

ARTICLE X. SUPPLEMENTAL PROVISIONS

Section 10.1 Bonus Density Options

The maximum allowable density for residential developments may be increased if the development meets specific criteria. To be eligible for a density bonus, a developer must submit a Preliminary Plan of development or Site Development Plan, whichever is applicable, as specified in Article XVII showing that the development will satisfy the bonus density criteria. These criteria, and their corresponding bonuses, are specified below:

10.1.1 Open Space/Pervious Surface

- (a) If more than 40% of the gross acreage of a multi-family development is retained in open space and/or pervious surfaces, residential density on the site may be increased by 10%.
- (b) If more than 50% of the gross acreage of a multi-family development is retained in open space and/or pervious surfaces, residential density on the site may be increased by 15%.
- (c) If more than 60% of the gross acreage of a single-family development is retained in open space and/or pervious surfaces, residential density on the site may be increased by 20%.

10.1.2 Recreation Facilities

If the developer reserves a portion of the development site for recreational use; encumbers the reserved land so that it must continue to be used for recreational purposes and cannot be developed; and agrees to grade and equip half the area for recreational use; then residential density on the development site may be increased as follows:

- (a) for recreational facilities between 1 and 5 acres in area, residential density may be increased by 5%;
- (b) for recreation facilities between 5 and 10 acres in area, residential density may be increased by 10%;
- (c) for recreation facilities between 10 and 30 acres in area, residential density may be increased by 15%;or
- (d) for recreation facilities of greater than 30 acres in area, residential density may be increased by 20%.

10.1.3 Preservation of Agricultural Land

If the developer places permanent, binding restrictions on prime agricultural land located in Dorchester County, such that only non-extractive agricultural uses are permitted on said property, residential density on the development site may be increased at the rate of 2% per 100 acres so restricted. For purposes of this density bonus, non-extractive agricultural uses shall be deemed to be those specified in Article VI., Section 1, Agriculture subsections (a) and (b) of this Ordinance. The Zoning Administrator will develop and adopt criteria for the identification of prime agricultural land within the County, and must certify that property restricted for the purpose of obtaining this density bonus does in fact meet these criteria.

10.1.4 Stormwater Management

If the development is designed such that:

- (a) the first inch of rainfall is retained on-site ; and
- (b) no residential structure is built within the 100-year flood plain, residential density on the development site may be increased by 10%.

The density bonuses enumerated above are cumulative. Density increases granted under this section do not waive or otherwise alter any other standards contained in this Ordinance.

Section 10.2 Temporary Uses

10.2.1 Construction

- (a) Temporary buildings and storage of materials are permitted in conjunction with the construction of a building when located on the same parcel where the construction is taking place and when limited to the duration of the construction. However,
 - (1) The use of transportation containers for storage of materials shall meet the conditions for such in Section 10.4 of this ordinance; and
 - (2) The erection and occupancy of a temporary dwelling for up to twelve (12) months during the construction of a dwelling on the same lot requires a zoning permit, to be issued concurrently with or after the issuance of the building permit.
- (b) Construction of house displayed for advertising purposes, not intended to be sold or occupied as a dwelling, whether in conjunction with a residential development or otherwise, shall not commence until a performance bond adequate to ensure the removal of the structure has been posted.

10.2.2 Temporary Sales

Temporary sales of produce, Christmas trees, fireworks, and other seasonal goods, may be permitted on application for temporary zoning permit to the Zoning Administrator. Such permit may impose conditions necessary to alleviate any adverse impacts such as provisions for adequate parking, traffic safety, fire safety, hours of operation, provision for sewage disposal, and other health and safety concerns the Zoning Administrator may deem necessary, and the posting of a bond to ensure timely removal of structures and materials and restoration of the area. A temporary zoning permit shall be valid for a period not to exceed 45 days, unless extended, and shall require that all structures and materials be removed within such time period. At a minimum:

- (a) Structures for temporary sales shall not exceed 400 square feet in floor area nor be closer than 35 feet to a right of way or prescriptive easement of a road.
- (b) Entrances and exits to roads shall be clearly delineated.
- (c) Entrances and exits shall be located as to provide safe ingress and egress from roads and shall be channeled to prevent unrestricted access to and from the premises.
- (d) No more than two (2) signs consistent with the sign provisions of the Ordinance shall be permitted.

10.2.3 Other Temporary Uses

Temporary activities and events for compensation may be permitted upon application for a temporary permit to the Zoning Administrator. Such permit may impose conditions regarding the hours of operation, the volume of amplified music, the type and intensity of outdoor lighting, and similar matters affecting health, safety, and the public welfare, provided such conditions are necessary to alleviate any adverse any adverse impact of the activity upon neighboring roads and properties. Activities permitted by temporary permits must be clearly incidental and subordinate to permitted principal use of the property. At a minimum, the following conditions shall be met:

- (a) Temporary permits shall be applied for ten (10) days in advance of the event of function.
- (b) A separate permit shall be obtained for each event.

Section 10.3 Customarily Incidental Uses

Customarily incidental uses and structures shall be limited to the following and any additional uses and structures the Zoning Administrator finds are similar to those listed in scope, size and impact and which are otherwise in compliance with this section:

10.3.1 Residential

- (a) Above ground decks.
- (b) Doghouses and pens.
- (c) Fences or walls.
- (d) Freestanding air conditioning machinery.
- (e) Patios, porches, gazebos.
- (f) Play equipment, playhouses.
- (g) Private garages, carports.
- (h) Private greenhouses.
- (i) Private swimming pools.
- (j) Private tennis or outdoor recreational court.
- (k) Propane storage tanks.
- (l) Radio or satellite/TV antennas.
- (m) Storage sheds for personal, non-commercial use.
- (n) Studios and workshops for personal use.
- (o) Dedicated utility substations.
- (p) Solar power panels.
- (q) Enclosed areas for collection of recyclables generated by the principal use.
- (r) Bus shelters or stands.

10.3.2 Non Residential

- (a) Dumpsters and dumpster pads.
- (b) Emergency power generators.
- (c) Fences or walls.
- (d) Freestanding air conditioning machinery.
- (e) Parking uses and structures located on the same lot as the principal use.
- (f) Recycling collection areas.
- (g) Storage sheds less than 200 square feet in area.
- (h) Dedicated utility substations.
- (i) Accessory living quarters/caretaker housing.
- (j) Bus shelters or stands.
- (k) Radio or satellite/TV antennas.

