$
Multiply the numerical factor by the ERU base rate fee	Monthly Utility fee = $5.53 \text{ ERUs} \times \$4.00 = \$22.12/\text{month}$

**11.9.14 ADJUSTMENT OF UTILITY FEE**

- A. In cases where the Utility customer believes the fee to be inappropriate based on the actual impervious area of the property in which he has interest, a request for reconsideration may be filed with the Town Engineer.
- B. Where an adjustment of the fee is warranted, the Town Engineer shall recalculate the fee based on the total impervious areas as measures by the Land Surveyor.

**11.9.15 SEVERABILITY**

It is the declared intent of Town Council that the sections, paragraphs, sentence, clauses, phrases and provisions of this ordinance are severable; and if any such part shall be declared unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, it shall not affect the validity or enforceability of any remaining portions of this ordinance, and it is the intent of this Council that all such provisions shall continue in full force and effect.

## 11.10 STORMWATER QUALITY MANAGEMENT

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### 11.10.1 GENERAL PROVISIONS

- A. Authority: This section is adopted pursuant to the authority conferred upon the Town of Summerville (the “Town”) by the South Carolina Constitution, the South Carolina General Assembly and in compliance with the requirements imposed upon the Town by the National Pollutant Discharge Elimination System (NPDES) Permit No. SC230001, issued in accordance with the Federal Clean Water Act, the South Carolina Pollution Control Act, and regulations promulgated thereunder.
- B. Findings: The Town Council makes the following findings:
1. Uncontrolled stormwater runoff has significant, adverse impact on the health, safety and general welfare of the Town and the quality of life of its citizens by transporting pollutants into receiving waters and by causing erosion and/or flooding. Development and redevelopment alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge. These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to public health and safety, as well as to the natural environment.
  2. Development within the Town and the effects of alterations to existing land use have shown evidence of downstream degradation of the Town’s receiving waters, thereby adversely affecting the unique qualities of the Town’s estuaries, its commercial and recreational fishing, the ecosystems’s ability to naturally reproduce, and the general ability of the area to sustain its natural coastal resources. Development within the Town that has created concentrated urbanized areas have also affected the Town’s receiving waters and aquatic species.
  3. The Town is required by Federal Law [33 U.S.C 1342(p) and 40 CFR 122.26] to obtain a NPDES permit from the South Carolina Department of Health and Environmental Control (SCDHEC), for stormwater discharges from the Town of Summerville Stormwater System. The NPDES permit requires the Town to impose controls to reduce the discharge of pollutants in stormwater to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions that are determined to be appropriate for the control of such pollutants.
  4. Additionally, certain facilities that discharge stormwater associated with an industrial activity, including land-disturbing activities, are required to obtain their own respective NPDES permits. Also, the South Carolina Stormwater Management and Sediment Reduction Act [S.C. Code 1976, § 48-14-10 et seq.] requires the Town to obtain a permit for certain land-disturbing activities.

### C. Purpose

1. It is the purpose of this section to protect, maintain, and enhance the environment of the Town and the short and long-term public health, safety, and general welfare of the citizens of the Town by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff associated with both future development, redevelopment, and existing developed land. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, attain and maintain water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, reduce pollutant loading to the maximum extent practicable and maintain to the extent practicable the predeveloped runoff characteristics of the area, and facilitate economic development while minimizing associated pollutant, flooding, and drainage impacts.
2. It is further the purpose of this section to comply with the federal and corresponding state stormwater discharge (NPDES) regulations (40 CFR 122.26 and SC Regulation 61-9.122.26) developed, pursuant to the Clean Water Act and to assure the Town the authority to take any action required by it to obtain and comply with its NPDES permit for stormwater discharges. Among other things, these regulations require the Town to establish legal authority which authorizes or enables the Town at a minimum to:
  - a. Prohibit illicit discharges to the Town stormwater system and receiving waters.
  - b. Control the discharge of spills, dumping or disposal of materials other than stormwater to the Town stormwater system and receiving waters.
  - c. Address specific categories of nonstormwater discharges and similar other incidental nonstormwater discharges listed in the Town stormwater management plan (SWMP).
  - d. Require temporary erosion and sediment controls to protect water quality to the maximum extent practicable during construction activities, in accordance with current state regulations.
  - e. Define procedures for site plan review, inspection, and enforcement.
  - f. Define procedures for receipt and consideration of information submitted by the public.
  - g. Address post-construction runoff particularly volume, rate, and quality through the control and treatment of stormwater with stormwater management facilities and/or best management practices (BMPs).
  - h. Develop post-construction stormwater quality performance standards, through enforcement of minimum design standards for BMPs.
  - i. Ensure effective long-term operation and maintenance of BMPs.
  - j. Carry out all inspection, surveillance and monitoring, and enforcement procedures necessary to determine compliance and noncompliance with stormwater permit (permit) conditions including the prohibition of illicit discharges to the Town stormwater system and the protection of water quality of the receiving waters.
3. This section is to be construed to further its purpose of controlling and reducing pollutant discharges to the Town stormwater system and to the waters of the state to assure the obligations under its NPDES permit issued by the SCDHEC as required by 33 USC 1342 and 40 CFR 122.26.

4. The section requires prudent site planning, including special considerations for the purposes of preserving natural drainage ways; incorporating on-site stormwater retention and infiltration; to minimize runoff from individual sites to streams, rivers, and the ocean by use of effective runoff management, structural and nonstructural BMPs, drainage structures, and stormwater facilities.
- D. Liability to discharger: The application of this section and the provisions expressed herein are the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by statute. In addition, if site characteristics indicate that complying with the Town's minimum stormwater management requirements will not provide adequate design or protection for local property or residents, the Town, as part of its review process will require the owner and operator of these facilities to exceed the minimum stormwater management practices, control techniques design and engineering methods and such other programs and controls as are required to comply with the Town's NPDES permit.
- E. Construction and scope
1. It is the goal of the Town Council that the provisions of this section will result in reduction of the discharge of pollutants to the Town stormwater system and its receiving waters to the maximum extent practicable using management practices, control techniques and systems, design and engineering methods and such other programs and controls as are required by the Town's NPDES permit.
  2. The application of this section, the provisions expressed herein, and the federal and state stormwater regulations are the minimum stormwater management requirements and should not be deemed a limitation or repeal of any other ordinances of the Town or powers granted to the Town by the State of South Carolina Statutes, including, without limitation, the power to require additional or more stringent stormwater management requirements.
  3. This section shall be applicable to all development and redevelopment, including, but not limited to, site plan applications, subdivision applications, land grading applications, and any other land-disturbing activity, unless specifically exempt.
  4. The provisions of this section apply throughout the incorporated boundaries of the Town of Summerville, as defined in [Chapter 15](#).
- F. Severability: Should any word, phrase, clause or provision of this section be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this section as a whole, or any part hereof, except that specific provision declared by such court to be invalid or unconstitutional.
- G. Definitions: For the purpose of this section, definitions contained in South Carolina regulations 61-9.122.2 and 72-301 are incorporated herein by reference. Where the same words are defined in both the aforementioned regulations, but are not the same, the definitions contained in R. 61-9.122.2 will be used for the purposes of this section. Additional terms, phrases, and words will have the meaning given in [Chapter 15](#)

### 11.10.2 ORGANIZATION AND ADMINISTRATION

- A. Regulations: The Town Council, may, in its discretion, amend or change this section or adopt additional regulations or resolutions to implement this section in order to comply with the NPDES permit, implement the SWMP, or to otherwise further the goal of protecting the quality of the receiving waters into which the Town of Summerville MS4 outfalls flow.
- B. Town stormwater management program
1. The stormwater management program (SWMP) developed by the Town to comply with the NPDES stormwater permit, serves as the basis for the Town's program implementation and administration. The SWMP, as amended from time to time by the Town, is hereby adopted for the duration of the Town's stormwater system NPDES permit as the official operational program.
  2. The Town Engineer, with guidance and direction from the Town administrator, shall administer, implement, and enforce provisions of this section on behalf of the Town. Any powers granted or duties imposed upon the Town Engineer may be delegated in writing by the Town Engineer to persons or entities acting in the beneficial interest of or in the employment of the Town.
- C. Coordination with other agencies: The Town Engineer will coordinate the Town's activities with other federal, state, and local agencies, which manage and perform functions relating to the protection of receiving waters. Authority not expressly reserved for other agencies or restricted by statute is placed with the Town Engineer for the protection and preservation of receiving waters.
- D. Cooperation with other governments: The Town may enter into agreements with other governmental and private entities to carry out the purposes of this section. These agreements may include, but are not limited to; enforcement, resolution of disputes, cooperative monitoring, and cooperative management of stormwater systems and cooperative implementation of stormwater management programs.
- Nothing in this section or in this section should be construed as limitation or repeal of any ordinances of these local governments or of the powers granted to these local governments by the South Carolina Constitution or Statutes, including, without limitation, the power to require additional or more stringent stormwater management requirements within their jurisdictional boundaries.
- E. Design/engineering standards: The Town has developed, maintains, and implements such design or engineering standards that are consistent with the SWMP and provide a sound technical basis for the achievement of stormwater management and water quality objectives. All stormwater management facilities shall be designed in such a way as to allow for maximum removal of pollutants and maximum reduction in flow velocities, in accordance with this section and the stormwater management design manual.
- F. Stormwater management design manual: The Town has developed and maintains a "stormwater management design manual (manual)" in accordance with the approved SWMP. The manual serves as minimum criteria for the design, construction, and maintenance of facilities which collect, control, treat (through pollutant removal), and convey stormwater. This manual includes, but is not limited to, the following information:
1. Details describing the policies, goals, and tasks of the stormwater management program.

2. Design requirements and specifications for the preparation of stormwater management plans. Acceptable techniques for obtaining, calculating and presenting the information required in the plans shall be described, as will design conditions which must be accounted for.
3. Minimum specifications for designing, constructing, and maintaining stormwater management facilities. These specifications shall be established in accordance with current good engineering practices.
4. Minimum easement requirements for the inspection and maintenance of stormwater management facilities.
5. Site design approaches that minimize the impact of development on runoff, and protect natural resources and sensitive areas.

The manual shall be reviewed and, if needed, updated periodically (at a minimum every three years) to reflect the most current and effective practices, regulations and most current water quality standards, and shall be made available to the public. Although the intention of the manual is to establish minimum design practices for the protection of water quality and downstream impacts, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct stormwater studies as required by the Town Engineer.

- G. Best management practices: The Town has developed and maintains a set of BMP designs in accordance with the approved SWMP. The BMP designs are located in a section of the manual, and shall serve as minimum criteria for the design, construction, and maintenance of facilities which collect, control, treat (for pollutant removal), and discharge stormwater. This section of the manual includes, but is not limited to, the following information:
1. Guidance in selecting environmentally sound practices for managing and treating stormwater. Development and use of techniques emphasizing the use of natural systems shall be strongly encouraged.
  2. Minimum specifications for designing, constructing, and maintaining stormwater management facilities. These specifications shall be established in accordance with current good engineering practices.
  3. Easement, setback, and buffer requirements.
  4. Post-development water quality performance standards for stormwater management facilities and practices. Methodology/criteria for evaluation will include; (1) hydrologic and hydraulic evaluations; (2) chemical and biological evaluations; (3) evaluation of BMPs; and (4) evaluation of downstream impacts. BMPs can be either structural or nonstructural and may be enforced by specific prescription in zoning requirements, subdivision regulations, or on a site-specific basis as shall be prescribed to meet SWMP objectives. The practices shall be updated periodically to reflect the most current and technologically effective practices and shall be made available to the public.

These practices are not designed to replace the need for sound engineering judgment. Rather, other accepted engineering procedures may be used to conduct stormwater studies if they equal or exceed the procedures contained in the manual or if they are required by the Town Engineer.

### 11.10.3 STORMWATER CONTROL

#### A. Regulations

1. Federal regulations governing stormwater management, as specified in 40 C.F.R. 122.26, and state regulations, as specified in R. 61-9.122.26, adopted pursuant thereto, and state regulation R. 72.300 et. seq., are adopted as the minimum requirements for all facilities as defined in the respective regulations.
2. The Town Engineer will be responsible for day to day coordination, implementation and enforcement of this section and the SWMP. This includes, but is not limited to; requirements for commercial and residential activities, construction site runoff, industrial and related facilities, and illicit discharges and improper disposal. Without limitation of the foregoing, the Town Engineer has the following specific powers and duties:
  - a. To issue any permit, certification or license that may be required by the SWMP.
  - b. To issue any permit, certification or license that meets the minimum requirements under this section and state or federal statutes and regulations.
  - c. To approve a facility connection to the stormwater system or discharge to waters of the state (including ocean outfalls) if state, or federal regulations or requirements under this section are met.
  - d. To approve stormwater plans, and to require as a condition of such approvals structural and/or nonstructural controls, practices, devices, or operating procedures, required under the SWMP.
  - e. To require financial guarantees of any person to secure that person's compliance with any stormwater plan, permit, certificate, license or authorization issued or approved by the Town Engineer pursuant to the SWMP.
  - f. To comply with all federal and state regulatory requirements, promulgated or imposed pursuant to the Clean Water Act and the South Carolina Stormwater Management Act, applicable to the management of stormwater discharges to or from the Town of Summerville Stormwater System.
  - g. To conduct all activities necessary to carry out the SWMP and other requirements included in the Town's NPDES permit, the SWMP and this section, and to pursue the necessary means and resources required to properly fulfill this responsibility.
  - h. To enter into agreements with other governmental entities or private persons or entities to provide or procure services to conduct and carry out stormwater management activities.
  - i. Plans must meet the minimum requirements of this section in order for a permit to be issued. An approval by other state and federal agencies does not constitute approval by the Town.

## B. Prohibitions and exemptions

1. No person may: (1) develop or redevelop any land; (2) engage in any industry or enterprise; (3) construct, operate or maintain any landfill, hazardous waste treatment, disposal or recovery facility, or any other industrial or related facility; or (4) dispose of any hazardous or toxic substance or other pollutant without having first obtained a permit issued pursuant to this section and having complied with any program, plan, permit, or regulation of the Town's SWMP adopted in accordance with this section, and having complied with the policies of the South Carolina Coastal Zone Management Program.
2. No person may obtain a permit issued pursuant to this section for any activity impacting wetlands or other waters of the state without first having complied with the policies of the South Carolina Coastal Zone Management Program. All permits must be reviewed by SCDHEC's Office of Ocean and Coastal Resources Management (OCRM) for consistency with the coastal zone management program.
3. No person shall create or cause a blockage of an open channel or pipe system used to convey or transport stormwater runoff from one property to another separately owned property.
4. No person shall modify the topography of a property such that stormwater runoff is diverted from its original path such as to cause it to be directed onto an adjacent property.
5. The following development activities are exempt from the provisions of this section:
  - a. Construction or improvement of single-family residences or their accessory buildings which are separately built and not part of a larger subdivision development.
  - b. Land-disturbing activities on agricultural land for production of plants and animals useful to man, including, but not limited to: forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture (under the condition they are in compliance with SCDHEC agriculture regulations), except that the construction of an agricultural structure of one or more acres, such as broiler houses, machine sheds, repair shops and other buildings and which require the issuance of a building permit will require the submittal and approval of a stormwater plan prior to the start of the land-disturbing activity.
  - c. Land-disturbing activities undertaken on forestland for the production and harvesting of timber and timber products.
  - d. Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act.
  - e. Certain land-disturbing activities undertaken by persons who are exempt from the provisions of the Stormwater Management and Sediment Reduction Act as set forth in S.C. Code 1976, § 48-14-40, as amended.
  - f. Industrial facilities having a valid NPDES general stormwater permit issued by SCDHEC, and if the facility is in compliance with the conditions contained in the NPDES general permit will be deemed in compliance with the requirements of this section.

### C. Scope of development plans

1. For all residential subdivision and commercial development with land disturbance of more than one half (1/2) acre, all the requirements of a stormwater permit, as defined in the design manual, apply. If a residential or commercial development disturbs one half (1/2) acre or less but is part of a larger common plan (LCP) of development, the project will require stormwater permitting as well.
2. For single-family residential construction by individuals and construction of one half (1/2) acre or less of commercial properties that are not part of a larger common plan (LCP) of development, the person responsible for the land-disturbing activity shall conform to the residential stormwater requirements as defined in the design manual. By obtaining a Town building permit, the owner grants the right to the Town Engineer to conduct on-site inspections.
3. Construction projects that disturb less than ½ acre shall not impede the natural flow of runoff from adjacent properties; and they shall not dispel their runoff in a manner that will negatively impact adjacent properties. Owners are to be responsible for managing water naturally traversing their property and to take reasonable action to prevent their runoff from inundating or causing appreciable damage to downstream property when creating a drainage plan. Emphasis is to be placed on the current flow patterns and natural topography when developing projects that disturb less than ½ acre.
4. In developing plans for residential subdivisions, each individual lot shall be required to obtain and comply with the subdivision's overall stormwater permit, including specified BMPs for addressing stormwater quality. The residential subdivision development, as a whole, is considered to be a single land-disturbing activity requiring a permit. Hydrologic parameters that reflect the fully-built subdivision development will be used in all engineering calculations.
5. If individual lots or sections in a residential subdivision are being developed by different property owners, all land-disturbing activities related to the residential major subdivision shall be covered by the approved stormwater plan for the residential subdivision. Individual lot owners or developers will sign a certificate of compliance that all activities on that lot will be carried out in accordance with the approved stormwater plan for the residential subdivision.

### D. Stormwater plan process

1. The applicant shall submit a stormwater plan (as part of the construction plans) through the Engineering department for review and approval. Requirements for the stormwater plan are detailed in the manual.
2. Should any stormwater plan involve any future stormwater management facilities or land to be dedicated to public use, the same information will also be submitted to the Town Engineer for review and approval.
3. The review and approval of a stormwater plan will follow the procedures outlined for development review and approval by the Town, and as detailed in this section and the design manual. The review of the stormwater plan shall be performed by the Town Engineer or his appointed representative.

## E. Permit requirements

1. An application is not complete until the following information is submitted to the Town Engineer:
  - a. Name and address of applicant.
  - b. A stormwater plan meeting the requirements set forth in the design manual.
  - c. A narrative statement meeting the requirements set forth in the design manual.
  - d. Design calculations meeting the requirements set forth in the design manual.
  - e. An operations and maintenance plan meeting the requirements set forth in the design manual.
  - f. A completed permit application and the appropriate permit fee.
2. No permit for a land-disturbing activity shall be issued or modified without the following being secured:
  - a. An approved stormwater plan, as appropriate.
  - b. Right of entry for emergency maintenance if necessary.
  - c. Right of entry for inspections and monitoring.
  - d. Any off-site easements needed.
  - e. Proposed locations of all public easements for stormwater management facilities should be identified.
  - f. As applicable, evidence of a receipt of all other required permits including, but not limited to: erosion and sediment control, endangered species, historic properties, archaeological and all other state and federal permits.
  - g. Where land-distributing activity may impact wetlands or any other waters of the state, evidence of receipt of the following is required: 1) all state and federal permits, and a state coastal zone consistency certification, including nationwide wetlands permit; and 2) a copy of the Army Corp of Engineers letter of verification for wetlands. Revocation of any state and/or federal permit will constitute revocation of any local permit.
3. No final occupancy permit shall be issued without the following items.
  - a. Receipt of the recorded Stormwater Practices Permanent Maintenance Covenants.
  - b. Receipt of an as-built plan, signed and sealed by a registered professional stating that the project was built in compliance with the permitted stormwater plan. The as-built plan shall include a post-construction maintenance plan designed to meet the requirements of the BMP maintenance templates included in the Design Manual.
  - c. An approved Town of Summerville final stormwater inspection.
4. Any and all site grading permits will, as determined by the Town, be revoked at any time if the construction of stormwater management facilities is not in strict accordance with approved plans.
5. The Town reserves the right to reject any plan, or require additional information and/or requirements to be met as a condition of Town approval.

- F. Minimum runoff control requirements. Minimum runoff control requirements for stormwater management facilities have been outlined in detail in the manual. Before beginning the stormwater permit process, the permit applicant shall ensure that the most updated manual is being used. The following outlines the general requirements for controlling stormwater runoff rate and pollutant discharge:
1. For all single-family residential individual lots or commercial properties that disturb one half (1/2) acre or less, and are not part of a larger common plan of development, control of the peak runoff discharge or post-construction water quality control is not required unless specifically required by current state or federal regulations.
  2. For nonresidential development and all multi-lot residential development within the Town's MS4 Urbanized Area (UA):
    - a. New development on undisturbed tracts of land: Follow requirements as outlined in [Section 3.6](#) of the design manual. Pervious pavement technology will be strongly encouraged for all driveways and parking lots for new development, in accordance with the design manual.
    - b. Redevelopment or expansion of existing development: Both existing and future development will follow requirements as outlined in [Sections 3.1](#) and [3.6](#), of the design manual.
    - c. Redevelopment, defined as any construction, alteration or improvement of more than one-half (0.5) acre of land disturbance on sites where existing land use is commercial, industrial, institutional, or multi-family residential, is governed by the following:  
 Redevelopment which has no increase or a net decrease in impervious area yet lacks evidence of a functioning retention/detention facility will be required by the Town engineer to retrofit the site to current Town of Summerville standards for peak attenuation and stormwater volume and water quality controls.
    - d. Redevelopment or expansion of existing development not meeting Section F.2.b, above: All new driveways and parking lots should be constructed with pervious pavement technology, and all building roof drains and downspouts should be disconnected from impervious pavement/surfaces, and directed to vegetative ground cover for conveyance through a properly designed filter strip or vegetated swale (in accordance with the manual). Properly installed and maintained porous paving technologies, including pervious concrete and pavers, will be considered 100 percent pervious and will not count against any total allowable impervious percentage on-site, nor will it be considered impervious in determining the hydrologic runoff properties.
    - e. Buffer requirements. Buffer requirements shall be in accordance with SCDHEC and Town zoning regulations.
  3. Construction site runoff control measures for all qualifying developments shall be in accordance with the most current version of the SCDHEC erosion and sediment reduction and stormwater management regulations.

- G. Stormwater management facilities.
1. Stormwater management facilities may include natural and manmade elements. Natural swales and other natural runoff conduits shall be retained to the maximum extent practicable.
  2. Where additional stormwater management facilities are required to satisfy the minimum control requirements, the following measures are examples of what may be used along with other measures subject to the approval of the Town Engineer:
    - a. Facilities designed to encourage overland flow, slow velocities of flow, and allow for sheet flow through buffer zones.
    - b. Infiltration practices.
    - c. Bioretention facilities.
    - d. Swales and filter strips.
    - e. Constructed wetlands.
    - f. Pervious paving technologies, including pervious concrete, asphalt and pavers.
    - g. Natural and vegetated buffers.
    - h. Stormwater detention structures (dry basins used for reducing peak discharge only).
    - i. Stormwater retention structures (wet ponds used for reducing peak discharge and reducing pollutant discharge).
    - j. Retention of natural landscape and trees in parking lots.
    - k. Other BMPs aimed at reducing the discharge of polluted stormwater.
  3. Where detention and retention structures are used, designs which consolidate these facilities into a limited number of large structures will be preferred over designs which utilize a large number of small structures.
  4. When wet ponds are employed, retention/planting of littoral vegetation, particularly native wetland plants selected for nutrient and contaminant uptake capacity should be included.
  5. Drainage plans can be rejected by the Town Engineer if they incorporate structures and facilities that will demand considerable maintenance and will be difficult to maintain, or utilize numerous small structures if other alternatives are physically possible.
  6. The drainage system and all stormwater management structures within the Town (including both public and private portions) will be designed to the same engineering and technical criteria as provided in the manual. The department's review will be the same whether the portion of the drainage system will be under public or private control or ownership.
- H. Stormwater plan requirements. Stormwater plan requirements for stormwater permit submittal are outlined in the design manual.
- I. Plan hydrologic criteria. Plan hydrologic criteria for stormwater management facilities are outlined in the design manual.

- J. Ownership and Town participation.
  - 1. All stormwater management facilities should be privately owned and maintained, unless the Town accepts the facility for Town ownership and maintenance. Should the owner of a private facility desire the Town to assume operation and maintenance of a stormwater management facility, the owner shall grant to the Town, a perpetual, nonexclusive easement that allows for public inspection, maintenance, and monitoring, and emergency access. Owners of privately owned stormwater management facilities shall grant the Town right of entry to inspect and monitor the performance of the stormwater management facilities upon appropriate notice to the property owner. In emergency cases where the potential exists where the blockage of stormwater facilities may be causing structural or roadway flooding, the Town will make all reasonable attempts to notify the effected property owner(s) prior to entering the property but will maintain the right to enter the property if such flooding is a danger to the public or off-site property owners.
  - 2. All stormwater management measures relying on designated vegetated areas or special site features (including buffers) will be privately owned and maintained as defined in the stormwater plan.
  - 3. When the Town Engineer determines that additional storage and/or treatment capacity beyond that required by the applicant for on-site stormwater management is necessary or additional BMP's may be required in order to enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development, the Town may:
    - a. Require that the applicant grant any necessary easements over, through or under the applicant's property to provide access to or drainage for such a facility.
    - b. Require that the applicant attempt to obtain from the owners of property over, through or under where the stormwater management facility is to be located, any easements necessary for the construction and maintenance of same (and failing the obtaining of such easement the Town may, at its option, assist in such matter by purchase, condemnation, dedication or otherwise, and subject to Section J.4 below, with any cost incurred thereby to be paid by the Town).
    - c. Participate financially in the construction of such facility to the extent that such facility exceeds the required on-site stormwater management as determined by the Town Engineer.
  - 4. To implement this provision both the Town and developer will be in agreement with the proposed facility that includes the additional storage and/or treatment capacity and jointly develop a cost sharing plan which is agreeable to all parties.
- K. Construction, inspection, and maintenance
  - 1. All temporary and permanent on-site stormwater management facilities and BMPs required by this Ordinance shall be maintained by the owner during and after site development, unless the facility is officially accepted by the Town of Summerville for Town maintenance. The requirements of a properly executed Town of Summerville Stormwater Practices Permanent Maintenance Covenants, which is adopted as a

supplement to this ordinance shall be followed to ensure long-term maintenance of stormwater facilities. The owner shall provide adequate ingress and egress for Town of Summerville personnel to inspect the premises at reasonable times. For purposes of this section, the term owner shall also mean Homeowner Association or other collective member organizations.

