

# **UNIFIED LAND DEVELOPMENT ORDINANCE**



Adopted By Action of Hampton County Council  
June 6, 1994,  
following an advertised  
public hearing

Last updated July 25, 2024

**UNIFIED LAND DEVELOPMENT ORDINANCE**  
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HAMPTON COUNTY  
UNIFIED LAND DEVELOPMENT ORDINANCE

AN ORDINANCE FOR THE COUNTY OF HAMPTON, SOUTH CAROLINA, REGULATING THE MANNER IN WHICH LAND USE AND DEVELOPMENT SHALL OCCUR AND THE SITING OF BUILDINGS AND STRUCTURES IN RELATION TO EXISTING LAND USE, ENVIRONMENTAL RESOURCES, AND THE COUNTY'S LAND USE AND DEVELOPMENT PLAN.

AUTHORITY AND ENACTMENT

In pursuance of authority granted by the South Carolina Code of Laws 1976, Title 6, Chapter 7, and for the purpose set out below, the Hampton County Council does hereby ordain and enact into law the following articles and sections.

ARTICLE I

TITLE, PURPOSE, JURISDICTION

**Section 1.0                    Title**

This ordinance shall be known and may be cited as the Unified Land Development Ordinance of Hampton County.

**Section 1.1                    Purpose**

The Principal purposes of this Ordinance are:

- (1). To protect land values through good and responsible development
- (2). To implement the recommendation of the county's Land Use and Development Plan;
- (3). To conserve and ensure access to the county's natural and scenic resources for future generations to enjoy;
- (4). To secure the safety of residents from the hazards of improper development;
- (5). To enhance the development process and improve the siting of new development; and
- (6). To protect and conserve the character of existing neighborhoods and subdivisions.

**Section 1.2****Jurisdiction**

This ordinance shall apply to all unincorporated portions of Hampton County, except the following, which is exempt from these regulations.

All that land included in the Lowcountry Regional Industrial Park, recorded in Plat Cab A Slide 55 in the office of the Clerk of Court for Hampton County, South Carolina, for which deed covenants, conditions and restrictions have been promulgated to run with the land, and are recorded on pages 38 through 51 of Deed Book 145 in the Office of the Clerk of Court for Hampton County, South Carolina.

## ARTICLE II

### SITE ANALYSIS

#### **Section 2.0**

#### **Purpose**

Good development begins with an analysis of the natural and environmental features of a site. These factors include land forms, wetlands, soils, slopes, flood plains, etc. And they differ from site to site. Each is critical to and must be addressed by the development process.

The purpose of this Article, therefore, is to mitigate the impact of development where it might adversely disturb or be adversely affected by these natural features.

#### **Section 2.1**

#### **Natural Features Analysis**

As part of the required site analysis, each site shall include an identification of any and all of the following natural features:

Floodpains

Soils, with severe limitations to development

Wetlands

Where such features are identified, sound engineering solutions shall be required to reduce or eliminate any negative effect of the proposed development, or such features shall remain undisturbed.

#### **Section 2.2**

#### **Floodplain Requirements**

Where floodplains are identified by the analysis, the provisions of this section shall apply

##### **2.2.0 Development standards**

In all flood hazard areas, the following development standards shall apply:

- (1). For all new construction, manufactured homes, and substantial improvements such uses shall:
  - a. be anchored to prevent flotation, collapse or lateral movement;
  - b. be constructed with materials and utility equipment resistant to flood damage;
  - c. be constructed by methods and practices that minimize flood damage;
  - d. have all electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(2). For new and preplacement water supply systems.  
Such uses shall be designed to minimize or eliminate infiltration of flood waters into the system.

(3). For new and replacement sanitary sewerage systems.  
Such uses shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

(4). For on-site waste disposal systems.  
Such uses shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(5). For residential uses.  
All new construction or substantial improvement of any residential structure shall have the lowest floor, including basement no lower than the base flood elevation. Should solid foundations perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters shall be provided in accordance with standards of Subsection 2.20.

(6). For non-residential uses.  
New construction or substantial improvements of any non-residential structure:  
a. Shall have the lowest floor, including basement no lower than the base floor elevation, or  
b. May be flood-proofed in lieu of being elevated provided that all areas of the structure below that required elevation are water tight with walls substantially impermeable to the passes of water, and use structural components have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

(7). For elevated buildings.  
New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.  
a. Designs for Complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:  
i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

- ii. The bottom of all openings shall be no higher than one foot above grade; and
- iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. Electrical, Plumbing, and other utility connections are prohibited below the base flood elevation;
- c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

## Section 2.3

### Soil Analysis

Soils may and often do pose significant constraints to development. However, these constraints often may be over come by sound engineering solutions, making use of such soils possible if proper steps are taken. Such steps might include the removal of these soils from construction areas, use of additional fill dirt, used of extra thick sub-base, pilings, elevated first floor, or other such measures.

The following soils known to exist in Hampton County have been identified by the USDA, Soil Conservation Service, as presenting severe limitations to development:

|           |         |                       |
|-----------|---------|-----------------------|
| Argent    | Plummer | Osier-Pickney Complex |
| Coxville  | Wahee   | Pickney               |
| Lynchburg | Chipley | Rains                 |
| Osier     | Leon    |                       |
| Pelham    | Ocilla  |                       |

Where such soils are known to exist on a site proposed for development, a soils analysis report shall be submitted together with the preliminary plat or site plan. The report shall describe the extent of the soil(s) and how its limitations are to be overcome. The proposed method of dealing with the soils shall be approved by the Building Inspector prior to the issuance of a building permit.

At such time as a Soil Survey of Hampton County is complete and available from the South Carolina Soil Conservation Service, all proposed development requests shall be checked against the soil maps in said report to determine the presence of soils posing severe constraints to development. Where such soils are indicated, the requirements of this section shall be met.

**Section 2.4****Wetlands Requirements**

Where wetlands are identified by the analysis, the applicant shall contact the U.S. Corps of Engineers to determine if such wetlands are 'jurisdictional wetlands,' and if so, to secure the necessary permits and/or clearance before a building or use permit shall be issued by the county.

## ARTICLE III

### GENERAL DEVELOPMENT STANDARDS

The following regulations are intended generally to ensure land use compatibility, to improve aesthetics, to foster "good neighbor" building practices, and to protect against storm water run-off and sedimentation, among other things.

#### **Section 3.0**

#### **Buffer Areas**

##### **3.0.1 Definition**

A buffer area is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon.

##### **3.0.2 Purpose**

The purpose of a buffer area is to ameliorate nuisances between adjacent land uses and streets, and promote land use compatibility. Additionally, the buffer area is designed to safeguard property values and preserve the character and integrity of the county.

##### **3.0.3 Location**

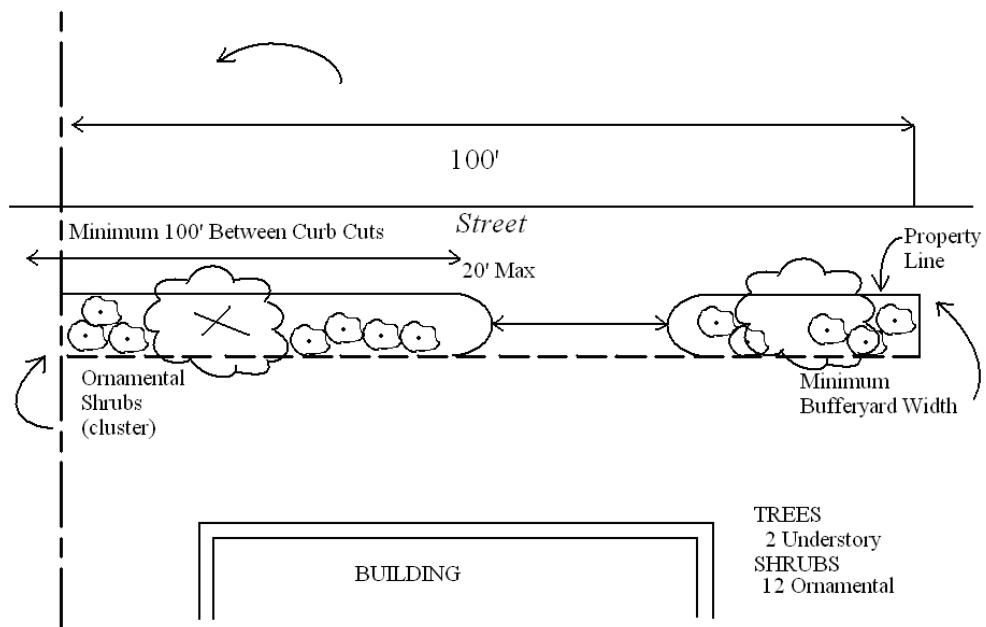
Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. They shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any front, side or rear yard or setback required by this Ordinance. Where required, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

##### **3.0.4 Design Standard**

Three types of buffer area are required by this Ordinance, Type A, Type B, and Type C.

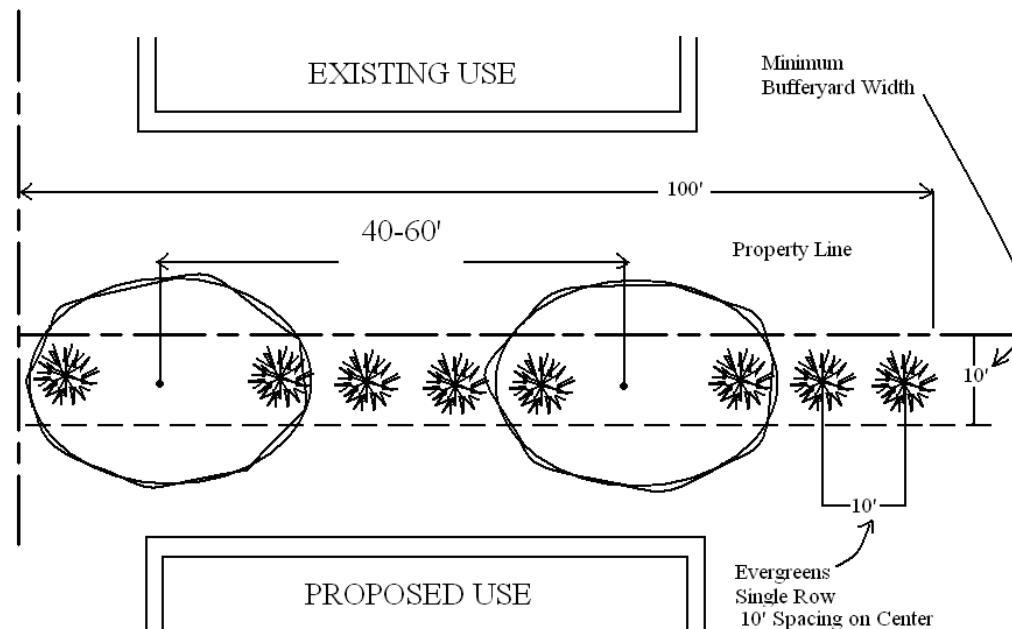
- (1). **Type "A" Buffer Area.** The Type A Buffer Area consists of low density landscaping between a proposed use and the adjacent street, providing separation between the two. The buffer area shall be a minimum width of five (5) feet. Per 100 linear feet of frontage, the buffer area shall consist of a combination of 12 ornamental shrubs, two understory trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to assure their survival. An example site plan is illustrated by the following diagram.

## TYPE "A" BUFFER AREA

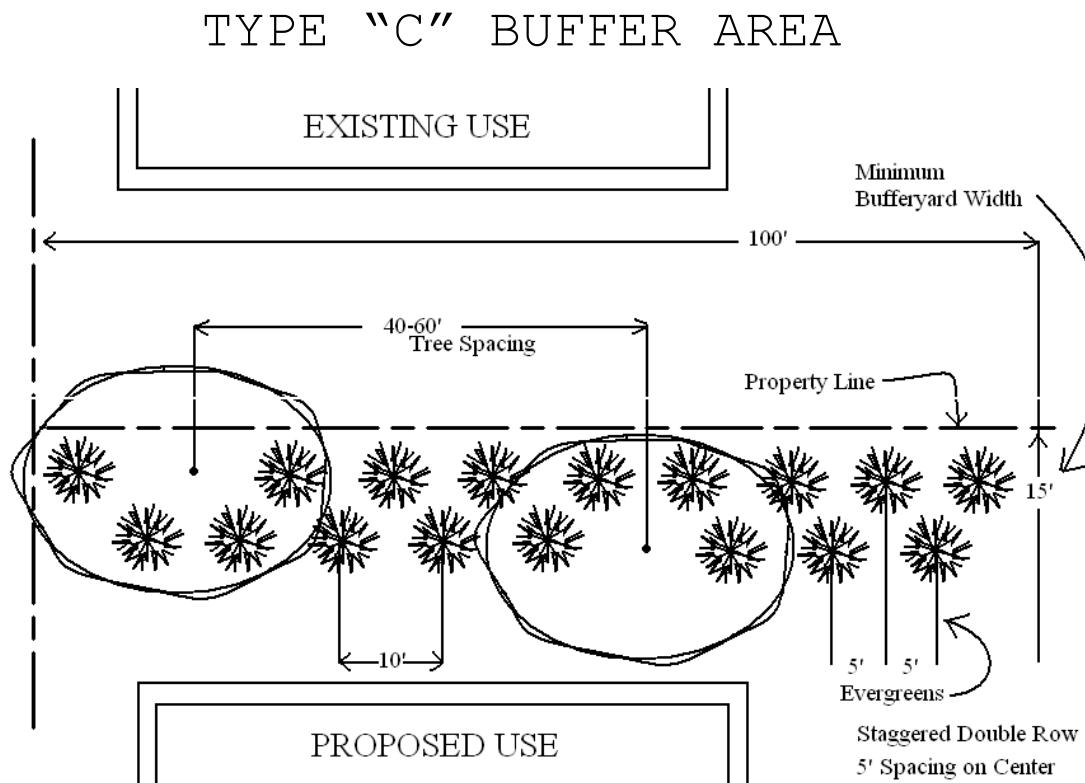


(2). Type "B" Buffer Area. The type B Buffer Area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of ten (10) feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 8 evergreen plants 10 feet on center. An example site plan is illustrated by the following diagram.

## TYPE "B" BUFFER AREA



(3). Type "C" Buffer Area. The Type C Buffer Area is a high density screen intended to exclude all visual contact between uses and to create a spatial separation. The buffer area shall be a minimum width of fifteen (15) feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double-staggered row 10 feet on center. An example site plan is illustrated by the following diagram.



### 3.0.5 Determination of Buffer Area Requirements.

Buffer areas shall be required under the following circumstances.

- (1). Type A Buffer Area Required. Wherever a multi-family complex, mobile home park, recreational vehicle park, or non-residential use is proposed, a Type A Buffer Area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street.
- (2). Type B Buffer Area Required. Wherever a mobile home park, recreational vehicle park, multi-family or townhouse project, mini-warehouse, institutional, or commercial use is proposed for a site or lot adjoining and occupied

residential use with no intervening public or private street or right-of-way of eighteen (18) feet or greater, a Type B Buffer Area shall be provided along the boundary of the adjoining residential property line.

(3). Type C Buffer Area Required. Wherever an industrial, warehouse, outdoor storage, or related use is proposed for a site or lot adjoining an occupied residential use with no intervening public or private street or right-of-way of eighteen (18) feet or greater, a Type c Buffer Area shall be provided along the boundary of the residential property line.

### 3.0.6 Buffer Area Specifications

(1). Minimum Installation Size. At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be no less than six (6) feet in height, and all deciduous (canopy) trees shall be no less than eight (8) feet in height, except for ornamental shrubs for Type A Buffer Area, which may be used.

(2). Minimum Mature Size. At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging ten (10) feet in height, and deciduous plant material used for screening shall average twenty-five (25) feet in height.

(3). Staggered Planting. Where required, evergreen and deciduous plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plan material.

### 3.0.7 Substitutions.

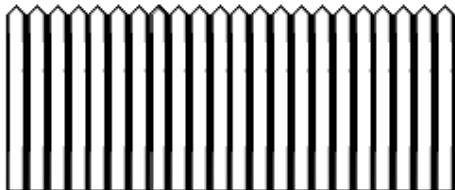
The following Substitutions shall satisfy the requirements of this section:

(1). Existing Plant Materials. Existing trees of 4 inches or more in diameter, measured at 2 feet above the ground, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Building Inspector.

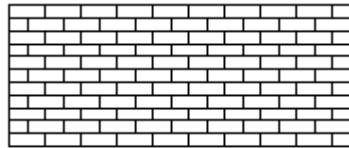
(2). Fence or Wall. Where, owing to existing land use, lot sizes, or configurations, topography or circumstances peculiar to a given piece of property, the buffer are requirements of this section cannot reasonably be met, the developer(s) may request and the Planning Commission may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the following standards.