10.3.3 The following limitations shall be applied:

- (a) Customarily incidental uses shall be located on the same lot as the principal structure or use.
- (b) Customarily incidental uses shall not be established prior to the establishment of a principal use on any lot.

Section 10.4 Conditions for Specific Uses

10.4.1 Accessory Dwelling Units

- (a) No accessory dwelling unit shall be constructed, or established within the principal dwelling, on a lot less than 32,760 square feet in area or the minimum required for the zoning district in which it is located, whichever is greater.
- (b) No more than one (1) accessory dwelling unit shall be established on a single lot of record. Accessory dwelling units shall be located on the same lot as the principal dwelling unit.
- (c) **Maximum Floor Area**
 - (1) Accessory dwelling units on lots two (2) acres or less in size shall not exceed 600 square feet in floor area.
 - (2) Accessory dwelling units on lots greater than two (2) acres in area shall not exceed 30% of the floor area of the principal dwelling unit or 900 square feet, whichever is less.
- (d) Accessory dwelling units shall be located to the rear of the principal building and shall meet the same yard requirements (i.e. side and rear yards) as the principal building.
- (e) It shall be demonstrated that one additional parking space per bedroom of an accessory dwelling unit shall be provided, in addition to those required under Section 13.4 of this Ordinance, prior to issuance of a zoning permit.
- (f) In no case shall a manufactured housing unit or recreational vehicle be used as an accessory dwelling unit.

10.4.2 Accessory Structures

- (1) Residential Districts
 - (a) No accessory structure or building shall be constructed prior to construction of the principal building on a lot. Buildings intended to serve as accessory structures constructed prior to the principal building shall be considered the principal building and shall meet all applicable district regulations thereto.
 - (b) Accessory structures shall be located on the same lot of record as the principal structure.
 - (c) No accessory structure shall be used as a dwelling or for lodging, except accessory dwelling units complying with the provisions of Section 10.4.1.

- (d) No more than one (1) accessory structure may be constructed on a lot located in a Suburban Residential zoning district.
- (e) Accessory structures shall not exceed ~~1,000~~ 1,500 square feet in total floor area *provided that the structure does not exceed the maximum impervious surface requirement for the zoning classification* and the exterior must be constructed of the same material as the principal building. Though waivers can be requested for the exterior material use through the Architectural Review Committee. (***Amendment – Ordinance 07-24, adopted November 19, 2007 by County Council – Increased maximum allowable square footage and added impervious surface requirement***)
- (f) Accessory structures are permitted in the rear and side yards of the parcel, provided that no structure is located within 5 feet of the perimeter property lines. For accessory structures that exceed 800 square feet of one level floor space, such structure shall not be located closer than 15 feet from any property line.
- (g) Accessory buildings and structures, and parking related thereto, shall be included in calculations of impervious surfaces and lot coverages.

(2) Non-Residential Districts

Accessory structures are permitted in the rear and side yards of the parcel, provided that no structure is located within 5 feet of the perimeter property lines. For accessory structures that exceed 800 square feet of one level floor space, such structure shall not be located closer than 15 feet from any property line.

10.4.3 Home Occupations

- (a) Home occupations shall be conducted entirely within the principal residence on the premises.
- (b) Only occupants of the principal residence are permitted to be engaged in such occupation or employed to assist in the operation of this home occupation.
- (c) The home occupation shall not exceed twenty-five percent (25%) of the total heated and cooled floor space of the dwelling.
- (d) There shall be no exterior alteration or other change to the character of the residence, or evidence of conduct of the home occupation, with exception of signs permitted under Section 13.5.
- (e) The home occupation shall not impact the local community conditions such as, but not limited to, increase in noise, increase traffic and/or create any visual pollution such as outdoor storage or signs.

- (f) No major mechanical equipment shall be installed or used for domestic or professional purposes.
- (g) A County Business License is required for a home occupation.

10.4.4 Manufactured Housing Units Standards

- (1) All manufactured housing units shall be registered with the Dorchester County Department of Planning and Codes Enforcement. All units proposed for location or relocation to or within Dorchester County following adoption of this Ordinance shall meet the following standards:
 - (a) Recreational vehicles, travel trailers or motorized homes licensed for travel on highways shall not be construed as manufactured (or mobile) homes for the purpose of providing permanent occupancy for human habitation.
 - (b) All new manufactured homes shall be USDHUD approved units (bearing such seal). All used homes will have to meet the USDHUD approved unit requirement and the South Carolina Uniform Standards Code for Manufactured Housing, Chapter 29, Article 19-425.43 Titled Used Manufactured Home Minimum Habitability Requirements.
 - (c) All tongues, axles, transport lights and other removable towing apparatus shall be removed prior to occupation of the unit.
 - (d) Manufactured homes must be elevated to meet minimum base flood elevation (BFE) requirements of the Federal Emergency Management Administration where applicable.
 - (e) All manufactured homes shall be set up using the standards set forth in the South Carolina Uniform Standards Code for Manufactured Housing, Chapter 29, Article 19-425.42 and titled Manufactured Home Installation Requirement.
 - (f) All foundations shall provide a continuous enclosure, except for required ventilation and access, using materials comparable to predominant materials used in foundations or surrounding stick-built dwellings as approved by the County's building official. This must be accomplished within ninety (90) days of the issuance of an occupancy permit.
 - (g) Vegetation requirements of two (2) trees and four (4) large shrubs and eight (8) small shrubs in accordance with 6.10.1(3) of the Ordinance are required and must be planted within ninety (90) days of the issuance of an occupancy permit.
 - (h) Any manufactured home registered and permitted by the County after adoption of this Ordinance shall have minimum cross-sectional dimension of twelve feet (12'), supplemented with a four-foot by four-foot (4'x 4') (min. size) front porch at the primary entrance for access to unit.

