Town of Meggett

Harry V. Herrington, III
Mayor

Zoning and Land Development Regulations Ordinance

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TOWN OF MEGGETT

Zoning *and Land Development Regulations* Ordinance

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PREFACE

This Ordinance is established for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare.

The Ordinance will serve to (1) establish the boundaries of incorporated areas of the Town of Meggett; (2) regulate and restrict the location and use of buildings for commerce, trade, manufacturing, residence, recreations, transportation, agriculture, and other uses within those districts; (3) regulate and restrict the intensity of such structures; (4) regulate and restrict the height and setback of structures; (5) provide for adequate light, air, and open space; (6) prevent the overcrowding of land and lessen congestion in the streets; (7) facilitate the creation of a convenient, attractive, and harmonious community; (8) protect and preserve scenic, historic, or ecologically sensitive areas; (9) facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreation facilities, affordable housing, and disaster evacuation; (10) provide for the subdivision of land. This Ordinance will provide for the method of administration and amendment and will define the powers and duties of the Planning Commission, Board of Zoning Appeals and Town Council with respect to this Ordinance.

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CHAPTER 1.0: INTRODUCTION

Article 1.1 Short Title

This ordinance shall be known and may be cited as Zoning and Land Development Regulations Ordinance of the Town of Meggett, South Carolina.

Article 1.2 Authority

This Ordinance is adopted pursuant to the statutory authority conferred by Title 4, Chapter 9 and Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.

Article 1.3 Effective Date

This Ordinance shall take effect on June 22, 2009.

Article 1.4 Intent and Purpose

This ordinance is adopted pursuant to the authority conferred by Title 6, Chapter 29 of the Code of Laws of South Carolina, South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended, and drafted in accordance with the Town of Meggett Comprehensive Plan, for the purposes, among others of (a) lessening congestion in the roads and streets; (b) protecting the development of both urban and non-urban areas; (c) securing safety from fire, flood, erosion and other dangers; (d) providing adequate light and air; (e) promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; (f) encouraging such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate economic and adequate provisions for transportation, communications, roads, airports, water supply, drainage, sanitation, education, recreation or other public requirements; (g) conserving and developing the natural resources; (h) fostering the State's agricultural and other industries; (i) protecting the food supply; (j) guiding the development of the Town in accordance with existing and future needs; (k) preventing the overcrowding of land and the undue concentration of population; (l) protecting scenic areas and preserving historic sites and building; (m) promoting desirable living conditions and the sustained stability of neighborhoods; (n) protecting property against blight and depreciation; (o) securing economy in governmental expenditures; (p) conserving the value of land and buildings; and, (q) encouraging the most appropriate use of land and structures.

Article 1.5 Penalty

Any violation of these regulations will be punished as prescribed by Title 6, Chapter 7 and Title 6, Chapter 29 of the Code of Laws of South Carolina for 1976***,*** as amended.

Article 1.6 Contempt of Planning Commission or Board of Zoning Appeals

In case of contempt by any party, witness or other person before the Planning Commission or Board of Zoning Appeals, such Board may certify such fact to the circuit court of the county wherein such contempt occurs and the judge of the court, either in term time or vacation, after hearing, may impose such penalty as the facts authorize or require.

Article 1.7 Injunction Against Violations

In case any building or structure is proposed to be erected, constructed, reconstructed, altered, maintained or used or any land is proposed to be used in violation of this ordinance or of any regulation or amendment thereof enacted or adopted by the governing body of the Town under the authority granted by this article, the governing body of the Town, the Town attorney if applicable, or any owner of real estate within the district in which such buildings, structure or land is situated may, in addition to other remedies provided by law, institute an injunction, abatement or any appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Article 1.8 Penalties

In case any building or structure is erected, constructed, reconstructed, altered or repaired, converted or maintained or any structure or land is used in violation of this ordinance or in the event of the violation by any person of any of the provisions of this ordinance, such violation in any respect will be a misdemeanor under the laws of the state and the offender, upon conviction, will be punished by a fine not to exceed two hundred dollars or imprisonment of not more than 30 days. Each day that any structure or land is used in violation of this ordinance will constitute a separate offense.

Article 1.9 Conflict with Other Ordinances

Whenever there is, or appears to be, a conflict between any provision of this Ordinance with the provisions of any other lawful ordinance, regulation or resolution, the more restrictive will apply.

Article 1.10 Severability Clause

If any provision of this ordinance is determined to be unconstitutional, void or unenforceable, all other provisions, and the ordinance in its entirety will continue to be and remain in full force and effect.

The provisions of this Ordinance are hereby declared to be valid and enforceable, notwithstanding inadvertent and/or clerical error(s); such error(s) as may exist shall not affect the validity or intent of the associated provisions, nor that of the remainder of the Ordinance provisions hereunder.

Article 1.11 Minimum Requirements

The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Ordinance shall not relieve the recipient of responsibility for complying with all other applicable requirements of any other town, state or federal agency.

Article 1.12 Compliance with the Vested Rights Act

All approvals are subject to South Carolina State Law, Vested Rights Act, Sections 6-29-1510 through 6-29-1560.

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CHAPTER 2.0: APPLICATION OF THE ORDINANCE

Article 2.1 Territorial Jurisdiction

The jurisdiction of this ordinance will include all incorporated portions of Meggett, South Carolina.

Article 2.2 New or Moved Structures

All structures built hereafter shall comply with all of the regulations of this ordinance. Any structure rebuilt or restored after damage or destruction by fire or other casualty will be considered to be a structure built hereafter.

First floor elevation of these structures will be in compliance with current minimum height requirements of the Federal Flood Insurance Program.

Article 2.3 Remodeling

If any structure is hereafter remodeled:

1. The entire structure as remodeled will comply with the use regulations of this ordinance.

2. Any alterations of, enlargements of, or additions to the structure will comply with the bulk regulations of this ordinance.

3. The off-street parking facilities will not be reduced below (or if already less than, will not be further reduced below) the requirements of this ordinance applicable to a similar new structure or use.

Article 2.4 Change in Land Use or Land Classification

If a use of any structure is changed to another use, then the new use must comply with the use regulations of this ordinance, but the mere establishment of the new use does not require the existing structure to conform to the bulk and area regulations of this ordinance. When an existing structure, which was constructed prior to the enactment of this ordinance, changes another use due to a change in the land use classification, the establishment of a new zoning district does not require the existing structure to meet setback requirements, but must meet all other requirements of screening, bulk, parking and access.

Article 2.5 Continuation of Nonconforming Use of Land

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

Article 2.6 Changing of a Nonconforming Use

A nonconforming use of a structure or lot may not be changed to another nonconforming use except upon a finding of the Board of Zoning Appeals that such other nonconforming use is likely to be less detrimental to adjacent property in the same district than in the nonconforming use from which permission to change is sought. Such finding will not be made except upon appeal, under the provisions of Sec. 9.20 through 9.23.

Article 2.7 Extension of Nonconforming Structures

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

Article 2.8 Restoration and Rebuilding

No building or structure damaged by fire or other causes to the extent of 50% or more of its appraised value will be repaired or rebuilt except in conformity with all the regulations of this ordinance.

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CHAPTER 3.0: ZONING DISTRICTS AND THE ZONING MAP

Article 3.1 Establishment of Districts

The territory under the jurisdiction of this ordinance is hereby divided into the following zoning districts:

1. General zoning districts, as provided in Chapter 4.0.

2. Planned Development Districts, as provided in Chapter 15.0.

Article 3.2 Zoning Map

Meggett is hereby divided into zones or districts as shown on the Official Zoning Map which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map is maintained in the form of a machine-readable representation of a geographic phenomenon stored for display or analysis by a digital computer. The digital zoning database stored in the Geographical Information System (GIS) is hereby designated, established, and incorporated as a part of these regulations and the originals thereof, which are on file at the offices of the Planning Department, shall be as much a part of these regulations as if they were fully described in these regulations. Upon adoption of this Ordinance and any amendment thereto, the Planning Department may produce a paper version of the Official Zoning Map. In case of any dispute regarding the zoning classification of property subject to this Ordinance, the Official Zoning Map maintained by the Planning Department shall control.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret by reason of the nature or number of changes and additions, the Town Council may by resolution adopt a new Official Zoning Map which will supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting and other errors or omissions in the prior Official Zoning Map, but no such correction will have the effect of amending the original Official Zoning Map as amended. The new Official Zoning Map will be marked, “This Official Zoning Map, adopted by resolution of the Town Council of the Town of Meggett, S.C., on (date) supersedes the Official Zoning map adopted (date) of the Town of Meggett, S.C." which statement will be signed by the Mayor, attested by the Town Clerk, and bear the seal of Meggett, S.C. Unless the prior Official Zoning Map is lost or has been totally destroyed, the map or any significant parts thereof remaining after partial destruction will be preserved, together with all records of the Town of Meggett regarding its adoption and amendment.

Article 3.3 Rules of Determining Zoning

Where uncertainty exists with respect to the boundary of any zoning district shown on the zoning map the following rules shall apply:

1. Unless otherwise indicated, the district boundaries follow land lot lines; center line of streets, highways, alleys or railroads; center lines of water courses or impoundments of streams, reservoirs, or other bodies of water.

2. Where so indicated, district boundaries are parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, or the center lines of streams, reservoirs, or other bodies of water, or said lines extended as such distance there from as indicated on the zoning map. If no distance is given, such distance will be determined by the use of the scale shown on said zoning map.

3. Where any district boundary is indicated on the zoning map as following approximately the Town boundary line, such Town boundary line or corporate limits line will be construed to be the zoning district boundary.

Article 3.4 Marsh Boundaries

With the exception of lands within the ownership of national forests, swamp lands, wildlife refuge, and any other publicly designated conservation area, the S.C. Office of Ocean and Coastal Resource Management (OCRM) Critical Line will be the district boundary between marsh and other low lands abutting, surrounding or surrounded by all waterways including ocean, rivers, lakes, canals, tidal streams or creeks, in any adjacent zoning district. The OCRM will determine the boundaries and have jurisdiction over critical areas. Freshwater wetlands will have boundaries set by the U.S. Army Corps of Engineers (USACE).

Article 3.5 Lot Division by District Boundary

Where a district boundary line on the zoning map divides an approved lot of record on the effective date of this ordinance, the district requirements for the least restricted portion of such lot will be deemed to apply to the whole thereof, provided that such extensions will not include any part of such a lot more than 50 feet beyond the district line. Thereafter, the existing zoning district boundary lines will govern all sections of newly created approved lots of record without extension considerations.

Article 3.6 Annexed Lands

All annexed lands of the Town of Meggett will be zoned Rural Conservation (RC) District until changed by Meggett Town Council.

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CHAPTER 4.0: DESCRIPTION OF ZONING DISTRICTS

Article 4.1 Description and Purpose of Zoning Districts *and Definitions*

1. The zoning districts established under Paragraph 3.1.1 are as follows and have the indicated primary purposes.

2. Maximum Density and Minimum Lot Area:
   Maximum density and minimum lot area shall be calculated based on highland acreage only. Freshwater wetlands and areas located beyond the current OCRM Critical Line may not be included in the calculations of maximum density and minimum lot area.

Article 4.2 General Zoning Districts

1. (AG) Agricultural General District:
   A district primarily designed to accommodate farms and single family residences situated on large parcels of land on, or in close proximity to properties which are farmed or used for other agricultural or conservation purposes. This district is also intended for large, undeveloped tracts.

2. (AR) Agricultural Rural District:
   A district designed primarily to provide for quiet, livable, low-density residential neighborhoods, and to encourage the formation and continuance of a stable rural residential environment.

3. (OCM) Office/Commercial District:
   This district is to be developed for the establishment of business, offices, and specified public purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a quiet, compatible and un-congested environment for office and limited retail business; and to discourage any encroachment by unrestricted retail and/or wholesale business establishments, industrial concerns, or other uses capable of adversely affecting the specialized commercial housing character of the district.

4. (LIN) Industrial District:
   This district is designed to be utilized for basic or primary types of industrial uses which are not detrimental to the environment. These uses may include manufacturing, processing or assembly operations as well as intense commercial activities and wholesale operations.

Article 4.3 (RC) Rural Conservation District

1. Purpose of District:
   A district primarily designed to: control the intensity of development in rural areas of the Town that are sensitive natural and historical resources; preserve and protect the rural residential character of specific areas within the Town; ensure that the cultural integrity of the area's historical

resources is protected; and protect these areas from inappropriate intensity of development.

2. Permitted Uses:
See Section 4.10 of this ordinance.

4.3.1 Density/Intensity and Dimensional Standards

All residential and nonresidential development in the RC district shall be subject to the following density, intensity and dimensional standards:

RC DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	1 dwelling unit per 10 highland acres
MINIMUM LOT AREA	1 acre of highland
MINIMUM LOT WIDTH	135 feet [1]
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	20 feet
Rear	30 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

[1] Minimum lot width for developments occurring along the OCRM Critical Line shall be 175 feet.

Article 4.4 (AG) Agricultural General District

1. Purpose of District:
A district primarily designed to accommodate farms and single family residences situated on large parcels of land on, or in close proximity to properties which are farmed or used for other agricultural or conservation purposes. This district is also intended for large, undeveloped tracts.

2. Permitted Uses:
See Section 4.10 of this ordinance.

4.4.1 Density/Intensity and Dimensional Standards

All residential and nonresidential development in the AG district shall be subject to the following density, intensity and dimensional standards:

AG DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	1 dwelling unit per 2 acres of highland [1]
MINIMUM LOT AREA	1 acre of highland
MINIMUM LOT WIDTH	130 feet [2]
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	20/30 feet [3]
Rear	20 feet
OCRM Critical Line Setback	50 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

[1] Maximum density for developments occurring along the OCRM Critical Line shall be 1 dwelling unit per highland acre.
[2] Minimum lot width for developments occurring along the OCRM Critical Line shall be 150 feet.
[3] Corner lots shall have 30' side setbacks.

*NOTE: Any parcel in an Agricultural General District which is farmed or utilized in conjunction with an active farm of 10 acres or more, may have 2 primary dwellings and allowable accessory uses. This does not permit three (3) or more manufactured homes on any single parcel.

3. Cluster Development:
Cluster subdivisions shall be allowed in the AG district. A cluster development is a residential subdivision in which the lots are allowed to be smaller (in area and width) than otherwise required for conventional development in the underlying zoning district, but in which the overall density cannot exceed the maximum base density limit of the underlying zoning district. Under the cluster development option, a subdivision can contain no more lots than a conventional development (see definition) in the same zoning district, but the individual lots within the development may be smaller than required in a conventional development. Smaller lot sizes within a cluster development are required to be offset by the provision of common open space (see definition) or by a corresponding increase in the size of other lots within the development. All cluster developments shall be permanently restricted from further subdivision. The form of such restriction shall require express approval from the Town. The following standards shall apply:

A. The overall development shall have a minimum site area of 15 acres of highland;

B. A minimum of 50% of the original site area of the parent parcel must be provided in common open space. The common open space may be spread throughout the development and should be sited to preserve any significant resources. Prior to recording the

final plat, common open space must be conveyed by leasing, conveying, or retaining title (including beneficial ownership) to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must restrict the use of the area to open space/recreational uses. The open space may also be dedicated to the Town as public space if the Town accepts the dedication. Parks, open space, and recreation facilities proposed for dedication to the Town, Planning Commission, Town Council, and other governmental entities with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and budgetary and maintenance terms;

C. All lots within the development shall have a minimum lot area of at least 30,000 square feet of highland;

D. The overall density of the development shall not exceed one (1) dwelling unit per two acres of highland; and

E. The minimum conventional development setback, building cover and height standards shall apply.

F. The total combined acreage of freshwater wetlands, detention ponds, buffers, and utility easements to be used as common open space shall not comprise more than forty percent (40%) of the common open space requirement as stated in this section.

4.4.2 Two Time Subdivision of a Lot of Record Existing Prior to June 22, 2009

A two time subdivision at a maximum density of 1 dwelling unit per highland acre that creates no more than two lots from an existing lot of record (lot(s) existing prior to June 22,2009 may be allowed if each lot resulting from the subdivision meets the minimum lot area requirements and all other requirements of the existing zoning district. Subdivision of any remaining acreage from the parent tract shall comply with all requirements of the existing zoning district, including density, intensity, and dimensional requirements.

Article 4.5 (AR) Agricultural Rural District

1. Purpose of District:
   To provide for quiet, livable, low-density residential neighborhoods, and to encourage the formation and continuance of a stable rural residential environment on lots having a minimum lot size of 1 acre.

2. Permitted Uses:
   See Section 4.10 of this ordinance.

4.5.1 Density/Intensity and Dimensional Standards

All residential and nonresidential development in the AR district shall be subject to the following density, intensity and dimensional standards:

AR **DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**	
MAXIMUM DENSITY	1 dwelling unit per 2 acres of highland [1]
MINIMUM LOT AREA	1 acre of highland
MINIMUM LOT WIDTH	130 feet [2]
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	20/30 feet [3]
Rear	20 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	30% of lot
MAXIMUM HEIGHT	35 feet

[1] Maximum density for developments occurring along the OCRM Critical Line shall be 1 dwelling unit per highland acre.
[2] Minimum lot width for developments occurring along the OCRM Critical Line shall be 150 feet.
[3] Corner lots shall have 30' side setbacks.

*NOTE: Any parcel in an Agricultural Rural District which is farmed or utilized in conjunction with an active farm of 10 acres or more, may have 2 primary dwellings and allowable accessory uses. This does not permit three (3) or more manufactured homes on any single parcel.

3. <u>Cluster Development:</u>
Cluster subdivisions shall be allowed in the AR district. A cluster development is a residential subdivision in which the lots are allowed to be smaller (in area and width) than otherwise required for conventional development in the underlying zoning district, but in which the overall density cannot exceed the maximum base density limit of the underlying zoning district. Under the cluster development option, a subdivision can contain no more lots than a conventional development (see definition) in the same zoning district, but the individual lots within the development may be smaller than required in a conventional development. Smaller lot sizes within a cluster development are required to be offset by the provision of common open space (see definition) or by a corresponding increase in the size of other lots within the development. All cluster developments shall be permanently restricted from further subdivision. The form of such restriction shall require express approval from the Town. The following standards shall apply:

A. The overall development shall have a minimum site area of 5 acres of highland;

B. A minimum of 50% of the original site area of the parent parcel must be provided in common open space. The common open space may be spread throughout the development and should be sited to preserve any significant resources. Prior to recording the final plat, common open space must be conveyed by leasing, conveying, or retaining title (including beneficial ownership) to a corporation, homeowner's association or other legal entity. The terms of such lease or other instrument of conveyance must restrict the use of the area to open space/recreational uses. The open space may also be dedicated to the Town as public space if the Town accepts the dedication. Parks, open space, and recreation facilities proposed for dedication to the Town, Planning Commission, Town Council, and other governmental entities with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and budgetary and maintenance terms;

C. All lots within the development shall have a minimum lot area of at least 30,000 square feet of highland;

D. The overall density of the development shall not exceed one (1) dwelling unit per two acres of highland; and

E. The minimum conventional development setback, building cover and height standards shall apply.

F. The total combined acreage of freshwater wetlands, detention ponds, buffers, and utility easements to be used as common open space shall not comprise more than forty percent (40%) of the common open space requirement as stated in this section.

4.5.2 Two Time Subdivision of a Lot of Record Existing Prior to June 22, 2009

A two time subdivision at a maximum density of 1 dwelling unit per highland acre that creates no more than two lots from an existing lot of record (lot(s) existing prior to June 22, 2009 may be allowed if each lot resulting from the subdivision meets the minimum lot area requirements and all other requirements of the existing zoning district. Subdivision of any remaining acreage from the parent tract shall comply with all requirements of the existing zoning district, including density, intensity, and dimensional requirements.

Article 4.6 (OCM) Office/Commercial District

1. Purpose of District:

This district is to be developed for the establishment of business, offices, and specified public purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a quiet, compatible and un-congested environment for office and limited retail business; and to discourage any encroachment by unrestricted retail and/or wholesale business establishments, industrial concerns, or other

uses capable of adversely affecting the specialized commercial and housing character of the district.

2. Permitted Uses:
See Section 4.10 of this ordinance.

4.6.1 Density/Intensity and Dimensional Standards

All residential and nonresidential development in the OCM district shall be subject to the following density, intensity and dimensional standards:

OCM DENSITY/INTENSITY AND DIMENSIONAL STANDARDS	
MAXIMUM DENSITY	1 dwelling unit per 2 acres of highland [1]
MINIMUM LOT AREA	12,500 sq. ft. of highland (Must meet current DHEC requirements for lot area)
MINIMUM LOT WIDTH	125 feet [2]
MINIMUM SETBACKS	
Front/Street Side	50 feet
Interior Side	20/30 feet [3]
Rear	20 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	30% of lot for residential uses, 50% of lot for non-residential uses
MAXIMUM HEIGHT	35 feet

[1] Maximum density for developments occurring along the OCRM Critical Line shall be 1 dwelling unit per highland acre.
[2] Minimum lot width for developments occurring along the OCRM Critical Line shall be 150 feet.
[3] Corner lots shall have 30' side setbacks.

*NOTE: If existing structure(s) within a designated commercial/office area do not meet setback requirements, then new structure(s) may be set back in conformance with existing structure(s) which are adjacent or nearly adjacent.

3. Buffer Requirements:
Screening and buffer requirements will comply with Section 4.5.1, above, and with Section 6.5 of this ordinance.

4. Parking:
Parking requirements will comply with Section 8.0 of this document.

5. Signs:
Sign requirements will comply with Section 7.0 of this document.

Article 4.7 (LIN) Industrial District

1. Purpose of District:
   It is the intent of this section that the Industrial Zoning District be utilized for basic or primary types of industrial uses which are not detrimental to the environment. These uses may include manufacturing processing or assembly operations as well as intense commercial activities and wholesale operations.

2. Permitted Uses:
   See Section 4.10 of this ordinance.

4.7.1 Density/Intensity and Dimensional Standards

All residential and nonresidential development in the LIN district shall be subject to the following density, intensity and dimensional standards:

LIN **DENSITY/INTENSITY AND DIMENSIONAL STANDARDS**	
MAXIMUM DENSITY	1 dwelling unit per 2 acres of highland [1]
MINIMUM LOT AREA	1 acre of highland
MINIMUM LOT WIDTH	125 feet [2]
MINIMUM SETBACKS	
Front/Street Side	100 feet
Interior Side	50 feet
Rear	50 feet
OCRM Critical Line	50 feet
MAXIMUM BUILDING COVER	30% of lot for residential uses, 50% of lot for non-residential uses
MAXIMUM HEIGHT	35 feet

[1] Maximum density for developments occurring along the OCRM Critical Line shall be 1 dwelling unit per highland acre.
[2] Minimum lot width for developments occurring along the OCRM Critical Line shall be 150 feet.

3. Buffer Requirements:
   Screening and buffer requirements will comply with Section 4.5.1, above, and with Section 6.5 of this ordinance.

4. Parking:
   Parking requirements will comply with Section 8.0 of this document.

5. Signs:
   Sign requirements will comply with Section 7.0 of this document.

Article 4.8 Accessory Structure Setbacks in the RC, AG, and AR Districts

ACCESSORY STRUCTURE SETBACKS, RC, AG and AR Districts	
MINIMUM SETBACKS	
From any dwelling unit or other structure on the same zoning lot	6 feet
Interior Side	10 feet
OCRM Critical Line	Must meet OCRM Critical Line setback requirements of the underlying zoning district where applicable

Article 4.9 Accessory Structure Setbacks in the OCM and LIN Districts

ACCESSORY STRUCTURE SETBACKS, OCM and LIN Districts	
MINIMUM SETBACKS	
From any dwelling unit or other structure on the same zoning lot	6 feet
Interior Side	20 feet
OCRM Critical Line	Must meet OCRM Critical Line setback requirements of the underlying zoning district where applicable

Article 4.10 Table of Permitted Uses

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

Symbols use in Table 1 are as follows:

> "A" means that the indicated use is permitted in the indicated district as a use of right;
>
> "S" means that the indicated use is permitted in the indicated district, subject to the granting of a Special Exception by the Board of Zoning Appeals;
>
> "C" means that the indicated use is permitted as a use with conditions in the indicated districts.
>
> For uses with conditions the criteria that *must* be met are listed in the article indicated in the column on the right of the permitted use table.