A six foot fence, as illustrated below may be substituted for a Type "B" Buffer Area, and an eight foot fence may be substituted for a Type "C" Buffer Area.

## FENCE AND WALL ILLUSTRATIONS



Wood Stockage/Opaque Fence  
1 non-perishable supportal



Masonry Wall  
1 poured concrete, stucco concrete, brick, etc.

### 3.0.8 Responsibility.

It shall be the responsibility of the proposed new use to provide the buffer area where required by this Ordinance, except that no new detached single-family use shall be required to provide such buffer area.

### 3.0.9 Required Maintenance.

The maintenance of required buffer areas shall be the responsibility of the property owner. And all such areas shall be properly maintained so as to assure continued buffering. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

### 3.0.10 Use of Buffer Areas.

A buffer area may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited.

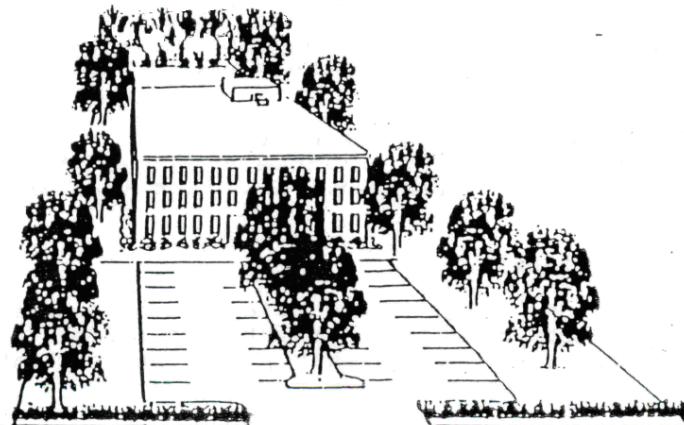
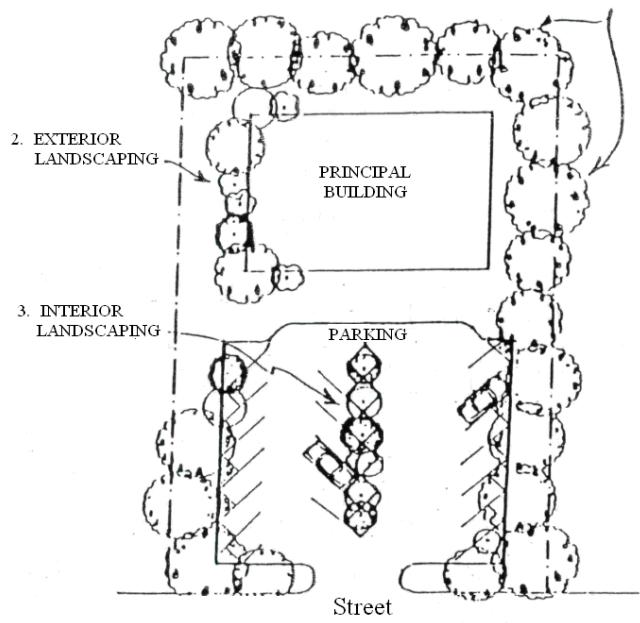
## **Section 3.1 Landscaping**

### 3.1.0 Definition.

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

# LANDSCAPING ILLUSTRATIONS

## 1. PERIMETER LANDSCAPING



### 3.1.1 Purpose.

The purpose of landscaping is to improve the appearance of vehicular use areas and property abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land; to promote public health and safety through the reduction of noise pollution, storm water run off, air pollution, visual pollution, and artificial light glare.

### 3.1.2 Where Required.

No multi-family or non-residential use shall hereafter be created or used unless landscaping is provided in accord with the provisions of this section. An no existing building, structure or vehicular use area shall be expanded or enlarged unless the minimum landscaping required by the provisions of this section is provided

to the extent of the alteration or expansion; landscaping not required for the existing use.

### 3.1.3 Landscaping Plan.

A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

- (1). The designated areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2). Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
- (3). Identify for preservation at least 50 percent of all existing trees 30 or more inches in circumference (measured at 3 feet above ground) in required setback (yard) areas.

### 3.1.4 Landscaping Requirements.

Required landscaping shall be provided as follows:

- (1). Along the outer perimeter of a lot or parcel, Where required by the buffer area provisions of this Article, to separate incompatible land uses. The amount specified shall be prescribed by Section 3.0.
- (2). Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site.

At a minimum, interior lot landscaping shall be provided in the following amounts:

| <u>Use</u>                   | <u>% of Lot</u> |
|------------------------------|-----------------|
| Institutional                | 20%             |
| Industrial/Wholesale/Storage | 15%             |
| Office                       | 20%             |
| Commercial-retail-service    | 12%             |
| Multi-family projects        | 25%             |

Buffer area landscaping may provide up to 50 percent of the above requirement. Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.

**Section 3.2****Area Standards****3.2.0      Definition**

Area standards are a measure of minimum lot or parcel requirements.

**3.2.1      Purpose**

The purpose of area requirements is to ensure the adequate provision of light and air, and to prevent the crowding of development.

**3.2.2      Standards**

All new buildings and structures on a public sewerage system shall meet or exceed the following minimum area or lot requirements. All new building and structures not on such a system shall meet the minimum area requirements of the County Health Department (DHEC), but shall be not less than the following:

|                                    |                |
|------------------------------------|----------------|
| Single-family detached dwelling    | 10,000 sq. ft. |
| Mobile home single lot             | 10,000 sq. ft. |
| Duplex                             | 18,000 sq. ft. |
| Multi-family and apartment project |                |
| Area per project                   | 2 acres        |
| Area per unit                      | 4,000 sq. ft.  |
| Cluster home and patio home        |                |
| Area per project                   | 2 acres        |
| Area per unit                      | 4,000 sq. ft.  |
| Mobile home park                   |                |
| Area per project                   | 2 acres        |
| Area per unit                      | 10,000 sq. ft. |
| Non-residential Uses               | 10,000 sq. ft. |

*(Amended by Ordinance 2007-011, adopted Aug. 20, 2007)*

**Section 3.3****Impervious Surface Standards****3.3.0      Definition**

Impervious surfaces are those that do not absorb water. All Buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt are considered impervious surfaces within this definition. The impervious surface ration is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the Base Site Area.

**3.3.1      Purpose**

The purpose of impervious surface standards is to reduce the impact of storm water run-off created by development by requiring on-site permeable areas, lot-line-to-lot-line "black topping" is declared by this Ordinance to be an unacceptable practice.

### 3.3.2 Standards

The following uses shall be limited in the amount of on-site impervious surface areas to the prescribed ratios:

| <u>Proposed Use</u>            | <u>Impervious Surface Ratio</u> |
|--------------------------------|---------------------------------|
| Residential                    | 55%                             |
| Commercial/Business            | 80                              |
| Industrial/warehousing/Storage | 75                              |
| Institutional                  | 65                              |

## **Section 3.4 Setbacks**

### 3.4.0 Definition

A setback is a required minimum distance between a building or building line and the nearest property line, or highway or utility right-of-way.

### 3.4.1 Purpose

The purposes of setback regulations are 1) to ensure the provision of light and open space between structures, 2) to accommodate future street widenings at the lowest possible cost, and 3) to prevent the crowding of development.

### 3.4.2 Standards

All buildings and structures, including the expansion of existing buildings and structures, shall meet the following minimum setback requirements. However, fences and walls shall be allowed along the property line, unless otherwise specified by Buffer Area requirements.

#### FRONT YARD ABUTTING:

| <u>Uses</u>            | <u>Minor Roads R/W</u> | <u>Collector Roads R/W</u> | <u>Arterial Roads R/W</u> | <u>Side Yards</u> | <u>Rear Yards</u> |
|------------------------|------------------------|----------------------------|---------------------------|-------------------|-------------------|
| <b>NON-RESIDENTIAL</b> |                        |                            |                           |                   |                   |
| Principal              | 30'                    | 40'                        | 50'                       | Note 1            | 10'               |
| Accessory              | 30'                    | 40'                        | 50'                       | Note 2            | Note 2            |
| <b>RESIDENTIAL</b>     |                        |                            |                           |                   |                   |
| Single-family          | 30'                    | 40'                        | 50'                       | 10'               | 25'               |
| Multi-family           | 30'                    | 40'                        | 50'                       | 25'               | 25'               |
| Mobile Home            | 30'                    | 40'                        | 50'                       | 10'               | 25'               |
| Duplex                 | 30'                    | 40'                        | 50'                       | 10'               | 25'               |
| Townhouse              | 30'                    | 40'                        | 50'                       | 15'               | 15'               |
| Patio/Cluster          | 30'                    | 40'                        | 50'                       | Note 3            | 5'                |
| Accessory              | 30'                    | 40'                        | 50'                       | 5'                | 5'                |

#### NOTES

(1). A 10' side yard setback is required on one side only.

- (2). Accessory uses including off-street parking may be located in the required setback area, but no in any required buffer area.
- (3). For patio homes and cluster housing subdivisions, a five foot setback shall be required on one side only, and between the end unit and the external property line.

R/W = Right-of-Way

#### 3.4.5 Measurements

Required setbacks shall be measured from the nearest property line perpendicular to the building line.

#### 3.4.6 Modifications

The Following Modifications shall apply, where applicable:

- (1). Where more than one main building or structure is to be located on a lot, the required setback shall be maintained around the group of buildings.
- (2). Where a lot fronts on two non-intersecting streets, or two intersecting streets forming an angle of 60 degrees or less, front yard setbacks shall be provided for both streets.
- (3). For corner lots a front yard setback shall be required on the street of higher classification ranked in the following order: 1) arterial, 2) collector, 3) minor, or in the case of two equally classified streets, the street having the higher traffic volume. A second front yard setback of one-half the depth shall be provided on the lower classified street or the one having the lower traffic volume.
- (4). Notwithstanding the front yard setbacks of this section, the front building line of any proposed building may be as close to the street as the average front building line of existing building fronting on the same block and within 400 feet of the proposed use.
- (5). Free standing sign structures and off-street parking space may be located in the required setback area; provided such use and structures shall be no closer than 5 feet to any property line and shall occupy no required buffer area.
- (6). Commercial condominium projects are allowed to share interior property lines; provided that 20' setbacks shall be required on the end unit; further provided that such projects (building) shall not exceed 600' parallel to the street principal access. Where buildings are grouped on the same lot, forming a shopping or business center, a 20' side yard setback shall be required on each end of the project.

- (7). For townhouses, there shall be no minimum between units, but a 15 foot setback shall be required between the end unit at the external property line, and between buildings on the project site. No more than 6 units may be attached.
- (8). Accessory building or structures in excess of 15 feet in height or 600 square feet in gross floor area, satellite dishes, ham radio towers and domestic kennels and pens shall observe the minimum setback requirements for the principal building or use to which they are accessory; additionally, satellite dishes shall be located no closer than 50 feet to the front property line.
- (9). Barns and structures housing livestock and the keeping of swine or fowl regardless of type enclosure shall be located no closer than 100 feet to the nearest property line.

#### 3.4.7 Projections Into Setback (Required Yard) Area

The following shall be permitted to project into the required setback area:

- (1). Eaves, chimney, cornices, gutters, and other minor architectural features projecting less than 24 inches from the main building.
- (2). Unenclosed steps not extending above the first floor level and not closer than five (5) feet to a property line.
- (3). Retaining wall of any necessary height, but not closer than eighteen (18) inches to a street line.
- (4). A protective hood or awning over a door way not more than five (5) feet into the required minimum setback area.

#### 3.4.8 Setbacks At Street and Driveway Intersections

Where a driveway intersects a street, or a street intersects another street, any and all buildings, structures, or hedges shall be setback a sufficient distance from such intersection to assure visual clearance. However, structures or hedges less than 2-1/2 feet in height, structures (poles) less than 12 inches in diameter, and free standing signs at least 9 feet above ground may be permitted in such visual clearance areas.

## ARTICLE IV

### ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

#### Section 4.0

#### Establishment of Districts

In pursuit of the purpose statement set forth in Section 1.1 of this Ordinance, the county is hereby divided into the following functional land use and development districts:

GD General Development District - Moderate-High Intensity  
LD Limited Development District - Low Intensity  
IND Industrial Development District  
RCD Residential Conservation and Development District  
RR Rural Resource District  
APD Airport Protection District

Within each district, the regulations set forth herein shall apply uniformly to each class or kind of structure or land, except that where such districts overlap the Airport Protection District or the 100-year flood boundaries, as established on Flood Insurance Rate Maps for Hampton County, prepared by the federal Emergency Management Agency, latest edition. In such instances, the regulations shall be altered to accommodate the special needs of such areas as prescribed by this Ordinance and in accord with the County's Flood Damage Prevention Ordinance.

#### Section 4.1

#### GD, General Development District, Moderate to High Intensity

##### 4.1.1 Purpose

This district is expected to accommodate most of the projected urban or higher intensity development in the unincorporated areas of Hampton County, in accord with the County's Land Use and Development Plan. Corresponding generally with the urban and urbanizing areas delineated on the Plan Map for general development, this district consists of areas where development logically should locate as a consequence of planned public facilities and associated capital expenditures; i.e. schools, sewers, water, parks, etc.

As such this district is designed to accommodate a variety of uses, providing for a full range of residential as well as commercial, institutional, and industrial uses. In so doing, emphasis is placed on performance and development standards to ameliorate the impact of such uses and eliminate the negative aspects of juxtaposing varied and dissimilar uses.

#### 4.1.2 Permitted Uses

Within the GD, General Development District, a building or premises may be used for any purpose, subject to the following conditions and exceptions; provided such use(s) shall meet all applicable siting, performance and development standards contained elsewhere in this Ordinance.

##### Conditional Uses

- (1). Flea markets, provided such uses are located in completely enclosed buildings with no outside display areas or tables.

##### Prohibited Uses

- (1). Sanitary Landfills and Incinerators
- (2). Hazardous and Nuclear Waste Transfer, Storage, Treatment and/or Disposal Facilities
- (3). Mining and Extraction Operations
- (4). Commercial or Club Outdoor Pistol, Rifle or Skeet Range
- (5). Stockyards, Slaughter Houses and Commercial Poultry Houses.
- (6). Automotive Wrecking, Salvage and Junk Yards

### **Section 4.2**

#### LD, Limited Development District

##### 4.2.1 Purpose

This is a "second tier" development district designed to accommodate limited multiple-use development at lower intensities than the GD District and to minimize land use conflicts. This district is intended for application in areas sensitive to certain types of development, where use controls and limitations are needed to ensure compatibility and promote a viable growth and development situation, and/or where public sanitary sewer service in support of higher intensity development neither exist nor is planned.

##### 4.2.2 Permitted Uses

Within the LD District a building or premise may be used only for the following purposes; provided such use(s) shall meet all applicable regulations contained elsewhere in this Ordinance.

##### Residential

- (1). Dwellings, single-family detached, excluding mobile homes.

##### Social and Institutional

- (1). Religious institutions and places of worship auxiliary buildings and uses

- (2). Parks and recreation centers, golf courses and similar open space recreation uses
- (3). Family day care homes
- (4). Medical offices, clinics and hospitals
- (5). Nursing and personal care homes and facilities
- (6). Educational facilities and auxiliary uses
- (7). Child and adult care centers
- (8). Civic, social and fraternal associations
- (9). Governmental buildings, services and facilities

Commercial

- (1). Retail and service establishments; provided that outside display and storage areas where proposed, shall be reviewed for compatibility and approved by the Planning Commission, in accord with the provisions of Section 7.2 of this Ordinance.
- (2). Wholesale and warehousing establishments; provided that outside storage areas where proposed shall be reviewed for compatibility and approved by the Planning Commission, in accord with the provisions of Section 7.2 of this Ordinance.

Industrial

- (1). Industrial, processing and fabricating plants; provided all such uses shall be reviewed for compatibility and approved by the Planning Commission, in accord with the provisions of Section 7.2 of this Ordinance.

Miscellaneous

- (1). Utilities, production, and distribution facilities.
- (2). Water and wastewater plans and facilities; provided such uses shall be reviewed for compatibility and approved by the Planning Commission, in accord with the provisions of Section 7.2 of this Ordinance.
- (3). Agricultural crop production, including but not limited to forages and sod crops, grains and seed crops, trees and forest products, fruits of all kinds, vegetables, nursery, floral, ornamental and greenhouse products, and lands devoted to soil conservation or forestry management programs.
- (4). Agricultural animal production, including but not limited to dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; and fowls of any

kinds; provided however, that such uses shall be reviewed for compatibility and approved by the Planning Commission, in accord with the provisions of Section 7.2 of this Ordinance.