- (i) Stairs, porches and other entrance features of the homes shall be installed and constructed in accord with standards established by the current building codes of Dorchester County.
- (j) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on stick-built or modular residential dwellings within the neighborhood or community.
- (k) No other structure shall be located on the lot where the manufactured home is situated, except for two private accessory structures (garages for vehicles or boats, storage units, etc.)
- (l) Manufactured homes and accessory structures shall meet the minimum lot and building requirements of the zoning district in which they are proposed for location.
- (m) Notwithstanding the above, all manufactured homes shall adhere to the most recent regulations promulgated by the South Carolina Department of Health and Environmental Control (DHEC) and other state or federal laws/regulations related to development of mobile homes and trailer parks.
- (n) Any manufactured home destroyed shall be repaired or replaced, actions toward which shall commence within thirty (30) days.

(2) Exemptions

- (a) Mobile homes temporarily located within Dorchester County for the express predetermined purpose of conveyance outside the County within thirty (30) days after arrival;
- (b) Units to be used for temporary habitation while construction of a permanent structure is in process, subject to removal thirty (30) days after the issuance of an occupancy permit for the permanent structure;
- (c) Manufactured housing units utilized for classroom and related use for a two (2) year period or as otherwise permitted by approval of a Special Exception, where as the period of use may be extended by the Board of Zoning Appeals;
- (d) Manufactured housing units held for display or exhibition purposes by a manufactured housing dealer licensed by the State of South Carolina as such;
or
- (e) Homes designed and built to meet applicable requirements of the South Carolina Modular Building Construction Act constructed for transport from the off-site manufacturer directly to the point of use for installation or erection and permanently affixed to real estate, including necessary electrical, plumbing, heating, ventilation and other service systems as on-site constructed housing.

10.4.5 Churches in Residential Districts

- (a) No religious institution shall construct a building for congregational purposes on a lot less than one (1) acre in size in any zoning district.
- (b) Nursery, preschool or other similar facilities may be established in conjunction with a religious institution as an accessory use. Such facilities must be associated with the religious organization operating the principal use on the property and may not be subleased to other organizations. A signed affidavit verifying this association shall be required as an attachment to a zoning permit application.
- (c) All religious facilities established after adoption of this ordinance shall be located with direct access to a collector road. Vehicles accessing the facility shall not necessitate passage through adjacent residential areas on local streets.
- (d) All entrances to the property shall be constructed to commercial standards of the SCDOT or County, whichever is applicable.
- (e) Access to the facility for pedestrians and cyclists shall be provided to adjacent residential neighborhoods and abutting lots and streets.

10.4.6 Noncommercial Recreation uses in Residential Districts

- (a) All noncommercial recreation uses in residential zoning districts shall be accessible by vehicles and pedestrians from roads providing access to the site.
- (b) Lighting of sites developed with noncommercial recreation uses shall be separated from and shall not be visible from adjacent residential areas. Lighting shall not be illuminated after 11 p.m.
- (c) Active recreation facilities shall be adequately screened to buffer any noise or other adverse impacts on residential areas and shall also be fenced to restrict accessibility when not in operation.

10.4.7 Bed and Breakfast Establishments

(a) Bed and Breakfast Homes

- (1) The owner of the premises shall reside in and manage the establishment.
- (2) The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.
- (3) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted pursuant to Section 10.3.3.

- (4) A zoning permit is required.
- (5) The establishment shall be located on a publicly maintained road, and the entrance to such shall be located on the same property as the establishment.

(b) Bed and Breakfast Inn

- (1) The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by guests.
- (2) The establishment shall not contain restaurant facilities but may provide food service for transient guests only.
- (3) Outdoor events (e.g. weddings, receptions, parties) or similar activities conducted for compensation shall be permitted pursuant to Section 10.2.3.
- (4) A zoning permit is required after approval of the special exception.
- (5) The establishment shall be located on a state-maintained road and the entrance to the state-maintained road shall be located on the same property as the establishment.
- (6) Entrances and exits from the state-maintained road shall be clearly delineated, shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.

(c) Country Inn

- (1) The owner or manager shall provide full-time management of the premises at all times when the establishment is occupied by guests.
- (2) The establishment may contain a full-service restaurant, in addition to guest rooms, that provides meal service to guests and the general public.
- (3) The establishment shall meet the standards contained in subsections (3)-(6) above for Bed and Breakfast Inns.

(d) Rural Retreat and Resorts

- (1) The establishment shall be located on parcels greater than fifty (50) acres in size.
- (2) Rural retreats shall be appropriately sited so as not to infringe on the character of any existing village or the natural environment of the area.
- (3) All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 200 feet from adjacent properties.

- (4) All establishments shall have safe and reasonable access.
- (5) A minimum of 75% of the site, excluding floodplain and other sensitive areas shall remain as open space. Recreational uses customarily incidental and subordinate to the rural resort or retreat permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ball fields, children's play equipment and passive recreation facilities. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.
- (6) These establishments may be open to the general public for patronage.

10.4.8 Agricultural uses in Suburban Zoning Districts

For the purposes of this provision, domestic pets are not considered animals.

- (a) No animal shall be kept on a lot less than 5 acres in area, with the exception of horses, which may be kept on a lot with two (2) acres minimum of pastureland for the first horse and one (1) additional acre per horse thereafter.
- (b) Areas of animal confinement (confinement can not be construed as the fence line) and manure piles shall not be located less than 100 feet from adjacent residential lots. A vegetative buffer 25 feet in depth shall be provided between such areas and any surface water source. Waste piles are prohibited within a flood hazard area.
- (c) All grain and feed on the lot shall be stored in rodent-proof containers. All feed spillage on the lot must be promptly removed so as to prevent attraction of flies, rodents, and birds, and creation of odors.
- (d) Animals shall be confined within the agricultural property though the use of proper fencing or other acceptable means. All exercise and training areas on the lot shall be dampened so as to prevent dust.

However, all requirements for setbacks and/or buffers and other site improvements must be in compliance with the Stormwater Management BMP's and meet the approval of the Public Works Director.

10.4.9 Airports in Residential Districts

- (a) Private air facilities shall not be established on a lot less than five (5) acres in area or closer than one-mile from adjacent properties.
- (b) Such facilities shall provide evidence that all state and federal regulations (FAA), particularly clearance areas, will be met.

- (c) Private air transportation facilities shall be secured from public access at all times.
- (d) A buffer no less than 250 feet in depth, with a vegetation no less than 100 feet in depth, shall be provided to attenuate any noise associated with operation of the air facility.

