

## Article 4: Specific to Use

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### 4.1.10 Purpose

This Division provides site planning, development, and operating standards for certain land uses where allowed in Article 3 (Specific to Zones) that require additional standards to ensure compatibility with the existing context and surrounding uses.

### 4.1.20 Adult-Oriented Businesses

Adult-oriented businesses shall comply with the following:

- A. **Buffers.** An additional 20 feet of perimeter buffer width shall be provided on all lot sides.

- B. **Separation.** The use shall be a minimum of 1,000 feet from any residential development outside the zone in which the adult-oriented business is located, a church, a school, a public building, or a day care center.
- C. **Spacing from Adult-Oriented Business.** An adult-oriented business shall be located a minimum distance of one-mile from another adult-oriented business.
- D. **Minimum Lot Area.** The minimum area of a lot on which an adult-oriented business is located shall be one acre.
- E. **Access.** Access to an adult-oriented business shall be from an interior street in the development, not from an exterior road.
- F. **Signage.** Signage for an adult-oriented business shall be a monument sign that does not exceed 60 percent of the area for signage allowed in the zone where the use is located. At the entrance to the building housing an adult-oriented business, a notice shall be posted in print that is sufficiently large for persons entering the building to read that states an adult-oriented business is located in the building(s), and the use may involve activities or materials that do not meet community decency standards.

**4.1.30 Animal Production**

Animal production operations shall comply with the following:

- A. **State Approvals.** No factory farm operation shall be allowed unless and until all appropriate state agency permits are approved and issued by the appropriate agencies.
- B. **Setbacks.**
  - 1. A factory farm operation shall be setback from all property lines a minimum of 200 feet.
  - 2. For all other animal production operations, any structure housing animals shall be setback a minimum of 100 feet from any residential lot.
- C. **Buffers.** A factory farm operation shall be screened with a visual buffer equal to a Type E Perimeter Buffer (see Table 5.8.90.D) next to all property lines.

**4.1.40 Animal Services: Kennel**

Animal services: kennels shall comply with the following:

- A. **Setbacks.** Open runs or outdoor pens used to house animals shall be located a minimum of 100 feet from any residential lot.
- B. **Buffers.** Be screened with a visual buffer equal to a Type E Perimeter Buffer (see Table 5.8.90.D) along side and rear lot lines adjoining residential lots.

**4.1.50 Commercial Stables**

Commercial stables shall comply with the following:

- A. **Fencing.** Provide a five-foot high fence around all paddock areas.
- B. **Setbacks.** Any structure housing horses shall be a minimum of 100 feet from any residential lot.

- C. **Minimum Site Area.** Be located on a parcel of 5 acres or more, with a minimum of one-half acre per horse.

#### **4.1.60 Day Care (Adult or Child)**

A day care (adult or child) shall comply with the following, as appropriate:

- A. **Adult Day Care.** Adult day care facilities shall comply with all relevant state requirements.
- B. **Child Day Care.** Child day care facilities shall comply with all relevant state requirements. Child day care facilities shall also comply with the following:
  - 1. **Outdoor Play Areas.** Outdoor play areas shall be provided, and shall be safely segregated from parking, loading, or service areas.
  - 2. **Buffering.** A landscaped hedge or solid fence shall be provided along any rear or side property line adjoining a residential lot. The hedge or fence shall be designed and/or planted to be at least four feet in height at maturity.
  - 3. **Parking Area, Vehicular Circulation, and Drop-Off and Pick-Up.** The parking areas and vehicular circulation for the child day care shall be designed to:
    - a. Ensure the safety of children as they arrive at and leave the facility;
    - b. Provide a designated pickup and delivery area that is located in such a way that children do not have to cross vehicular travel ways to enter or exit the center and traffic congestion is minimized.

#### **4.1.70 Drive-Through Facilities**

Drive-through facilities in conventional zones shall comply with the following:

- A. **Drive-through Configuration.** Drive-throughs shall be located to the side or at the rear of the building and shall be designed so that pedestrian safety is ensured.
- B. **Location on Corner Lot.** Drive-throughs serving a building located on a corner lot shall be located to the rear or interior side. In no instance shall the drive-through be located on the side of a building facing a street.
- C. **Roof.** If covered, the roof over the drive-through shall be of a complementary architectural design as the design covering the primary portion of the structure.
- D. **Talk Boxes.** Talk boxes at drive-through facilities shall be screened by a sound barrier such as landscaping, a fence or a masonry wall.
- E. **Stacking Lane Requirements.** Stacking lanes shall be a minimum of 12 feet in width and provide for the stacking of at least five vehicles. One bypass lane, a minimum of 10 feet in width, shall be provided.

#### **4.1.80 Family Compound**

Family compounds shall comply with the standards found in Section 2.7.40 (Family Compound Standards).

#### **4.1.90 Seasonal Farmworker Housing**

Seasonal farmworker housing shall comply with the following:

- A. **Active Agricultural Operations.** Be located on active agricultural land.

- B. **Site Area.** Be located on a parcel of 50 acres or more.
- C. **Seasonal Labor.** Be used to house seasonal agricultural labor, only.
- D. **Screened.** Be screened with a visual buffer equal to a Type E Perimeter Buffer (see Table 5.8.90.D) between the farm worker housing and adjacent properties used for residential purposes.
- E. **Indoor Facilities.** Be served by indoor sanitary, cooking, and bathing facilities.
- F. **Density.** Not exceed a maximum of 5,000 square feet of gross floor area per 50 acres.
- G. **Type of Units.** Consist of single-family units, multi-family units, or dormitories.

#### 4.1.100 Gas Station / Fuel Sales

Gas stations/fuel sales shall comply with the following:

- A. **Canopies over Gas Pumps.**
  - 1. Canopies over gas pumps shall have the same roof shape and exterior materials as the primary structure. Pitched roofs are encouraged.
  - 2. Canopies shall meet the setback requirements for the principal structure.
- B. **Lighting.**
  - 1. Canopy lighting fixtures shall be hidden inside a canopy so as not to be visible from off-site.
  - 2. Freestanding lighting fixtures shall not exceed 15 feet in height if the use adjoins an existing residential development or residential lot. All light fixtures shall be cutoff luminaries that block the light source from off-site view.
- C. **Car Wash Allowed as Accessory Use.** A one-bay car wash may be allowed as an accessory use. The car wash shall meet the setbacks for the principal use and not exceed 900 square feet in area. The car wash bay shall not be oriented toward the public ROW. Car washes are required to have operational recycled water systems where a minimum of fifty percent (50%) of water utilized is recycled.
- D. **Specific to T2 Rural District.** Gas stations shall be located no closer to one another than three miles along a public roadway.
- E. **Specific to Transect Zones and C4 District.** Within any transect zone and C4 district, the following additional standards shall apply:
  - 1. Fuel pumps and parking shall be located behind the front line of the primary structure. The Director may grant an exception to this requirement because of the shape of a parcel, the location of specimen trees, or other similar circumstances.
  - 2. The principal structure shall be oriented toward the street.

#### 4.1.110 General Offices and Services

General office and service uses shall comply with the following:

- A. **Specific to C3 District.** The site shall have frontage on, and access shall be provided directly to, an arterial or collector street unless the Director determines that access to an adjoining secondary local street is safer and provides improved design. This restriction does not apply to general office and service uses located in Traditional Community Plans.

- B. **Specific to S1 District.** Banks, Business Services and Personal Services shall take access from the development's internal streets. These uses shall not have direct access to arterial or collector streets.

#### **4.1.120 General Retail**

General retail shall comply with the following:

- A. **Specific to T2 Rural District.**
  - 1. The maximum allowable size for General Retail shall be 1,500 square feet total.
  - 2. No general retail use shall be located within one-half mile radius from another general retail use.
  - 3. The buildings shall be residential in character and meet the Estate House (see Section 5.1.50) or Village House (see Section 5.1.60) building type standards.
- B. **Specific to C3 District.** The site shall have frontage on, and access shall be provided directly to, an arterial or collector street unless the Director determines that access to an adjoining secondary local street is safer and provides improved design.
- C. **Specific to S1 District.** Access shall be from the development's internal streets. The use shall not have direct access to arterial or collector streets.
  - 1. Access shall be from the development's internal streets.
  - 2. The use shall not have direct access to arterial or collector streets.
  - 3. General retail establishments may reuse developed sites that have been unoccupied by a light industrial business for more than two years provided the following standards are met:
    - a. Adequate parking in compliance with Division 5.5 (Off-Street Parking) shall be provided;
    - b. The site shall be located within 1,000 feet of an arterial road, and traffic impacts as measured by trips per day shall not exceed by more than 10% the traffic impact of the former permitted use on the site;
    - c. The proposed use shall meet the Land Use Compatibility Recommendations of the United States Navy for the Accident Potential Zones (APZs) or Noise Zones, if the site is within such a zone; and
    - d. No outside sales for an adaptive reuse shall be permitted with the APZs or Noise Zones, if the site is within such a zone.
    - e. Structural additions shall not increase the existing floor space by more than 15%; if more than a 15% increase is proposed, the application will be treated as a special use.

#### **4.1.130 Manufactured Home Community**

Manufactured Home Communities shall comply with the following:

- A. **Design Standards.** Specific design standards for manufactured home communities are found in Division 2.5 (Manufactured Home Communities).
- B. **RVs Permitted as Accessory Use.** Up to 25% of the lots in a manufactured home community may be used for either manufactured homes or recreational vehicles as follows:

1. Combination lots, which may be used for either manufactured homes or recreational vehicles, shall be clustered, separated from exclusively manufactured home lots and clearly delineated on the development plan.
2. All recreational vehicles shall be road ready and not attached to any permanent structure.
3. All prospective renters shall be notified by the property owner through a written provision contained in the lease agreement that the manufactured home community contains lots that may be rented for either manufactured home or recreational vehicle use.
4. A pump out station meeting SCDHEC requirements shall be provided for recreational vehicles.

#### **4.1.140 Manufacturing, Processing, and Packaging**

Manufacturing, processing, and packaging facilities shall comply with the following:

- A. **No Adverse Impacts.** The use shall not create noise, vibration, odor, fumes, or electrical or communications interference that can be detected by the normal senses off the premises.
- B. **All Operations Must Be Located Within an Enclosed Structure.** All manufacturing, processing, and packaging operations shall occur within an enclosed building.
- C. **Loading Areas.** Outdoor loading areas shall be located to the rear of the principal structure and shall meet the requirements of Section 5.8.100 (Screening). Loading and unloading of goods and supplies shall not interfere with the on-site circulation of vehicles and pedestrians.

#### **4.1.150 Meeting Facility / Place of Worship**

Meeting facilities/places of worship shall comply with the following:

- A. **Access.** Road access for a meeting facility/place of worship over 15,000 square feet shall be provided through frontage on an arterial or collector street.
- B. **Accessory Uses.**
  1. Meeting facilities/places of worship may include functionally related internal facilities such as kitchens, multi-purpose rooms, and offices. Places of worship may establish schools, daycare centers, and on-site social programs such as health care clinics, food banks and the like as accessory uses in the principal structure and /or auxiliary buildings.
  2. Accessory uses must be not-for-profit.
  3. The sum of all principal and accessory structures may not exceed the allowable floor space for this use in the district in which it is located (i.e. over or under 15,000 square feet). Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building.