- (5). Recycling transfer stations.
- (6). Transportation and communication uses.
- (7). Home occupations.
- (8). Funeral homes, mortuaries, and cemeteries.
- (9). Uses accessory to the above.
- (10). Signs, in accord with Article V

#### **4.2.3 Prohibited Uses**

In addition to the applied prohibition of uses not specifically permitted by Section 4.2.2, the following list of uses is specifically prohibited for this district.

- (1). Sanitary landfills, incinerators and infectious waste facilities.
- (2). Hazardous waste and nuclear waster transfer, storage, treatment and/or disposal facilities.
- (3). Resource recovery and recycling management or storage facilities; composting facilities; waste tire sites; and inert landfills.
- (4). Vehicular race and testing tracks.
- (5). Mining and extraction operations.
- (6). Commercial or club pistol, rifle, or skeet range.
- (7). Stockyards, slaughter houses, and animal auction houses.
- (8). Correctional facilities, jails, prisons, etc.
- (9). Junk, salvage, and wrecking yards.
- (10). Recreational vehicle parks and campgrounds.
- (11). Adult uses.
- (12). Mobile home parks and mobile home sales lots.
- (13). Self-service car wash.
- (14). Flea markets, unless in completely enclosed buildings, with no outside display areas or tables.
- (15). Subdivisions with densities greater than two units per acre (gross), or average lot frontage less than 100 feet.
- (16). Non-residential buildings or structures with floor area to lot ratios greater than .25 to 1.00.

### **Section 4.3**

#### **IND, Industrial Development District**

##### **4.3.1 Purpose**

The purposes of this district are to better accommodate existing industrial uses and further the industrial development of the county

by protecting existing industry from encroachment of incompatible land uses and potential sites for future industrial development.

#### 4.3.2 Permitted Uses

Within the IND, Industrial Development District, a building or premise may be used only for the following purposes, provided such use(s) shall meet all applicable performance and development standards contained elsewhere in this Ordinance.

- (1). Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock, and structures for housing and processing products raised on the premises.
- (2). Industrial and processing plants; provided such uses, where applicable, shall meet the requirements of Article VII.
- (3). Wholesale, warehousing and distribution uses.
- (4). Office buildings, laboratories and research facilities.
- (5). Private clubs and lodges.
- (6). Public service uses, i.e. police and fire stations, airports and armories.
- (7). Veterinary establishments.
- (8). Business and vocational schools.
- (9). Bulk and outdoor storage lots.
- (10). Automotive and wrecking, salvage and junk yards; provided such uses shall meet all applicable requirements of Article VII.
- (11). Utilities, i.e. gas, electric, and telephone; production and distribution facilities.
- (12). Residential, single-family on any existing lot-of-record and any new lot 10 acres or greater in size, or any legally or court-ordered subdivision.
- (13). Prisons, water plants and sewerage treatment facilities, and substations.
- (14). Sanitary landfills and incinerators; provided such uses meet all applicable requirements of Article VII.
- (15). Mining and extraction operations; provided such uses meet all applicable requirements of Article VII.
- (16). Resource recovery and recycling facilities; solid waste storage, collection and transfer facilities; composting facilities; waste tire sites; and inert dump sites; provided such uses shall meet all applicable requirements of Article VII.
- (17). Hazardous waste and nuclear waste transfer, storage, treatment and/or disposal facilities; provided such uses shall meet all applicable requirements of Article VII.

- (18). Stockyards, slaughter houses, commercial kennels, and animal auction houses; provided such uses meet all applicable requirements of Article VII
- (19). Uses accessory to the above.
- (20). Signs, in accord with Article V.

#### **Section 4.4**

#### **RCD, Residential Conservation and development District**

##### **4.4.1      Purpose**

The purpose of this district is to stabilize and protect existing neighborhoods for continued residential use. This district also is intended to encourage in-filling and expansion of "like development," consistent with the character of existing neighborhoods at the time of enactment of this Ordinance. Areas identified as having a stable and fixed character will be afforded a high level of protection and insulation from potentially incompatible uses and assured of long-term stability.

RCD districts created after the effective date of this Ordinance shall meet the following criteria:

- (1). Minimum land area of 20 acres and at least 10 units, or
- (2). Platted subdivision with a minimum of 20 lots.

Once created, a district may be enlarged without restriction.

##### **4.4.2      Permitted Uses**

Within the RCD district, a building or premise may be used only for the following purposes; provided such use(s) shall meet all applicable regulations contained in this Ordinance.

- (1). Dwellings, single-family detached, excluding mobile homes.
- (2). Churches or similar places of worship, auxiliary buildings and uses, child care centers and cemeteries accessory thereto.
- (3). Schools, either public or private, offering general education courses.
- (4). Public utilities, as necessary to serve district residents.
- (5). Neighborhood and community parks and centers, golf courses and similar open space uses.
- (6). Family day care homes.
- (7). Home occupations.
- (8). Uses accessory to the above.

**4.5.1      Purpose**

This district is intended to protect and preserve areas of the county which are rural or agricultural in character and use and are uniquely suited for such purposes. These areas are not presently required for urban development and, according to population and land use projections will not be needed before the year 2010 at the earliest.

The use regulations for this district are designed to permit development compatible with the preservation of the rural lifestyle, character and agricultural use of these areas and prevent speculative, premature intrusions of urban uses and lifestyles.

The value of agricultural lands, woodlands, and other open land areas which characterize this district are economically important and contribute to clean water and air, and to many natural life cycles. They also make the county an attractive place in which to live.

**4.5.2      Permitted uses**

Within the RR, Rural Resource District, a building or premise may be used only for the following purposes; provided such use(s) shall meet all applicable regulations contained in this Ordinance.

- (1). Agricultural uses, including commercial greenhouses and nurseries, general farming operations, keeping and raising of animals and livestock, and structures for housing products raised on the premises.
- (2). Automobile service station and/or garage.
- (3). Cemetery.
- (4). Church and similar places of worship, auxiliary building and uses, including child care centers and cemeteries accessory thereto.
- (5). Community and child care centers.
- (6). Dwelling, mobile home, also one mobile home shall be permitted as a residence on a lot with a retail store or as a second residence on a lot with a single-family dwelling or another mobile home.
- (7). Dwelling, single-family detached.
- (8). Family day care homes.
- (9). Home occupations.
- (10). Schools, either public or private; technical vocational or general curriculum.
- (11). Equestrian uses, including stables, tracks, clubs, fields, caretaker's facilities, etc.
- (12). Flea markets and auction barns.
- (13). Outdoor recreation facilities and activities, publicly or privately operated, including hunt clubs, swimming

pools, tennis courts, golf courses, parks, playfields, and similar outdoor recreation activities.

- (14). Retail store for sale of groceries, hardware antiques, dry goods or general merchandise, beverage and package stores with no on premise consumption; provided the gross floor area does not exceed 5,000 square feet.
- (15). Roadside stand for the display and sale of agricultural products.
- (16). Recreational vehicle parks and campgrounds, subject to applicable requirements of Article VII.
- (17). Automotive race and testing tracks, subject to the applicable requirements of Article VII.
- (18). Mining and extraction operations, subject to the applicable requirements of Article VII.
- (19). Public utilities.
- (20). Stockyards, slaughter houses, commercial poultry houses, animal auction houses, and commercial kennels, subject to the applicable requirements of Article VII.
- (21). Sanitary landfills and inert landfills, subject to the applicable requirements of Article VII.
- (22). Recycling transfer stations and facilities.
- (23). Marinas, piers, boat ramps, boat storage, and related marine activities.
- (24). Uses accessory to the above.
- (25). Signs in accord with Article V.

## **Section 4.6**

### **APD, Airport Protection District**

#### **4.6.1 Purpose**

The purpose of this district is to promote and improve safety in and around the Hampton County Airport by preventing the location of structures or natural growth which would constitute hazards or obstructions to aircraft operating in the area, thereby adding an additional measure of protection for the lives and property for those in aircraft and on the ground. In so doing, a general compatibility between airport operations and affected property is advocated by these regulations.

#### **4.6.2 Permitted Uses**

This is an "overlay" zone. As such, permitted uses are determined by the "underlying" or primary zone. These regulations temper and modify the development standards of the primary district to the extent necessary to achieve the objectives of 4.6.1. They do not determine or regulate the use of property. However, primary zone use notwithstanding, no use may be made of land or water within the Airport Protection District in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to

distinguish between airports lights and others, result in glare in the eyes or pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

#### 4.6.3 Height Limitations

Except as otherwise provided by this Ordinance,, no structure or tree shall be erected, altered, allowed to grow, or be maintained within any of the following zones comprising the APD to a height in excess of those plans delineated as surfaces in part 77.25, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

A description of the sub-areas (zones) comprising the APD follows:

Airport Zone: A zone that is centered about the runway and primary surface, and is capped by the horizontal surface.

Approach Zone: A zone that extends away from the runway, ends along the extended runway centerline, is capped by the approaching surfaces.

Conical Zone: A zone that circles around the periphery of and outward from the horizontal surface, and is capped by the conical surface.

#### 4.6.4 Measurements and Maps

Specific geometric measurements for these zones are to be found in Part 77.25, Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

#### 4.6.5 Relationship of APD to Sanitary Landfills

Various studies and observations have resulted in the conclusion that sanitary landfills attract birds, and that birds in the vicinity of airports create potential hazards to aircraft operations. Aircraft accidents have resulted when aircraft collided with low-flying birds, particularly during takeoff and landing. In order to prevent such an occurrence in Hampton County, the following regulations shall apply with regard to location of landfills:

- (1). No landfill shall be located within 10,000 feet of the airport runways
- (2). Landfills located further than 10,000 feet from the runway, within the conical surface previously describe, will be reviewed for permitting on a case-by-case basis by the County Council

#### 4.6.6 Regulations Applicable To Existing Structures

The owner of any existing structure or vegetation that is currently penetrating any referenced surface of any of the three

Airport Compatibility Districts shall permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, or the South Carolina Aeronautics Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the county.

#### 4.6.7 Variances

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this section, may apply to the County Council for a variance from these regulations. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

Such variance shall be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Section.

### **Section 4.7                    District Boundaries**

The boundaries of the several districts established by Section 4.0 of this Ordinance are delineated and shown on the Official Land Use and Development District Map(s) for Hampton County, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

An official copy of the map(s) shall be filed in the office of the Building Official. As evidence of the authenticity of the map(s), it shall be signed by the chairman of the County Council, dated and attested to by the County Administrator.

#### 4.7.1 Rules For Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official District Boundary Map, the following rules shall apply:

- (1). Boundaries indicated as approximately following the center lines of streets, highways, or railroad tracks shall be constructed to follow such center lines;
- (2). Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

- (3). Boundaries indicated as approximately following political boundaries shall be construed as following such boundaries;
- (4). Boundaries indicated as following the center lines of waterways, creeks, and ditches shall be construed as following such lines;
- (5). Except where specifically marked, boundaries indicated as parallel to streets or roads shall be construed to be 400 feet from the outer edge of the roadway, or to the back property line of lots or parcels fronting on said roadway where the line is within 400 feet of the edge of the roadway.
- (6). Where physical or cultural features existing on the ground are in variance with those shown on the above referenced map, or in other circumstances covered by subsections 1 through 5 above, the Building Official shall interpret the district boundaries.

#### 4.7.2 Change To District Boundaries

#### 4.7.3 Custodian of the "Official" District Boundary Map

Regardless of the existence of purported copies of the District Boundary Map which may from time to time be made or published, the "official" Map, which shall be located in the office of the Building Official, shall be the final authority as to the current status of district boundaries.

## ARTICLE V

### DEVELOPMENT STANDARDS FOR THE CONSTRUCTION, MAINTENANCE, AND REMOVAL OF SIGNS

#### **Section 5.0**

#### **Purpose**

The purpose of these regulations is to protect the dual interest of the public and the advertiser. They are designed to protect public safety and welfare and to insure the maintenance of an attractive community environment, while satisfying the needs of sign users for adequate identification, communication, and advertising.

#### **Section 5.1**

#### **Applicability and Conformance**

This article regulates the number, size, placement, and physical characteristics of signs, exempts certain signs, prohibits certain signs, and requires permits for certain signs.

From and after the adopting of this Ordinance, no sign may be erected in the unincorporated area of Hamton County unless it conforms with the requirements of this article.

#### **Section 5.2**

#### **Exempt Signs**

The following signs are exempt from the provisions of this article, and require no permit.

- (1). One sign or plate attached to the wall of each building, not more than one square foot in area.
- (2). Signs of duly constituted governing bodies, including traffic regulatory devices, legal notices, and warnings at railroad crossings.
- (3). Signs on the interior side of window glass.
- (4). One free-standing sign per lot, not to exceed six square feet in area.

#### **Section 5.3**

#### **Prohibited Signs**

- (1). Any sign which displays intermittent or flashing illumination or lights of changing degrees of intensity, except a sign indicating time and/or temperature with changes alternating on not less than a five-second cycle.
- (2). Any illuminated tubing or string of lights outlining property lines or open sales areas, roof lines, doors, windows or wall edges of any building, except for "holiday season" lights.

- (3). Any sign or advertising device attached to or painted on a fence, power or telephone pole, tree, stone or any natural object.
- (4). Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this Ordinance.
- (5). Abandoned signs.
- (6). Any sign, other than an exempt sign (5,2) shall be prohibited on any residential or any undeveloped lot or parcel.

#### **Section 5.4**

#### **Permitted Signs**

The following signs are allowed, subject to the issuance of a sign permit by the County and compliance with the applicable development standards of this section.

- (1). One free-standing sign for each subdivision or entrance thereto, provided the sign area does not exceed 20 square feet in area nor 20 feet in height, and if illuminated is done so by indirect or muted lighting.
- (2). Free-standing signs for non-residential uses, under the following conditions:
  - a. Allowable Area. Free-standing signs are allowed one (1) square foot of sign face per lineal foot of street frontage for the first 100 feet; and  $\frac{1}{2}$  square foot of sign face for each lineal foot in excess of 100 feet, up to a maximum of 300 square feet.
  - b. Number of Signs. One free-standing sign is allowed for each developed site, lot, or parcel. Where a site or parcel fronts on more than one street, one additional free-standing sign is permitted for each additional street upon which it fronts.

Where two or more detached buildings occupy the same lot or parcel, each may have one free-standing sign, provided the total sign area does not exceed the allowable limits specified by 5.4(3)(a), base on the total lineal street frontage of the site or parcel on which they are to be located.

Where two or more attached businesses or buildings occupy the same site or parcel, i.e. shopping center, only one free-standing sign for the aggregate businesses shall be permitted per street frontage.

- c. Height of Signs. No free-standing sign shall exceed 35' in height.
- (3). Permanent signs Attached to buildings, under the following conditions:
  - a. Allowable Area. If there is no free-standing sign on the site, 1-1/2 square feet of sign area shall be permitted for each lineal front foot of the principal building.
  - b. Types of Signs. Flat, projecting, marquee, and awning signs are allowed.
  - c. Number of Signs. There is no limit on the number of signs if within the total allowable area limit. However, only one projecting sign is allowed per building frontage, and shall be allowed only if there is no free-standing sign on the same site frontage; except for shopping centers, which may have one projecting sign for each business use, plus allowable free-standing signs.
- (4). Temporary Signs, Under the following conditions:
  - a. Pennants, flags, and fluttering devices and similar exhibits to announce grand openings and mark special occasions; provided such exhibits are removed within 30 days of the day they are permitted; further provided that no exhibit shall be re-permitted within six months of the time it or a similar display is removed from the premises.
  - b. Portable signs, provided such signs are removed within 3 months of the day they are permitted; no more than one such sign is permitted for each non-residential use; and no such sign shall be re-permitted within 6 months of the time it is removed from the premise. Portable signs are not permitted on residential or undeveloped lots or parcels.
  - c. Political signs not mounted on permanent or permitted signs; provided such signs are placed or posted no earlier than 60 days prior to an announced election and are removed within two weeks thereafter.

## **Section 5.5**

### **Development Standards**

All signs allowed by this Article shall comply with the development standards of this section.

5.5.1 Visual Area Clearance. No sign shall be located so as to obstruct travel vision at street or driveway intersections.

5.5.2 Vehicle Area Clearance. When a sign extends over an area where vehicle travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

5.5.3 Pedestrian Area Clearance. When a sign extends over sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 8-1/2 feet above the ground.

5.5.4 Sign Materials. Signs must be constructed of durable materials, maintained in good condition, and not permitted to fall in disrepair.

5.5.5 Sign Illumination. Signs when illuminated by direct lighting shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalks.