10.4.10 Agriculturally-Related Businesses

- (a) Agriculturally related businesses are limited to business service occupations, personal service occupations, repair and contracting services supporting agricultural operations.
 - (1) Less intensive agriculturally related businesses, meeting the conditions of Section 10.4.3 may be permitted as home occupations. Compliance with such conditions shall be demonstrated annually with renewal of a business license to operate.
 - (2) Any agriculturally related business that does not meet the conditions of Section 10.4.3, and/or involves the storage and use of heavy equipment or business vehicles shall be located on a lot no less than 10 acres in area.
- (b) Buildings and storage yards accessory to agriculturally-related businesses shall be no greater than 2,500 square feet in floor area when located on a lot less than 10 acres in size, or no greater than 5,000 square feet in floor area on lots 10 acres or greater in size. Such buildings and storage yards shall be setback a minimum of 100 feet from all lot lines and 250 feet from existing residential units on adjacent properties.
- (c) Intensive Animal Production operations, per SCDHEC definition, shall not be established on a lot less than 25 acres in size, and shall be no closer than 500 feet from the property boundary or an onsite water system nor one mile from an existing residence and/or public facilities.
 - (1) Applicants establishing intensive animal production operations shall submit a waste management plan for the proposed facility, as approved by SCDHEC, to the County for its review. The plan shall detail the handling, storage, treatment (if required), and final disposal of the manure, litter, and dead animals generated at the facility.

However, all requirements for setbacks and/or buffers and other site improvements must be in compliance with the Stormwater Management BMP's and meet the approval of the Public Works Director.

10.4.11 Mineral Resource Extraction Operations

- (a) No mineral resource extraction operation shall be established without approval from all federal and state agencies as applicable and a copy of such permits provided prior to permit issuance.
- (b) Structures and buildings where the processing of resources shall occur shall be a minimum of 100 feet from the property boundary. Excavation areas shall be a minimum of 50 feet from the property boundary, unless adjacent to an industrial zoning district or conforming industrial use.
- (c) Applications for a zoning permit to establish or expand a mineral resource operation shall be accompanied by verification of that required approvals from the SC DHEC have been obtained, and a copy of an environmental impact report and proposed mitigation measures.
- (d) Any use or storage of explosive materials shall meet state and federal requirements.

10.4.12 Professional Offices In Residential Districts

- (a) Parking for professional offices in residential zoning districts shall be provided to the side or rear of the principal structure.
- (b) A commercial entrance meeting SCDOT or county standards, whichever are applicable, shall be provided when a professional office is located in a residential district.
- (c) Additional buffering and screening, in addition to that required in Section of this ordinance may be required by the Zoning Administrator prior to issuance of a zoning permit for a professional office in a residential district.

10.4.13 Institutions In Residential Districts

- (a) Institutional care facilities may not be developed on property nonconforming to the minimum lot size for the district in which it's located. Adequate lot area shall exist or be acquired to provide any recreation area required by state and/or federal licensing agencies.
- (b) Structures for institutional care shall be designed to mimic residential structures in the surrounding neighborhood. Structures shall meet the same setback or yard requirements as single family detached residences of the applicable the zoning district.
- (c) Properties developed with institutional care facilities shall front on a collector road. Vehicular access to the site shall not necessitate passage through adjacent residential neighborhoods.

- (d) A commercial entrance meeting SCDOT or county standards, whichever are applicable, shall be provided.
- (e) Parking areas for such uses shall be screened and buffered from adjacent residential properties in addition to abutting streets. Additional buffering and screening, in addition to that required in Article XIII of this ordinance may be required by the Zoning Administrator prior to issuance of a zoning permit.
- (f) No vehicular access shall be established between properties developed with institutional care facility and adjacent residential areas.
- (g) The property shall be fenced at its perimeter to secure the facility from public access.
- (h) Large continuing care facilities (i.e. combining independent living, assisted living, and nursing care) shall be developed as a planned development in accord with adopted regulations.

10.4.14 Communication Towers

(a) **Terms used in this subsection are defined as follows:**

- (1) **ABANDONED:** A tower or antenna device that has not been used for communications purposes for a period of 120 days or more. The device shall be presumed to be abandoned and out of service when there is no new application on file with the Administrator to resume service.
- (2) **ANTENNA:** Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas such as panels, microwave dishes and satellite dishes and omnidirectional antennas such as whip antennas.
- (3) **CARRIER:** Any person or entity licensed by the FCC or a state agency to supply local or long distance telecommunications services to the general public.
- (4) **CO-LOCATE:** Locating wireless communications equipment from more than one carrier on a single tower or site.
- (5) **FAA:** Federal Aviation Administration.
- (6) **FALL ZONE:** An area (generally circular) into which a structural engineer has predicted the communications tower will collapse under catastrophic failure caused by mechanical fatigue, seismic activity, high winds and/or icing conditions.
- (7) **FCC:** Federal Communications Commission.

- (8) **HEIGHT:** The vertical distance from the base of the tower (average grade) to the top of the structure given in feet and inches.
 - (9) **MPE:** Maximum permissible emissions.
 - (10) **OWNER:** The owner of the title to real property or the contract purchaser of real property, as indicated by the records contained in the Deed Registration Office (RMC) for Dorchester County.
 - (11) **RF:** Radio Frequency (An electromagnetic wave frequency intermediate between audio frequencies and infrared frequencies).
 - (12) **SITE:** A lot, tract or parcel of land that contains a communications antenna, its support structure or tower, accessory building(s), fencing, parking and may include other uses associated with or ancillary to cellular communications transmissions.
 - (13) **TELECOMMUNICATIONS:** As defined in the Federal Telecommunications Act of 1996, means the transmission between or among points specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received. This does not include television reception antennas and satellite dishes or Communications Towers for amateur radio operations licensed by the Federal Communications Commission which are exempt from municipal zoning restrictions or Communications Towers under 100 feet in height used solely for educational communications purposes.
 - (14) **TOWERS:** Any ground or roof-mounted pole, spire or combination thereof taller than 15', including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting a telecommunications antenna, meteorological device or similar apparatus above grade.
- (b) **Co-location on Existing Towers or Structures:** Antennae proposed for co-location on existing towers or free standing non-residential structures may be permitted provided:
- (1) The height of the communications equipment will not exceed the height of the structure by more than twenty feet (20').
 - (2) The Carrier provides a sealed certification from a SC licensed engineer that the antenna emissions shall be in full compliance with all FCC RF emissions regulations and certification that the communications equipment will be attached to the existing tower or structure utilizing accepted engineering construction principles and practices.
 - a. If the communications equipment has the potential to generate an RF field in excess of five percent (5%) of the MPE limits established by

the FCC, the carrier shall within thirty (30) days of commencing operation, obtain a written certification from a independent licensed engineer certifying that actual field measurements at the site are in full compliance with all FCC RF Emission Regulations and will submit said certification to the Administrator.