2. Prior to the approval of the stormwater plan; the applicant will submit a proposed staged construction and inspection control schedule. This plan will indicate a phase line for approval otherwise the construction and inspection control schedule will be for the entire drainage system.
3. No subsequently staged work, related to the construction of stormwater management facilities, may proceed until the preceding stage of work, according to the sequence specified in the approved staged construction and inspection control schedule, is inspected and approved, unless otherwise approved by the Town Engineer.
4. The permittee shall notify the Town Engineer before commencing any work to implement the stormwater plan and upon completion of the work.
5. The permittee shall provide an “as-built” plan certified by a registered professional engineer to be submitted upon completion of the stormwater management facilities included in the stormwater plan. The registered professional engineer will certify that:
  - a. The facilities have been constructed as shown on the “as-built” plan.
  - b. The facilities meet the approved stormwater plan and specifications or achieve the function for which they were designed.
6. Acceptable “as-built” plans shall be submitted prior to:
  - a. The use or occupancy of any commercial or industrial site.
  - b. Final acceptance of any road into the official Town road inventory.
  - c. Release of any financial guarantees held by the Town.
  - d. Approval and/or acceptance for recording of maps, plats or drawings, the intent of which is to cause a division of a single parcel of land into two or more parcels.
  - e. A final inspection will be conducted by the Town Engineer upon completion of the work included in the approved stormwater plan to determine if the completed work is constructed in accordance with the plan.
7. In general, within conveyed Town of Summerville Permanent Drainage Easements, the Town will only perform the necessary maintenance activities and repairs to ensure the proper functionality of the drainage systems located within the easements. This includes:
  - a. Removing fallen trees and large debris from creeks when those obstructions create a qualifying drainage problem;
  - b. Clearing storm drain pipes, catch basins and culverts;
  - c. Repairing or replacing broken storm drainage infrastructure or systems; and
  - d. Controlling severe creek bank erosion when necessary to protect water quality and adjacent properties. Channel/creek bank erosion is considered severe when it is causing a threat to adjacent habitable structures or resulting in significant downstream sedimentation problems. This work will only be performed by the Town when natural channel flows are causing the erosion and not due to runoff from adjacent properties.

Activities that the Town will not perform within Town of Summerville Permanent Public Drainage Easements:

- a. Clearing up sticks, leaves or debris on private property after heavy rain or flooding;
- b. Repairing or replacing private property damaged stormwater runoff or flooding, including but not limited to indoor damages, air conditioners, heating units, fences, gardens, lawns, shrubs, mail boxes, and dog houses;
- c. Clearing out incidental debris from creeks and drainage ditches such as trash, leaves, clippings or small tree branches;
- d. Clear cutting vegetation from creek banks as part of routine maintenance;
- e. Mowing a ditch or storm drainage easement on private property;
- f. Re-grading or re-seeding a storm drainage easement after project warranty period; or
- g. Other actions that do not prohibit or impact the functionality of the public drainage system.

## 11.11 STORMWATER APPROVAL AND PERMIT REQUIREMENTS

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### 11.11.1 DETECTION AND REMOVAL OF ILLICIT CONNECTIONS AND DISCHARGES AND IMPROPER DISPOSAL

- A. Illicit connections, illicit discharges and improper disposal.
  1. It is unlawful for any person to connect any pipe, open channel, or any other conveyance system that discharges anything except stormwater or unpolluted water, which is approved by the Town Engineer, into receiving waters or the Town system.
  2. It is unlawful for any person to continue the operation of any such illicit connection regardless of whether the connection was permissible when constructed. Improper connections in violation of this section will be disconnected and redirected, if necessary, to the satisfaction of the Town Engineer and any other federal, state, or local agencies or departments regulating the discharge.
  3. It is unlawful for any person to throw, drain, run or otherwise discharge to any component of the Town's stormwater system or to the waters of the state or to cause, permit or allow to suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system or receiving water all matter of any nature excepting only such storm or surface water as herein authorized.
  4. The department may require controls for or exempt from the prohibition provision in Sections (1), (2) and (3) above, the following, provided it is determined that they are not a significant source of pollution, but the permissibility of the following depends on their discharge into a vegetated area where practicable rather than onto an impervious surface or directly into a receiving water body:
    - a. Unpolluted industrial cooling water, but only under the authorization and direction of the Town Engineer and appropriate NPDES permit.
    - b. Water line flushing performed or required by a government agency, diverted stream flows, rising groundwaters, and unpolluted pumped groundwaters, and unpolluted groundwater infiltration.
    - c. Unpolluted pumped groundwater.

- d. Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual car washing, residential pool backwashing, de-chlorinated pool water, flows from riparian habitats and wetlands, and street wash water.
  - e. Discharges or flows from fire-fighting.
  - f. Other unpolluted water.
  - g. Any of the permitted discharges are only to be approved if suitable protection is provided by use of approved methods to prevent the erosion or conveyance of silts or contaminants into the MS4.
  - h. In the event of an accidental discharge or an unavoidable loss to the Town stormwater system of any pollutant, the person concerned will abide by requirements as regulated by the SCDHEC, informs the Town Engineer's office as soon as possible, but not to exceed 12 hours from time of discovery, of the nature, quantity and time of occurrence of the discharge. The person concerned must take immediate steps to contain the waste, treat the waste or other actions to minimize effects of the discharge on the stormwater system and receiving waters. The person will also take immediate steps to ensure no recurrence of the discharge.
- B. Detection of illicit connections and improper disposal.
- 1. The Town Engineering department will take appropriate steps to detect and eliminate illicit connections to Town stormwater system, including the adoption of a program to screen illicit discharges and identify their source or sources.
  - 2. The Town Engineering department shall take appropriate steps to detect and eliminate improper discharges, including programs to screen for disposal and programs to provide for public education, public information, and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials and household hazardous waste.

### 11.11.2 INSPECTIONS

- A. The Town Engineer, or his/her designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation measurement, enforcement, sampling and testing, to effectuate the provisions of this section that the SWMP promotes. The Town Engineering office will duly notify the owner of said property or the representative on-site and the inspection should be conducted at reasonable times.
- B. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector may terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector should immediately report the refusal and the grounds to the Town Engineer. The Town Engineer will promptly seek the appropriate compulsory process.
- C. In the event that the Town Engineering office appropriately credentialed designee, reasonably believes that discharges from the property into the Town stormwater system may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time upon an initial attempt to notify the owner of the property or a representative on-site. The inspector should present proper credentials upon reasonable request by the owner or representative.
- D. Inspection reports will be maintained in a permanent file located in the Town Engineering office.

### 11.11.3 ENFORCEMENT, PENALTIES, AND ABATEMENT

An Enforcement Response Plan (ERP) has been developed and is included as an appendix to the Town's stormwater management design manual. The ERP contains a summary of the overall process related to the Town's enforcement including, but not limited to, the following:

- A. Violations: Upon determination that a violation of any of the provisions of this section has occurred, the Town Engineering office may give timely actual notice at the property where the violation has occurred or at the address of the permit holder, and shall give written notice to the violator within 15 days. This notice will specify: the nature of the violation, the proposed penalty, and the amount of time in which to correct deficiencies. It should be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States mail, properly stamped, certified and addressed to the address used for tax purposes.
- B. Civil penalties: Any person or entity that violates any provision of this section shall be assessed either a minor violation or major violation as defined in [Chapter 15](#). Fines for minor violations shall be \$250.00 per day and \$1,000.00 per day for major violations. Each separate day of a violation constitutes a new and separate violation.
- C. Additional legal measures
  1. Where the Town is fined and/or placed under a compliance schedule by the state or federal government for a violation(s) of its NPDES permit, and the Town can identify the person(s) who caused such violation(s) to occur, the Town may pass through the penalty and cost of compliance to that person(s).
  2. The Town attorney may institute injunctive, mandamus or other appropriate action or proceedings at law or equity, including criminal conviction, for the enforcement of this section or to correct violations of this section, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.
- D. Corrective action: In the event a violation of this section has not been corrected within the applicable time period for correction, the Town, or its contractor, may enter upon the lot or parcel of land and correct the violation, and the costs incurred as a result of such action (including inspection, administration, labor and equipment costs) will be collected from the bond, if in place and sufficient to cover such costs, or shall become a lien upon the property and should be collected in the same manner as Town taxes are collected.
- E. Stop work
  1. A stop work order shall be issued by the Town if, as determined by the Town Engineering office, one or more of the following violations have been committed:
    - a. Any person who proceeds with any work which requires a stormwater plan hereunder without first submitting a plan and obtaining a permit.
    - b. Violation(s) of the conditions of the stormwater management and sediment control plan approval.
    - c. Construction not in accordance with the intent of the approved plans.
    - d. Noncompliance with correction notice(s).
    - e. The existence of an immediate danger in a downstream area in the judgment of the Town Engineer.

2. When one or more of these conditions are found, a written notice of violation will be served upon the owner of the property or an authorized representative. The time in which to correct the deficiencies will be specified in the notice of violation. The notice of violation will set forth the measures necessary to achieve compliance with the plan. Corrective actions must be started immediately or the owner will be deemed in violation of this section.
  3. If appropriate remedial actions as outlined in the written notice are not completed within the specified time period, a stop work order will be issued within seven days. The stop work order will then be in force until the development is in compliance with this section.
  4. If a violation of this section is occurring that the Town Engineer determines in his or her judgment, will cause significant damage to off-site property or structures, the Town Engineer can issue an immediate stop work order.
  5. Prior to lifting of the stop work order, fees double the normal amount of applicable bond and fees, with a minimum of \$250.00, and payment of any other applicable penalties will be paid. The stop work order may allow or require correction of violations, but no other project related activities.
- F. Permit suspension and revocation. A site grading permit may be suspended or revoked if one or more of the following violations have been committed:
1. Violations of the conditions of the stormwater plan approval.
  2. Construction not in accordance with the letter or intent of the approved plans.
  3. Noncompliance with correction notice(s) or stop work order(s).
  4. The existence of an immediate danger in a downstream area in the judgment of the department.
- Work authorized by permits issued under this section must be completed within five years after the date of issuance. The time limit may be extended for good cause showing that due diligence toward completion of the work has been made as evidenced by significant work progress. An extension only may be granted if the permitted project meets the policies and regulations in force when the extension is requested, or the permittee agrees to accept additional conditions which would bring the project into compliance. The time periods required by this section must be acted on during the pendency of an administrative or a judicial appeal of the permit issuance.
- G. Criminal penalties. In addition to any applicable civil penalties, any person who negligently, willfully or intentionally violates any provision of this section will be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court per the Town of Summerville Code of Ordinances General Provisions.
- H. After-the-fact permits. The Town does not have authority to consider an after-the-fact application unless:
1. All fines are paid before application.
  2. The permit would legitimize an activity that is a routine permitting matter that will meet all the standards under this section.
  3. Mitigation for any damage caused by the activity has been completed.
  4. Any portion of the activity or structure that is in violation of the ordinance is corrected prior to the approval.

#### 11.11.4 VARIANCES

- A. Individuals submitting for a stormwater permit may submit to the Town Engineer for approval a variance from the requirements of this section if exceptional circumstances applicable to a site exist, such that adherence to the provisions of the ordinance will result in unnecessary hardship and will not fulfill the intent of the ordinance, as defined in [Section 10.1.C](#), “Purpose”.
  1. Requests for variances. A written request for a variance is required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request should include all information necessary to evaluate the proposed variance. The applicant will address the three areas of consideration for variance approval as follows:
    - a. What exceptional circumstances to the site are evident.
    - b. What unnecessary hardship is being caused.
    - c. How will failure to grant the variance be inconsistent with the intent of the ordinance.
  2. Review of variances. The Town Engineer will conduct a review of the request for a variance and issue a decision within 30 working days of receiving the request.

#### 11.11.5 CHARGES AND FEES

- A. Funding: In addition to all other charges, fees, and penalties, the Town has the right to develop and impose a stormwater service fee to fund implementation of this section and its associated programs and plans.
- B. Connection to conveyances: The Town Council has the right to establish a schedule of appropriate fees for any person or property owner establishing a new discharge to waters of the state within the Town, or to any part of the Town stormwater system. Such fee should be payable as part of any permit application or submission, regulating the discharge of stormwater runoff. Permit fees will be established on the basis of land use classes relating to the quantity and quality of permitted discharge.
- C. Field inspection: Costs associated with field inspection of land development or construction activities other than those routinely performed by the Town Engineering office, as part of compliance monitoring shall be assessed a fee representing the cost in labor, equipment, and materials expended in the conduct of the inspection. Such fees will be applied only to those activities covered under a previously submitted and approved stormwater plan.
- D. Permit fee development: A nonrefundable permit fee will be collected at the time the stormwater management plan or application is submitted. The permit fee will provide for the cost of plan review, administration, and management of the permitting process, and inspection of all projects subject to this section. A permit fee schedule shall be established by the Town Council based upon the relative complexity of the project and may be amended from time to time.

# 12

## 12 NONCONFORMITIES

### 12.1 PURPOSE AND INTENT

The purpose of this chapter is to regulate and limit the continued existence of uses and structures established prior to the date of the UDO (or any subsequent amendment) that do not conform to the UDO. Any nonconformity created by a change in the classification of property or by the text of these regulations shall also be regulated by the provisions of this chapter.

The provisions of this chapter are intended to limit substantial investment in nonconformities/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of the areas in which they are located.

### 12.2 APPLICABILITY

To avoid undue hardship, the use of any building or land use that was lawful at the time of the enactment of this ordinance, but which does not conform to the provisions of this ordinance, shall be permitted to continue subject to the provisions of this chapter. The thresholds at which nonconforming uses or structures must be brought into compliance relate to the cumulative expansion, reconstruction or other modification of nonconforming uses or structures relative to the condition in which they existed on the date of adoption of this ordinance.



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## 12.3 GENERAL PROVISIONS AND PROCEDURES

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### 12.3.1 MODIFICATIONS TO NONCONFORMITIES

- A. Applicability: Town Staff shall hear applications from any landowner for modifications and decide to:
1. Authorize a change in use of a nonconforming use to a different, less-intense nonconforming use;
  2. Authorize a change in location of a nonconforming use of land to another location on the same property; or
  3. Allow the replacement of a structure with a nonconforming use.
- B. Criteria for Approval: The property owner wishing to have a property or building declared a legal nonconforming use shall submit such request in writing and shall bear the burden of proof in providing Town Staff with any and all required documentation.

Town Staff may only grant a change for a nonconforming use or replacement of a nonconforming structure which has been destroyed after determining that:

1. Said change will be more suitable and appropriate for the lot(s) on which it is located than the existing or previous situation; and,
  2. The proposed change will have a less harmful effect than the existing or previous situation on the properties surrounding the lot(s) in question; and,
  3. The decision to grant the change will be in harmony with the general purpose and intent of the UDO and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.
- C. Conditions of Approval: Town Staff, in granting such changes, may prescribe appropriate conditions and safeguards in conformity with the UDO. Violation of such conditions and safeguards, when made a part of the terms upon which the change was granted, shall be deemed a violation of the UDO and shall be subject to enforcement provisions as prescribed per [Chapter 14](#) Violations and Enforcement.

### 12.3.2 UNSAFE STRUCTURES

- A. Deficiencies Due to Lack of Maintenance: Any structure or other development of land, or portion thereof, devoted to a nonconforming use or having a nonconforming feature that is declared unsafe by the building inspector because of lack of repairs and maintenance shall not be restored, repaired, reconstructed, or used except in conformity with the provisions of the UDO.
- B. Other Deficiencies: Any structure or other development of land, or portion thereof, devoted to a nonconforming use or having a nonconforming structure that is declared unsafe by the building inspector, but not because of lack of repairs and maintenance, may be repaired and restored subject to the requirements of [Section 12.3.3](#) below. A "Schedule of Repairs" shall be submitted to Town Staff for approval within 30 days of notice.

### 12.3.3 ABANDONMENT / DISCONTINUANCE

A nonconforming use of a building or premises which has/have been discontinued shall not thereafter be returned to such nonconforming use except in accordance with the provisions of this section.

- A. Determination of Discontinuance: A nonconforming use shall be presumed discontinued when any of the following has occurred:
1. A conforming use has replaced the preceding nonconforming use.
  2. All of the buildings or structures on the subject property housing the nonconforming use have been removed.
  3. The owner has physically changed the building or structure, or its permanent equipment, in such a way as to clearly indicate a change in use or activity to something other than the nonconforming use.
  4. The property, structure or use has been vacant or inactive for a continuous period of more than 90 days.
    - a. This may be implied from acts or the failure to act, including, but not limited to: the removal of and failure to replace the characteristic equipment and furnishings; lack of utility consumption necessary to maintain the use at an operable level; or documented vacancy.
    - b. If operations have ceased for more than 90 consecutive days, the presence of characteristic equipment and furnishings is not, in and of itself, sufficient to establish the continuity/operation of the use.
    - c. The mere vacancy of a structure for a period exceeding 90 consecutive days that was initially constructed as a single-family dwelling and whose most recent use was as a single-family dwelling shall not constitute a discontinuance of the use.

## 12.4 NONCONFORMING USES

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### 12.4.1 APPLICABILITY

Any use of a building or land existing at the time of the enactment of this section which does not conform with the provisions of the UDO for the District in which it is located shall be deemed to be a nonconforming use and is subject to the standards of this section. Once a nonconforming use is discontinued as per [Section 12.3.3](#), above, it may not later be reestablished or converted to any other nonconforming use.

### 12.4.2 EXPANSION OF USE

A nonconforming use of land or building shall not be enlarged, intensified, or expanded unless the building or structure is altered to conform with the UDO.

### 12.4.3 DAMAGE OR DESTRUCTION

- A. When a building or structure devoted to a nonconforming use is damaged by fire, flood, explosions, wind, earthquake, war, riot or other act, to the extent of more than 50% of the property's "total improvements full market value" as shown on the county tax records at the time of such damage, such a building, if restored, shall thereafter be devoted to conforming uses.
- B. If a building or structure devoted to a nonconforming use is damaged by fire, flood, explosions, wind, earthquake, war, riot or other act, to a lesser extent than designated above, it may be repaired and continued in accordance with the UDO provided that any such repair does not increase the degree of any nonconformance and a building permit for the reconstruction or repair work is obtained within 120 days of the date of such damage.

## 12.5 NONCONFORMING STRUCTURES

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### 12.5.1 APPLICABILITY

A nonconforming structure is a physical feature or characteristic of a building, structure, or other development of land that was lawfully established prior to the effective date of the UDO, but does not conform to dimensional, design, locational, or other requirements of the UDO. This also includes nonconforming features such as buffer yards, landscaping, mechanical and utility structures, and parking. The nonconformity may result from adoption of the UDO or any subsequent amendment. The provisions of this section shall apply to single-family dwellings used for residential purposes to the greatest extent practical as determined by Town Staff.

### 12.5.2 CONTINUATION OF EXISTING STRUCTURE

Any structure existing at the time of the enactment of the UDO which does not conform with the provisions of the UDO for the district in which it is located shall be deemed to be a nonconforming structure and is subject to the standards of this section. Once a nonconforming structure is discontinued as per [Section 12.3.3](#), above, it may not later be reestablished or converted to any other nonconforming use.

### 12.5.3 REPAIRS, ALTERATIONS, AND MAINTENANCE

Any nonconforming building or structure that is renovated, repaired, altered, or otherwise improved by more than 50% of the property's "total improvements full market value" as shown on the tax records at the time of such renovation, repair, or alteration shall be brought into full conformance to the greatest extent possible as determined by Town Staff.

### 12.5.4 EXPANSION OF STRUCTURE

A nonconforming building shall not be enlarged, intensified, or extended except in conformity with the UDO and provided that the enlargement, extension, or structural alteration may extend or project no further than the legally-established building line(s) of the subject building.

### 12.5.5 DAMAGE OR DESTRUCTION

The following provisions shall not apply to any single-family dwelling used for residential purposes:

- A. When a building or structure devoted to a nonconforming structure is damaged by fire, flood, explosions, wind, earthquake, war, riot or other act, to the extent of more than 50% of the property's "total improvements full market value" as shown on the tax records at the time of such damage, such a building, if restored, shall thereafter be devoted to conforming uses.
- B. If a building or structure devoted to a nonconforming structure is damaged by fire, flood, explosions, wind, earthquake, war, riot or other act, to a lesser extent than designated above, it may be repaired and continued in accordance with the UDO provided that any such repair does not increase the degree of any nonconformance and a building permit for the reconstruction or repair work is obtained within 120 days of the date of such damage.

### 12.5.6 RECONSTRUCTION

A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure except that a nonconforming structure listed in the Town of Summerville Historic District Survey may be allowed to be rebuilt within the original (pre-demolition) footprint.

## 12.6 NONCONFORMING LOTS

### 12.6.1 DEFINITION AND APPLICABILITY

A nonconforming lot is a lot that was lawfully created prior to the effective date of the UDO, but that does not meet the dimensional requirements of [Chapter 2](#), Districts, for the district in which it is located. A nonconforming vacant lot of record is one that was recorded by plat or description in the Office of the Register of Deeds of the relevant County prior to the adoption of the UDO or prior to the time that the lot was brought into the Town's jurisdiction. This definition shall not be interpreted to include recorded lots that were in violation of any prior subdivision regulations of the Town of Summerville and which will remain in violation.

### 12.6.2 STANDARDS FOR DEVELOPMENT

- A. When, in the opinion of Town Staff, a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller in area and/or width than the required minimum set forth in [Chapter 2](#), Districts, then the lot may be used just as if it were conforming.
- B. When the use proposed for a nonconforming lot is one that is conforming in all other respects, but the applicable setback requirements set forth in [Chapter 2](#), Districts, cannot reasonably be complied with, then Town Staff may issue a permit for the proposed use and may allow deviations from the setback requirements if Town Staff finds that:
  1. The property cannot reasonably be developed for the use proposed without such deviations;
  2. These deviations are necessitated by the size or shape of the nonconforming lot; and
  3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.
- C. For purposes of paragraph B above, compliance with applicable building setback requirements is not reasonably possible if a building serving the minimal needs of the proposed use cannot practicably be constructed and located on the lot in conformity with such setback requirements; however, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
- D. Unity of title shall be required for any construction or expansion where multiple nonconforming lots are used as a single parcel for development purposes. In consideration of the Town's issuance of a permit for such construction, the landowner shall agree to restrict such lots in the following manner:
  1. The property shall be considered as one parcel of land, and no portion of that parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one parcel of land. Any further subdivision of the parcel of land shall comply with the UDO. This condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect and be binding upon any landowner, and heirs and assigns.
  2. A unity of agreement shall be recorded in the public records of the relevant County acknowledging the above requirements and placing the required covenant upon the land. Release of any recorded unity of title agreement must be approved by the relevant County.

## 12.7 NONCONFORMING PLANS

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### 12.7.1 APPLICABILITY

Any site-specific plan – including, but not limited to, Site Plans, Preliminary Plats, and Final Plats for the development of property and/or construction of a building which has received final approval by the applicable authority, but does not conform to this ordinance -- may be developed and/or constructed in accordance with the ordinance rules and regulations in force when such plan was approved, including any conditions and details imposed by the approving authority. Any plan approved prior to the adoption of this ordinance, but which conforms to its provisions, shall be administered, interpreted, amended and implemented in accordance with the provisions of this ordinance.

### 12.7.2 OPTION TO MAKE CONFORMING

The owner of property which contains an approved site specific plan may elect to develop such property and/or construct such building in accordance with the terms and provisions of this ordinance in lieu of the rules and regulations under which the plan was approved. An owner who wishes to make such election shall notify Town Staff, who shall approve the plan and notify the property owner in writing of the additional approvals or modifications, if any, which may be necessary in order for the plan to conform to this ordinance. In making such finding, Town Staff shall require additional approvals and/or modifications only if such are necessary in order to maintain conformity under the original approved plan or under a new review process set out in this ordinance.

### 12.7.3 AMENDMENTS AND MODIFICATIONS

Any amendment or modification to an approved site specific plan shall be reviewed and acted upon in accordance with the terms and provisions of this ordinance as if it were an amendment or modification to a plan originally approved under this ordinance.

### 12.7.4 VESTED RIGHTS

Nothing herein is intended to prohibit the exercise of any vested right established by common law, ordinance or statute.

## 12.8 NONCONFORMING SIGNS

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### 12.8.1 APPLICABILITY

Determination of Nonconformity: Any sign constructed after the adoption date of the UDO and which is found to exist in violation of the UDO shall be declared to be illegally nonconforming and shall be removed after 30 days' notice.

- A. Requirement for Removal: If the owner or lessee fails to remove the sign during the permitted time, then Town Staff, or an independent contractor secured by the Town shall remove the sign and the ensuing charges shall be assessed to the owner or lessee.
- B. Loss of Legal Nonconforming Status: A legal nonconforming sign may lose this designation if:
  1. The sign is relocated or replaced; or
  2. The structure or size of the sign is altered in any way. This does not refer to normal maintenance or lettering changes on changeable copy signs; or
  3. A tenant vacates a building, in which case all existing signs on awnings or canopies shall be removed.

### 12.8.2 MAINTENANCE AND REPAIR OF NONCONFORMING SIGNS

An existing nonconforming sign cannot be modified in any way aside from routine maintenance without bringing the sign into conformity with this subject to the requirements of 12.8.3 below.