5.5.6 Location of Signs. No signs including traffic signs and similar regulatory notices except those of a duly constituted governing body shall be located within any road right-of-way.

No part of a sign, while permitted in required yards, shall be located closer than five (5) feet to any property lines.

No part of any sign attached to a building in any manner shall extend beyond the uppermost point of such building, except for those signs which are an integral part of the architectural design of said building.

## **Section 5.6 Sign Measurement**

### **5.6.1 Sign Face Area**

- (1). The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face (Illustration 1). Sign area does not include foundations or supports. Only one side of a double-face or V-shaped, free-standing sign is counted.
- (2). For signs on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign related display or decoration.
- (3). For signs constructed of individual pieces attached to a building wall, sign area is determined by a

perimeter drawn around all the pieced (Illustration 2).

- (4). For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (Illustration 3).
- (5). The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
- (6). For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.

5.6.2 Clearances. Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (Illustration 4).

5.6.3 Building Frontage. Building frontage is derived for each ground floor occupant's qualifying exterior walls (Illustration 5).

## **Section 5.7                    Removal of Signs**

- (1). The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, except that those declared abandoned shall be removed, within 90 days of the effective date of this Ordinance.
- (2). Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area, and which is subsequently destroyed or damaged to the extent of 50 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
- (3). Any non-conforming sign which is not permanently mounted shall be removed or brought into conformity no later than three months following the effective date of this Ordinance.
- (4). An order under this section shall be issued in writing to the owner of any abandoned or non-conforming sign, or of the building or the premises on which such sign is located, to comply within a stated period of time. Upon failure to comply with such notice, the County may remove the sign and any costs of removal incurred in the process may be collected in a manner prescribed by law.

SIGN FACE MEASUREMENT ILLUSTRATIONS

ILLUSTRATION 1

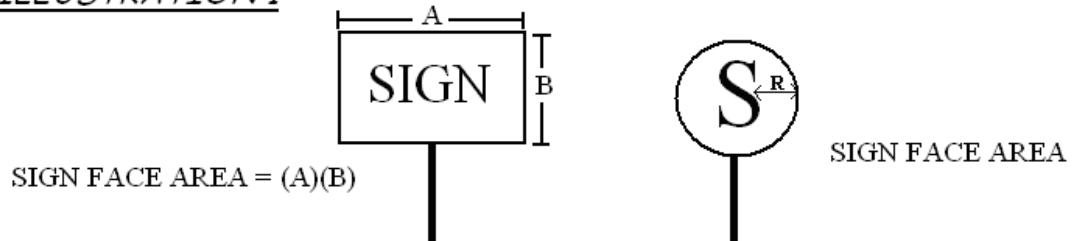


ILLUSTRATION 2

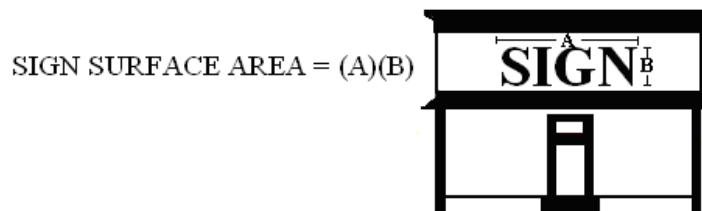
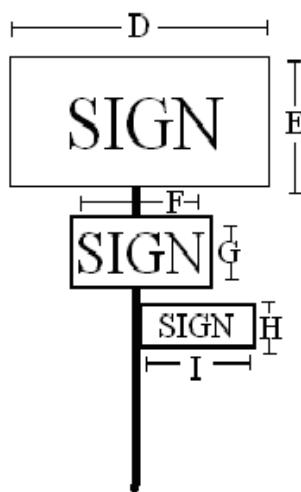
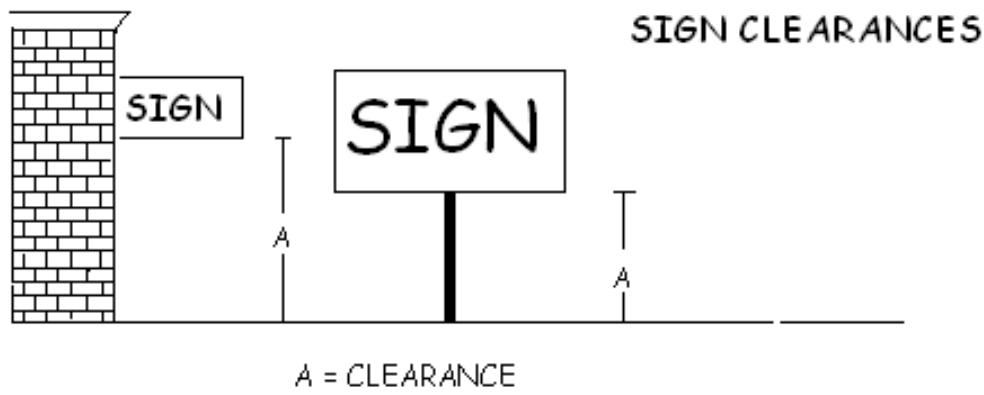


ILLUSTRATION 3

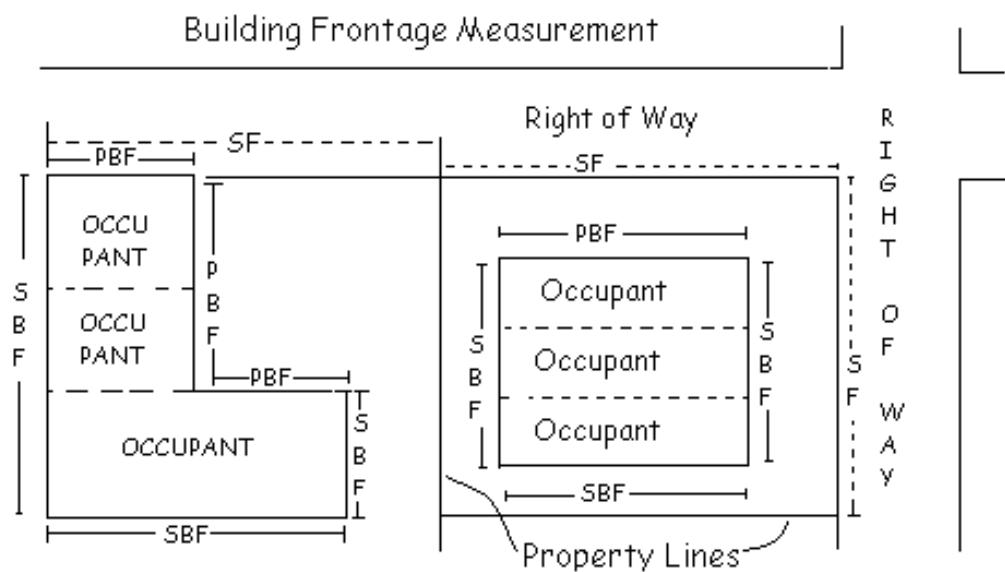
SIGN SURFACE  
AREA = (D)(E) + (F)(G) + (I)(H)



#### *ILLUSTRATION 4*



### *ILLUSTRATION 5*



SF = Site Frontage

PBF = Primary Building Frontage

SBF = Secondary Building Frontage

## ARTIVE VI

### DEVELOPMENT STANDARS FOR OFF-STREET PARKING AND LOADING

#### Section 6.0

#### Definition

An off-street parking space is an area, not in a street or alley, permanently reserved or the temporary storage of one automobile and connected with a street or alley by a driveway which affords ingress and egress.

#### Section 6.1

#### Purpose

The purposed of this Article is to ensure the provision of off-street parking in sufficient quantity to satisfy the demand generated by any given land use, and subsequently reduce the impact of development (requiring parking) on the public transportation system.

#### Section 6.2

#### Off-Street Parking Requirements

Off-street automobile storage and parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of parking spaces provided shall be at least as great as the number specified below for the particular use(s). When application of said provision results in a fractional space requirement, the next larger requirement shall prevail.

| PRINCIPAL USE                                 | SPACES PER UNIT OF MEASURE                            |
|---|---|
| Auditorium, Theater places of public assembly | .03 per seat, main auditorium                         |
| Auto service station, full service            | 1.0 per pump  |
| Boarding and rooming house                    | 1.0 per bedroom                                       |
| Bowling Alley                                 | 5.0 per lane  |
| Church/synagogue                              | 0.3 per seat, main seating area                       |
| Child care center                             | 1.0 per employee, plus 1.0 per 10 children            |
| Congregated housing                           | 1.0 per employee largest shift, plus 0.4 per resident |

|   |   |
|---|---|
| Cultural facilities, i.e. Art galleries, museums, libraries, etc. | 1.2 per 100 sq. ft. GFA   |
| Dwelling unit   | 1.5 per one bedroom unit; 2.0 per unit for all others                 |
| Financial institutions<br>Automatic tellers                       | 2.0 per machine   |
| Fraternity & sororities   | 3.3 per 1,000 sq. ft. GFA   |
| Funeral home  | 5.0 plus 1.0 per 4 seats in main assembly room                        |
| Grocery or supermarket  | 3.5 per 1,000 sw. ft GFA  |
| Grocery convenient (7-11 type)<br>(with or without gas pumps)     | 1.0 per 200 sq. ft. GFA   |
| Hospitals and nursing homes                                       | 1.0 per bed, plus 1.0 per 300 sq. ft. office and administrative space |
| Hotel, motel, or motor court                                      | 1.0 per rental unit, plus requirement for associated use              |
| Industrial, manufacturing and processing uses                     | 0.6 per employee of largest shift                                     |
| Mini warehouses   | 1.0 per 10 storage units  |
| Mobile home parks   | 2.0 per mobile home space, plus 0.5 per employee                      |
| Membership organizations  | 3.3 per 1,000 sq. ft. GFA   |
| Office and professional building                                  | 1.0 PER 300 SQ. FT. GFA   |
| Office, medical or dental clinics                                 | 8.0 per doctor or dentist   |
| Public service buildings  | 3.3 per 1,000 sq. ft. GFA   |
| Radio and tv stations   | 1.2 per 1,000 sq. ft. GFA   |
| Recreational vehicle park   | 1.0 per RV space, plus 0.5 per employee                               |

|   |  |
|---|--|
| Restaurants and other establishments dispensing food                                      | 1.5 per 150 sq. ft. GFA                    |
| Retail store and personal service shops   | 1.0 per 300 sq. ft. GFA                    |
| Sales and service no listed elsewhere   | 1.0 per 500 sq. ft. GFA                    |
| Schools: Elementary & Jr. High  | 2.0 per classroom, plus 2.0 office         |
| Sr. High, Business, Vocational and Colleges   | 0.3 per student, plus 1.0 per staff member |
| Shopping Center   | 1.0 per 250 sq. ft. GFA                    |
| Taverns, discos, night clubs, clubs engaged principally in dispensing alcoholic beverages | 1.0 per 30% of capacity                    |
| Veterinary clinic   | 5.0 per 1,000 sq. ft. GFA                  |
| Wholesaling, warehousing and distribution operations                                      | 0.6 per employee of largest shift          |

\*GFA = Gross Floor Area

The parking space requirements for a use not specifically listed above shall be the same for a listed use of similar characteristics of parking demand generation.

Except for shopping centers, mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Whenever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increased of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of enlargement or change.

### Section 6.3

### Parking Space For the Physically Handicapped

When off-street parking is required for any non-residential use, except for industrial and warehousing uses, parking for the handicapped shall be included when calculating the overall parking requirements for a building or use, based on the following formula:

| <u>Number of Required Space</u> | <u>Number of Spaces Reserved For Handicapped Persons</u> |
|---------------------------------|--|
| Up to 25                        | 1  |
| 26 to 50                        | 2  |
| 51 to 75                        | 3  |
| 76 to 100                       | 4  |
| 101 to 150                      | 5  |
| 151 to 200                      | 6  |
| 201 to 300                      | 7  |
| 301 to 400                      | 8  |
| 401 to 500                      | 9  |
| 501 and over                    | 2% of total required                                     |

Parking spaces for the physically handicapped shall measure 12 feet by 20 feet and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, and walkways.

#### **Section 6.4**

#### **Reduction of Off-Street Parking Space**

Off-street parking facilities at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance, except that by reason of reduced floor area or capacity or change in requirements that a reduction in off-street parking is reasonable and consistent with the public welfare.

#### **Section 6.5**

#### **Land To Provide Parking**

Land to provide parking must be on the same site as the use it is intended to serve; however, street separation is permissible.

#### **Section 6.6**

#### **Design Standards**

##### **6.6.1 Applicability**

The requirements of this section shall not apply to patio homes, duplexes, mobile homes, semi-detached dwellings, or outdoor recreational uses.

##### **6.6.2 Drainage and Maintenance**

Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets. Off-street parking areas shall be maintained in a clean,

orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not be used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

#### 6.6.3 Separation From Walkways and Streets

Landscaping, curbing, fencing, or other approved barriers to vehicular movement shall be provided along proper boundaries to control entrance and exit of vehicles or pedestrians, and separate off-street parking spaces from sidewalks and streets. All parking spaces shall be designed so that vehicular movement onto a public street is in a forward motion.

#### 6.6.4 Surfacing and Marking

Parking Lots with twenty (20) or more spaces shall be surfaced with asphalt or concrete, and shall be marked by painted lines, curbs or other means to indicate individual spaces. However, such requirements may be waived on an individual basis by the Planning Commission for rural churches, certain industrial uses, and uses not catering to the public.

#### 6.6.5 Parking and Isle Dimensions

Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of thirty percent (30%) of the total number of stalls may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle widths shall be as follows:

|      |                   |         |
|------|-------------------|---------|
| (1). | 90-degree parking | 24 feet |
| (2). | 60-degree parking | 20 feet |
| (3). | 45-degree parking | 15 feet |

### **Section 6.7 Joint Use of Off-Street Parking Lots**

Up to 50 percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, blubs, churches and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used or operated during the same hours as those listed in (1); provided however, that written agreement assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and content by the County Attorney, and shall be filed with the application for a building permit.

**Section 6.8****Off-Street Loading**

All uses shall provide off-street loading areas sufficient for their requirements. Such space shall insure that no vehicle being loaded or unloaded in connection with normal operations will stand in or project onto a public street or sidewalk.

Off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve.

## ARTICLE VII

### SUPPLEMENTAL DEVELOPMENT STANDARDS FOR CERTAIN LAND USES AND LARGE SCALE PROJECTS

#### **Section 7.0**

#### **Purpose**

The purpose of this chapter is to ameliorate the impact and improve the siting of certain land uses, whose characteristics could adversely affect surrounding property and environmental conditions. Toward this end, standards over and above those set forth elsewhere by this Ordinance are imposed by this Article.

#### **Section 7.1**

#### **Uses Affected by This Article**

Where permitted by Article IV of this Ordinance, the additional requirements of this article shall apply to the following uses:

Sanitary landfills and incinerators

Hazardous waste and nuclear waste disposal sites

Resource recovery, recycling, solid waste storage, Transfer and composting facilities, waste tire sites, etc.

Vehicular race and testing tracks

Mining and extraction operations

Outdoor pistol, rifle or skeet range

Stockyards, slaughter houses, commercial poultry houses, commercial kennels, and animal auction houses

Large scale projects

Automotive wrecking, salvage and junk yards

Mobile homes

Mobile home parks

Environmentally Sensitive Industrial and/or Processing Plants

Recreational Vehicle Parks and Campgrounds

Construction, Demolition and Land Clearing Debris Landfills

Adult Uses

Telecommunications *(Per Ordinance 2024-07, adopted June 3, 2024)*

#### **Section 7.2**

#### **Hearing, Review Required**

Owing to the nature and potential impact of certain uses listed by this Article, the Planning Commission shall call for and conduct a public hearing on any application to establish such use in Hampton County, having given at least 15 days notice of time and place in a newspaper of general circulation in Hampton County; except that the following projects and uses shall be exempt from this requirement and may be approve for permitting by the Building Official, providing all conditions thereto have been met.

Mobile Homes

Mobile Home Parks

Recreational Vehicle Parks and Campgrounds  
Construction, Demolition and Land Clearing Debris Landfills  
Telecommunication (Per Ordinance 2024-07, adopted June 3,  
2024)

The Commission shall review and evaluate each application with respect to all applicable development standards contained herein and elsewhere in this Ordinance, and shall consider the following in its deliberations.