(3) The Carrier will provide proof of liability insurance coverage for the site of at least one million dollars (\$1,000,000.00)

(c) **Communications Towers and Antenna as a Conditional Use:** The County Zoning Administrator may approve the location and construction of a Communications Tower in a zoning district where Use Group 10(b) is listed as a conditional use upon a finding that each of the following criteria is met:

(1) **Tower Height:** The height of a tower shall not exceed three hundred feet (300').

- a. Any tower that is proposed to be located within seven hundred fifty feet (750') of any existing or proposed residential dwelling shall not exceed one hundred twenty feet (120') in height.
- b. Those property owners of residential dwellings located between the Fall Zone and the 750' radius may waive the height and location requirement stated above in writing.
- c. No structures (unrelated to the communication tower) will be located within the proposed Fall Zone.

(2) **Notice to Certain Property Owners:** The tower owner shall notify all property owners (by mail) within a radius of seven hundred fifty feet (750') from the base of the proposed tower.

- a. A minimum of one (1) 4' x 8' sign shall be posted on the proposed property (to announce the proposed tower construction) where it can be seen by the maximum number of persons interested in the tower location. More signs may be required at the discretion of the Zoning Administrator. The tower owner at the completion of the project will remove the signs. A photo of the sign and a copy of the mailing notification with the mailing list by TMS# shall be provided to the Zoning Administrator as part of the application process.
- b. The notification mailed to adjacent property owners shall contain the following: (1) Notice that the applicant has applied for a Building Permit from Dorchester County to construct a communication tower, (2) A map showing the tower location in relation to the adjacent properties, (3) Advisement that property owners have fifteen (15) days from receipt of this notice to respond to the Administrator (in writing) with their questions and/or comments. The address for mailing this

response is: Dorchester County Zoning Administrator, 500 North Main Street, Box 3, Summerville, SC 29483. Notification shall allow sufficient time and instruction to provide each property owner a minimum of fifteen (15) days to contact the Zoning Administrator in writing with questions, comments and/or recommendations pertaining to the proposed use of the property.

- c. Should there be a significant number of property owners responding, the Zoning Administrator may request the Carrier establish a meeting with the property owners. The Administrator may also require that a tower not meeting the requirements herein obtain special exception approval from the Board of Zoning Appeals.
- (3) **Setbacks and Fall Zone:** The proposed tower shall be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties (the fall zone shall be determined by a structural engineer licensed and certified in the State of South Carolina). This fall zone may be described in detail in a letter, which includes the engineer's signature and impression seal, or shown on the site plan with signature and impression seal. The fall zone shall be shown on the site plan. Should this fall zone encroach onto the adjacent property, a recorded easement will be prepared and signed by the adjacent property owner to ensure that there will not be any structures built within the fall zone.
 - (4) **Zoning and TOD Requirements:** The proposed tower and associated improvements shall meet all applicable zoning district and setback requirements, buffer yard requirements, Transitional Overlay District (TOD) requirements and shall comply with those Special Area requirements for structures within ten thousand feet (10,000') of a National Historic Landmark as contained in this ordinance. A balloon test (at the carrier's expense) may be required to determine if the proposed tower can be observed from the historic sites.
 - (5) **Co-locate:** The applicant shall make a reasonable attempt to co-locate on existing communications towers, buildings or other tall structures and the applicant shall be willing to allow other users to co-locate on the proposed communications tower in the future, subject to engineering capabilities of the structure, frequency considerations and proper compensation from the additional user. Proper compensation shall be determined by the applicant providing an average of the lease rates it pays for co-location sites in Dorchester County. The rate information shall be deemed a trade secret of the applicant and shall be made available only to the County Zoning Administrator who shall not be allowed to disclose it. The Carrier must agree that Dorchester County will be provided space for communications equipment at no cost to the government, provided space is available, the equipment does not exceed the structural capabilities, and there is no frequency interference.

(6) **Proof of Attempt to Co-locate:** A permit for proposed tower site within fifteen hundred feet (1,500') of an existing tower shall not be issued unless the applicant supplies documentation showing that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements or that a co-location agreement could not be obtained at a reasonable market rate. Reasonable market rate shall be determined by the applicant providing an average of the lease rates it pays for co-location sites in Dorchester County. The rate information shall be deemed a trade secret of the applicant and shall be made available only to the County Zoning Administrator who shall not be allowed to disclose it. The clustering of new towers on the same parcel, near existing towers is encouraged.

(7) **Tower Lighting and Visibility:**

- a. The proposed tower shall be illuminated only to the minimum level required by the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA) or other regulatory agencies. Strobe lights shall not be used unless required by the FCC, FAA or other regulatory agencies. The proposed tower and associated structures shall be screened and secured by means of wall, fence, landscaping or other devices designed to blend with the surrounding environment.
- b. A fifty foot (50') wide tree buffer will be provided along any public road or river and maintained for any tower located within five hundred feet (500') of the Ashley River or Edisto River and within five hundred feet (500') of any transportation artery as designated in Section 11.2, Transitional Overlay District (TOD), contained in this Ordinance. In all other areas, a 25' opaque buffer shall be placed outside the perimeter tower base fenced area to be screened from public rights-of way and adjacent properties.
- c. The security barrier, fence or screening, as well as the tower itself shall be appropriately secured by means of anti-climb devices. Securing lighting for on-ground facilities and equipment shall be down shielded to keep light within the boundaries of the site.

(8) **Signs:** The proposed tower shall not include signage of any nature on any portion of the tower, except as required by applicable local, state or federal law rule or regulation. In addition, signs for the purpose of identification, warning, emergency function or contact numbers may be placed as required by standard industry practice.