PERMITTED USE	RC	AG	AR	OCM	LIN	Condition
AGRICULTURAL USES						
AGRICULTURAL PROCESSING	S	A	A			
AGRICULTURAL SALES & SERVICE	S	S		A	S	
LARGE ANIMAL PRODUCTION	C	C	C			4.11.1
CROP PRODUCTION	A	A	A			
FORESTRY	A	A	A	A	A	
ROADSIDE STANDS	A	A	C	A	A	4.11.2
STABLES	C	C	C	S	S	4.11.3
ANIMAL AQUACULTURE INCLUDING, BUT NOT LIMITED TO FINFISH FARMING, FISH/SHELLFISH HATCHERIES (IN PONDS OR IN ADJACENT WATERWAYS)	A	A	S	S	S	
APICULTURE (BEE KEEPING)	A	A				
CONCENTRATED ANIMAL FEEDING OPERATIONS		A				
GREENHOUSE PRODUCTION AND COMMERCIAL NURSERY OPERATIONS	A	A		A	A	
HYDROPONICS	A	A			A	
LUMBER, PLANING AND SCALED SAWMILL OPERATIONS		A			A	
SLAUGHTER HOUSE AND SEAFOOD PROCESSING AND PACKING OPERATIONS		A		A	A	
COLD STORAGE OPERATIONS		A		A	A	
RESIDENTIAL						
ACCESSORY DWELLING UNIT	A	A	A	A		
DWELLING GROUP	C	C	C			4.11.4
FARM LABOR HOUSING	C	C				4.11.6
GROUP CARE HOME		S	S			
MANUFACTURED HOUSING UNIT	C	C	S			4.11.9
SINGLE-FAMILY DETACHED	A	A	A	A		
SINGLE-FAMILY DETACHED/ MANUFACTURED HOUSING UNIT (JOINT)	C	C	S			4.11.9
CIVIC/ INSTITUTIONAL						
ADULT DAY CARE		S	S	A		

PERMITTED USE	RC	AG	AR	OCM	LIN	Condition
CEMETERIES		S	S	S		
CHILD DAY CARE		S	S	A		
COMMUNITY RECREATION CENTERS	S	S	S	S		
COURTS & PUBLIC SAFETY	S	S	S	S	S	
EDUCATIONAL SERVICES		S		S		
FUNERAL HOME				S		
GOLF COURSES OR COUNTRY CLUBS		S				
GUIDE SERVICES-HUNTING, FISHING, CANOEING, ETC.		A	C	A	A	4.11.5
MEDICAL OFFICE		S	S	A	S	
MUSEUMS & HISTORICAL SITES	S	S	S	A	A	
PARKS & RECREATION	S	S	S	S		
POSTAL SERVICES				A	A	
RELIGIOUS ASSEMBLY	A	A	A	A	S	
RECREATIONAL VEHICLE PARKING		S	S			
UTILITY SERVICE, MINOR	A	A	A	A	A	
UTILITY SERVICE, MAJOR	S	S	S	S	S	
WASTE-RELATED USES					S	
COMMERCIAL						
BANKS/FINANCIAL SERVICES				A		
BAR OR LOUNGE				S	S	
BED & BREAKFAST INNS		A	S	A		
CATERING SERVICE		A	A	A	A	
EVENT HOUSE		S	S	S	S	4.11.7
HOTEL/MOTEL				A		
KENNELS & ANIMAL BOARDING-INDOOR/OUTDOOR		S		S	S	
VETERINARY SERVICES		S		A	S	
RESTAURANT, FAST FOOD				A	A	
RESTAURANT, GENERAL		S		A	A	
BROADCASTING/RECORDING STUDIOS		S	S	A	A	
OFFICES				A	A	
COMMUNICATION TOWERS		S		S	S	

PERMITTED USE	RC	AG	AR	OCM	LIN	Condition
HEAVY CONSTRUCTION SERVICES/ GENERAL CONTRACTORS		A		S	A	
OFFICE/WAREHOUSE COMPLEX				A	A	
SPECIAL TRADE CONTRACTORS		A	S	A	A	
SELF-SERVICE STORAGE/ MINI- WAREHOUSE		S		A	A	
CONSUMER GOODS RENTAL SERVICE		S		A	A	
FORESTRY & LOGGING - SERVICES & EQUIPMENT		S		A	A	
HEAVY EQUIPMENT RENTAL SERVICE		S		A	A	
VEHICLE RENTAL SERVICE				A	A	
MARINA			S		S	
CONSUMER REPAIR SERVICE		S		A	A	
VEHICLE REPAIR SERVICE		S		A	A	
VEHICLE SERVICE, LIMITED		S		A	A	
NON-STORE RETAILERS		S	S	A	A	
BUILDING MATERIALS/ GARDEN EQUIPMENT AND SUPPLIES - RETAIL		S		A	A	
FOOD SALES		S		A	A	
LIQUOR, BEER, OR WINE SALES		S		S	S	
RETAIL SALES OR SERVICES				A	A	
SEXUALLY ORIENTED BUSINESSES					S	
SERVICE STATIONS, GASOLINE (WITH OR WITHOUT CONVENIENCE STORES)				A	A	
TRUCK STOP					A	
CONSUMER CONVENIENCE SERVICE				S	A	
HAIR, NAIL OR SKIN CARE SERVICES		S		A	A	
WHOLESALE SALES		S		A	A	
MANUFACTURING AND PRODUCTION		C		S	S	4.11.8
WAREHOUSE AND FREIGHT SERVICES		S		S	A	
VEHICLE SALES		S		A	A	
VEHICLE PARTS, ACCESSORIES, OR TIRE STORES		S		A	A	
OTHER USES						
RECYCLING SERVICES					S	
RESOURCE EXTRACTION INCLUDING, BUT NOT LIMITED TO		S			S	

PERMITTED USE	RC	AG	AR	OCM	LIN	Condition
BORROW PITS, MINING, OIL AND GAS EXTRACTION, QUARRIES AND SAND AND GRAVEL OPERATIONS						
TRANSPORTATION FACILITIES & SERVICES		S			S	

Article 4.11 Conditions of Use

4.11.1 Large Animal Production

Animal production uses shall be subject to the following standard

In order to be permitted by-right, such uses must be located on a lot with a minimum area of 5 acres. On lots with an area of under 5 acres, such uses are only allowed if reviewed and approved as a Special Exception by the Board of Zoning Appeals.

4.11.2 Roadside Stands

In the AR district roadside stands require Site Plan Review to assure adequate and safe parking, the hours of operation are limited to 7 am to 7 pm, and operation is limited to no more than 6 months a year.

4.11.3 Stables

Boarding or riding stables shall require a minimum lot area of 5 acres of highland.

4.11.4 Dwelling Groups

Where 2 or more principal single family residential structures are located on the same zoning lot, the density and dimensional standards of the underlying zoning district shall apply. In each case, the distance between structures shall not be less than the sum on the minimum interior setbacks required. Where no building footprint is indicated, a maximum of a 100 foot x 100 foot area shall be shown for each dwelling.

4.11.5 Guide Services-Hunting, Fishing, Canoeing, Etc.

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

For this use to be allowed, any hunting activities shall only take place on parcels where written permission of all property owners is provided at the time of permitting.

4.11.6 Farm Labor Housing

Farm Labor Housing must meet state and federal regulations for Farm Labor Housing.

4.11.7 Event House

All Event Houses shall comply with the Site Plan Review Procedures of this Ordinance.

4.11.8 Manufacturing and Production

In zoning districts subject to conditions (C), a structure or structures used for manufacturing and production shall have a maximum floor area of 2,000 square feet. All activities related to the manufacturing and production operation shall be confined to a structure(s) that is entirely enclosed. All manufacturing and production operations

with maximum floor areas greater than 2,000 square feet shall follow the Special Exception procedure as provided for in this Ordinance.

4.11.9 Manufactured Housing Units

Manufactured Housing Units placed in all zoning districts shall be skirted by: manufactured skirting or other materials suitable for exterior use, including corrosion-resistant metal, fiberglass/plastic, wood/wood siding (both must be protected from the elements by water resistant solution/substance), decay resistant/pressure treated lumber, and masonry. The enclosed crawl space must be ventilated. Manufactured Housing Units must comply with FEMA requirements.

Article 4.12 Accessory Uses

4.12.1 Accessory Storage of Major Recreational Equipment

No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

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CHAPTER 5.0: LOT AND SETBACK REQUIREMENTS

Article 5.1 Setback and Height Requirements

The lot, setback and height requirements shall comply with Paragraphs 4.3 through 4.8 for the applicable zoning district unless modified by special provision, exceptions and conditions contained elsewhere in this ordinance.

Building height refers to the vertical distance between the base flood elevation and: (1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; (2) the highest point of a mansard roof; or (3) the highest point of the coping of a flat roof.

A. Fences or Walls

In the case of fences or walls, height shall be measured from ground level on the higher side of the fence or wall.

B. Exceptions to Height Limits

Unless otherwise expressly stated, the height limitations of this Ordinance shall not apply to any of the following:

1. Farm buildings in any Agricultural zoning (A) district or the RC district;

2. Electrical power transmission lines;

3. Belfries, cupolas, spires, domes, monuments, flagpoles, chimneys, radio/television receiving antennas or chimney flues; or

4. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building, if such structure does not occupy more than 33 1/3 percent of the area of the roof.

Article 5.2 Absence of Public Sewer or Water

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

Article 5.3 Reduction of Lot Area Prohibited

No lot shall be so reduced in size as to result in the violation of any requirement of this ordinance or of the Subdivision Regulations.

Article 5.4 Lot Subdivision

A lot may be subdivided provided that all resulting lots and structures comply with the provisions of this ordinance and the Subdivision Regulations. If a lot is occupied by a nonconforming structure, it may be subdivided provided that subdividing does not create a new nonconformity or increase the degree of nonconformance of the structure.

Article 5.5 Fences and Projections into Required Setbacks

Open eaves, cornices, window sills and belt courses may project into any required setback a distance not to exceed 36 inches. Open uncovered porches, uncovered steps, or open fire escapes may project into a front or rear setback a distance not to exceed 8 feet. Fences, walls and hedges may be erected in any required setback or along the edge of lot, provided that in a residential district no fence, wall or hedge located in a front setback shall exceed 4 feet in height or 7 feet along any other setback.

Article 5.6 Building Coverage

Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies and the first two feet of a roof overhang.

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CHAPTER 6.0: GENERAL PROVISIONS

Article 6.1 Applicability of General Provisions

The provisions of this chapter shall apply to every use and zoning lot in every zoning district.

Article 6.2 Building Permit Issued

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

Article 6.3 Garage Apartments

In any district in which garage apartments are permitted, a garage apartment which contains not more than one dwelling unit may be established in addition to a principal dwelling structure provided, however, that such garage apartment will be the only additional dwelling unit on the lot. The first floor area of any garage apartment must not exceed 1,250 square feet.

Article 6.4 Customary Home Occupations

Home occupations are permitted in the RC, AG, AR, and OCM Districts and will conform to the following conditions:

1. All home occupations, collectively, will not occupy more than one-third of the gross floor area of such dwelling unit.

2. There will be no exterior evidence of any home occupation.

3. No article, product, or service sold in connection with such activity will be other than those produced on the premises.

4. No mechanical equipment will be used in connection with such activity other than such equipment as is customary for domestic or household purposes.

5. No full-time employees will be engaged in such home occupation.

6. In addition to other uses deemed unacceptable, the following uses will **not** be considered home occupations:

   Animal hospitals, kennels or stables
   Dancing schools
   Funeral homes
   Medical or dental offices or clinics or hospitals
   Restaurants
   Tourist homes

7. Zoning permits will be required for all home occupations.

Article 6.5 Screening Requirements

All commercial and industrial uses established following the effective date of this ordinance will be required to provide screening between the commercial or industrial use (including parking for such use) and adjacent residential uses.

Screening will consist of a twenty foot (20') width of opaque vegetation, to include trees and shrubs in the following combination per one hundred feet (100'):

22-26 large shrubs
3 understory trees
3 canopy trees

Existing vegetation may be used to meet screening requirements. If existing vegetation is of sufficient density, as determined by the Zoning Administrator, the buffer width may be reduced to fifteen feet (15').

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CHAPTER 7.0: SIGNS

Article 7.1 Sign Permit Application:
All applications for a sign permit will include the following information:

1. Description of the purpose and size of the proposed sign.

2. Detailed drawings of the proposed sign showing the size, construction materials, color, lighting, support and foundation details, text, letter style and letter size.

Article 7.2 Administration of Signs:

1. No signs, except real estate signs, will be erected in the Town of Meggett unless a sign permit has been obtained and the required fee paid. Exceptions to this include the following types of on-premise signs: temporary real estate signs, home security signs, and no trespassing/no hunting type signs. Signs of these types shall be of a size and nature that is reasonable and customary.

2. All permanent signs must meet the structural and installation standards of all applicable building and electrical codes.

Article 7.3 Temporary Signs:

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

Article 7.4 Prohibited Signs:

1. Flashing signs or neon signs
2. Signs imitating traffic/emergency signals
3. Signs imitating traffic signs
4. Snipe signs
5 Off-premise signs**,** with the following exceptions:
   a. Election Signs – Election signs cannot be erected sooner than 45 days before an election and must be removed within 7 days following the election;
   b. Signs erected by the Town of Meggett to identify municipal boundaries; and
   c. Signs designating Crime Watch Zones or similar signs of community benefit erected by government entities or public interest organizations that are sanctioned by the Town of Meggett.
6. Signs creating traffic hazards/endangering public safety**.**

Article 7.5 Sign Characteristics:

1. Size: Maximum of 32 square feet.

2. Height: Maximum of 8 feet for ground signs as measured from ground level. Wall or roof signs can not extend above the peak of the roof.

3. Number: Individual businesses are allowed one (1) ground sign and one (1) wall or roof sign. Multi-tenant commercial properties are allowed one (1) ground sign, plus one (1) wall or roof sign per individual tenant.

Article 7.6 Sign Setbacks:

1. Front setback: 10 feet

2. Side setback: 10 feet

3. No sign will be placed in a manner which interferes with visibility from a road or driveway.

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CHAPTER 8.0: PARKING

Article 8.1 Number of Off-Street Loading Spaces Required

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

Article 8.2 Size of Off-Street Loading Spaces

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

Article 8.3 Off-Street Parking Required

No land will be used or occupied, no structure will be designed, erected, altered, used or occupied, and no use will be conducted unless the off-street parking space required is provided in at least the amount specified; provided, however, that where off-street parking space is not provided for land, structures, or uses actually used, occupied, and operated on the effective date of this ordinance, it will not be required under this ordinance. From the effective date of this ordinance, if such land, structures, or uses are enlarged, expanded, or changed, there will be provided, for the increment only of such land structure, and uses enlarged, expanded, or changed and maintained as herein required, at least the amount of off-street parking space that would be required if the increment were a separate land, structure, or use. Where a lot with an existing structure is cleared and a new structure erected, there will be off-street parking provided.

Article 8.4 Location of Spaces

All required off-street parking spaces will be located on the zoning lot for which they are required or on a parking facility, the title to which and/or the easement for the use of which runs with and/or is appurtenant to the title to such zoning lot and is within 400 feet of the structure or use for which the spaces are required. Parking space arrangement will ensure that there will be no encroachment upon or over rights-of-way, sidewalks or property lines. Maneuvering space for off-street parking will be located on the zoning lot upon which parking is provided.

Article 8.5 Number of Parking Spaces Required

For each zoning lot in any district, the number of off-street parking spaces required under this regulation will be as determined from the Table below.

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

Article 8.6 Size of Parking Space and Maneuvering Area

Each parking space shall be no less than 9 feet by 18 feet exclusive of driving lanes, maneuvering areas and walkways, and will have a 23 foot minimum maneuvering area.

Article 8.7 Joint Use of Required Off-Street Parking Spaces

No part of the off-street parking area required for any use will be included as a part of an off-street parking area similarly required for another building or use, unless the Planning Director determines that the periods of use will not overlap or be concurrent with one another and that there is an acceptable agreement between the owners of the respective properties providing for such joint use of facilities.

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
RESIDENTIAL	
Congregate Living	1 per 3 beds
Farm Labor Housing (Dormitory)	0.5 per bed
Adult/Child Group Home or Residential Care Facility	1 per 3 beds, plus 1 per employee in single shift
Multi-Family	1.5 per 1-bedroom unit; 2 per 2-bedroom unit; 2.5 per 3-bedroom and larger units
Retirement Housing	0.75 per 1-bedroom unit; 1 per 2-bedroom unit; 1.5 per 3-bedroom and larger units
Single Family: Detached and attached, including dwelling groups, duplexes and manufactured housing units.	2 per dwelling unit
CIVIC/INSTITUTIONAL	
Cemetery	1 per full time employee
Court of Law	1 per employee plus 1 per every 3 seats of seating available to the public in the courtroom
College or University Facility	1 per 100 square feet classroom plus1 per 300 square feet office/administrative plus1 per 3 beds
Community Recreation	1 per 250 square feet of gross floor area
Convalescent Services	1 per 5 beds
Historical Sites, Libraries, Archives or Museums	1 per 300 square feet
Adult or Child Day Care Facilities	1 per employee plus 1 per 5 children/adults
Counseling Service	1 per 150 square feet
Hospital	1 per 2 beds plus1 per 300 square feet of floor area of administrative and medical offices
Nature Exhibition or Botanical Gardens	1 per employee in single shift plus 2 spaces per acre
Parks & Recreation	1 per 5,000 square feet of land area plus outdoor recreation requirements
Postal Service, United States	1 per 150 square feet of floor area
Railroad Freight Depot	1 per 2,400 square feet
Recycling Collection, Drop-Off	1 per recycle collection container

Public Assembly: Including Conference Centers, Concert Halls, Religious Assemblies, Professional, Labor or Political Organizations and Social Clubs or Lodges	1 per 5 fixed seats or 1 per every three (3) persons in structures with non-fixed seating of the maximum occupancy load as established by building code. The number of spaces required may be reduced a maximum of 50% if the assembly area is located within 500 feet of any public or commercial parking lot where sufficient spaces are available by parking agreement.
Intermediate Care Facility for the Mentally Retarded	1 per bed plus 1 per employee in single shift
Health Care Related Services: Including Home Health Agency, Laboratory, Outpatient Services and Rehabilitation facilities	1 per 200 square feet of gross floor area with a minimum of 4 spaces
Safety Services	1 per 2 employees
Pre-School or Educational Nursery	1 space per 6 students for which the facility is licensed plus 1 per employee
School, Primary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.)
School, Secondary	1 space for each vehicle owned and operated by the school plus two per employee (including faculty, administrative, etc.) plus 1 per 8 students
Personal Improvement Education	1 per every 3 students plus 1 per employee
Utility Service, Major	1 space per employee plus 1 per stored vehicle
Utility Service, Minor	None
Zoo	10 plus 1 per employee in single shift
COMMERCIAL	
Agricultural Sales/Service	1 per 500 square feet of floor area plus 4 per acre outdoor sales/display/storage area
Pet Stores, Grooming Salons, or Small Animal Boarding	1 per 300 square feet of floor area
Bar or Lounge	1 per 75 square feet indoor seating area plus1 per 200 square feet outdoor seating area
Bed and Breakfast	1 per guest room
Rooming or Boarding House	1 per guest room
Business or Trade School	1 per 100 square feet classroom plus 1 per 300 square feet business/administrative office
Communication: Including data processing and publishing services	1 per 300 square feet of floor area
Heavy Construction Service, General Contractor, or Special Trade Contractors	1 per 400 square feet indoor floor area plus 4 spaces per acre outdoor storage/display/sales area
Convenience Store	1 per 200 square feet of floor area
Charter Boat or Other Recreational Watercraft Rental Services	1 per rental boat or watercraft plus 1 per employee
Construction Tools, Commercial or Industrial Equipment Rental	1 per 250 square feet of floor area not including storage areas
Heavy Duty Truck or Commercial Vehicle Rental or Leasing	1 per rental vehicle plus 1 per employee in single shift
Banks and Financial Services	1 per 300 square feet of floor area, also see drive-thru requirements

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Food Sales and Grocery Stores	1 per 175 square feet
Funeral Services	1 per 4 seats or 1 per employee, whichever is greater
Hair, Nail or Skin Care Service	2 per employee or work station, whichever is greater
Hotel-Motel	1 per room plus spaces as required for associated restaurants, bars, and offices
Kennel	1 plus1 per employee
Liquor Sales, Beer or Wine Sales	1 per 200 square feet of floor area
Marina	1 space per 200 sq. ft. of office area plus 1 per 3 wet slips and 1 per 5 dry stack storage
Boat Yard	1 per employee
Office, Medical	1 per 150 square feet of floor area
Outpatient Clinic	1 per 200 square feet of floor area with a minimum of 4 spaces
Office, Business/Professional/Administrative	1 per 300 square feet of floor area
Office, Resort Real Estate	1 per 200 square feet of floor area
Office, Parole or Probation	1 per employee plus 1 per 200 square feet of floor area
Office/Warehouse Complex	1 per employee in shift plus 1 per 2000 square feet of office space
Convention Center or Visitors Bureau	4 per 1000 square feet of floor area
Parking, Lot or Garage	1 per employee
Pawn Shop	1 per 200 square feet of floor area
Personal Improvement Service	1 per 200 square feet of floor area
Recreational Vehicle Park or Campground	1 per employee plus 1 per recreational vehicle and camp site
Recreation and Entertainment, Indoor	1 per 3 seats or 1 per 200 square feet of floor area, whichever is greater
Recreation and Entertainment, Outdoor	1 per 200 square feet of public activity area plus, Swimming Pool-1 per 200 square feet of water surface area Tennis-2 spaces per court Basketball- 5 spaces per court Athletic Field- 15 spaces per diamond or field
Fishing or Hunting Guide Service	5 per employee
Fishing or Hunting Lodge (Commercial)	1 per visitor plus 1 per 5 members
Recreation or Vacation Camp	1 per employee plus 1 per camp vehicle or camp site
Golf Courses or Country Clubs	1 per employee plus 4 per golf green, plus 1 per 4 seats for accessory restaurant or bar use
Repair Service, Consumer	1 per 300 square feet of floor area
Catering Service	1 per 400 square feet of floor area

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
Restaurant, Fast Food	1 per 75 square feet indoor seating area plus1 per 200 square feet outdoor seating area+vehicle stacking spaces per Article 9.3.8
Restaurant, Fast Food (no inside seating)	1 per employee plus1 per 200 square feet outdoor seating area+vehicle stacking spaces per Article 9.3.8
Restaurant, General	1 per 75 square feet indoor seating area plus1 per 200 square feet outdoor seating area
Retail Sales+Service, General	1 per 300 square feet indoor floor area+5 spaces per acre outdoor storage/display/sales area
Shopping Center (mixed retail, office, food sales, restaurant)	1 space per 200 square feet
Nonstore Retailers	1 per employee plus 2 spaces for deliveries
Building Materials or Garden Equipment and Supplies Retailers	1 per 200 square feet of floor area not including storage plus 1 per employee
Services to Buildings and Dwellings	1 per employee plus 1 space for deliveries
Scrap and Salvage Service	1 per employee plus 2 per acre
Self-Service Storage/Mini Warehouse	3 spaces plus 1 space per employee and 1 space per 100 units
Gasoline Service Station	1 per 200 square feet of gross floor area plus vehicle stacking spaces per Article 9.3.8
Truck Stop	1 per employee plus truck space parking plus any parking required in this table when restaurant or motel is included.
Stable (Boarding or Commercial for Hire)	1 per 2 stalls
Vehicle Repair, Consumer	2 per employee or service bay
Vehicle Sales or Vehicle Rental or Leasing	1 per 2,500 square feet of display, 1 per 250 square feet indoor enclosed floor space
Vehicle Parts, Accessories or Tire Stores	1 per 300 square feet of floor area (10 space minimum)
Vehicle Storage	1 per 2 employees
Veterinary Services	3 spaces per each veterinarian or allied professional
INDUSTRIAL	
Repair Service, Commercial	1 per 400 square feet office area plus1 per 2 employees
Dry Cleaning Plant, Carpet Cleaning Plant or Commercial Laundry	1 per employee plus 1 per 3 washing/drying machines if provided for customer use
Photo Finishing Laboratory	1 per 200 square feet of floor area
Manufacturing and Production	1 per 400 square feet of office area plus 1 per 2 employees
Warehouse and Distribution Facilities	1 per 300 square feet office area plus1 per 600 square feet for 1st 12,000 square feet warehouse/storage area plus1 per 900 square feet for remaining warehouse/storage area (over 12,000 square feet)
Wholesale Sales	1 per 600 square feet for 1st 12,000 square feet+1 per 900 square feet for remaining area (over 12,000 square feet)

USE TABLE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED (MINIMUM)
AGRICULTURAL AND OTHER USES	
Animal Production	None
Aviation	1 space per 5 aircraft tie down or storage plus 1 space per 4 seats in waiting room areas
Sightseeing Transportation, Land or Water	1 per 2 seats of sightseeing vehicle
Taxi or Limousine Service	1 per employee plus one per vehicle that provides service
Urban Transit Service	1 per 100 square feet of public waiting area plus 1 per two employees and 1 per transit vehicle
Water Transportation	1 per two seats of transportation vehicle plus 1 per employee
Communications Towers	None
Crop Production	None
Agricultural Processing	1 per employee
Roadside Stands	3 per stand
Horticulture, Greenhouse or Hydroponics Production	1 per employee
Commercial Timber Operations	None
Lumber Mills, Planing or Saw Mills	1 per employee plus 1 per commercial vehicle plus 1 per 400 square feet of floor area
Recycling Center or Waste Related Use	1 per employee
Resource Extraction	1 per 2 employees

The parking standards of this Article are intended to ensure compliance with the Americans with Disabilities Act (ADA). A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities.

A. Number of Spaces

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

Total Parking Spaces Provided	Minimum Number of Accessible Spaces	Minimum Number of Van-Accessible Spaces	Minimum Number of Car-Accessible Spaces
1—25	1	1	0
26—50	2	1	1
51—75	3	1	2
76—100	4	1	3
101—150	5	1	4
151—200	6	1	5
201—300	7	1	6
301—400	8	1	7
401—500	9	2	7
501—1,000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

B. Minimum Dimensions

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

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

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

CHAPTER 9.0: TREE PROTECTION AND PRESERVATION

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CHAPTER 9.0: TREE PROTECTION AND PRESERVATION

Article 9.1 General

1. Findings

Trees are an essential natural resource, an invaluable economic resource, and a priceless aesthetic resource. Trees play a critical role in purifying air and water, providing wildlife habitat, and enhancing natural drainage of stormwater and sediment control. They also help conserve energy by providing shade, and shielding against noise and glare. Trees promote commerce and tourism by buffering different land uses and beautifying the landscape. Trees enhance the Lowcountry quality of life as a sacred and inseparable part of its historical legacy.

2. Purpose

The Tree Protection and Preservation regulations of this article are intended to enhance the health, safety and welfare of the Town of Meggett citizens.

3. Applicability and Exemptions

A. Applicability

The provisions of this article in their entirety shall apply to all real property in the Town of Meggett that:

1. is presently zoned or where an application is pending for rezoning to the RC, AR, AG, OCM, LIN, or PD zoning district.

2. is designated as appropriate for rezoning to the RC, AG, AR, OCM, LIN, or PD zoning district.

These 2 categories of properties are hereinafter referred to as "non-exempt" for purposes of this article, except as otherwise expressly exempted.