- (1). The relationship of the proposed use with respect to the county's Comprehensive Land Use Plan.
- (2). The impact of the proposed use on the street system, with particular reference to automotive and pedestrian safety and convenience, traffic generation flow and control, and access in case of fire or catastrophe, such as not to be detrimental to existing or anticipated uses, either adjacent to or in the vicinity of the proposed use.
- (3). The impact of the proposed use on nearby property.
- (4). The suitability of the affected site in terms of size, shape and topographical conditions to accommodate the proposed use, building or project and to ensure environmental compatibility.
- (5). The qualifications and integrity of the applicant to comply fully with all applicable regulations. Any prior record of noncompliance with operational regulations of similar business or activities, including any and all notices of deficiencies, violations, citations, consent orders, fines, penalties, debarments, remedial requirements, record of unsatisfactory performance, civil or criminal claims of wrongdoing, and any actions under appeal to regulatory agencies or to judicial entities, shall be considered in the evaluation of the applicant's qualifications to conduct such a business in Hampton County.

At the conclusion of its review, the Commission may approve the proposal as presented, approve it with specified modifications, or disapprove it.

If approved, the building official shall be instructed to issue the appropriate permit(s), or if conditionally approved, the applicant shall be instructed on any contingencies or modifications imposed by the Commission. If disapproved, the applicant shall be notified in writing with the reasons therefore. Upon receipt of "Notice of Disapproval", the applicant may appeal the decision to County Council, who, in turn shall call for a public hearing, having given 15 days notice of time and place in a newspaper of general

circulation in Hampton County. The Council may overturn, modify or affirm the decision of the Commission.

### **Section 7.3**

### **Sanitary Landfills and Incinerators**

Due to consideration for the public health and safety and the general welfare of county residents any such uses proposed for Hampton County shall comply with the following supplemental development standards:

- (1). No such use shall be located within 1,000 feet of any existing residential, recreational, religious, educational, medical, or public use (measured in a straight line)
- (2). A geotechnical engineering firm approved by the Planning Commission shall render a written opinion to that, to their best professional judgement, the formations being used to contain the waste are impermeable and that the surrounding ground water sources will not be contaminated (applied to landfills only).
- (3). A drainage and sedimentation plan shall accompany the request, showing all off-site run off (applies to landfills only).
- (4). The facility shall be enclosed by an opaque fence or wall structure illustrated by Section 3.0.7, on all sides visible from the road or street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
- (5). Sections 7.4(3), 7.4(4), 7.4(5) will also apply to incinerators.

### **Section 7.4**

### **Hazardous Waste and Nuclear Waste Transfer, Storage, Treatment and/or Disposal Sites**

Hazardous and nuclear waste disposal sites have potential for being incompatible with prevailing environmental conditions, and existing and planned development in Hampton County. As a result, all such proposed uses shall:

- (1). Be located no closer than 5,280 feet to any existing residential, recreational, religious, educational or public use (measured in a straight line), and disallowed in any water resource, wetlands or flood plain areas.
- (2). Be enclosed by an opaque fence or wall structure illustrated by Section 3.0.7 on all sides visible from any road or street, and a security fence on the remaining unexposed boundaries.

- (3). Be accompanied by a comprehensive environmental impact statement, prepared by an independent firm, qualified in such matters, and approved by the Planning Commission.
- (4). Identify in the application the materials to be handled and the approximate quantity to be accommodated over the life of the facility.
- (5). Be required to comply with any and all recommendations contained in the impact statement, together with such other reasonable requirements as may be imposed by the Planning Commission to better mitigate the siting and operation of such a facility in Hampton County.

**Section 7.5**

**Resource Recovery and Recycling Facilities, Solid Waste Storage and Transfer Facilities, Waste Tire Sites, and Composting Facilities, Etc.**

In keeping with the goals of the Stat's Solid Waste Policy and Management Act of 1991: to reduce the amount of solid waste being received at public landfills and incinerators, to promote recycling of waste resources, and to promote land use compatibility in the process, the above reference facilities, where proposed for Hampton County, shall meet the following siting and location criteria:

- (1). No such use shall be located closer than 1, 000 feet to any residence, church, school, historical place, or public park.
- (2). No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water, or other causes.
- (3). All materials and activities shall be screened in such fashion as not to be visible from off-site. Screening may be accomplished by any combination of fences, walls, berms, or landscaping prescribed by Section 3.0 in order to be fully screened from view. Where plants are to be used, they shall be evergreens of sufficient size to accomplish buffering and screening at the time of installation.
- (4). All such facilities shall have direct access off collector or arterial streets only.

**Section 7.6**

**Vehicular Race and Testing Tracks**

Vehicular race and testing tracks are declared by this Ordinance to be incompatible with residential development. Additionally, any such use(s) has the potential of negatively impacting many non-residential uses. Compliance with the following development standards is therefore prerequisite to a location in Hampton County.

- (1). No such use shall be located within 5,280 feet of any residential use, park, or church (measured in a straight line).
- (2). Proposed facilities shall have direct access off collector or arterial streets only.

## **Section 7.7**

### **Mining and Extraction Operations**

The purposes of these regulations are to ensure that the usefulness, productivity, and scenic values of lands and waters involved mining within the county receive the greatest practical degree of protection and restoration, and that no mining may be carried on in the county unless plans for the mining include reasonable provisions for protection of the surrounding environment and for reclamation of the area of land affected by mining.

Towards these ends, mining permit applications shall be accompanied by:

- (1). A reclamation and reuse plan, once mining operations are complete.
- (2). Assurances that mining operations involving blasting activities shall be located no less than a minimum distance between the nearest point of blasting and any structures not owned by the operator as the date of the completed S.C. Land Resources mining permit application or where there is no waiver of damage. The minimum distance shall be as determined by the current weight distance formula adopted by the S.C. Fire Marshal. In no event, however, shall the minimum distance be less than 500 feet from the nearest point of blasting in the nearest inhabited structure.
- (3). A location map and assurances that access will be restricted to a collector or arterial street or road, and not allowed on local (residential) streets.

Mining and extraction uses in existence on the date of passage of this Ordinance which are non-conforming, and any extension of such uses, operations, activities, or business on such parcel or contiguous parcels under the same ownership on the date of passage of this Ordinance or any parcel for which a valid mining permit has been issued by the S.C. Land Resources Conservation Commission prior to the passage of this Ordinance, shall be exempt from these and all other requirements contained in this Ordinance.

## **Section 7.8**

### **Outdoor Pistol, Rifle or Skeet Range**

The unique nature of this use is such that the following criteria shall be observed in siting any such use in Hampton County.

- (1). No such use shall be located within one mile of any residential use (measured in a straight line).

- (2) . The use shall be oriented away from habitable areas.
- (3) . The site upon which the use is proposed shall be suitable in size and topography to ensure the safety of area residents.

## **Section 7.9**

### **Stockyards, slaughter Houses, Commercial Poultry Houses, Commercial Kennels and Livestock Auction Houses**

The above reference uses shall be located no closer than 2,500 feet to any residential use. No incineration of animals or animal refuse shall be permitted

## **Section 7.10**

### **Large Scale Projects**

#### **(1) . Purpose**

Large Scale Projects can substantially impact environmental features, surrounding land use, traffic conditions and facilities, and public utilities.

The purpose of this section, therefore, are to assure the proper siting of such projects in relation to their surroundings, and to avoid any negative fall out from improper planning and design.

#### **(2) . Large Scale Projects Defined**

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

- a) Any Project that generates a need for 100 or more off-street parking spaces, as determined by Article VI excluding single-family subdivisions.
- b) Any project with two or more principal uses or buildings, with gross floor area (GFA) greater than 30,000 square feet.

#### **(3) . External Relationship**

Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movement and minimize hazards to vehicular or pedestrian traffic. Merging and turning lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.

Such projects shall not be permitted access to a minor residential street, but where a minor non-residential street intersects with a collector or arterial street, access drives shall be restricted to the local non-residential street, where feasible.

Pedestrian access, where provided, shall be by safe and convenient routs. Where there are crossings or pedestrian ways and vehicular routes at edges of the project, such crossings shall be safely located, marked, and controlled; and where such ways are exposed to substantial automotive traffic, safeguards including fencing may be required to prevent crossings except at designated points.

(4). Internal Relationship

Streets, drives, parking, and service areas shall provide safe and convenient access for service and emergency vehicles. Streets shall be laid out so as not to encourage outside traffic to traverse the development, or create unnecessary fragmentation of the project into small blocks. In general, the project shall be consistent with use and shape of the site and the convenience and safety of occupants and persons frequenting the project.

Vehicular access to collector streets and major thoroughfares or portions of streets form off-street parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic to and from such areas conveniently, safely, and in a manner that minimizes traffic friction and promotes free flow of traffic on streets without excessive interruption.

**Section 7.11                   Automotive Wrecking, Salvage, and Junk Yards**  
**(Amended by Ordinance 2008-004, Adopted April 7, 2008)**

7.11.1    Title

This section of the Unified Land Development Ordinance shall be known as the Salvage/Junkyard Ordinance of Hampton County, South Carolina.

7.11.2    Authority

This ordinance is adopted pursuant to the authority conferred by the South Carolina Code of Laws upon the county. The Building Official shall have the authority to interpret and enforce this ordinance.

7.11.3    Purpose

The purpose of this ordinance is to provide enforcement of existing and proposed savage/junkyards and open storage areas with development standards for controlling the development and use of salvage/junkyards constituting a hazard to the health and welfare of the people of the county inclusive of attracting vermin, disease,

public nuisance, fire hazard, blight, or adversely effecting environmental conditions.

#### 7.11.4 Applicability

No salvage/junkyard or open storage area shall be established, erected, places, located, or expanded in size or in scope of operation in the unincorporated areas of the county without first meeting the minimum requirements of Section 7.11 of the Hampton County Unified Land Development Ordinance. Existing salvage/junkyards at the time this amendment is adopted will have a period of no more than eighteen (18) months to become compliant to this ordinance.

#### 7.11.5 Definitions

The following words, terms, and phrases, when used in this section shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Automobile graveyard means an establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts, including but not limited to tires. Three or more such vehicles will constitute an automobile graveyard.

Illegal salvage/junkyard means one which is established or maintained in violation of this ordinance.

Junk includes old, used or scrap metal, rope, rags, batteries, paper, trash, rubber, tires, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof; old building materials, lumber, roofing shingles; or essentially similar items.

Junkyard means an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, in which any part of such operation occurs in the open, outside of a permanent building or structure. This definition includes scrap metal processors, auto wrecking yards, salvage yards, scrap yards, auto recycling yards, used auto parts yards (including but not limited to used tire resale or distribution activities) and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises.

Lot means land occupied or intended for occupancy by use permitted in this Ordinance. The word lot includes site, yard or parcel.

Main traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways or parking areas.

Opaque means not transparent or translucent; impenetrable to light; not allowing light to pass through.

Open Storage Area means a yard, lot, site or portion thereof, designed or used exclusively for storage of junk.

Scrap processor shall mean any person, firm or corporation engaged only in the business of buying scrap iron and metals, including, but not limited to, old automobiles, for the specific purpose of processing into raw material for re-melting purposes only, and whose principal product is ferrous and nonferrous scrap for shipment to steel mills, foundries, smelters, and refineries, and maintaining an established place of business in Hampton County and having facilities and machinery designed for such processing.

Use means any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, accessory means a use located on the same lot with a principal use, and clearly incidental or subordinate to and customary in connection with the principal use.

Use, nonconforming means the use of land or a building or portion thereof which does not conform with the regulation of this Ordinance.

Use, principal means the main or primary use on a lot.

Visual Screen means a static barrier which restrains and/or shields from view a specified object or objects. For purposes of this Ordinance such objects refers to junk/salvage/junkyards.

Wall means a structure forming a physical barrier which is so constructed that the vertical surface is not open to permit the transmission of light, air and vision through such surface in a horizontal plane.

#### 7.11.6 Minimum Standards Generally

The development standards set out in this Ordinance shall be considered minimum standards.

#### 7.11.7 Location

Salvage/junkyards, scrap processors and open storage areas shall be permitted to be located no closer than five hundred (500) feet from the nearest edge of the right-of-way of any state or federal system highway. Salvage/junkyards and open storage areas shall be permitted to be located no closer than two hundred (200) feet from the nearest edge of the right-of-way of any county, private or other road. Salvage/junkyards and open storage areas must be located or screened so as not to be visible from the main traveled way. Salvage/junkyards and open storage areas shall be permitted to be located no closer than thirteen hundred twenty (1320) feet one quarter (1/4) mile from the nearest residential use, church, school, historical place, or public park.

#### 7.11.8 Height

Salvage/junkyards and open storage areas may not have any materials stacked or stored higher than eight (8) feet unless approved by the Building Official.

#### 7.11.9 Fencing and Screening

All Salvage/Junkyards shall be enclosed on all sides by a chain link fence, a wooden privacy fence, or other type material which has been given approval by the Hampton County Planning Commission. All fences shall be at least eight (8) feet in height on all sides that front a highway, county or private road, or share a property line with an adjoining developed property. All other sides may be six (6) feet in height. The chain link fence shall have vinyl, metal or wooden strips or slats woven into the fence fabric and include evergreen screening of an approved type. Evergreen screening shall consist of trees or shrubs with a minimum height of not less than eight (8) feet when mature. Trees and shrubs shall be planted in a minimum of two rows staggered so as to provide a visual barrier along the fence. Spacing shall be based on variety of evergreens used and approved by the Hampton County Planning Commission. Acceptable species include, but are not limited to, ligustrum, (*lig-oos-trum*) euonymus, (*u-o-nim-us*) Leyland (*layland*) cypress, white pine, cedar, arborvitae(*arbor vit e*), hemlock, and upright varieties of juniper, holly and yew. Other species may be approved by the Hampton County Planning Commission. Trees and shrubbery used shall have a required height of at least one third (1/3) the height requirement at the time of planting and must be approved by the Building Official. Fence and evergreen screening shall be maintained by the owner.

#### 7.11.10 Performance Standards

- a) No material shall be placed in any salvage/junkyard or open storage area in such a manner that it is capable of being transferred out by water, wind or other means.
- b) All paper, rags, cloth or related fibers and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings or enclosed, watertight containers.
- c) All salvage/junkyards must comply with state regulations regarding solid and hazardous waste management.
- d) All vehicles stored on site must have all fluids removed and or captured and properly disposed of.
- e) Any on site storage of fluids must be stored in vessels that are labeled. Example: oil storage must be labeled (waste oil), antifreeze labeled as such.
- f) Used tires shall not be stored in a manner which shall allow water to accumulate and promote the breeding of mosquitoes or insects in general.

- g) A maximum of five hundred (500) tires may be stored on site at any time.
- h) Tires that have been removed from vehicles must be stored in one designated area, unless otherwise allowed by the Building Official.
- i) Records must be kept on all stored fluids, tires and hazardous waste. These records must include receipts for disposal of fluids, tires and all hazardous waste.
- j) No asbestos will be allowed to be stored
- k) Owners and or operators shall prevent infestation of rodents, vermin, reptiles and other pests on the property.
- l) Hazardous materials use, storage and/or disposal must comply with all fire Department, Department of Health and Environmental Control (DHEC) and United States Environmental Protection Agency (EPA) regulations.
- m) Adequate off street parking must be supplied. (Minimum four (4) spaces).

#### 7.11.11 Accessways

The number of vehicular access driveways permitted to a single junkyard or open storage area shall be limited to one per street, except where the frontage on any one street exceeds two hundred (200) feet; the number of access driveways may be increased to two, provided that such driveways are no closer than one hundred fifty (15) feet apart and meet all county and state department of transportation standards for driveways. Driveways shall be limited to twenty five (25) feet in width.

#### 7.11.12 Continuation Requirements - No Grandfathering

Nonconforming salvage/junkyards and open storage areas not meeting the minimum requirements of this ordinance and subsequently operating without a permit are hereby declared to be in violation of this ordinance. However, to avoid undue hardship on the owners/operators, the lawful use of any land or buildings at the time of this amendment shall have a period of not more than eighteen (18) months to become compliant.

#### 7.11.13 Variance

Salvage/Junkyards that were legally in existence on or before June 6, 1994 or have been approved by the Hampton County Planning Commission will have 6 months to apply for a variance from the setbacks required by this ordinance. The application for variance shall include all information required by section 7.11.15 Applications for Permits.

#### 7.11.14 Permits

A state permit shall be required for any salvage/junkyard or open storage area located on any state or federal highway.

#### 7.11.15 Applications For Permits

Applications for use permits shall be filed with the Building Department on forms provided by the office of the Building Official and shall include payment of all applicable fees (per section 10.4) of the Unified Land Development Ordinance. Applications shall also include a copy of:

- (1). 911 address for property.
- (2). A storm water erosion sediment control plan.
- (3). A preliminary plan showing:
  - a. Property boundaries with bearings and distances.
  - b. North arrow and scale
  - c. Location of all existing street, road, railroad and utility right of ways, on or contiguous to the site.
  - d. All proposed entrances and exits.
  - e. Location of customer parking.
  - f. Location of all required fencing and/or screening.
  - g. Plan must show required setbacks.
  - h. Location of all existing or proposed buildings.
  - i. Location of proposed storage areas used for fluids and junk (see definition).