(9) **Aesthetics and Property Value Preservation:** In addition to the above, the design, location and height of the proposed tower shall not have a substantial adverse impact upon adjacent aesthetics and/or upon the residential character of property values of adjacent properties.

(d) Building Permit Application Requirements:

- (1) **Site Drawings:** The Carrier applicant must provide the County Department of Planning and Codes Enforcement with (2) two complete sets of drawings and fill out the application for a Building Permit.
 - a. A complete set of drawings will include a scaled plot plan or “site plan showing the topographic contour lines to indicate drainage, location of the Communications Tower(s), guy anchors (if any), buildings and other structures or improvements, parking, access, driveways, fences, buffers, fall zone, adjacent property owners, all residential dwellings within one thousand feet (1,000’) of the tower base (with Tax Map Numbers), trees (6” or greater) to remain and trees (6” or greater) to be removed.
 - b. There shall be a requirement for a tree inventory for all proposed sites in accord with Section 12.4 of this ordinance. All improvement dimensions will be shown to include their location from the property lines.
- (2) **Elevation Drawings:** Elevation Drawings shall show a cross section of the tower, the height and the typical design of the tower, guy wire locations, site structures, fences, barriers, buffers, typical materials to be used, colors and lighting.
- (3) **Co-location:** Each tower shall be constructed to have capability to co-locate a minimum of three (3) additional Carrier’s antennas. The Carrier must provide a signed statement of his willingness to allow his tower to be used for co-location of other applicants.
- (4) **Existing Co-location Sites:** Co-location information shall be provided in writing to indicate the carrier’s attempt to co-locate on other towers or structures in the immediate vicinity. Should the attempts be thwarted or found unfeasible, the reason will be noted. A map showing competitive Communications Tower sites within five (5) mile radius will be required. Height of towers, owner’s name, address and phone number will be shown. Other documentation may be required as needed by the staff.
- (5) **Structural Standards:** Each tower will be built to withstand a minimum of 110 MPH Wind Loads and meet Seismic Zone 2 criteria of the Standard Building Code. The structural requirements of EIA/TIA 222F as amended relating to towers must also be met. The fall zone will be specifically designated on the Site Plan drawing and discussed in a separate letter signed and sealed by the Carrier’s structural engineer.
- (6) **Special Area, TOD and/or Historical Sites:** Written documentation will be required to show compliance with Article XI of the County Zoning Ordinance with regard to the proposed tower location in relation to Special

Areas, historical sites on the National Register and/or the TOD. The Administrator may determine that the base of the tower and all guy wires and anchors be heavily landscaped to provide a vegetative year-round visual screen to hide the tower and improvements from a person's view.

- (7) **Tower Removal Performance Bond:** Any Communication Tower owner seeking to erect a tower in Dorchester County shall provide the Zoning Administrator a Performance Bond made payable to Dorchester County for the removal of the proposed tower from the site should the tower become abandoned and/or deactivated. The amount of this bond shall be \$100.00 for each 10' of tower height. The tower owner is responsible for keeping this Performance Bond in effect anytime a tower remains erected in the County. An alternative has been developed for this requirement. The tower owner will prepare a check made payable to Dorchester County for the calculated amount. The County will invest these funds until such time as the tower has been removed. The Carrier may request reimbursement of these funds with interest, if and when the owner has removed the tower at his own expense.
- (8) **Proof of Liability Insurance Coverage:** The Carrier shall provide the Zoning Administrator proof of liability insurance coverage of a minimum of one million dollars (\$1,000,000.00) insuring the Carrier against liability at the proposed tower and site. Liability coverage must include the risk of tower failure or collapse and the risk of human injury or death from exposure to RF emissions.
- (e) **Tower Removal:** The tower owner shall notify the Zoning Administrator that the tower / antenna has been decommissioned (tower ceases to be licensed by FCC) within sixty (60) days of actual cessation of operations. The tower owner, if not the same as the property owner, must affirm that its lease with the owner places responsibility for the costs of removal of such tower on the tower owner. The Administrator may request a copy of the lease. Lease information will be treated as a trade secret and shall not be made known to the public by the Zoning Administrator. Failure to remove the tower within one hundred twenty (120) consecutive days from the decommissioning date is a violation of the County Zoning and Development Standards Ordinance. It becomes a misdemeanor, which, upon conviction, shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00), or imprisonment for not more than thirty (30) days. Each day such violation continues shall be deemed a separate offense (Section 14.3).

10.4.15 Outdoor Storage

- (a) No activity falling within Use Group No. 22 shall create a nuisance or unduly disrupt the allowed uses of other property. Vehicle transport associated with the activity shall be considered when evaluating this criterion with respect to

residential areas. No vehicles associated with an outdoor storage use shall necessitate passage through a residential neighborhood.

- (b) No activity falling within Use Group No. 22(b) shall occur closer than 5,000 feet from any property zoned specifically for residential use. No activity falling within Use Group No. 22(a) or (d) shall occur closer than 1,000 feet from any property zoned specifically for residential use.
- (c) No activity falling within Use Group No. 22 that would attract birds, including sea gulls, shall be located closer than 5,000 feet from an airport runway.
- (d) No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other causes;
- (e) All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading, shall be within fully enclosed buildings.
- (f) All open storage areas shall be enclosed by a continuous visual screen provided and maintained along the property line. The screen shall be a solid wall or fence with vegetation at least eight (8) feet in height.
- (g) No materials stored in the open shall be stacked higher than the screen required above.
- (h) All activities falling within Use Group No. 22 must have a designated manager; and said manager must be sufficiently bonded to ensure that, in case of abandonment, the site will be rehabilitated and restored, and that all permit conditions regarding the final disposition of the site will be fulfilled.
- (i) Information supplied to the SC Department of Health and Environmental Control (DHEC) under the permit process required for certain outdoor storage activities may be used for submission of a conditional use permit application to the County, provided however that where these criteria request information in addition to those required by DHEC, such additional information shall be provided in full by the applicant. A DHEC permit does not constitute full compliance with the provisions of county ordinances.
- (j) The applicant shall provide the Zoning Administrator with information as specified below in addition to the standard application: The Zoning Administrator shall confer with other County officials as appropriate, and within 60 days of submission of a complete conditional permit application, approve a Zoning Permit with conditions, or deny the permit application. Both permit denials and conditions shall be based upon these criteria and the information required of the applicant.