#### **4.1.160 Mining / Resource Extraction**

- A. **General Standards.**



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1. **State Approvals.** No Special Use Permit for a mining/extraction project shall be issued unless and until all appropriate state agency permits are approved and issued by the appropriate agencies.
  2. **Height.** No equipment shall exceed 30 feet in height above the lowest natural grade on the site.
  3. **Hours of Operation.** The hours of operation are limited to 6:30 a.m. to 6:30 p.m., Monday – Saturday.
  4. **No Processing or Drying.** No processing or drying is allowed on the site.
  5. **Stormwater.** The site shall be designed so that the quantity and quality of runoff reaching any surface water, on-site, or discharging off-site, shall be controlled through County approved BMPs.
  6. **Safe Edges Required.** Safe edges shall be provided for any excavation on the site to prevent accidents. Safe edges shall require a long shelf with a slope of less than 1:5 to a depth of three feet.
  7. **Fencing.** Where water is to remain for more than one day, the area shall be fenced. The fence shall be located at least 50 feet from the edge of excavation. No trespassing signs that are highly visible shall be installed on the fence every 25 feet along the length of the fence. Clearly legible no trespassing signs in high visibility locations shall also be placed at all site access points.
- B. **Specific to Projects Five Acres or Less.** Mining/resource extraction of 5 acres or less shall comply with the following standards:
1. **Size / Area.** The ratio of area to be excavated to the gross site area shall be a minimum of 1:4.
  2. **Maximum Depth of Excavation.** Land shall be excavated no deeper than 12 feet from existing grade.
  3. **Buffers Adjacent to Residential Development.** Along all property boundaries adjoining residential uses, the required forested buffer width shall be 100 feet. If the buffer is not currently forested, the standards of Section 5.8.90.D (Perimeter Buffer), Perimeter Buffer Type E, shall apply.
  4. **Engineer’s Report Required for Disturbance Greater than 10,000 Square Feet.** Any excavation resulting in land disturbance of 10,000 square feet or greater shall provide a certified engineer’s report ensuring that drainage and runoff do not adversely impact the property or surrounding properties.
  5. **Truck Routing Plan.** A truck routing plan shall be submitted that ensures that truck traffic through residential areas is avoided or mitigated to the extent practicable. Any roads brought to sub-standard condition due to work on the site as determined by SCDOT and/or the County must be brought up to standard. At a minimum, a road must be returned to its initial condition.
  6. **Noise.** Maximum noise at the property line shall not exceed 65 decibels.
- C. **Specific to Projects Greater than Five Acres.** Mining/resource extraction of over 5 acres shall comply with the following standards:
1. **Minimum Site Area.** The minimum site area shall be 20 acres.
  2. **Buffers Adjacent to Residential Development.**

- a. If the proposed mining/excavation is adjacent to existing residential development on parcels of one acre or larger, there is a required forested buffer width of 200 feet. If the adjacent residential development is on parcels less than one acre, the forested buffer width shall be 400 feet.
  - b. If the buffer is not currently forested, the standards of Section 5.8.90.D (Perimeter Buffers), Perimeter Buffer Type E, shall apply and shall be planted over a berm having a minimum height of eight feet.
  - c. If the Special Use Permit limits the mining/excavation to less than two years, the buffer may be reduced to 100 feet, if it is demonstrated the reduced buffer addresses any compatibility problems between the uses.
3. **Berm to Address Noise.** The site shall be bermed to ensure that the maximum noise at the property line does not exceed 65 decibels. Unless this berm is also being utilized to meet the provisions of Section 4.1.160.C.2. above, it shall be located outside of the required buffers.
4. **Groundwater.** If groundwater is encountered, the following shall be demonstrated:
- a. Probable maximum pumping rates and cone of depression impacts on surrounding public and private wells and the long-term water table.
  - b. The disposal method for pumped water and its effect on water quality and flooding.
  - c. A study shall be done before submittal of the special use application to ensure pumping during the active use of the site does not result in groundwater contamination or salt-water intrusion. Monitoring wells shall be installed to monitor any groundwater pumping. If groundwater contamination or salt-water intrusion occurs, the County shall require the mine to be closed immediately and require the mine operator/landowner to undertake corrective action and pay for any damages resulting from the operation. The mine operator shall be strictly liable for any harm to adjacent lands.
5. **Additional Submittal Requirements.** The following plans shall be submitted as part of the application for a Special Use Permit (see Section 7.2.130, Special Use Permit):
- a. **Truck Routing Plan.** A truck routing plan shall be included as part of a traffic impact analysis (see Division 6.3, Traffic Impact Analysis), which ensures:
    - (1) Truck traffic through existing residential areas is mitigated or avoided to the maximum extent practicable;
    - (2) The capacity of all truck route roads to carry traffic from the site to arterial or collector roads is evaluated; and
    - (3) Any sub-standard roads are brought up to adequate standards, both before and after mining activities, as determined by the County Engineer and/or SCDOT.
  - b. **Operations Plan.** An operations plan shall identify the specific types of activities that are necessary for successful operation of the use, specific technologies that will be incorporated into the use, potential impacts on adjacent lands and mitigation measures, the size of the operation, the number of employees, and the operating hours of the use.

- c. **End Use Plan.** An end use plan shall be approved that demonstrates after completion of the mining/excavation, the site will be restored. The end use plan shall address the following:
  - (1) The ground surface on the site is restored to a condition permitting one of the following uses: agricultural, residential, recreation, or non-residential.
  - (2) If recreation is identified as the restored use, its management is established in the end use plan.
  - (3) Risks from any sub-surface materials to future restored use(s) is identified and mitigated.
  - (4) If surface water will be present, likely chemical water quality shall be identified.
  - (5) Where permanent water bodies are created as a result of surface mining, littoral shelves and wetland vegetation are encouraged to promote water quality and natural habitat.
- 6. **Final Excavation Plan.** Where surface water features remain, or a depressed area is created during mining/excavation, a final excavation plan shall be submitted that is consistent with the end use plan and approved as part of the Special Use Permit. The final excavation plan shall demonstrate that sufficient land will remain unexcavated and/or that the excavation will be done in a manner that allows the development to conform to this chapter's requirements without variances.
- 7. **Escrow Account.** An escrow account or a yearly fee approved by the County Attorney and County Council as part of the Special Use Permit may be required to ensure that there are sufficient funds set aside for restoration.

**4.1.170 Multi-Family Dwellings**

Multi-family dwellings shall comply with the following:

- A. **Specific to C3 District.** Uses shall be compatible with surrounding neighborhood character in size, scale, and architecture.
- B. Reserved.

**4.1.180 Outdoor Maintenance / Storage Yard**

- A. **Storage Height.** Storage of any equipment may not exceed 12 feet in height from the lowest ground elevation.
- B. **Screening of Storage Areas.** All outdoor storage areas shall be screened with a solid wooden fence or masonry wall at least eight feet high. One evergreen shrub shall be installed for every five linear feet of fence or wall on the side of the fence or wall facing a neighboring property or public right-of-way.

**4.1.190 Recreation Facility: Campgrounds**

Campgrounds shall comply with the following:

- A. **Buffers.** This use shall be screened with a 100-ft. wide, opaque, visual buffer next to all property lines.

- B. **Minimum RV Pad Size.** RV pads that shall be a minimum of 1,600 square feet.
- C. **Tree Requirement.** Existing trees shall be left between all campsites and/or RV pads, to the maximum extent practicable. If there are no trees between campsites or RV pads, at least two trees shall be planted between each campsite or RV pad.
- D. **Accessory Uses.** A camp store and entertainment area are allowed as accessory uses to a campground provided they do not exceed 3,000 square feet for every 200 camping spaces or RV pads, and are not advertised off-site.
- E. **Pumpout Station.** A pumpout station meeting SCDHEC requirements shall be provided for camping trailers and recreational vehicles.

**4.1.200 Recreation Facility: Commercial Outdoor**

Commercial outdoor recreation facilities shall comply with the following:

- A. **Buffers.** Buffers shall incorporate walls or solid fences and be increased by 50 feet, where the use is adjacent to existing residential development.
- B. **Hours of Operation.** Outdoor operations shall be closed and exterior lighting turned off by 11:00 p.m. Facilities seeking to remain open after this time must apply for and receive approval of a Special Use Permit , see Section 7.2.130 (Special Use Permit).

**4.1.210 Regional (Major) Utility**

Regional (major) utilities shall comply with the following:

- A. **Additional Buffer.** The site shall have an additional buffer of 100 feet.
- B. **Structure Over 150 Feet in Height.**
  - 1. Within a regional utility corridor, all structures 150 feet or taller shall be fitted with orange aviation marker balls installed along the static wire located between the structures, in accordance with applicable industry standards.
  - 2. Outside a regional utility corridor, all structures 150 feet or taller shall have lighting in accordance with Federal Aviation Administration (FAA) Advisory Circular AC 70/7460-1K, as amended, and FAA Advisory Circular AC 150/5345-43E, as amended, and shall be red flashing strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA.

**4.1.220 Residential Storage Facility**

Residential storage facilities shall comply with the following:

- A. **Operation.**
  - 1. The only uses allowed on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage, and limited incidental sales of storage materials (e.g., boxes, tape). Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
  - 2. Individual storage bays or private postal boxes within a self-service storage facility shall not be considered premises for the purpose of assigning a legal address.

3. No more than one security quarters may be developed on the site, and shall be integrated into the building's design.
4. Except as otherwise authorized in this Section, all property stored on the site shall be enclosed entirely within enclosed buildings.
5. There shall be no storage of toxic, hazardous, flammable, explosive or noxious materials.

**B. Parking and Circulation.**

1. Interior circulation shall be provided in the form of aisleways adjacent to the storage bays. These aisleways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aisleways shall be 22 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
2. The one- or two-way traffic flow patterns in aisleways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.
3. All aisleways shall be paved with asphalt, concrete, or comparable paving materials.

**C. Building Standards.**

1. Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.
2. With the exception of a structure used as a security guard or security quarters, the maximum height of a personal storage facility shall be 20 feet.
3. Fences shall be no shorter than six feet or taller than eight feet and meet the standards of Division 5.4 (Fences and Walls). One evergreen shrub shall be installed for every five linear feet of fence or wall on the side of the fence or wall facing a neighboring property or public right-of-way.

**D. Open Storage.** Open storage of recreational vehicles, travel trailers, and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a residential storage facility, provided that the following standards are met:

1. No outdoor storage shall be visible from off-site.
2. The storage shall occur only within a designated area that is clearly delineated.
3. Outdoor storage areas shall be located to the rear of the principal structure and be screened with a solid fence or masonry wall at least eight feet high.

**E. Residential Storage Facilities in T4 Hamlet Center, T4 Hamlet Center Open, and T4 Neighborhood Center.** Residential storage facilities shall be sited so that storage buildings are located in the interior of the block and do not face a street. The site shall incorporate outparcels to screen and separate the storage buildings from the street. The leasing office and/or security quarters may face and address the street. In the T4 Hamlet Center District where and adaptive reuse of an existing building is sought to preserve commercial stability on a street, the building and parcel upon which it resides may be remodeled and converted into a residential storage facility.

**4.1.230 Restaurant, Cafés, Coffee Shop**

Restaurants, cafés, and coffee shops shall comply with the following:

- A. **Specific to S1 District.**
  - 1. Restaurants, cafés, and coffee shops shall take access from the development’s internal streets. These uses shall not have direct access to arterial or collector streets.
  - 2. A manufacturing or office use may include a restaurant, café, or coffee shop as an accessory use provided there are no identification signs, other than directional signs identifying the facility.
- B. **Specific to C3 District.** The site shall have frontage on, and access shall be provided directly to, an arterial or collector street unless the Director determines that access to an adjoining secondary local street is safer and provides improved design.

**4.1.240 Salvage Operations**

Salvage operations shall comply with the following:

- A. **Specific to S1 District.** Salvage operations in the S1 district shall:
  - 1. Be located at least 300 feet from the outer boundaries of the district unless the adjacent property is in the S1 district.
  - 2. Have either an additional ten feet of forested buffer or an eight-foot wall or solid fence, landscaped with one canopy tree per 50 feet, around the entire property. If the adjacent property is an existing residential use, both shall be required.
- B. **Maximum storage height.** Outside storage of motor vehicles, equipment, parts, junk, or other material shall not be visible from roadways or adjacent residential uses.
- C. **Burning prohibited.** Burning of junk or vehicles in any salvage yard is prohibited.

**4.1.250 Tattoo or Body Piercing Facility**

Tattoo or body piercing facilities shall comply with the following:

- A. **Separation.** A tattoo or body piercing facility shall be a minimum of 1,000 feet from property line to property line of any residential development, church, school, public building, or day care center.
- B. **Spacing.** The minimum spacing between another tattoo or body piercing facility shall be 500 feet from property line to property line.
- C. **Access.** Access shall be from an interior street within the development, not from an exterior local, collector or arterial road.
- D. **Federal, State, and other Local Permits Required.** An applicant shall obtain all permits required by SCDHEC or any other federal, state or local government department or agency that has rules and regulations governing tattoo or body piercing facilities, prior to receiving a land development permit from Beaufort County.

**4.1.260 Vehicle Sales and Rental: Automobiles, Light Trucks, Boats**

Vehicle sales and rentals shall comply with the following:

- A. **No Vehicles or Boats in ROWs and Buffers.** No vehicles or boats shall be parked in a ROW or buffer.