#### 7.11.16 Right To Enter Property To Inspect

The Building Official or a designated agent with proper credentials, is hereby authorized (during normal business hours) to enter into and upon any property located within the county for the purpose of inspecting and enforcing the provisions of this Ordinance. If any responsible party, owner, occupant or the agent of any owner or occupant of any property located within the county refuses to allow the Building Official to inspect any such property, the Building Official is authorized to seek a search warrant from any authorized judicial officer having jurisdiction over the subject property.

#### 7.11.17 Notices, Hearings and Orders

- a) Whenever the Building Official determines that there are reasonable grounds to believe that there has been a violation of any provision of this section, they shall give notice of such alleged violation of the owner or agent of the salvage/junkyard or open storage area as provided in this section.

#### 7.11.18 Amendments

See Article XI of the Hampton County Unified Land Development Ordinance. Amendments.

### **Section 7.12**

#### Mobile Homes

The placement or location of a mobile home not in a mobile home park or court shall meet the following development standards:

- (1). Such uses shall be occupied as residences unless otherwise specified by this Ordinance; and
- (2). No more than two mobile homes, or one mobile home and one single-family detached home shall occupy the same lot unless elsewhere permitted by this Ordinance; provided such uses shall have separate and independent electrical, water and waste water treatment facilities or hook ups; and
- (3). Such uses shall be placed on a permanent brick, permanent block or other concrete reinforced foundation, and shall be anchored by steel cables or straps to serve against accidental movement; and
- (4). The foundation shall be skirted by continuous aluminum, fiberglass, brick, vinyl or material whose strength and appearance are similar extending to the ground around the perimeter of the unit. (Amended 2/\_)

**Section 7.13                    Mobile Home Parks or Courts**

**(Amended by Ordinance 2008-12, adopted September 2, 2008)**

It shall be unlawful for any person, mobile home dealer, owner, firm or legal entity to bring into Hampton County for placement, any mobile home or manufactured home more than fifteen (15) years old, unless approved by the Hampton County Building Official or qualified employee of Hampton County designated by the Building Official. Mobile homes manufactured prior to the adoption of HUD Standards of June 1976 WILL NOT be allowed to be placed in Hampton County.

The following items must be presented to the Hampton County Building Official or person/persons designated by the Building Official in order to place a mobile home in Hampton County more than fifteen (15) years old:

- (1). Either a copy of the certificate of title to the mobile home, or a copy of the completed application for a certificate of title submitted to the Department of Motor Vehicles. (DMV Form 400) and
- (2). Pictures must be submitted showing all sides of the outside of the home. All exterior walls shall be free from holes, breaks and loose or rotting materials. The roof and flashing shall be sound, tight and not have defects that admit rain. Every window, skylight and door shall be in sound condition, good repair and weather tight. And
- (3). Pictures of every room in the home showing walls, floors and ceilings to be in good condition. This includes bathrooms and utility rooms.

After examination of the submitted photographs, the Hampton County Building Official or qualified employee of Hampton County designated by the Building Official shall make a determination as to

whether the home is in compliance with the minimum standards described above. If the Hampton County Building Official determines the home complies with the minimum standards described above, all pertinent mobile home permits must then be purchased to place the home in Hampton County.

In the event the Hampton County Building Official or qualified employee of Hampton County designated by the Building Official examines the photographs and/or physically examines the mobile home and determines the home does not comply with the minimum standards, he/she shall notify the person seeking to place the mobile home in Hampton County immediately in writing. The person seeking approval of placement of the mobile home may appeal to the Hampton County Planning Commission by written request to be placed on the Agenda for the next regularly scheduled meeting of the Hampton County Planning Commission. The written request must be submitted to the Office of the Hampton County Building Official within 10 days of the receipt of the written notification by the Building Official that the mobile home fails to comply with the minimum standards. Computation of when the 10 day period shall begin will either be by proof of the delivery to the person seeking approval in person or by proof of the Building Official that the written decision was placed in the first class mail to the last known address of the person seeking approval.

#### **Section 7.14**

#### **Environmentally Sensitive Industrial and/or Processing Plants**

For the purposes of these regulations, an environmentally sensitive industrial an/or processing plant shall include any activity requiring a permit or other approval by the South Carolina Department of Health and Environmental Control or the United States Environmental Protection Agency or which involves the use, storage manufacture, treatment, disposal, discharge, spill or release of pollutants, emissions, or hazardous substances in or to the air, surface, or groundwater, or ground, including but not limited to activities permitted pursuant to the Federal Clean Air Act; Clean Water Act; Toxic Substances Control act; Safe Drinking Water Act; Resource Conservation and Recovery Act; Comprehensive Environmental Response, Compensation, and Liability Act; State Pollution Control Act; Hazardous Waste Management Act; and Solid Waste Management and Policy Act.

In order to ensure that any such activities proposed for Hampton County are located and operated so as to ensure compatibility and negate any adverse impacts they may have on the public health, safety, and environment, the Planning Commission shall process the permitting of all such activities in accord with the requirements of Section 7.2.

Recreational Vehicle (RV) Parks and Campgrounds shall be evaluated on the basis of general site and design criteria.

- (1). The site shall be at least two (2) acres.
- (2). Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships.
- (3). The scale and arrangement of the facility shall be compatible with the character of surrounding development.
- (4). The site shall be developed in a manner that preserves natural features and landscape.
- (5). The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
  - a. Maximum Impervious surface ration shall not exceed 15 percent of the project site.
  - b. Minimum setbacks for all structures and recreational vehicles shall be:

|                          |     |
|--------------------------|-----|
| Arterial Street R/W      | 50' |
| Collector Street R/W     | 40' |
| Minor Street R/W         | 30' |
| All other property lines | 25' |

- c. Maximum density shall not exceed 12 vehicles per acre.
  - d. Bufferyards shall be as specified by Section 3.0.
- (6). Off-street parking and loading requirements for such projects shall comply with the standards of Article VI of this Ordinance. Areas designated for parking and loading or for trafficways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicles ingress and egress. All drives shall be located at least one hundred fifty (150) feet from any street intersection and shall be designed in a manner conducive to safe ingress and egress.
- (7). All street within RV Parks shall be private and not public.
- (8). Water and sewer: Each park site shall be serviced by a water and sewer system approved by DHEC. Evidence of such approval shall accompany a county permit application. The location of any water or sever plants within the boundaries of the recreational vehicle park shall be designed, located, landscaped and buffered so as not to be visible from adjacent properties. If recreational vehicle sites are to be provided to recreational vehicles that have no bath or toilet facilities, then those sites shall be located not more than 200 feet from approved shower and toilet facilities.

- (9). Fire protection: All recreational vehicle parks shall have a fire protection plan and appropriate base facilities for fighting fire as approved by the appropriate District Fire Chief.
- (10). All existing park sites shall be brought into compliance with the provisions of this Section no later than 12 months following adoption of this Ordinance.

#### **Section 7.16**

#### **Construction, Demolition and Land Clearing Debris Landfills**

- (1). All such uses shall be licensed to operate in the county.
- (2). Such uses may be located up to but no closer than 100 feet from any property line, except such landfill shall not be located closer than 300 feet from any dwelling, school building, day care center, religions, recreational or medical facility.
- (3). No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water or other causes.
- (4). All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the Building Official where such facility will be utilized for a period not to exceed 90 days.
- (5). The site shall be restored and revegetated on completion of use as a landfill.

#### **Section 7.17**

#### **Adult Uses**

Owing to the potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be tempered by the supplemental siting criteria of this Section.

No such use where permitted elsewhere by this Ordinance shall be located within 1,000 feet (measured in a straight line) of:

- (1). A residential use,
- (2). A church or religious institution,
- (3). Public or private schools and educational facilities,
- (4). Public parks and recreational facilities, or
- (5). Any other adult or sexually oriented business.

#### **Section 7.18**

#### **Telecommunications**

***(Amended by Ordinance 2024-07, Adopted June 3, 2024)***

7.18.1 New Towers:

- (1). All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and known future requirements.
- (2). The proposed structure will not endanger the health and safety of residents, employees, or travelers, including, but not limited to, the likelihood of the failure of such structure. The proposed structure shall meet all applicable federal, state, and local safety code requirements.
- (3). The proposed use is consistent with potential land uses as outline in the Comprehensive Plan.
- (4). Towers or antennas shall not be painted or illuminated unless otherwise required by State or Federal regulations.
- (5). No tower or antenna shall be located within 500 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications, does not meet the applicant's technical design requirements, or that a colocation agreement could not be obtained after reasonable attempts and upon reasonable economic terms.
- (6). Towers or antennas shall have a maximum height of 200' feet. However, a proposed structure may extend beyond 200' feet but not more than 300' feet total height, upon approval of the Planning Commission when the Planning Commission finds that:
  - a) The area where the additional height is requested is rural in character and located a sufficient distance from a residential zoning district as determined by the Planning Commission; and
  - b) Extending beyond 200' feet in height serves the best interest of the community because of the likelihood of an improved level of service.
- (7). Tower or antennas shall be located such that adequate setbacks are provided on all sides to prevent to tower's fall zone from encroaching onto adjoining properties. The fall zone shall be defined by a South Carolina licensed Engineer and the fall zone shall be shown on a site plan submitted for approval. Should this fall zone encroach onto property under separate ownership, a recorded easement must be prepared. A letter signed and notarized by the adjacent property owner and notarized providing his/her/their acceptance of such location of the tower much be submitted with the site plan. In addition to the tower's fall zone, all setback requirements of the underlying zoning district in which it is located shall be met.
- (8). Landscaping shall be required as follows:

- a) Around the base of the communication tower, outside of the security fence, at least one row of evergreen plant material capable of forming a continuous screen at least six feet in height shall be provided, with individual plantings spaced not more than five feet apart. In addition, at least one row of evergreen trees with a minimum two inches DBH (diameter at breast height) measured three and one-half feet above grade, at the time of planting and spaced not more than 25 feet apart shall be provided within 50 feet of the perimeter security fence.
- b) The landscaping requirements may be waived in whole or in part by the Planning Commission if it is determined that existing natural vegetation provides adequate screening or if the Planning Commission determines that the landscaping requirements are not feasible due to physical constraints or characteristics of the site on which the communication tower is to be located.
- c) All required landscaping shall be installed according to established planting procedures using good quality plant materials.
- d) A certificate of use and occupancy shall not be issued until the required landscaping is completed in accordance with the approved landscape plan and verified by an on-site inspection by the Building Official or designee unless such landscaping has been waived in accordance with subsection b. above. A temporary certificate of use and occupancy may, however, be issued prior to completion of the required landscaping if the owner or developer provides to the county a form of surety satisfactory to the county attorney and in an amount equal to the remaining plant materials, related materials, and installation costs as agreed upon by the County and the owner or developer.
- e) All required landscaping must be installed and approved by the first planting season following issuance of the temporary certificate of use and occupancy or the surety bond will be forfeited to the county.
- f) The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing condition, replacing unhealthy or dead plant materials within one year or by the next planting season, whichever first occurs. Replacement materials shall conform to the original intent of the landscape plan.

g) Eight-foot high fencing shall be provided around the communication tower and any associated structure.

(9). A single sign for the purposes of emergency identification shall be permitted. The permitted sign shall not exceed two square feet in area and shall be attached to the fence surrounding the tower. If the sign restrictions provided here conflict with federal or state regulations, then the federal or state regulation shall apply. Under no circumstances shall any signs for purposes of commercial advertisement be permitted.

(10). Each parcel on which a communication tower is located must have twenty (20) feet wide access to a public right-of-way.

7.18.2 Submittal information

- (1). One copy of tower specifications for proposed structures and antenna, including description of design characteristics and material.
- (2). A current map or update of an existing map, showing locations of applicant's existing towers and known future towers in Hampton County.
- (3). Identification of the owners of all antennae and equipment to be located on the site known at the time of initial construction.
- (4). Written authorization from the property owner for the application.
- (5). Evidence that a valid FCC license for the proposed activity has been issued.
- (6). Line of sight photographs or simulations showing proposed tower from at least four directions (north, east, south, and west).
- (7). A surety bond or other financial guarantee document is required at the time of permitting for the removal of the tower and/or antenna within 180 days after cessation of use. Form of the bond or surety must be approved by the County Attorney and filed with the Clerk to Council, Risk Manager, County Attorney, and the Building & Planning Department.
- (8). Proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the county.
- (9). A statement shall be submitted from a South Carolina registered engineer that the NIER (non-ionizing electromagnetic radiation) emitted there from will not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards by any regulatory agency of the United States

Government or the American National Standards Institute. For roof mounted communication towers, the statement regarding the NIER shall address spaces, which are capable of being occupied within the structure on which the communication tower is mounted.

- (10). Communication towers and their foundations shall meet the requirements of the current building code for wind and seismic loads. Drawings and calculations shall be prepared and sealed by a South Carolina registered professional engineer and shall be submitted with the building permit application.
- (11). A letter shall be submitted with the building permit application for a freestanding communication tower, which certifies that alternative towers, buildings, or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free of interference from AM towers.
- (12). Prior to issuance of a building permit, applicants shall provide documentation that the proposed communication tower has been reviewed by the FAA, and that a finding of no hazard to air navigation has been determined.
- (13). Site plan, which shall include the following information
  - a. The location of tower(s), guy wires and anchors (if any);
  - b. Tower height;
  - c. Accessory building(s) and other accessory equipment;
  - d. Existing structures and proposed structures;
  - e. Fall zone;
  - f. Parking;
  - g. Access;
  - h. Landscaped areas; and
  - i. Fences.

#### 7.18.3 Existing towers/Substantial change

Substantial changes to an existing tower shall comply with Sec. 6409 (a) of the Middle Class Tax Relief Act of 2012 codified at 47 CFR 1.6100. Modifications that are not a substantial change shall be approved by the County Building Official. A modification that is a substantial change shall be reviewed and approved by the Planning Commission after demonstrating compliance with the relevant standards provided in Section 7:18 above relating to tower height, regulatory compliance, and landscaping (understanding that the tower already is in existence).

- (1). A Substantial Change is a modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater;
- ii. For other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- iv. It entails any excavation or deployment outside the current site;
- v. It would defeat the concealment elements of the eligible support structure;
- vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (1) (i)-(1) (iv) of this section

## ARTICLE VIII

### DEVELOPMENT STANDARDS FOR THE SUBDIVISION OF LAND

#### **Section 8.0                    Purpose**

The purpose of this Article is to promote the harmonious, orderly and progressive development of land in Hampton County in pursuit of public health, safety, economy, good order, appearance, convenience, morals and the general welfare. In furtherance of this general intent, the regulation of land subdivision is authorized for the following purposes among others:

- (1). To encourage economically sound and stable development;
- (2). To assure the timely provision of required streets, utilities, and other facilities and services to new land development;
- (3). To assure the adequate provision of safe and convenient traffic access and circulation both vehicular and pedestrian in and through new land developments;
- (4). To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes; and
- (5). To assure, in general, the wise and timely development of new areas in harmony with the Comprehensive Land Use and Development Plan of Hampton County.

#### **Section 8.1                    Site Design Standards, Generally**

##### **(1). Site Analysis**

An analysis shall be made of characteristics of the subdivision site, such as site context; geology and soil; topography; ecology; existing vegetation, structures, and road networks; visual features; and past and present use of the site.

##### **(2). Subdivision Design, Generally**

Design of a subdivision shall take into consideration all existing local and regional plans for the county, and shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity and to minimize negative impacts and alteration of natural features.

The following specific areas shall be preserved to the extent consistent with the reasonable utilization of the site.

- a) Unique and/or fragile areas, including wetlands as defined in Sec. 404, Federal Water Pollution Control

Act Amendments of 1972, as determined by the U.S. Corps of Engineers.

- b) Lands in flood hazard areas, as delineated on Flood Boundary and Floodway Maps for Hampton County, except as provided herein and in related regulations.
- c) Habitats of endangered wildlife as identified on federal and state lists; and
- d) Historically significant structures and sites, as listed on federal, state and/or local lists of historic places.
- e) The subdivision shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to manage stormwater, to reduce sedimentation and prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.

(3). Residential Subdivisions, Generally

- a) In residential subdivisions, the Planning Commission may vary lot areas and dimensions, yards, and setbacks for the purposes of encouraging and promoting flexibility, economy, and environmental soundness in layout and design, provided that lot size, areas and dimensions, yards, and setbacks within the subdivision shall conform to the minimum requirements of Article III.
- b) Residential lots, where practical, shall not front nor be accessible from arterial streets.
- c) Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use.