(1) Applicant: Name, Address, Phone Number.

- (2) Manager's: Name, Address, Phone Number (if applicant will not manage activities on site).
- (3) Details of applicant or manager's bonding.
- (4) Detailed list of proposed activities, hours of operation for activities on site, location of activity occurrence, and substances proposed for storage or disposal, including an indication of whether any of these substances have been designated as a hazardous material or is required to be disclosed pursuant to the provisions of the Superfund Amendments and Reauthorization Act (SARA), Title III [Public Law 99-499, 199 Stat.1613 (1986)].
- (5) Description of methods for ensuring that all stored/disposed substances will not create objectionable sanitary, aesthetic, or other nuisance conditions. If applicable, describe the methods and procedures for dealing with spills of liquid materials.
- (6) A drainage plan meeting requirements of the Dorchester County Drainage Ordinance.
- (7) Roads and transportation corridors that will be used to support proposed activities.
- (8) Types of vehicles, estimated number of vehicles and trips, and times of day traffic will be generated by proposed storage facility.
- (9) Type, extent of noise from, and duration of use of any machinery that will be used to transport materials stored.
- (10) Distance of the area of storage from adjacent residential zones.
- (11) Type and extent of outdoor lighting proposed, and hours that lighting will be operational. The extent and type of vegetative buffering to be used to minimize impacts on adjacent properties.

10.4.16 Accessory Outdoor Storage

- (a) Vehicular access to outdoor storage areas accessory to retail and service establishments shall be separated from and shall not conflict with other onsite circulation patterns for patrons.
- (b) Accessory storage areas shall be located to the side and/or rear of the principal structure and shall not be located within required yards for the district in which they are located.

- (c) Any accessory storage area shall be fenced securing it from public accessibility when the establishment is not open for business.
- (d) Such area shall be screened from view of adjacent residential properties and public rights of way.

10.4.17 Adult Establishments

Notwithstanding any other provisions of the Zoning Ordinance of the County of Dorchester, no use as an adult establishment, as defined in Article XXV shall be permitted within one thousand feet (1000') of any Residential Zoning District, Single or Multi-Family Dwelling, Church, or Park, or within one (1) mile of any Public or Private School.

10.4.18 Generating Plants and Transmission Facilities

- (a) Utility generating plants and/or transmission facilities shall only be located on lots at least one (1) acre in size regardless of the zoning district minimum.
- (b) Utility generating plants and/or transmission facilities shall be completely fenced and buffered from adjacent residential areas and public rights of way.
- (c) Vehicular access to utility generating plants and/or transmission facilities shall not necessitate passage through adjacent residential areas.
- (d) Such facilities shall be secured from public access at all times.

10.4.19 Public Administration Facilities In Neighborhood Commercial Districts

- (a) Public administration facilities shall be completely fenced and buffered from adjacent residential areas.
- (b) Vehicular access to public administration facilities shall not necessitate passage through adjacent residential areas. Non-vehicular access from adjacent residential areas shall be provided.
- (c) No commercial operation or storage of vehicles or equipment occurs on the premises.
- (d) Onsite storage/parking of service vehicles and equipment associated with public administration facilities shall be secured from public access at all times.

10.4.20 Use And Storage Of Transport Container Standards

The use or storage of transport containers, within Dorchester County, shall meet the following conditions for temporary use, on-site storage, and facilities for storage of transport containers. Transport containers maybe referred to as shipping

container, freight container, transport container or other similar terms which meet the definition contained in Section 17 as determined by the Zoning Administrator.

(a) Temporary Use

(1) Temporary use of containers requires a Special Outdoor Storage Permit and does not permit stacking for the following uses:

- a. Temporary holiday sales or charitable collection: Maximum 60 days
- b. Construction site: Remodeling – Maximum 60 days
- c. Construction site: Structural Addition – Maximum 90 days

(2) All temporary storage containers must meet setback and imperious surface and must be removed upon expiration of the permit issued or upon receipt of a notice to remove from a building inspector.

(b) Business Additional On-Site Storage

(1) No stacking of containers is permitted for additional on-site storage. Containers are permitted for warehousing only within Use Group 17 Business General Services with the following conditions:

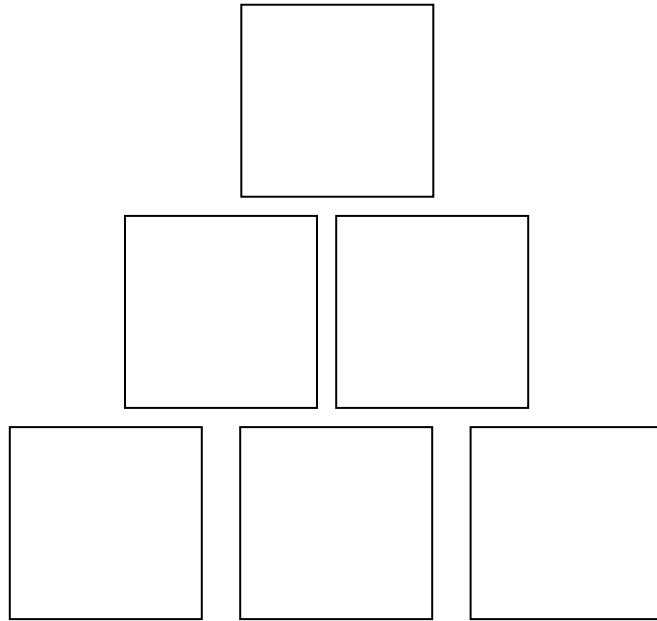
- (a) Obtain a Special Permit-Outdoor
- (b) The container storage location shall not impede any site design requirements for parking, setbacks, vehicular and pedestrian visibility, imperious surface, drainage, unloading zones or emergency access.
- (c) Container storage may not be located within twenty (20 feet from a building.
- (d) All containers shall be structurally sound, free of erosion, rust, holes, leaks or other deterioration.
- (e) No advertising is to be displayed on the containers unless in compliance with Section 13.5 and must be free of graffiti, posters, bills, or other deteriorating impacts.
- (f) All containers must be property secured in accordance with the building code to prevent shifting, rolling, or other movement.
- (g) Existing uses shall follow requirements in Section 10.4.20 (E) Compliance and Amortization.