- B. **Display of Vehicles.** No vehicles shall be displayed with their hoods open, except in a display building, which shall be an enclosed structure. No vehicles or boats shall be displayed on top of a building.
- C. **Location of Service Bay Doors.** Repair of all vehicles and boats shall occur within an enclosed building. Service bay doors shall be located perpendicular to the road fronting the site and shall be screened from all other streets and adjacent residential property.
- D. **Outdoor Intercoms.** Outdoor intercoms located on vehicular sales and rental sites shall comply with the following:
  - 1. Be located a minimum of 150 feet from the property line of any existing residential use; and
  - 2. If the vehicle sales and rental use is located adjacent to an existing residential use, be located on a side of the building that does not front the residential use.
- E. **Additional Standards in T2RC, T4HCO, and C4 Districts.** Vehicular sales and rental uses in the T2RC, T4HCO, and C4 districts shall comply with the following additional standards:
  - 1. All areas for the outdoor display of vehicles and boats for sale shall be located behind the front building line and shall be included in the floor area ratio (FAR) calculation for the site if applicable.
  - 2. All service and repair activities, including outdoor storage areas (those areas not used for display), shall be located behind the front building line and shall be completely screened (100 percent opacity) from adjoining properties and ROWs using natural buffers, fencing, buildings, or a combination thereof.
  - 3. Within the T4HCO district, the sale of automobiles, trucks, vans, and motorcycles are not permitted. Boat sales are only permitted within ½ mile of a public boat ramp.

**4.1.270 Vehicle Services: Maintenance and Repair**

- A. **Auto Painting or Body Shop.** Uses shall comply with the following:
  - 1. The use shall be located at least 250 feet from any existing residential development, school, or day care.
  - 2. Vehicles shall not be parked or stored as a source of parts or for the purpose of sale or lease/rent.
  - 3. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area located behind or to the side of the principal structure, and completely screened (100 percent opacity) from adjoining properties and ROWs using natural buffers, fencing, buildings, or a combination thereof.
  - 4. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days unless the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.
- B. **Auto Wrecker Service.** Uses shall comply with the following:
  - 1. The number of vehicles stored on-site shall be limited to 15 vehicles. Vehicles shall not be stored for more than 90 days. Vehicles shall be stored to the rear of the principal

structure, and completely screened (100 percent opacity) from public view using natural buffers, fencing, buildings, or a combination thereof.

2. Reserved.

C. **Car Wash and Auto Detailing.** Uses shall comply with the following:

- 1. Openings to wash bays shall not face road ROWs and shall be designed to minimize visual intrusion onto adjoining properties.
- 2. Vacuuming equipment shall be set back at least 50 feet from any adjacent residential development.
- 3. Car wash and auto detailing uses shall provide adequate, enclosed trash storage facilities on the site.
- 4. Car washes are required to have operational recycled water systems where a minimum of fifty percent (50%) of water utilized is recycled.

D. **Other Repair Services.** Uses shall comply with the following:

- 1. Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area located behind or to the side of the principal structure, and completely screened (100 percent opacity) from public view using natural buffers, fencing, buildings, or a combination thereof.
- 2. All automobile parts and similar materials shall be stored within an enclosed building or completely screened from view by an opaque or privacy fence.
- 3. The use shall not include outdoor storage lots or impound yards for towed vehicles.
- 4. Openings to repair bays shall not face road ROWs and shall be designed to minimize visual intrusion onto adjoin properties.

**4.1.280 Warehousing, Wholesaling, and Distribution**

Warehousing and distribution shall comply with the following:

- A. **Access.** The use shall have direct access onto an arterial or major collector road.
- B. **Screening of Outdoor Storage Areas.** The use shall locate outdoor storage areas to the rear of the principal structure to the maximum extent practicable and screen them with a wooden fence or masonry wall no less than eight feet in height in accordance with Division 5.4, Fences and Walls. One evergreen shrub shall be installed for every five linear feet of fence or wall on the side of the fence or wall facing a neighboring property or public right-of-way.
- C. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

**4.1.290 Waste Management Facility: Community Waste Collection and Recycling**

A community waste collection and recycling facility shall comply with the following:

- A. **Only Residential and Office Waste Accepted.** Only residential and office wastes shall be accepted by this use. Commercial, industrial, auto or machinery generated waste shall not be accepted.



- B. **Buffers.** A 100-foot wide buffer with 100% opacity is required around the entire property excluding the entrance. Trash bins shall not be visible from any neighboring property or public right-of-way.
- C. **Cut-off Lighting.** Only cut off lighting fixtures shall be used. If the adjacent property is residential, the height of the pole shall not exceed 15 feet from the top of finished grade level.

**4.1.300 Waste Management Facility: Regional Waste Transfer and Recycling**

Regional waste transfer and recycling facilities shall comply with the following:

- A. **Buffers.** Where this use adjoins saltmarshes, tidal waters, Rural and Critical Lands, or existing or permitted residential uses, a 500-foot wide buffer with 100% opacity is required. All other adjoining uses shall be screened by a 200-foot wide buffer with 100% opacity.
- B. **Cut-off Lighting.** Only cut off lighting fixtures shall be used. If the adjacent property is residential, the height of the pole shall not exceed 15 feet from the top of finished grade level.
- C. **Operations Plan and Truck Routing Plan.** An operations plan and truck routing plan shall be approved as part of the Special Use Permit (see Section 7.2.130, Special Use Permit), and shall be updated every five years, or as determined by the ZBOA, and include:
  - 1. The truck routing plan shall be included as part of the traffic impact analysis (see Division 6.3, Traffic Impact Analysis) and shall demonstrate:
    - a. The capacity of all truck route roads that will carry truck traffic from the site to arterial or collector roads, the trucks' impact on those roads, and how the impacts will be mitigated so there will not be a deterioration of the roads or their capacity.
    - b. Regional Waste Transfer and recycling facilities shall have direct access from a Major or Minor Arterial with no trucks utilizing residential streets."
  - 2. The operations plan shall identify the specific types of activities that are necessary for successful operation of the use, specific technologies that will be incorporated into the use, potential impacts on adjacent lands and mitigation measures, size of the operation, number of employees, operating hours, etc.
- D. **State and Federal Compliance:** The use shall comply with all applicable State and Federal Regulations.
- E. **Access:** The use shall have direct access from a Major or Minor Arterial with no trucks utilizing residential streets. The access road, and all parking and loading areas shall be paved.
- F. The use shall be located outside of the 100-year floodplain.

**4.1.310 Waste Management Facility: Regional Waste Disposal and Resource Recovery**

Regional waste disposal and resource recovery facilities shall comply with the following:

- A. **Buffers.** Where this use adjoins saltmarshes, tidal waters, Rural and Critical Lands, or existing or permitted residential uses, a 500-foot wide buffer with 100% opacity is required. All other adjoining uses shall be screened by a 200-foot wide buffer with 100% opacity.

- B. **Operations Plan and Truck Routing Plan.** An operations plan and truck routing plan shall be approved as part of the Special Use Permit (see Section 7.2.130, Special Use Permit), and shall be updated every five years, or as determined by the ZBOA, and include:
1. The truck routing plan shall be included as part of the traffic impact analysis (see Division 6.3, Traffic Impact Analysis) and shall demonstrate:
    - a. The capacity of all truck route roads that will carry truck traffic from the site to arterial or collector roads, the trucks' impact on those roads, and how the impacts will be mitigated so there will not be a deterioration of the roads or their capacity.
    - b. Truck traffic through existing residential areas is mitigated or avoided to the maximum extent practicable.
  2. The operations plan shall identify the specific types of activities that are necessary for successful operation of the use, specific technologies that will be incorporated into the use, potential impacts on adjacent lands and mitigation measures, size of the operation, number of employees, operating hours, etc.
- C. **Additional Requirements For Landfills:**
1. The quantity and quality of runoff reaching any surface water on-site or discharging off-site shall be identified and controlled through BMPs or other appropriate means.
  2. If surface water will be present, the likely chemical water quality shall be identified.
  3. If groundwater is to be encountered:
    - a. Probable maximum pumping rates and cone of impact depression impacts on surrounding public and private wells and long-term water table shall be identified and addressed.
    - b. The disposal method for pumped water and its effect on water quality and flooding shall be identified and addressed.
    - c. A study shall be done to ensure that pumping during the active use of the site will not result in salt-water intrusion. Monitoring wells shall be installed to monitor activities to ensure this does not occur. If salt-water intrusion occurs, the County shall require the landfill to be closed immediately and require the operator/landowner to undertake corrective action and pay for any damages resulting from the operation. The landowner and operator shall be strictly liable for any harm to adjacent lands.
  4. **End Use Plan.** An end use plan shall be approved as part of the Special Use Permit (see Section 7.2.130, Special Use Permit) that demonstrates after completion of the landfill, the site will be restored. The end use plan shall address the following:
    - a. The ground surface on the site is restored to a condition permitting one of the following uses: recreation or non-residential. If recreation is identified as the restored use, its management shall be established in the end use plan.
    - b. Risks from any sub-surface materials to future restored use(s) are identified and mitigated.
  5. **Landfill Slopes.**
    - a. Side slopes of landfills shall be designed so they can be effectively screened from adjacent development and the public ROW while the landfill is active. Side slopes shall be planted in accordance with Section 5.8 (Landscaping, Buffers, and Screening Standards).

- b. Side slopes shall be kept at least ten feet higher than operating areas.
- c. Safe edges shall be provided for any excavation on the site to prevent accidents. Safe edges shall require a long shelf with a slope of less than 1:5 to a depth of three feet.
- 6. **Final Cover.** A minimum of one foot of final cover shall be placed on the landfill when activities are completed. In addition, all slopes and a minimum of 30 percent of the landfill top shall be covered with an additional depth of three feet and planted with a forest cover.
- D. **Debris Management Locations.** If a natural disaster such as hurricane, tornado, flooding, etc., occurs, the County will utilize available tracts of land to allow emergency debris clearance of public ROWs to facilitate rescue operations, to reestablish public services and mobility, and to begin the disaster recovery process. All debris management policies, priority actions and decisions shall be exempt from the requirements of this section and approved by resolution of County Council. These activities will be conducted by the Public Works Department, in association with the Emergency Management Office, and other appropriate agencies and entities.
- E. **Additional Requirements**
  - 1. The use shall comply with all applicable State and Federal Regulations.
  - 2. The access road, and all parking and loading areas shall be paved.
  - 3. The use shall be located outside of the 100 year floodplain.
  - 4. Gathering, processing, and treating methane gas emitted from decomposing garbage to produce electricity, heat, fuels, and various chemical compounds are strongly encouraged.

#### **4.1.320 Wireless Communications Facility**

Wireless communication facilities shall comply with the following:

- A. **Collocation.** Collocation of wireless communication facilities shall be achieved in accordance with this Section:
  - 1. All applications where wireless communication facilities are not being provided through collocation shall include a collocation study that demonstrates there is not a suitable collocation site that can serve the needs of the user. Placement on existing towers, water towers or other tall structures shall be fully considered prior to making an application for a new tower.
  - 2. When a new tower is proposed within two miles of an existing tower, the applicant will be expected to prove that there is no technologically and structurally suitable space available within the search ring. The applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts, etc., that alternative towers are not available for use. The proposed tower, if approved, shall be either camouflaged or stealth in design.
  - 3. Speculation towers are prohibited.
  - 4. The following collocation standards shall apply to all new towers:
    - a. All structures less than 125 feet in height shall make provision for at least two locations.

- b. Towers between 125 feet and 200 feet in height shall have at least four locations.
5. The design of ground structures for new towers shall be such that modular expansion to accommodate collocation is feasible.
- B. **Towers.** Towers shall comply with the following:
  1. Maximum tower height shall be as follows:
    - a. For towers with provisions for one to three locations, 125 feet.
    - b. For towers with provisions for four to five locations, 200 feet.
  2. In T2 zones, where the tower is located on a property with a conservation easement in place, the location of the tower will be completely screened at least one mile in sight distance, from roads or waterways having visual access of the subject property.
  3. All towers 150 feet or taller shall be lighted. Lighting shall be in accordance with Federal Aviation Administration (FAA) Advisory Circular AC 70/7460-1K, as amended, and FAA Advisory Circular AC 150/5345-43E, as amended, and shall be red strobe lights (L-864) at night and medium intensity flashing white lights (L-865) during daylight and twilight use unless otherwise required by the FAA. No general illumination shall be permitted. (All commercial communication towers approved by Beaufort County and by the South Carolina State Historic Preservation Office prior to January 8, 2007, and operating in conformance with those approvals, shall be deemed to be lawful nonconforming uses and structures and are not subject to these lighting requirements. Status as a lawful nonconforming use or structure under this Section shall terminate upon the expiration or revocation of a commercial communication tower's permit or upon any modification to the height of the tower.)
  4. A sign of no more than two square feet shall be mounted in an easily noticeable location, no more than four feet above the ground, providing tower identification and an emergency notification number.
  5. A 50-foot forested buffer shall be provided around the entire perimeter of the parent property containing the tower (not just the leased area). If a forested buffer does not exist, a new buffer shall be planted in accordance with a Type E Perimeter Buffer (see Table 5.8.90.D, Perimeter Buffer Types). For camouflage and stealth towers, the Director may approve a buffer modulation of this requirement based on site design.
  6. All applications shall include a visual impact analysis of the proposed tower.
  7. The base of any new tower shall be set back a minimum distance from an existing residential dwelling that is equal to one foot for each one foot in height of the proposed tower, plus an additional 50 feet.
  8. A collapse zone shall be designed so that tower collapse will occur only within the property owned or leased by the tower company, or controlled by an easement held by the tower company.
  9. No tower shall be located within 500 feet, plus one foot for each foot of height of the proposed tower, of the OCRM critical line.
  10. All towers shall comply with the standards found in the Beaufort County Airport Overlay Zone (See Section 3.4.40, Beaufort County Airport Overlay (BC-AO) Zone Standards).
  11. The tower shall not adversely affect any historic structure or site.