(4). Commercial and Industrial Subdivisions, Generally

Commercial and industrial subdivisions shall be designed according to the same principles governing the design of the residential subdivision; namely, building lots shall be created according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; surrounding land uses shall be considered; and sufficient access provided.

## **Section 8.2**

### **Site Design, Construction Standards and Required Improvements, Specifically**

#### **8.2.1 Streets and Roads**

(1). Circulation System Design

- a) The road/street system shall be designed to permit the safe, efficient, and orderly movement of traffic; to

meet, but not exceed the needs of the present and future population served, to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

b) In residential subdivisions, the street system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.

(2). Public Streets

Except as provided in subsections (3) and (4) below, all streets shall be public dedicated streets and improved accordingly with the provisions of this ordinance.

(3). Private Streets

Private streets or roads are permissible in a subdivision, provided they are indicated as such on the preliminary and final plat, they meet the same minimum design standards required for public roads, they have direct access to a public road, and that they are laid out so as not to serve property outside the subdivision of which they are a part.

(4). Private Rural Community Driveways

Private streets or road contiguous to and serving no more than seven lots shall be known as "Rural Community Driveways" and where proposed shall meet the following minimum standards:

- a) No lot to be served by such driveway shall be less than one acre in size, and shall accommodate no more than one principal structure.
- b) The driveway shall be accessible to each lot so created, and to a public street or road.
- c) The driveway shall be privately owned and maintained by all property owners served by the driveway and shall be so stated in restrictive covenants accompanying the sale and/or transfer of each lot, and so noted in capital letters on the deed or record, as follows:

"THE DRIVEWAY PROVIDING ACCESS TO LOTS IN THIS  
SUBDIVISION IS PRIVATELY OWNED AND IS NOT  
MAINTAINED BY HAMPTON COUNTY, NOR IS IT LIKELY TO  
BE MAINTAINED IN THE FUTURE. OWNERS OF LOTS IN  
THIS SUBDIVISION ARE FINANCIALLY OBLIGATED TO  
MAINTAIN THIS DRIVEWAY FOR THE BENEFIT OF ALL  
PROPERTY OWNERS IN THE SUBDIVISION."

- d) Further subdivision of lots shown on the plat shall be prohibited by the restrictive covenants, except the provisions of this section shall not prohibit adjustments in lot lines which do not reduce the size of any affected lot to less than one (1) acre, and where no additional lot is created.

- e) The restrictive covenants shall provide that they will not be amended or modified except by written consent of the Hampton county council and all property owners in the subdivision.
- f) The restrictive covenants require that any deed conveying interest in a lot in the subdivision shall conspicuously contain the following language with an appropriate space for signature by the grantee or grantees acknowledging same.

"The real property described in this deed is subject to restrictive covenants recorded in Deed Book \_\_\_\_\_ at page \_\_\_\_\_, providing among other things, a financial commitment by the grantee(s) to maintain a community driveway.

Grantee(s) Signature

- g) The driveway shall be not less than 25' wide and have not less than 15' of frontage on a public road or street.
- h) The owner(s)/developer(s) shall conspicuously place on the driveway near the entrance to the subdivision a sign stating "Private Driveway".

(5). Layouts and Alignment

- a) Proposed streets and roads shall be coordinated with the street system in the surrounding area where practicable shall provide for the continuation of existing streets abutting the subdivision.
- b) All streets and roads shall be opened to the exterior property lines of the subdivision unless permanently terminated by a vehicular turn-around or an intersection with another street.
- c) Reserve strips controlling access to streets are prohibited except where their control is placed with the county under conditions approved by the Planning Commission.
- d) Minor streets shall be laid out to discourage their use by through traffic.
- e) Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be platted within such tract. No new half streets shall be permitted.

(6). Bul-de-sacs

- a) Dead-end streets designed to be permanently closed at one end shall not exceed 1,800 feet in length. Length shall be measured from the right-of-way of the

intersecting street to the center point of the turn-around.

- b) Turn-arounds shall be provided at the closed end of the street and shall have a minimum radius of thirty (30) feet to pavement edge, and shall have a minimum radius of thirty-five (35) feet to the right-of-way line. A landscape center island may be provided if sight lines are not obstructed. If such island is provided, the pavement width of the turn-around shall be a minimum of twenty (20) feet.
- c) Temporary dead-end streets which extend for a greater distance than the depth of one abutting lot shall be provided with a temporary turn-around conforming to the illustration in this Section.

(7). Intersections

- a) No more than two streets or roads shall intersect at any one point.
- b) All streets or roads shall intersect as nearly at ninety degree angles as possible, subject to variations approved by the Planning Commission upon evidence of good cause. In no case shall streets intersect at angles of less than seventy-five degrees however.
- c) Streets or roads entering upon opposite sides of a given street shall have their center lines directly opposite or shall be offset a minimum distance of 200 feet for minor streets, and 400 feet for all other streets, measured along the centerline of the streets being intersected.
- d) Streets or roads entering upon the same side of a given street shall be separated a minimum distance of 400 feet, at centerline.
- e) Street intersections shall be located at least 200 feet from the right-of-way of any railroad track, measured from the center point of the intersection to the railroad right-of-way line nearest the intersection.
- f) Private driveways shall not intersect a public street within 40 feet of an intersection, measured from the street right-of-way.

(8). Right-of-way, Lane and Pavement Widths

Minimum street right-of-way, lane and pavement widths shall be as follows:

| Classification                               | Lane Width  | Pavement Width | Right-of-way Width |
|--|---|----------------|--------------------|
| Minor  |   |                |                    |
| Closed Drainage                              | 10'   | 22'            | 50'                |
| Open Drainage                                | 10'   | 22'            | 66'                |
| Collector                                    | 10'   | 24'            | 66'                |
| With Turning Lane                            | 10'   | 40'            | 66'                |
| Arterial                                     | Consult local office of SCDHPT  |                |                    |
| (9). <u>Street Grade and Sight Distances</u> | Street grade and sight distances shall be designed and constructed in accord with the following table of standards: |                |                    |

| Intersection Standards                           | Cul-de-sac | Minor | Collector | Arterial                     |
|--|------------|-------|-----------|------------------------------|
| Maximum Grade                                    | 12%        | 12%   | 10%       |                              |
| Maximum Grade <i>within 50' of intersection</i>  | 5%         | 5%    | 3%        |                              |
| Minimum Tangent <i>Between reverse curves</i>    | 50'        | 100'  | 200'      | Highway Department Standards |
| Curb Radii                                       | 25'        | 30'   | 35'       |                              |
| Minimum Sight Distance on <i>vertical curves</i> | 100'       | 150'  | 325'      |                              |

(10). Required Improvements

a) Construction Specifications

All public streets and roads shall be constructed in accord with the *Standard Specifications for Highway Construction Manual*, latest edition of the S.C. Department of Highways and Public Transportation, as amended.

b) Subgrade Categories

Subgrade categories are based on prevailing soil conditions and properties. Where the supporting soils pose severe constraints to the development of roads and streets due to low traffic supporting capacity, inherent erodibility, wetness or flooding, as determined by the S.C. Soil Conservation Service, subgrade base preparations and materials shall comply with the "poor subgrade" standards for road construction, illustrated by 10(a) of this section. These requirements may be waived by the Planning Commission in favor of the "good subgrade standards" where the subdivider through roll testing is able to establish subgrade support for 50,000 lbs. tandem vehicle.

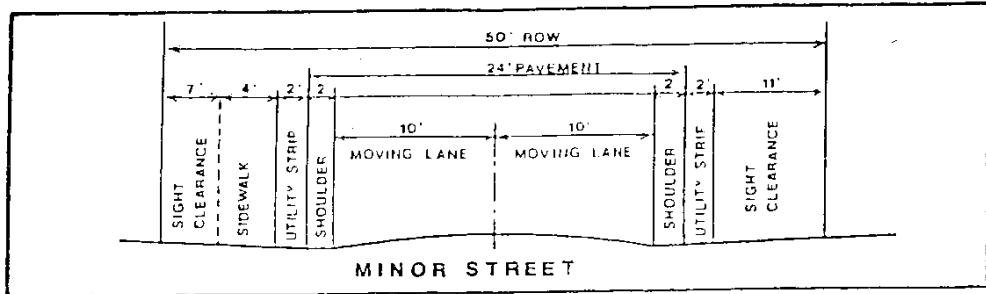
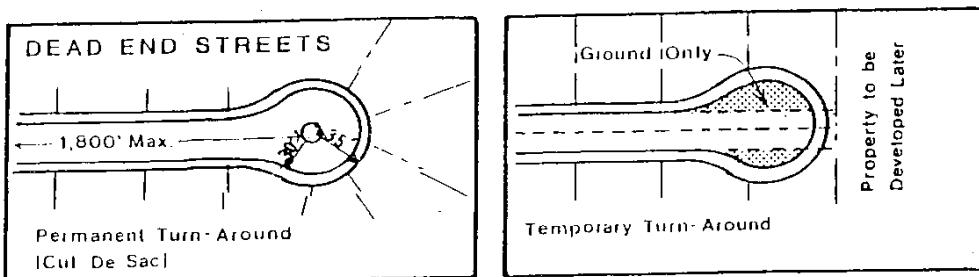
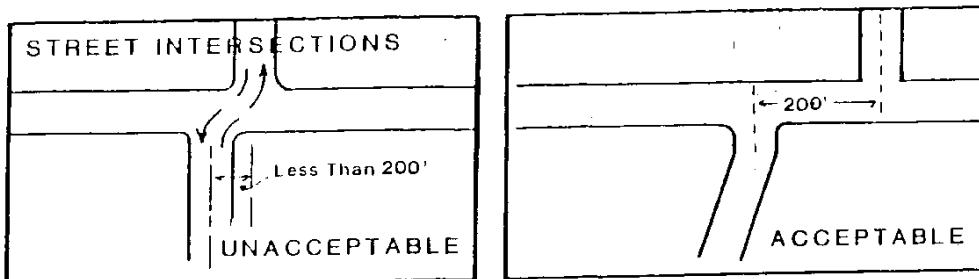
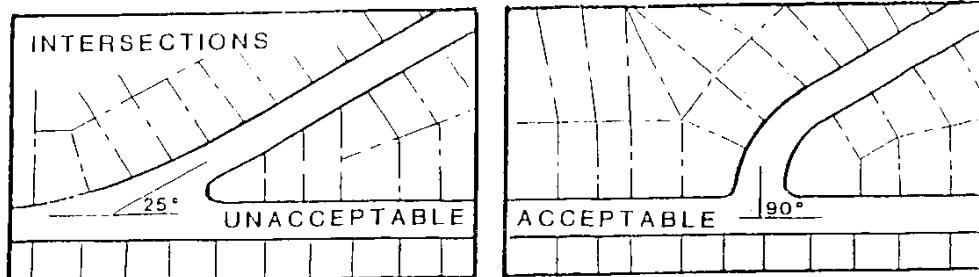
c) Substitutions

If substitutions of the base, sub-base or paving materials require by 10(1) of this Section are proposed, they shall be submitted for approval to the Planning Commission, together with test results to ensure equivalency by an independent testing laboratory satisfactory to the Planning Commission.

d) Waiver of Requirements for Paving

Where a proposed subdivision is accessible only via an unimproved (unpaved) street or road, the Planning Commission may waive the requirement for paving.

## ILLUSTRATIONS



#### 8.2.2 Shoulders

Shoulders shall consist of stabilized turf or other material acceptable to the Planning Commission

#### 8.2.3 Signage and Names

##### (1). Road and Street Signs

- a) Design and placement of traffic signs shall follow state regulations or in the requirements specified in the *Manual on Uniform Traffic Control Devices for Streets and Highways*, published by the U.S. Department of Transportation. Responsibility for installation shall rest with the subdivider.
- b) At least two road or street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under street lights, where possible, and free of visual obstruction. The design of street name signs shall be approved by the Planning Commission and of a uniform size and color.

##### (2). Names

- a) Roads and Streets. Road and street names shall be subject to the approval of the Planning Commission. Proposed road and street names shall be substantially different in sound and spelling from existing roads and streets in the county unless at a future date plan call for a tie-in between the proposed road and an existing road or street.
- b) Subdivisions. Subdivision names shall be subject to the approval of the Planning Commission and shall not duplicate the name of any recorded subdivision, or of any existing established locality names. When a subdivision name has been recorded on a plat, no other name may be used for advertising of sales purposes unless an approved amended plat is recorded bearing the revised name.

#### 8.2.4 Easements

##### (1). Drainage Easements

- a) Where a subdivision is traversed by a water course, drainageway, channel or stream, adequate areas for storm water or drainage easement shall be allocated, conforming substantially with the lines of such water course, and of sufficient width to carry off storm water and provide for maintenance and improvement of the water course. Maintenance roads may be required in connection therewith.

- b) The location of any surface drainage course shall not be changed without the approval of the Planning Commission.
- (2). Utility Easements
  - a) Adequate acres of suitable size and location shall be allocated for utility easements. The location and size of such easement shall be coordinated with the public and private utilities involved.
  - b) Where provided along side or rear lot lines, utility easements shall be not less than 10 feet in width. No structures or trees shall be placed within such easements. Such easements shall be maintained by the property owner(s) and may be used to satisfy yard requirements.
- (3). Maintenance
  - a) The covenant restrictions placed in the deed of a lot which contains a utility easement shall stipulate that the county or utility company with lines in such easement shall have full right of access to such easement.
  - b) The county shall maintain only those easements specifically accepted for public maintenance.

#### 8.2.5 Blocks

- (1). Residential
  - a) Block lengths shall be appropriate to topographic conditions and density to be served, but shall not exceed 1,800 feet nor be not less than 400 feet in length.
  - b) Blocks should be of sufficient width to allow for two tiers of lots of appropriate depth, except where reverse frontage lots are planned along arterial streets, or where prevented by size, topographical conditions, or other inherent conditions of the property. In such instances, the Planning Commission may vary these requirements.
- (2). Commercial and Industrial

Blocks intended for Commercial or Industrial development may vary from the standards of design detailed above in favor of dimensions more suitable to their prospective use; provided such blocks permit adequate traffic circulation, as determined by the Planning Commission.

#### 8.2.6 Lots

- (1). All lots or parcels created after the effective date of this ordinance shall be accessible by and have at least 50 feet of frontage on a public or private street or road, except for the following:

- a) Lots or parcels in subdivisions served by Private Rural Community Driveways, as defined by this Ordinance, and
- b) Lots or parcels less than five acres, to be used in conjunction with an existing lot or parcel accessible by and with at least 50 feet of frontage on a public or private street or road, or a Private Rural Community Driveway. Assurances to such use shall be stated in the deed or plat restrictions for recording, and approved by the Planning Commission.

(2). Lots shall be sufficiently sized to meet the setback requirements of Section 3.4 of this Ordinance.

(3). Excessive lot depth in relation to lot width shall be avoided, and is a general rule, the depth of residential lots shall be not less than one nor more than 2-1/2 times their width; provided however that the Planning Commission may grant exceptions to this in order to overcome specific disadvantages of topography or other site conditions.

(4). Double or reverse frontage lots shall be prohibited, except where required to provide separation of residential development from major streets or to overcome specific disadvantages or topography or orientation. All residential reverse frontage lots shall have a minimum rear yard of 50 feet, measured in the shortest distance from the proposed back building line to the ultimate right-of-way and shall within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement of at least 20 feet in depth.

(5). Side lot lines shall be laid out at approximately right angles to straight street lines and radial to curved street lines.

#### 8.2.7 Sidewalks

(1). Where Required  
A pedestrian system shall be provided where required by the Planning Commission for safety, i.e. access from residential areas to recreational and educational facilities.

(2). Design Specifications  
Sidewalks shall be not less than 4 feet wide and placed parallel to streets, with exceptions permitted to preserve natural features or to provide visual interest where required for pedestrian safety.

(3). Construction Specifications  
a) Sidewalks shall be installed in accord with Section 720 of the *Standard Specifications For Highway Construction Manual*, 1986 Edition, as amended.

b) Graded areas shall be planted with grass or treated with of suitable ground cover, and their width shall correspond to that of sidewalks.

#### 8.2.8 Areas Subject To Flooding

If the area being subdivided, or any part thereof, is located within the boundary of a designated Flood Hazard Area, as delineated by Flood Insurance Rate Maps for Hampton County, adequate plans and specifications for protection from flooding shall be provided as herein required, and/or may be specified by the County's Flood Damage Prevention Ordinance.