B. Partial Exemptions

Single-family residential subdivisions for which preliminary subdivision application has been made proposing new roads or easements or extensions to existing roads or easements will be subject to all of the Administration provisions of Sec. 9.2.

C. Full Exemptions

The following uses and activities shall be exempt from all provisions of this article:

1. Electric Suppliers, Public Utilities and Public Works This article shall not restrict public utilities, electric suppliers, and the Public Works department from maintaining safe

clearance around existing utility lines, drainage ditches, and existing easements in accordance with existing maintenance agreements and practices. Siting and construction of future water, sewer, gas, telephone, drainage, communications, electrical line or other easements shall be exempt from the provisions of this article. Utility easements for which a Conditional Use Permit was granted prior to adoption of this article shall be fully exempt.

2. Bona Fide Forestry Operations

Removal of trees for the purpose of conducting "bona fide forestry operations" shall be exempt from the provisions of this Article except for removal of Grand trees.

For this use to be allowed, the contiguous parcels must have five acres or more of forest land. Additionally, if a parcel is harvested of Grand Trees zoning permits or development applications may not be submitted within five years of issuing permit for the harvest because, it shall be presumed that such harvest was done in anticipation of future development and is not considered a bona fide forestry activity as defined by this ordinance. Any person seeking to rebut this presumption shall have the burden of proving their claim by clear and convincing evidence.

"Bona fide forestry operations" 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.

3. Commercial Nursery Operations
Commercial nursery operations shall be exempt from the provisions of this article.

4. Agricultural Uses
Removal of trees for the purpose of establishing bona fide agricultural uses shall be exempt from the provisions of this article.

5. Charleston County Aviation Authority
Removal of trees for the purposes of maintaining safe clearance for aircraft as required by federal law or the establishment of facilities exclusively dedicated to aviation operations on property owned or leased and in use by the Charleston County Aviation Authority will be exempt from the provisions of this article.

Article 9.2 Administration

1. <u>Zoning Permit Required</u>

Removal of grand trees is prohibited prior to the issuance of a Zoning Permit by the Planning Director. Zoning Permits will be issued only after a tree plan is approved by the Planning Director, as outlined below.

No Live Oak trees with a diameter at breast height (DBH) of 24" or greater may be removed without a variance approved by the Board of Zoning Appeals.

2. <u>Documentation</u>

Tree plans, prepared by a licensed registered surveyor, civil engineer or landscape architect, shall be required for all of the following:

A. preliminary subdivision applications which include proposed roads or easements, or extensions of existing roads or easements;

B. final plat applications that have lots 1 acre or less; and

C. applications for Zoning Permits to remove trees for site development (an approved, recorded plat and development site plan must accompany tree plans).

3. <u>Tree Plans</u>

Tree plans of the same scale as, or superimposed on a development site plan or preliminary plat shall include:

A. Where a tree plan is included on a preliminary plat in accordance with the Subdivision Regulations, the name, address, signature, and seal of the licensed surveyor and civil engineer, registered in the State of South Carolina shall be provided. In addition, tree plans required for preliminary subdivision applications on partially exempted properties (Sec. 9.1C.2) or non-exempt properties (Sec. 9.1C.1) which include proposed roads or easements or extensions of existing roads or easements shall indicate the location, size, and species of all Grand Trees within rights-of-way~~s~~ or easements and in the areas adjacent to each side of the right-of-way easement,~~.~~ extending to a depth to be determined by the Planning Director.

B. In cases where a landscape architect, civil engineer, forester or surveyor utilizes previously approved recorded plats prepared by surveyors, for the purpose of showing a tree plan, the name, address, signature and seal of the licensed landscape architect, engineer, surveyor who shall be responsible for the accuracy of information provided.

C. Location, number, size (DBH) and species of all trees to be preserved, and those scheduled to be removed (including dead and diseased trees) and replaced.

D. A plan outlining the manner in which trees are to be protected during development.

E. For developments of 10 acres or greater requiring large common/open space areas, including but not limited to, parks, playgrounds, and golf courses, a scaled infrared or high resolution black and white aerial photograph or print of equal quality may be substituted in cases where the Planning Director determines that it would provide the same information as a tree plan.

CHAPTER 10.0: ADMINISTRATION

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CHAPTER 10.0: ADMINISTRATION

Article 10.1 Zoning Administrator

The Planning Director or their designee will enforce this ordinance and in furtherance of such authority will:

1. Receive and examine applications for zoning permits;

2. Approve and issue zoning permits that meet the provisions of this ordinance;

3. Keep a record of all applications for zoning permits, including all plats and plans submitted therewith, which record will be open to public inspection during business hours;

4. Conduct inspections of structures, land, and the uses thereof to determine compliance with this ordinance;

5. Receive, file, forward and administer for the Board of Zoning Appeals the records of all appeals and variances;

6. Receive, examine and process all applications for amendment to this ordinance;

7. Review, file, and forward to the Board of Zoning Appeals all applications for Special Exceptions;

8. Review, approve, and issue Administrative Permits as authorized by this ordinance and maintain records of these permits;

9. Maintain permanent and current records of the Zoning Ordinance including, but not limited to, all zoning maps, amendments, conditional uses, variances, appeals, applications and records of hearing.

Article 10.2 Zoning Permit Required

Except as provided in paragraph 9.2, a zoning permit issued by the Planning Department is required in advance of:

1. The issuing of a building permit under the applicable Building Codes;

2. Excavation preparatory to the construction of a structure for which a building permit is required.

3. Improving any zoning lot by grading, filling, or surfacing or by constructing driveways or by construction or enlarging parking areas containing more than six parking spaces in preparation for a new or changed use of the lot.

4. Changing the use of any part of a structure or zoning lot, including any increase in the number of families or dwelling units occupying a building or zoning lot.

5. Installation of any accessory (on-premise) sign.

6. Moving of any house or manufactured home;

7. Prior to obtaining a business license;

8. Any earth disturbing activity; or

9. Clearing and grubbing, including and grading, drainage, or the construction of roads or utilities in a subdivision.

Article 10.3 Zoning Permit NOT Required

1. A zoning permit will not be required with respect to any parcel of land in an Agricultural District or any parcel of land in agricultural usage as of the effective date of this ordinance used for agricultural purposes as the principal use including farming, dairying, pasturage, aquaculture, agriculture, horticulture, floriculture, venticulture, animal and poultry husbandry, forestry, and other uses or enterprises customarily carried on the field of general agriculture including the necessary accessory uses for packing, treating, or storing the produce. The operation of any accessory use will be secondary to that of the normal agricultural activity.

2. A zoning permit will not be required in connection with the establishment of electric distribution of transmission lines, water lines, sewer, gas or other pipelines; provided, however, that such facilities will meet any conditions established therefore in this ordinance.

Article 10.4 Information Required for Zoning Permit

1. General: In addition to such information as may be required in an application for a building permit, each zoning permit application will be signed by the owner, agent or attorney and will be accompanied by an approved and recorded plat of the lot of record, a site plan in duplicate, drawn to engineer's scale and approval of the Department of Health and Environmental Control, as applicable. The Planning Department will retain a copy of each for public record.

   A. Lot of Record. An approved and recorded survey of the perimeter of the property containing a Planning Commission approval stamp and County Register of Mesne Conveyance (RMC) recording stamp.

   B. Site Plan: A plan drawn to engineer's scale containing the following information:

      (1) the shape and dimensions of the zoning lot;

(2) the size and location of all existing structures;

(3) the use of adjoining properties;

(4) the size and location of all proposed driveways, off-street loading areas and off- street parking areas;

(5) such other reasonable and pertinent information with regard to the zoning lot or neighboring lots as the Planning Director may find necessary for the enforcement of this ordinance.

2. An approved South Carolina OCRM permit is required prior to the issuance of a zoning or building permit below the South Carolina OCRM Critical Line.

3. Where Health Department approval is required for waste disposal system, a copy of their written approval will also be submitted.

4. All plats and plans will bear the signature of the owner, his lawful agent or attorney and will reference the date and application number of the Planning Commission in addition to the book page and date in the Charleston County RMC Office.

Article 10.5 Action or Application for Zoning Permit

1. When the Planning Director receives an application for a zoning permit whose proposed improvement and use described and illustrated does not conform to this ordinance he will not issue a zoning permit, but will return the application, including plan, to the applicant with his denial of the permit. Such denial will state the reasons therefore, and will cite the particular sections of this ordinance with which the application does not comply.

2. When the application for a zoning permit includes a request for a variance or is an appeal from an administrative decision, the Planning Director will process the request in compliance with Article 10.24 of this Ordinance.

3. When a Special Exception Permit is required, the Planning Director will process the request in compliance with Article 10.10 of this Ordinance.

Article 10.6 Conditions of the Zoning Permit

1. After a zoning permit is issued for construction requiring a building permit, the Director of Building Services will issue a building permit when the requirements of the Building Codes have been met.

2. After a zoning permit is issued for a use or construction not requiring a building permit, the applicant may proceed to carry out the improvement described in the zoning permit and approved application.

3. A zoning permit issued for construction which requires a building permit will be invalid if a building permit is not issued within six (6) months of the zoning permit. A zoning permit issued for use or construction that does not require a building permit will be invalid if the authorized development is not initiated within six (6) months or if the work is suspended or abandoned for a year after its initiation. Extensions of time for periods of ninety (90) days will be allowed in writing by the Building Official for building permits and by the Zoning Administrator for zoning permits. No more than six (6) ninety (90) day extensions will be allowed if applied for in a reasonable time period.

Article 10.7 Administrative Permits

1. Construction Permits.

   A. The Planning Director may issue construction permits not to exceed a one-year period, provided such uses are in compliance with and are authorized by this ordinance. Permits for the permanent installation will be obtained simultaneously with the Construction Permit.

   B. Construction Permits may be issued for temporary installation of the following, to be located on the same zoning lot upon which the permanent installation is to be located after approval of the Zoning Board:

      (1) manufactured home installation to be used as a residence while the permanent residential structure is being built;

      (2) module or mobile shell for construction office, security guard quarters, use and/or storage of materials related to the construction of the permanent structure;

      (3) module or mobile shell for commercial use while construction of the permanent structure is in progress;

      (4) temporary power permits for the construction of permitted uses.

2. Renewal Permits.

   A. Renewal of construction permits may be granted for one additional year when it is evident that progress is being made in construction. Extensions beyond the renewal shall be processed as a Conditional Use Permit for Planning Commission review and action.

   B. A Ruth Variance which has been granted initial approval by the Board of Zoning Appeals may be renewed annually subject to written certification by the attending physician and family that the need as initially approved still exists. The termination of a Ruth

Variance will be reported to the Zoning Administrator setting forth the circumstances.

3. Repair Permits.
Where application for a zoning permit is to effect repairs only, the Zoning Administrator, at his discretion, may waiver the requirements of an approved plat, site plan and/or septic tank approval. The work to be performed will be clearly defined in the zoning permit.

Article 10.8 Temporary Construction Power

Temporary electrical power permits will require authorization from the Zoning Administrator prior to such services being provided by the utility companies.

Article 10.9 Board of Zoning Appeals

10.9.1 Review Authority

The Board of Zoning Appeals does not act in a review or recommending capacity.

10.9.2 Decision-Making Authority

The Board of Zoning Appeals shall have final decision-making authority on the following matters:

A. Special Exceptions;

B. Variances; and

C. Appeals of Administrative Decisions on Zoning Related Matters.

10.9.3 Officers, Rules, Meetings and Minutes

Pursuant to Chapter 29, Title 6 of the Code of Laws of South Carolina § 6-29-790, the Board of Zoning Appeals shall elect one of its members as Chair who shall serve for one year or until re-election or a successor is elected and qualified. The Board of Zoning Appeals shall adopt rules and procedures in accordance with the provisions of this Ordinance not inconsistent with the provisions of Chapter 29 Title 6 of the Code of Laws of South Carolina, as amended. The Board of Zoning Appeals shall appoint a Secretary. The Secretary may be an employee of the Charleston County Planning Department. Meetings of the Board shall be at the call of the Chair and at such other times as the Board of Zoning Appeals may determine. Public notice of all meetings of the Board of Zoning Appeals shall be provided by publication in a newspaper of general circulation in Charleston County. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote. The Board of Zoning Appeals shall maintain records of its examinations and official actions, all of which, upon approval, shall be filed immediately in the office of the Town Clerk. Such records shall be available for public review and inspection during normal business hours.

10.9.4 Composition

The Board of Zoning Appeals shall consist of five members appointed by the Town Council for terms of four years each, provided, however, that of the initial members of

the Board of Zoning Appeals, three members shall be appointed for four year terms and two members shall be appointed for two year terms. Members shall serve until their successors are appointed and qualified. The members of the Board of Zoning Appeals shall serve without compensation from the Town. Any vacancy which may occur on the Board of Zoning Appeals shall be filled by Town Council appointing a successor to serve out the unexpired term of the vacancy. No member of the Board of Zoning Appeals may hold an elected public office in Charleston County.

Article 10.10 Special Exceptions

10.10.1 Application Filing

A. Applications for Special Exceptions shall be submitted to the Planning Director on forms available in the Planning Department.

Upon submission of a Special Exception application, no additional Special Exception applications shall be accepted for the subject property until the original application has been withdrawn or the Decision-Making Body has rendered its final decision and all applicable time limits on refiling have expired.

B. Complete applications for Special Exceptions shall be submitted no later than 12:00 p.m. on the Friday, six (6) weeks prior to the regularly scheduled Board of Zoning Appeals meeting. Within 15 days of submittal of the application, staff will determine if the application is complete and can be scheduled for the next available Board of Zoning Appeals meeting.

C. No application for a Special Exception shall be accepted as complete unless it includes the required fee and the following information:

1. Completed Special Exception application signed by the current property owner(s).

2. Applicant's letter of intent explaining the proposed use and how it meets the Approval Criteria of Section 10.10.5.

3. Site plan drawn to an engineer's scale showing the property dimensions, dimensions and locations of existing and proposed structures and improvements, parking areas, Grand trees, wetlands (properties containing DHEC-OCRM Critical Line areas must, contain an up to date DHEC-OCRM signature on the site plan or plat), holding basins and buffers when applicable. One 24 x 36 copy and one reduced 11 x 17 copy shall be submitted.

4. A copy of a legible approved and recorded plat.

5. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with State law.

6. Any other information that the Planning Director determines is necessary to make an informed decision as to whether the application complies with the standards required by Article 10.10.

D. All proposed Special Exception uses shall satisfy the Site Plan Review process. Applicants shall attend at least one (1) Site Plan Review meeting prior to submitting the application for Special Exception.

10.10.2 Public Hearing Notice

Newspaper, Neighbor, Parties in Interest and Posted notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of this Ordinance.

10.10.3 Planning Director Review and Report

The Planning Director shall review each proposed Special Exception in light of the Approval Criteria of Section 10.10.5 of this Chapter, and if deemed necessary, distribute the application to other agencies and reviewers. Based on the results of those reviews, the Planning Director shall provide a report on the proposed Special Exception to the Board of Zoning Appeals.

10.10.4 Board of Zoning Appeals Hearing and Decision

A. The Board of Zoning Appeals shall hold at least one (1) public hearing on the proposed Special Exception. Within a reasonable time after the close of the public hearing, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Special Exception based on the Approval Criteria of Section 10.10.5.

B. A majority of the Board of Zoning Appeals constitutes a quorum.

C. A majority of the members present and voting are required to approve a Special Exception.

10.10.5 Approval Criteria

A. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:

1. Is consistent with the recommendations contained in the Town of Meggett Comprehensive Plan and the character of the underlying zoning district, as indicated in the zoning district “Description”;

2. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;

3. Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as

noise, vibration, dust, glare, odor, traffic congestion and similar factors;

4. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;

5. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and

6. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

B. In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

10.10.6 Final Decision and Orders

Final decisions and orders of the Board must be in writing and be filed in the Office of the Planning Director as a public record. Final decisions shall be available for public inspection during regular office hours. 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 in interest by certified mail. As a courtesy notice, the orders of the Board may be sent via U.S. mail to persons on the Neighborhood notice list.

10.10.7 Notice of Decision

The written final decision shall be mailed to all parties in interest by certified mail and published once in a newspaper of general circulation in the County.

10.10.8 Appeals

Any person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the Town may appeal a final decision of the Board of Zoning Appeals to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

10.10.9 Lapse of Approval

All approvals are subject to South Carolina State Law, Vested Rights Act, Sections 6-29-1510 through 6-29-1560.

Article 10.11 Appeals of Zoning-Related Administrative Decisions

10.11.1 Authority

The Board of Zoning Appeals shall be authorized to hear and decide appeals only on zoning-related matters where it is alleged there is an error in any order, requirement,

decision or determination made by an administrative official in the administration or enforcement of any of the zoning-related regulations of this Ordinance. The Board of Zoning Appeals shall have no authority to hear or decide appeals from administrative decisions made pursuant to the Subdivision Regulations.

10.11.2 Right to Appeal

Appeals of Administrative Decisions on zoning-related matters may be filed by any officer, board, or bureau of the Town, or by any person with a substantial interest in a decision of an administrative official.

10.11.3 Application Filing; Timing

Applications for Appeals of Administrative Decisions on zoning-related matters shall be submitted to the Planning Director on forms available in the Planning Department. Appeals of Administrative Decisions to grant or deny a Zoning Permit shall be filed within 30 calendar days from the date of the Administrative Decision.

10.11.4 Effect of Filing

Any permits, decisions or determinations which are the subject of an appeal shall be temporarily suspended upon filing a complete application for an appeal, unless the official responsible for issuing the permit or making the decision or determination which is being appealed certifies to the Board of Zoning Appeals, after the appeal is filed, that because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, action upon any such permits, decisions or determinations shall not be stayed other than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record upon proper notice and hearing. However, in the absence of a certification that a stay would cause immediate peril to life or property, any work purported to be undertaken pursuant to an appealed permit, decision or determination after actual notice of the appeal has been received shall be subject to Chapter 11, Violations, Penalties, and Enforcement, of this Ordinance.

10.11.5 Record of Administrative Decision

The official whose decision is being appealed shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed is taken.

10.11.6 Public Hearing Notice

Newspaper, Neighbor, Parties in Interest and Posted Notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of this Ordinance.

10.11.7 Board of Zoning Appeals Review and Action

A. The Board of Zoning Appeals shall hold at least one public hearing on the appeal, and within a reasonable time following the close of the public hearing, take final action based on the procedures and requirements of this Section.

B. In exercising the appeal power, the Board of Zoning Appeals shall have all the powers of the official from whom the appeal is taken, and the Board of Zoning Appeals may reverse or affirm, wholly or in part, or may

modify the decision being appealed.

C. If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct issuance of a permit. The Board of Zoning Appeals in execution of the duties specified in this Chapter may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

D. A quorum of the Board of Zoning Appeals shall be achieved when the number of members in attendance equals more than ½ of the total membership of the Board of Zoning Appeals. At least 2/3 of the members present and voting shall be required to reverse any order, requirement, decision, or determination of any administrative officer or agency.

10.11.8 Approval Criteria; Findings of Fact

An appeal shall be sustained only if the Board of Zoning Appeals finds that the administrative official erred. The decision of the Board of Zoning Appeals shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. Those written findings shall be delivered to parties in interest by certified mail, published once in a newspaper of general circulation in the County, and permanently filed in the Planning Department.

10.11.9 Appeals

Any person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the Town may appeal a final decision of the Board of Zoning Appeals to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

Article 10.12 Zoning Variances

10.12.1 Applicability; Limitations

The Board of Zoning Appeals shall be authorized to approve Zoning Variances to any zoning-related dimensional, design or performance standard set forth in this Ordinance, provided that the Approval Criteria of Section 10.12.6 are met and provided that such Zoning Variance does not have the effect of:

A. Permitting a use, activity, business or operation that is not otherwise allowed by the Use Regulations of the underlying zoning district;

B. Allowing the physical extension of a Nonconforming Use, except as expressly allowed in Chapter 2;

C. Increasing the density of a residential use above that permitted by the underlying district;

D. Varying the sign regulations of this Ordinance;

E. Varying or waiving the Subdivision Regulations; or

F. Varying or waiving any other standard of this Ordinance that is expressly stated as being ineligible for a Zoning Variance.

10.12.2 Application Filing

A. Applications for Zoning Variances shall be submitted to the Planning Director on forms available in the Planning Department.

B. Complete applications for Zoning Variances shall be submitted no later than 12:00 p.m. on the Friday, six (6) weeks prior to the regularly scheduled Board of Zoning Appeals meeting. Within 15 days of submittal of the application, staff will determine if the application is complete and can be scheduled for the next available Board of Zoning Appeals meeting.

C. No Application for a Zoning Variance shall be accepted as complete unless it includes the required fee and the following information:

1. Completed Zoning Variance Application signed by the current property owner(s).

2. Applicant's letter of intent explaining the requested Zoning Variance and how it meets the Approval Criteria of Section 10.12.6.

3. Site plan drawn to engineers scale showing the property dimensions, dimensions and locations of existing and proposed structures and improvements, parking areas, Grand trees, wetlands, (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or plat) holding basins and buffers when applicable. One 24 x 36 copy and one reduced 11 x 17 copy shall be submitted.

4. A copy a legible approved and recorded plat.

5. Restrictive covenants affidavit(s) signed by the applicant or current property owner(s) in compliance with state law.

6. Any other information that the Planning Director determines is necessary to make an informed decision as to whether the application complies with the standards required by Article 10.12.

B. All proposed Zoning Variances, except single family residential development, shall satisfy the Site Plan Review process. Applicants shall attend at least one (1) Site Plan Review meeting prior to submitting an application for a Zoning Variance.

10.12.3 Public Hearing Notice

Newspaper, Neighbor, Parties in Interest and Posted notice of the Board of Zoning Appeals' public hearing shall be provided in accordance with the requirements of this Ordinance.

10.12.4 Planning Director Review and Report

The Planning Director shall review each proposed Zoning Variance in light of the Approval Criteria of Section 10.12.6, and if deemed necessary, distribute the application to other agencies and reviewers. The Planning Director shall provide a report on the proposed Zoning Variance to the Board of Zoning Appeals.

10.12.5 Board of Zoning Appeals Hearing and Decision

A. The Board of Zoning Appeals shall hold at least one (1) public hearing on the proposed Zoning Variance. Within a reasonable time after the close of the public hearing, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Zoning Variance based on the Approval Criteria of Section 10.12.6.

B. A majority of the Board of Zoning Appeals constitutes a quorum.

C. At least 2/3 of the members present and voting are required to approve a Zoning Variance.

10.12.6 Approval Criteria

A. The Board of Zoning Appeals has the authority to hear and decide appeals for a Zoning Variance when strict application of the provisions of this Ordinance would result in unnecessary hardship.

B. A Zoning Variance may be granted in an individual case of unnecessary hardship if the Board of Zoning Appeals makes and explains in writing the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

2. These conditions do not generally apply to other property in the vicinity;

3. Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;

5. The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a Nonconforming Use of land, or to change the zoning district boundaries shown on the Official Zoning Map. The fact that property may be utilized more profitably if a Zoning Variance is granted shall not be considered grounds for granting a Zoning Variance.

6. The need for the variance is not the result of the applicant's own actions; and

7. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.

C. In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

10.12.7 Final Decisions and Orders

Final decisions and orders of the Board must be in writing and be filed in the Office of the Planning Director as a public record. Final decisions shall be available for public inspection during regular office hours. 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 in interest by certified mail. As a courtesy notice, the orders of the Board may be sent via U.S. mail to Neighborhood notice list.

10.12.8 Notice of Decision

The written final decision shall be mailed to all parties in interest by certified mail and published once in a newspaper of general circulation in the County.

10.12.9 Appeals

Any Person with a substantial interest in a decision of the Board of Zoning Appeals or any officer, board, or bureau of the Town may appeal a final decision of the Board of Zoning Appeals to the Circuit Court of Charleston County. Appellants shall file with the Court Clerk a written petition plainly and fully setting forth how such decision is contrary to law. Such appeal shall be filed within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

10.12.10 Lapse of Approval

All approvals are subject to South Carolina State Law, Vested Rights Act, Sections 6-29-1510 through 6-29-1560.

Article 10.13 Temporary Use

1. Temporary Accessory Manufactured Housing Units

   The Planning Director shall be authorized to approve the temporary placement and use of a manufactured housing unit as an accessory dwelling unit in accordance with the following standards.

   A. Administrative Permit approval shall be required in accordance with Art. 3.8.7.

   B. The Administrative Permit shall be restricted to the temporary use of a manufactured housing unit for residential purposes on the same zoning lot with a single-family detached residential dwelling or a manufactured housing unit, or on an individual abutting zoning lot. The following criteria shall be utilized to determine the need for the temporary variance.

      1. The person who will occupy the manufactured housing unit is a relative by blood or marriage.
      2. The accommodations (manufactured housing unit) proposed are of a temporary nature which can be easily removed after expiration of the permit.
      3. The physical and/or mental conditions of the person who will occupy the manufactured housing unit shall be certified by a physician.
      4. Written approval of all abutting landowners shall be required.
      5. The proposed manufactured housing unit installation shall meet Health Department standards and have their written approval.

   C. The Planning Director may revoke or terminate the Administrative Permit at the request of the initiating applicant or upon finding that permit conditions are being violated. The temporary accommodations, together with any associated services, shall be removed from the premises within 30 days after notice of termination.

   D. Administrative permits for such use shall be valid for a maximum of 1 year, with renewal subject to Sec. 10.7.

2. Temporary Sales

   A. Auctions or garage sales of second-hand merchandise which has been used on the premises may be conducted on a zoning lot where permitted as an accessory use elsewhere in these regulations. Such sales may be conducted only once in a calendar year from the same zoning lot.

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

C. Other temporary sales of merchandise shall be permitted as a temporary, accessory use to an approved principal use (such as in an off-street parking lot), provided that the maximum term for such permit shall not exceed 5 days, and no more than 4 such permits may be issued per lot, per calendar year.