12. Towers are prohibited within 500 feet of the ROW of arterial and major collector roadways and shall not adversely affect any property, road or waterway that has been officially recognized or designated as scenic within the County.
13. If disputed evidence occurs in the review of the application, the County may hire, at the developer's expense, a communications expert or engineer of its own choosing to assist in determining the facts.
14. When any tower is abandoned for 60 days, the landowner shall remove the tower and restore the site within six months.

#### **4.1.330 Ecotourism**

Ecotourism shall comply with the following:

- A. Applications shall include a site plan whose design incorporates the building, structures, and amenities into the natural and scenic qualities of the area in a complimentary fashion.
- B. An operational plan shall indicate that this use will enhance the ecotourism experience of intended users in regard to the related wilderness setting, interpretive educational programs, wildlife viewing opportunities, outdoor activities, parks/protected areas, and/or cultural experiences.
- C. The maximum floor area ratio for each development shall be 0.1.
- D. An open space ratio of (at least) 85% shall be required for the entire property.
- E. Impervious surface shall not exceed 8% for the entire property.
- F. There shall be a 3 acre minimum site size for this use.
- G. Lodgings are permitted with this use and include cabins, inns, B&Bs, historic properties, and small hotels. Hotel uses shall be limited to no more than 50 units per development, 8 units per building, and a maximum height of 2 stories.
- H. Operators of ecotourism uses shall adhere to the stewardship, research, and education principles promoted by The Ecotourism Society (TES).

#### **4.1.340 Aquaponics**

Aquaponics shall comply with the following:

- A. An operational plan shall be submitted that indicates that this use will result in no adverse impacts on neighboring properties including noise and odors.
- B. The principle product of aquaponics shall be vegetables with fish available from time to time as a bi-product.
- C. All standards that apply to the zoning districts which allow Agriculture and Crop Harvesting shall be followed, and aquaponics may be an accessory use on the site.
- D. The entire aquaponics process shall take place inside an enclosed greenhouse to protect from outside contaminants, and the need for pesticides or herbicides is to be avoided.
- E. No excavation of the ground to create the potential of sand mining shall be allowed in the pursuit of an aquaponics zoning permit.

**4.1.350 Affordable Housing**

- A. **Findings.** County Council finds that affordable housing is the essential foundation upon which to build a more sustainable future for Beaufort County and to grow a more competitive workforce to meet the challenges of our regional, state, and global economy. County Council finds that zoning regulations can be an effective tool for implementing the strategies to address the needs for affordable housing stock within Beaufort County. County Council finds that the Regional Center Mixed Use (C5) zone district is an appropriate place for certain incentives provided in this chapter for the development of affordable housing types.
- B. **Purpose.** This chapter is intended to promote a diversity of housing stock by providing certain incentives and regulatory standards for the creation of affordable housing units in the C5 zone district.
- C. **Availability.** The affordable housing incentives and regulations provided in this chapter are available to all landowners in the C5 zone district as a conditional use when an applicant has demonstrated compliance with the conditions provided herein.
- D. **Definitions.** For the purpose of this chapter, the following terms shall mean:
  1. **Owner occupied affordable housing unit:** A dwelling unit where at least one occupant is an owner, and where all occupants have, in the aggregate, household income less than or equal to one-hundred (100%) percent of the area median income (AMI) for owner occupied units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development (HUD) as adjusted by the Beaufort County Human Services Department or its successor.
  2. **Rental affordable housing unit:** A dwelling unit, where occupants have, in the aggregate, household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. AMI shall be determined annually by HUD as adjusted by the Beaufort County Human Services Department or its successor.
  3. **Qualified household:** Households where occupants have, in the aggregate, a household income less than or equal to one-hundred (100%) percent of the AMI for owner occupied units, and a household income less than or equal to eighty (80%) percent of the AMI for rental units.
  4. **Initial maximum allowable sales price:** An amount equal to three (3) times one-hundred (100%) percent of the AMI plus any subsidy available to the buyer.
  5. **Affordable rent:** Affordable rent is based on an amount not to exceed thirty (30%) percent of eighty (80%) percent of the AMI as published annually by HUD based on household size, inclusive of a utility allowance. Utility allowances are as provided by HUD guidelines.
  6. **Household income:** All sources of financial support, both cash and in kind, of adult occupants of the housing unit, to include wages, salaries, tips commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or trusts, Social Security benefits, pension benefits, or any other sources of financial support.
- E. **Applicability.** Any development or redevelopment within the Regional Center Mixed Use (C5) zone district that includes residential dwelling units may elect to develop the residential portion according to the standards in this chapter provided that the applicant demonstrates strict compliance with conditions stated herein.
- F. **Land Use Standards.** A development or redevelopment within the Regional Center Mixed Use (C5) zone district may elect to provide for Affordable Housing units, in accordance with the following standards:

1. The number of owner occupied affordable housing units and/or rental affordable housing units per development shall be one of the following at the election of the applicant:
  - a. Thirty (30%) percent of the dwelling units, rounded up to the whole number, shall be restricted by deed as owner occupied affordable housing units and/or rental affordable housing units for a period of at least twenty (20) years; or
  - b. Twenty (20%) percent of the dwelling units, rounded up to the whole number, shall be restricted by deed as owner occupied affordable housing units and/or rental affordable housing units for a period of at least twenty-five (25) years.
2. The affordable housing units shall be sized, in terms of square footage and number of bedrooms, comparable and proportional to the square footage and number of bedrooms of the market rate units in the development as a whole. The smallest affordable housing unit by bedroom count shall not be smaller than the smallest market rate unit with the same number of bedrooms. The affordable housing units shall be integrated and intermixed within the market rate units in a development and may not be clustered together or segregated from the market rate units. When a development contains multiple buildings, it shall incorporate into each building, affordable housing units comparable and in proportion, to the number of market rate units in the building so that affordable housing units are disbursed proportionately throughout the development. Exterior finishes of affordable housing units shall be indistinguishable from exterior finishes of market rate units.
3. **Density bonus.** Housing developments or re-developments located within the Regional Center Mixed Use (C5) zone district may elect to development land in compliance with this chapter. As an incentive for development under this chapter, there shall be no maximum density or minimum lot size requirements.
4. **Impact fees.** Impact fees shall be reduced in proportion to the number of affordable housing units being provided in accordance with Beaufort County Code of Ordinances Section 82-32. A project approved under this chapter shall be determined to be a project that creates affordable housing for the purpose of exempting impact fees in proportion to the number of affordable housing units created.
5. All other land use and developments standards of the Regional Center Mixed Use (C5) zone district for multi-family development shall be provided, including but not limited to standards for height, area, setbacks, parking, and buffers.
6. For mixed use projects, the standards and incentives provided in this chapter shall apply only to the housing portions of the mixed use project.

**G. Submittal Requirements, Procedures and Enforcement.**

1. Prior to receiving a building permit for any portion of a development, the owner thereof shall provide, in writing, in the form of a Memorandum of Understanding to be filed with the Beaufort County Register of Deeds, to the satisfaction of the Beaufort County Human Services Department, or its successor, information identifying the total number of efficiency, one bedroom, two bedroom, etc. and the respective square footage of the same and provide a breakdown of the number, location, size, square footage, bedrooms etc. of the affordable housing units. Prior to the issuance of a certificate of occupancy for any portion of a development, the owner thereof shall identify, in writing, to the Beaufort County Human Services Department, or its successor, the units designated as owner occupied affordable housing units and/or rental affordable housing units. Affordable housing units shall not be changed,

modified, or amended in location, size, square footage etc. without first notifying and receiving in writing, approval from Beaufort County Human Services Department.

2. Prior to the issuance of a certificate of occupancy for any portion of a development permitted pursuant to this chapter, the owner shall execute covenants satisfactory to the County that identifies the owner occupied affordable housing units and/or the rental affordable housing units. The executed covenants shall restrict such units to occupancy or ownership by qualified households for a period of twenty (20) years when thirty (30%) percent of the units are set aside as affordable housing units or twenty-five (25) years when twenty (20%) percent of the units are set aside as affordable housing units pursuant to Section 4.1.350.F.1 (a-b) above. The executed covenants shall be filed with the Register of Deeds prior to the issuance of a certificate of occupancy.
3. Prior to the issuance of a development permit, the owner shall submit plans in accordance with Article 7 of the Community Development Code. The plans shall demonstrate compliance with the standards provided in this chapter.
4. The covenants for affordable housing units shall provide:
  - a. For owner occupied affordable housing units, the covenants shall identify the maximum allowable sales price, and provide that the initial maximum allowable sale price may be adjusted annually for inflation based on the increase in the area median income (AMI) or Consumer Price Index, whichever is greater. Each owner of such units, prior to initial occupancy, shall be required to submit to the Beaufort County Human Services Department, or its successor, a verified income report of household income of all members of the household. The covenants shall require notice to the Beaufort County Human Services Department, or its successor, of any transfer of the owner occupied affordable housing units and verification that the purchaser is a qualified household. Owner occupied affordable housing units shall be subject to these resale restrictions for no fewer than the numbers of years elected by the developer provided for in Section 4.1.350.F.1 (a-b) above. Such restrictions shall be recorded as deed restrictions for the affordable housing unit identified in the memorandum of understanding executed pursuant to the requirements in this chapter.
  - b. For rental affordable housing units, the covenants shall require the owner to provide proof to the Beaufort County Human Services Department, or its successor, at inception of every tenancy, and on an annual basis thereafter, that no more than affordable rent is being charged for the affordable housing units. The owner or licensed property manager acting on behalf of the owner, shall provide verified income reports of household income of all occupants of rental affordable housing units at the request of Beaufort County Human Services Department, or its successor. Rental affordable housing units shall be subject to these restrictions for no fewer than the number of years elected by the developer provided for in subsections 4.1.350.F.1 (a-b) above.
  - c. If an affordable housing unit is converted from rental occupied to owner occupied occupancy during the term of the covenants, the unit shall be subject to the owner occupied affordable housing unit requirements as set out in subsection 4.1.350.D.1 above (to include an Initial Maximum Sales Price) for a term of months equal to the number resulting when subtracting from 300 months, the number of months the unit has been subject to the rental affordable housing covenants.



#### **Division 4.1: Specific to Use**

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- d. Conversion of an affordable housing unit from owner occupied to renter occupied occupancy shall not be permitted.
  - e. Covenants shall require written notice to the Beaufort County Human Services Department prior to any conversion taking place and shall require that the necessary covenant(s) and amendment(s) to the memorandum of understanding be filed with the Register of Deeds.
5. The covenants and memorandum of understanding shall accord to the Beaufort County Human Services Department, or its assignee, successor or agent, rights of enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy, and in all events, writings, agreements or understandings between the developer and Beaufort County, be subject to approval by the Beaufort County Attorney.
  6. If the development is to be phased, each phase shall include affordable housing units concurrently with the market rate units in the particular phase in the same proportions in relations to the overall development requirements for affordable housing units. A phasing in plan must make the affordable housing units available concurrently with the market rates in proportions based on the overall percentages elected pursuant to this code.
  7. Upkeep and maintenance of affordable housing rental units must be maintained at the same or better level provided to the market rate units.