### 12.8.3 MANDATORY COMPLIANCE

All signs must comply with the standards of the UDO with the following provisions:

- A. Any existing sign not meeting the requirements of the UDO shall be brought into compliance with the UDO before a business license will be issued for a new resident business. (This shall not apply to existing businesses annexed into the Town). Any existing sign not meeting the requirements of the UDO shall be brought into compliance with this section before a business name can be changed.
- B. Temporary nonconforming signs having obtained a sign permit before the adoption date of the UDO, shall be permitted to remain for the life of the permit.
- C. Nonconforming supports and brackets and unused signs must be completely removed before a new sign is installed. Any holes in the building must be appropriately patched.
- D. When any site or building alterations or expansions are proposed or the building remains vacant for more than 180 days, all non-conforming signs shall come into full compliance.

## 12.9 NONCONFORMING SITES

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### 12.9.1 SITE NONCONFORMITIES

When building or parking area expansions exceed 25% of the building floor area or parking area, all existing site-related non-conformities (open space, parking, screening, landscaping, or lighting) shall be brought into compliance to the greatest extent practical.

### 12.9.2 ADDITIONAL LANDSCAPING NONCONFORMITIES

When modifications are made to developed property that has nonconforming landscaping, a certain percentage of the value of those modifications shall be expended toward landscaping on the overall site in order to bring the site incrementally closer to compliance as follows:

- A. When construction of new freestanding buildings, additions to existing buildings, new buildings which replace existing buildings, or addition of communications towers and antennae exceeds \$5,000 in value, 5% of the value of these improvements shall be expended towards landscaping. This percentage shall be above and beyond any expenditures required for landscaping specifically required by new construction or site alterations itself. For example, with a \$10,000 addition to a building the developer shall be required to spend \$500 on landscaping and tree conservation on the overall site. The expense of installing a foundation bed around the addition shall not count toward the \$500 requirement.
- B. When interior or exterior building renovations, repairs or improvements (except for routine maintenance and repairs) exceeds \$10,000 in value, 5% of the value of these improvements shall be expended towards landscaping.
- C. When modifications made to the ground other than to structures, such as grading, paving, repaving, or re-striping of parking lots but excluding signs or other landscaping exceeds \$5,000 in value, 10% of the value of such modifications shall be expended towards landscaping.

- D. Town Staff shall review and approve the proposed landscaping plan to assure optimal effectiveness in bringing the site closer to compliance. The priority for installation of landscaping is as follows:
  - 1. Planting of overstory trees in the front setback or buffer (creating a front buffer if necessary);
  - 2. Perimeter screening of parking areas; and
  - 3. Planting of overstory trees in the interior of parking areas. The work may include removing portions of pavement in order to install landscaping peninsulas, perimeter buffers, and other landscaping areas. Where the overall circulation and parking pattern will be disrupted, the developer shall not be required to remove paving.
- E. When the value of any building construction, including repairs, renovation, and/or expansions over a 3-year period exceeds 75% of the fair market value of the property as shown in the relevant County tax records, the property must be brought into compliance with the full requirements of [Chapter 8](#), Tree Preservation, Landscaping and Screening, as applicable.
- F. Once the property is brought into compliance to the extent practicable, no further landscaping expenditures shall be required.
- G. Where parking spaces are removed in order to provide landscaping as required in this section, the required number of parking spaces specified in [Section 7.4](#), Required Parking, shall be automatically reduced accordingly but may not go below the minimum requirements in that section without a variance.

# 13

## 13 ADMINISTRATION & PROCEDURES

### 13.1 PURPOSE AND APPLICABILITY

#### 13.1.1 PURPOSE

In order to establish an orderly process to develop land within the jurisdiction of the Town of Summerville it is the purpose of this section to provide a clear and comprehensible development process that is fair and equitable to all interests, including the applicants, affected neighbors, Town staff and related agencies, and the Town Council.

#### 13.1.2 CONFORMITY WITH CODE

The applicable approved authority shall not issue a permit or license for any use, building, or purpose that conflicts with any provision of this ordinance. Any permit, license or certificate issued in conflict with the provisions of this ordinance, whether intentionally or unintentionally, shall be null and void provided that said permit, license, or certificate has not been detrimentally relied upon.

### 13.2 ADMINISTRATIVE OFFICIALS & AGENCIES

#### 13.2.1 TOWN STAFF

A. Designation: The various provisions of this ordinance shall be administered under the general direction of the Town Administrator and under the specific direction of the Town of Summerville's Department Heads. For the purposes of this ordinance, the Heads of each department and their subordinate staffs as well as the Technical Review Committee assigned with the task of plan and subdivision review are collectively referred to as "Town Staff."



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- B. Duties and Responsibilities: Town Staff shall serve as the intake point and first stop for all development applications and will advise applicants of the appropriate personnel to contact. Responsibilities include:
1. Clerical: To maintain permanent and current records of this Ordinance, including all maps, amendments, conditional uses, variances, appeals and records of hearing hereon, all of which shall be open to public inspection during regular business hours; and prepare and maintain the official copy of the zoning ordinance and zoning map keeping it current with all amendments and changes and have copies available for sale or free distribution to the public; and to keep a record of all such applications including plats and plans, which record shall be open to public inspection during regular business hours.
  2. General Administration: To administer and enforce the provisions of this Ordinance including the issuance of various permits as noted in this chapter; to make written interpretations of the various provisions of this Ordinance as requested; and to conduct inspections of structures, land and the uses thereof to determine compliance with the provisions of this Ordinance.
  3. Permit Review and Issuance: The review and processing of building permits, zoning permits and certificates of occupancy that meet the provisions of this Ordinance and of the town's building code, in collaboration with the Chief Building Official (CBO); and the review and processing of Conditional Uses, Administrative Adjustments, Site Plans, and Subdivision Plats.
  4. Board and Commission Support: To provide clerical, technical and consultative assistance to the various Boards and Commissions in their duties related to this Ordinance;

### 13.2.2 TECHNICAL REVIEW COMMITTEE (TRC)

- A. Designation: The Technical Review Committee shall comprise the Planning Director, the Zoning Administrator, the Chief Building Official and the Town Engineer (or their designees) plus any other Town staff deemed necessary for the professional review process. The Planning Director shall serve as the chair of the Committee and shall be responsible for all final decisions of the Committee.
- B. Duties and Responsibilities: The TRC shall approve, approve with conditions, or deny all plans and documents in accordance with [Section 13.9](#).

### 13.2.3 TOWN COUNCIL

- A. Duties and Responsibilities: The Town Council shall render final decisions pertaining to amendments to the Comprehensive Plan and this Ordinance, except where authority for a final decision is delegated to another agency by State Code or other superior authority. The Town Council shall render final decisions pertaining to applications for development approval where such authority is assigned pursuant to this Ordinance.
1. Comprehensive Plan: To initiate, adopt, and amend a Comprehensive Plan after receiving comments and recommendations from the Planning Commission.
  2. Text Amendments: The Town Council shall hear and approve, approve with conditions, or deny proposed Text Amendments to this Ordinance after receiving comments and recommendations from the Planning Commission.
  3. Map Amendments: The Town Council shall hear and approve, approve with conditions, or deny proposed Official Zoning Map (rezoning) Amendments to this Ordinance after receiving comments and recommendations from the Planning Commission.
  4. Historic Designation: To designate historic landmarks and amendments to the existing historic district(s) after receiving comments and recommendations from the Historic District Board of Architectural Review.

5. Development Agreements: The Town Council shall approve, approve with conditions, or deny all Development Agreements.
- B. Appointments: The Town Council shall appoint members to the Planning Commission, the Board of Zoning Appeals, the Design Review Board, the Historic Review Board / Board of Architectural Review, and the Tree Protection Board.
- C. Other Duties: To take such other action not otherwise delegated, as the Town Council may deem desirable and necessary to implement the provisions of this Ordinance and the Comprehensive Plan.

## 13.3 BOARDS AND COMMISSIONS

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### 13.3.1 GENERAL PROVISIONS FOR ALL BOARDS AND COMMISSIONS

Unless otherwise noted in this Ordinance or any other adopted law or policy, the following shall apply to all Boards and Commissions delineated in Chapter 13 and their members:

- A. Appointment: All Board/Commission members shall be appointed by the Mayor and Town Council with the Mayor and each Council Member making one appointment following procedures set forth in Town Code Section 2-160. Members shall serve until their successors are appointed and qualified and shall meet all requirements for appointment as outlined in the Town's ordinances and per applicable state law. No member of an appointed Board/Commission shall be the holder of an elected public office of the Town. All appointed members of Board/Commissions shall have demonstrated independent judgment and shall be able to prepare for and attend board meetings and be otherwise qualified consistent with Town Code 2-161.
- B. Terms: All terms shall be for three years and shall be staggered, unless otherwise noted. All terms shall expire on December 31st of the applicable year.
- C. Vacancies: A vacancy in a term of office shall occur whenever Town Council finds that a member has resigned; not maintained required qualifications; has not attended at least 70 percent of properly called meetings within a year without just cause; or has been found guilty of malfeasance or misconduct in office and in accordance with South Carolina State Code of Laws of 1976, as annotated. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- D. Removal: The Town Council may remove any member of an appointed Board for cause.
- E. Compensation: Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance by Town Staff.
- F. Officers: Each Board/Commission shall elect a Chairperson and a Vice-Chairperson from its members who shall serve for one year or until reelected, or until a successor is elected.
- G. Quorum: A simple majority of the members of the Board/Commission must be present to constitute a quorum. If recusing a member due to a conflict of interest causes a quorum to be lost then action on that item for which the member was recused may not proceed however discussion on that item or any other item may proceed at the chair's discretion.
- H. Meetings: A regular meeting schedule shall be set each year. Additional meetings shall be held at the call of the Chairperson and at such other times as the Board/Commission may determine. All meetings of the Board/Commission shall be open to the public.
- I. Notice of Meetings: All Boards/Commissions must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. An agenda for regularly scheduled or special meetings must be posted on

- a bulletin board in a publicly accessible place at the Town Hall and on the Town's website, if any, at least twenty four hours prior to such meetings. All Boards/Commissions must post on such bulletin board or website, if any, public notice for any called, special, or rescheduled meetings. Such notice must include the agenda, date, time, and place of the meeting, and must be posted as early as is practicable but not later than twenty four (24) hours before the meeting. This requirement does not apply to emergency meetings. Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this section, no items may be added to the agenda without an additional twenty four (24) hours notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken only may be added to the agenda by a two-thirds (2/3) vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds (2/3) vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda.
- J. Rules of Proceeding: Each Board/Commission shall adopt and adhere to rules of procedure for the conduct of business consistent with this Ordinance and the S.C. Code 1976, § 6-7-10 et seq.
  - K. Voting: Unless otherwise noted, decisions or actions by a Board/Commission shall be by a concurring majority vote of qualified members present and voting. Proxy votes or votes by email will not be permitted.
  - L. Minutes: Each Board/Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and records of its examinations and other official actions.
  - M. Territorial Jurisdiction: The jurisdiction of the Board/Commission shall be limited to the Town Limits or parcels requesting annexation. The Town Council may expand the jurisdiction of the Planning Commission by Ordinance and/or intergovernmental agreement, in accordance with the provisions of S.C. Code 1976, § 6-29-320.
  - N. Conflicts of Interest: Any member of a Board/Commission who shall have a direct financial interest in any property which is subject matter of, or affected by, a decision of the Board/Commission shall be disqualified from participating in the discussion, decision, or proceedings of the Board/Commission in connection therewith. The determination of this conflict and the members recusal will be determined and voted on by the Board/Commission.
  - O. Liability of Members: Any member acting within the powers granted by this Ordinance is relieved from all personal liability for any damage and shall be held harmless by the Town. Any suit brought against any member of a Board/Commission for decisions rendered shall be defended by a legal representative furnished by the Town until the termination of the procedure.
  - P. Actions Subsequent to Board/Commission Approval: Once approval by a Board/Commission or Town Council is granted, the standard building permit and business license process applies. If conditions are attached to the approval, these conditions must be met prior to obtaining building permits. Approval is effective in accordance with the Town of Summerville's Vested Rights Ordinance and applicable State code. If construction has commenced, approval shall run with the approved permit's allowable time limits per applicable Town ordinances. Should the Board/Commission approve an application with conditions that can then be reviewed by staff, such action will take place before any building permits are to be allowed. The Board/Commission may allow the applicant to submit elements individually (i.e. architecture, site lighting).

- Q. Required Period to Take Action: A Board/Commission has the authority to delay the approval of an application by holding the item in committee for an additional 30 days. Postponing the application for 30 days may only be done once per level of approval requested. The application will remain active and will be reviewed again at the next scheduled meeting at the applicant's request providing the information is submitted within the time stated.
- R. Staff: Town Staff or their designee shall serve as staff to each Board/Commission.

### 13.3.2 PLANNING COMMISSION

- A. Authority: Pursuant to S.C. Code 1976, § 6-29-320, et seq., as amended, there is hereby established a Planning Commission for the Town, which shall perform all planning functions in the areas of jurisdiction of the Town of Summerville.
- B. Membership: Seven (7) members
- C. Duties and Responsibilities: The Summerville Town Council delegates to the Planning Commission the following duties:
  1. Promote comprehensive planning within the Town's jurisdiction.
  2. Review and make recommendations to the Town Council concerning all proposed zoning and land development regulation amendments for conformity with the goals, procedures and recommendations contained within the adopted Comprehensive Plan.
  3. Review and make recommendations to the Town Council concerning all proposed annexations for conformity with the goals, procedures and recommendations contained within the adopted Comprehensive Plan.
  4. Review and make recommendations to the Town Council in regard to amendments to the Official Zoning Map.
  5. Review and make recommendations concerning major transportation projects affecting land within the Town's jurisdiction.
  6. Review and make recommendations to the Town Council on public projects.
  7. Review and take action on street names.
  8. Review and make recommendations on other matters delegated by the Town Council, or on such other matters as may appropriately come before the Commission.

### 13.3.3 BOARD OF ZONING APPEALS

- A. Authority: Pursuant to S.C. Code 1976, § 6-29-320, et seq., as amended, there is hereby established a Board of Zoning Appeals for the Town, which shall review appeals and requests for variances relative to decisions of Town Staff in the areas of jurisdiction of the Town of Summerville.
- B. Membership: Five (5) members
- C. Duties and Responsibilities: The Summerville Town Council designates to the Board of Zoning Appeals the following duties:
  1. Administrative Review: The Board may hear and decide appeals where it is alleged Town Staff erred in an order, requirement, decision or determination. In such cases the Board may affirm or reverse, wholly or in part, Town Staff's action. The Board has all the powers of Town Staff in such cases and may direct the issuance of a permit.
  2. Variances: The Board has the power to hear and decide requests for variances when strict application of this section's provisions would cause an unnecessary hardship.

## D. Decisions:

1. The concurring vote of three members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this section or to affect any variation of this section.
  2. 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 in writing prior to the meeting, 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.
  3. On all appeals, applications and other matters brought before the Board of Zoning Appeals, the Board shall inform by a certified letter all the parties involved of its decision(s) and the reasons for such decision(s).
- E. Appeals from Decisions of the Board of Zoning Appeals: Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal 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 30 days after the decision of the Board is rendered.

**13.3.4 TREE PROTECTION BOARD**

- A. Authority: The TPB is hereby established to assist the Town in the protection of its tree canopy, grand trees, and landscapes.
- B. Membership: Five (5) members comprised as follows:
  1. One certified arborist (who may or may not be a resident);
  2. Four citizens of the Town who are knowledgeable in forestry or horticultural matters.
- C. Duties and Responsibilities:
  1. Advocacy: Promote tree protection and tree plantings in the Town through surveys, inventories, plans, planting programs, and advocacy.
  2. Protection of Grand Trees: Review and decision regarding the application for removal of Grand Trees.
  3. Administrative Review: The Board may hear and decide appeals where it is alleged Town Staff erred in an order, requirement, decision or determination regarding [Section 8.3](#) Tree Protection. In such cases the Board may affirm or reverse, wholly or in part, Town Staff's action. The Board has all the powers of Town Staff in such cases and may direct the issuance of a permit.
  4. Variances: The Board has the power to hear and decide requests for variances to [Section 8.3](#) when strict application of this section's provisions would cause an unnecessary hardship.

**13.3.5 DESIGN REVIEW BOARD**

- A. Authority: Pursuant to S.C. Code 1976, § 6-29-870, et seq., as amended, there is hereby created a Design Review Board (DRB) that protects and improves the visual and aesthetic character of mixed-use, commercial, industrial and multi-family development within the Town of Summerville, excluding any development allowed within the designated historic district which is regulated by the Historic District / Board of Architectural Review. The DRB seeks to enhance corridors, neighborhoods and districts in order to contribute to a sense of place and pride, while building on or enhancing economic value and further strengthening the integrity of Summerville's historic and/or best characteristics. The process aims to respect the character, integrity and quality of the built environment of the Town of Summerville without stifling carefully innovative architecture and/or development.

- B. Membership: Seven (7) members comprised as follows:
1. Two architects or architectural designers;
  2. One landscape architect, landscape designer, urban designer;
  3. One civil engineer;
  4. One commercial developer/contractor; commercial real estate agent, commercial appraiser or a private planning consultant; and
  5. The remaining two seats will be “at large.”
- C. Required Knowledge/Competence: Members shall have a demonstrated interest in, or competence and knowledge of architecture and site design, including specific knowledge in at least one of the following areas: architecture, urban design, landscape architecture, planning, urban planning, engineering, law, banking and real estate.
- D. Duties and Responsibilities: It shall be the duty of the DRB to make the following determinations with respect to commercial, industrial, mixed-use and multifamily buildings by all applicants (including governmental agencies and all public and private utility companies) outside of established Historic Overlay Districts:
1. Appropriateness of exterior architectural features of any new or expanded buildings, and exterior changes that impact more than 50% of any street-facing facade and structures on the basis of conformity with [Chapter 4](#) Site and Building Standards as well as any appropriate conditional use standards in [Chapter 3](#).
  2. Appropriateness of the general exterior design, scale, proportion, arrangement, texture, and material of the building or structure in question and the relation of such factors to the street scene, to similar buildings in the immediate vicinity, and to adopted visions for a particular corridor. The Board’s concern shall be exterior features so that they will be compatible with the general character of their immediate neighborhood/context and preserve the existing street scene. The Board shall have the right to review and approve colors of structures. The Board shall not make requirements as to the use of structures as long as this use is not in violation of existing zoning requirements.
  3. Appropriateness of site development features including building placement, landscaping, driveways, fences, outbuildings, master sign plans (excluding individual signs), building murals, public art, and other site appurtenances.
  4. Signage and Murals: The DRB shall have purview over all master sign plans, the requests for administrative relief on the strict implementation of the sign provisions, and over the design of all murals not in a historic overlay district.
  5. Administrative Review: The Board may hear and decide appeals where it is alleged Town Staff erred in an order, requirement, decision or determination regarding [Chapter 4](#). In such cases the Board may affirm or reverse, wholly or in part, Town Staff’s action. The Board has all the powers of Town Staff in such cases and may direct the issuance of a permit.
  6. Modification of Standards: The Board has the power to hear and decide requests for modification of standards to [Chapter 4](#) (Site & Building Design Guidelines), [Sections 8.4-6](#) (Landscaping), and [Chapter 10](#) (Signs).

**13.3.6 HISTORIC DISTRICT/BOARD OF ARCHITECTURAL REVIEW**

- A. Authority: Pursuant to S.C. Code 1976, § 6-29-320, et seq., as amended, there is hereby established the Town Board of Architectural Review, referred to in this article as the “BAR” for the preservation and protection of designated historic districts by means of restriction and conditions governing the right to erect, demolish, remove in whole or in part, or alter the exterior appearance of all buildings or structures within the area.
- B. Membership: Seven (7) members comprised as follows:
1. One architect or architectural designer or someone knowledgeable in historic building design and construction;
  2. One member of a recognized art association;
  3. One member of the Town Preservation Society;
  4. One licensed real estate agent or appraiser; and
  5. Three (3) residents of the Historic District.
- C. Membership Recommendation from Constituent Groups: In the case of members from organizations, the respective organization shall submit a list of nominees to the Mayor for the presentation to the Council. In case any of the organizations entitled to make nominations shall fail to make the nominations within 30 days after a written request by the Town Clerk and Treasurer, the Mayor shall make a nomination subject to confirmation by the Town Council.
- D. Required Knowledge/Competence: Members shall have a demonstrated interest in, or competence and knowledge of, historic preservation, including specific knowledge in at least one of the following areas: architecture, history, design, architectural history, planning, archaeology, urban planning, American studies, American civilization, cultural geography, cultural anthropology, engineering, law, banking and real estate.
- E. Duties and Responsibilities: In accordance with S.C. Code 1976, § 6-29-880, it shall be the duty of the Board of Architectural Review to promote the purposes and objectives of this article through the review of plans and applications, as provided in this article, for all construction within the Historic District or historic properties, including both modifications to existing buildings, demolition and construction of new buildings. The Board of Architectural Review shall have the power to approve, provide approval with conditions or deny approval of such applications in accordance with prescribed procedures and guidelines.
- F. Duties and Responsibilities: It shall be the duty of the Board of Architectural Review to make the following determinations with respect to the Historic District or historic properties by all applicants (including governmental agencies and all public and private utility companies):
1. Appropriateness of altering, moving or demolishing any designated building or structure within a designated historic district. The Board shall consider the historic, architectural and aesthetic features of buildings, their relationship and importance to the district.
  2. Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be considered within the Historic District.
  3. Appropriateness of exterior design of any new structure or extension of any existing building or structure within the Historic District.
  4. Appropriateness of the general exterior design, scale, proportion, arrangement, texture, and material of the building or structure in question and the relation of such factors to the street scene and to similar buildings in the immediate vicinity. The Board’s concern shall be exterior features so that they will be compatible with the general character of their immediate

neighborhood and preserve the existing street scene. The Board shall have the right to review and approve colors of structures in the Historic District and shall develop guidelines for the administration of the section. The Board shall not make requirements as to the use of structures as long as this use is not in violation of existing zoning requirements.

5. Appropriateness of site development features including driveways, fences, outbuildings or other site appurtenances.
6. The ongoing survey and inventory of historic properties, provided such survey is conducted in accordance with professional standards and under the qualified supervision of the State Historic Preservation Office. Such survey shall follow procedures described in the “South Carolina State Historic Preservation Program: Survey Manual.” The results of the survey and inventory of historic properties are open to the public except when it is not in the public interest to list specific sites. Any funds required to perform such work shall be subject to approval of the Town Council prior to entering into any contract.
7. Administrative Review: The Board may hear and decide appeals where it is alleged Town Staff erred in an order, requirement, decision or determination in the issuance of any Minor Certificate of Appropriateness. In such cases the Board may affirm or reverse, wholly or in part, Town Staff’s action. The Board has all the powers of Town Staff in such cases and may direct the issuance of a permit.

## 13.4 GENERAL PERMITTING PROCESS

### 13.4.1 SUMMARY TABLE OF PERMIT PROCESSES

PERMIT/PROCESS TYPE	SECTION	DECISION TYPE	PUBLIC NOTICE	DECISION-MAKING AUTHORITY	APPEALS	PERMIT PERIOD	PERMIT EXTENSION
<b>ADMINISTRATIVE PERMITS</b>							
Zoning/Development Permit (including signs and minor tree removal); Certificate of Compliance; Conditional/Temporary Use Permit	13.7.1	Administrative	None	Town Staff	BZA; TPB for minor tree removal	6 months to start work	One 6 month extension
Building Permit	13.7.2	Administrative	None	Building Official	Master of Equity	6 months to start work	Indefinite
Certificate of Occupancy/ Occupancy Permit	13.7.3	Administrative	None	Building Official	BZA or CCBA	N/A	N/A
<b>DESIGN REVIEW</b>							
Certificate of Appropriateness-Minor	13.8.1	Administrative	None	Town Staff	BAR	6 months	One 6 month extension
Certificate of Appropriateness-Major (includes Demolition of Historic Structures)	13.8.1	Discretionary	TW, N, P, M	BAR	Circuit Court	6 months	Resubmission required
Commercial/Multi-Family Design Review	13.8.2	Discretionary	TW	DRB	Circuit Court	2 years	Up to 5 one year extensions
Notification Types: TW - Town Hall/Web Posting, E-Opt-In Email, N-Newspaper, P-Posted, M-Adjacent Property Owner Mailing							

PERMIT/PROCESS TYPE	SECTION	DECISION TYPE	PUBLIC NOTICE	DECISION-MAKING AUTHORITY	APPEALS	PERMIT PERIOD	PERMIT EXTENSION
Master Sign Plan Review (32, Article VI/32-241)	13.8.3	Discretionary	TW	DRB	Circuit Court	2 years	Up to 5 one year extensions
<b>LAND DEVELOPMENT &amp; SUBDIVISION</b>							
Grand Tree Removal Permit	13.9.1	Discretionary	TW	TPB	Circuit Court	6 months	One 6 month extension
Site Plan or Subdivision Site Plan	13.9.2	Administrative	None	TRC/Town Staff	BZA	2 years	Up to 5 one year extensions
Preliminary Subdivision Plat	13.9.3	Administrative	None	TRC/Town Staff	BZA	2 years	Up to 5 one year extensions
Final Plat	13.9.4	Administrative	None	TRC/Town Staff	BZA	N/A	N/A
<b>ADJUSTMENTS &amp; APPEALS</b>							
Administrative Adjustment	13.10.1	Administrative	None	Town Staff	BZA	6 months	Resubmission required
Appeal of Administrator Decision	13.10.2	Discretionary	TW, N, P	BZA	Circuit Court	6 months	Resubmission required
Appeal of Administrator Decision - Tree Protection	13.10.3	Discretionary	TW, N, P	TPB	Circuit Court	6 months	Resubmission required
Special Exception	13.10.4	Discretionary	TW, N, P	BZA	Circuit Court	6 months	One 6 month extension
Zoning Variance	13.10.5	Discretionary	TW, N, P	BZA	Circuit Court	N/A	N/A
<b>AMENDMENTS AND OTHER LEGISLATIVE ACTIONS</b>							
Amendments (Map or Text)	13.11.1	Legislative	TW, N, P	PC Recommendation and Town Council decision	N/A	N/A	N/A
PUD Planned Development District	13.11.2	Legislative	TW, N, P	PC Recommendation and Town Council decision	N/A	2 years	Up to 5 one year extensions
Historic Designation (District or Landmark)	13.11.3	Legislative	TW, N, P	BAR Recommendation and Town Council decision	Circuit Court	N/A	N/A
Development Agreement	13.11.4	Legislative	TW, N, P	Town Council	N/A	SCCL §6-31-40	N/A
Notification Types: TW - Town Hall/Web Posting, E-Opt-In Email, N-Newspaper, P-Posted, M-Adjacent Property Owner Mailing							

### 13.4.2 PUBLIC NOTICE REQUIREMENTS

The following procedures have been established for development applications/petitions that require notification of the public prior to consideration and/ or approval. No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment to it, whether enacted before or after the effective date of this section, may be made sixty (60) days after the decision of the governing body if there has been substantial compliance with the notice requirements of this section or with established procedures of the Town Council or the relevant Board/Commission.