Article 10.14 Amendments
The Town Council may, from time to time, amend the number, shape, boundary, or area of any district; or may amend any regulating pertaining to any district; or may amend Chapter or Paragraph of this ordinance.

Article 10.15 Amendment Procedure
The procedure set forth in this article will apply to all amendments of this ordinance.

Article 10.16 Initiation of Proposals for Zoning Amendments
A zoning amendment may be proposed by:

1. Town Council;
2. the Planning Commission;
3. any individual, corporation or agency owning or having a vested interest in the property to be rezoned.

Article 10.17 Request for Zoning Amendments

1. An application for a change in land classification will be presented on suitable forms provided by Town Council. The form will identify the property as to size, location, ownership and proposed use. Prescribed fees will accompany the application.

2. Upon submission of a rezoning application, no additional rezoning applications will be accepted for the property until the application has been withdrawn or Town Council has rendered its decision and any applicable time limitations have expired.

Article 10.18 Planning Commission Study
Unless proposed by the Planning Commission, all proposed amendments will be submitted to the Planning Commission for study and recommendation.

The Planning Commission serving as the Town of Meggett's Planning Commission, will study such proposals to determine:

1. The general relationship of the proposed amendment to the T own general or proposed plans.

2. The relationship of the proposed amendment to the purposes of the Town's Zoning Program.

3. The need and justification of the amendment, including identification of the changes in conditions which make the amendment necessary or desirable.

4. When pertaining to a proposed change in district classification of property:

   A. The effect of the amendment on the property involved and surrounding properties and overall Town Plans.

   B. The need for the change in terms of the amount of undeveloped land having the same district classification in the same general area as the property or properties for which the district re-classification is requested.

Article 10.19 Report to Town Council

1. Submittal: The Planning Commission will submit its report to Town Council, together with its recommendation of the action which should be taken on the proposal. The recommendation of the Planning Commission will have an advisory effect only and will not be binding on Town Council.

2. Time Limitations: The Planning Commission will submit its report and recommendation to Town Council within thirty (30) days from the date that the proposal was submitted to it for study and recommendation. If the Planning Commission does not submit its report within the prescribed time, Town Council will be free to proceed with its own action on the amendment, without further awaiting the report of the Planning Commission.

Article 10.20 Public Hearings

Before taking action on any proposed amendment, Town Council will hold a public hearing at such time and date as specified by Town Council.

Article 10.21 Notice of Public Hearing

Newspaper, Neighbor, Parties in Interest and Posted notice of the public hearing shall be provided in accordance with the requirements of this Ordinance.

Article 10.22 Re-application, Withdrawals and One-Year Waiver

1. Withdrawal of an amendment application by the applicant or owner prior to the advertisement for its public hearing or posting of the property will be considered as a termination of the application. Re-application will not be subject to a one-year waiting period.

2. Postponement requests and/or withdrawals of amendment applications which occur after the advertisement of the public hearing has been published or the property posted will be treated as a request denial. Amendment processing will terminate upon receipt of written notice from

the applicant or owner. Re-application will be subject to a one-year waiting period unless granted a waiver by Town Council as prescribed elsewhere in this section.

3. When an amendment application has been finalized by Town Council, re-application for an amendment for the same parcel of land, in whole or in part, or for a similar text, will not be permitted until one year has expired from the date of the official action by Town Council.

4. Town Council however, after receipt of written petition by the property owner and on recommendation of its appropriate committee, may on a case basis waive the waiting period requirements by a three-fifths vote of members present and voting, and direct the staff in writing to process the application. All documents and fees required for a zoning change application will be included with the petition. Denial of the petition will be final and the one-year waiting period will be met before further consideration of a change in land classification for the premises.

5. Re-submission of amendment applications will be processed as a new application with prescribed fees.

Article 10.23 Amendment Request Where Lands or Uses Thereon Are In Violation of the Zoning Ordinance

Amendment applications will not be accepted nor processed when it is evident that zoning violation exists on or in use of the land that is the subject of the requested change. The Town Council, however, upon recommendation of its appropriate committee, mayor a case basis waive this requirement and direct the staff in writing to process the application, violation notwithstanding. All documents and fees requirements for a zoning change application will be included with the petition. Denial of a petition will be final and the violation will be removed before further consideration of a change in land classification.

Article 10.24 Proposed Changes to Ordinance

While the Planning Commission and/or Town Council are processing amendments to this ordinance, no building permits will be issued for structures which would be affected by the proposed amendment until Town Council has rendered its decision regarding the amendment.

Article 10.25 Application Fees

Fees will be levied in order to partially defray expenditures associated with application processing. These fees are due upon submission of an application and shall be determined by Town Council.

Article 10.26 Notices

1. Content
   All notices with the exception of Posted Notices required under this Ordinance shall: (1) indicate the date, time and place of the public hearing or date of action that is the subject of the notice; (2) describe the property

involved in the application by street address and, if required, by legal description; (3) describe the nature, scope and purpose of the application or proposal; and (4) indicate where additional information on the matter can be obtained. Posted Notices under this Ordinance shall indicate time and place and indicate where any additional information on the subject of the notice can be obtained.

[Commentary—References to "days" are to Town of Meggett Government work days, unless otherwise indicated.]

Development Review Procedures Summary

Procedure	Review [R], Decision-Making [DM] And Appeal [A] Bodies				Notices			
	Staff	PC	CC	BZA	News	Post	Neighbor	Parties in Interest
Comprehensive Plan Amendments	R	R	DM		ü			ü
Ordinance Text Amendments	R	R	DM		ü			ü
Zoning Map Amendments	R	R	DM		ü	ü	ü	ü
Planned Development (PD) Zoning Map Amendment	R	R	DM		ü	ü	ü	ü
Special Exceptions	R			DM	ü	ü	ü	ü
Site Plan Review	DM			A				
Variances	R			DM	ü	ü	ü	ü
Written Interpretations	DM			A				
Public Project Review	R	DM			ü			ü
Appeals of Zoning-Related Administrative Decisions				DM	ü	ü	ü	ü
Appeals of Subdivision-Related Administrative Decisions		DM			ü			ü

Notes: In cases where no Appeal Body is shown or where the County Council is shown as final Decision-Making Body, appeals shall be taken to the Circuit Court of Charleston County, as provided by law.
R = Review Body [Responsible for Review and Recommendation]
DM = Decision-Making Body [Responsible for Final Decision to Approve or Deny]
A = Authority to hear and decide appeals of Decision-Making Body's action
Neighbor and Community Interest notice is a courtesy notice; failure to provide will not invalidate any action taken.

2. Types

A. Newspaper Notice

When the provisions of this Ordinance require that "Newspaper Notice" be provided, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation in the county. Unless otherwise expressly provided in state statutes or this Ordinance, the first required newspaper notice shall be published at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Newspaper Notice shall indicate the time and place or date of action that is the subject of the notice, describe the property involved in the application by street address and, if required, by legal description, describe the nature, scope and purpose of the application or proposal.

B. Posted Notice

When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the subject property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Planning Department if the Posted Notice is removed or damaged prior to the public hearing, meeting or date of action that is the subject of the notice.

C. Neighbor Notice

When the provisions of this Ordinance require that "Neighbor Notice" be provided, the official responsible for accepting the application shall mail notice to the applicant and all property owners within 300 feet of the subject property. Ownership information shall be obtained from the County Assessor's Office. Unless otherwise expressly provided in state statutes or this Ordinance, required Neighbor Notices shall be deposited in the U.S. mail at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Failure to provide this notice will not invalidate any action taken.

D. Parties in Interest

When the provisions of this Ordinance require that notice be sent, the following “Parties in Interest” shall be notified: the applicant and the owner of the property (if other than applicant). Parties in Interest shall mean all individuals, associations, corporations and others who have interest in an application. It is the responsibility of the Parties in Interest to provide updated contact information to the Planning Department. The Planning Department will keep the Parties in Interest contact information on file for one year from the initial date received.

E. Community Interest Notice

When the provisions of this Ordinance require that "Community Interest Notice" be provided, the official responsible for accepting the application shall provide written notice to any individual, group or organization that has submitted a written statement of interest to the Planning Director. When Community Interest Notice is required, courtesy notice will be provided to the Planning Director of any municipality within the Planning Area of the subject tract. Community Interest Notice is a courtesy notice; failure to provide this notice will not invalidate any action taken.

F. Constructive Notice

Minor defects in a notice shall not impair the notice or invalidate

proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the date, time and place of a hearing and the location of the subject property shall be strictly construed. If questions arise regarding the adequacy of notice, Review and Decision-Making Bodies shall make formal findings regarding whether there was substantial compliance with the notice requirements of this Ordinance.

CHAPTER 11.0: VIOLATIONS, PENALTIES AND ENFORCEMENT

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CHAPTER 11.0: VIOLATIONS, PENALTIES AND ENFORCEMENT

Article 11.1 Ordinance Compliance Required

1. No activity regulated by this Ordinance shall be undertaken except in full compliance with the express provisions of this Ordinance.

2. No activity that is the subject of any permit or approval issued pursuant to the provisions of this Ordinance shall be undertaken except in full compliance with the subject permit or approval, including any attached conditions.

3. The commencement or continuation of any activity regulated by this Ordinance that is not in compliance with the express provisions of this Ordinance, or that is not in compliance with the express provisions of any permit or approval, including any attached conditions, shall be a violation of this Ordinance, and subject to enforcement under the terms of this chapter and South Carolina law.

Article 11.2 Violations

All of the following constitute violations of this Ordinance:

1. To use or attempt to use land or a building in any way not consistent with the requirements of this Ordinance;

2. To erect or attempt to erect a building or other structure in any way not consistent with the requirements of this Ordinance;

3. To engage or attempt to engage in the development or subdivision of land in any way not consistent with the requirements of this Ordinance;

4. To transfer title to any lots or parts of a development unless the subdivision has received all approvals required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate County office;

5. To submit for recording with a County office any subdivision plat that has not been approved in accordance with the requirements of this Ordinance;

6. To install or use a sign in any way not consistent with the requirements of this Ordinance;

7. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one (1) or more approvals or permits under this Ordinance without obtaining all such required approvals or permits;

8. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one (1) or more approvals or permits under this Ordinance in any way inconsistent with any such approval or permit and any conditions imposed;

9. To violate the terms of any approval or permit granted under this Ordinance or any condition imposed on such approval or permit;

10. To obscure or obstruct any notice required to be posted or otherwise given under this Ordinance;

11. To violate any lawful order issued by any person or entity under this Ordinance; or

12. To continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

Article 11.3 Enforcement, Responsibility and Complaints

1. The responsibility for the enforcement of this Ordinance is delegated to the Planning Director <u>or their designee.</u>

2. If the Planning Director shall find that any of the provisions of this Ordinance are being or have been violated, the Planning Director shall notify in writing the person responsible for such violation, setting forth the nature of the violation and the action necessary to correct it.

Article 11.4 Complaints

1. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a signed written complaint with the Town of Meggett. Such complaint shall state fully the causes and basis thereof.

2. The Planning Director shall properly record such complaint, immediately investigate to determine the validity of the charge, and take whatever action is necessary to assure compliance with this Ordinance.

Article 11.5 Authority

The Planning Director shall have the authority to enter upon the premises subject to this Ordinance for the purpose of enforcing the provisions of this Ordinance.

Article 11.6 Remedies and Enforcement Powers

On behalf of the Town of Meggett, the Planning Director may take anyone (1) or more of the following actions as a remedy for any violation of this Ordinance:

1. Withholding any approvals or permits required by this Ordinance or order other officials to withhold such approval or permits;

2. Issuing stop orders against any work undertaken by an entity not having a proper approval or permit required by this Ordinance;

3. Issuing stop orders against any actions in violation of this Ordinance;

4. Bringing an action for an injunction (or, in appropriate cases, for mandamus) to prevent the violation and/or to prevent the occupancy or use of any site or structure involved in the violation;

5. Bringing an action for injunction or mandamus to abate a violation;

6. Issuing and personally serving on the violator an ordinance summons for violations observed first-hand;

7. Pursuing prosecution of the violation as a misdemeanor.

Article 11.7 Private Enforcement Actions

Any individual who is specifically damaged by any violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land. This is in addition to the right of the County or Town to bring an enforcement action.

Article 11.8 Tree Protection Violations

1. Any person, firm, organization, society, association or corporation, or any agent or representative thereof who commits, participates, or assists in a violation of the Tree Protection and Preservation standards of Art. 9.2 may each be found guilty of a separate offense and suffer the penalties herein provided. Each unauthorized removal, destruction or failure to replace a tree shall constitute a separate offense.

2. Should violations be noted during the course of a project or at final inspection, the Planning Director shall take appropriate actions, including, but not limited to the following:

   A. Requiring replacement of illegally removed trees;

   B. Requiring replacement of required trees that are damaged, diseased, dying, or dead;

   C. Requiring remedial actions to protect trees during construction;

   D. Revoking Zoning Permits; and

   E. Denying Certificates of Occupancy.

3. Nothing herein shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violations.

Article 11.9 Sign Violations

1. Signs Subject to Impoundment:
   In addition to other remedies and enforcement powers of this chapter, the Planning Director or their designee shall have the authority to remove and hold any of the following types of signs or sign structures:

   A. Any prohibited sign is subject to impoundment without notice to the owner;

   B. Any sign that is installed or used in any way that is not consistent with the requirements of this Ordinance, provided that notice has been given as set forth in Sec. 11.3.2 and no action has been taken by the owner within the specified time frame.

2. Recovery of Impounded Signs
   The owner of an impounded sign or sign structure may recover same upon the payment of $50.00 for each sign plus the costs of removal. In the event it is not claimed within ten (10) days from the date of impoundment, the Planning Director shall have authority to dispose of such sign or sign structure without compensation to the owner.

Article 11.10 Violations Continue

Any violation of the previous Zoning Ordinance or Subdivision Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this chapter, unless the use, development, construction, or other activity complies with all applicable provisions of this Ordinance, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before May 28, 1999. Any prior lack of enforcement shall not constitute any degree of recognition, approval or other entitlement.

Article 11.11 Other Enforcement Actions

1. Zoning Map Amendment Requests Zoning Map Amendment applications shall not be accepted or processed when it is evident that a violation of this Ordinance exists on or in the use of land that is the subject of the requested change. The Town Council may, however, after consideration of the specific case, waive this requirement and direct staff in writing to process the application, violation notwithstanding. All documents and fees required for a zoning change application shall be included with the application. Denial of the rezoning application shall be final and the violation shall be removed before further consideration of a change in zoning.

2. Contempt of Planning Commission or Board of Zoning Appeals In case of contempt by any party, witness or other person before either the Planning Commission or the Board of Zoning Appeals, such Board may certify such fact to the circuit court of the County wherein such contempt occurs and the judge of the court, either in term time or vacation, after hearing, may impose such penalty as the facts authorize or require.

3. Other actions
Nothing herein shall prevent the County or Town from taking such other lawful action as is necessary to prevent or remedy any violation.

CHAPTER 12.0: CP-O, CHARACTER PRESERVATION OVERLAY DISTRICT

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CHAPTER 12.0: CP-O, CHARACTER PRESERVATION OVERLAY DISTRICT

Article 12.1 Establishment of the Character Preservation Overlay District
The CP-O Character Preservation Overlay zoning district is hereby established. The regulations of the CP-O district shall supplement the regulations of the underlying districts. In cases where the regulations conflict, the CP-O district regulations shall supersede the underlying district regulations.

Article 12.2 Procedure for Establishment
The CP-O district shall be established, changed, or modified in accordance with the procedures applicable to all zoning districts as described in Chapters 3 and 10 of this Ordinance.

Article 12.3 Intent
The purpose of this Article is to identify, preserve, and protect the historic character of the designated area(s). The existing character of the designated area(s) will be carefully defined and guidelines will be created to ensure that development within the designated area(s) is compatible and consistent with the identified character of the area(s).

Article 12.4 Effect of Overlay District
The CP-O Character Preservation Overlay district regulations of this article apply in addition to the underlying (base) zoning district regulations to impose different development rules for properties within the overlay district. In case of conflict between the regulations of this article and other regulations in this Ordinance, the regulations of this article shall control. Where no special CP-O district regulation is stated in this article, the regulations of the underlying base zoning and all other applicable provisions of this Ordinance shall apply.

Article 12.5 Applicability
The standards of this article shall apply to all development within the CP-O district.

Article 12.6 Special Permit
No reconstruction, alteration, or addition shall be made to any existing structure, nor shall any additional structure be constructed upon a site in the CP-O district unless a special permit has been issued by the Planning Commission with a recommendation from the Board of Architectural Review. Ordinary maintenance and repair for which no building permit is required shall be exempted from this requirement.

Article 12.7 Uses
Uses shall be allowed in the CP-O district in accordance with the following table:

A. An “A” indicates that a use type is allowed by-right in the CP-O district, subject to compliance with all other applicable regulations of this Ordinance.

B. The “S” indicates that a use type is allowed only if reviewed and approved in accordance with the Special exception procedures contained within this Ordinance, subject to compliance with all other applicable regulations of this Ordinance.

C. A “C” means that the use is permitted as a use with conditions (as defined in the Town of Meggett Zoning Ordinance) in the indicated districts.

D. A blank cell indicates that a use type is not allowed in the CP-O district.

USES ALLOWED IN CP-O DISTRICT

PERMITTED USE	AR	OCM
AGRICULTURAL USES		
CROP PRODUCTION	A	
ROADSIDE STANDS	C	
RESIDENTIAL		
ACCESSORY DWELLING UNIT	A	A
SINGLE-FAMILY DETACHED	A	A
GARAGE APARTMENT	A	A
CIVIC/INSTITUTIONAL		
COMMUNITY RECREATION CENTERS	S	S
EDUCATIONAL SERVICES		S
MEDICAL OFFICE	S	A
MUSEUMS & HISTORICAL SITES	S	A
PARKS & RECREATION	S	S
POSTAL SERVICES		A
RELIGIOUS ASSEMBLY	A	A
UTILITY SERVICE, MINOR	A	A
UTILITY SERVICE, MAJOR	S	S
COMMERCIAL		
BANKS/FINANCIAL SERVICES		A
BAR OR LOUNGE		S
BED & BREAKFAST INNS	S	A
CATERING SERVICE	A	A
HOME OCCUPATIONS	C	C
RESTAURANT, GENERAL		A
OFFICES		A
SPECIAL TRADE CONTRACTORS	S	S
RETAIL SALES OR SERVICES		A

Article 12.8 Development Standards

The setback, lot size, lot coverage, density, building height, sign, street, parking standards, and all other subdivision regulations of the Town of Meggett that pertain to the underlying district shall apply, except that the following CP-O district development standards shall supersede the standards of the underlying district.

A. General

1. All elevations shall be in harmony, in terms of scale, proportion, detail, material, color and high design quality.

2. The design continuity of the side and rear elevations of buildings shall be consistent with the front elevation.

3. The scale of the buildings and the accessory structures shall be appropriate to the scale of structures located in the surrounding area.

4. The architectural design and material finish of buildings and other accessory structures shall be compatible with one another and with adjacent and surrounding structures where such structures are substantially in compliance with these requirements.

5. All proposed new structures (excluding outbuildings, accessory structures and sheds) shall contain covered porches.

6. Elevated structures built to meet flood zone requirements shall not be open at the ground floor and shall be enclosed on all four sides with an appropriate (break away) material.

7. Prefabricated buildings and other accessory structures shall be permitted in the CP-O district only if the Board of Architectural Review determines that their architectural style and color are similar to and compatible with surrounding buildings.

B. Building Height

1. No building shall exceed 40 feet in height. Steeples and chimneys are excluded from this requirement.

C. Building Materials and Color

1. Neither unadorned concrete block nor corrugated metal shall be used as primary material for the exterior walls or surfaces of a building. Acceptable adornments for concrete walls include tabby and stucco. Paint is not an acceptable adornment for concrete walls.

2. Primary materials for walls and facades visible from the right-of-way shall be limited to brick, masonry units, wood, glass, and metal accents.

3. Un-painted or bare metal panels shall be prohibited as an exterior building material. {Exception: galvanized metal “standing seam” type metal panels}.

4. The use of vinyl siding as an exterior building material must be approved by the BAR.

5. Materials shall express their function clearly and honestly and shall not appear as materials that are foreign to the character of the rest of the building.

6. Architectural roofing shingles and metal standing seam type or other materials with similar appropriate texture and appearance shall be utilized.

7. Color combination of paints shall be complimentary. In no case shall garish colors be permitted. In general, no more than three different colors per building shall be allowed.

D. Building Orientation

1. All buildings shall be sited so that a direct relationship with the primary street is established.

2. Where it is reasonably practical, proposed structures shall not impede scenic rural views from the main road, from existing structures, or from natural settings.

3. The siting of a structure and development of a parcel shall show an attempt to work with and preserve existing native vegetation and natural features of the site by designing structures and buildings around any such features.

E. Landscaping, Screening and Buffering

1. Landscaping: The majority of plant materials used as part of the development of a site shall be of native species commonly found in the Meggett and Lowcountry areas. Exotic and non-native plant species are discouraged.

2. Screening: All of the following must be screened by either durable materials compatible in design with the surrounding buildings and building materials, or by a maintained vegetated buffer:

   a. Utility connections and equipment shall be enclosed or screened from view from public areas of site, including from parking lots;

   b. Trash containers, compactors, dumpsters, and storage areas shall be placed on a concrete pad and surrounded by a fence or wall enclosure (of not less than the height of trash or storage to be screened);

   c. Loading docks shall be screened from view from the street right-of-way.

3. Public spaces adjoining pasture and/or grazing areas shall have a 50-foot setback and a 25-foot buffer along the property line the public space shares with the pasture and/or grazing area.

F. Tree Protection

1. Clear cutting of both protected and unprotected trees shall be prohibited.

G. Signs

1. One of the following combinations of signs is permitted within the CP-O district:

   a. One (1) freestanding/ground sign and one (1) wall sign. Multi-tenant commercial properties are allowed one (1) freestanding/ground sign and one (1) wall sign per individual tenant; or,

   b. One (1) wall sign limited to one square foot per linear footage of building frontage up to a maximum of 32 square feet in size, mounted above highest window/porch canopy. Multi-tenant commercial properties are allowed one (1) wall sign as described in "b." above and one (1) wall sign per individual tenant.

2. Freestanding/Ground Signs: Freestanding/ground signage shall be limited to monument signs. No sign shall exceed 32 square feet.

3. Wall Signs: Horizontal wall signs are encouraged. No wall sign shall project more than six (6) inches into the public right-of-way. Individual businesses are allowed one wall and multi-tenant commercial properties are allowed one wall sign per individual tenant.

   a. Wall signs shall not exceed 3 square feet per tenant.

   b. Wall signs for individual tenants must be uniform in size and design.

4. Off-premises signs shall be prohibited within the CP-O district.

5. Signs with internal illumination shall be prohibited within the CP-O district, except for temporary usage for Town events. When used for Town events, these temporary signs shall be permitted for a period of not more than 30 days.

H. Fencing

1. Fencing shall consist of vertical wood posts and wood rails running horizontally, with spaces between the rails.

2. Use of barbed wire, hogwire, chain link, cyclone or other metal fabric fencing is prohibited.

I. Building Lighting

1. Property owners and managers are encouraged to safely illuminate building entry/exit locations; however, such areas shall only be illuminated using shielded lighting or off-building lighting that does not generate glare or otherwise allow the light to be viewed directly from off the property.

2. Building walls may be illuminated.

3. No exterior lighting shall be used in a manner which produces a bloom or a direct glare on neighboring property, or which produces an objectionable visual disturbance to obstruct scenic views. All exterior lighting shall be shielded so that the source of light cannot be directly seen from off the property.

4. Any approved exterior lighting shall not be directed onto abutting properties or roadways.

5. Commercial and industrial interior or exterior lighting, including signs, shall not be of such intensity, or located or directed in such a way, as to produce glare or discomfort on public streets or neighboring property.

J. Parking Areas and Driveways

1. All parking for commercial buildings on the west side of SC Highway 165 shall be located behind the building.

2. All parking for the reconstructed railroad depot, located on the East side of SC Highway 165 will be in the front of and to the side of the building.

3. All parking surfaces, driveways, and other site circulation areas for commercial buildings shall be constructed of shell sand over R.O.C. or other suitable permeable surface.

K. Pedestrian Sidewalks

1. Sidewalks shall be provided along the length of any commercial façade abutting parking areas. Such sidewalks shall be located at least four (4) feet from the façade of the building to provide planting beds for foundation landscaping.

2. Sidewalks shall be provided between abutting commercial properties located along SC Highway 165 through the use of walkways or pathways that run along the street front. Such sidewalks shall be located at least four (4) feet from the façade of the building to provide planting beds for foundation landscaping.

3. All sidewalks shall be constructed of approved materials.

4. Curb cuts and ramps shall be provided where necessary to meet the Americans with Disabilities Act.

Article 12.9 Major and Minor Alteration Standards

1. The Board of Architectural Review shall make recommendations of the following types of alterations to the Town Council.