## Division 4.2: Accessory Uses and Structures

### Sections:

- 4.2.10 Purpose
- 4.2.20 General Standards and Limitations
- 4.2.30 Accessory/Secondary Dwelling Unit
- 4.2.40 Cottage Industry
- 4.2.50 Fences and Walls
- 4.2.60 Food Sales (Indoor)
- 4.2.70 Guest House
- 4.2.80 Home Business
- 4.2.90 Home Office
- 4.2.100 Outdoor Display as an Accessory Use
- 4.2.110 Outdoor Storage as an Accessory Use
- 4.2.120 Private Stables
- 4.2.130 Satellite Dish Antenna
- 4.2.140 Security Quarters
- 4.2.150 Small Wind Energy System
- 4.2.160 Solar Energy Equipment
- 4.2.170 Swimming Pools, Hot Tubs, and Ornamental Ponds and Pools
- 4.2.180 Waste Receptacles and Refuse Collection Areas
- 4.2.190 Water/Marine-Oriented Facilities
- 4.2.200 Private Fish Ponds

### 4.2.10 Purpose

This Section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The County's intent in adopting this Section is to allow a broad range of accessory uses and structures, so long as they are located on the same site as the principal use, and so long as they comply with the standards set forth in this Section in order to reduce potentially adverse impacts on surrounding lands.

### 4.2.20 General Standards and Limitations

- A. **Compliance with Development Code Requirements.** All accessory uses and accessory structures shall conform to the applicable requirements of this Development Code. The provisions of this Section establish additional standards and restrictions for particular accessory uses and structures.
- B. **General Standards.** All accessory uses and accessory structures shall meet the following standards:
  - 1. Be customarily accessory and clearly incidental and subordinate to the principal use or structure;
  - 2. Be subordinate in area, extent, and purpose to the principal use or structure;
  - 3. Be owned or operated by the same person as the principal use or structure;
  - 4. Be located on the same lot as the principal use or structure unless otherwise specified in this section;

5. Together with the principal use or structure, not violate the standards of this Ordinance;
  6. Not be constructed or established prior to the time the principal use or structure is constructed or established unless expressly allowed under this section; and
  7. Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).
- C. **Approval of Accessory Uses and Structures.** Unless otherwise specified in this Section, any accessory use or accessory structure shall be treated as a permitted use in the zone in which it is located. An accessory use or structure may be approved through a Zoning Permit, see Section 7.2.20 (Zoning Permit).
- D. **Table of Permitted Accessory Uses**
1. **Listed Accessory Uses.** Table 4.2.20.A (Table of Permitted Accessory Uses), lists what types of accessory uses, structures, and activities are allowed in each of the zones. If a specific accessory use is allowed in a zone, the column underneath the zone is marked with a "P." If the accessory use or structure is not allowed in a zone, the column is marked with a "–". If there is a reference contained in the column entitled "additional requirements," refer to the cited section(s) for additional standards that apply to the specific accessory use.
  2. **Interpretation of Unidentified Accessory Uses.** The Director shall evaluate potential accessory uses that are not identified in Table 4.2.20.A (Table of Permitted Accessory Uses), on a case-by-case basis, as an interpretation, see Section 7.3.60 (Interpretations). In making the interpretation, the Director shall apply the following standards.
    - a. **General Standards.** The definition of "accessory use", see Article 10 (Definitions), and the general accessory use standards established in this Division.
    - b. **Additional Standards.** The additional regulations for specific accessory uses established in this Division.
    - c. **Purpose and Intent of Zones.** The purpose and intent of the zone in which the accessory use is located, see Article 3 (Specific to Zones).
    - d. **Potential Adverse Impacts.** Any potential adverse impacts the accessory use may have on other lands in the area, compared with other accessory uses permitted in the zone.
    - e. **Compatibility.** The compatibility of the accessory use, including the structure in which it is housed, with other principal and accessory uses permitted in the zone.

**Table 4.2.20A: Table of Permitted Accessory Uses**

Accessory Use/ Structure Type	Additional Requirements	T1 N	T2R T2RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
Accessory / Secondary Dwelling Unit	4.2.30	--	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--
Cottage Industry	4.2.40	--	P	--	P	P	--	--	--	--	--	--	--	--	--	--	--
Fences and Walls	4.2.50	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Food Sales (Indoor)	4.2.60	--	P	--	P	P	--	--	--	P	P	P	P	--	P	P	P
Freestanding Accessory Structure (includes Garages and Sheds)	4.2.20.E	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Guest House	4.2.70	--	P	P	P	P	P	P	--	--	--	--	--	P	--	--	--
Home Business	4.2.80	P	P	P	P	P	--	--	P	P	P	P	P	P	--	--	--
Home Office	4.2.90	--	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--
Outdoor Display (as an Accessory Use)	4.2.100	--	--	--	P	P	--	--	--	--	P	P	P	--	P	P	--
Outdoor Storage (as an Accessory Use)	4.2.110	--	--	--	--	P	--	--	--	--	--	P	P	--	P	P	P
Private Fish Ponds	4.2.200	--	P	P	P	P	P	P	P	--	--	--	--	P	--	--	--
Private Stables	4.2.120	--	P	P	P	--	--	--	--	--	--	--	--	P	--	--	--
Satellite Dish Antenna	4.2.130	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Security Quarters	4.2.140	--	--	--	--	P	--	--	--	--	P	P	P	--	P	P	P
Small Wind Energy System	4.2.150	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	P
Solar Energy Equipment	4.2.160	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pools, Hot Tubs, and Ornamental Ponds and Pools	4.2.170	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Waste Receptacles and Refuse Collection Areas	4.2.180	--	P	P	P	P	--	--	P	P	P	P	P	P	P	P	P
Water/Marine-Oriented Facilities	4.2.190	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**P=Permitted Subject to the Additional Requirements    --=Not Allowed**

**E. Standards for Freestanding Accessory Buildings / Structures.**

**1. Location.**

**a. General.**

- (1) No accessory use, structure, or activity except water/marine-oriented facilities shall occupy or take place in a required front, side, or rear yard setback, except for permitted fences or walls erected on a property line or an ornamental pond.
- (2) Except in T1, T2R, and T2RL zones, all river, marsh, and ocean waterfront lots, and water/marine-oriented facilities, no accessory structure shall project beyond the front building line of the principal structure.
- (3) Except for fences, walls, swimming pools, hot tubs, and air conditioning compressor units, no accessory structures shall be located within five feet of a principal structure or any other accessory structure.
- (4) No accessory structure shall be located within any platted or recorded easement or over any known utility.
- (5) All freestanding accessory structures shall meet the side setbacks and building height standards for ancillary buildings in Article 3 (Specific to Zones).
- (6) Except for water/marine-oriented facilities, all freestanding residential accessory structures shall be set back from rear property lines as follows:
  - (a) Five feet for lots less than 10,000 square feet.
  - (b) Ten feet for lots between 10,000 square feet and one acre.
  - (c) Twenty-five feet for lots one acre or greater.
- (7) Freestanding non-residential accessory structures shall meet the rear yard setback for the principal structure.

**b. Water / Marine-Oriented Facilities.** Structures used for water/marine-oriented facilities such as boat docks, boat houses, and similar uses may be located where necessary to provide access to the waterfront.

**c. Air Conditioner Compressor Units.** Air conditioner compressor units shall be located in the building envelope.

**2. Size.** Except for the T2R district, individual freestanding accessory structures on a parcel shall not collectively exceed 30 percent of the floor area of the principal structure. This does not include standard two car garages (less than 600 square feet), accessory dwellings, guest houses, structures used for bona fide agricultural purposes, and accessory structures used for home businesses and cottage industries. In the T2R district, except for structures used for bona fide agricultural purposes, all freestanding accessory structures shall be clearly incidental and subordinate to the principal structure.

**3. Storage Buildings for Private Residential Use Only.** Storage buildings are permitted on residential lots provided they are used only for private residential storage of the property owner or tenant.

**4.** Tractor trailers and shipping containers may not be used as accessory structures.

**F. Temporary Accessory Uses and Structures.** Temporary accessory uses and structures shall be governed by the standards and temporary use procedures set forth in Section 4.3.40

(Temporary Use Permit), and Section 4.3.50 (General Standards for all Temporary Uses and Structures).

- G. **Storage of Trucks and Heavy Equipment.** Semitrailer trucks, their cabs or trailers, construction vehicles or equipment, or commercial vehicles with a gross cargo weight of more than three tons or a gross weight of seven tons shall not be parked on any residential lot or residential street in the C3 zone, any transect zone except T2, or any Community Preservation District unless specifically permitted in Appendix A of this code.

#### **4.2.30 Accessory / Secondary Dwelling Unit**

An accessory/secondary dwelling unit shall comply with the following standards:

- A. **Zones Allowed.** Accessory/secondary dwelling units shall be permitted as accessory uses to single-family detached residential dwelling units in accordance with Table 4.2.20.A (Table of Permitted Accessory Uses).
- B. **Comply with Dimensional and Development Standards.** Accessory/secondary dwelling units shall comply with all dimensional and development standards in Article 3 (Specific to Zones).
- C. **Density.** Accessory/secondary dwelling units shall not count toward any applicable maximum residential density requirements.
- D. **Area of Unit.**
  - 1. In T2 and all conventional zones, the unit shall be no more than 1,000 heated square feet or less than 300 heated square feet in area.
  - 2. In all transect zones except T2, the unit shall be within a carriage house building type, see Section 5.1.40 (Carriage House).
- E. **Design of Unit.** The unit shall maintain the architectural design, style, appearance and character of the principal single-family dwelling as a single-family residence.
- F. **Parking.** In Conventional zones one off-street parking space, in addition to that provided for the existing single-family dwelling, shall be provided for the unit.
- G. **Resale.** Accessory dwelling units shall not be sold apart from the principal dwelling upon the same lot where they are located.
- H. **Rental.** Accessory dwelling units shall not be leased or rented for tenancies of less than 30 consecutive days.
- I. **No Recreational Vehicles and Travel Trailers.** Recreational vehicles and travel trailers shall not be used as accessory dwelling units.

#### **4.2.40 Cottage Industry**

A cottage industry shall comply with the following standards:

- A. **Zones Allowed.** A cottage industry shall be permitted as an accessory use to a principal residential dwelling unit in accordance with Table 4.2.20.A (Table of Permitted Accessory Uses).
- B. **Site Area.** The minimum site area shall be six acres, unless it is approved as a Special Use Permit, see Section 7.2.130 (Special Use Permit). The qualifying acreage may consist of the total acreage of both the property upon which the use is proposed, as well as the adjacent

## Division 4.2: Accessory Uses and Structures

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residential property upon which the owner resides, in accordance with Section 4.2.40.F below.

- C. **Use.** The use shall be one of the following:
  - 1. Boat, small engine (e.g. lawnmowers) and farm equipment repair services;
  - 2. All light manufacturing, processing and packaging uses listed in Table 3.1.60 (Consolidated Use Table).
- D. **Incidental Sales.** Only incidental retail sales are permitted.
- E. **Building Size.** Buildings associated with the cottage industry shall not exceed 5,000 square feet of combined floor space.
- F. **Operator Resides on Premises.** The operator of a cottage industry shall own and reside on the property or immediately adjacent thereto.
- G. **Employees.** The cottage industry shall employ no more than six persons who do not reside on the premises.
- H. **Screening.** All operations associated with the cottage industry, including buildings, work areas, and outdoor storage areas, shall be completely screened from adjacent existing residential uses (unless owned by the owner of the property upon which the cottage industry is located) with a 100-foot wide perimeter buffer providing 100 percent opacity. Non-contiguous parcels deemed to be adjoining as a result of an easement must be screened from physically adjacent residential uses not owned by the owner/operator of the cottage industry.
- I. **Signage.** No more than one non-illuminated sign that complies with Section 5.6.190 (Yard Sign Type) may be placed on the property to advertise the business.
- J. **Noise, Odor, Vibration, or Electrical Interference.** There shall be no perceptible increase in noise, odor, vibration or electrical interference beyond the property line as a result of the cottage industry.
- K. **Exterior Lighting.** Exterior light fixtures, if any, shall be cut-off fixtures mounted in such a manner that the cone of light is not directed at any property line.
- L. **Hours of Operation.** Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Saturday.
- M. **Repair Work on Internal Combustion Engines.** All repair work on internal combustion engines must be performed within an enclosed structure.
- N. **Boats, Trailers, and Farm Equipment Registered.** All boats, trailers and farm equipment, if applicable, associated with a repair business must be currently licensed and registered. Salvage operations are prohibited as part of a cottage industry.