- A. Town Hall Bulletin Board/Web Posting (TW)
  1. Required Notification Type: An agenda for regularly scheduled or special meetings must be posted on a bulletin board in a publicly accessible place at the Town Hall and on the Town's website.
  2. Required Period of Notice: At least twenty four (24) hours prior to the meeting
  3. Content of Notice:
    - a. Project Name
    - b. Project Applicant
    - c. Type of Application
- B. Newspaper Notice (N)
  1. Required Notification Type: A distinctive advertisement (Public Hearing Notice) shall be placed by Town Staff in a local newspaper of general circulation within the Town.
  2. Required Period of Notice: This notice shall be published not less than 15 calendar days prior to the meeting.
  3. Content of Notice:
    - a. The general location of land that is the subject of the application;
    - b. TMS number, and street address, if applicable;
    - c. The description of the application, the current zoning classification, and requested zoning, if applicable;
    - d. The time, date and location of the public hearing/meeting;
    - e. A phone number to contact the Town and Town's website; and
    - f. A statement that interested parties may appear at the public hearing.
- C. Posted Notice (P)
  1. Required Notification Type: A notice of application sign shall be posted by Town Staff. The sign shall be posted on the subject property in a location clearly visible from each right-of-way adjacent to the property.
  2. Required Period of Notice: This notice shall be posted not less than 15 calendar days prior to the meeting at which the application will be reviewed per state code.
  3. Content of Notice:
    - a. Type of application;
    - b. The date of the public hearing/meeting;
    - c. A phone number to contact the Town; and
    - d. The identity of the property (TMS number).

D. Adjacent Property Owner Mailed Notice (M)

1. Required Notification Type: Mailed notice will be delivered to all property owners within 500 feet of the site.
2. Required Period of Notice: This notice shall be mailed/emailed not less than 7 calendar days prior to the meeting at which the application will be reviewed.
3. Content of Notice:
  - a. Project Name
  - b. Project Applicant
  - c. Type of application;
  - d. The time, date and location of the public hearing/meeting; and
  - e. A phone number/email address to contact the Town.

#### 13.4.3 DECISION BASED ON PUBLIC HEARING

A decision shall be made by the appropriate review body within 60 days of the close of the required public hearing.

#### 13.4.4 WRITTEN NOTICE OF DECISIONS REQUIRED

Within 10 calendar days after a final decision is made by any Board under the requirements of this Ordinance, a copy of the written decision shall be sent to the applicant or appellant. A copy of the decision shall be filed in the Office of Town Staff, where it shall be available for public inspection during regular office hours.

#### 13.4.5 PERMIT EXPIRATION/EXTENSIONS

- A. All permits and approvals shall expire as shown in [Section 13.4.1](#) without further action, unless the holder of the permit or approval either submits a complete application for the appropriate subsequent permit or approval; or, if no subsequent permit or approval is required, completes the work described in the permit or approval, within the time frame(s) established.
- B. Upon written request, an extension of an approval may be granted by Town Staff for good cause for a period not to exceed that shown in [Section 13.4.1](#). No written request for an extension shall be considered unless submitted to Town Staff no later than one month prior to expiration. Failure to submit an application for an extension within the time limits established by this section shall result in the approval's expiration.

#### 13.4.6 TIME LIMITS FOR RESUBMISSION OF APPLICATIONS

In the event that any application required under this ordinance is denied or disapproved, an application for the same request shall not be re-filed for one year from the advertised public hearing date. Where no public hearing is required, time shall run from the date of mailing of the notice of denial. Town Staff, upon petition by the applicant, may permit a re-filing of said application after 6 months from the original public hearing date upon a determination that:

- A. Significant physical, economic or land use changes have taken place on the subject tract or within the immediate vicinity; or
- B. A text amendment has been adopted that would allow for favorable review of a resubmitted application for the subject property.

### 13.4.7 VESTED RIGHTS AND EXPIRATION OF APPROVALS

- A. General: Approval of any application pursuant to this Ordinance shall authorize only the particular use, plan, or other specific activity for which the application was issued, and not any other approval requiring separate application.
- B. Vested Rights for Final Development Plans/Plats: A vested right is established for 2 years upon the final approval of a site specific development plan (e.g., site plan or subdivision plan) or phased development plan (e.g., PUD) that authorizes the developer or landowner to proceed with investment in grading, installation of utilities, streets, and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit. An applicant shall have 2 years from final approval to receive a final plat, building permit, or, if no building permit is required, to obtain a certificate of compliance, or other similar plan approval. Such vested right may receive up to 5 one-year extensions for good cause upon written request by the landowner to Town Staff no later than one month prior to expiration.
  1. A vested right in a development plan, plat, or phased development plan shall not attach to the property until all plans have been received, approved and all fees paid in accordance with this ordinance.
  2. A vested right is subject to revocation by the Town Council, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.
  3. A vested plan is subject to later local development regulations that impose additional site plan-related requirements, but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses.
  4. Phased development plans remain subject to review and approval of all phases prior to any portion of the project being vested.
  5. In case of projects where more than one building is to be built, the applicant may submit a series of Building Permit applications. The first application must be submitted within two years from the date the development plan approval is granted. Each subsequent application must be submitted within 180 days from the date of issuance of a Certificate of Compliance or Certificate of Occupancy for the previous building, whichever shall occur first. The lapse of more than 180 days shall cause the expiration of the Development Plan approval unless an extension is approved.
  6. A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;
  7. The Board of Zoning Appeals does not have the authority to grant a vested right and no such right shall accrue as a result of their decision.
  8. Variances or Special Exception uses do not create a vested right.
  9. If real property having a vested site specific development plan or vested phased development plan is annexed, the governing body of the municipality to which the real property has been annexed must determine, after notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after the annexation.
  10. The Town may not require that a landowner waive his vested rights as a condition of approval or conditional approval of a site specific development plan or a phased development plan.

## 13.5 APPLICATION REQUIREMENTS

The following general standards for various applications are intended to require only that data/information necessary to render an informed decision by the reviewing department. The Town has determined that it is unnecessary to require a full set of architectural or engineering drawings for review by the various review and decision-making boards unless the application is such that a specific level of detail is necessary (e.g., floodplain/stormwater variance, building permit, subdivision plat). The “Application Submittal Requirements” list on file with Town Staff is intended to provide further guidance to applicants as to the necessary level of detail for each application component listed below.

### 13.5.1 TABLE OF PERMIT REQUIREMENTS

PERMIT/PROCESS TYPE	SECTION	PRE-APPLICATION CONFERENCE (13.6.1)	SITE ANALYSIS (13.5.2.A)	SKETCH PLAN (13.5.2.B)	SCHEMATIC PLAN (13.5.2.C)	CONSTRUCTION DOCUMENTS (13.5.2.D)	AS-BUILT DRAWINGS (13.5.2.E)	FINAL PLAT (13.5.2.F)	BUILDING ELEVATIONS (13.5.2.G)	TRAFFIC IMPACT ANALYSIS (13.5.H)
<b>ADMINISTRATIVE PERMITS</b>										
Zoning/Development Permit (including signs and minor tree removal); Certificate of Compliance; Conditional/Temporary Use Permit	<a href="#">13.7.1</a>		X (a)	X (a)						
Building Permit	<a href="#">13.7.2</a>	See Building Official								
Certificate of Occupancy/ Occupancy Permit	<a href="#">13.7.3</a>	See Building Official								
<b>DESIGN REVIEW</b>										
Certificate of Appropriateness-Minor	<a href="#">13.8.1</a>		X (a)	X (a)					X (a)	
Certificate of Appropriateness-Major (includes Demolition of Historic Structures)	<a href="#">13.8.2</a>		X (a)	X (a)	X (a)				X	
Commercial/Multi-Family/ Industrial Design Review	<a href="#">13.8.3</a>	X	X	X	X (a)				X	
Master Sign Plan Review	<a href="#">13.8.4</a>			X (a)					X (a)	
<b>LAND DEVELOPMENT &amp; SUBDIVISION</b>										
Grand Tree Removal Permit	<a href="#">13.9.1</a>		X (a)	X (a)	X (a)					
Site Plan or Subdivision Site Plan	<a href="#">13.9.2</a>	X	X	X	X	X	X (a)			X (a)
Preliminary Subdivision Plat	<a href="#">13.9.3</a>	X	X	X	X	X				
Final Plat	<a href="#">13.9.4</a>						X	X		
<b>ADJUSTMENTS &amp; APPEALS</b>										
Administrative Adjustment	<a href="#">13.10.1</a>	See Town Staff								
Appeal of Town Staff Decision	<a href="#">13.10.2</a>	See Town Staff								
X = Required / X(a) = on an “as needed” basis as determined by Town Staff										

PERMIT/PROCESS TYPE	SECTION	PRE-APPLICATION CONFERENCE (13.6.1)	SITE ANALYSIS (13.5.2.A)	SKETCH PLAN (13.5.2.B)	SCHEMATIC PLAN (13.5.2.C)	CONSTRUCTION DOCUMENTS (13.5.2.D)	AS-BUILT DRAWINGS (13.5.2.E)	FINAL PLAT (13.5.2.F)	BUILDING ELEVATIONS (13.5.2.G)	TRAFFIC IMPACT ANALYSIS (13.5.H)
Appeal of Administrator Decision - Tree Protection	<a href="#">13.10.3</a>		X (a)	X (a)	X (a)					
Special Exception	<a href="#">13.10.4</a>	See Town Staff								
Variance	<a href="#">13.10.5</a>	See Town Staff								
AMENDMENTS AND OTHER LEGISLATIVE ACTIONS										
Amendments (Map or Text)	<a href="#">13.11.1</a>	X	X	X						
PUD Planned Development District	<a href="#">13.11.2</a>	X	X	X						X (a)
Historic Designation (District or Landmark)	<a href="#">13.11.3</a>	See Town Staff								
Development Agreement	<a href="#">13.11.4</a>	See Town Staff								
X = Required / X (a) = on an "as needed" basis as determined by Town Staff										

### 13.5.2 APPLICATION ELEMENTS

- A. Site Analysis: A Site Analysis is intended to identify forest stands or trees of a uniform size and species; specimen trees of varying sizes and species, particularly free standing or open-grown or field grown trees; a distinctive tree line or forest edge; existing watercourses; previously documented Federal- or State-recognized endangered species habitats; and areas of historic, cultural, or archaeological significance. This requirement provides the Town and the applicant the ability to evaluate the proposed development in order to preserve vegetation, to improve the appearance of the development proposed and to encourage the use of the existing forest and tree canopy, specimen trees, and significant vegetation to satisfy the requirements of this ordinance. Tree surveys conducted to meet this requirement shall follow the requirements specified in the Town’s Development Standards Manual..
- B. Sketch Plan: The Sketch Plan shall show in simple line drawing form the proposed layout of streets, lots, buildings, civic spaces, tree coverage and other features in relation to existing conditions based upon the size of the tract proposed for development. Sketch Plans shall be reviewed as binding documents for Certificates of Compliance, and for any other permits or approvals for which Town Staff requires only a Sketch Plan to be submitted with the application. Sketch Plans shall be used for non-binding review for all other development application processes in which they are required.
- C. Schematic Plan: The Schematic Plan is intended to provide a detailed two-dimensional drawing that illustrates all of the required site features including buildings, parking areas, streets locations, street sections, rights-of-way, property lines and setbacks, required or proposed watercourse buffers, preserved trees and tree protection zones, site landscaping and lighting (in conceptual form), and all related development calculations (e.g., density, proposed building areas, number of parking spaces, estimated impervious surface, and proposed tree coverage) in sufficient detail to show compliance with this ordinance. Detailed engineering drawings such as subsurface utilities (e.g., water and sewer) and on-site stormwater facilities are not required for Preliminary Plats.

- D. Construction Documents: The Construction Documents for Design Review, Site Plans, and Subdivision Plans shall constitute a full and complete set of civil engineered drawings necessary for final permitting and construction. All streets, landscaping and tree conservation plans, utilities, stormwater, and other infrastructure systems shall be designed and constructed in accordance with Town standards and specifications.
- E. As-Built Drawings: The “as-built” plans shall show the final design specifications for all public infrastructure including stormwater facilities for commercial development. The designer of the infrastructure shall certify, under seal, that the installed infrastructure is in compliance with the approved plans and designs and with the requirements of this ordinance. A final inspection and approval by Town Staff shall occur before the release of any performance securities.
- F. Final Plat: The Final Plat shall be prepared by a registered land surveyor, licensed to practice in the State of South Carolina and shall meet the requirements of the Register of Deeds Office. The Final Plat shall constitute an accurate survey of the entire phase as shown on the approved Preliminary Subdivision Plat and shall include all the relevant notes and certifications.
- G. Building Elevations for Design Review: For certain applications, it may be necessary to submit scaled drawings of each elevation visible from a public street or civic space. These drawings should be in color and should accurately represent the building heights, floor levels, and building materials, and should include written identification of building materials. In addition, Town Staff may require up to three drawings from different perspectives that will show how the building fits into the context of the block.
- H. Traffic impact analysis: For certain applications as outlined in [Chapter 5](#), it may be necessary to conduct a Traffic Impact Analysis (TIA) in order to assess the amount of traffic that the proposed development will generate on the existing road network and to consider its impacts on alternate modes of transportation (e.g., walking, biking, and transit). Depending on the outcome of this analysis, the applicant may be required to take measures to mitigate these impacts.

## 13.6 APPLICATION PROCEDURES

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### 13.6.1 PRE-APPLICATION CONFERENCE

- A. Mandatory Pre-application Conference: A pre-application conference with Town Staff/TRC shall be required prior to filing an application for the following approvals:
  1. Certificates of Appropriateness (Major)
  2. Commercial/Multi-Family Design Review; Master Sign Plans
  3. Site Plans
  4. Subdivision Review involving the creation of new streets;
  5. Planned Development (PUD);
  6. Map Amendment (Rezoning); and
  7. Text Amendment.

Town Staff shall have the authority to waive any mandatory pre-application conference where such conference is deemed unnecessary.
- B. Optional Pre-application Conference: Prior to the submission of any application required by this ordinance, a potential applicant may request an optional pre-application conference to discuss procedures, standards or regulations required by this ordinance. Upon receipt of such request, Town Staff shall afford an opportunity for such a pre-application conference at the earliest reasonable time.

**13.6.2 APPLICATION FORMS AND FEES**

The following regulations shall apply to all applications.

- A. Forms: Applications required under this ordinance shall be submitted on forms and in such numbers as required by the Town.
- B. Fees
  - 1. Filing fees shall be established from time to time by resolution of the Town Council to defray the actual cost of processing the application;
  - 2. All required fees shall be made payable to “The Town of Summerville”; and
  - 3. An applicant who has paid an appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to any staff review or action taken, shall be entitled to a refund of the total amount paid upon written request to the Town.

**13.6.3 APPLICATION DEADLINE**

All applications shall be completed and submitted to Town Staff according to schedules produced annually by the Town.

**13.6.4 COMPLETE APPLICATION REQUIRED**

Town Staff shall have 5 working days to review the application materials and confirm that all the required items have been submitted. If the application is not complete, Town Staff shall inform the applicant in writing via email within the 5-day period, specifying the ways in which the application is incomplete, and the applicant shall have 60 days during which to provide the requested materials and complete the application. The applicant may be notified by physical mail upon request. Any application for which additional materials have not been forthcoming during this 60-day period shall be considered null and void. This application period may be extended by Town Staff upon mutual agreement to provide the required materials at some date certain in the future.

**13.6.5 CONCURRENT PROCESSING**

Any applicant may submit an application for any sequential approvals (such as a Zoning Map Amendment and Preliminary Plat) required under the UDO and request that such sequential approvals be processed concurrently; however, such concurrent processing shall proceed at the applicant’s own risk, and shall have no implication in regard to the approval of any of the various approvals requested.

## 13.7 ADMINISTRATIVE PERMITS

### 13.7.1 ZONING/DEVELOPMENT PERMIT; CERTIFICATE OF COMPLIANCE; CONDITIONAL/TEMPORARY USE PERMIT

- A. Applicability (General): A Zoning/Development Permit/Certificate of Compliance certifying compliance with this Ordinance shall be the only type of approval required for the following activities:
1. Individual parcels in single-family residential use or in a single family residential subdivision.
  2. Permitted Uses and Conditional Uses subject to the standards of [Section 3.2](#) and [3.3](#).
  3. Accessory uses less than 200 square feet incidental to single-family residential structures (e.g., detached garage, swimming pool, tool shed). subject to [Section 3.4](#).
  4. Temporary uses subject to [Section 3.5](#).
  5. Erection of new signs or modification to existing signs, with the exception of signs that are located within the Summerville Historic Overlay District (which are regulated through [Section 13.8.1](#) Certificate of Appropriateness-Minor) and Master Sign Plan Review subject to [Section 13.8.4](#).
  6. Removal of protected trees as regulated in [Section 8.3.1](#) - Permit Required for Removal of trees over 8 inches DBH.
  7. Removal of Grand Trees that are determined to be dead, pose a hazard, or are within a proposed building footprint.
  8. Removal or significant pruning of Grand Trees during weather emergencies
  9. Impervious surface permits
- B. Applicability (Verification of Site Development Work): A Certificate of Compliance shall be required as part of a final site inspection for development work completed subsequent to a previously approved subdivision or site plan. A final Certificate of Occupancy (13.7.3) shall not be issued by the Building Official until a Certificate of Compliance has been issued in accordance with the provisions of this section, for the site or phase thereof in which the building is located.
- C. Process Type: Administrative
- D. Required Application Information: See Town Staff
- E. Public Notification: None
- F. Determination of Compliance: Once an application is deemed complete by Town Staff, Town Staff shall review the application and approve or deny it based on compliance with the standards contained in the UDO. For Certificates of Compliance sought as part of a final site inspection for development work completed subsequent to a previously approved subdivision or site plan, the applicant shall submit the applicable documents to Town Staff for review and approval prior to scheduling such inspection. Following the review of the materials submitted above, Town Staff shall schedule and conduct a final inspection for the purpose of verifying compliance with all applicable provisions of the UDO, requirements of subdivision approval, site plan approval or permit and any other applicable approval. Upon determination of compliance, Town Staff shall complete a Zoning/Development Permit and forward it to the applicant.
- G. Appeals: Appeals of Zoning/Development Permits and Certificates of Compliance applications denied by Town Staff shall be taken to the Board of Zoning Appeals within 30 days of the decision, in accordance with the procedures found in [Section 13.10.2](#).

- H. **Permit Validity:** Upon the approval of the Zoning/Development, the applicant shall have 6 months to obtain a Building Permit, Certificate of Occupancy or otherwise exercise the permissions associated with the approved Permit or Certificate of Compliance. Failure to secure building permits or otherwise act in accordance with the permitted work within this time shall render the Zoning/Development Permit void. Upon issuance of a Building Permit or Certificate of Occupancy, the Zoning/Development Permit shall remain valid as long as such valid permit exists for the project. Any change to the approved plans that has not been authorized by Town Staff shall invalidate the Zoning/Development Permit or Certificate of Compliance and any subsequent permits.
- I. **Permit Extension:** Town Staff may grant a single extension of up to 6 months upon submittal by the applicant of sufficient justification for the extension. Permits issued for Temporary Uses in accordance with [Section 3.5](#) may be renewed only if it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

### 13.7.2 BUILDING PERMIT

- A. **Applicability:** A Building Permit shall be required for any building or other structure to be erected, moved, added to, or structurally altered as outlined by the South Carolina Building Code.
- B. **Process Type:** Administrative.
- C. **Required Application Information:** See Building Official. The application shall include all drawings and specifications required by building codes adopted by South Carolina Codes of Law (SCCL) Section 6-9-50.
- D. **Certificate of Compliance Required:** No Building Permit will be issued except in conformance with a valid Zoning/Development Permit as outlined in [Section 13.7.1](#). Issuance of a Building Permit shall not prevent Town Staff from thereafter requiring correction of errors in plans, construction or violations of local ordinances.
- E. **Determination of Conformity:** The review, approval and distribution of drawings and specifications required shall be coordinated by Town Staff in accordance with the building codes adopted by SCCL Section 6-9-50. Upon issuance of a permit, Town Staff shall endorse by writing or stamp, all sets of drawings showing approval. Such drawings shall be kept at the work site and made available for inspection by Town Staff upon request. Approved Building Permits shall be conspicuously posted by the applicant on the property for which it was obtained until the applicant has obtained Certificate of Occupancy pursuant to [Section 13.7.3](#).
- F. **Public Notification:** None required
- G. **Appeals:** Appeals of Building Permit applications denied by Town Staff shall be taken to the Master of Equity within 30 days of the decision, in accordance with the procedures found in [Section 13.10.2](#).
- H. **Changes to Approved Permits:**
  - 1. After a Building Permit has been issued, no changes or deviations from the terms of the permit or the application and accompanying plans shall be made without the specific written approval of such changes or deviations by the Building Official. Any exterior changes may require review and approval by the appropriate decision-making body.
  - 2. An amendment to a Building Permit that requires payment of an additional fee, either because of an increase in the size of the buildings, a change in the scope of work, or an increase in the estimated cost of the proposed work, shall not be approved until the applicant has paid the additional fees and the amendment has been properly reviewed by the appropriate decision-making body.

- I. Notification and Approval Before Construction Begins
  - 1. Before any work begins pursuant to the Building Permit, the applicant shall furnish the Building Official with the name of the general contractors or the owner acting as the general contractor who will be performing the work;
  - 2. The applicant or the applicant's authorized agent shall provide adequate advance notice to the Building Official at such time as the work is ready for inspection under the Building Code. Upon receiving such notification, the Building Official shall inspect the work.
- J. Licensed Contractor(s) May Be Required: Where any local ordinances or any provision of the SCCL require that work be done by a licensed contractor of any kind, no Building Permit for such work shall be issued unless it is to be performed by such licensed contractor. It shall further be the contractor's responsibility to conform to all local ordinances and state building codes for all installations, or repairs of a building or utility system.
- K. Permit Validity: Any Building Permit shall become null and void unless the work approved by the permit is commenced within 6 months after the date of issuance. No work shall be considered to have commenced for the purposes of this paragraph until an inspection has been made and recorded. If after commencement the work is discontinued for a period of 6 months, the permit shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.
- L. Permit Extension: None – must resubmit.

### 13.7.3 CERTIFICATE OF OCCUPANCY/OCCUPANCY PERMIT

- A. Applicability: A Certificate of Occupancy shall be required for any of the following:
  - 1. Occupancy and use of a building erected or enlarged.
  - 2. Change in occupancy or use of an existing building to a conforming use.
- B. Process Type: Administrative.
- C. Required Application Information: See Building Official.
- D. Public Notification: None
- E. Issuance of Certificate of Occupancy: A final Certificate of Occupancy shall not be issued by Town Staff until a Zoning/Development Permit or Certificate of Compliance (13.7.1) has been issued for the site or phase thereof in which the building is located and all outstanding Building Code issues have been satisfied.
- F. Temporary Certificate of Occupancy: Pending the issuance of a permanent Certificate of Occupancy, a temporary certificate may be issued. The certificate shall be issued in conformity with the provisions of the UDO and the building code by the Building Official. The temporary certificate may include such safeguards and conditions as will protect the safety of the occupants and the public. Where improvements required by the UDO or the specific approval of the development are incomplete, a guarantee acceptable to the Town equal to 150% of the costs of such improvements may be required to ensure the installation of the improvements.
- G. Appeals: Appeals of Certificate of Occupancy applications denied by Town Staff shall be taken to the Board of Zoning Appeals, or Construction & Code Board of Appeals depending on the nature of the appeal, within 30 days of the decision, in accordance with the procedures found in [Section 13.10.2](#).
- H. Permit Validity: N/A
- I. Permit Extension: N/A

## 13.8 DESIGN REVIEW

### 13.8.1 CERTIFICATE OF APPROPRIATENESS (MINOR)

- A. Applicability (Minor): A Certificate of Appropriateness (Minor) from Town Staff shall be required for the following construction activities in any Historic District or for individually-listed landmarks outside of a Historic District, including:
1. Individual signs;
  2. Landscaping, fences, and other site improvements;
  3. Paint color;
  4. Roof materials;
  5. Canopies and awnings; and
  6. Demolition of noncontributing accessory structures (e.g., sheds, carports, etc.).
  7. Exceptions: Any other ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a substantial change in design, material or exterior appearance and for which a Building Permit is not required shall not require a COA.
- B. Determination of other Minor Works and Appeals: There may be instances in which a Building Permit is required for remodeling, repair or reconstruction or for modifications, remodeling, and repair of non-contributing buildings where the applicant does not feel a review by the BAR is necessary. Town Staff shall determine whether the activity is considered a Minor Work. Any appeals of the determination of Town Staff shall be to the BAR.
- C. Process and Approval: Review and approval shall follow the procedures for a Zoning/Development Permit found in [Section 13.7.1](#).