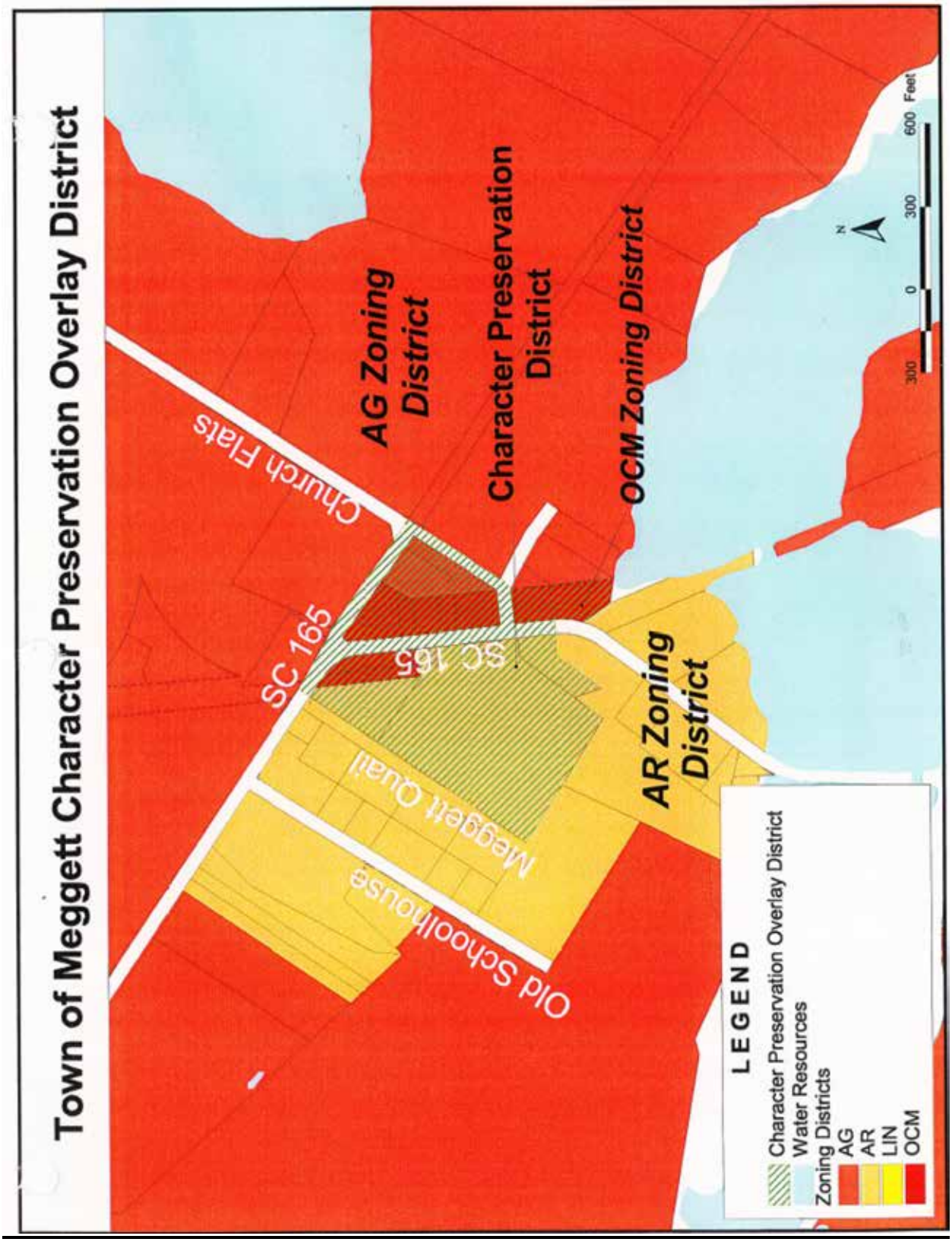
   A. Major alterations, which include the following:
      a) Additions, partial demolitions, or substantial alterations to a building façade;
      b) Change to a more intensive use category as defined in the underlying District;
      c) Installation of four or more parking places;
      d) Removal or radical trimming of large established trees or vegetation, except where necessary for immediate public safety as determined by the Town of Meggett
      e) New construction of 1,000 square feet or more within the CP-O district; and,
      f) Any other alteration or use that the Town Council determines may detract from the historic character of the site or structure.

   B. Minor alterations, including:
      a) Construction, modification, or demolition of accessory structures;
      b) Additions, partial or total demolitions, or substantial alterations to the building facades of non-contributing and intrusive structures within the CP-O district;
      c) Replacement of damaged exterior features with virtually identical materials;
      d) Installation of fewer than four parking spaces;
      e) Installation of signs of less than four square feet;
      f) Any similar alteration or use that does not detract from the character of a site or structure within the CP-O district.

2. The following standards apply to major and minor alterations as defined in this Ordinance:

   A. Any proposed use shall minimize exterior alteration of the site or structure and its environment; uses that require substantial exterior alteration shall not be permitted.

   B. All alterations to commercial properties shall have proven historical basis.


Town of Meggett Character Preservation Overlay District
Church Flats
SC 165
SC 165
Old Schoolhouse
Meggett Quail
AG Zoning District
Character Preservation District
OCM Zoning District
AR Zoning District
LEGEND
Character Preservation Overlay District
Water Resources
Zoning Districts
AG
AR
LIN
OCM
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600 Feet
N

CHAPTER 13.0: TG-O, TOWN GATEWAY OVERLAY DISTRICT

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CHAPTER 13.0: TG-O, TOWN GATEWAY OVERLAY DISTRICT

Article 13.1 Establishment of the Town Gateway Overlay District
The TG-O Town Gateway Overlay zoning district is hereby established. The regulations of the TG-O district shall supplement the regulations of the underlying districts. In cases where the regulations conflict, the TG-O district regulations shall supersede the underlying district regulations.

Article 13.2 Procedure for Establishment
The TG-O district shall be established, changed, or modified in accordance with the procedures applicable to all zoning districts as described in Chapters 3 and 10 of this Ordinance.

Article 13.3 Intent
The purpose of this Article is to identify, preserve, and protect the landscaping and scenic character of the entryway to the Town of Meggett. The existing character of the designated area(s) will be carefully defined and guidelines will be created to ensure that development within the designated area(s) is compatible and consistent with the identified character of the area.

Article 13.4 Effect of Overlay District
The TG-O Scenic Road Overlay district regulations of this article apply in addition to the underlying (base) zoning district regulations to impose different development rules for properties within the overlay district. In case of conflict between the regulations of this article and other regulations in this Ordinance, the regulations of this article shall control. Where no special TG-O district regulation is stated in this article, the regulations of the underlying base zoning and all other applicable provisions of this Ordinance shall apply.

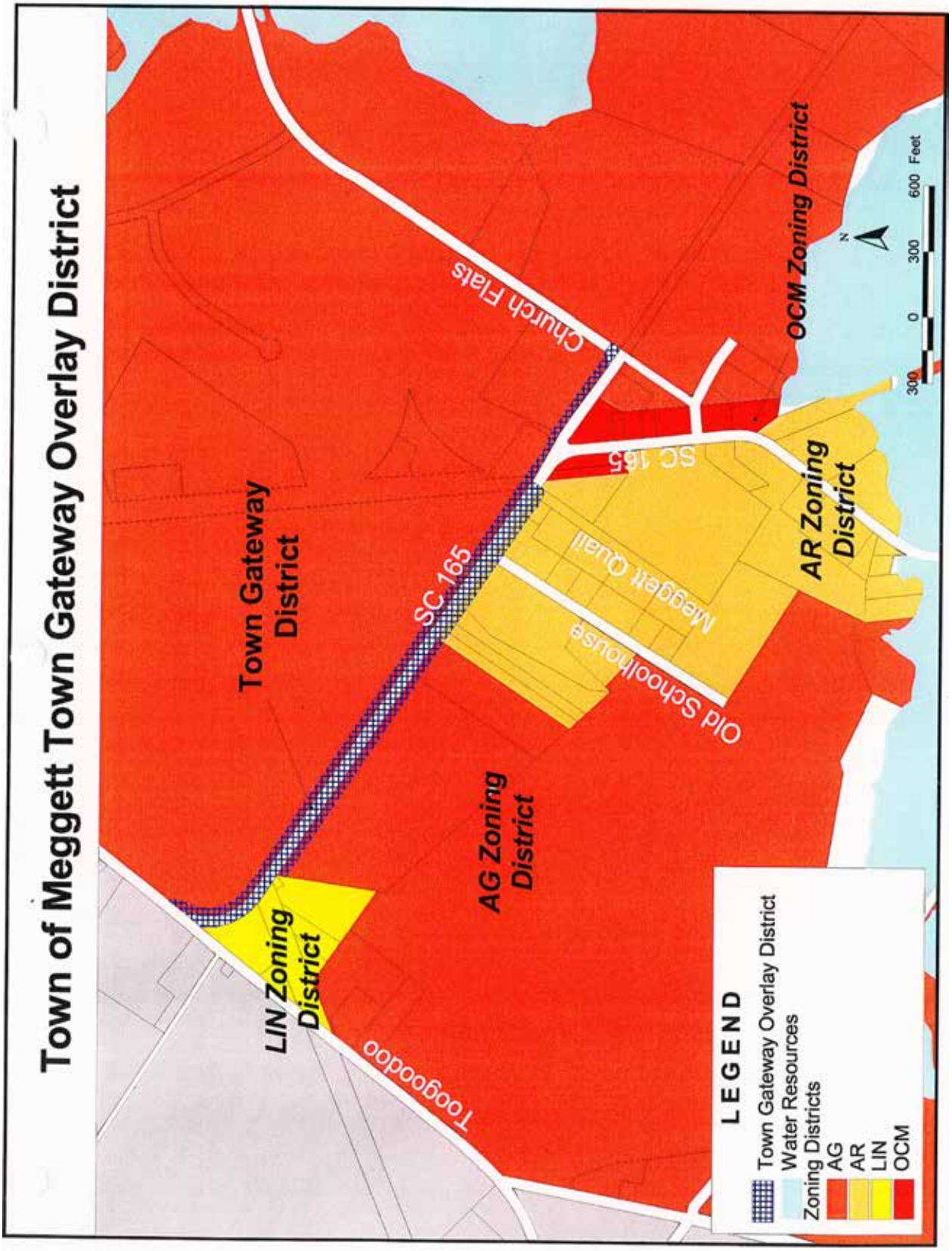
Article 13.5 Applicability
The standards of this article shall apply to all development within the TG-O district.

Article 13.6 Development Standards
The setback, lot size, lot coverage, density, building height, sign, street, parking standards, and all other subdivision regulations of the Town of Meggett that pertain to the underlying district shall apply, except that the following TG-O district development standards shall supersede the standards of the underlying district:

1. All properties located within the TG-O district shall maintain a 35-foot vegetated buffer (from the right-of-way) along all property lines adjacent to SC 165. All vegetation within the buffer shall be native to the Meggett and Lowcountry areas and can include grassed areas.
   A. The following types of trees, when located within the vegetated buffer, shall not be cut down when they have a Diameter at Breast Height (DBH) of 18 inches or greater:
      1. Live Oak
      2. Magnolia
      3. Red Maple
      4. Ash
      5. Cedar

6. American Holly
7. Wax Myrtle
8. Dogwood
9. Red Bud

B. The following are examples of shrub types that may be placed in the vegetated buffer:
1. Azalea
2. Wax Myrtle
3. Sweet Grass
4. Pampas Grass
5. Hydrangea
6. Sparkleberry
7. Myrtle
8. Youpon Holly
9. Pepperbush


Town of Meggett Town Gateway Overlay District
Town Gateway District
Church Flats
SC 165
SC 165
Meggett Quail
Old Schoolhouse
AR Zoning District
OCM Zoning District
AG Zoning District
LIN Zoning District
Toogoodoo
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CHAPTER 14.0: BOARD OF ARCHITECTURAL REVIEW

Article 14.1
There is hereby created, pursuant to Section 6-29-870 of the South Carolina Code of Laws, 1976, as Amended, a Board of Architectural Review for the Town of Meggett whose purpose shall be to oversee, on behalf of the Town of Meggett, (i) the preservation and protection of historic and architectural invaluable districts and neighborhoods, (ii) the preservation and protection of significant or natural scenic areas, and (iii) the protection and preservation of the unique, special and desired characteristics of the Town of Meggett.

Article 14.2
The Board of Architectural Review shall accomplish the purposes set forth above by means of the following restrictions and conditions: the right to erect, demolish, remove in whole or in part, or alter the exterior appearance of, all buildings or structures within the Town of Meggett must have the prior written approval of the Board of Architectural Review. In addition to all of the above, with respect to the erection of any building or structure or the alteration of any building or structure within the Town of Meggett, the Board of Architectural Review shall have the right to approve, with respect to any such structure or building, the scale, height, mass, detail, color and proportion.

Article 14.3
The composition, qualification, organization and operation of the Board of Architectural Review shall be in accordance with Sections 6-29-870 through 6-29-940, South Carolina Code of Laws, 1976, as Amended, and may be further provided by Resolution adopted by the Town of Meggett.

Article 14.4
Guidance Standards – For consistency in policies and decisions, records of the Board's actions should be maintained and held in the custody of the Board of Architectural Review.

Article 14.5
Pre-application review – Drawings, documents and photographs should be submitted to Town of Meggett for an initial review and presentation to the Meggett Board of Architectural Review. This offers the Board input into the project before final drawings are completed. Once completed, Board takes official action on the project to determine appropriateness.

Article 14.6
Standards for Approval – In passing upon an application, the Board of Architectural Review shall 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 the importance to the Town. In passing upon an application for new construction, the Board of Architectural Review shall consider the general design, 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 Board of Architectural Review shall not consider interior arrangement or interior design; nor shall it make

requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of the Town, or which are obviously incongruous with this character.

1. In case of disapproval, the Board of Architectural Review shall state the reasons therefore in a written statement to the applicant and make recommendations in regard to appropriateness of design, arrangement, texture, material, color and the like of the property involved.

2. Among other grounds for considering a design inappropriate and requiring disapproval and re-submission are the following defects: Arresting and spectacular effects, violent contrasts of materials or colors and intense or lurid colors, a multiplicity or incongruity of details resulting in a restless and disturbing appearance, the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure in the case repair, remodeling or enlargement of an existing building or with the prevailing character of the neighborhood in the case of a new building.

3. The approval of an application for the use of land by the Board of Zoning Appeals, Zoning, or the Planning Commission shall not deprive the Board of Architectural Review of any power granted to it in this Ordinance, or in any manner diminish such power.

CHAPTER 15.0: PLANNED DEVELOPMENT DISTRICT

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CHAPTER 15.0: PLANNED DEVELOPMENT DISTRICT

Article 15.1 Description

A "Planned Development," as defined by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended, Code of Laws of South Carolina, Title 6, Chapter 29, is a type of zoning district (PD) and a type of development plan. PD zoning districts are inextricably linked to Planned Development plans, in that no rights of development apply to a PD zoning designation other than those of the approved Planned Development plan.

Article 15.2 Intent

The PD, Planned Development, district regulations of this article are intended to encourage innovative land planning and site design that ensures natural resource and environmental protection, high-quality appearance, open space preservation, the provision of amenities and other town goals by:

A. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designated primarily for development on individual lots;

B. Allowing greater freedom in selecting the means to provide access, light, open space and design amenities; and

C. Promoting quality design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land use arrangements.

Article 15.3 Results

By allowing more flexibility than base zoning districts, the PD district is intended to result in:

A. Greater choice in the type of environment and living units available to the public;

B. More open space;

C. A creative approach to the use of land and related physical development;

D. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs; and

E. Implementation of the Comprehensive Plan.

Article 15.4 Minimum Site Area
The minimum site area for a Planned Development shall be one acre.

Article 15.5 Maximum Density
The maximum density of a proposed Planned Development shall not exceed the maximum density of the base zoning district.

Article 15.6 Planned Development Procedure
This procedure involves a pre-application conference and approval of a PD development plan and PD zoning map amendment.

A. Pre-Application Conference

Before submitting a PD Development Plan for a Planned Development, the applicant shall confer with the Planning Director and any other officials designated by the Planning Director. The purpose of this pre-application conference is to discuss the proposal and the applicable development review and approval procedures.

B. PD Development Plan

1. Application
After the required pre-application conference, a complete application for PD Development Plan approval must be submitted to the Planning Director on a form established by the Planning Director including an approved and recorded plat showing the current property lines of the property/properties to be included in the planned development, a current recorded deed, and all applicable fees. The PD Development Plan application shall include the requested Planned Development Stipulations and Sketch Plan. The Sketch Plan shall be drawn to scale.

a) The following shall be included in the requested Planned Development Stipulations:

i. The name of the planned development, not duplicating the name of any other planned development or subdivision, the final plat of which has been recorded in Charleston County, South Carolina;

ii. A statement of objectives of the proposed development;

iii. The total acreage of the planned development, broken down into total acreage, total highland acreage, total freshwater wetland acreage, and total Critical Line wetland, or marsh, acreage;

iv. A table of proposed land uses including:

   a. A table of proposed maximum and average residential densities for each residential use;

   b. The maximum total acreage of each residential use;

   c. The maximum allowable number of each type of residential unit requested;

   d. The maximum proposed floor area ratios (% of lot in relation to building floor area), and the maximum building/lot coverage for each non-residential use; and

   e. All dimensional and lot standards requested, for each land use type designated.

v. An analysis of the impact of the proposed development on existing public facilities and services (e.g. roads and streets, water, sewer, etc.). Any proposed future improvements to these facilities and services to be made as part of the planned development shall also be included;

vi. A traffic study, if required by Planning Commission and/or Council;

vii. A development schedule with a generalized phasing schedule, if appropriate. The phasing schedule shall include the number of dwelling units, total acreage of each residential use, total gross floor area of each non-residential use, and percentage and acreage of common open space to be included in each phase;

viii. A statement indicating how any common open space/recreation areas will be owned or managed;

ix. A statement indicating how all roads and alleys will be owned and maintained;

x. A statement of inclusion and compliance with processes included in the Town of Meggett Zoning and Land Development Regulations that are not mentioned in the planned development stipulations;

xi. A statement of agreement to proceed with proposed development in accordance with the provisions of these zoning regulations, applicable provisions of the Town of Meggett Comprehensive Plan, and with such conditions as may be attached to any rezoning to the applicable PD district;

xii. A statement that the provisions of Article 10.24, Variances Authorized, of this Ordinance shall not apply to the planned development and that all major changes to the planned development must be approved by Town Council. Tree variances may be granted in accordance with this Article and all other sections of this Ordinance;

xii. Letters of coordination from all agencies from which the applicant must either (1) obtain permits or (2) obtain services and/or facilities; and

xiv. Any other information that the Planning Director determines is necessary to determine whether the application complies with the standards established in this Article.

b) The following shall be included on the requested Sketch Plan. Multiple Sketch Plans may be submitted. Sketch Plans shall be drawn to scale.

i. The general location and amount of land proposed for each land use including single family residential, multi-family residential, institutional, office, commercial, industrial, common open space/recreation, street use, etc.;

ii. Conceptual lot lines;

iii. Pedestrian and motor traffic circulation;

iv. Location, acreage, and type (freshwater or Critical Line/marsh) of all wetlands as they exist prior to development. The location and acreage of all freshwater wetlands to be developed upon shall be indicated;

v. A tree survey to include all Grand trees (Live Oak Trees 24 inches or greater DBH) on residential lots of one acre or less and in road rights-of-way and easements. Tree surveys for non-residential uses shall conform with the standards of this Ordinance;

vi. Architectural elevations for each type of residential and nonresidential unit;

vii. The general location, size, and capacity of all existing and proposed water and sewer lines, other means of waste disposal and water provision;

viii. Areas to be included in each phase of development, including the location of all common open space areas to be included in each phase;

ix. The location of all construction entrances;

x. A Landscaping Sketch Plan including the location and composition of all screening and buffering materials;

xi. Any other information that the Planning Director determines is necessary to determine whether the application complies with the standards established in this Article.

2. Public Hearing Notice
Newspaper, Neighbor, Parties in Interest, and Posted notice of the Town Council's public hearing shall be provided in accordance with the requirements of this Ordinance.

3. Planning Director Review and Report
The Planning Director shall prepare a staff report that reviews the PD Development Plan application in light of the underlying zoning district standards contained in this Ordinance, and all other applicable development standards and planning policies.

4. Planning Commission Review and Recommendation

The Planning Commission shall review the proposed PD Development Plan and adopt a resolution, by majority vote of the entire membership, recommending that the Town Council approve, approve with conditions or deny the proposed development plan. The Planning Commission's recommendation shall be based on the Approval Criteria of Section 15.5.B.6. The Planning Commission shall submit its recommendation to the Town Council within 30 calendar days of the Planning Commission meeting at which the PD Development Plan was introduced.

At any time prior to action by the Planning Commission, the applicant may request that the Planning Commission enter mediation. When mediation is requested, the Planning Commission shall assign one of its members as a representative in mediation proceedings and the Planning Director shall represent the Planning Staff. A majority vote of the entire Planning Commission membership in a public meeting shall be required to accept any mediated settlement. An accepted mediated settlement cannot waive the standards of this Ordinance. Prior to beginning talks, applicable time limits for review and action on complete applications must be extended by mutual agreement of the applicant and Planning Commission.

5. Town Council Hearing and Decision

After receiving the recommendation of the Planning Commission, the Town Council shall hold at least 1 public hearing, and any time after the close of the public hearing, take action to approve, approve with conditions or deny the proposed PD Development Plan based on the Approval Criteria of Section 15.5.B.6. If the Town Council takes action to approve the PD Development Plan, it may establish required time-frames for development of the entire Planned Development and its individual phases, if any.

6. Approval Criteria

Applications for PD Development Plan approval may be approved only if the Town Council determines that the following criteria are met:

a) The PD Development Plan complies with the standards contained in this Ordinance;

b) The development is consistent with the Comprehensive

Plan and other adopted policy documents; and

c) The Town and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed.

Article 15.7 Identification of Zoning Maps
Approved PDs shall be indicated on the official zoning map.

Article 15.8 Compliance with Other Regulations
Unless expressly stated in this section or approved at the time of a Planned Development approval, all applicable standards of this Ordinance shall apply to development within a Planned Development. Planned Developments may provide for variations from other ordinances and the regulations of other established zoning districts concerning use, setbacks, lot area, bulk and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare.

Article 15.9 Common Open Space
All planned developments shall contain a minimum of 0.2 acres of common open space per dwelling unit plus 10% of the land area designated for office, commercial, and/or industrial uses.

A. Common open space area shall be located to preserve any significant resources. Where common open space is designated, the following standards shall apply:

1. The common open space area shall be detailed on each Sketch Plan and recorded with the Final Plat or separate instrument.

2. The proposed common open space shall be usable and appropriate to the size of the development and to the new residents of the planned development. The purpose of common open space is to permit areas, which could otherwise be developed into buildable lots or otherwise sold individually, to provide a significant amenity to the residents who will interact with the open space on a daily basis. It is not the purpose of common open space to permit open space for land that is otherwise unusable on a daily basis by residents. Common open space may include unimproved land, landscaped areas, improved recreation areas, recreational buildings, and structures that are totally accessory to recreational uses, all located within the development. Natural landscapes, may also be considered as open space if preserved and meet the

requirements of subsection C below. "Usable" means that the open space includes uses or facilities that are adaptable to recreational or leisure use and are accessible to the residents of the proposed development or the general public, such as seating areas, picnic shelter, community garden, pedestrian and bicycle trail access to a designated greenway, public square, swimming pools, playing fields, or a new playground. The use or facility must be approved by Town Council in accordance with the approval and conveyance procedures below.

3. The total combined acreage of freshwater wetlands, detention ponds, buffers, and utility easements to be used as common open space shall not comprise more than forty percent (40%) of the common open space requirement as stated in this Section.

4. Land designated as common open space shall not be occupied by streets, drives, parking areas, or structures, other than recreational structures.

5. All property owners in the planned development shall have access to the open space by means of a public or private street or walkway in an easement a minimum of 20 feet in width.

6. Common open space shall be provided within each phase of the planned development in sufficient amounts to serve the expected population of that phase.

7. The common open space shall be conveyed prior to recording the final plat, in accordance with one of the methods listed below. The applicant must have proof of commitment from the entity that will be responsible for the common open space prior to the Planning Commission Meeting for which the case is scheduled.

    a. By dedication to the Town as publicly-owned open space. Parks, open space, and recreation facilities proposed for dedication to the Town must be acceptable to the Planning Commission, Town Council, and other governmental entities with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and budgetary and maintenance terms; or

b. By leasing, conveying, or retaining title (including beneficial ownership) to a corporation, homeowner's association or other legal entity. The terms of such lease of other instrument of conveyance must restrict the use of the area to open space/recreational uses.

CHAPTER 16.0: SUBDIVISION REGULATIONS

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CHAPTER 16.0: SUBDIVISION REGULATIONS

Article 16.1 General

The purpose of these subdivision regulations are to promote the public health, safety, economy, good order, appearance, convenience, morals and general welfare which requires the harmonious, orderly, and progressive development of land within the Town of Meggett.

Article 16.2 Applicability

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

16.2.1 Approval or Exemption

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

16.2.2 Grandfather Clause

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

16.2.3 Procedural Exemptions

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

1. The combination or re-combination of portions of previously platted and recorded lots where the total number of lots is not increased and all lots or residual parcels thus created comply with all applicable requirements of this Ordinance. Deeds and plats shall be recorded simultaneously.

2. The public acquisition of land for right-of-way, drainage easements or any lot on the parcel created there from.

3. When contiguous properties are to be divided for the purpose of exchanging or trading parcels of land. Deeds and plats shall be recorded simultaneously.

4. Where a parcel of land is proposed to be used as the site for a utility substation, power line easements or right-of-way, pumping station, pressure regulating station, electricity regulating substation, gas pressure control station, or similar facilities.

5. Where properly platted lots or parcels are created and approved by judicial action.

6. The division of land into parcels of five acres or more when no new street or easement is involved.

16.2.4 Design Standard Exemptions

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

1. Was or is surveyed and platted in accordance with prescribed standards;

2. Has the approval of the Health Department; and

3. Contains no drainage ways or easements needed to drain surrounding properties, as determined by the Public Works Director.

Article 16.3 Subdivision Plat Definitions

The "General" procedural requirements and standards of Art. 3.1 shall apply to the subdivision plat procedures of this section.

16.3.1 Minor Subdivision

A minor subdivision is division of any tract of land into ten (10) or fewer lots, provided that:

1. No public street right-of-way dedications are involved;

2. The Public Works Director does not require a Preliminary Plat for drainage easement;

3. The lots meet Health Department requirements for sewage disposal. Need individual wastewater disposal systems or public sewer taps provided to each lot.