### 4.2.50 Fences and Walls

Fences and walls shall meet the standards in Division 5.4 (Fences and Walls)

### 4.2.60 Food Sales (Indoor)

Food sales occurring as an accessory use shall comply with the following standards:

- A. **Zones Allowed.** Indoor food sales shall be permitted as an accessory use to a principal nonresidential use in accordance with Table 4.2.20.A (Table of Permitted Accessory Uses).

- B. **Size.** The amount of square footage utilized by food sales operations (including preparation, sales, and storage, but not including dining) shall not exceed 30 percent of the principal use where located.
- B. **Entrances.** Entrance to the food sales area shall be via the principal use it serves.
- C. **Parking and Signage.** Accessory indoor food sales shall not have dedicated off-street parking areas or signage.

#### **4.2.70 Guest House**

A guest house shall comply with the following standards:

- A. **Zones Allowed.** A guest house shall be permitted as an accessory use to a principal residential dwelling unit in accordance with Table 4.2.20.A (Table of Permitted Accessory Uses).
- B. **No Rental Permitted.** A guest house shall be for use by the property owner and his/her guests only. It shall not be for lease or rent and must be connected to the same utility meters, septic system, well, etc., as the principal dwelling.
- C. **Density.** One guest house shall not count toward any applicable residential density requirements. Additional guest houses are permitted as long as the total number of residential units on the property does not exceed the applicable density requirements.
- D. **Size of Unit.** The size of a guest house shall not exceed that of the principal single-family dwelling and shall be clearly subordinate to it.
- E. **Design of Unit.** The unit shall maintain the architectural design, style, appearance and character of the principal single-family dwelling. Manufactured homes, recreational vehicles and travel trailers shall not be used as a guest house.
- F. **Construction May Occur Before Principal Dwelling.** A guest house may be constructed prior to the construction of the principal dwelling.

#### **4.2.80 Home Business**

A home business occurring as an accessory use to any principal dwelling unit shall comply with the following standards:

- A. **Prohibited Uses.** The following uses are prohibited as a home business:
  - 1. The repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as outboard marine engines, lawnmowers, etc.); battery motors (such as golf carts, electric cars, etc.); or any other work related to automobiles and their parts;
  - 2. Repair, rental or sales of large appliances (such as washing machines, dryers and refrigerators, etc.);
  - 3. Restaurants and bars;
  - 4. Animal boarding facilities (such as kennels, animal hospitals, commercial stables, etc.);
  - 5. Commercial lodging;
  - 6. Adult entertainment;
  - 7. Medical offices and clinics; and



8. Body branding, body piercing, or tattoo facilities.

**B. Size/Area**

1. The home business shall be clearly incidental and secondary to the property's use for residential purposes.
2. No more than 1,000 square feet of an accessory structure, such as a garage, may be used for the home business. No alterations shall be made to the external appearance of any principal or accessory structure or of the property that changes the character of the site from residential to non-residential.

**C. Residency.** The operator of a home business shall own and reside on the property.

**D. Employees.** The home business shall employ no more than three persons who do not reside on the premises.

**E. Neighborhood Compatibility**

1. Only one vehicle used by the operator for business use, shall be permitted with the home business.
2. Traffic generated by the home business must not negatively impact the safety, ambiance and characteristics of the neighborhood where the home business is located. The increase to existing traffic created by the home business shall not exceed 20 trips per day, on average.
3. All storage areas for equipment and supplies associated with the home business shall be completely screened from view with a wood fence and/or landscaping. Equipment and supplies shall be stored in a manner so that they are not visible beyond the wood fence and/or landscaping. Storage of hazardous substances, other than substances of a type and quantity customarily associated with a home or hobby, is prohibited.
4. No home business or equipment used in connection with a home business may cause odor, vibration, noise, or electrical interference that is perceptible beyond the lot line of the property upon which the home business is conducted.
5. Outdoor light fixtures, if any, shall be cut-off fixtures mounted in such a manner that the cone of light is not directed at any property line.
6. The sale of products grown, made or repaired on site is permitted. In addition, incidental retail sales are allowed in connection with a permitted home business (for example, a hair stylist may sell hair products to customers). No outdoor display of products for sale is permitted.

**F. Signage.** One non-illuminated yard sign that complies with Section 5.6.190 (Yard Sign Type) may be placed on the property to advertise the business.

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**4.2.90 Home Office**

A home office occurring as an accessory use to any principal dwelling unit shall comply with the following standards:

**A. Size/Area.** The office shall be located within the principal dwelling or an associated accessory building (but not an accessory dwelling unit), and may not exceed 25 percent of the heated floor area of the principal structure.

**B. Employees and Residency.**

1. **Operator Must Reside in Dwelling.** The operator of a home office shall reside in the principal dwelling unit.
  2. **Employs No More than One Person Who Does Not Reside in Dwelling.** The home office may employ no more than one person who does not reside on the premises.
- C. **Neighborhood Compatibility.**
1. **No Change in External Appearance.** The home office shall cause no change in the external appearance of the existing dwelling and structures on the property.
  2. **Use of Vehicles.** Only one vehicle used by the operator for business use shall be permitted with the home office and it shall be of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood.
  3. **Additional Parking.** Additional parking is limited to two (2) pervious parking spaces. Any need for parking generated by the home office shall be met off the street, and other than in a required front yard.
  4. **Traffic.** The type and volume of traffic generated by the home office shall be consistent with the traffic generation characteristics of other dwellings in the area.
  5. **No Advertising.** There shall be no advertising devices on the property, or other signs of the home office, which are visible from outside the dwelling or accessory building. The street address of the home office may be used in advertisements off the property.
  6. **No Outdoor Display or Storage of Goods.** The property shall contain no outdoor display or storage of goods or services that are associated with the home office, nor shall these materials be stored in an accessory structure. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home office shall be used or stored on site.
  7. **No Wholesale or Retail Sale of Goods.** Wholesale or retail sales of goods shall not occur on the premises.
  8. **No Adverse Impacts.** The home office shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.
- D. **Prohibited Home Office Uses.** The following Home Office uses are prohibited: adult uses; body branding, body piercing, or tattoo facilities.

#### **4.2.100 Outdoor Display as an Accessory Use**

Outdoor display as an accessory use shall comply with the following standards:

- A. **Items That May be Displayed Outdoors.** Merchandise intended for outdoor use in a yard, garden, or other landscaped area; plant materials; and agricultural products may be displayed outdoors as an accessory use. The exterior display of all other merchandise as an accessory use is prohibited.
- B. **Location and Dimensions.**
  1. **Location.** All outdoor display of goods shall be located adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, parking lots, or to the

rear of buildings. Outdoor displays may be located in sidewalk areas as long as they do not impede pedestrian traffic in the sidewalk area.

2. **Limited in Size.** Outdoor display areas shall be limited to no more than one-half of the length of the store front or building side.
  3. **Shopping Center.** In the case of a shopping center, the “storefront” shall include the entire frontage of the shopping center, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 percent of the aggregate store front of the total shopping center.
  4. **Not Encompass Width of Entrance Doors.** The area of outdoor display or sales shall not encompass the width of the entrance doors to the establishment as projected straight out from the facility. (For example, if the width of the entrance doors is 10 feet, there shall be at least a 10 foot clearance from the doors as projected straight out and away from the facility.)
  5. **No Goods Attached to Wall Surface.** No goods shall be attached to a building’s wall surface.
  6. **Height.** The height of the outdoor display shall not exceed six feet.
  7. **Improved Surface.** The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
- C. **No Pedestrian Obstruction.** At least five feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
- D. **Temporary Sales Distinguished.** The provisions of this Section shall not apply in cases of temporary sales events, such as weekend sidewalk sales, seasonal sales and other similar temporary uses. See Division 4.3 (Temporary Uses and Structures), for regulations applying to temporary sales.

#### **4.2.110 Outdoor Storage as an Accessory Use**

Outdoor storage may be allowed as an accessory use in the zones identified in Table 4.2.20.A (Table of Permitted Accessory Uses). The storage area shall meet all of the following standards:

- A. **Incorporated into Design.** Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site and shall be located at the rear of the principal structure.
- B. **Goods Stored Must be Sold on Premises.** Goods stored in an outdoor storage area which are intended for re-sale shall be limited to those sold on the premises as part of an associated, principal use.
- C. **Screening.** Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure. Materials may not be stored higher than the height of the fence or wall.
- D. **Storage Area Covering.** If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.

- E. **Flammable Liquid or Gas.** Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.
- F. **Storage.** No materials may be stored in areas intended for vehicular or pedestrian circulation.

#### 4.2.120 Private Stables

A private horse stable as an accessory use to any principal dwelling unit shall comply with the following standards:

- A. **Size/Area.**
  - 1. Stables are permitted on lots over three acres.
  - 2. The lot shall have at least one-half acre per horse.
- B. **Boarding of up to Four Additional Horses Allowed.** The stable shall be for the owner's private use only; however, boarding of up to four additional horses not owned by the owner shall be permitted without such use becoming a commercial stable.
- C. **Setbacks.** Any structure housing horses shall be a minimum of 100 feet from any residential lot. No corral or riding area shall be permitted within 25 feet of a property line, except that a trail may connect to an off-lot riding trail.

#### 4.2.130 Satellite Dish Antenna

- A. **Purpose.** These standards are adopted in order to comply with applicable state and federal law, including the Federal Telecommunications Act of 1996; and control the location and screening of satellite dish antennae to lessen any impact on surrounding properties.
- B. **Applicability.** These standards apply to all satellite dish antennae measuring one meter (39 inches) or more in diameter (large satellite dish antenna). Small satellite dishes (less than 39 inches in diameter) are exempt from these requirements.
- C. **General.** Satellite dish antennae measuring one meter (39 inches) or more (large satellite dish antenna) are permitted accessory uses in the zones identified in Table 4.2.20.A (Table of Permitted Accessory Uses). Such dishes are subject to the standards set forth below to the maximum extent feasible, but only where there is no impairment of acceptable signal quality. These regulations are not intended to impose unreasonable delays or impose unreasonable costs on the installation, maintenance, or use of satellite dishes, and shall not be interpreted or enforced in any manner contrary to federal or state law.
  - 1. **Location.** Satellite dishes shall be located to the rear of the principal building, but not within five feet of any side or rear property line or in any required buffer, and not within 10 feet of any property line adjoining a street.
  - 2. **Screened.** Satellite dishes shall be screened so that no more than 40 percent of the area of the satellite dish antenna is visible from any public street or private street open to the public. The screen may consist of, but is not limited to, fences, buildings, plantings, or any other opaque vegetation or structure permanently affixed to the structure. Screens of vegetation may be installed to meet this standard.
  - 3. **Erected in Wind Resistant Manner.** Satellite dishes shall be erected in a secure, wind-resistant manner.

**4.2.140 Security Quarters**

A dwelling unit for security quarters shall comply with the following standards:

- A. **Zones Allowed.** A dwelling unit for security quarters shall be allowed as an accessory use to commercial and business principal uses in the zones allowed in Table 4.2.20.A (Table of Permitted Accessory Uses).
- B. **One Unit per Principal Use.** Only one such dwelling unit per principal use shall be allowed.
- C. **No Mobile Homes.** Security quarters are not permitted to be located within a mobile home.
- D. **Maximum Unit Size.** An individual unit shall not exceed 1,200 square feet of gross floor area.
- E. **Off-street Parking.** A minimum of two off-street parking spaces shall be provided, in addition to the required parking for the principal use or business.
- F. **Occupant.** Only the owner, operator, or an employee of the principal building, plus that person's immediate family, may occupy the dwelling unit.

**4.2.150 Small Wind Energy System**

A small wind energy facility shall comply with the following standards:

- A. **Amount.** Towers and turbines associated with a small wind energy facility shall be limited to a maximum of one per principal use.
- B. **Capacity.** Small wind energy facilities shall be:
  - 1. Limited to less than 100kw of wind power generation in T2, C5, and S1 districts; and
  - 2. Limited to 10kw of wind power generation or less, in all other districts.
- C. **Location and Setback.**
  - 1. Small wind energy facilities shall not be located between a principal building and any streets fronting the lot.
  - 2. A small wind energy facility shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus 10 feet from all lot lines and overhead utilities. Guy wires and other support devices shall be set back at least 10 feet from all lot lines.
- D. **Height.** The maximum height of a small wind energy system (including the tower and extended blades) shall be 90 feet.
- E. **Sound.** Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 decibels. The 55 decibels sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.
- F. **Appearance.** The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).