### 13.8.2 CERTIFICATE OF APPROPRIATENESS (MAJOR)

- A. Applicability (Major): A Certificate of Appropriateness from the Board of Architectural Review (BAR) shall be required prior to the issuance of a building permit for any construction activity in any historic district or for individually-listed landmarks outside of a historic district, including:
1. New structures;
  2. Modification or expansion of existing structures;
  3. Relocation of any existing structure; and
  4. Demolition or partial demolition of any structure.
  5. However, this section shall not prevent the construction, modification, repair, moving or demolition of any structure under a permit issued by the building department under the prior ordinance.
- B. Process Type: Discretionary Design Review
- C. Public Notification: TW - Town Hall/Web Posting, N-Newspaper, P-Posted, M-Adjacent Property Owner Mailing
- D. Pre-Application Meeting: The applicant must set up a pre-application meeting with Town Staff. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plans for review. It is recommended that the applicant provide a Sketch Plan ([13.5.2.B](#)) to Town Staff prior to or at the pre-application meeting, so that Town Staff has an opportunity to review and comment on the proposal before the applicant expends funds on the preparation of a detailed Schematic Plan.

- E. Required Application Information: Pre-application Conference ([13.6.1](#)), Site Analysis ([13.5.2.A](#)), Sketch Plan ([13.5.2.B](#)) and Building Elevations ([13.5.2.G](#)) (may be waived by Town Staff as appropriate).
- F. Action Required by the BAR: If the BAR shall fail to take action upon any case within 60 days after the receipt of application for permit, the application shall be deemed to be approved, except where written agreement has been made for an extension of the time limit.
- G. Approval of Certificate of Appropriateness: In reviewing an application the BAR shall conduct a public hearing and consider, among other things, the historic, architectural and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure and its importance to the Town, the character and appropriateness of design, scale of buildings, arrangement, texture, materials and color of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. The BAR shall not consider the interior arrangement or interior design unless the interior arrangement or design affect the exterior appearance; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of the Summerville Historic District, or which are obviously incongruous with this character. Where appropriate, the BAR shall use the Secretary of the Interior's Standards for Rehabilitation as well as any locally adopted guidelines in their review.
- H. Denial of Certificate of Appropriateness: The BAR may refuse any application which, in the opinion of the BAR, would be detrimental to the interests of the Town and is inconsistent with the standards for review noted below. In case of disapproval, the BAR shall state the reasons therefore in a written statement to the applicant and may give verbal advice to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved. Among other grounds for considering a design inappropriate and requiring disapproval and resubmission are the following defects:
  1. Arresting and spectacular effects;
  2. Violent contrasts of materials or colors and intense or lurid colors;
  3. A multiplicity or incongruity of details resulting in a restless and disturbing appearance;
  4. The absence of unity and coherence in composition not in consonance with the dignity and character of the present structure in the case of repair; or
  5. Construction of or remodeling or enlargement of an existing building in a manner not consistent with the prevailing character of the neighborhood.
- I. Demolition: No building or structure designated as historic shall be demolished or otherwise removed until the owner thereof has received a Certificate of Appropriateness from the BAR. The BAR may delay the granting of the Certificate of Appropriateness for a period of up to 180 days from the time of the filing of the application with the designated town official. The Board may extend this postponement for a Certificate of Appropriateness with regards to a request to demolish a structure for another 180 days after a finding by the Board that the structure is of extreme historical importance to the people and Town.
  1. Within the period of postponement of such demolition of any building, the Board shall take steps to ascertain what can be done to preserve such buildings. Such steps shall include, but will not be limited to, consultation with civic groups, interested citizens and public boards and agencies. Additionally, Town Staff shall be instructed to ensure that the intent of the Board is not thwarted through demolition by neglect.
  2. After the postponement has elapsed, if the Board has been unable to determine an adequate alternative to demolition, the Certificate of Appropriateness may be granted.

3. If the Board finds that a building proposed for demolition is of no historical significance or value towards maintaining the historical character of the Town, it may issue the Certificate of Appropriateness in the normal manner.
- J. Re-submittal: After disapproval of an application, the applicant may make modifications to the plans and resubmit the application. Reconsideration of an application for demolition which has been denied by the BAR may not be heard until 12 months from the date of the original public hearing, unless a major change has occurred in the property condition attributable to vandalism or natural causes, such as fire or weather.
- K. Regular Review of Approved Work: When a Certificate of Appropriateness and Building Permit have been issued, Town Staff shall, from time to time, inspect the modification and construction approved by such certificate and shall report such inspection to the Board of Architectural Review listing all work inspected and reporting any work not in accordance with such certificate or violating any ordinance of the Town. Citations for any code violation including to a Certificate of Appropriateness shall be implemented in accordance with the ordinance. Any person aggrieved by a decision of staff may appeal that decision to the BAR.
- L. Appeals: Any person aggrieved by a decision of the BAR has the right to appeal the Board's decision before the courts of the State of South Carolina within thirty (30) days of the decision, as provided in S.C. Code 1976, § 6-29-900 et seq., as amended.
- M. Secretary of the Interior's Standards for Rehabilitation: It is the intent of this section to ensure, as far as possible, that buildings or structures designated as historic shall remain in harmony with the architectural and historical character of the Town. When considering an application for a Certificate of Appropriateness for new construction, modification, repair or restoration, the Board shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the BAR may adopt more specific guidelines for local historic districts or historic properties, and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications or denial of an application. The Secretary's Standards for Rehabilitation are:
1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
  2. The historic character of a property shall be retained and preserved. The removal of historic materials or modification of features and spaces that characterize a property shall be avoided.
  3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  4. Most properties change over time; those changes that have acquired historic significance shall be retained and preserved.
  5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize property shall be preserved.
  6. Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
  7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior modifications or related new construction shall not destroy historic materials that characterize the property. The new work shall be in harmony with the old, matching color, design, material and texture as much as possible.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### 13.8.3 COMMERCIAL/MULTI-FAMILY/INDUSTRIAL DESIGN REVIEW

- A. Applicability: Design Review by the Design Review Board (DRB) shall be required for all proposed new mixed-use development, commercial and industrial development of all types, and multi-family development (excluding townhomes, if 5 units or less).
- B. Exception: Lots in the Historic District are not subject to Development Design Review, and shall instead be evaluated by the BAR for compliance with the Historic District Guidelines (see [Section 13.8.1 and 13.8.2](#) Certificate of Appropriateness, Minor and Major.)
- C. Process Type: Discretionary Design Review
- D. Public Notification: TW - Town Hall/Web Posting
- E. Pre-Application Meeting: The applicant must set up a pre-application meeting with Town Staff. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plans for review. It is recommended that the applicant provide a Sketch Plan ([13.5.2.B](#)) to Town Staff prior to or at the pre-application meeting, so that Town Staff has an opportunity to review and comment on the proposal before the applicant expends funds on the preparation of a detailed Schematic Plan.
- F. Required Application Information: Pre-application Conference ([13.6.1](#)), Site Analysis ([13.5.2.A](#)), Sketch Plan ([13.5.2.B](#)), Schematic Plan ([13.5.2.B](#)) and Building Elevations. The Schematic Plan and Building Elevations may be waived by Town Staff as appropriate.
- G. Action Required by the DRB: If the DRB shall fail to take action upon any case within 60 days after the receipt of application for permit, the application shall be deemed to be approved, except where written agreement has been made for an extension of the time limit.
- H. Decisions/Findings of Fact: In rendering a decision, the DRB shall consider adherence to both the minimum requirements in this UDO as well as any Discretionary Guidelines. The DRB shall not consider the interior arrangement or interior design unless the interior arrangement or design affect the exterior appearance; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of the Summerville
- I. Appeals: Any person aggrieved by a decision of the DRB has the right to appeal the board's decision before the courts of the State of South Carolina within thirty (30) days of the decision, as provided in S.C. Code 1976, § 6-29-900 et seq., as amended.
- J. Permit Validity: Upon the approval of the Plan, the applicant shall have 2 years to obtain a building permit. Failure to secure building permits for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by Town Staff shall invalidate the Certificate of Compliance and any subsequent building permits.
- K. Permit Extension: Town Staff may grant up to five one-year extensions upon submittal by the applicant of sufficient justification for the extension.

#### 13.8.4 MASTER SIGN PLAN REVIEW

- A. Applicability: The DRB shall review all Master Sign Plans.
- B. Process Type: Discretionary Design Review
- C. Public Notification: TW - Town Hall/Web Posting
- D. Required Application Information: Sketch Plan ([13.5.2.B](#)) and Building Elevations/Signage Design ([13.5.2.G](#)) (may be waived by Town Staff as appropriate).
- E. Action Required by the DRB: If the DRB shall fail to take action upon any case within 60 days after the receipt of application for permit, the application shall be deemed to be approved, except where written agreement has been made for an extension of the time limit.
- F. Decisions/Findings of Fact: The DRB may approve, deny, or approve with conditions the application if it determines that:
  - 1. The plan complies with all applicable requirements of the UDO;
  - 2. The proposed master sign plan is appropriate for site and is reasonably coordinated in the manner and placement for each sign; and
- G. Appeals: Any person aggrieved by a decision of the DRB has the right to appeal the board's decision before the courts of the State of South Carolina within thirty (30) days of the decision, as provided in S.C. Code 1976, § 6-29-900 et seq., as amended.
- H. Permit Validity: Upon the approval of the Plan, the applicant shall have 2 years to obtain a building permit. Failure to secure building permits for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by Town Staff shall invalidate the Certificate of Compliance and any subsequent building permits.
- I. Permit Extension: Town Staff may grant up to five one-year extensions upon submittal by the applicant of sufficient justification for the extension.

### 13.9 LAND DEVELOPMENT & SUBDIVISION

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#### 13.9.1 GRAND TREE REMOVAL PERMIT

- A. Applicability: The Tree Protection Board (TPB) shall review all requests for Grand Tree Removal.
- B. Process Type: Discretionary Review
- C. Public Notification: TW - Town Hall/Web Posting
- D. Required Application Information: Site Analysis ([13.5.2.A](#)), Sketch Plan ([13.5.2.B](#)) and Schematic Plan ([13.5.2.C](#)) (may be waived by Town Staff as appropriate).
- E. Pre-Application Procedure: Prior to the TPB, Town Staff and/or TPB members deemed appropriate shall meet on-site with the applicant. The purpose of the meeting shall be to evaluate the site conditions, the tree's health, and evaluate options.
- F. Action Required by the TPB: If the TPB shall fail to take action upon any case within 60 days after the receipt of application for permit, the application shall be deemed to be approved, except where written agreement has been made for an extension of the time limit.

- G. Decisions/Justifications: The TPB may approve, deny, or approve with conditions the application for the removal of a Grand Tree. No approval shall be granted unless the following one or more of the following conditions are determined to exist:
1. The Grand Tree is diseased, dead or dying; or
  2. The Grand Tree poses a safety hazard to nearby buildings, utility lines or pedestrian or vehicular traffic; or
  3. The Grand Tree prevents essential grade changes or all reasonable utility installations; or
  4. The Grand Tree prevents all reasonable site configurations; or
  5. The removal of the Grand Tree is the only reasonable means by which building, zoning, subdivision, health, public safety or other Town requirements can be met; or
  6. Grand Tree is located on the construction site and up to ten feet around the perimeter of the construction site of an approved building and related driveway parking area when every measure has been explored to preserve existing trees has failed, including the reconfiguration of the building and or driving/parking areas around the tree; or
  7. The lot is of such density with existing trees that the removal of certain protected trees is considered beneficial; or
  8. The removal of the Grand Tree has otherwise been approved by the Town Council.
- H. Appeals: After receiving denial of an application brought before the Board, any person aggrieved has the right to appeal the Board's decision before the courts of the State of South Carolina as provided in S.C. Code 1976, § 6-29-900 et seq., as amended.
- I. Permit Validity: Upon the approval of the removal, the applicant shall have 6 months to remove the Grand Tree and install any required mitigation measures. Failure to complete all work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by Town Staff shall invalidate the Certificate of Compliance and any subsequent building permits.
- J. Permit Extension: Town Staff may grant a single extension of this time period of up to 6 months upon submittal by the applicant of sufficient justification for the extension.

### 13.9.2 SITE PLAN

- A. Applicability: The Site Plan process shall apply to the construction of all structures on previously platted lots except the construction or expansion of all single-family detached houses, duplexes, and any associated accessory structures.
- B. Process Type: Administrative
- C. Pre-Application Meeting: The applicant must set up a pre-application meeting with Town Staff. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plans for review. It is recommended that the applicant provide a Sketch Plan ([13.5.2.B](#)) to Town Staff prior to or at the pre-application meeting, so that Town Staff has an opportunity to review and comment on the proposal before the applicant expends funds on the preparation of a detailed Schematic Plan.
- D. Required Application Information: Pre-Application Conference ([13.6.1](#)), Site Analysis ([13.5.2.A](#)), Sketch Plan ([13.5.2.B](#)), Schematic Plan ([13.5.2.C](#)), Construction Documents ([13.5.2.D](#)), As-Built Drawings ([13.5.2.E](#)) and Traffic Impact Analysis ([13.5.2.H](#)). As-Built Drawings and Traffic Impact Analysis may be waived by Town Staff as appropriate.

- E. Public Notification: None Required
- F. Administrator Decision: Once an application is deemed complete, Town Staff shall review the application and approve, deny, or approve with conditions the Site Plan based on compliance with the standards contained in the UDO. Town Staff shall make a determination in writing within 35 days of receipt of a complete application. Should Town Staff fail to act on the Site Plan within the prescribed time period, the application shall be considered approved.
- G. Appeals: Appeals of decisions by Town Staff shall be taken to the Board of Zoning Appeals within 30 days of the decision, in accordance with the procedures found in [Section 13.10.2](#).
- H. Permit Validity: Upon approval of the Minor Site Plan, the applicant shall have 2 years to obtain a building permit. Failure to secure building permits for the permitted work within this time shall render the approval void. Any change to the approved plans that has not been authorized by Town Staff shall invalidate the approval and any subsequent building permits.
- I. Permit Extension: Town Staff may grant up to five (5) extensions of this time period of one (1) year each upon submittal by the applicant of sufficient justification for the extension.
- J. As-Built Drawings: After final construction of a project is completed, and before a Certificate of Occupancy is granted, the applicant shall certify that any public infrastructure has been completed in accordance with the approved plans and designs by submitting actual As-Built Drawings (13.5.2.E) prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. No Certificate of Occupancy shall be granted without completed As-Built Drawings.

### 13.9.3 SUBDIVISION PRELIMINARY PLAT

- A. Applicability: All development that involves the subdivision of one or more parcels shall be subject to the subdivision approval requirements of this division, with the following exceptions:
  1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the UDO.
  2. The division of land into parcels of 5 acres or more where no new street is involved.
  3. A transfer of title to land not involving the division of land into parcels;
  4. Subdivision of land into parcels less than 5,000 square feet in area that are exclusively for the provision of local utilities such as pump stations.
  5. The combination or recombination of entire lots of record where no new street or change to existing streets is involved.
- B. Process Type: Administrative
- C. Pre-Application Meeting: The applicant must set up a pre-application meeting with Town Staff. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plans for review. It is recommended that the applicant provide a Sketch Plan (13.5.2.B) to Town Staff prior to or at the pre-application meeting, so that Town Staff has an opportunity to review and comment on the proposal before the applicant expends funds on the preparation of a detailed Preliminary Plat and subdivision plans.
- D. Required Application Information: Pre-Application Conference ([13.6.1](#)), Site Analysis ([13.5.2.A](#)), Sketch Plan ([13.5.2.B](#)), Schematic Plan ([13.5.2.C](#)), Construction Documents ([13.5.2.D](#)).
- E. Public Notification: None Required

- F. Plans Containing School Sites: Where a tract of land that has been approved by the County Board of Education as a proposed school site lies wholly or partially within an area proposed to be subdivided, and provided the Board of Education has notified the Town and the property owner of its approval of the proposed school site prior to or within 10 days after the presentation of a Preliminary Plat to Town Staff for approval, the subdivider shall reserve the proposed school site for a period of not more than 60 days from the date of approval of the Preliminary Plat. Such reservation would be stated as a condition of preliminary approval by Town Staff.
- G. Administrator Decision: Once an application is deemed complete, Town Staff shall review the application and approve, deny, or approve with conditions the Site Plan based on compliance with the standards contained in the UDO. Town Staff shall make a determination in writing within 35 days of receipt of a complete application. Should Town Staff fail to act on the Site Plan within the prescribed time period, the application shall be considered approved.
- H. Appeals: Appeals of decisions by Town Staff shall be taken to the Zoning Board of Appeals within 30 days of the decision, in accordance with the procedures found in [Section 13.10.2](#).
- I. Permit Validity: Upon approval of the Site Plan, the applicant shall have 2 years to obtain a building permit. Failure to secure building permits for the permitted work within this time shall render the approval void. Any change to the approved plans that has not been authorized by Town Staff shall invalidate the approval and any subsequent building permits.
- J. Permit Extension: Town Staff may grant up to five (5) extensions of this time period of one (1) year each upon submittal by the applicant of sufficient justification for the extension.

#### 13.9.4 FINAL PLAT

- A. Applicability: All approved Preliminary Plats for a Subdivision or phase thereof shall be recorded as a Final Plat prior to the sale of any lots.
- B. Process Type: Administrative
- C. Pre-Application Meeting: None required
- D. Required Application Information: As-Built Drawings ([13.5.2.E](#)) and A Final Plat ([13.5.2.F](#)) prepared by a professional land surveyor shall be required.
- E. Public Notification: None required
- F. Determination of Compliance
  1. Improvements to Be Installed or Guaranteed: All required infrastructure improvements shall be either installed or financially guaranteed in accordance with [Section 5.11](#) prior to approval of the Final Plat.
  2. As-Built Drawings Required: Upon completion of a project, and before a Final Plat shall be approved (unless financially guaranteed), the applicant shall certify that the completed project is in substantial accordance with the approved Construction Documents ([13.5.2.D](#)), and shall submit actual As-Built Drawings ([13.5.2.E](#)) for all public infrastructure after final construction is completed.
  3. Decision: Provided the application is complete, applications shall be reviewed and acted upon by Town Staff and notice given the applicant within 35 days of receipt of the Final Plat. Any deficiencies shall be noted in writing for the applicant, and must be corrected within 60 days. If Town Staff has not completed review in the 35 day time period, the applicant may seek final approval from the Town Council at their next meeting.
  4. Phasing: Final plats for phased subdivisions shall be recorded in accordance with the Preliminary Plat approval.

- G. Unlawful to Record Plat without Town Approval: It shall be unlawful to offer and cause to be recorded any plan, plat or replat of land within the town limits of Summerville unless the plat bears the endorsement and approval of the Town and has been recorded at the Register of Deeds office.
- H. Appeals: Appeals of decisions by Town Staff shall be taken to the Board of Zoning Appeals within 30 days of the decision, in accordance with the procedures found in [Section 13.10.2](#).
- I. Permit Validity: N/A
- J. Permit Extension: N/A

## 13.10 ADJUSTMENTS AND APPEALS

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### 13.10.1 ADMINISTRATIVE ADJUSTMENT

- A. Applicability: Administrative Adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:
  1. Compatible with surrounding land uses;
  2. Harmonious with the public interest; and
  3. Consistent with the purposes of the UDO.
- B. Process Type: Administrative
- C. Public Notification: None
- D. Restrictive Covenants, Public Easements and Rights-of-Way: Where a public right-of-way, utility easement, or restrictive covenant prohibits strict compliance with the standards of this ordinance, Town Staff may waive or adjust the standard as appropriate to assure compliance to the extent practical.
- E. Required Application Information: An application for an Administrative Adjustment shall include a brief description of the requirement to be varied and any other material necessary to ensure the criteria in [Section 13.10.1.H](#) below are met.
- F. Administrator Review: Town Staff shall review the application and approve, approve with conditions, or deny the application based upon the criteria in [Section 13.10.1.H](#) below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant.
- G. Administrative Adjustment Criteria: To approve an application for an Administrative Adjustment, Town Staff shall make an affirmative finding that the following criteria are met:
  1. That granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards;
  2. That granting the Administrative Adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;
  3. That granting the Administrative Adjustment will not adversely affect property values in any material way; and
  4. That granting the Administrative Adjustment will be generally consistent with the purposes and intent of the UDO.

5. Criteria Specific to Landscaping and Tree Conservation: The intent of this UDO is that the landscaping and tree conservation requirements in [Chapter 8](#) (Tree Protection and Landscaping) are administered to meet the objectives of the minimum standards while promoting a positive relationship between the town and property owners based on mutual economic, ecological and aesthetic interests; employing open-minded judgment and common sense and encouraging and rewarding proper planning and effectiveness of design. It is not the intent that this UDO be construed to limit severely the design process, stifle creativity or curtail imaginative solutions to design problems. The standards shall be applied in a flexible manner and Town Staff may approve deviations from strict compliance with the standards wherever Town Staff reasonably determines that:
  - a. The particular nature of the property--its location, setting, size, shape, or physical characteristics, or other aspects of the property or its proposed use--substantially justifies some adjustment in the standards;
  - b. The intent of specific standards can be achieved on the site through alternative means or special design approaches; or
  - c. Methods volunteered by the applicant will effectively remediate or mitigate any potential adverse impacts.
- H. Appeals: Appeals of decisions by Town Staff shall be taken to the Board of Zoning Appeals within 30 days of the decision, in accordance with the procedures found in [Section 13.10.2](#).
- I. Expiration and Lapse of Approval: Property owners shall have 6 months from the date of approval of an Administrative Adjustment to secure a Building Permit or related land development permit to carry out the proposed improvements. If a complete Building Permit application has not been filed within 6 months of the date of approval, the approval shall be void.

### 13.10.2 APPEAL OF ADMINISTRATOR DECISION

- A. Applicability: Appeals to the Board of Zoning Appeals (BZA) may be taken by any person aggrieved by a decision, interpretation or determination of Town Staff.
- B. Process Type: Discretionary
- C. Public Notification: TW - Town Hall/Web Posting, N-Newspaper, P-Posted
- D. Pre-Application Procedure: N/A
- E. Required Application Information: An application for appeal shall be filed within 30 days of receipt of the decision or order of Town Staff by filing with Town Staff and the BZA notice of the appeal specifying the grounds thereof.
- F. Effect of Appeal: An appeal stays all legal proceedings in furtherance of the action in question (except enforcement proceedings), unless Town Staff certifies to the BZA that a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the BZA or by a Court of record.
- G. BZA Hearing: The BZA shall schedule the matter for a hearing at its next regularly-scheduled meeting, and give at least 15 days public notice of such hearing in a newspaper of general circulation in the Town, as well as due notice to the parties of interest. At the hearing any party may appear in person or by agent or by attorney. Following the hearing, the BZA shall take one of the following actions, consistent with the provisions of this UDO:
  1. Affirm the action of Town Staff;
  2. Modify the action of Town Staff, and to that end, the BZA shall have all the powers of the officer, board or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued; or,

3. Reverse the action of Town Staff, and to that end, the Board of Zoning Appeals shall have all the powers of the officer, board or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued.
- H. Findings of Fact: The BZA in the execution of the duties specified in this section may subpoena witnesses and in case of contempt may certify such fact to the Circuit Court having jurisdiction.
- I. Decision: All final decisions and orders of the Board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board which must be delivered to parties of interest, within 15 days, by certified mail.
- J. Contempt; Penalty: In case of contempt by a party, witness, or other person before the BZA, the BZA may certify this fact to the Circuit Court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.
- K. Appeals: Any person aggrieved by a decision of the BZA has the right to appeal the board's decision before the courts of the State of South Carolina within thirty (30) days of the decision, as provided in S.C. Code 1976, § 6-29-900 et seq. as amended.

### 13.10.3 APPEAL OF ADMINISTRATOR DECISION - TREE PROTECTION

- A. Applicability: Appeals to the Tree Protection Board (TPB) may be taken by any person aggrieved by a decision, interpretation or determination of Town Staff with regard to the tree protection provisions of [Section 8.3](#).
- B. Process Type: Discretionary
- C. Public Notification: TW - Town Hall/Web Posting
- D. Pre-Application Procedure: N/A
- E. Required Application Information: An application for appeal shall be filed within 30 days of receipt of the decision or order of Town Staff by filing with Town Staff and the TPB notice of the appeal specifying the grounds thereof.
- F. Effect of Appeal: An appeal stays all legal proceedings in furtherance of the action in question (except enforcement proceedings), unless Town Staff certifies to the TPB that a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the TPB or by a Court of record.
- G. TPB Meeting: The TPB shall schedule the matter for a hearing at its next regularly-scheduled meeting and give due notice to the parties of interest. At the meeting any party may appear in person or by agent or by attorney. Following the meeting, the TPB shall take one of the following actions, consistent with the provisions of this UDO:
1. Affirm the action of Town Staff and assign a relevant mitigation standard;
  2. Modify the action of Town Staff, and to that end, the TPB shall have all the powers of the officer, board or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued; or,
  3. Reverse the action of Town Staff, and to that end, the TPB shall have all the powers of the officer, board or commission from which the appeal is taken, and may issue a permit or direct that a permit be issued.
- H. Decision: All final decisions and orders of the Board must be in writing and be permanently filed in the office of the board as a public record. Decision will be given electronically unless otherwise requested.

- I. Appeals: Any person aggrieved by a decision of the TPB has the right to appeal the board's decision before the courts of the State of South Carolina within thirty (30) days of the decision, as provided in S.C. Code 1976, § 6-29-900 et seq. as amended.