4. No new or residual parcels will be created that do not comply with all applicable requirements of this Ordinance.

5. Letters of Coordination, concerning all public services. (Fire, schools, etc.) are required that acknowledge that the Town and other agencies will be able to provide necessary public services, facilities and programs to service the development proposed, at the time the subdivision plat is processed. SCDOT will specify the number of lots.

6. Encroachment permits are required for each lot created or identify the number of lots within the subdivision.

16.3.2 Major Subdivision

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

Article 16.4 Minor Subdivision Review and Approval Process

The one (1) required step in the Minor Subdivision process is Final Plat review and approval. Applicants for minor subdivision are *strongly encouraged* to schedule and attend a Preapplication Conference prior to filing for a minor subdivision. Preapplication conference applications for minor subdivisions shall be submitted to the Planning Department on forms available in the Planning Department. Preapplication Conferences are not mandatory for minor subdivisions.

Article 16.5 Major Subdivision Review and Approval Process

The three (3) required steps in the application process for a major subdivision are:

1. Schedule and attend a Preapplication Conference prior to filing for a major subdivision;
2. Preliminary Plat review and approval; and
3. Final Plat review and approval.

Each step of the process shall be completed before initiating the next step.

16.5.1 Preapplication Conference

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

The following items should be considered before attending the preapplication conference.

A. The proposed means of access to a public road;

B. Surrounding land uses;

C. All adjacent roads;

D. A preliminary map of natural resources present on the subject property and surrounding property; and

E. A conceptual layout of the proposed subdivision, which shall be overlaid on the preliminary natural resources map and which shall show streets, lots, parks and other facilities.

16.5.2 Preliminary Plat Review

Preliminary Plats shall be required for all Major Subdivisions.

1. Applications for Preliminary Plat approval shall be submitted to the Planning Department on forms available in the Planning Department. Ten copies of the Preliminary Plat shall be filed with the application.

2. Preliminary Plats shall be drawn to scale no smaller than 1" = 200'. Where large areas are being platted, they may be drawn on 1 or more sheets, 22 inches by 34 inches in size. For small areas being platted, a scale of 1" = 100' shall be used.

3. Even though an applicant intends to subdivide only a portion of a parcel or tract of land initially, the Preliminary Plat shall show a proposed street and lot layout, drainage plan and other requirements for the entire parcel or tract of land in which such portion is contained; except that the Planning Director, with the recommendation of the Public Works Director, may waive this requirement on a finding that such a complete layout is not necessary to carry out the purposes of these regulations.

4. The following information shall be required on each plat:

   A. The courses and distances of the perimeter of the land involved shall be shown with the courses marked to show which are actual field observations and which are computed.

   B. References to a known point or points such as street intersections and railroad crossings shall be shown.

C. The total acreage of the land involved in the subdivision and the acreage above the Office of Coastal Resource Management Critical Line. Date of critical line certification shall be indicated. (Aerial photography may not be used to determine OCRM critical line location)

D. The names of adjacent land owners and streets where known or available shall be given (with the tax parcel numbers) and all intersecting boundaries or property lines shall be shown.

All proposed lots are to identify a minimum buildable area of 40x40, as not to create any undue hardship as to building a structure.

E. Proposed divisions to be created shall be shown, including the right-of-way widths, roadway widths, and names of streets; the locations of proposed utility installations and utility easements; lot lines, dimensions and angles; sites reserved or dedicated for public uses; and sites for apartments, civic/institutional, commercial and industrial uses.

F. The title, scale (including graphic scale), north arrow (magnetic, grid, or true), date, name of subdivider and the name of engineer or surveyor with South Carolina Registration Number shall be shown.

G. All existing physical features of the land, including contours, drainage ditches, roads and wooded areas shall be shown. The contour interval shall be 1 foot, unless otherwise approved in advance of submission by the Public Works Director. All contour information shall be based on mean sea level datum and shall be accurate within 1/2 foot. The Bench Mark, with its description, and the datum used for the survey shall be clearly noted on the plat.

H. General drainage features, including proposed drainage easements and detention/retention basins. Proposed cuts and fills shall be shown. Also the proposed direction of drainage on each street, ditch and lot shall be indicated by the use of arrows and proposed street names.

I. The location of required landscape buffers, which shall not be located within drainage easements unless expressly approved by the Public Works Director.

J. Jurisdictional wetlands on lots less than five acres, with the date of certification.

K. A signature block on the plat signed by the owner(s) of the property and notarized indicating that the proposed preliminary plat being put forth is an action of the owner, heirs thereto or assigns.

L. Proposed subdivisions encompassing 100 or more acres of land area shall provide a master plan showing the general layout of future development of the entire tract and on adjacent lands that are under common ownership or control. This master plan shall provide a generalized description and plan that addresses the following future development considerations: traffic circulation, drainage, environmental preservation, utility placement, land use, density and any areas that are to remain undeveloped.

M. The engineer and/or surveyor who prepared the Preliminary Plat shall affix their seal(s), name(s), and South Carolina Registration Number(s). Only engineers or surveyors registered in the State of South Carolina shall attest and fix their seal on the Preliminary Plat.

N. Letters of Coordination are required that acknowledge that the Town and other agencies will be able to provide necessary public services, facilities and programs to service the development proposed, at the time the subdivision plat is processed.

5. Accompanying Data

A. The Preliminary Plat shall be accompanied by a statement of location, availability of and distance from the nearest public water supply and public sanitary sewers.

B. The Preliminary Plat shall be accompanied by a statement indicating what provisions are to be made for water supply and sewage disposal.

16.5.3 Sight Lines for Inspection

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

16.5.4 Review Process

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

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

16.5.5 Effect of Preliminary Plat Approval

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

16.5.6 Lapse of Preliminary Plat Approval

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

16.5.7 Appeals

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

16.5.8 Construction Plans

After approval of a Preliminary Plat and before commencing any work within the proposed subdivision (including land clearing and grading), road plans and profiles and a detailed drainage plan prepared by an engineer registered in the state of South Carolina shall be submitted to the Public Works Director for review and approval in accordance with Section 6.2 of this Ordinance.

16.5.9 Inspections

1. Subdivision plats that are submitted for review are field inspected by Planning and Public Works staff to ensure compliance with any applicable Ordinance requirements and town standards.

2. When no public sewer is provided to the proposed lot, a representative of South Carolina Department of Health and Environmental Control will visit the site and test the soil for minimum septic system requirements.

3. Where subdivision streets and/or drainage ways are being constructed, the site will be inspected per Section 6.2 of this Ordinance.

4. Clearing and grubbing permits are required prior to any land disturbance, to ensure that tree barricades are in place.

16.5.10 Final Plat

1. Applicability

Final Plats shall be required for all Subdivisions

2. Application

   A. Applications for Final Plat approval shall be submitted to Planning Department. Ten copies of the Final Plat shall be filed with the application for the initial review. Ten copies of the Final Plat shall be submitted for recording after final approval has been granted.

   B. In the event that a public road has been built or other infrastructure has been installed, certification shall be submitted from the design engineer that the subdivision's road and drainage infrastructure has been constructed in accordance with the approved plans.

C. The Final Plat shall be drawn in ink on a material specified by the Register of Mesne Conveyance on sheets 22 inches by 34 inches in size at a scale of 1 " = 100' or larger. Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.

The Final Plat shall show the following:

D. Location of the property.

E. All property lines with accurate bearings or deflection angles. If a control traverse is run between any two (2) points on any property lines, then it shall be noted. For property lines which are curves or are in part curves, the arc length shall be shown. Also, in dashed lines, the chord length from property corner to property corner along the curve shall be shown with appropriate bearings and angles.

F. Curve data for all curves consisting of the Delta angle, the tangent distance, the length of curve, the radius, and the Chord distance and bearing.

G. The location of all points of curvature and tangency.

H. The location of points of intersection where circular curves are not used.

I. Block and lot numbers suitably arranged by simple system.

J. All easements shall include their width and centerline.

K. The Office of Coastal Resource Management Critical Line.

L. The U.S. Army Corps of Engineers' jurisdictional wetlands line on lots less than five acres.

M. Tree Surveys on lots of one acre or less, to include Grand trees on the entire lot. Tree surveys of Grand trees may be requested upon site inspection if lots greater than one acre appear to be unbuildable due to the presence of Grand trees. See Article 12.1 of this Ordinance for Grand Tree definition.

N. A vacant block shall be provided on each page of the plat that is 3 inches by 8 inches in dimension for Town of Meggett approval stamps and notations.

O. Tree surveys are required within all access easements and rights-of-way of all Grand trees.

P. At the Planning Directors discretion, the applicant/surveyor may be required to demonstrate buffers and setbacks on lots less than one acre in size or on newly created lots that may appear to have encroachment of structures into a setback.

All proposed lots are to locate a minimum buildable area of 40x40, as not to create any undue hardship as to building a structure.

3. Certificates:

A. A surveyor's certificate of accuracy and plat stated thus: "I, (name of surveyor), a registered surveyor of the State of South Carolina do hereby certify that to best of my knowledge, information, and belief, the survey was made in accordance with the requirements of the requirements of Minimum Standards manual for the practice of land surveying in the State of South Carolina, meets and exceeds for a Class (class of survey example Class A) survey as specified therein". The unadjusted field measurement of lots and blocks shall be accurate within the standards set forth in the minimum Standards Manual of the South Carolina Board of Engineering Examiners.

B. A statement of dedication by the property owner of streets, right-of-ways, easements, and any other sites for public use. If any change in ownership is made subsequent to the submission of the plat and prior to the granting of final approval, the statement of dedication shall be corrected accordingly.

C. The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.

4. Accompanying Data

A. A certificate of title or a sworn affidavit establishing the ownership of the land to be recorded. If any change in ownership occurs subsequent to the date of the certificate to title or affidavit and prior to the granting of final approval, a new certificate of title or sworn affidavit establishing the ownership of the land shall be submitted to the decision-making body.

B. In subdivisions where existing public water and public sewer systems have been extended and or a new system installed, a certification of inspection from the South Carolina Department of Health and Environmental Control shall be submitted.

C. Restrictive Covenants Affidavit.

D. Encroachment Permits from SCDOT

5. Certification of Approval
When the decision-making body has approved the plat, a certificate noting such approval and carrying the signature of the Director of Planning, shall be placed on the original drawing of said plat.

6. Statements on Plat

A. The following five (5) plat notes shall be placed on all plats where lots do not have access to a road within a publicly maintained system:

1. Any future subdivision of this parcel, or road construction or extension of the existing roads shown hereon shall require compliance with the Town of Meggett ordinances.

2. It is hereby expressly understood by the property owner, developer or any subsequent purchaser of any lots shown on the plat that the Town of Meggett is not responsible for the maintenance of the streets, roads, common areas, drainage systems and any other municipal services which include but not limited to garbage disposal, public sewage, fire protection or emergency medical service.

3. Be aware that the Town of Meggett is not responsible for drainage and flooding problems relevant to the real property and emergency vehicles may have difficulty accessing the property.

4. No public funds shall be used for the maintenance of the roads shown on the plat.

5. This approval in no way obligates the Town of Meggett to maintain the right-of-way.

B. The Planning Commission reserves the right to require additional statements to be placed upon the plat if the proposed subdivision does not meet all requirements of the Subdivision Regulations. These notes shall be included in the approval of the final plat.

16.5.11 Final Plat Review

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

2. Acceptance of Dedications
Approval of a Final Plat shall not constitute acceptance of any public improvements. Such acceptance will require Council acceptance of dedication. Once approved, a Certificate of Dedication Acceptance shall be attached to copies of the approved plat, which shall be provided to the developer.

3. For any public dedication, a warranty deed for the transfer of the right(s)-of-way(s), easement(s), or other sites for public use to the Town on legal documents of the form suitable to the Town must be approved.

4. A statement that any easement for utilities or other encroachments in the area to be dedicated for streets, highways, drainage, or other public or private use are subject to a binding provision that the costs of future relocation of any such encroachments due to the construction or maintenance of public improvements shall be borne by the holder of the easement and/or utility company.

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

16.5.12 Appeals

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

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

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

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

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

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

Article 16.6 Lot Design

Standards for lot design.

16.6.1 Layout and Design Generally

Lots shall be laid out and designed to provide buildable area on each lot, while complying with all other standards and requirements of this Ordinance.

16.6.2 Size

A. Lots shall comply with the lot area standards of the underlying zoning district and all other applicable standards of this Ordinance.

B. Depth of residential lots shall not exceed five times the width of the lot (a 1:5 ratio).

C. The Planning Commission may allow the lot width to depth ratio of 1:5 to be exceeded when any of the following conditions occur:

1. When attached dwellings are proposed;

2. Where additional depth is provided for marsh frontage lots when the lot width depth ratio is met and the property line is extended into the marsh or the property is bisected by or fronts on freshwater wetlands;

3. A Minor Subdivision of a parent tract, provided the following requirements are met:

a. The minimum lot frontage for each lot is not less than 250 feet;

b. In no case shall the average lot width be less than 250 feet with the minimum lot width at any one point less than 200 feet;

c. The property to be subdivided is located in RC, AG, AR, OCM, LIN ZONING DISTRICT; or

4. All of the following criteria are met:

a. The parcel meets all the requirements of this Ordinance;

b. The parcel is a lot of record;

c. The applicant has submitted to staff a complete subdivision application and approval from SCDHEC for water and wastewater compliance prior to applying for this exemption.

D. Prescribed lot width requirements shall be for at least two-thirds of the depth of the lot.

16.6.3 Road Standards

All lots shall be provided with access in accordance with this Section.

A. Introduction

The private road standards provide the landowner/developer flexibility to determine the level of access and service provided to lots being created. The private road standards require the landowner/developer to be responsible for the extent and quality of property access and drainage. The landowner/developer is responsible for the establishment of standards for design, construction, and maintenance of the roadway and drainage systems and for items such as access for emergency service vehicles, school buses, mail couriers, and coordination of utilities. Note that public services are not guaranteed by the Town of Meggett

The private right-of-way shall be dedicated to a legally recognized or chartered entity. Private right-of-way shall not be dedicated to the public. Further, the Town of Meggett is neither obligated nor responsible for private right-of-way maintenance.

B. Landowner/Developer Responsibilities

The landowner/developer is responsible for determining the type of access to be provided for the subdivided property. The landowner/developer shall be responsible for oversight and coordination of design and construction and for obtaining required approvals or permits from the appropriate agencies.

The landowner/developer is responsible for informing prospective property owners, whether solicited or unsolicited, of all conditions and responsibilities, or lack thereof, that have been placed on the property.

If access or drainage connects with a Town or County right-of-way or easement, an encroachment permit shall be obtained prior to construction.

C. Ingress/Egress Easement (Maximum of 10 Lots)

Additional Landowner/Developer Responsibilities:
The landowner/developer shall determine the location of easement(s) and the type of access to be provided. The location of the easement(s) shall be clearly depicted and labeled on submitted plats or plans.

D. Private Right-of-Way Constructed and Dedicated to an HOA

1. Road Standards:
   a. All subdivisions of 10 lots or less, excluding ingress/egress easements, shall comply with the following Secondary Rural Road Standards:

      Surface: earth (not all weather)
      Minimal drainage (only roadside or sheet flow)
      Travel way minimum width of 20 feet
      Lot drainage is each owner's responsibility

   b. All subdivisions of between 11 and 24 lots shall comply with the following Secondary Rural Road Standards:

      Surface: earth, rock, or pavement
      Minimal drainage with outfall (only for the roadway)
      Travel way minimum width of 20 feet
      Lot drainage is each owner's responsibility

   c. All subdivisions of 25 lots or more shall comply with the following Primary Rural Road Standards:

      Travel way minimum width of 21 feet
      Surface: rock or pavement
      Drainage plan required for property and roadway system
      Open ditch drainage system
      Lot drainage is each owner's responsibility

2. Additional Landowner/Developer Responsibilities:
   The landowner/developer shall determine the location and size of rights-of-way to be provided and the standards for the design and construction of the roadway and drainage systems. The landowner/developer shall secure the necessary licensed, professional personnel to prepare designs, obtain required approvals and permits, and oversee construction.

E. Design Professional Responsibility

The design professional-of-record must be currently registered to practice in the State of South Carolina.

F. Construction Plan Submission

Roadway and/or drainage construction plans shall be submitted to the Public Works Department for informational purposes prior to construction. The submission shall include three sets of the construction plans and specifications, and a copy of all required regulatory permits.

Subsequent plan revisions shall also be submitted prior to construction incorporation.

G. Inspection

All roadway and drainage work should be inspected by the Public Works Director for compliance with the submitted plans and specifications. The inspections will be performed to provide construction documentation.

The landowner/developer shall give a one-week notice prior to beginning work at the site. After the initial notice, a 24-hour notice shall be given prior to beginning each operation (or continuing an operation when the work has been disrupted for more than one work-day).

H. Certification from the Design Professional

The design professional shall provide a written statement certifying that to the best of his knowledge, the road and drainage infrastructure has been constructed in accordance with the submitted plans.

I. Plat Notes

Notes shall be placed on the plat in accordance with Section 5.10 of this Ordinance.

The following five (5) notes shall be placed on the plat:

1. Any future subdivision of this parcel, or road construction or extension of the existing roads show hereon shall require compliance with the Town of Meggett ordinances.

2. It is hereby expressly understood by the property owner, developer or any subsequent purchaser of any lots shown on the plat that the Town of Meggett is not responsible for the maintenance of the streets, roads, common areas, drainage systems and any other municipal services which include but not limited to garbage disposal, public sewage, fire protection or emergency medical services.

3. Be aware that the Town of Meggett is not responsible for drainage and flooding problems relevant to the real property and emergency vehicles may have difficulty accessing the property.

4. No public funds shall be used for the maintenance of the roads shown on the plat.

5. This approval in no way obligates the Town of Meggett/Charleston County to maintain the right-of-way.

J. Letters of Coordination
Letters of Coordination are required for all roads which acknowledge that the Town and other agencies will be able to provide necessary public services, facilities, and programs to service the development proposed, at the time the subdivision plat is processed.

16.6.4 Flag Lots

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

1. Permitted Uses of Flag Lots

A. A flag lot may be utilized to facilitate subdivision of a long narrow parcel that has sufficient area but insufficient width to be otherwise subdivided.

B. A flag lot may be used to eliminate multiple access points to collector or arterial roads.

C. A flag lot may be used when the buildable area of a parcel is restricted due to the presence of a natural resource or the irregular shape of a parcel.

2. Prohibited Use of Flag Lots

A. Flag lots shall not be used to avoid the development of streets otherwise required by this Ordinance when the effect of such flag lots would be to increase the number of access points (driveways) on a publicly dedicated road right-of-way.

3. Standards for Flag Lots

A. Flag lots shall take direct access to streets that comply with the standards of this Ordinance.

B. The area within the flagpole portion of a flag lot shall not be counted as lot area for the purpose of meeting the minimum lot area requirements of this Ordinance.

C. As a condition of approval of a flag lot, decision-making bodies may require an access easement to be placed on the flag lot to allow the adjoining parcel to share access to the road.

D. Flagpole portion of the flag lot must be at least 20 feet in width for the entire depth, and the depth or length of the flag pole shall not exceed 450 feet.

E. As a condition of approval for a flag lot, an encroachment permit must be obtained from the appropriate agency governing access, and an Access Easement Agreement for shared access between the owner of the flag lot and the lot from which the flag lot was created is recorded in the Office of the Charleston County Register of Mesne Conveyance.

Access

A**.** Double-frontage lots shall be avoided except where essential to provide separation of residential development from major roadways or to overcome specific disadvantages of topography and orientation. An easement with a minimum width of ten feet may be required to restrict access from the major street or other area.

B. All lots shall be provided with a means of access in conformance with the standards and specifications of this Ordinance.

C. All flag lots, cul-de-sac lots, and privately accessed lots shall comply with the International Fire Code.

Article 16.7 Street Names, Street Signs

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

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

Article 16.8 Wetlands

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

Article 16.9 Drainage and Stormwater Management

Applicable Regulations and Standards- Stormwater improvements shall meet all applicable state and federal regulations. Those regulations require that the stormwater system meet water quality and water quantity standards and that no property be adversely affected by the stormwater runoff from the development.

Article 16.10 Soil Information

A. Soil Erosion Control

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

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

Article 16.11 Utilities

A. The developer shall arrange to install all necessary utilities (water, sanitary sewer, electricity, telephone, street lighting, or cable TV) as part of the development, or appropriate space must be allocated for future installation.

B. Placement of utilities under the roadway surface will be considered on a case-by-case basis by Public Works. All electrical, telephone, cable television and similar distribution lines providing service to a development site should be installed underground.

C. Lawn sprinkler systems are acceptable only if the design and installation is authorized by encroachment permit by Public Works.

Article 16.12 Encroachments

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

1. A permit authorizing the encroachment is acquired from the Public Works Department, and/or SCDOT;

2. The encroachment meets safety requirements;

3. The encroachment does not prevent normal maintenance operations and the Town and County are relieved of all damage liability resulting from maintenance;

4. The encroachment will be properly maintained by the permittee;

5. The permittee agrees to temporarily or permanently relocate/remove the encroachment when requested by the Public Works Director, at no cost to the Town or County.

Article 16.13 Water Supply and Sewage Disposal

1. In accordance with South Carolina Department of Health and Environmental Control Regulations, all subdivisions shall be served by approved public water and public sewerage systems, if accessible for connection or, if in the opinion of the South Carolina Department of Health and Environmental Control, the public's health and the environment would best be protected by the installation of such systems.

2. Where public sewer is not available, all buildable lots must meet minimum soil requirements established by South Carolina Department of Health and Environmental Control and only individual on-site systems shall be permitted. Privately owned or operated community wastewater systems for the use of two or more dwelling units shall not be permitted.

Article 16.14 Fire Protection

In situations where public water systems with fire hydrants are not available, developers may be required to provide dry hydrants which can utilize ponded water from lakes, ponds, streams, detention/retention basins or other sources. Dry Hydrant design information may be obtained by contacting the U.S. Department of Agriculture, Natural Resources Conservation Service.

Article 16.15 Markers

Standards for markers.

16.15.1 Placement

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

16.15.2 Type

Markers shall be one of the following types:

A. A reinforced concrete marker with a brass or copper pin in the top. Concrete markers shall be a minimum of 3 feet long and have a minimum cross sectional area of 9 square inches. They shall protrude above the ground not less than 2 inches and not more than 6 inches.

B. An iron pipe or pins having a minimum diameter of 3/4 inches hollow or 1/2 inches solid steel. Such iron pins will be a minimum of 2 feet in length and shall extend above the ground at least 1 inch.

16.15.3 Timing

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

CHAPTER 17.0: DEFINITIONS

For the purpose of these regulations, the following definitions shall apply, certain words and terms used herein are defined as set forth in this Section. If not specifically defined herein, words and terms shall be defined in Merriam-Webster's Collegiate Dictionary, 11th Edition.

ACCESSORY - A use, structure, or part of a structure customarily incidental and subordinate to the principal use of a zoning lot or of a structure. Accessory uses will include, but are not limited to the following:

1. Barn, shed, tool room, or other similar subordinate building or structure for domestic or agricultural storage;

2. Home tennis court; swimming pool;

3. Private recreation areas in connection with the principal use;

4. Other subordinate or incidental uses customarily considered as being appropriate in connection with the principal use of the lot.

An accessory use is located on the same zoning lot as the principal use, except in the case of off- street parking, temporary real estate sales office and temporary construction facilities.

ACCESSORY DWELLING UNIT - A dwelling unit that has been added to, onto, or created within, a single family house. This definition includes garage apartments.

ADMINISTRATIVE DECISION – Any order, requirement, decision, or determination by the Town of Meggett Planning Director or their designee relating to the administration or enforcement of the Town of Meggett Zoning and Land Development Regulations.

ADULT DAY CARE FACILITY - A facility licensed by the South Carolina Department of Health and Environmental Control (DHEC) for adults 18 years of age or older, which offers in a group setting a program of individual and group activities and therapies. The program is directed toward providing community-based day care services for those adults in need of a supportive setting. The program shall provide a minimum of four and a maximum of 14 hours of operation a day. (See S.C. DHEC Regulation 61-75, Standards for Licensing—Day Care Facilities for Adults)

AGRICULTURE - The use of the land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the accessory uses of packing, treating, or storing of produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the principal agriculture use.

AGRICULTURAL PROCESSING - The preliminary processing and packaging of agricultural products, such as a packing shed. Agricultural processing shall not include slaughterhouses, butcheries, tanneries or rendering plants.

AGRICULTURAL SALES AND SERVICE - An establishment engaged in the retail or wholesale sale from the premises of feed, grain, fertilizers, pesticides and similar goods.

ALLEY - A minor vehicular way used primarily for access to the side or rear of properties.

ALTERATION, STRUCTURAL - Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, or in the dimensional or configurations of the roof or exterior walls. Structural alterations shall not include the application of exterior siding to an existing building for the purpose of beautifying and modernizing.

ANIMAL AQUACULTURE - Land devoted to the hatching, raising, and breeding of fish, shrimp or other aquatic animals for commercial purposes. Animal aquaculture shall include those accessory uses and activities customarily associated with this type of operation, as determined by the Planning Director.

ANIMAL PRODUCTION/LARGE ANIMAL PRODUCTION - The raising of animals on pasture land or production of animal products on an agricultural or commercial basis. Animal Production shall include those accessory uses and activities customarily associated with this type of operation, as determined by the Planning Director. Animal Production shall not include concentrated animal feeding operations, slaughterhouses or butcheries.

APPLICATION, COMPLETE - An application for development review and approval that: (1) has been submitted in the required format; (2) includes all information required by this Ordinance to be submitted for the subject application type; and (3) is accompanied by the required fee.

ARBORIST, CERTIFIED - A person certified by the International Society of Arboriculture.

AVIATION - Airports, landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Aviation also includes facilities for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation.

BANNER – A strip of cloth containing a message or advertisement.