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

#### 4.2.160 Solar Energy Equipment

Solar energy equipment shall comply with the following standards:

- A. **Location.** The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground.
- B. **Height.** The system shall comply with the maximum height standards for the zone in which it is located, provided that a roof-mounted system shall not extend more than the width of the panel above the roofline of the structure on which it is mounted.
- C. **Nonconforming Structure-Height.** Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.
- D. **Area.** The area of the system shall not exceed one-half the footprint of the principal structure or 600 square feet, whichever is greater.
- E. The property owner shall be responsible for negotiating with other landowners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system.

#### 4.2.170 Swimming Pools, Hot Tubs, and Ornamental Ponds and Pools

Swimming pools, hot tubs, and ornamental ponds and pools shall comply with the following standards.

- A. **Fencing.** All swimming pools and ornamental ponds and pools having a depth greater than two feet, and all hot tubs and spas shall be enclosed by fencing of a type that is not readily accessible by children and that contains no opening larger than four inches.
- B. **Height of Fencing.** Fencing shall be not less than four feet in height and, if equipped with a gate, shall have a childproof latch. Maximum fence height shall conform to the standards in Section 5.4.40, Height Requirements for Fences and Walls.

- C. **In-Lieu of Fencing.** In lieu of fencing, spas and hot tubs may have a lockable cover capable of supporting a minimum of 150 pounds, and such cover shall be locked when the spa or hot tub is not in use.

#### **4.2.180 Waste Receptacles and Refuse Collection Areas**

Except for facilities serving individual single-family detached dwellings, two-family dwellings, and temporary waste receptacles on construction sites, all waste receptacles and refuse collection areas shall comply with the following standards:

- A. **Setbacks.** Waste receptacles and refuse collection areas shall be set back at least five feet from a side or rear lot line, and shall not be located within the front or street side setback area.
- B. **Surfacing Requirements.** Areas intended for large waste receptacles and refuse collection shall be surfaced with concrete or other material approved by the County Engineer.
- C. **Drainage.** Eating establishments and other uses that produce significant amounts of liquid waste shall configure areas intended for large waste receptacles and refuse collection to drain to an approved stormwater management system through grease traps or similar devices.
- D. **Screening.** Waste receptacles and refuse collection areas shall meet the screening requirements in Section 5.8.100 (Screening).

#### **4.2.190 Water / Marine-Oriented Facilities**

Water/Marine-oriented facilities shall comply with the following standards:

- A. **Space as Far Apart as is Reasonably Feasible.** Water-oriented facilities should be spaced as far apart as is reasonably feasible.
- B. **Regulation of Navigable Structures or Aids.** The regulation of navigational structures or aids falls under the jurisdiction of the State of South Carolina Ocean and Coastal Resource Management Office (OCRM), or appropriate federal regulators.
- C. **Construction May Occur Before Principal Dwelling.** Water-oriented facilities may be constructed prior to the construction of the principal dwelling.
- D. **Docks on Small Tidal Creeks.** Private docks and community docks are allowed in small tidal creeks, as shown on the Beaufort County Small Tidal Creek Delineation Map (See Appendix F), if they comply with the following standards:

##### **1. Minimum Lot Width**

- a. Except for lots in existence on May 8, 2000, and lots in a subdivision where a community dock is used in-lieu of private docks, all lots in new subdivisions shall have a minimum of 250 feet of frontage along a small tidal creek to qualify for a private dock.
- b. New subdivisions with a proposed community dock shall comply with the lot width requirement for the zone in which they are located.

##### **2. Not Adversely Interfere with Navigation**

- a. Docks shall not interfere or adversely impact navigation.



- b. The length of a dock shall not exceed 300 feet in total length, inclusive of pierheads, floats, boatlifts, ramps, mooring, pilings and other associated structures.
- c. If two or more owners of adjoining lots agree to create a community dock, in-lieu of individual private docks, a bonus of one foot of dock length over 300 feet for every foot of waterfront footage exceeding 300 feet is allowed, up to a maximum length of 500 feet.

**3. Location of Dock Facilities**

- a. The dock, pier, boat lift, floating dock, walkway and any appendages allowed shall be located within the extended property lines of the land, and shall comply with the setback requirements of this Development Code. In addition, the dock facilities shall be no closer than 20 feet from extended side property lines.
- b. A waiver to this requirement may be granted by the Director if it can be demonstrated there are unique circumstances on the property that require variation of the dock location, it is the minimum waiver possible, and the waiver is consistent with the purpose and intent of this Section.

**4. Walkway and Floating Dock**

- a. The maximum width of the walkway or pier between the upland and the pier head shall be four feet, unless it can be demonstrated the four-foot width limit would render the dock unusable by the owner and other reasonably anticipated users.
- b. The walkway may have a safety railing with slats at least two inches apart, provided that they do not exceed three feet in height, but shall have no walls which impede the flow of air through the walkway.
- c. A floating dock shall likewise not be enclosed nor shall there be any walls of any kind on any side. Like the walkway, the floating dock may have a safety railing with slats at least two inches apart, provided that they do not exceed three feet in height.

**5. Lighting**

- a. Electrical cutoff fixture lighting is allowed along the walkway and at the head of the dock, provided the lighting is shielded to direct the light down onto the dock and away from any adjoining residences and the tidal creek.
- b. The electrical power used for the lighting shall comply with the electrical safety codes adopted by the County.

**6. Permitting:** Docks located in navigable waterways require permitting through the U.S. Army Corps of Engineers and the State of South Carolina Ocean and Coastal Resource Office (OCRM). All other docks require OCRM permitting.

**7. Miscellaneous**

- a. No plumbing shall be allowed, except for water sinks and faucets. All toilets, port-o-lets, or any other means of sewage collection or disposal is strictly prohibited.
- b. Boat lifts are allowed, provided that no portion of a boat when fully elevated shall extend higher than 12 feet above mean high water, excluding masts, tower, antennae, and outriggers.
- c. The use of docks shall be limited to private, non-commercial uses, except in the Commercial Fishing Village Overlay District.



- d. All docks, and associated boats secured thereto, shall be maintained to ensure safe usage and to prevent any potential hazard to navigation.

#### **4.2.200 Private Fish Ponds**

A Private Fish Pond shall comply with the following standards:

- A. **Zones Allowed.** Private fish ponds shall be permitted as an accessory use to a principal residential dwelling unit in accordance with Table 4.2.20 (Table of Permitted Accessory Uses).
- B. **Size/Area.**
  - 1. Ponds are permitted to be excavated on lots a minimum of three acres in size.
  - 2. Ponds shall be no larger than one acre in size.
- C. **Setbacks.** All excavation activities shall meet all setbacks applicable to the principal structure, except that these activities shall be set back a minimum of 100 feet from the OCRM critical line, if applicable.
- D. **Maximum Depth of Excavation.** Ponds shall be excavated no deeper than 12 feet from existing grade.
- E. **Safe Edges.** Safe edges shall be provided for any excavation on the site to prevent accidents. Safe edges shall require a long shelf with a slope a minimum of 1:5 to a depth of three feet.
- F. **Engineer's Report Required for Disturbance Greater than 10,000 Square Feet.** Any private pond excavation resulting in a land disturbance of 10,000 sq. ft. or greater shall provide a certified engineer's report ensuring that drainage and runoff do not adversely impact the property or surrounding properties.
- G. **Hours of Operation.** Excavation activities are limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday.
- H. **Noise.** Maximum noise at the property line shall not exceed 65 decibels.
- I. **Truck Haul Route.** A truck routing plan shall be submitted that ensures that truck traffic through residential areas is avoided or mitigated to the extent practicable. Any roads brought to substandard condition due to work on the site as determined by SCDOT and/or the County must be brought up to standard. At a minimum, a road must be returned to its initial condition.
- J. **State Permit Required if Fill Dirt Leaves the Site or is Sold.** If fill dirt leaves the site or is sold, the property owner shall submit a valid mining permit issued by the appropriate state agency at the time of application for a private fish pond.

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## Division 4.3: Temporary Uses and Structures

### Sections:

- 4.3.10 Purpose
- 4.3.20 Table of Allowed Temporary Uses and Structures
- 4.3.30 Prohibited Temporary Uses
- 4.3.40 Temporary Use Permits
- 4.3.50 General Standards for All Temporary Uses and Structures
- 4.3.60 Temporary Offices and Classrooms
- 4.3.70 Temporary Real Estate Sales Office and Model Sales Home
- 4.3.80 Seasonal Sales
- 4.3.90 Sidewalk and Parking Lot Sales
- 4.3.100 Roadside Stands and Farmers' Markets
- 4.3.110 Special Events
- 4.3.120 Construction-Related Activities for New Construction
- 4.3.130 Temporary Concrete/Asphalt Batch Plant

### 4.3.10 Purpose

This Section allows for the establishment of certain temporary uses of limited duration and special events provided that such uses do not negatively affect adjacent properties, and provided that such uses are discontinued upon the expiration of a set time period. Temporary uses and special events do not involve the construction or alteration of any permanent building or structure.

### 4.3.20 Table of Allowed Temporary Uses and Structures

Table 4.3.20.A summarizes the temporary uses and structures that are allowed within the County and any general or specific standards that apply. Temporary uses or structures not listed in Table 4.3.20.A. shall be evaluated on a case-by-case basis by the Director as an interpretation, see Section 7.3.60 (Interpretations).

Table 4.3.20.A: Temporary Uses and Structures		
Temporary Use or Structure	Allowable Time Frame	Specific Regulations
<b>Temporary Structures</b>		
Temporary Offices / Classrooms	Except for school classrooms, in place for no more than one to three years.	Permit Required; see Section 4.3.60
Temporary Real Estate Sales Office/Model Sales Home	Temporary sales office in place for no more than one to three years. No limit on model sales units.	Permit Required; see Section 4.3.70
<b>Temporary Sales <sup>1</sup></b>		
Seasonal Sales	Limited to a maximum of 45 days per calendar year; no more than three occurrences per parcel, per year.	Permit Required; see Section 4.3.80
Sidewalk and Parking Lot Sales	Limited to a maximum of 72 hours per event; no more than four occurrences per parcel, per year.	Permit Required; see Section 4.3.90
Roadside Stands and Farmers' Markets	Limited to one year, per location; permit may be renewed on an annual basis.	Permit Required; see Section 4.3.100
Garage and/or Yard Sales	Limited to 14 total days per calendar year, per parcel.	No Permit Required
Temporary Not-For-Profit Car Wash	Limited to 14 total days per calendar year, per parcel.	No Permit Required
<b>Special Events</b>		
Special Events	Limited to 14 total days per calendar year, per parcel.	Permit Required; see Section 4.3.110
<b>Construction Staging</b>		
Construction-Related Activities for New Construction	Must be removed within 30 days after Certificate of Compliance is Issued	Permit Required if activities are off-site; see Section 4.3.120
Concrete / Asphalt Batch Plant	Must be removed within 30 days after Certificate of Compliance is Issued.	Permit Required; see Section 4.3.130

<sup>1</sup> Persons conducting temporary sales should contact the Director to ensure that other permits are not required by the County Code of Ordinances.

### 4.3.30 Prohibited Temporary Uses

Without limiting the standards of this Development Code, the following activities are prohibited in all zones:

- A. **Retail or Display of Goods, Products, or Services in Public Rights-of-Way.** Retail sales or display of goods, products, or services within the public right-of-way except as part of an authorized not-for-profit, County-recognized event.
- B. **Retail Sales or Display of Goods from Vehicles.** Except as part of a permitted seasonal sale or a roadside stand, retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container except as allowed by other permitting processes.

**4.3.40 Temporary Use Permits**

All temporary uses and structures required to obtain a temporary use permit in accordance with Table 4.3.20.A (Temporary Uses and Structures), shall be reviewed, approved, or revoked only in accordance with the standards of this section.

**4.3.50 General Standards for all Temporary Uses and Structures**

All temporary uses, structures, or special events shall meet the following general standards, unless otherwise specified in this Development Code:

- A. **General.** The temporary use, structure, or special event shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
- B. **Compliance with County Code of Ordinances.** All temporary uses, even those requiring no temporary use permit shall be subject to the requirements in the County Code of Ordinances or other provisions related to business licenses, vendor permits, or other County requirements.
- C. **No Adverse Effects.** The temporary use, structure, or special event shall not have substantial adverse effects or noise impacts on nearby residential neighborhoods.
- D. **Permanent Alterations Prohibited.** Permanent alterations to the site to accommodate a temporary use, structure, or special event are prohibited.
- E. **Temporary Signs.** Temporary signs associated with the temporary use or structure shall meet the standards of Section 5.6.60 (Temporary Signs) and shall be removed when the activity ends.
- F. **Conditions of Approval.** The temporary use or structure shall not violate any applicable conditions of approval that applies to a principal use on the site.
- G. **Undeveloped Property.** If the property is undeveloped, it shall contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate any parking and traffic movement associated with the temporary use, without disturbing environmentally-sensitive lands.
- H. **Developed Property.** If the property is developed, the temporary use, structure, or special event must be located in an area that will not interfere with the normal operations of an existing approved principal use, and that will support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, sensitive or protected resources, or parking space availability.
- I. **Location.** Tents and other temporary structures will be located so as to not interfere with the normal operations of any permanent use located on the property.
- J. **Off-Street Parking.** Adequate off-street parking shall be provided to accommodate the proposed temporary use.
- K. **Inspections.** All inspections and permits required by applicable County departments and State agencies shall be approved by the appropriate person and/or agencies.