(c) Facilities for Storage of Transport Containers

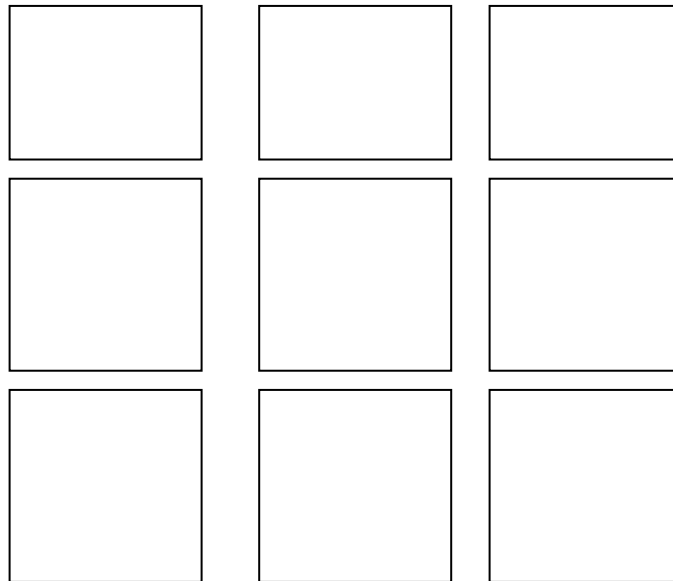
- (1) Facilities for storage of transport containers shall comply with the following Conditions:
- a. Compliance with requirements of 10.4.20 (B) items (b) through (g).
 - b. Site design calculations for drainage shall include maximum container land coverage.
 - c. A stacking plan meeting maximum stacking requirements of not more than three (3) containers shall be submitted:
 1. A staggered stacking plan: Exhibit 1(a)
 2. A straight horizontal stacking plan: Exhibit 1(b)
 3. Other configuration in compliance with regulations
 - d. A South Carolina Engineer's certification that containers stacked pursuant to the plan would be incapable of leaving the premises under sustained windload of 100 miles per hour.
 - e. Type B Buffer is required for the entire parcel.
 - f. A site design plan showing the location of all existing or proposed abutting streets, sidewalks, and internal travel-ways, all earthen berms, masonry walls, vegetative buffers, shall be submitted, in compliance with all requirements of this ordinance.

Exhibits

1(a)



1(b)



(d) Agricultural Uses

Transport Containers may also be permitted for Agricultural Use in the Absence of Controls District (AC) following the conditions in Section 10.4(B). Containers may not be used for a dwelling or for the housing of animals.

(e) Compliance and Amortization

- (1) No building permit or certificate of occupancy shall be issued, no building or structure shall be erected, altered, or occupied, no use or change in use commenced, and no land altering activity commenced relating thereto may occur prior to endorsement or verification by the Zoning Administrator that such activity shall be in compliance with this Ordinance and has received all approvals required under this ordinance. The County shall require the payment of fees for review of plans and issuance of permits as specified by fee schedules adopted by County Council, including the uniform building fee schedules provided in Ordinances 89-07 and/or as may be subsequently amended.
- (2) All existing uses, which are located in all zone districts, shall have six (6) months to comply with the requirements contained within the specific applicable use, when this section is referred.
- (3) All existing uses, which are located in a non-permitted zone district, shall cease operation within three (3) years, when this section is referenced.

Section 10.5 Criteria for Special Exception Approvals

In considering a special exception application, the BZA shall give the following factors reasonable consideration. The applicant should address how potentially adverse impacts related to the following factors in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by the ordinance:

- (a) Whether the proposed special exception is consistent with the Comprehensive Plan.
- (b) The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.
- (c) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.
- (d) The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.

- (e) The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.
- (f) The glare or light that may be generated by the proposed use in relation to uses in the immediate area.
- (g) The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of the ordinance.
- (h) The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.
- (i) The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.
- (j) The timing and phasing of the proposed development and the duration of the proposed use.
- (k) Whether the proposed special exception will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.
- (l) Whether the proposed special exception will be served adequately by essential public facilities and services.
- (m) Whether the proposed use will facilitate orderly and safe road development and transportation.
- (n) The effect of the proposed special exception on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.
- (o) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.
- (p) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.
- (q) The location, character, and size of any outdoor storage.
- (r) The proposed use of open space.
- (s) The location and use of any existing non-conforming uses and structures.
- (t) The location and type of any fuel and fuel storage.

- (u) The location and use of any anticipated accessory uses and structures.
- (v) The area of each use; if appropriate.
- (w) The proposed days/hours of operation.
- (x) The location and screening of parking and loading spaces and/or areas.
- (y) The location and nature of any proposed security features and provisions.
- (z) A description of any features above the roofline of any structures.
- (aa) The number of employees.
- (bb) The location of any existing and/or proposed adequate on and off-site infrastructure.
- (cc) Any anticipated odors that may be generated by the uses on site.
- (dd) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Section 10.6 Limitations on Commercial Vehicles Parked in Residential Zoned Districts

- (a) The parking of commercial vehicles upon any lot, land, street, right-of-way or shoulder thereof, for a period of time exceeding one (1) hour, except in emergency situations or for such length of time as may be necessary for the pick-up, loading, unloading or delivery of materials and/or passengers in a Residential Zoned area: R1, R1M, R2, R2M, R3 and R4 is prohibited. This prohibition shall be enforced by complaint from a civic or homeowner's association representing a subdivision in which such violation is alleged to have occurred or by complaint by at least three residents living within 1,000 feet of the alleged prohibited conduct. It is further provided that this prohibition shall not apply to lots larger than two acres provided adequate screening of such alleged prohibited conduct is undertaken.
- (b) The intent of this ordinance is to limit the size and weight of commercial vehicles in residential areas and:
 - (1) to eliminate the visual blight created by large commercial vehicles being indiscriminately parked in residential areas for long periods of time.
 - (2) to minimize physical damage to publicly maintained rights-or-way.

- (3) to protect property values and character of property within residential developments.
 - (4) to reduce traffic congestion.
 - (5) to protect children from traffic injuries.
- (c) For the purposes of this Ordinance, Commercial Vehicles is defined as a vehicle whose Tare Weight exceeds 5 tons (10,000 lbs), or a vehicle having more than two axles, or vehicle greater than 8' in height. Construction equipment and farming equipment of any type is included in this definition.