BAR (OR LOUNGE) - A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, where 25 percent or more of the gross receipts are for sale of alcohol. This use includes taverns, cocktail lounges, and any member exclusive bars or lounges.

BARN – A farm building used for storing farm products or sheltering livestock. This term excludes an residential use or non-agricultural use.

BASE COURSE - The layer or layers of specified or selected material of designated thickness or rate of application placed on a subbase or subgrade to comprise a component of the pavement structure to support the pavement or subsequent layer of construction.

BED AND BREAKFAST - A portion of an owner -occupied dwelling unit or detached accessory structure, not exceeding one-third of the principal structure's floor area, offering transient lodging accommodations with or without breakfast to paying guests.

BERM - A man-made landscape feature generally consisting of a linear mound of soil. Temporary soil stockpiles and retaining walls shall not be considered a berm.

BOAT SLIPS - A docking space alongside a pier, wharf or mooring dolphins in which boat may be moored. For purposes of this ordinance and in the absence of an authorized quantity of boat slips by state and federal regulating agencies, a boat slip will be considered a minimum length of 25 feet for side mooring and 15 feet for stern moorings.

BOATYARD - A basin or marine terminal that provides space, docks, moorings and related facilities and services for six (6) or more boats, including pleasure and commercial craft. This includes the sale, repair and building of boats.

BRIDGE - A structure, including supports, erected over a depression or an obstruction; e.g., water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads.

BUFFER AREA/SCREENING, LANDSCAPE - On any lot of record required to provide screening, an area or areas measured from the property lines(s) inward up to a minimum width established in this Ordinance.

BUFFER, WETLAND – An area (width defined in this Ordinance) providing a visual, spatial, and ecological transition zone between the OCRM Critical Line and land development. The wetland buffer is designed to protect water quality and wildlife habitat.

BUILDING – Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, plant, process, equipment, goods, or materials of any kind. When a portion thereof is completely separated from every other portion by a dividing wall (or firewall when applicable) without openings, then each such portion shall be deemed to be a separate building.

BUILDING CODE – The building code of Charleston County.

BUILDING COVER – The proportion, expressed as a percentage, of the area of a zoning lot covered by all buildings located thereon, including the area covered by all overhanging roofs.

BUILDING HEIGHT - The vertical distance between the base flood elevation, or ground level if the structure is not in a Flood Hazard Area as defined by the Federal Emergency Management Agency (FEMA), and: (1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or (2) the highest point of a mansard roof; or (3) the highest point of the coping of a flat roof.

BUILDING PERMIT - An official document or certificate issued under the Charleston County Building Code for any carpentry, masonry, roofing, or related construction or repair. A building permit is not required for construction under $2500.00, unless the construction or repair involves a structural modification or work done by a contractor.

BUILDING, PRINCIPAL - A building in which is conducted the principal use of the zoning lot on which it is situated. In a Residential District, any dwelling shall be deemed to be a principal building.

CANOPY TREE - A tree, with a diameter of at least two and one-half inches (as measured six inches above grade) at the time of planting, which will grow to a minimum height of 50 feet at maturity.

CARETAKER - An individual or family who resides on premises as an accessory use for the purpose of maintaining, protecting, or operating a permitted principal use on the premises.

CATERING SERVICE - An establishment that prepares and provides food and related services to off-premises locations.

CAUSEWAY - An earthen structure with at least one side adjacent to a depression, wetland, or marsh that supports a track or passageway for carrying traffic or other moving loads.

CEMETERY - Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CENTER LINE OF STREET - The line surveyed and monumented as the center line of the street; or if such center line has not been surveyed, it shall be the line running midway between the curbs or ditches of such street.

CHARTER BOAT (OR OTHER RECREATIONAL WATERCRAFT RENTAL) - A land-based operation primarily for the rental or leasing of boats or other recreational watercraft. Any operation that is associated with a marina or provides direct water access shall be considered a Water-Dependent Use (Article 5.3).

CHILD DAY CARE FACILITY - A facility or dwelling unit that regularly (more than twice a week, for more than four hours, but less than 24 hours) provides child day care for seven or more children. This definition includes "Child Care Centers" and "Group Day Care Homes," which are licensed by the South Carolina Department of Social Services (DSS).

CHILD CARING INSTITUTION - A facility licensed by the South Carolina Department of Social Services (DSS) with one or more staffed residences and with a total population of 20 or more children who are in care apart from their parents, relatives, or guardians on a continuing full-time basis for protection and guidance.

CHURCH, SYNAGOGUE, AND TEMPLE - See “Religious Assembly.”

CLUSTER DEVELOPMENT - A cluster development is a residential subdivision in which the lots are allowed to be smaller (in area and width) than otherwise required for conventional development in the underlying zoning district, but in which the overall density cannot exceed the maximum base density limit of the underlying zoning district. Under the cluster development option, a subdivision can contain no more lots than a conventional development in the same zoning district, but the individual lots within the development could be smaller than required in a conventional development. Smaller lot sizes within a cluster development are required to be offset by the provision of open space or by a corresponding increase in the size of other lots within the development. All cluster developments shall be permanently restricted from further subdivision. The form of such restriction shall require express approval from the Town.

COMMON OPEN SPACE - Land dedicated to the public or designated by the development plan for the use, benefit, and enjoyment of all residents of the planned development. Common Open Space includes unimproved land, landscaped areas, improved recreation areas, recreational buildings, and structures totally accessory to recreational uses, all within the development. Common open space does not include streets, public or private parking areas, storage areas or areas covered by any building, garage, carport or other structures except recreational structures. Common open space may be dedicated to the public, or owned by an owners’ association corporation, or other legal entity, as set forth herein.

COMMUNICATION TOWER - A tower of any size that supports communication equipment, transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users. This does not include communication towers for

amateur radio operators licensed by the Federal Communications Commission which are exempt from local zoning restrictions or communications towers under 100 feet in height used solely for educational communications purposes.

COMMUNITY RECREATION CENTER - A public or quasi-public building designed for and used as a social, recreation, and cultural center. As a part of such recreation centers, there may be included craft rooms, music rooms, game rooms, meeting rooms, auditoriums, swimming pools, and kitchen facilities. Kitchen facilities and dining areas shall be used for special events only.

COMMUNITY ROADS - Roads that serve one or more families and usually have no dedicated rights-of-way or drainage. These roads generally have a dirt surface, are not maintained on a regular basis, and are not in the state or county road system.

CONCENTRATED ANIMAL FEEDING OPERATIONS - A confined area or facility within which the property is not grazed or cropped annually, and which is used and maintained for the purposes of engaging in the business of the reception and feeding of: more than 50 beef or dairy cattle; more than 50 horses; more than 150 hogs, sheep or goats; more than 1,000 or more birds, such as turkeys, chickens, ducks or geese: or more than 1,000 small animals, such as guinea pigs, rabbits, and minks. This term shall also include commercial feed lots.

CONDITIONAL USE PERMIT - A permit formerly issued by the Town of Meggett authorizing a particular use in a specified location within a zoning district, upon demonstrating that such use complies with all the conditions and standards specified by the zoning Ordinance. Conditional use permit is a term used in the Town of Meggett Unified Development Ordinance prior to 2008.

CONSTRUCTION PERMIT - A series of permits required by Charleston County Building Services that may include building, electrical, plumbing, HVAC (Heating, Ventilating and Air Conditioning), or gas permits.

CONSUMER CONVENIENCE SERVICE - An establishment providing services, primarily to individuals, of a frequent or recurrent nature.

CONSUMER GOODS RENTAL SERVICE - An establishment, with 5,000 square feet or less of gross floor area, primarily engaged in the rental or leasing of new or used products to the general public, excluding vehicle or watercraft rentals.

CONSUMER GOODS RENTAL CENTER - An establishment, with greater than 5,000 square feet of gross floor area, primarily engaged in the rental or leasing of new or used products to the general public, excluding vehicle or watercraft rentals.

CONVENIENCE STORE - Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, newspapers, and limited household supplies, to

customers who generally purchase only a few items. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles.

CONVENTIONAL DEVELOPMENT - A conventional development is a nonresidential development or residential development in which all land area within the development is devoted to building lots that meet or exceed the minimum lot area and width standards of the underlying zoning district.

COUNTRY CLUB - Land area and buildings containing golf courses, recreational facilities, a clubhouse, and other customary accessory uses, open only to members and their guests.

COURTYARD - An open unoccupied space, other than a yard, on the same Zoning lot with a building, unobstructed from floor or ground level to the sky.

CROP PRODUCTION - The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. Crop production shall include those accessory uses and activities customarily associated with these types of agricultural operations, as determined by the Planning Director. This definition excludes any agricultural uses that are more specifically defined in this Ordinance.

CUL-DE-SAC - The radial turnaround area at the end of a dead-end street or an egress.

CULTURAL EVENT - Land use of a temporary nature to display objects or events of a community and cultural interest in one or more of the arts and sciences, such as Civil War re-enactments.

CULVERT - Any structure which provides an opening under any roadway or any other structure so named in the plans, excluding bridges.

CURB - A stone, concrete or other improved boundary marking the edge of a road or other paved area.

DECIBEL (Db) - A unit which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.

DECISION-MAKING BODY - The entity that is authorized to finally approve or deny an application or permit as required under this Ordinance.

DEDICATION - The action of a property owner or developer to transfer an interest in property to the Town, County or other service provider. The approval of a subdivision plat by County and/or Town Council is deemed to effect an acceptance by the County and/or Town of a proposed dedication of a street, easement or other ground shown on the plat.

DENSITY/INTENSITY AND DIMENSIONAL STANDARDS - Provisions of this Ordinance controlling the size and shape of zoning lots and the location and bulk of structures thereon. Such regulations include those relating to density, lot area, lot width, setbacks, buffers, building cover, height, and open space.

DESIGN PROFESSIONAL - An individual or firm appropriately licensed and registered in the State of South Carolina.

DETENTION - The temporary restriction of stormwater that is released at a predetermined or controlled rate.

DEVELOPER - The legal or beneficial owner of a lot or of any land proposed for development; the holder of an option or contract to purchase; or any other person having an enforceable contractual interest in such land.

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

DIAMETER BREAST HEIGHT (DBH) - The total diameter, in inches, of a tree trunk or trunks measured at a point four and one-half feet above existing grade (at the base of the tree). In measuring DBH, the circumference of the tree shall be measured with a standard diameter tape, and the circumference shall be divided by 3.14.

DOCK - A structure extending into or upon a waterway, marshland or other natural water feature.

DRIP LINE - An imaginary vertical line extending from the outermost circumference of the branches of a tree to the ground.

DRY STACK STORAGE FOR BOATS - A facility for storing and keeping boats out of the water. This is principally a land operation, where boats are dry stored or "stacked" until such time as they are transferred to the water for use. Dry stack marinas seldom accommodate boats in excess of 25 feet.

DUMPSTER - An accessory use of a property where trash or recyclable material containers, or any other type of waste or refuse container is stored.

DUPLEX - Two single family dwelling units contained within a single building, other than a manufactured housing unit

DWELLING (DWELLING UNIT) - A building or portion of it designed and used for residential occupancy by a single household and that includes exclusive sleeping, cooking, eating and sanitation facilities. The term does not include hotels, motels, or other similar establishments.

DWELLING, DETACHED - A dwelling which is surrounded on all sides by yards on the same lot or by streets or by such yards and streets.

DWELLING GROUP - Two or more detached dwelling structures (not including ~~mobile~~ **manufactured** homes) located on the same zoning lot, but not including accessory dwellings, such as garage apartments or guest houses. Lot size must meet cumulative total for each principal unit.

DWELLING, MULTI-FAMILY - A building containing three or more dwelling units, including residential condominiums and apartments.

EARTH ROADS - Those roads constructed of compacted earth material.

EASEMENT - A privilege or right of use, access or enjoyment granted on, above, under, or across a particular tract of land by the landowner to another person or entity.

EASEMENT, DRAINAGE - The right of access of stormwater runoff from the adjacent natural drainage basin into the drainageway within the drainage *easement.*

ENLARGEMENT - An increase in the size of an existing structure or use, including physical size of the property, building, parking, or other improvements. Enlargement would also include the addition of other structures or uses on the lot.

EVENT HOUSE - A building, structure, or grounds, or portion thereof, which is owned by or leased to individual(s), private organizations, social clubs, or non-profit associations for weddings, meetings, recreational, or social purposes.

FAÇADE - The entire building wall, fascia, windows, doors, canopy and on any complete elevation.

FAMILY - An individual, or two or more persons related by blood or marriage living together; or a group of not more than six individuals, including live-in servants, not related by blood or marriage but living together as a single housekeeping unit. Residents of Community Residential Care Facilities licensed by the South Carolina Department of Health and Environmental Control (DHEC) for nine or fewer individuals shall be considered a family.

FARM LABOR HOUSING (DORMITORY) - A structure designed or constructed as accommodations for transient farm workers for more than ten unrelated persons, which is not designed as an apartment building with individual attached units.

FARM LABOR HOUSING - A building or structure which is designed or constructed as a place of residence for up to ten unrelated, transient farm workers living as a single housekeeping unit.

FENCE (OR WALL) - A structural device erected to serve as an architectural element,

landscape element, visual screen or physical barrier.

FINANCIAL GUARANTEE - Surety intended to ensure that all improvements, facilities, or work required by this Ordinance will be completed, restored or maintained in compliance with this Ordinance.

FINANCIAL SERVICE - An establishment primarily engaged in the provision of financial and banking services.

FLOOR AREA - The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls or from the center lines of walls separating two buildings, computed as follows: (1) floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space, such as counters, racks, or closets; (2) any basement floor area devoted to the production or processing of goods or to business or professional offices. Floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street parking or loading facilities, including ramps, and maneuvering space, or basement floor area, other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

FLORIST - A commercial activity offering for sale cut flowers, ornamental plants, floral arrangements, real or artificial, and related accessories including cards, figurines, and indoor ornamental fixtures.

FOOD SALES - An establishment primarily engaged in the retail sale of food for home consumption. These establishments may include the sale of beer and wine in unopened containers for off-premise[s] consumption where the sale of products other than beer and wine comprise at least 51 percent of the gross sales of the establishment, and at least 51 percent of the total display or shelf space is devoted to products other than beer and wine.

FORESTRY OPERATIONS, BONA FIDE - “Bona fide forestry operations” 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.

FUNERAL SERVICE/HOME - An establishment engaged in undertaking services such as preparing the human or animal dead for burial and arranging and managing funerals.

GARAGE (PRIVATE) - A single dwelling unit located over a private detached garage and containing square footage no greater than that of the garage.

GARAGE APARTMENT - A single dwelling unit located over a private detached garage and containing heated square footage no greater than that of the garage.

GARDEN SUPPLIES CENTER - A commercial activity offering for sale indoor or outdoor plants, garden fixtures, packaged plant food, or pesticides, garden tools, manually or power operated with associated parts and accessories. Not included is farm equipment elsewhere provided for in this Ordinance.

GASOLINE SERVICE STATION - Any premises used primarily for the retail sale of fuel for automobiles, light and medium trucks, motorcycles, recreational vehicles, and other consumer motor vehicles. Gasoline service stations may include light maintenance such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning, but shall not include heavy vehicle maintenance activities such as engine overhauls, automobile painting, and body fender work. This term may also include the sale of motor vehicle accessories, or used tires taken in trade on the premises, but does not include vehicle, moving truck, or trailer sales or rental.

GENERAL CONTRACTOR - An establishment that has the ability to furnish a variety of building materials and provide multiple construction services at a specified price.

GOLF COURSE - A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards, and that may include a clubhouse and shelter.

GOVERNMENT OFFICE - Federal, state, county or city offices, administrative, clerical or public contact services, together with incidental storage and maintenance of necessary vehicles.

GRADE - For the purpose of determining building height:

1. For buildings adjoining one street only, it is the elevation of the sidewalk directly opposite the center of that wall which adjoins the street; in such case where the average elevation of the finished ground surface adjacent to the exterior walls of the building is lower than the elevation of the sidewalk grade, or where there is no sidewalk grade, or where there are no sidewalks, the grade shall be the average elevation of the ground on the lowest side adjacent to the exterior walls of the building.

2. For buildings adjoining more than one street, it is the elevation of the sidewalk directly opposite the center of the wall adjoining the street having the lowest sidewalk elevation.

3. For buildings having no wall adjoining the street, it is the average level of the finished ground surface adjacent to the exterior walls of the building.

4. All walls which are approximately parallel to and not more than 25 feet from a front lot line shall be considered as adjoining the street. In alleys, the surface of the paving shall be considered to be the sidewalk elevation. Where the elevation of the sidewalk or alley paving has not been established, the Public Works Director shall determine such elevation for the purpose of this Ordinance.

GRAND TREE - A live oak tree that is 24" diameter at breast height (DBH) or greater.

GREENHOUSE - A partially or fully enclosed structure which is used for the growth of plants.

GREENHOUSE PRODUCTION - Ornamental plants or food crops grown for wholesale sale within an enclosed structure or under cover.

GROUND COVER - Low-growing plant material less than 18 inches in height.

GROUP CARE HOME - A staffed residence, licensed by the South Carolina Department of Social Services (DSS), with a population of fewer than 20 children who are in care apart from their parents, relatives, or guardians on a full-time basis. Group Care Homes are classified by different levels of care ranging from independent to assisted living.

HEAVY CONSTRUCTION SERVICES - Services involved in road, bridge, building, or other infrastructure construction.

HEIGHT (SIGN) - The vertical distance measured from ground level at the base of the sign structure to the highest point of sign structure.

HIGHLAND - The area, size or acreage of a lot excluding any freshwater wetlands and excluding any areas located beyond the current OCRM Critical Line.
HOME OCCUPATION - An accessory use of a dwelling unit or its accessory structure for gainful employment.

HOME IMPROVEMENT CENTER - A facility with over 5,000 square feet of floor area engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, and garden supplies. Facilities under 5,000 square feet shall be considered a "hardware store."

HOMEOWNERS' (OR PROPERTY OWNERS') ASSOCIATION - A formally constituted, non-profit association or corporation made up of the property owners and/or residents of a defined area. The homeowners' or property owners' association may take responsibility for costs and upkeep of common open space or facilities, or enforce certain covenants and restrictions.

HORTICULTURAL PRODUCTION - Land used to grow horticultural and floricultural specialties (such as flowers, shrubs, or trees intended for ornamental or landscaping purposes) for wholesale or retail sale in order to be transplanted to a different location. Retail sales shall not comprise more than 25 percent of gross sales. This definition excludes crop and greenhouse production that have been identified elsewhere in this Ordinance.

HORTICULTURAL SPECIALTIES - For the purpose of this ordinance, such activity shall include the on premise care, cultivation, or propagation of plants, trees or shrubs

used for landscaping, ornamentation, transplanting, or experimentation, the wholesale or retail sales without suitable non-ornamental packaging for transportation. Not included in this definition are grain, fiber, or vegetable crops. Such activity whose primary purpose is scale or experimentation shall be classified as a principal land use. Similar activity conducted as a hobby or for a pleasure other than for sale purposes shall be classified as accessory use "Greenhouses".

HORTICULTURAL AND LANDSCAPING SERVICES - This activity shall include landscaping, tree trimming, tree removal, and other similar services together with associated equipment and machinery directed toward the care of trees, plants, or lawns.

HOSPITAL - A licensed facility primarily providing in-patient medical, surgical, or psychiatric care for a period exceeding 24 hours. Hospital facilities may also include out-patient services and the following types of accessory activities: out-patient diagnostic and treatment centers, rehabilitation facilities, offices, laboratories, teaching facilities, meeting areas, cafeterias, maintenance, and parking facilities. This definition includes General Hospitals, Specialized Hospitals, Chronic Hospitals, Psychiatric and Substance Abuse Hospitals or Hospices. (See S.C. Department of Health and Environmental Control Regulation 61-16, Standards for Licensing—Hospital and General Infirmaries, and Regulation 61-78, Standards for Licensing—Hospices.)

HOTEL-MOTEL - A building or portion thereof, or a group of buildings, which provides sleeping accommodations, with or without meal service, for transients on a daily or weekly basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or tourist home.

HYDROPONICS - Land used to produce, for wholesale sale, plants grown in nutrient-enriched water, where no soil is used.

INDIGENOUS PRODUCE - Fresh fruit, vegetables, and agronomic crops (crops such as field corn, soybean, wheat, and oats) grown in, or [which] are characteristic of the Town of Meggett and/or Charleston County. This term specifically excludes livestock, animals, or seafood.

INOPERABLE VEHICLE - Any motor-driven vehicle, regardless of size, which is incapable of being self-propelled upon the public streets of the Town/County or which does not meet the requirements for operation upon the public streets, including a current motor vehicle registration.

KENNEL - A facility that provides boarding for three or more dogs, cats, or other household pets for a fee, and may include grooming, breeding, training, or selling of animals.

LIQUOR, BEER OR WINE SALES - An establishment primarily engaged in the retail sale of alcoholic beverages for off-premises consumption. This definition includes all retail stores where the sale of alcoholic beverages comprise 49 percent or more of gross sales.

LOT - A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon and is recorded with the Register of Mesne Conveyance of Charleston County.

LOT AREA - A total highland area included within the boundaries of a zoning lot, measured in a horizontal plane. Lot area does not include freshwater wetlands or any areas located beyond the current OCRM Critical Line.

LOT, CORNER - Either a Zoning lot bounded entirely by streets or a Zoning lot which adjoins the point of intersections or meeting of two or more streets and in which the interior angle formed by the street lines is 135 degrees or less. If the street lines are curved, the angle shall be measured at the point of intersection of the extensions of the street lines in the directions which they take at the intersection of the street line with the side lot line and with the rear lot line of the lot. If the street line is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street line.

LOT, FLAG - A lot with access provided to the bulk of the lot by means of a narrow corridor.

LOT, DOUBLE-FRONTAGE - An interior lot that abuts on two parallel streets or that abuts on two streets that do not intersect at the boundaries of the lot. Lots with access on a street and alley shall not be considered double-frontage lots.

LOT FRONTAGE - The distance for which a zoning lot abuts on a street.

LOT, INTERIOR - A lot with only one front lot line.

LOT LINE - A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT - The lot line separating a lot from the street that is used as the primary access point to the lot.

LOT LINE, INTERIOR - The lot line other than a front lot line.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT, THROUGH - See "Lot, Double-Frontage" for definition.

LOT WIDTH -

1. Width of an Interior lot: the length of the front lot line or its chord.

2. Width of a Corner or Double-Frontage Lot:

   (a) if there are two front lot lines, the shorter of such lines or its chord;

   (b) if there are more than two front lot lines, the average length of the two shortest of such lines or their chords.

3. Width of lots served by a cul-de-sac: width shall be measured at the building line/front setback.

4. Width of a through lot - A width or widths determined on the basis of a reasonable division of the lot into segments fronting on several streets.

LOTS OF RECORD, APPROVED - A platted parcel or parcels of land created and recorded with the Register of Mesne Conveyance of Charleston County since January 1, 1955, in conformance with the subdivision regulations and bearing the Planning Commission or Town or County Council stamp of approval, or identical parcels created and recorded by plat or meets and bounds prior to January 1, 1955.

LOT, ZONING - Any lot that falls within the jurisdiction of The Town of Meggett Zoning and Land Development Regulations.

MAIN UTILITY LINES - Those facilities, including piping, conduits, outlets, and other appurtenances necessary, for the proper functioning of essential services to a development including water, electricity, gas, sanitary sewer, storm sewer, cable, communications, etc.

MAINTENANCE GUARANTEE - Any security which may be required and accepted by the County/Town to ensure that necessary improvements are maintained and will function as required for a specific period of time.

MAJOR RECREATIONAL EQUIPMENT - Any boat, boat trailer, camper or other recreational vehicle with a length of more than 25 feet.

MARINAS - A basin or marine terminal that provides space, docks, moorings and related facilities and services for six (6) or more pleasure boats. Any commercial facility for the wet or dry storage and docking of seaworthy watercraft that provides water access for boats, such as ramps or hoists. The term "marina" also includes any docks, wharves, piers, floats, or any other similar structure erected, installed, placed, or maintained along a shoreline for the purpose of providing a stationary landing for the anchoring, mooring, housing, or storing of four or more watercraft.

MANUFACTURED HOUSING UNIT (AKA MOBILE HOME) - Any residential dwelling Unit Constructed to Standards and Codes Set Forth by the United States Department of Housing and Urban Development, including the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Article 5401). The term does not include recreational vehicles, travel trailers or motorized homes licensed for travel

on highways, nor manufactured housing units designed and built to meet applicable requirements of South Carolina Modular Buildings Construction Act.

MANUFACTURED HOUSING UNIT, REPLACEMENT - A manufactured housing unit that replaces a legally established manufactured housing unit located on an individual lot.

MANUFACTURING AND PRODUCTION - An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, this is a subordinate part of sales. Relatively few customers come to the site.

MAXIMUM EXTENT FEASIBLE - The point at which all possible measures have been undertaken by the applicant, at which point further measures would involve physical or economic hardships that would render a development project unfeasible or would be unreasonable in the judgment of a review or Decision-Making Body.

MEAN SEA LEVEL - Elevation 0.0 as determined by the NGVD 29 datum.

MEDICAL OFFICE (OR OUTPATIENT CLINIC) - An office or clinic for the private practice of health care professionals licensed by the State of South Carolina. The majority of patient encounters in the office or clinic involve examination, diagnosis, treatment, or surgical procedures on an outpatient basis not extending beyond a 24 hour period. This definition excludes any facilities that have been more specifically defined in this Ordinance.

MEDICAL SERVICES - Any services provided by a licensed medical practitioner.

MIXED USE STRUCTURE - A structure containing both residential and nonresidential uses.

MODULAR BUILDING UNIT- A building including the necessary electrical, plumbing, heating ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term is not to be limited to residential dwellings.

MOTOR VEHICLE - Every vehicle that is self-propelled that can be licensed and registered to be driven on public streets, roads or rights-of-ways, except mopeds, and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

MULCHING OPERATION - An operation that produces mulch. Mulch consists of organic substances placed on the earth as a protective covering around plants to retard weed growth and prevent moisture evaporation and freezing of roots.