**4.3.60 Temporary Offices and Classrooms**

- A. **Purpose and Scope.** Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy (except for minor unpacking and connection to utilities), and designed for relocation to other sites, may be placed on land to serve as the following:
  - 1. **Temporary Expansion Space for Places of Worship, Health Care Facilities, and Government Offices.** Expansion space for existing places of worship, health care facilities, and government offices, provided plans for the permanent expansion of the existing facilities have been approved by the County.
  - 2. **Temporary Classroom Space.** Temporary classroom space to augment existing schools, colleges, and universities.
  - 3. **Temporary Quarters for Other Non-Residential Uses.** Temporary quarters for other non-residential uses when the permanent building has been destroyed by a fire or other physical catastrophe, provided a building permit for the permanent facility is obtained within four months after approval of the temporary quarters. The Director may approve a written request for an extension of an additional 90 days for good cause shown. Failure to obtain a building permit within the time frame allowed will revoke approval for the temporary quarters.
  - 4. **Temporary Office.** One temporary office per site to include but not be limited to, the following uses: hiring, membership solicitation, multiple family development office/leasing, and other general office uses. The number of modular buildings housing such uses shall be limited to one, in addition to those already allowed by this Section. Such modular buildings shall not be placed on the property prior to the issuance of a Building Permit.
- B. **Construction Offices Exempt from this Section.** Temporary offices for construction and security personnel during the construction of a development for which the County has issued a development and/or building permit shall meet the standards of Section 4.3.120 (Construction-Related Activities for New Construction).
- C. **Standards.** In addition to meeting the general standards of Section 4.3.50 (General Standards for All Temporary Uses and Structures), all temporary structures approved in accordance with this Section shall meet the following standards:
  - 1. **Location.** Temporary structures allowed under this Section may be located anywhere on site, except within the following areas:
    - a. Existing/ required resource protection areas and perimeter buffer areas;
    - b. Required building setbacks; and
    - c. Other areas designated on the site for open space, vehicular use, or ingress/egress.
  - 2. **Other Standards.**
    - a. The temporary structure shall be factory-fabricated and transportable;
    - b. In addition to any other off-street parking required on the site in accordance with Division 5.5 (Off-Street Parking), adequate off-street parking shall be provided for the temporary use;
    - c. All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained prior to installation of the temporary structure;
    - d. The temporary structure shall be compatible with the existing buildings on the site in terms of exterior color; and

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- e. A sketch plan containing sufficient information to show compliance with the above standards shall be approved as part of the Temporary Use Permit by the Director in accordance with Section 4.3.40 (Temporary Use Permit).

### D. Duration.

1. **General.** Except for temporary classrooms, temporary structures under this Subsection may remain on the site for no more than 12 months. This period may be renewed for two, 12 month periods, for good cause shown, upon approval of a written request for such extension, submitted to the Director 30 days prior to the expiration of the Temporary Use Permit.
2. **Temporary Classrooms.** Temporary classrooms for use as part of an existing school, college, or university may be allowed to remain on the site for longer than three years.

## 4.3.70 Temporary Real Estate Sales Office and Model Sales Home

- A. **General Standards.** One temporary real estate sales office or model sales home may be allowed as incidental to a new residential, non-residential, or mixed use development, provided that:

1. **On Lot.** The use is located on a lot approved by the County as part of a development.
2. **Signage.** Signage complies with the standards of Division 5.6 (Sign Standards).
3. **Aesthetically Compatible.** The temporary use is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscaping.
4. **Yard and Setbacks.** The temporary use complies with the development standards of the zone in which it is located.
5. **Off-street Parking.** Off-street parking provided for the temporary use complies with the standards of Division 5.5 (Off-Street Parking).
6. **Sketch Plan.** A sketch plan, containing sufficient information to show compliance with the above standards is approved by the Director.
7. **Termination.** Upon termination of the temporary real estate sales office or model sales home, the structure shall be converted into, or removed and replaced with, a permanent residential use.
8. **Adverse Impacts.** In approving or renewing approval of a real estate sales office, the Director may impose other conditions as is deemed necessary to avoid adverse impacts that the use as a sales office may have on adjacent properties or the community as a whole.
9. **Temporary Trailers.** All temporary trailers shall be removed from the site prior to the issuance of the last certificate of occupancy for the site.

### B. Duration.

1. **Temporary Real Estate Sales Offices.** Temporary real estate sales offices may be approved for a period of up to one year. This period may be renewed for two additional 12 month periods, for good cause shown, upon approval of a written request for such an extension, submitted to the Director, 30 days prior to the expiration of the permit. In no event shall the extension allow the temporary structure to remain on the site for more than three years.

2. **Model Sales Homes.** Model sales homes may be approved for a period of up to three years. This period may be renewed for additional 12 month periods, for good cause shown, upon approval of a written request for such an extension submitted to the Director, 30 days prior to the expiration of the permit. There is no time limit on the use of model sales units for rental housing.

**4.3.80 Seasonal Sales**

- A. **General.** Seasonal sales, including the sale of such items as Christmas trees and pumpkins, seasonal produce, and other similar agricultural products, may take place on a vacant or developed lot, and may be permitted for a period not to exceed 45 days, up to three times per calendar year per site.
- B. **Standards.** Seasonal sales shall comply with the standards in Section 4.3.50 (General Standards for All Temporary Uses and Structures).

**4.3.90 Sidewalk and Parking Lot Sales**

- A. **General.** Sidewalk and parking lot sales, located on the same site as the merchant's permanent place of business, may be permitted in accordance with the standards in Section 4.3.50 (General Standards for All Temporary Uses and Structures), for a period not to exceed 72 hours, up to four times per calendar year per site.
- B. **Display Areas.** Sales displays shall not interfere with pedestrian flow or traffic safety and shall be arranged to leave at least six feet of clear walkway for pedestrian circulation.

**4.3.100 Roadside Stands and Farmers' Markets**

- A. **Standards for Roadside Stands.** In addition to the standards in Section 4.3.50 (General Standards for All Temporary Uses and Structures), roadside stands shall comply with the following:
  1. Not be permitted along any four-lane, or higher, divided section of road with an average annual daily trip rate (AADT) of more than 30,000 trips.
  2. Shall be located on private property. The written permission of the property owner shall be required prior to issuance of a permit for a roadside stand.
  3. Minimum setbacks shall be 15 feet from any property line.
  4. Signage shall meet the standards of Section 5.6.60 (Temporary Signs). No off-premise signs shall be permitted. Signs shall be removed when the roadside stand is removed.
  5. A driveway encroachment permit shall be required from the SCDOT or Beaufort County, as appropriate. Vehicle parking shall be accommodated without interfering with the safe flow of traffic on adjacent roads.
  6. All display stands, shelters, etc. associated with the roadside stand shall be temporary and moveable. No permanent structures shall be permitted.
  7. In addition to produce, roadside stands may also sell products such as flowers, firewood and seafood.
- B. **Standards for Farmers' Markets.** In addition to the standards in Section 4.3.50 (General Standards for All Temporary Uses and Structures), farmers' markets shall comply with the following:



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1. Be operated by a governmental agency, non-profit agencies, or one or more farm producers.
  2. At least 50% of the vendors must be farmers, fishermen, and other agricultural producers who sell produce, eggs, plants, flowers, local seafood, and other value-added farm products such as jams, jellies, and honey.
  3. May not operate more than three days per week for more than six hours per day.
  4. Shall be required to obtain a driveway encroachment permit from the SCDOT or Beaufort County, as appropriate. Vehicle parking shall be accommodated without interfering with the safe flow of traffic on adjacent roads.
  5. If located on private property, must receive written permission from the property owner. If located on public property, must receive written permission from the governmental agency.
- C. **Duration.** Permits for roadside stands and farmers' markets shall be valid for one year. Permits may be re-issued for the same location on an annual basis.

### 4.3.110 Special Events

- A. **Applicability.**
1. **General.** The procedures and standards of this Section shall apply to all special events (including but not limited to cultural events, musical events, celebrations, festivals, fairs, carnivals, and circuses) held on private property within the County, unless exempted in accordance with Section B, below.
  2. **Temporary Use Permit for Special Event Required.** All special events subject to this Section shall have a Temporary Use Permit for a special event reviewed and approved or approved with conditions by the Director in accordance with Section 4.3.40 (Temporary Use Permit), prior to conducting the special event.
- B. **Exemptions.** The following events or activities are exempt from the standards of this Section (i.e., may occur without a Temporary Use Permit for a special event). Such activities are subject to all other applicable procedures and standards of this Development Code.
1. **Grounds of Private Residence.** Special events or activities occurring within, or on the grounds of, a private residence or on the common areas of a single-family attached, townhouse, two-family, or multiple family residential development.
  2. **County or State Sponsored.** Any event sponsored in whole or in part by the County or State.
  3. **Event or Activity Intended for That Purpose.** Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls, or similar facilities; funeral services conducted at funeral homes or cemeteries; celebrations of local culture and history; religious services, wedding services, and funeral services conducted at places of worship.
- C. **Unreasonable Risk.** In addition to the standards in Section 4.3.50 (General Standards for All Temporary Uses and Structures), a Special Event shall not create an unreasonable risk of the following:

1. Damage to public or private property, beyond normal wear and tear;
  2. Injury to persons;
  3. Public or private disturbances or nuisances;
  4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
  5. Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands;
  6. Other adverse effects upon the public health, safety, or welfare;
  7. Not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event; and
  8. Be at a time and location that has already been permitted or reserved for other activities.
- D. **Conditions.** In approving the temporary use permit for the special event, the Director is authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed special event. The Director is authorized, where appropriate, to require:
1. Provision of temporary parking facilities, including vehicular access and egress.
  2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.
  3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
  4. Provision of sanitary and medical facilities.
  5. Provision of solid waste collection and disposal.
  6. Provision of security and safety measures.
  7. Use of an alternative location or date for the proposed special event.
  8. Modification or elimination of certain proposed activities.
  9. Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this Section.
  10. Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.
- E. **Duration of Permit.** A Temporary Use Permit for a special event authorized in accordance with this Subsection shall be limited to a maximum duration of 14 days per site per calendar year, unless otherwise specifically authorized by the Director.

#### **4.3.120 Construction-Related Activities for New Construction**

- A. **General.** Temporary construction-related activities for new construction, including construction offices, storage buildings, outdoor storage, and employee parking areas, may

## Division 4.3: Temporary Uses and Structures

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occur on the same site as the construction activity without obtaining a Temporary Use Permit. Such uses shall be removed within 30 days after issuance of a certificate of compliance.

- B. **Location on Adjacent Site.** Because of site constraints, construction-related activities may need to occur on a site that is adjacent to or nearby the construction site. In such cases, a Temporary Use Permit is required; see Section 4.3.40 (Temporary Use Permits). Such uses shall be removed within 30 days after issuance of a certificate of compliance, and the site restored to its previous condition.

### 4.3.130 Temporary Concrete / Asphalt Batch Plant

- A. **Setback from Residential Uses.** No such use shall be located within 500 feet of an adjoining residential use.
- B. **Site Restoration.** Prior to receiving a Temporary Use Permit; see Section 4.3.40 (Temporary Use Permits), the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated site restoration costs (to be determined by the Director and County Engineer) to ensure complete site restoration upon the project's conclusion.
- C. **Road Restoration.** Prior to receiving a Temporary Use Permit; see Section 4.3.40 (Temporary Use Permits), the applicant shall provide a written agreement and advance surety in the amount of 100 percent of the estimated road restoration/replacement costs (to be determined by the Director and County Engineer) to ensure roads will be reconstructed to their original or improved condition upon the project's conclusion.
- D. **Duration.** Such uses shall be removed within 30 days after issuance of a certificate of compliance for the construction project.