#### 13.10.4 SPECIAL EXCEPTION

- A. Applicability: Special exceptions may be made for situations in which proposed land uses that are generally compatible with the land uses permitted by right in a District (per [Section 3.2](#)) but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. The Special Exception Permit process ensures the appropriateness of the use at a particular location within a given District
- B. Process Type: Discretionary
- C. Required Application Information: All applicable forms as determined by Town Staff, along with such accompanying material as is required to ensure compliance with the criteria listed in (E) below and any special conditions noted in [Section 3.4](#).
- D. Public Notification: TW - Town Hall/Web Posting, N-Newspaper, P-Posted
- E. Staff Review and Report: Town Staff shall prepare a staff report that reviews the proposed development in light of the Comprehensive Plan, the review criteria listed below, and the requirements of the UDO. A copy of the report shall be provided to the Board of Zoning Appeals (BZA) and the applicant before the scheduled hearing.
- F. BZA Hearing
1. The BZA shall hold a public hearing on the Special Exception application.
  2. After review of the application and the public hearing, the BZA shall make a written finding and approve, approve with modifications or conditions, or disapprove the request.
  3. If approval, or approval with modifications or conditions is granted, the decision shall be communicated in writing within 15 days to the applicant, and the applicant shall then be authorized to submit a development permit application consistent with the UDO.
- G. Special Exception Review Criteria: The BZA may approve an application for a Special Exception where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The BZA shall consider the following criteria in its review:
1. Whether the proposed use is compatible with existing land uses in the surrounding area;
  2. Whether the proposed site plan, circulation plan, and schematic architectural designs are harmonious with the character of the surrounding area;
  3. The likely impact on public infrastructure such as roads, parking facilities, and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately service the proposed use without negatively impacting existing uses in the area and in the Town (A traffic impact analysis (TIA) may be required as determined by Town Staff);
  4. Whether the proposed use and designs are in general conformity with the Town's Comprehensive Plan and any other plans officially adopted by the Town;
  5. Likely impact on public health and safety; and
  6. Potential creation of noise, lights, fumes, dust, smoke, vibration, fire hazard, or other injurious or obnoxious impacts.

- H. Conditions: The BZA may impose such conditions and restrictions upon the application as may be necessary to minimize or mitigate any potential adverse impacts of the proposed use.
- I. Appeals: Any person aggrieved by a decision of the BZA has the right to appeal the board's decision before the courts of the State of South Carolina within thirty (30) days of the decision, as provided in S.C. Code 1976, § 6-29-900 et seq. as amended.

### 13.10.5 VARIANCE

- A. Applicability: A variance is an exception or deviation to a standard in this UDO that arises as a result of an unnecessary hardship on a subject property. The following standards must apply for finding an unnecessary hardship:
  1. 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.
  2. Other Property: Extraordinary conditions generally do not apply to other property in the vicinity.
  3. Utilization: Because of these extraordinary conditions, the application of this section's provisions to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
  4. 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.
- B. Exceptions to Applicability/
  1. 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 nonconforming land use or changes the zoning district boundaries shown on the official zoning map).
  2. Exceptions/Variances to [Chapter 4](#), Building Design Standards shall be considered by the DRB.
  3. Exceptions/Variances to [Section 8.3](#), Tree Protection shall be considered by the TPB.
- C. Process Type: Discretionary
- D. Application Requirements: All applicable forms as determined by Administrator, along with such accompanying material as is required to ensure compliance with the criteria listed below
- E. Public Notification: TW - Town Hall/Web Posting, N-Newspaper, P-Posted
- F. Staff Review and Report: Town Staff shall prepare a staff report which shall be provided to the applicant or appellant and the Board of Zoning Appeals (BZA) before the scheduled hearing.
- G. BZA Hearing
  1. After review of the Variance application and the public hearing, the BZA shall make a written finding and give its approval; approval with modifications or conditions; or disapproval.
  2. If approval or approval with modifications or conditions is granted, the decision shall be communicated in writing to the applicant within 15 days and the applicant shall be authorized to submit a development permit application.

## H. Criteria for Approval of Variance

1. **Required Findings:** A Variance may be granted by the BZA if it concludes that the strict enforcement of any design and performance standard set forth in this UDO would result in unnecessary hardship to the applicant and that by granting the Variance, the spirit of this UDO will be observed, public welfare and safety will not be diminished and substantial justice done. A Variance may be granted in an individual case of unnecessary hardship only when the BZA makes and explains in writing all of the following findings:
    - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property. For example, the variance is justified because of topographic or other special conditions unique to the property and development involved, in contradistinction to the mere inconvenience or financial disadvantage;
    - b. These conditions do not generally apply to other property in the vicinity;
    - c. The conditions are not the result of the applicant's own actions;
    - d. Granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDO;
    - e. Because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
    - f. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the zone will not be harmed by the granting of the Variance.
  2. **Limitations:** The BZA may not grant a Variance the effect of which would be any of the following:
    - a. To allow the establishment of a use not otherwise permitted in the applicable district;
    - b. To increase the density of a use above that permitted by the applicable district;
    - c. To extend physically a nonconforming use of land; or
    - d. To change the zone boundaries shown on the Official Zoning Map.
  3. **Profitability Not to Be Considered:** The fact that property may be utilized more profitably should a Variance be granted may not be considered grounds for a variance.
  4. **Hardship Due to Eminent Domain:** Where the alleged hardship results from the taking of part of the property by eminent domain, the applicant shall have the burden of proving that, after good-faith efforts by the applicant or previous owner, the condemning authority failed or refused to provide the applicant compensation adequate to cover the value of both the land actually taken and the economic impacts of the reduction in the size of the remaining property. Only if the applicant meets this burden of proof will a hardship under these conditions be considered adequate to justify the granting of a Variance Permit.
  5. **Conditions:** In granting a Variance, the Board may attach to it conditions regarding the location, character, or other features of the proposed building, structure, or use as the BZA may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.
- I. **Appeals:** Any person aggrieved by a decision of the BZA has the right to appeal the board's decision before the courts of the State of South Carolina within thirty (30) days of the decision, as provided in S.C. Code 1976, § 6-29-900 et seq. as amended.

## 13.11 AMENDMENTS AND OTHER LEGISLATIVE ACTIONS

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### 13.11.1 MAP AND TEXT AMENDMENTS

- A. **Applicability:** When the public necessity, convenience, general welfare, or good zoning practice justify such action, and after the required review and report by the Planning Commission, the Town may undertake the necessary steps to amend this UDO or its accompanying Zoning Map.
- B. **Process Type:** Legislative
- C. **Initiation of Amendments:** A proposed amendment to this UDO may be initiated by any member of the Town Council, the Planning Commission, Town Staff, or by application filed with Town Staff by any town resident or property owner.
- D. **Public Notification:** TW - Town Hall/Web Posting, N-Newspaper, P-Posted
- E. **Application Procedure:** Application forms for amendment requests shall be obtained from Town Staff. Completed forms, together with an application fee, plus any additional information the applicant feels to be pertinent, shall be filed with Town Staff. Applications for zoning map amendments (rezoning) shall also include the following:
  - 1. A boundary map of the subject property prepared and sealed by a registered land surveyor.
  - 2. Where applicable, a copy of correspondence illustrating that the applicant has solicited written comments from the appropriate property owners' association regarding the requested amendment. Such correspondence shall encourage the association to direct any comments in writing to Town Staff and the applicant within 15 calendar days of receipt of the notification.
  - 3. If the applicant is not the Town, the applicant shall submit written consent from the owner of the property that is being considered for an amendment.
- F. **Staff Review and Report:** Town Staff shall prepare a staff report that reviews the proposed amendment in light of the Comprehensive Plan and the general requirements of this UDO. A copy shall be provided to the Planning Commission and the applicant before the scheduled public meeting.
- G. **TIA Requirement:** For amendments where the most intense permitted use in the proposed district would generate more than 50 external trips during the peak hour, a traffic impact analysis (TIA) shall be conducted, all road improvements needed to maintain the current level of service identified (based on that analysis), and assurances provided that all road improvements will be in place so the impacts of the development are accommodated and the current level of service is maintained.
- H. **Planning Commission Recommendation**
  - 1. **Hearing by Planning Commission:** All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission. The Planning Commission, at regular meetings, shall review and prepare a recommendation, for transmittal to the Town Council. At such meeting(s), any party may appear in person, or by agent, or by attorney. Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted to the Town Council for final action. The Planning Commission shall study the proposed amendment taking into account all factors which it may deem relevant including, but not limited to:
    - a. Consistency (or lack thereof) with the Comprehensive Plan;
    - b. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
    - c. Suitability of the property affected by the amendment;

- d. Compatibility with the natural features of and any archaeological or cultural resources on the property;
  - e. Marketability of the property affected by the amendment; and
  - f. Availability of roads, sewer, water and stormwater facilities generally suitable and adequate for the affected property.
2. At the close of the public meeting, the Planning Commission shall recommend approval, modified approval, or denial of the text amendment.
  3. The staff shall prepare a report of the Planning Commission deliberations and recommendation which shall be forwarded to Town Council. The Planning Commission shall have 30 days within which to submit its report. If the Planning Commission fails to submit a report within the 30-day period, it shall be deemed to have recommended approval of the proposed amendment.
- I. Town Council Decision
1. Town Council shall consider the proposed text amendment at the earliest reasonable date and shall consider the report of the Planning Commission in making a decision.
  2. Town Council shall act to approve, approve with modifications, or deny the proposed amendment.
  3. Following Town Council action, the applicant shall be notified within 15 days of the decision in writing.
- J. Changes to Zoning Map: Following final action by the Town Council, any necessary changes shall be made in the Official Zoning Map. A written record of the type and date of such change shall be maintained by Town Staff. Until such change is made, no action by the Town Council on amendments to this UDO shall be considered official, unless Town Staff fails to make the change with seven days after formal action by the Town Council. In the latter event, action by the Town Council shall be considered official 7 days after the date of the action even if Town Staff has failed to make the appropriate changes.
- K. Appeals: An owner of adjoining land or his representative has standing to bring an action contesting the ordinance or amendment; however, this section does not create any new substantive right in any party. Any person aggrieved by a decision of the Town Council has the right to appeal the Board's decision before the courts of the State of South Carolina within thirty (30) days of the decision, as provided in S.C. Code 1976, § 6-29-900 et seq. as amended.

**13.11.2 PLANNED UNIT DEVELOPMENT DISTRICTS**

- A. Applicability: Any request pertaining to the establishment or amendment of a PUD zoning district shall be considered an amendment to the zoning chapter.
- B. Process Type: Legislative
- C. Pre-Application Meeting: The applicant must set up a pre-application meeting with Town Staff. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plans for review. It is recommended that the applicant provide a Sketch Plan (13.5.2.B) to Town Staff prior to or at the pre-application meeting, so that Town Staff has an opportunity to review and comment on the proposal before the applicant expends funds on the preparation of a detailed Schematic Plan.

- D. Required Application Information: Pre-Application Conference ([13.6.1](#)), Site Analysis ([13.5.2.A](#)), Sketch Plan ([13.5.2.B](#)), Traffic Impact Analysis ([13.5.2.H](#)), a site survey, preliminary drainage plan, development schedule, and analysis of availability of utilities. Other documents showing compliance with the requirements of this UDO may also be required by Town Staff.
- E. Public Notification: TW - Town Hall/Web Posting, N-Newspaper, P-Posted
- F. Review and Decision Process: The review and approval or denial of a PUD shall follow the same procedures as an Amendment in [Section 13.11.1](#).
- G. Development Agreement: Should a development agreement be proposed for the PUD where practical, these documents shall be discussed, submitted and reviewed for approval in concurrence with the PUD review process by the Planning Commission and Town Council. The development agreement shall follow the procedures set forth in this chapter and in compliance with S.C. Code 1976, § 6-31-10 et. seq., South Carolina Local Government Development Agreement Act.
- H. The PUD and/or development agreement documents may be reviewed by Council Committee and/or full Town Council at any time during the review and approval process.
- I. Changes to an approved PUD: Changes to an approved Planned Unit Development district may be permitted in accordance with one of the following procedures as determined by Town Staff:
  - 1. Major Changes: Changes to a PUD, which would alter the basic concept and general characteristics of the planned unit development district, may be approved by Town Council. After approval of a major change by Town Council, approval of a final development plan showing such changes, copies of amended text, map, and/or documents shall be provided to staff. Examples of major changes may include, but are not limited to the following:
    - a. Boundary changes
    - b. Decrease in open space
    - c. Increase or decrease in number of access points
    - d. Changes to more intensive land uses (e.g., residential to commercial), any change which Town Staff determines would significantly alter the character of the PUD or be expected to have an adverse impact upon neighboring property owners
    - e. Redesign of the concept development plan as it applies to phases not yet constructed
  - 2. Minor Changes: Changes to a PUD which are of a design nature and which do not alter the original concept or use characteristics of the planned unit development district may be approved by Town Staff provided that no minor change may be approved by Town Staff which is in conflict with specific conceptual considerations previously approved by Town Council. Examples of minor changes may include, but are not limited to the following:
    - a. Reductions in density, signage or square footage
    - b. Increases in landscaping, open space, and setbacks
    - c. Minor changes to landscaping, lighting, location of land uses, parking, and signage
    - d. Minor changes to allow reorientation of structures, realignment of approved access, and more restrictive land uses (e.g., commercial to residential)
    - e. Shift in approved density from one area of the PUD to another
- J. Enforcement: The Town reserves the right to enforce development standards and provisions of zoning ordinances where applicable and necessary to uphold the intent of the PUD district.
- K. Design Review: Should a development agreement also be entered into between the Town and

the developer, the Town may support an internal design review process that will be reviewed and notarized through documentation by the developer or his/her designee and submitted to the Town with full site plans and architectural aesthetics plans prior to any application for permit (i.e., land disturbance, building, etc.). This documentation shall be provided at least annually throughout the life of the development and verified by Town staff without having to be reviewed through the Town's DRB process.

### 13.11.3 HISTORIC DESIGNATION (DISTRICT OR LANDMARK)

- A. Applicability: A structure, group of structures, site or district may be designated for the purpose of historic preservation if it demonstrates at least one of the following:
  1. The building and/or property has significant inherent character, interest, or value as part of the development or heritage of the community, state or nation; or
  2. The building and/or property is the site of an event significant in history; or
  3. The building and/or property is associated with a person or persons who contributed significantly to the culture and development of the community, state or nation; or
  4. The building and/or property exemplifies the cultural, political, economic, social, ethnic or historic heritage of the community, state or nation; or
  5. The building and/or property individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period or specimen in architecture or engineering; or
  6. The building and/or property is the work of a designer whose work has influenced significantly the development of the community, state or nation; or
  7. The building and/or property contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or
  8. The building and/or property is part of or related to a square or other distinctive element of community planning; or
  9. The building and/or property represents an established and familiar visual feature of the neighborhood or community; or
  10. The building and/or property has yielded, or may be likely to yield, information important in pre history or history; or
  11. The building and/or property is listed on the National Register of Historic Places.
- B. Process Type: Legislative
- C. Application Requirements: All applicable forms as determined by Town Staff, along with such accompanying material as is required to ensure compliance with the criteria listed above.
- D. Public Notification: TW - Town Hall/Web Posting, N-Newspaper, P-Posted
- E. Staff Review and Report: Town Staff shall prepare a staff report which shall be provided to the applicant or appellant and the BAR and Town Council before the scheduled hearing.
- F. Recommendations by the Board of Architectural Review: The Board may recommend to the Town Council the creation of additional historic districts or historic properties, the expansion of existing historic districts or historic properties, and the addition of individual buildings and sites. The BAR may also recommend that proposed relocation of historic structures be subject to review by the Board of Architectural Review.
- G. Action by Town Council: Changes in historic districts or historic properties shall not become

effective until officially adopted by Town Council. Owners of properties which are proposed to be designated historic shall be notified in writing 15 days prior to consideration by the Town Council. Owners may appear before the Town Council to voice approval or opposition to such designation.

- H. Appeals: Any person aggrieved by a decision of the Town Council has the right to appeal the board's decision before the courts of the State of South Carolina within thirty (30) days of the decision, as provided in S.C. Code 1976, § 6-29-900 et seq. as amended.
- I. Nominations to the National Register: The BAR may recommend buildings, structures, sites, objects or districts to the National Register of Historic Places. The Board may conduct a review and evaluation of all proposed National Register nominations within its jurisdiction, including any which may have been submitted to the State Historic Preservation Office. The board may forward all reviewed nominations to the SHPO with recommendations for consideration by the State Board of Review. The Board shall not have the authority to nominate properties directly to the National Register; only the State Board of Review and the SHPO shall have this final review authority. When considering whether a building, structure, site, object or district should be nominated, the Board should apply the following criteria:
1. Its role and contribution to the development, heritage or culture of the town, state, or the United States.
  2. Its association with a significant event which has made a contribution to the broad patterns of history.
  3. Its association with the lives of persons significant in local, state or national history.
  4. Its embodiment of distinguishing characteristics of an architectural style or period.
  5. Its identification with an architect or builder whose work has influenced the development of the town or state.
  6. Its embodiment of elements of design, detailing, materials or craftsmanship that render it significant.

Any building, structure, site, object or district that meets any one of the above criteria shall also have sufficient integrity of design, materials, workmanship, setting and location to make it worthy of recognition.

#### 13.11.4 DEVELOPMENT AGREEMENTS

- A. Applicability: The Town may enter into a development agreement with a developer for the development of property as provided in South Carolina Local Government Development Agreement Act provided the property contains twenty-five acres or more of highland. Development agreements involving property containing no more than two hundred fifty acres of highland shall be for a term not to exceed five years. Development agreements involving property containing one thousand acres or less of highland but more than two hundred fifty acres of highland shall be for a term not to exceed ten years. Development agreements involving property containing two thousand acres or less of highland but more than one thousand acres of highland shall be for a term not to exceed twenty years. Development agreements involving property containing more than two thousand acres and development agreements with a developer which is a redevelopment authority created pursuant to the provisions of the Military Facilities Redevelopment Law, regardless of the number of acres of property involved, may be for such term as the Town and the developer shall elect.
- B. Process Type: Legislative

- C. Application Requirements: All applicable forms as determined by Town Staff, along with such accompanying material as is required to ensure compliance with the criteria listed below. A developer initiates the consideration of an agreement by filing the following with the clerk:
  - 1. A letter stating that the developer requests Council to consider a proposed agreement;
  - 2. A proposed agreement containing, at a minimum, the information required below; and
  - 3. A check as required by Town Code.
- D. Public Notification: TW - Town Hall/Web Posting, N-Newspaper, P-Posted
- E. Decision by Town Council: Upon receipt by the clerk, the clerk shall provide copies of the developer's letter and proposed agreement to each member of the Council. Council may, in its discretion:
  - 1. Provide for the appointment of an ad hoc committee of the Council, to review and make recommendations to the Council on the content and disposition of the proposed agreement;
  - 2. Request the review by and comment of Town agency, department, board or commission and such agency, department, board or commission shall, upon request of the Council, make appropriate recourse and personnel available to the Council to facilitate the Council's review and consideration of the proposed agreement;
  - 3. Make arrangements as may be necessary or proper to enter into agreements, including negotiating and drafting of agreements; and
  - 4. Engage such consultants and professional service providers as may be needed including, but not limited to, engineering, financial, legal or other special services.

No agreement may be entered into by the Town unless the agreement has been approved by Council through the adoption of an ordinance.
- F. Public Hearings: The Council shall conduct at least two public hearings on the proposed agreement. At the option of the Council, one or both of the public hearings may be held by the Planning Commission. Not less than 15 days' notice of the time and place of each hearing shall be published in at least one newspaper of general circulation in the Town. The notices published for the public hearing must include the information required to be published by S.C. Code, § 6-31-50(B).
- G. Council may initiate agreement: Nothing in this section prevents Council from initiating discussions and negotiations with a developer for an agreement.
- H. Mandatory content of agreement: The proposed agreement filed by the developer, as provided in subsection (e) of this section, must include:
  - 1. A legal description of the property subject to the agreement and the names of the property's legal and equitable owners.
  - 2. The duration of the agreement which must comply with S.C. Code, § 6-31-40.
  - 3. A representation by the developer of the number of acres of highland contained in the property subject to the agreement.
  - 4. The then current zoning of the property and a statement, if applicable, of any proposed rezoning of the property.
  - 5. The development uses that would be permitted on the property pursuant to the agreement, including population densities, building intensities and height.
  - 6. A description of the public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule

to assure public facilities are available concurrent with the impacts of the development. If the agreement provides that the town shall provide certain public facilities, the agreement shall provide that the delivery date of the public facilities will be tied to defined completion percentages or other defined performance standards to be met by the developer.

7. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property as may be required or permitted pursuant to laws in effect at the time of entering into the agreement.
8. A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.
9. A finding that the development permitted or proposed is consistent, with the town's comprehensive plan and land development regulations.
10. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
11. A development schedule including commencement dates and interim completion dates at no greater than five-year intervals.
12. If more than one local government is made party to the agreement, a provision stating which local government is responsible for the overall administration of the agreement.
13. A listing of the laws and land development regulations that will apply to the development of the property subject to the agreement, including citation to the specific ordinance number or portions of the UDO or both.
14. A provision, consistent with S.C. Code, § 6-31-80, addressing the circumstances under which laws and land development regulations adopted subsequent to the execution of the agreement apply to the property subject to the agreement.
15. A provision that:
  - a. The agreement may be amended or canceled by mutual consent of the parties to the agreement or their successors in interest;
  - b. If the amendment constitutes a major modification of the agreement, the major modification may occur only after public notice and a public hearing by the council, provided that, for purposes of this section, a "major modification" means: (i) significant changes to the development schedule time frames set forth in the agreement; (ii) density modifications; (iii) land use changes; (iv) any major miscalculations of infrastructure or facility needs which create demand deficiencies; or (v) any other significant deviation from the development as contained in the agreement;
  - c. If the developer requests an amendment to the development schedule, including commencement dates and interim completion dates, then the dates must be modified by the council if the developer is able to demonstrate and establish that there is good cause to modify those dates; and
  - d. The agreement must be modified or suspended as may be necessary to comply with any state or federal laws or regulations enacted after the agreement is entered into which prevents or precludes compliance with one or more of the provisions of the agreement.
16. A provision for periodic review,

17. A provision addressing the effects of a material breach of the agreement.
  18. A provision that the developer, within 14 days after the town enters into the agreement, will record the agreement with the county Register of Deeds.
  19. A provision that the burdens of the agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.
  20. A provision addressing the condition and procedures by which the agreement may be assigned.
  21. A provision whereby the developer agrees to indemnify and hold harmless the town against any and all costs, damages and awards against the town by a court of competent jurisdiction arising from the entry of the town into the agreement or any amendment thereof, and whereby the developer agrees to indemnify and hold harmless the town for any and all legal expenses, fees and costs incurred by the town in the defense of litigation arising from the entry of the town into the agreement or any amendment thereof, including, but not limited to, legal action challenging the validity of any provision of the agreement or any matter reasonably related thereto.
  22. A description of any conditions, terms, restrictions or other requirements determined to be necessary by the local government for the public health, safety or welfare of its citizens.
- I. Optional Content of Agreement: The agreement approved by the council must include the information listed above and, in addition, may include:
1. Requirements that the entire development or any phase of it be commenced or completed within a specific period of time.
  2. Defined performance standards to be met by the developer.
  3. Identification of any laws or land development regulations anticipated to be adopted by the council subsequent to the execution of the agreement and made applicable to the property subject to the agreement.
  4. Any other matter not inconsistent with the act not prohibited by law.
- J. Periodic review: At least every 12 months, Town Staff must review compliance with the agreement by the developer. At the time of review, the developer must demonstrate good faith compliance with the terms of the agreement.
- K. Breach of Agreement:
1. If, as a result of periodic review provided for in Section (J), Town Staff finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, Town Staff shall serve notice in writing, within 30 days after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination and providing the developer 30 days to respond with a corrective action plan to cure the material breach. Town Staff may approve a corrective action plan which provides for a cure of the material breach in one year or less. Corrective action plans providing for a cure of the material breach in excess of one year must be reviewed and approved by the council. Town Staff and Council may establish a time for the cure of the material breach different from that proposed by the developer.
  2. If the developer fails to respond to Town Staff's notice within 30 days or cure the material breach within the time approved by Town Staff or council, the council unilaterally may terminate or modify the agreement, provided, that the council has first given the developer the opportunity: (i) to rebut the finding and determination; or (ii) to consent to amend the agreement to meet the concerns of the council with respect to the findings and determinations.
  3. The failure of the developer to meet a commencement or completion date shall not, in and of

itself, constitute a material breach of the agreement, but must be judged based on the totality of the circumstances.

- L. Law in Effect at Time of Agreement Governs Development; Exceptions:
1. Subject to the provisions of S.C. Code, § 6-31-140 and unless otherwise provided by the development agreement, the laws applicable to development of the property subject to a development agreement, are those in force at the time of execution of the agreement.
  2. Subject to the provisions of S.C. Code, § 6-31-140, the town may apply subsequently adopted laws to a development that is subject to a development agreement only if the town has held a public hearing and determined:
    - a. the laws are not in conflict with the laws governing the development agreement and do not prevent the development set forth in the development agreement;
    - b. they are essential to the public health, safety, or welfare and the laws expressly state that they apply to a development that is subject to a development agreement;
    - c. the laws are specifically anticipated and provided for in the development agreement;
    - d. the local government demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement which changes, if not addressed by the local government, would pose a serious threat to the public health, safety, or welfare; or
    - e. the development agreement is based on substantially and materially inaccurate information supplied by the developer.
  3. This section does not abrogate any rights preserved by S.C. Code, § 6-31-140 herein or that may vest pursuant to common law or otherwise in the absence of a development agreement.

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# 14

## 14 VIOLATIONS AND ENFORCEMENT

### 14.1 COMPLIANCE REQUIRED

#### 14.1.1 COMPLIANCE REQUIRED

Compliance with all the procedures and standards of the UDO, and all terms and conditions of permits and development approvals is required by all persons owning, developing, managing, using, or occupying land, structures, or signs in the Town.