MUSEUM – A registered nonprofit organization displaying, preserving, and/or exhibiting objects of community and cultural interest in one or more of the arts and sciences.

NATURE EXHIBITION - A public display of materials or living things of the outdoors, including the re-creation of natural wildlife habitats native to the Charleston area. This term does not include facilities, such as zoos, where the primary purpose is the display of live animals.

NON-COMMERCIAL COPY - Material written for informational purposes only. This material is non-promotional and does not advertise a business or service.

NATURAL BUFFER AREA(S) - A natural buffer area is comprised of existing trees and vegetation native to the site prior to development.

NONCONFORMING LOT - A tract of land, designated on a duly recorded subdivision plat, or by duly recorded deed, or by other lawful means, that complied with the lot area, lot width and lot depth standards of the zoning district in which it was located at the time of its creation, but which does not comply with the minimum lot area, lot width or lot depth requirements of the zoning district in which it is now located.
NONCONFORMING SIGN - A sign that was legally established but which no longer complies with the Sign Regulations of this Ordinance.

NONCONFORMING STRUCTURE - A structure or portion thereof which was lawfully erected or altered, but which does not comply with the bulk and area regulations applicable to new structures in the zoning district in which it is located.

NONCONFORMING USE - A use which lawfully established and maintained, but which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT (OCRM) CRITICAL LINE AREA - This line is defined by South Carolina Office of Ocean and Coastal Resource Management at the date of application and determines their jurisdiction.

OFFICES - The use of a building or a portion of a building for the provision of executive, management, or administrative services. Unless the context clearly suggests a more specific meaning, the term office shall mean any of the following: Government Office, Administrative or Professional Office or Medical Office.

OFFICE/WAREHOUSE COMPLEX - A structure or group of structures offering compartments of varying size for rental to different tenants for the storage of

commercial goods or wares, conducting of certain retail trade activities, or provision of those personal or business services permitted by zoning.

OPEN SPACE - Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

OPEN (OR FIELD) STORAGE - The location of bulk items, assemblies or sub-assemblies in areas exposed to weather, in whole or in part, for the end use of further manufacturing process, sale or transportation. This shall include, but not be limited to, open display of transportation vehicles, marine craft, aircraft, manufactured housing units, modules, recreation vehicles, junk yards, or "piggy-back" containers. It does not include uses that are totally enclosed.

OUTDOOR LIVING SPACE - Uncovered, horizontal open space on a Zoning lot, which space:

1. Does not include loading or parking areas, driveways, or refuse storage area and is so arranged as to prevent entry by motor vehicles;

2. Is paved, landscaped, or otherwise improved to make it suitable for passive or active outdoor recreational use and in the case of roofs and balconies is so arranged as to be safe for use by children;

3. Is readily accessible to the residents of the building for which it is required; and

4. May include land, balcony, and roof areas.

PARCEL - A contiguous lot or tract of land owned and recorded as the property of the same person or persons, or controlled by a single entity.

PARKING LOT - An open area providing off-street parking for the motor vehicles of residents, tourists, customers, or employees on a temporary, daily, or overnight basis.

PARKS AND RECREATION - Parks, playgrounds, swimming pools, recreation facilities, and open spaces available to the general public, either without a fee or under the management or control of a public agency.

PAVED STREETS - Those streets for which the riding surface is constructed of a layer or layers of materials usually comprised of Portland cement concrete or asphaltic concrete.

PAVEMENT - The uppermost layer of material placed on the street usually as the wearing or riding surface. The term is used interchangeably with “surface course” or “surfacing” and will usually imply Portland cement concrete or asphaltic concrete.

PAWN SHOP - A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.

PENNANTS, STREAMERS AND OTHER MOVING DEVICES - Pennants, ribbons, streamers, spinners, light bulbs, or other similar moving devices when part of a sign, or when used to draw attention to a business or its signs.

PERMANENT STORAGE UNIT - Any manufactured housing unit, modular building unit, or pre-manufactured container unit exceeding 120 square feet in size that is used solely for non-residential purposes.

PERSON - Individual, proprietorship, partnership, corporation, association, or other legal entity.

PERSONAL IMPROVEMENT EDUCATION - An establishment primarily engaged in the provision of information or instruction relating to a particular subject or hobby. This term excludes any educational services more specifically defined in this Ordinance.

PERSONAL IMPROVEMENT SERVICE - An establishment primarily engaged in the provision of informational, instructional, personal improvements or similar services, excluding any services that have been more specifically defined in this Ordinance.

PET GROOMING SALONS - An establishment primarily engaged in the grooming of household pets.

PET STORES - An establishment primarily engaged in the retail sale of household pets.

PLANNING DIRECTOR - Planning Director shall mean the Director of the Planning Department of Charleston County or the authorized designee or representative of the Director.

PLANT - The term plants is meant to include seed, seedlings, nursery stock, roots, tubers, bulbs, cuttings, and other plant parts used in the propagation of field crops, vegetables, fruits, flowers, or other plants.

PLAT - A diagram drawn to an engineering scale showing all essential data pertaining to the boundaries and subdivision of a tract of land as determined by a professional land surveyor.

POSTAL SERVICE, UNITED STATES - Postal services, including post offices, bulk mail processing, or sorting centers operated by the *United States Postal Service.*

PRE-MANUFACTURED CONTAINER UNIT - A standardized, reusable vessel that is or appears to by (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed or capable of being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

PRESERVED - To remain relatively unchanged. In relation to open space, preserved shall mean land placed in a Conservation Easement with a permanent deed restriction that prohibits further development.

PRINCIPAL USE - The primary or predominant use to which a property is or may be devoted and to which all other uses on the premises are accessory.

PROFESSIONAL OFFICE - A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions. This term does not include "Medical Office or Clinic" or "Parole or Probation Office."

PROFESSIONAL SERVICES - The office of a doctor, dentist, architect, landscape architect, engineer, surveyor, lawyer or other similar recognized professions.

PUBLICLY DESIGNATED AREA - An area set aside for public use, by any federal, state, or local government.

PUBLIC PROJECT - Any project by or for a public agency using real property, as owner or tenant that falls within the jurisdiction of the Town of Meggett. These public agencies include:

1. Agencies and departments of the State of South Carolina,

2. Counties, county agencies and departments, and

3. Municipalities, municipal agencies, and departments.

PUBLIC WORKS DIRECTOR - The Director of the Department of Public Works for the County of Charleston or his authorized representative.

RACK - A storage slip for a boat in a dry stack storage facility.

RAILROAD FACILITY - Railroad yards, equipment servicing facilities, and terminal facilities.

RECREATION AND ENTERTAINMENT, INDOOR – Participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building, excluding any sexually oriented businesses.

RECREATION AND ENTERTAINMENT, OUTDOOR - Participatory and spectator-oriented recreation and entertainment uses conducted in open, partially enclosed, or screened facilities, excluding any sexually oriented businesses.

RECREATION (OR VACATION) CAMP - An area or tract of land primarily used for recreational purposes that retains an open air or natural character. Accommodations for temporary occupancy, such as cabins and tents, may be located or placed in these areas. This definition does not include areas for recreational vehicles or motorized campers.

RECREATIONAL VEHICLE - A highway vehicular, portable structure designed as a temporary dwelling for travel, recreational, and vacation uses. The term includes camping trailer, motor home, travel trailer, and truck campers; the term does not include manufactured housing units.

RECREATIONAL VEHICLE PARK - Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy as temporary living quarters for purposes of recreation or vacation. This term does not include any premises on which unoccupied recreational vehicles, whether new or used, are parked for the purposes of inspection, sale, storage, or repair.

RECYCLING CENTER/SERVICES - An establishment engaged in the processing, collection and transfer of recyclable materials. Typical recyclable materials include: glass, paper, plastic, cans, motor oil, or other source-separated, non-decayable materials.

RECYCLING COLLECTION (DROP-OFF) FACILITY - A facility used for the collection and transfer, but not the actual processing, of any of the following recyclable materials: glass, paper, plastic, cans, or other source-separated, non-decayable materials. "Recyclable materials" at a Recycling Collection Facility shall not include motor oil, chemicals, household appliances, tires, automobiles, automobile parts, or decayable materials.

RELIGIOUS ASSEMBLY - A church, synagogue, temple, monastery, convent, retreat center or any permanent or temporary building providing regular, organized religious worship of any denomination and religious education incidental thereto, but excluding private primary or secondary educational facilities day care facilities. A property tax exemption obtained pursuant to state law shall constitute prima facie evidence of religious assembly use.

REMODEL - The internal or external alteration or change, in whole or in part, of a structure or thing that changes its characteristic appearance or the fundamental purpose of its existing design or arrangement and the uses contemplated. Not included in this meaning are the terms "enlargement" and "extension".

REPAIR - The mending or restoration of a building or structure to a sound or good state, at or nearest to its original designed condition, due to decay, dilapidation, damage or partial destruction. Such work shall not change the size or shape in whole or in part of a building or structure to expand a use. It shall include the terms "renovation", "rebuilding" and "reconstruction" for purposes of this Ordinance.

REPAIR, MINOR - A repair affecting 25 percent or less of the gross floor area of a structure.

REPAIR SERVICE, COMMERCIAL - An establishment engaged in the repair or servicing of industrial, business or consumer machinery, equipment, tools, scientific or professional instruments, or similar products or by-products. Firms that service

consumer goods do so mainly by providing centralized services for separate retail outlets.

REPAIR SERVICE, CONSUMER - An establishment primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding vehicle and commercial repair services.

RESIDENTIAL BUILDING OR USE - A term including dwellings (dwelling units), rooming and boarding houses, group quarters, and manufactured homes. A residential building is a building containing only residential uses and uses accessory thereto.

RESOURCE EXTRACTION –

(a) the breaking of the surface soil to facilitate or accomplish the extraction or removal of ores or mineral solids for sale or processing or consumption in the regular operation of a business;

(b) removal of overburden lying above natural deposits of ore or mineral solids and removal of the mineral deposits exposed, or by removal of ores or mineral solids from deposits lying exposed in their natural state.

Removal of overburden and the mining of limited amounts of ores or mineral solids are not considered mining when done only for the purpose of determining location, quantity, or quality of a natural deposit if no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business and if the affected land does not exceed two acres in area. Mining does not include plants engaged in processing minerals except as the plants are an integral on-site part of the removal of ores or mineral solids from natural deposits. Mining does not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction. Mining does not include dredging operations where the operations are engaged in the harvesting of oysters, clams, or the removal of shells from coastal bottoms.

RESPONSIBLE ENTITY - The unit of local government responsible under South Carolina law for the maintenance of the roadway and/or drainage system; or, in the case of private roadways and/or drainage systems, the owner of the property upon which the roadway and/or drainage system is located; or, if existing, a homeowners' association previously created to maintain the roadway and/or drainage system.

RESTAURANT, FAST FOOD - An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or griddled quickly, or heated in a device such as a microwave oven. A Fast-Food Restaurant generally has one or more of the following characteristics:

1. It serves ready-to-eat foods, frozen deserts, or beverages in edible or paper, plastic or disposable containers;

2. It serves foods that customers carry to the restaurant's seating facilities, to motor

vehicles, or off-premises; or

3. It serves foods through a pass-through window, (which includes any and all drive-in restaurants) Alcoholic beverages shall not comprise more than 25 percent of gross receipts.

RESTAURANT, GENERAL - An establishment engaged in the preparation and retail sale of food and beverages for on-premises consumption, where the sales of alcoholic beverages does not comprise more than 25 percent of gross receipts. This definition does not include Fast-Food Restaurants.

RETAIL SALES AND SERVICE, GENERAL - An establishment primarily engaged in the sale of new or used products to the general public, but excluding those establishments more specifically defined in this Ordinance.

REVIEW BODY - The entity that is authorized to recommend approval or denial of an application or permit required under this Ordinance.

RIGHT-OF-WAY - Land that has been, or is being, dedicated for the construction and maintenance of a road or street. Right-of-way may also be used to identify an area dedicated for use as part of a drainage system or utility corridor.

ROAD, MAJOR - Major roads include interstates, arterial roads, and collector roads, all as defined in this Ordinance**.**

ROADSIDE STAND - A small open air structure for the retail sale of sweetgrass baskets or indigenous produce grown or produced on the farm where the Roadside Stand is located.

ROADWAY - The entire area between the outside limits of construction, including structures, slopes, ramps, intersections, utilities, side ditches, channels, waterways, etc., necessary for proper drainage. This term shall, in general, be considered synonymous with street or road.

ROCK ROADS - Those roads for which the riding surface is constructed of a layer or layers of material usually comprised of compacted rock or other aggregate materials.

ROOMING HOUSE - A residential building other than a Hotel-Motel in which rooms are provided for compensation for three or more, but not exceeding 20, adult persons not related by blood, marriage, or adoption to the owner. The rooms must be booked by pre-arrangement for definite periods of time on either a weekly or monthly basis.

SAFETY SERVICE - Facilities for the conduct of public safety and emergency services.

SCENIC ROAD - A road or highway designated scenic by the Town of Meggett, Charleston County or by the State of South Carolina**.**

SCRAP AND SALVAGE SERVICE (OR JUNK YARD) An establishment primarily engaged in the storage, retail or wholesale sale, assembling, dismantling, sorting, distributing, or other processing of scrap, used equipment, mechanical components, or waste materials.

SCREENING - (SEE BUFFERS)

SCREENING, OPAQUE - A combination of screening elements, approved by the Planning Director, designed to substantially or completely obscure horizontal views between abutting or adjacent properties. When plant materials are used for screening, the screening shall be opaque at the time of plant maturity.

SCREENING, SEMI-OPAQUE - A combination of screening elements in compliance with the requirements of Article 9.5 designed to partially obscure horizontal views between abutting or adjacent properties.

SELF SERVICE STORAGE (OR MINI-WAREHOUSING) - Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity.

SETBACK - A required minimum distance from a lot line or street right-of-way that establishes an area within which a structure shall not be erected.

SETBACK, FRONT - The setback measured from a street right-of-way
SETBACK, INTERIOR - The setback measured from any interior lot line.

SETBACK, REAR - The setback measured from the rear lot line, or from the Office of Coastal Resources Management (OCRM) Critical Line if the rear lot line is not located on high ground..

SETBACK, SIDE - Any setback other than the rear or font setback

SEWAGE COLLECTION SERVICE LINE - A non-lateral line connecting development to a sewage collector or trunk line.

SHRUB - A self supporting perennial plant of low stature characterized by multiple stems and branches running continuous from the base.

SIGN - Any device or representation for visual communication that is used to announce, direct attention, or advertise, and which is located on or attached to the premises, real property, structures on real property, or a vehicle and which is visible from a public street or way.

SIGN, ABANDONED - A sign advertising a person, business, service, event or other activity that is no longer available or a sign containing inaccurate or outdated information.

SIGN ACCESSORY - A sign which directs attention to a business or profession conducted, or to a principal commodity, service or entertainment sold or offered on the premises where such sign is located. The term includes business signs, bulletin boards, home occupation signs, nameplates, and real estate signs.

SIGN ADVERTISING - A sign which directs attention to a business, commodity, service, or entertainment which is entirely or primarily conducted, sold, or offered elsewhere than on the lot on which the sign is located.

SIGN, ANIMATED - Any sign so designed as to facilitate or permit the rotation, oscillation, or other movement of the sign or of any of its visible parts.

SIGN, AREA OF - The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The area of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letters or devices. Area devoted to required house numbers shall not be included in the calculation of maximum sign area. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be constructed so that both faces are either parallel or have an interior angle of less than 90 degrees, and the two faces shall not be more than 12 inches apart.

SIGN, FLASHING – Any lighted or electrical sign that emits light in sudden transitory bursts. For purposes of this Ordinance, strobe lights in window fronts visible from public rights-of-way are included in this definition. On/off time and temperature signs and message boards are not considered flashing signs for the purpose of this Ordinance.

SIGN, FREE-STANDING – A sign supported by a sign structure secured in the ground and which is wholly independent of any building, other than the sign structure, for support. A sign on a fence shall be considered a freestanding sign.
SIGN, HEIGHT OF – The vertical distance measured from the street grade elevation at the base of the sign structure to the highest point of the sign structure.

SIGN, ILLUMINATED – A sign designed to give forth artificial light or to reflect artificial light from a source incorporated in or associated with such sign.

SIGN IMITATING TRAFFIC DEVICES (SIGNALS) – Signs of such size, location, movement, content, coloring or of a manner of illumination that could be confused with or construed to be traffic control devices; or hide from view any traffic or street signal; or obstruct the view in any direction from a street intersection.

SINGS IMITATING TRAFFIC SIGNS - Signs that imitate official traffic signs or signals or signs that contain the words 'stop', 'go', 'danger', 'slow', 'caution', 'warning', or similar words in such a fashion as to imitate official traffic signs or signals.

SIGN IN DISREPAIR – Any sign that contains damaged or defective parts, or otherwise presents an unsightly appearance due to lack of maintenance.

SIGN IN MARSHES - Signs erected or displayed in a marsh area or on land subject to periodic inundation by tidal action.

SIGN, MONUMENT - A free-standing sign with a sign (support) structure that: (1) is designed as one architecturally unified and proportional element with the sign itself, (2) is at least 90 percent of the width of the sign face and (3) is solid from grade at the base of the sign to the top of the sign structure.

SIGN, OFF-PREMISES - 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 identified on such sign is itself located or conducted.

SIGN, ON-PREMISES - A sign which directs attention to a business or profession conducted, or to a principal commodity, service or entertainment sold or offered on the premises where such sign is located.

SIGN, PEDESTAL - A free-standing sign with a sign (support) structure that: (1) is designed as one architecturally unified and proportional element with the sign itself, (2) is at least 50 percent of the width of the sign face and (3) is solid from grade at the base of the sign to the top of the sign structure.

SIGN, PORTABLE - Signs which usually rest on the ground on wheels or metal legs, and may be temporarily anchored by weights and/or cables attached to stakes driven into the ground.

SIGN, REAL ESTATE - Temporary sign advertising the real property upon which the sign is located for rent or lease or sale; advertising a business or businesses to be located on the premises; or advertising the architect, contractor, developer, finance organization, subcontractor or material vendor upon which property such individual is furnishing labor, services or material.

SIGN, ROOF - Any sign erected upon, against, or directly above a roof or roof eave, or on or above any architectural appendage above the roof or roof eave.

SIGN, SNIPE - A non-permitted sign pasted or attached to utility poles, trees, fences, or other locations.

SIGN, TEMPORARY – Signs that are not permanently attached to a building, other structures or the ground and do not meet structural standards recognized and enforced by the Charleston County Building Inspections Services Department.

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 to attract the attention of the motoring public or pedestrian traffic.

SIGN, WALL/FAÇADE - A sign painted on or attached to the outside of a building, and erected parallel to the face of a building and supported throughout its length by such building.

SILVICULTURE – The cultivation of a forest for the purpose of harvesting timber.

SINGLE FAMILY, ATTACHED – The use of a site for two or more dwelling units, constructed with common or abutting walls and each located on a separate lot. Also known as townhouses or rowhouses.

SINGLE FAMILY, DETACHED – The use of a site for only one dwelling unit, other than a manufactured housing unit, that is not attached to any other dwelling units.

SMALL ANIMAL BOARDING - An establishment primarily engaged in the boarding of household pets within an enclosed building.

SOCIAL (OR CIVIC) ORGANIZATION – An establishment providing meeting, recreational, or social facilities for a nonprofit association, primarily for use by members and guests of youth organizations, fraternal organizations, and other similar groups. This use does not include any type of residential facility, such as fraternity or sorority houses.

SOCIAL CLUB (OR LODGE) – A building, structure, or grounds, or portion thereof, which is owned by or leased to private organizations, social clubs, or non-profit associations for meeting, recreational, or social purposes. The use of such premises is restricted to the members of these organizations and their guests.

SPECIAL EXCEPTION – An exception issued by the Board of Zoning Appeals authorizing a particular use in a specified location within a Zoning district, upon demonstrating that such use complies with all the conditions and standards specified by the Zoning and Land Development Regulations.

SPECIAL TRADE CONTRACTOR - An establishment that specializes in a specific aspect of construction, such as carpentry, electrical, painting, plumbing, roofing, or tile.

STABLE - A building or land where horses are kept for commercial use including boarding, sale, rental, breeding or raising of horses.

STREET - A vehicular way, which may also serve in part as a way for pedestrian traffic, whether called a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, alley, mall, or other designation, including the entire area within the right-of-way.

STREET, ARTERIAL - A street used primarily or designed to conduct traffic between communities and activity centers, and to connect communities to major state and interstate highways. An arterial is a primary road characterized by high traffic volumes

and high speeds.

STREET, COLLECTOR - A street used or designed to carry traffic from minor streets to arterial or major streets for purposes of this Ordinance. Such streets include those designated as collectors in any Comprehensive Plan or element thereof officially adopted.

STREET LINE – A lot line separating a street from a lot.

STREET, MINOR - A street other than an arterial street or collector street used or designated primarily to provide access to abutting property. The term includes marginal access streets which are generally parallel and adjacent to arterial streets, serve abutting properties and provide protection from friction with through traffic. The term minor street includes loop streets and cul-de-sac streets.

STRUCTURE - Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having a more or less permanent location on the ground.

STUB STREET - A street that intersects another local street and extends, usually one lot deep, to the property line of the development or rear of the block being developed.

SUBDIVISION – 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 combination of lots of record.

SUBGRADE - The top surface of a roadbed upon which the roadway structure and shoulders are constructed.

TEMPORARY PORTABLE STORAGE UNIT - Any structure that is used for storage that is portable and does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

TREE - Any self-supporting woody plant having a single trunk or trunks of two inches DBH or greater and usually having branches.

TREE PROTECTION FENCING - A fence or wall at least four feet in height that ensures the protection of protected and grand trees during development.

TRUCK STOP - Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of

commercial vehicles is conducted or rendered, including the dispensing of motor fuels or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. Any overnight accommodations and restaurant facilities primarily for the use of truck crews shall be considered as a separate use, and shall follow the use requirements for that particular use as provided for in this Ordinance.

UNDERSTORY TREE - Any approved tree having a maximum spread of twenty (20) feet at the time of maturity.

USE PERMITED BY OF RIGHT - A principal use permitted without the requirement of a Special Exception.

UTILITY – A provider of electricity, gas, water, sewage service, telephone, cable or other similar service for principal development, and the provider of the service is publicly regulated.

UTILITY SERVICE, MAJOR – Facilities and structures that are necessary for the generation, transmission, and/or distribution of utilities to support principal development, such as generation facilities, electrical and telephone switching facilities, electric substations, pumping stations, sewage collection or disposal facilities, water or sewage treatment plants, water storage tanks, sewage collector or trunk lines, water mains, and similar facilities.

UTILITY SERVICE, MINOR - Minor structures, such as lines and poles, that are necessary to distribute utilities and provide service.

VARIANCE - A relaxation by the Board of Zoning Appeals of the dimensional regulations of the Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of actions or the situation of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship; and such variance is consistent with Section 6.29.800 of the Code of Laws of South Carolina, Title 6, Chapter 29.

VEHICLE RENTAL AND LEASING - The rental or leasing of automobiles, light or medium trucks, motorcycles, recreational vehicles, or utility trailers, including incidental storage, maintenance, and servicing. This use does not include boats or other watercraft.

VEHICLE REPAIR, CONSUMER - An establishment that primarily provides service to automobiles, light and medium trucks, motorcycles or recreational vehicles. These services include the maintenance, repair, or refinishing of motor vehicles, including both minor and major mechanical overhauling, paint and body work. Generally, the customer does not wait at the site while the service or repair is being performed. This term excludes any dismantling or scrap and salvage service.

VEHICLE SALES - The sale of automobiles, light or medium trucks, motorcycles, recreational vehicles, or boats, including incidental storage, maintenance, and servicing.

VEHICLE SERVICE, LIMITED - An establishment that provides direct services to motor vehicles where the driver or passengers generally wait in the vehicle or nearby while the service is performed.

VEHICLE STORAGE - An establishment offering long or short term storage of operating vehicles or vehicles contracted for repair. This term excludes any dismantling, scrap and salvage service, or junked vehicle yards.

VETERINARY SERVICE - An establishment offering veterinary services and hospitals for animals.

WALL (OR FENCE) - A structural device erected to serve as an architectural element, landscape element, visual screen or physical barrier.

WAREHOUSE AND DISTRIBUTION FACILITY - An establishment engaged in the storage or movement of goods, such as manufactured products, supplies, equipment or food. This term excludes bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. 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.

WASTE-RELATED USE - Uses that collect or receive solid or liquid waste for disposal, treatment, transfer to another location, or production of energy from the waste. This term does not include uses otherwise defined as utilities.

WATERFRONT (PROPERTY) - Property within 500 feet of any river, tidal wetland or waterway, including saltwater marshes. Property abutting freshwater wetlands shall not be considered "waterfront" property.

WATER SERVICE LINE - A non-lateral line connecting development to a water main.

WETLANDS, FRESHWATER - Those areas of land that are inundated or saturated by fresh water 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 and delineated as freshwater wetlands by the U.S. Army Corps of Engineers.

WHOLESALE SALES - An establishment engaged in the wholesale sale of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking, and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

WRITTEN INTERPRETATION - Any review or evaluation by the Planning Director, in written form, concerning the Town of Meggett Zoning and Land Development Regulations, Comprehensive Plan, or any other relevant documents.

ZONING DISTRICT - A specifically delineated geographic area or zone in the Town of Meggett within which uniform development regulations and requirements govern the use, density, and the placement, spacing, or size of buildings.

ZONING PERMIT - A permit issued by the Town of Meggett that acknowledges that the intended land use, structure, building, or construction complies with the provisions of the Zoning and Land Development Regulations or authorized variance therefrom.

ZOO - A facility where live animals are kept for display.