#### 14.1.2 VIOLATIONS GENERALLY

- A. Any failure to comply with a standard, requirement, prohibition, or limitation imposed by the UDO, or the terms or conditions of any permit or development approval granted in accordance with the UDO shall constitute a violation of the UDO punishable as provided in this section.
- B. Permits or development approvals issued on the basis of applications approved by the Town Council, Planning Commission, Board of Zoning Appeals, Board of Architectural Review, Design Review Board, Tree Protection Board, or Town Staff authorize only the use, arrangement, location, design, density/intensity, and development set forth in such permits or development approvals, and no other development.
- C. Violations of the UDO shall run with the land where the violation occurred, and shall not be voided by sale or transfer.



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**14.1.3 SPECIFIC VIOLATIONS**

It shall be a violation of the UDO to do any of the following:

- A. Develop, modify, occupy, or subdivide a property without first obtaining the appropriate permits or development approvals as set forth in [Chapter 13](#) (Administration).
- B. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining the appropriate permits or development approvals, and complying with their terms and conditions.
- C. Remove existing trees from a site or parcel of land without first obtaining the appropriate permits and development approvals, and complying with their terms and conditions. If an owner cuts all or any portion of his or her property under the claim of good faith forestry practice, and then seeks a development permit for any portion of the property within 2 years of the cut, a rebuttable presumption shall arise that the cut was done in anticipation of future development and the permit denied. Any person seeking to rebut the presumptions shall have the burden of proving their claim by clear and convincing evidence.
- D. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by the UDO.
- E. Increase the intensity or density of development, except in accordance with the standards of the UDO.
- F. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by the UDO.

**14.2 ENFORCEMENT**

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**14.2.1 RESPONSIBILITY FOR ENFORCEMENT**

Town Staff shall be responsible for enforcing the provisions of the UDO.

**14.2.2 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of the UDO occurs, or is alleged to have occurred, any person may file a complaint. Such complaint shall state fully the alleged violation and the basis for the alleged violation, and shall be filed with Town Staff, who shall maintain a record of the complaint. The complaint shall be investigated promptly by Town Staff as provided in Section 14.2.3 (Inspections to Ensure Compliance), and action taken to abate or correct the violation.

**14.2.3 INSPECTIONS TO ENSURE COMPLIANCE**

Upon presentation of proper credentials, Town Staff may enter upon land or inspect any structure to ensure compliance with the provisions of the UDO. These inspections shall be carried out during normal business hours unless Town Staff determines there is an emergency necessitating inspections at another time.

**14.2.4 NOTICE OF VIOLATION**

- A. When Town Staff finds and determines a violation of the UDO exists, Town Staff shall notify, in writing, the person violating the UDO. It shall be served by personal delivery or certified or registered mail, return receipt requested. The notice shall be mailed to the property address indicated on the county's official tax notice address of record. Such notification shall serve as a warning notice of a violation. The notice shall state the following:

1. The address and TMS number of the land, structure, or sign that is in violation of the UDO.
  2. The nature of the violation, the provisions of the UDO being violated, and the necessary action to remove or abate the violation;
  3. The date by which the violation should be removed or abated (The time period shall be no less than 3 or no more than 10 days, except in emergency cases); and
  4. The penalty for failing to remove or abate the violation, stating that if the nuisance recurs, a notice to appear in the appropriate court will be issued without further notice.
- B. If no one is present or refuses to accept the notice of violation, Town Staff shall post the warning notice on the residence or building entrance. If the land is unimproved, the notice may be placed on a tree or other similar object on the land subject to the violation.
- C. A written notice containing the same information as the notice delivered or posted on the land shall be mailed to the owner or the owner's authorized agent, and any other person's responsible for the violation, by certified mail or registered mail, return receipt requested.

#### 14.2.5 FAILURE TO CORRECT VIOLATION

- A. If the person(s) to whom a warning notice has been given, fails to remove or abate the violation in the time specified in the notice and severe conditions exist that affect health, welfare, or safety, or cause severe environmental degradation, the Town through Town Staff may lawfully enter upon the land where the violation remains unabated to remove or abate the violation, at the expense of the person(s) responsible for creating or maintaining the violation(s).
- B. Under all other circumstances, if the person(s) to whom a warning notice has been given fails to remove or abate the violation in the time specified in the notice, Town Staff shall fill out and sign, as the complainant, a complaint and information form and a Notice to Appear in the appropriate court. The Notice to Appear shall include the following:
1. Name of the owner of the land subject to the violation, any occupants, and any other person(s) responsible for the violation(s);
  2. The address or TMS number of the land on which the violation is occurring;
  3. The nature of the violation;
  4. The provision(s) of the UDO being violated;
  5. The date on which the case will be on the court docket for hearing; and
  6. Any other information deemed pertinent by Town Staff.
- C. The original copy of the Notice to Appear shall be forwarded to the Clerk of the Court for inclusion on the court's docket for the date indicated on the notice.
- D. The Notice to Appear shall be provided to all persons in violation of the UDO by personal delivery or certified or registered mail, return receipt requested to any occupants of the land where the violation is occurring. In addition, Town Staff shall fill out and sign the Notice to Appear as the complainant and deliver the original plus one copy to the Clerk of the Court. The Clerk shall verify or insert the date the case is set for hearing before the court. The Clerk shall mail a copy of the Notice to Appear, by certified or registered mail, return requested, to all person(s) named in the Notice to Appear, at their last known address.

**14.2.6 COSTS**

All costs and expenses incurred by the Town in removing or abating any violation under the UDO may be assessed against the land on which the violation occurs as a lien on the property. Alternatively, the cost of removing or abating the violation may be made part of the judgment, in addition to any other penalties and costs imposed if the person(s) charged either pleads or is found guilty of causing, creating, or maintaining a violation.

**14.2.7 REPEAT VIOLATIONS**

- A. In instances of repeat violations, the warning notice provisions of this section need not be observed.
- B. Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.

**14.3 REMEDIES AND PENALTIES**

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**14.3.1 GENERAL**

Any person violating the UDO shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in the Town of Summerville Code of Ordinances, Chapter 1, Section 1-8. Each day during which the violation continues is a separate offense also punishable by Section 1-8.

**14.3.2 OTHER REMEDIES AND PENALTIES**

In addition, the Town may use any combination of the following enforcement actions, remedies, and penalties in any particular order to correct, stop, abate or enjoin a violation of the UDO:

- A. Stop Order: Town Staff or Town Attorney may issue and serve upon a person violating the UDO a stop order requiring that the person stop all actions in violation of the UDO, including illegal occupation of a building or structure, illegal work being done, or any other action in violation of the UDO.
- B. Permit Revocation: Any permit, development approval, or other form of authorization required under the UDO may be revoked if Town Staff determines that:
  - 1. There is a failure to comply with the approved permit, development approval, plans, specifications, or terms or conditions required under the permit or development approval;
  - 2. The permit or development approval was procured by false representation; or
  - 3. The permit or development approval was issued in error, provided that it has not be detrimentally relied upon.

Written notice of revocation shall be served upon the landowner, the landowner's agent, or other person to whom the permit or development approval was issued, and such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.

- C. Civil Remedies: In addition to all other remedies and penalties outlined in this section, the Town Attorney may institute an action or proceeding for injunction or mandamus or other appropriate action or proceeding to prevent, abate, or correct a violation of the UDO, to prevent the occupancy of a structure or land or to require removal of structures or objects that are in violation of the UDO.

Each day a person violates the UDO shall be considered a separate offense.

### **14.3.3 PRIVATE CIVIL RELIEF**

In case a structure or land is or is proposed to be developed or used in violation of the UDO, an adjacent or neighboring landowner or tenant who would be specially damaged by the violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful development or use, to correct or abate the violation, or to prevent the occupancy of the structure or use of the land.

### **14.3.4 REMEDIES CUMULATIVE**

The remedies provided for violations of the UDO, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

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# 15

## 15 DEFINITIONS

### 15.1 INTENT

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

### 15.2 RULES OF CONSTRUCTION

For the purposes of these regulations, the following rules of construction apply.

- A. These regulations will be construed to achieve the purposes for which they are adopted. Interpretations shall be guided by statements of intent.
- B. In the event of any conflict in standards applying to a project, the standard more consistent with the Comprehensive Plan shall apply.
- C. The words “shall,” “must,” and “will” are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- D. The word “may” is permissive in nature except when used in the negative.
- E. The word “should,” whether used in the positive or the negative, is a suggested guideline.
- F. References to “days” will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.



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## 15.3 DEFINITION OF TERMS

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### A

**Accessory Structure:** A structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

**Accessory Dwelling Unit:** An auxiliary dwelling unit either attached to a primary dwelling unit or located within an accessory structure of a primary dwelling unit on the lot. Includes, but is not limited to dwelling units in guest houses, carriage houses, pool houses, and above or beside a garage.

**Addition to an Existing Building:** An extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or loadbearing wall is provided between the addition and the existing building, the addition shall be considered a separate building and must comply with the standards for new construction.

**Adult Establishment:** Any business venture and/or commercial establishment in which a person appears in a state of sexually explicit nudity which is defined as: the showing of: (a) uncovered, or less than opaquely covered human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast; or (b) covered human male genitals in a discernibly turgid state. Any business venture and/or commercial establishment where more than 10% of any goods sold and/or displayed (whether by video, still photography, drawings, live display or animated) are considered sexually-oriented by depicting sexually explicit nudity (showing uncovered, or less than opaquely covered human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast; or (b) covered human male genitals in a discernibly turgid state) and/or depicting persons engaging in sexual activity (any of the following acts

or simulations thereof:(a) masturbation, whether done alone or with another human or animal;(b) vaginal, anal, or oral intercourse, whether done with another human or an animal;(c) touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breasts of a human female;(d) an act or condition that depicts bestiality, sado-masochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a costume which reveals the pubic hair, anus, vulva, genitals, or female breast nipples, or the condition of being fettered, bound, or otherwise physically restrained on the part of the one so clothed;(e) excretory functions;(f) the insertion of any part of a person's body, other than the male sexual organ, or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure.). These business ventures and/or commercial establishments include but are not limited to: bookstores, adult mini-motion picture theaters, motion picture theaters, night clubs, clubs, bar restaurants, motels, theaters, drive-in theaters, car washes, massage parlors, health clubs, bath houses, sexual encounter centers or assembly of people without regard to assembly size or location.

**Agricultural Structure:** A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this article.

**Alcoholic Beverage Sales Store:** The retail sale of beer, wine, and/or spirits for on-site or off-site consumption, either as part of another retail use or as a primary business activity.

**Alteration, Building:** A change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in a significant historic designation, or a change in the site features of any historic site or place.

**Animal Production:** Industries that raise or fatten animals for the sale of animals or animal products such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector.

**Antenna:** Communication equipment that transmits or receives electromagnetic radio frequency signals used in the provision of Wireless Services.

**Appeal:** A request for a review of the local administrator's interpretation of any provision of this article.

**Approved (or "approval"):** A final action by the Town or an exhaustion of all administrative remedies that results in the authorization of a site specific development plan or a phased development plan.

**Arborist:** A professional whose focus is on tree health as it relates to public safety.

**Area of Shallow Flooding:** A designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths of one foot to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard:** The land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

**Arterial Street:** Streets that provide a high degree of vehicular mobility, have higher levels of local land access controls, with limited driveway access, and regional significance as major vehicular travel routes that connect between cities within a metropolitan area.

**ATM:** An automated teller machine (computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel), located outdoors at a bank or in another location. Does include drive-up ATM's.

**Aviation Services:** An airport, runway, landing strip or heliport providing accommodations by public, private, or not-for-profit entities for the conveyance of persons from one location to another by airplane, helicopter, or other means of aviation. Includes facilities for loading and unloading areas.

## B

**Backyard Pens/Coops/Beehives:** The long-term keeping of fowl, rabbits, bees and other similar small creatures in backyards as accessory uses to existing residential structures.

### **Banks, Credit Unions, Financial Services:**

Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies but excluding cash advance, check cashing, title loan, flex loan and installment loan establishments.

**Bar/Tavern/Night Club/Brewery:** A business where alcoholic beverages are sold for on-site consumption as the primary use where any food service is subordinate to the sale of alcoholic beverages and which may also include entertainment such as live music and/or dancing, comedy, etc. (excluding Adult Establishment activities). This definition includes bars, taverns, pubs, beer brewing as part of a microbrewery, and other beverage tasting facilities.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Basement:** Any enclosed area of a building which is below grade on all sides.

**Bed and Breakfast Inn (6-10 guestrooms):**

Residential-type lodging facilities that have six to ten guestrooms and that serve only breakfast to registered guests.

**Best Management Practices:** Stormwater management practices that have been demonstrated to effectively control movement of pollutants, prevent degradation of soil and water resources, and that are compatible with the planned land use.

**Building:** Any structure built for support, shelter, or enclosure for any occupancy or storage. See also Structure.

**Building Permit:** A written warrant or license issued by the building official that authorizes the construction or renovation of a building or structure at a specified location.

**Business Support Services:** An establishment within a building that provides services to other businesses. Examples of these services include, but are not limited to: Computer-related services (rental, repair) (see also “Maintenance Service - Client Site Services”), copying, quick printing, and blueprinting services, film processing and photofinishing (retail), mailing and mailbox services.

## C

**Cash Advance/Payday Lending/Title Loan Services:** A check cashing business, a payday advance/loan business, or a car title loan business exclusive of Banks, Credit Unions, Financial Services.

1. **Check cashing business** means an establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic

transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business, provided such retailer does not cash more than 100 checks in any calendar month. This definition excludes a grocery stores that may offer such services as incidental to their principal.

2. **Payday advance/loan business** means an establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant’s next payday, and then cashed unless the customer repays the loan to reclaim such person’s check.
3. **Car title loan business** means an establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

**Cemetery:** A parcel of land used for internment of the dead in the ground or in mausoleums.

**Clean Water Act:** The Federal Water Pollution Control Act, as amended, codified at 33 U.S.C § 1251 et. seq.

**Coastal High Hazard Area:** An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.

**Collocate:** To install, mount, maintain, modify, operate, or replace one or more Wireless Facilities on, under, within, or adjacent to an existing Wireless Support Structure or Utility Pole located in Covered Areas within the jurisdiction of the City. “Collocation” has a corresponding meaning.

**Commercial Child Care Center:** A licensed day care facility licensed that provides non-medical care and supervision to more than 12 minor children for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: infant centers, nursery schools, preschools, after-school or extended day care, and school age child care centers. The term does not include:

1. an educational facility, whether private or public, which operates solely for educational purposes in grade one or above;
2. five-year-old kindergarten programs;
3. kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age;
4. facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where the same children are cared for less than four hours a day and not on a regular basis as defined in this chapter while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available; however, these facilities must meet local fire and sanitation requirements and maintain documentation on these requirements on file at the facility available for public inspection;
5. school vacation or school holiday day camps for children operating in distinct sessions running less than three weeks per session unless the day camp permits children to enroll in successive sessions so that their total attendance may exceed three weeks;
6. summer resident camps for children;
7. bible schools normally conducted during vacation periods;
8. facilities for persons with intellectual disability;
9. facilities for the mentally ill;
10. childcare centers and group childcare homes owned and operated by a local church congregation or an established religious denomination or a religious college or university which does not receive state or federal financial assistance for childcare services.

**Community Advocacy Facility:** Facilities that provide medical care services of minor victims of crime and/or abuse including, but not limited to, the physical and mental assessment/counseling of said victims and the provision of temporary shelter, including overnight time periods, of minor victims displaced by crime and/or abuse.

**Community Facility:** A non-commercial establishment intended primarily for the benefit and service of the general public of the community in which it is located. Examples include, but are not limited to, neighborhood clubhouses, community centers, and senior centers.

**Conditional Use:** A use allowed within a zone that subject to provisions that impose conditions, restrictions, or limitations on a permitted use that are in addition to the restrictions applicable to all land in the zoning district Administrator approval. .

**Concept plan:** A preliminary version of the stormwater plan, illustrating the general intent of the proposed development including, but not limited to, the layout of physical improvements, existing site conditions, layout of all stormwater management facilities, location and description of planned BMPs, and phasing plan (if planned).

**Conference/Convention Center:** A commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and other event venues for large-scale public gatherings.

**Correctional Institution:** A facility operated that provides incarceration or related services including, but not limited to: prisons, detention facilities, temporary detention facilities, work camps, etc.

**Covered Area (regarding Small Wireless Facilities):**

The surface of and the space below any public rights-of-way.

**Critical Development:** Development that is critical to the community's public health and safety, is essential to the orderly functioning of the community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

**Critical Root Zone:** Calculated as a radius of 1' for every 1" DBH or roughly the dripline of the tree's canopy. This area should be protected from compaction during construction.

**Critical Urbanized Area:** that land within the town and designated as an "urbanized area" having a small municipal separate storm sewer system (MS4) and having a geographical boundary as defined by the most current NPDES Phase II Regulations.

**Cultural Facility:** An establishment providing for the display, preservation, and/or exhibition of objects of historical or cultural interest. Examples of this use include, but are not limited to, museums, libraries, historical sites, botanical gardens, nature exhibitions, environmental education facilities, and interpretive centers.

**Cutoff Light:** A light fixture with a light distribution where no candela occur at or above an angle of 90 degrees above nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10%) at a vertical angle 80 degrees above nadir. This applies to all lateral angles around the luminaire.

**D**

**Demolition by Neglect:** Allowing any place, building, structure, work of art, fixture or similar object to deteriorate past the point of reasonable repair through willful inaction by its owner.

**Development (or Develop Land):** Any of the following actions undertaken by any person, including, without limitation, any public or private individual or entity:

1. Division of a lot, tract, or parcels, or other divisions by plat or deed with the intent of construction of a residential or commercial structure(s). (not applicable to CH 11 Water Management)
2. The construction, installation, or alteration of a structure, impervious surface or drainage facility
3. Clearing, scraping, grubbing or otherwise significantly disturbing the soil, vegetation, mud, sand or rock of a site.
4. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site.
5. The storage of equipment or materials.

**Diameter at breast height (DBH):** The diameter of a tree's trunk at the breast height of an average human adult (4.5 feet).

**Disconnected Impervious Areas (or Disconnected Impervious Surfaces):** Those impervious areas or impervious surfaces which produce stormwater runoff that discharges through or across a nonimpervious area or surface (i.e. vegetated cover), of sufficient width to reduce or eliminate pollutants associated with stormwater runoff, prior to discharge to the stormwater system.

**Distribution Terminal:** An establishment engaged in the storage or movement of goods, such as manufactured products, supplies, equipment, or food. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

**Drip Line:** The invisible circumference formed on the ground plane underneath the outer edges of a tree's canopy.

**Drive-Thru/Drive-In Facility:** Facilities where food or other products may be purchased or services may be obtained by motorists without leaving their vehicles and by maneuvering around the building in a dedicated lane. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, photo stores, pharmacies, dry cleaners, etc., but do not include gas station or other vehicle services which are separately defined under “Vehicle Sales and Services” and curb-side services where patrons park and goods are brought to them.

**Duplex:** A building or portion thereof containing 2 attached dwelling units horizontally arranged where each unit has a separate entrance from the outside and at least one wall is shared.

**Dwelling /Dwelling Unit/Housing Unit:** A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

**Dwelling, Mansion House:** A structure containing two-four dwelling units on a single lot that is divided horizontally or vertically, and with a single entrance from the outside through a common vestibule.

## E

**Easement (Cable, Communications, Fiber or Electric):** An easement, granted to a cable or video service provider, a communications service provider (including without limitation a telephone utility), a fiber optics cable services provider, or an electric services provider created or authorized by state law to provide such services, that runs parallel to and abuts or within a Rights-of-Way and is occupied by existing Utility Poles or Wireless Support Structures carrying electric distribution lines, wires, cable, conduit, fiber optic cable for telecommunications, cable or electric service or supporting municipal street lights, or security lights. The term Cable, Communications, Fiber or Electric Easement excludes easements for service drops or lines connecting the customer’s premises to the cable, communications, fiber or electrical provider.

**Educational Campus:** A separate facility or campus of buildings for elementary, secondary, post-secondary, technical, and vocational education in dedicated facilities as a standalone building or as a part of a campus. Includes business, secretarial, and vocational school, computers and electronics school, driver education school, establishments providing courses by mail, language school, professional school (e.g., law, medicine, etc.), religious ministry training facilities, technical colleges; elementary, middle and junior high schools, secondary and high schools, and facilities that provide any combination of those levels. Satellite programs offered in multi-tenant structures are considered professional offices.

**Elevated Building:** A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation, perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

**Entertainment, Indoor:** An establishment providing indoor amusement and entertainment services for a fee or admission charge, including: Movie theaters, live performance theaters, bowling alleys, coin-operated amusement arcades, electronic game arcades (video games, pinball, etc.), ice skating and roller skating, pool and billiard rooms as primary uses. Any establishment with four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) or a premises where 50 percent or more of the floor area is occupied by electronic games or amusement devices; three or fewer machines or devices are not considered a use separate from the primary use of the site. Does not include Adult Establishments.

**Entertainment, Outdoor:** A facility for outdoor recreational activities where a fee may be charged for use. Examples include outdoor theaters/amphitheaters, amusement and theme parks; campgrounds, and picnicking areas; go-cart tracks; golf driving ranges; miniature golf courses; outdoor pools, and water slides. May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include golf courses.

**Equestrian Centers:** An establishment where horses are boarded and cared for, and where instruction in riding, jumping and showing and/or the hiring of horses for riding is offered.

**Exempt Subdivision:** The Subdivision of property that is exempt from these provisions in accordance with the exceptions noted in the definition of subdivision.

**Existing Construction, Date of:** For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date. (applicable to Flood Damage Prevention only)

**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before March 9, 2017. (applicable to Flood Damage Prevention only)

**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**Executive Order 11988 (floodplain management):** The President issued Executive Order 11988, Floodplain Management May 1977. EO. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process. (applicable to Flood Damage Prevention only)

## F

**Family Child Care Home:** A licensed facility in a private home where an occupant of the residence provides family day care for up to 6 minor children for periods of less than 24 hours per day for any client. Facilities include but are not limited to: infant centers, nursery schools, preschool, after-school or extended day care, and school age child care centers.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

**Flood-Resistant Material:** Any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material which is water soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type flooring coverings which restrict evaporation from below and materials which are impervious, but dimensionally unstable, are not acceptable. Materials which absorb or retain water

excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Forestry:** Also referred to as “bona fide forestry operations,” such activities shall mean that the property is eligible for, and actually used for forestry or timber operations, and written application has been approved by the County Assessor for the special assessment for agricultural use for the property in question pursuant to SC Code Section 12-43-220, SC Department of Revenue Regulation 117-1780.1., and other applicable statutes, rules, and regulations.

**Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Functionally Dependent Use:** Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety. (applicable to Flood Damage Prevention only)

**Functionally Dependent Facility:** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Funeral Homes/Crematoria:** Establishments for preparing the dead for burial or interment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

## G

**Gardens (Community and Private):** A site used for growing plants for food, fiber, herbs, and flowers and shared and maintained by community residents.

**Gas/Fueling Station:** Establishment that primarily retails automotive fuels and related accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Car washes and other minor automobile self-services shall be incidental to the gas station. Convenience stores and related retail shall be considered General Commercial uses.

**General Commercial:** Stores and shops intended to serve as destination retail, convenience shopping, and provision of general services. Examples of these stores, lines of merchandise, and services include: Art galleries; retail; art supplies, including framing services; books, magazines, and newspapers; cameras and photographic supplies; clothing, shoes, and accessories; collectibles (cards, coins, comics, stamps, etc.); drug stores and pharmacies; dry goods; fabrics and sewing supplies; furniture and appliance stores; hobby materials; home and office electronics; jewelry; luggage and leather goods; musical instruments; neighborhood markets; parts; accessories; small wares; grocery store; specialty shops; sporting goods and equipment; stationery; toys and games; variety stores; videos, DVD’s, records, and CD’s, including rental stores. May include sales of materials produced on the premises.

**General Commercial – Use Greater than 100,000 sf:** General commercial uses whose total tenant space is greater than 100,000 square feet in total floor area.

**Government Facility:** A facility operated by a public agency including town hall and general government offices, courthouses, fire stations, other fire preventive and fire-fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch on the same site.

**Grand Tree:** Any tree measuring 7" or greater diameter breast height (DBH). All Grand Trees are prohibited from removal unless a Grand Tree Removal Permit is issued.

**Group Child Care Home:** A licensed day care facility that provides non-medical care and supervision to 7-12 minor children for periods of less than 24 hours per day for any client. Facilities include, but are not limited to: infant centers, nursery schools, preschools, after-school or extended day care, and school age child care centers. However, an occupied residence in which care is provided only for a child or children related to the resident caregiver or only for the child or children of one unrelated family or only for a combination of these children is not a family childcare home.

**Group Home (>9 residents):** A home serving more than nine mentally or physically handicapped persons provided the home provides care on a twenty-four hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose.

**Group Home (<9 residents):** A home serving nine or fewer mentally or physically handicapped persons provided the home provides care on a twenty-four hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose. This use shall be considered as a single-family dwelling, in terms of applicable building form standards. The number listed does not include the operator, members of the operator's family, or persons employed by the operator as staff, except that the total number of persons living in a group home shall not exceed 10.

## H

**Halfway House:** A facility providing care and treatment in a protective living environment for persons residing voluntarily, by court placement, or under protective control of federal, state, county, or town governance including, without limitation, post-correctional facilities, addiction treatment facilities, temporary detention facilities, chronically ill tenants, domestic violence victims, outpatient clients, and developmentally disabled.

**Health Care Facilities (Hospital, Inpatient Facilities):** A health care facility and related facilities the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes, medical offices, and outpatient surgery centers.

**Heavy Equipment/Manufactured Home Rental/Sales:** Establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, or construction equipment.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**Historic District:** An area or group of areas, not necessarily having contiguous boundaries, designated by the town council, upon recommendation of the board of architectural review and pursuant to the provisions of this article.

**Historic Property:** Any place, building, structure, work of art, fixture or similar object that has been individually designated by the town council or designated as a contributing property within a historic district.

**Historic Structure:** Historic structure means any structure that is: (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior DDI) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) Individually listed on a state inventory of historic places; or (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of Interior; or directly by the Secretary of Interior in states without approved programs.

Some structures or districts listed on the state or local inventories may not be historic as cited in subsections (3) and (4) of this definition but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the historic structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the state department of archives and history has individually determined that the structure or district meets DOI historic structure criteria.

**Home Occupation:** An occupation, profession, or trade customarily carried on by an occupant in a dwelling unit, accessory structure as a secondary use or in live-work units, which is clearly incidental to the dwelling unit for residential purposes for the transaction of business, the supply of professional services, artisan workshops, artist studios, and similar uses and activities.

**Home Stay Bed and Breakfast (Up to 5 guestrooms):** A residential-type lodging facility that has one to 5 guestrooms and that serves only breakfast to registered guests.

**Homeless Shelter:** A supervised publicly or privately operated shelter and services designed to provide temporary living accommodations to individuals or families who lack a fixed, regular and adequate nighttime residence.

**Hosting Platform:** A person or entity that provides a means through which an owner may offer a residential unit for tourist or transient use. This service is usually, though not necessarily, provided through an online platform and generally allows an owner to advertise the residential unit through a website provided by the Hosting Platform and provides a means for potential tourist or transient users to arrange tourist or transient use and payment, whether the tourist or transient pays rent directly to the owner or to the Hosting Platform.

**Hotel/Extended Stay (No Room Limit):** A lodging establishment of 25 or more rooms in a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms, and recreational facilities.

I

**Illicit Connection:** A connection to the town stormwater system, which results in a discharge that is not composed entirely of stormwater runoff except discharges pursuant to an NPDES permit.

**Illicit Discharge:** Any activity which results in a discharge to the Town of Summerville Stormwater System or receiving waters that is not composed entirely of stormwater except; (a) discharge pursuant to an NPDES permit; and (b) other allowable discharges as defined in this article.

**Impervious Coverage (or Impervious Surface):** Those surfaces that can not effectively infiltrate rainfall (i.e. building rooftops, pavements, sidewalks, driveways, etc.), and that is not constructed using pervious pavement technology.

**Improper Disposal:** Any disposal other than through an illicit connection that result in an illicit discharge, including, but not limited to, the disposal of used oil and toxic materials resulting from the improper management of such substances.

**Increased Cost of Compliance (ICC):** Applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under section 1316. It provides coverage for the payment of a claim to help pay for the cost to comply with state or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged. (applicable to Flood Damage Prevention only)

**Industry (or Enterprise):** An organization created for business venture.

**Infill:** The development of vacant or previously developed land that is now largely surrounded by developed land. It is typically served by existing infrastructure, particularly roads and utilities.

**Infrastructure and Utilities:** Installations or facilities or means for furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, irrespective of whether such facilities or means are underground or above ground; utilities may be owned and operated by any person, firm, corporation, municipal department or board, duly appointed by state or municipal regulations.

**Inn (Up to 24 Rooms):** A building or group of buildings used as a lodging establishment having six to 24 guest rooms providing overnight accommodations and meals to transient guests.

## K

**Kennels, Outdoor:** A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

**Kitchen, Limited:** An area used or designed for the preparation of food and containing a sink, refrigerator and an electrical outlet, which may be used for a microwave oven. No 220V outlet for a range or oven is provided.

## L

**Landfill:** A disposal facility for hazardous or nonhazardous solid waste. These establishments also manage recycling and resource recovery facilities that operate in conjunction with landfills.

**Landowner:** An owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the owner. "Landowner" may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan pursuant to this ordinance.

**Land Disturbance:** The use of land by any person that results in a change in the natural vegetated cover or topography, including clearing that may contribute to or alters the quantity and/or quality of stormwater runoff.

**Land-Disturbing Activity:** Any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of stormwater runoff.

**Laundry, Dry Cleaning Plant:** A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; and linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or dry cleaning pick up stores without dry cleaning equipment, see "Personal Services".

**Light Manufacturing Workshops:** The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building or a residentially-scaled garage. These typically involve the work of artisans or craftsman. The facility may incorporate all aspects of beer production including aging, storage, bottling, wholesale sales, warehousing, and administrative office functions. Retail sales, tasting facilities, and event facilities may be permitted as part of the facility operations.

**Limited Storage:** An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood-resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone, it must meet the requirements of [Section 11.5.1.D](#). (applicable to Flood Damage Prevention only)

**Live-Work Unit:** An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: Complete kitchen space and sanitary facilities in compliance with the Building Code; and Working space reserved for and regularly used by one or more occupants of the unit. Workspace is limited to a maximum fifty percent (50%) of the structure and located on the first floor with living located to the rear or above. Uses and activities are limited to those uses and activities that are permitted in the underlying Zone in which the Live/ Work unit is located.

**Low Impact Development (LID):** Refers to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat.

**Lowest Adjacent Grade (LAG):** An elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

**Lowest Floor:** The lowest floor of the lowest enclosed area. Any unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of other provisions of this article.

## M

**Maintenance:** Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this article and to prevent structural failure of such facilities.

**Major Infrastructure/Utilities:** Utility facilities that provide jurisdiction-wide or regional service. Examples include above-ground public utility lines; landfills; public utility substations; water towers; waste treatment plants; and solar energy system – large installation.

**Major Thoroughfare:** Those streets designed for fast, heavy traffic, and intended to serve as traffic arteries of considerable length and continuity throughout a community.

**Major Violation (Stormwater Management):** Any action (knowingly or otherwise) that creates or has the potential to create an adverse impact due to flooding or water quality impairment to more than one property, as a result of nonconformance with the stormwater management ordinance.

**Manufactured Home Park or Subdivison:** A parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or sale.

**Manufactured Housing/Home:** A structure, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or when erected on site is three hundred twenty or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained in it. The term "manufactured home" does not include a "recreational vehicle".

**Manufacturing & Production, Light:** A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales.

**Manufacturing & Production, Heavy:** A facility accommodating manufacturing processes where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community including those requiring a rail spur or an NPDES permit including, but not limited to those that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment.

**Materials Recovery & Waste Transfer Facilities:** A site, location, tract of land, installation, or building that is used for the purpose of transferring solid wastes and recyclables that are generated “off-site” in the local community from vehicles or containers into other vehicles or containers for transport to a regional waste collection and recycling facility.

**Mean Sea Level:** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with North American Vertical Datum of 1988 (NAVD88).

**Medical Clinic/Urgent Care:** Facilities which provide medical treatment, preventative care, and/or outpatient physical or mental health care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, psychiatrists, or similar practitioners licensed by the State of South Carolina. Retail sales do not comprise more than an ancillary aspect of the primary activity of a medical office.

**Micro Wireless Facility:** A Small Wireless Facility that meets the following qualifications: (i) is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height; and, (ii) any exterior antenna is no longer than 11 inches.

**Minor Infrastructure/Utilities:** Utility facilities that need to be located in or near the area where the service is provided. Examples include underground public utility lines; water towers, water and sewage pump stations; public utility substations, soil and water conservation; stormwater retention and detention facilities, and solar arrays less than 1 acre in total coverage.

**Minor Violation (Stormwater Management):** Any action (knowingly or otherwise) that creates or has the potential to create an adverse impact due to flooding or water quality impairment to an adjacent property or the property owner’s own facilities, as a result of nonconformance with the stormwater management ordinance.

**Mobile Food/Retail Vendor:** A retail establishment that sells food or non-food items and services to an end user consumer from a movable vehicle or trailer that routinely changes locations.

**MS4:** Municipal Separate Storm-Sewer System.

**Multifamily Dwelling (5+ units/bldg):** A structure containing five or more dwelling units on a single lot. A building or portion thereof containing 5 or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. Dormitories, rooming and boarding facilities, and convents/monasteries are considered multi-family dwellings. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging.

## N

**National Geodetic Vertical Datum (NGVD) of 1929:** As corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level. New construction means any structure for which the start of construction commenced after the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard. The term also includes any subsequent improvements to such structure.

**Natural Resources:** Land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the federal, state or local government, any foreign government, any Native American tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Native American tribe.

**New Construction:** Structure for which the start of construction commenced on or after February 17, 1987. The term also includes any subsequent improvements to such structure. (applicable to Flood Damage Prevention only)

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after March 9, 2017. (applicable to Flood Damage Prevention only)

**North American Vertical Datum (NAVD) of 1988:** Vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.

**NPDES:** National Pollutant Discharge Elimination System (see “Clean Water Act”).

**NPDES Permit:** The NPDES permit for stormwater discharges issued pursuant to the Clean Water Act and the Federal Stormwater Discharge Regulations (40 CFR 122.26).

**Nurseries & Garden Centers:** A commercial agricultural establishment engaged in the production and sale of ornamental plants and other nursery products, grown under cover (e.g., greenhouses) either in containers or in the soil on the site, or outdoors in containers.

## O

**Open Air Retail:** A retail sales establishment operated substantially in the open air including, but not limited to: flea markets, trading posts, roadside stands, beach recreation and rental, and the like. Does not include community farmer’s markets (see “Community Farmer’s Market”), Vehicle Sales and Rental (see “Vehicle Sales and Rental”), industrial or agricultural equipment sales and rental (see “Agricultural Support Services”), home or garden supplies and equipment, or plant nurseries.

**Outfall:** The point where the Town of Summerville Stormwater System discharges to waters of the United States.

**Outside or Display Sales:** The display and/or sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, clothing on racks, landscape materials, lawn and garden supplies, and produce.

## P

**Parking Lot/Structure – Principal Use:** Parking lots or structures operated by the jurisdiction or a private entity, providing parking either for free or for a fee. Does not include towing impound and storage facilities.

**Parks and Playgrounds:** An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, ponds, lakes, and open space areas for both passive and active assembly, recreation, sport, and ecotourism.

**Permanent Resident:** A person who occupies a residential unit for at least 60 consecutive days with intent to establish that unit as his or her primary residence. A Permanent Resident may be an owner or a lessee.

**Person:** An individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.

**Personal Services:** Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, pet grooming with no boarding, shoe repair shops, tailors, tanning salons, tattoo artistry, and body piercing. These uses may also include accessory retail sales of products related to the services provided.

**Phased Development Plan:** A development plan (site plan or subdivision plan) submitted to the Town by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site specific development plan.

**Planned Development District:** A development project comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments. A planned development district is established by rezoning prior to development and is characterized by a unified site design for a mixed use development.

**Pollutant:** Those man-made or naturally occurring constituents that when introduced to a specific environment creates undesirable effect. Typical pollutants found in stormwater include, but are not limited to, sediment (suspended and dissolved), nutrients (nitrogen and phosphorus), oxygen demanding organic matter, heavy metals (iron, lead, manganese, etc.), bacteria and other pathogens, oil and grease, household hazardous waste (insecticide, pesticide, solvents, paints, etc.) and Polycyclic Aromatic Hydrocarbons (PAHs).

**Primary Frontal Dune:** A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**Principal Building:** The building or structure that contains the primary function or activity on a lot.

**Professional Services:** Use of a site for business, professional, or administrative offices, excluding medical offices. Typical uses include real estate, insurance, management, computer software or information systems research and development, or other business offices; organization and association offices; or law, architectural, engineering, urban design, accounting or other professional offices. Retail sales do not comprise more than an ancillary aspect of the primary activity of a general office.

**Property Owner (or Owner):** The legal or beneficial owner of land, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property.

**Public Tree:** Any tree shall be deemed to be public where at least 50 percent of the flair of the tree, where the tree interfaces with the earth, is located on public property.

## R

**Receiving Waters:** All natural water bodies, including oceans, salt and freshwater marsh areas, lakes, rivers, streams, ponds, wetlands, and groundwater which are located within the jurisdictional boundaries of the Town of Summerville. Stormwater management ponds, wetlands, ditches, and swales constructed for the sole purpose of controlling and treating stormwater are excluded.

**Recreation Facilities, Indoor:** Uses or structures for active recreation including gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations but does not include facilities smaller than 2500 square feet in total area located in community centers, neighborhood amenity buildings, or similarly-scaled structures.

**Recreation Facilities, Outdoor:** Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, campgrounds, and golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and public operations.

**Recreational Vehicle:** A vehicle which is: (1) Built on a single chassis; (2) Four hundred square feet or less when measured at the largest horizontal projection; (3) Designed to be self-propelled or permanently towable by a light-duty truck; and (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recreational Vehicle Park:** A nonresidential use of a parcel of land for temporary overnight use by recreational vehicles for which a fee may be charged. Recreational vehicle camping areas may involve site improvements, such as concrete pads, parking areas, or fire pits, and may include permanent utility hookups.

**Recycling Collection Stations:** A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

**Regulation:** Any regulation, rule or requirement prepared by the town, and adopted by the town council pursuant to this article.

**Religious Institution:** Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.

**Repetitive Loss:** A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event. (applicable to Flood Damage Prevention only)

**Residential Care Facilities:** A facility which offers room and board and which, unlike a boarding house, provides/coordinates a degree of personal care for a period of time in excess of 24 consecutive hours for two or more persons, 18 years old or older, not related to the licensee within the third degree

of consanguinity. It is designed to accommodate residents' changing needs and preferences, maximize residents' dignity, autonomy, privacy, independence, and safety, and encourage family and community involvement. Included in this definition is any facility (other than a hospital), which offers or represents to the public that it offers a beneficial or protected environment specifically for individuals who have mental illness or disabilities. Congregate care, assisted living, nursing homes, and continuing care retirement communities fall under this definition.

**Restaurant:** A retail business selling food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off- premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out, but does not include drive-through services, which are separately defined and regulated.

**Riparian Areas:** Vegetated ecosystems along a waterbody through which energy, materials, and water pass. Riparian areas characteristically have a high water table and are subject to periodic flooding and influence from the adjacent waterbody. These systems encompass wetlands, uplands, or some combination of these two land forms. They will not in all cases have all of the characteristics necessary for them to be classified as wetlands.

**Roadside Stand/Farmer's Market:** A temporary, semi-permanent, or permanent location where one or more farmers, growers of fruits and vegetables sell their fresh or processed products or related products.

## S

**Section 1316 of the National Flood Insurance Act of 1968:** Provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

**Short Term Rental:** The leasing or rental of an entire or extra dwelling unit by a Permanent Resident typically using a Hosting Platform in increments of less than one month.

**Sign:** The term “Sign” shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminating sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public, traveling along a public street right-of-way.

**Sign, Abandoned:** A permitted sign which was erected on property in conjunction with a particular use which use has been discontinued for a period of 30 days or more, or a permitted temporary sign for which the permit has expired.

**Sign, Awning:** A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.

**Sign, Canopy:** A sign which is suspended from, attached to, supported from or forms a part of a canopy.

**Sign, Changeable Copy:** A sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

**Sign, Construction:** Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services or material.

**Sign, Crown:** A wall sign located on the upper horizontal band of a building at least 55 feet or 4 stories in height.

**Sign, Dilapidated:** Any sign which is structurally unsound, has defective parts or it in need of painting or maintenance.

**Sign, Directional:** A sign used to guide vehicular and/or pedestrian traffic by using symbols and/or such words as ‘entrance’, ‘exit’, ‘parking’, ‘one-way’, or similar directional instructions.

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

**Sign, Freestanding:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**Sign, Illuminated, External:** Any sign which is directly lighted by an external source.

**Sign, Illuminated, Internal:** Any sign which transmits light through its face or any part thereof.

**Sign, Incidental:** A sign, generally informational, that has a purpose secondary to the use of the parcel on which it is located, such as “no parking”, “loading zone”, and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

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

**Sign, Monument:** A sign constructed on the ground with a continuous footing or foundation with the base of the sign at grade.

**Sign, Off-Premise:** Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being promoted on such sign is itself located or conducted. For purposes of the UDO, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.

**Sign, On-Premise:** Any sign located or proposed to be located at any place, if otherwise permitted by this article, within the plat of record for the business or other activity identified on such sign.

**Sign, Political:** A sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the city shall vote.

**Sign, Painted Wall:** A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

**Sign, Projecting:** A sign applied to or mounted to the wall or surface of a building or structure, with a display surface that projects 12 inches or more from the outside wall of the building or structure.

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

**Sign, Roof:** A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.

**Sign, Shingle:** A small projecting sign that hangs from a bracket or support and is located over or near a building entrance.

**Sign, Special Event:** A sign which carries message regarding a special event or function which is of general interest to the community.

**Sign, Temporary:** Any sign or information transmitting structure intended to be erected or displayed for a limited period.

**Sign, Tenant Directory:** A sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center. This sign is located on the interior of the lot.

**Sign, Time and Temperature:** An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.

**Sign, Vehicle:** A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premise, time of day, duration, availability of other parking space on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of the display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for the vehicle.

**Sign, Wall:** A sign mounted parallel to or painted on a building facade or other vertical building surface.

**Sign, Window:** Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off-premises contiguous property or public right-of-way. Single Family Dwelling: A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with SC State Building Code.

**Sign, Window, Temporary:** A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, sign for sales, specials, going out of business, and grand openings.

**Site Specific Development Plan:** A development plan submitted to a local governing body by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. The plan may be in the form of, but is not limited to, the following plans or approvals: planned unit development; subdivision plat; preliminary or general development plan; variance; conditional use or special use permit plan; conditional or special use district zoning plan; or other land-use approval designations as are used by the Town.

**Small Equipment Repair/Rental:** The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van.

**Small Wireless Facility:** A Wireless Facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of not more than six (6) cubic feet; and (ii) all other wireless equipment associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

**Solar Energy System (SES) – Large Installations:** Solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems that exceed the definition of a Solar Energy System - Small Installation (e.g., solar farm) in area or impact.

**Solar Energy System (SES) – Small Installations:** Solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems mounted to a roof or otherwise integrated into a building, covering a parking lot, or covering ½ acre or less of a residential lot or 10 acres or less of a mixed-use/commercial/ industrial lot.

**Spandrel Glazing:** Designed to be opaque in order to help hide features between the floors of a building, including vents, wires, slab ends and mechanical equipment.

**Special Events:** A gathering of 100 or more people that generates revenue for the owner which may or may not include admission or food/drink fees. Examples include weddings, wine/food tasting events, festivals, auctions, fundraisers, or concerts.

**Special Exception:** Use of property granted only by review and approval of the Board of Zoning Appeals, subject to the terms and conditions set forth in the zoning ordinance and as determined by the Board.

**Stable Natural Vegetation:** The first place on the oceanfront where plants such as sea oats hold sand in place. (applicable to Flood Damage Prevention only)

**Start of Construction for Other than New Construction or Substantial Improvements Under the Coastal Barrier Resources Act (P.L. 97-348):**

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**Storage - Outdoor Storage Yard:** An outdoor storage area for storage of large equipment, vehicles, and/ or other common materials used by the municipality and/or master developer for maintenance of public/ private infrastructure; storage of scrap materials used for repair and maintenance; tow yards, and buildings or structure for uses such as repair facilities. May include an accessory office.

**Storage – Self-Service:** Structures containing generally small, individual, compartmentalized stalls or lockers offered for rent or lease to the general public as individual storage spaces and characterized by low parking demand. Premises may include retail or wholesale sales related to storage (e.g., boxes, locks, tape, protective material, etc.) and the screened storage of vehicles and boats.

**Stormwater:** Stormwater runoff, snowmelt runoff, and surface runoff and drainage.

**Stormwater Management:** The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this article and its terms, including, but not limited to, measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by man-made changes to the land.

**Stormwater Management Facilities:** The conveyance or system of conveyances (including roads with drainage systems, highways, right-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other stormwater facilities) which is; (a) designed or used for collecting or conveying stormwater; (b) not a combined sewer system; and (c) not part of a publicly owned treatment works (POTW).

**Stormwater Management Plan (or “SWMP”):** The set of drawings and other documents that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the control of stormwater and which is incorporated as part of the NPDES permit for Town of Summerville and as part of this article.

**Structure:** Any building built for support, shelter, or enclosure for any occupancy or storage. See also Building.

**Studio – Art, dance, martial arts, music:** Facilities that provide individual and group instruction, education and/or training, including tutoring and vocational training in limited subjects, such as the arts.

**Subdivision:** means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:

1. the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;
2. the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning agency which shall indicate that fact on the plats; and
3. the combination or recombination of entire lots of record where no new street or change in existing streets is involved.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See Substantial improvement.

**Substantial Hardship:** Hardship, caused by unusual and compelling circumstances, based on one or more of the following:

1. The property cannot reasonably be maintained by the owner in the manner dictated by this article.
2. There are no other reasonable means of saving the property from deterioration or collapse.
3. The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

**Substantial Improvement:** Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) Any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions (does not include Americans with Disabilities Act compliance standards); or (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure; Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

**Substantially Improved Existing Manufactured Home Park or Subdivision:** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

## T

**Temporary Uses:** Unless otherwise specified by this ordinance, something intended to, or that does, exist for fewer than 90 days.

**Theater, Drive-In:** A specialized outdoor theater for showing movies or motion pictures on a projection screen where patrons view movies from their vehicles.

**Tobacco/Tobacco Alternatives Sales Store:** Any retailer that either devotes twenty (20) percent or more of floor area or display area to, or derives seventy-five (75) percent or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia at the subject location.

**Total Impervious Coverage:** All impervious coverage or impervious surfaces on a site regardless if it is directly connected to each other, and that is not constructed using pervious pavement technology.

**Townhome:** A building or portion thereof containing 3 or more attached dwelling units horizontally arranged where each unit has a separate entrance from the outside and at least one wall is shared.

**Town Engineering Office:** The town engineer or any duly authorized representatives.

**Town of Summerville Stormwater System:** The conveyance or system of conveyances (including roads with drainage systems, highways, right-of-way, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, storm drains, detention ponds, and other stormwater facilities) which is; (a) owned or operated by the Town of Summerville; (b) designed or used for collecting or conveying stormwater; (c) not a combined sewer system; and (d) not part of a publicly owned treatment works (POTW).

**Tree, Deciduous:** A tree that loses its leaves seasonally (autumn).

**Tree, Evergreen:** A tree that maintains its leaves year round. At planting, minimum height of 8 feet and 2 inches in caliper with mature height minimum of 20 feet.

**Tree, Grand:** A tree that is 16 inches or greater at DBH.

**Tree, Large Maturing:** Minimum of 10 feet at planting and 3 inch caliper. Mature crown spread of minimum 25 feet and mature height minimum of 35 feet.

**Tree, Small Maturing:** Minimum of 8 feet at planting and 2 inch caliper. Mature crown spread of minimum 15 inch and mature height minimum of 20 inches.

**Truck Terminal:** A specialized distribution building for redistributing goods from one truck to another. The facility serves as an intermediate transfer point and are primarily used for staging loads, not long-term storage.

## U

**Unincorporated Areas:** The areas of Dorchester County, Charleston County and Berkeley County that have not been incorporated as a single governing body separate from that of the county.

**Utility Pole:** The areas of Dorchester County, Charleston County and Berkeley County that have not been incorporated as a single governing body separate from that of the county.

## V

**Variance:** The modification of the minimum requirements contained in this ordinance for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this ordinance.

**Vehicle Rental/Leasing/Sales:** Establishments which may have showrooms or open lots for selling, renting or leasing automobiles, light trucks, motorcycles, boats, and ATVs.

**Vehicle Services:** Incidental minor repairs to include replacement of parts and service to passenger cars (e.g., tire repair/replacement, oil changes); general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop.

**Vested Right:** The right to undertake and complete the development of property under the terms and conditions of a site specific development plan or a phased development plan as provided in this ordinance.

**Veterinary Services:** Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; indoor boarding services for pets; and grooming.

**Violation:** The failure of a structure or other development to be fully compliant with these regulations.

## W

**Warehousing:** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. May include an outdoor storage component, provided that the outdoor storage is not the primary use. Does not include storage, or mini-storage facilities offered for rent or lease to the general public (see “Storage-Self Service, Indoor”); warehouse facilities primarily used for wholesaling and distribution (see “Wholesaling and Distribution”); or terminal facilities for handling freight.

**Water/Marine-Oriented Facilities:** A non-for-profit or for-profit marina for on-water storage, servicing, fueling, berthing, securing, loading and unloading of boats, and other marine related activities including: recreational and charter fishing, boat and watercraft rentals, and marine-related retail (bait and tackle, marine supplies, etc.)

**Water Quality:** Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

**Water Quantity:** Those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

**Wetlands:** Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar type areas.

**Wholesaling and Distribution:** An establishment engaged in selling or distributing merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies; or otherwise distributing merchandise via tractor trailer to customers. Examples of these establishments include: agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and trucking terminals.

**Window Header:** Spans an opening for a window or door, or a cut-out in the roof or floor for a skylight, chimney, or staircase.

**Window Sill:** The horizontal member at the bottom of a window opening.

**Wireless Facility:** Equipment at a fixed location that enables Wireless Services between user equipment and a communications network, including: (i) equipment associated with wireless communications; (ii) radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes Small Wireless Facilities. The term does not include the structure or improvements on, under, or within which the equipment is Collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between Wireless Support Structures or Utility Poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an Antenna.

**Wireless Infrastructure Provider:** Any Person including a Person authorized to provide telecommunications service in the State, that builds, installs or maintains Utility Poles, wireless communication transmission equipment, Wireless Facilities or Wireless Support Structures.

**Wireless Services:** Any services provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, delivered to the public using Wireless Facilities.

**Wireless Services Provider:** A Person who provides Wireless Services.

**Wireless Support Structure:** A freestanding structure, such as a monopole or, other existing or proposed structure designed to support or capable of supporting Wireless Facilities. Such term shall not include a Utility Pole.

**Wireless Telecommunications Facility (Non-Tower):** A Wireless Telecommunication Facility not located on a structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

**Wireless Telecommunications Tower:** A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment, including but not limited to cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or any form or type of wireless communications or service, including but not limited to commercial radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