- (1). Any plat of a subdivision which contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed development of the land being subdivided, and that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse of into an impounding basin.
- (2). In no case shall any fill, levee or other protective works be approved unless sufficient compensating adjustments of waterways, ditches or impounding basins are made to prevent any appreciable expansion of flood hazard areas.
- (3). All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (4). All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (5). The centerline of all collector or arterial roads and streets as defined herein shall be constructed at or above the Base Flood Elevation. The center line of all minor streets shall be constructed no lower than two (2) feet below Base Flood Elevation.

#### 8.2.9 Water Supply

- (1). All Subdivisions and lots within such subdivisions shall be provided with water supplies and systems conforming to the requirements, rules and policies of the South Carolina Department of Health and Environmental Control (DHEC), and approved by said agency. The facilities shall be "stubbed out" at the lot line prior to road paving, if located in the road right-of-way.
- (2). Depending on the proposed number of housing units, residential subdivision shall be required to connect to a public community water supply system if such is available within the following distance:

| <u>Size of Development</u> | <u>Distance</u> |
|----------------------------|-----------------|
| 1 unit                     | 200 Feet        |
| 2 units                    | 400 Feet        |
| 3 units                    | 600 Feet        |
| 4 units                    | 800 Feet        |
| 5-15 units                 | 1,000 feet      |

For subdivisions with more than 15 lots and located within one miles of an existing public water system, adequate justification shall be provided as to why the subdivision should not provide a connection to the existing public water supply system. For developments with more than 15 lots and located more than one mile from an existing system, the water supply system strategy shall be determined by the Planning Commission on a case-by-case basis taking into consideration density of the development, costs, and ground water availability and quality.

Where the accessible public main is 6" or greater in diameter, distribution lines shall be at least 6" except along permanent cul-de-sacs or circles less than 1000' in length where as little as 2" lines may be permissible if approved by the appropriate utility entity.

- (3). The water supply system shall be adequate to handle domestic demand including fire flow, based on complete development.
- (4). The demand rates for all uses shall be considered in computing the total system demand. Where fire protection is provided, the system shall be capable of providing the required fire demand plus the required domestic demand.
- (5). Where individual water supply systems are proposed the subdivider shall submit proof that an adequate supply of potable water may be obtained therefrom for each lot so served.
- (6). Improvement plans and specifications for all water supply systems from which the subdivider is responsible shall be submitted for approval with the Preliminary Plan.
- (7). Wherever a public community water supply system is provided, fire hydrants shall be installed by the subdivider in accordance with Section 8.2.11 of this Ordinance.

#### 8.2.10 Sanitary Sewerage Facilities

- (1). All subdivisions and lots within such subdivisions shall be provided with sanitary sewerage facilities conforming to requirements, rules and policies of the S.C. Department of Health and Environmental Control (DHEC), and the

appropriate utility entity, and approved by said agencies. The facilities shall be "stubbed out" at the lot line prior to road paving, if located in the road right-of-way.

(2). Depending on the proposed number of lots, residential subdivisions shall be connected to an existing public sanitary sewer system if public service is available within the following distances:

| <u>Size of Development</u> | <u>Distance</u> |
|----------------------------|-----------------|
| 1 unit                     | 200 feet        |
| 2 units                    | 400 feet        |
| 3 units                    | 600 feet        |
| 4 units                    | 800 feet        |
| 5-15 units                 | 1,000 feet      |

For subdivisions with more than 15 lots and located within one mile of an existing public sanitary sewer system, adequate justification shall be provided as to why the subdivision should not provide a connection to the existing public community sewer system. For subdivisions with more than 15 lots and located more than one mile from an existing system, the sanitary sewer system strategy shall be determined on a case-by-case basis, taking into consideration the density of development and costs.

(3). If a public community system is not in place or cannot be extended, the developer must provide individual subsurface disposal systems where appropriate, given site density, soil, slope, and other conditions and subject to applicable DHEC regulations.

(4). The sanitary sewer system shall be adequate to handle the necessary flow based on complete development

(5). Improvement plans and specifications for all disposal systems for which the subdivider is responsible shall be submitted for approval with the Preliminary Plan.

#### 8.2.11 Hydrants

Fire hydrants shall be installed and spaced throughout each subdivision with a public community water system so that no residential lot is more than 1,000 feet from a hydrant by road or street, the location and spacing of hydrants shall be approved by the Fire Chief for the area in which the subdivision is to be located.

#### 8.2.12 Stormwater Drainage and Sediment Control

Stormwater drainage systems shall be required of each new subdivision, in accord with South Carolina's *Storm Water Management and Sediment Reduction Regulations*, as amended from time to time.

### **8.2.13 Surveys and Markings**

All land subdivisions within the jurisdiction of this Ordinance shall be surveyed, platted and marked in accord with the *Minimum Standards Manual for The Practice of Land Surveying in South Carolina*, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 21. This Manual is hereby adopted by reference and is as much a part of this Ordinance as if contained herein.

## **Section 8.3**

### **Required Improvements and Financial Guarantees**

#### **8.3.1 Policy**

It shall be the general policy of the Planning Commission that all improvements required by Section 8.2 be completed prior to Final Subdivision Plat approval. However, recognizing that completion of all required improvements prior to obtain final Plat approval may not in some cases be feasible, practical, or financially possible, this Section provides a mechanism by which the Commission may grant Conditional Plat approval. Such approval shall be contingent upon certain required improvements being completed as and when specified by the Commission and upon the applicant providing such financial guarantees for the completion of such other required improvements as the Commission may deem necessary.

#### **8.3.2 Financial Guarantees**

Where the Commission finds it appropriate to grant Final Plat approval prior to the completion of all required improvements, the Commission shall recommend to County council that financial guarantees of such type and in such amounts sufficient to guarantee with reasonable certainty that the required improvement will be completed as and when required by the Commission. Said financial guarantees to be used for such purposes may include one or more of the following types:

- (1). Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
- (2). Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable institution.
- (3). Escrow Account. The applicant may deposit cash, or other instruments readily convertible into cash at face value, with the county or in escrow with a bank.
- (4). Subdivision Improvement Guarantee. The applicant may provide as a guarantee a subdivision improvement agreement between the applicant, lender, and the county.
- (5). Prepayment. The applicant may make a prepayment to the county in the full amount of said improvements. Any unexpended funds shall be returned to the applicant.

(6). Contract for Completion. The applicant may deliver to the county a contract for completion of the required improvements executed by the applicant and a qualified and responsible and duly licensed contractor together with an executed performance bond issued by such surety as the Commission might approve. Along with the said contract and performance bond, the applicant shall deliver to the county an assignment in writing signed by the applicant, contractor and surety giving the county the right and option to enforce the terms and conditions of the contract and the performance bond.

(7). Other Financial Assurances. Such other financial assurances that the Commission finds will reasonably guarantee the satisfactory completion of the required improvements as and when required by the Commission.

Any document providing such financial guarantee required by the Commission under this Article shall be in such form and substance as specified by and satisfactory to the County Council. The required financial guarantee (completed and fully executed) shall be condition of Final Plat approval and shall be delivered to and approved by the Council prior to the recordation of the Final Subdivision Plat and/or the subdivision of the affected property by plat, deed or otherwise.

#### 8.3.3 Option To Refuse Guarantee

The County Council shall have the right to refuse any of the above financial guarantees and require construction and installation of all improvements by the subdivider, where:

- (1). Past performance of the subdivider is unsatisfactory, or
- (2). The selected option is unacceptable

#### 8.3.4 Allocation of Guarantee

Any funds received from financial guarantees required by this Ordinance shall be used only for the purpose of making the improvements for which said guarantees were provided, or shall be refunded to the applicant, should there be any, after said improvements have been completed.

#### 8.3.5 Default of Guarantee

In the event of the subdivider fails to install or construct the required improvements during the specified time allotted and in conformity with these regulations, the improvement guarantee shall be forfeited to the county to be used for the completion of the improvements.

#### 8.3.6 Extension of Guarantee

If it appears to the developer that he may not complete construction of required improvements before expiration of this Improvement Guarantee, it shall be his obligation, at least 15 days prior to said expiration, to submit an extended guarantee to the County Administrator, who shall forward said extension request to County Council for approval.

#### 8.3.7 Cost of preparation and Review of Documents

Where the county elects to accept financial guarantees for the completion of required improvements, all costs and expenses in connection with such financial guarantees (including, but not limited to, the cost of preparation of such documents and the review thereof by legal counsel on behalf of the County) shall be paid by the applicant.

#### 8.3.8 Enforcement

Where required improvements are not completed as and when required by the Commission or it is apparent that such required requirements will, in all likelihood, not be completed as and when specified by the Commission, the county may initiate action to enforce completion of the required improvements and to invoke the financial guarantees previously provided in connection therewith.

#### 8.3.9 Acceptable Format For Improvement Guarantee

Any deviation from the acceptable format below may delay acceptance of this instrument:

STATE OF SOUTH CAROLINA  
COUNTY OF HAMPTON

IMPROVEMENT GUARANTEE

KNOWN ALL MEN BY THESE PRESENTS that we \_\_\_\_\_, as principal, and \_\_\_\_\_, as security, are held and firmly bound unto the County of Hampton, South Carolina, as obligee, in the sum of \$\_\_\_\_\_, for payment whereof to the oblige, the principal and security bind themselves, their heirs, executors, and administrators, successors and assigns, jointly and severally, firmly to these presents:

Signed, Sealed, and dated, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

WHEREAS, application was made to the obligee for approval of a subdivision shown on a plat entitled "\_\_\_\_\_ " dated \_\_\_\_\_, 20\_\_\_\_\_, and filed with the Hampton County Planning Commission, and said Final Plat was approved upon certain conditions, one of which is that an Improvement Guarantee in the amount of \$\_\_\_\_\_ be filed with Hampton County to Guarantee certain improvements in said subdivision;

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the above-named principal shall, within \_\_\_\_\_ from the date hereof (in no case shall the improvement guarantee be valid for more than two years), truly make and perform the required improvements in accordance with specifications of the County's Unified Land Development Ordinance, Section 8.2, then this obligation will be void; otherwise it will remain in full force and effect.

It is hereby understood and agreed that in the event any required improvements have not been installed within the term of this Improvement Guarantee, the Hampton County Council may thereupon declare this guarantee to be in default and collect the sum remaining payable thereunder, and upon receipt of the proceeds thereof the county shall have installed such improvements as are covered by the guarantee.

It is further understood and agreed that when the required improvements have been approved for conformity with these regulations by the county, the guarantee shall be released and returned. In addition, if any portion of the required improvements is completed by the subdivider and approved by the county, a portion of the guarantee commensurate with the cost of these improvements may be released and returned. In no event shall an improvement guarantee be

reduced below twenty-five (25%) percent of the principal amount until all improvements have been approved by the county.

( L . S . )

Approved and accepted this \_\_\_\_\_ (L.S.)  
\_\_\_\_ Day of \_\_\_\_\_  
20\_\_\_\_ by the Hampton County \_\_\_\_\_ (L.S.)  
Council

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### Chairman

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Clerk to Council

## Section 8.4

## Dedication, Acceptance and Maintenance of Improvements

The final responsibility for the installation of the improvements required by this Ordinance as the standards impose rests with the developer. Upon proper installation of these improvements, the developer shall take the final steps to dedicate the improvements and have them accepted by the appropriate authority.

#### 8.4.2 Title Certification and Provision of Affidavit

Prior to the acceptance of title to any improvements by County Council, the developer shall provide to Council a title certification by an attorney licensed to practice in the State of South Carolina, certifying that the developer owns fee simple title to use improvements, free and clear of liens and encumbrances. Should said attorney make any exceptions in his certification on title, these must be specifically recited in the Resolution to be presented to County Council for acceptance of such improvements and the County Council must specifically recognize these exceptions before accepting legal title to the improvements.

In addition, prior to the acceptance of a deed to a newly constructed street or road by County Council, the developer and the contractor who constructed the street shall provide to Council an affidavit that all construction costs for the street have been paid and that the street is free of all encumbrances.

#### 8.4.3 Effect of the Recording

Recording the approved Final Plat constitutes a dedication of all public streets to public use, and a dedication of all parks and other public areas to public use.

#### 8.4.4 Effect of Offers of Dedication

The offer to dedicate streets, parks, easements or other areas or portion of them, does not impose any obligation upon the County Council concerning maintenance or improvements until the Council has made actual acceptance.

## ARTICLE IX

### APPLICATION OF REGULATIONS

The regulations set forth herein are intended to clarify, supplement or modify the regulations set forth elsewhere in this Ordinance.

#### **Section 9.0**

#### **Conformity**

No building, structure, or land shall hereafter be erected, reconstructed, converted, enlarge, moved or structurally altered unless in conformity with the regulations set forth in this Ordinance.

Where an expansion will increase the size of a use or building existing at the time of enactment of this Ordinance, such expansion (only) shall meet all applicable requirements of this Ordinance.

#### **Section 9.1**

#### **Nonconformity**

The lawful use of any nonconforming use, building, structure or lot at the time of the enactment, amendment, or revision of this Ordinance may be continued even though such use does not conform with the provisions of this ordinance, except that said nonconformity shall not be:

- (1). Reused or reoccupied after discontinuance of occupancy for six months, or in cases involving the settlement of an estate one year. For purposes of this Section, the term discontinuance is synonymous with the removal of equipment, structure or other aspects of such nonconforming use, and discontinuance of electric power.
- (2). Reestablished, reoccupied or replaced with the same or similar use, structure or building, after physical removal or relocation from its original location at the time of enactment, amendment, or revision of this Ordinance, except: (a) that nonconforming mobile homes may be placed with the same or similar use, provided there is no increase in applicable yard and setback requirements if done within seven (7) days of removal, and (b) that mobile homes in nonconforming mobile home parks may be replaced without time limitations provided the total number of units in the park does not exceed the total number in place at the time of enactment, amendment or revision of this Ordinance.
- (3). Repaired, rebuilt, altered after any damage exceeding fifty percent (50%) of its market value at the time of deconstruction; provided, however, that in computing the percentage of destruction, as to commercial, industrial,

or residential complexes consisting of more than one structure, each structure shall be deemed on a portion of the total market value of the total amount of structures situated on the site of said complex; and to prevent rebuilding, more than fifty (50%) of the aggregate market value of all the structures constituting the complex shall have been destroyed; provided further that rebuild structures shall not increase in nonconformity with applicable yard and setback requirements for the district in which the nonconforming use is located.

- (4). Enlarged or altered in a way which increases nonconformity by more than 10 percent.
- (5). Changed to a nonconforming use of higher intensity; such as from a commercial use to an industrial use, but may be changed to another nonconforming use of similar character.

When seeking relief under this Section, it shall be the responsibility of the owner, manager, or tenant of a nonconforming use to establish existence of such use prior to the effective date of this Ordinance, and to note wherein such use is in nonconformance.

#### **Section 9.2**

#### **Uses not permitted are prohibited**

For the purpose of this Ordinance, permitted uses are specified or listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically reference by type of functional classification are prohibited, except as provided for in Section 10.14 paragraph (3) below. (Per Ordinance 2024-04, adopted April 1, 2024)

#### **Section 9.3**

#### **Encroachment, Reduction of Lot Area**

The minimum yards, parking space, open spaces and lot area required by this Ordinance for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimension be reduced below the requirements of these regulations.

#### **Section 9.4**

#### **Number of Principal Building Per Lot**

No more than one principal building may be located upon a lot of record, except for the following uses, provided such uses shall have a minimum lot area of one acre.

- (1). Institutional buildings
- (2). Industrial buildings
- (3). Multi-family dwellings

- (4). Commercial buildings
- (5). Mobile home parks in accord with Section 7.13
- (6). Mobile homes where permitted by Section 4.5.2.
- (7). Single-family dwellings and/or mobile homes on "heirs" property, where use of the property is permitted by legacy.

Where more than one principal building is to be located on a lot, required setbacks shall be maintained along all property lines.

## **Section 9.5**

### **Temporary Uses**

The following temporary uses shall be exempt from requirements of Article III and may be permitted by the Building Official subject to the following and all other applicable requirements contained in this Ordinance:

- (1). Tent or other temporary structures for religious meetings where permitted by Article IV, for a permit not to exceed forty-five (45) days.
- (2). Open lot sales of Christmas trees for a period not to exceed forty-five (45) days, in all districts but the RCD District.
- (3). Contractor's office and equipment shed in all districts for a period covering construction phase of a project, provided that such office be placed on the property to which it is appurtenant.
- (4). Real estate office in conjunction with a major project in any district (100 or more lots), provided said office is removed when 75 percent of the lots are sold or developed.
- (5). Firework stands for a period not to exceed 30 days during any 3-month period, where permitted by Article IV.
- (6). Portable classrooms in any district in which cultural, community, educational or religious facilities are permitted without time limitation. Mobile homes may not be considered portable classrooms. All setbacks for the applicable district shall be maintained around the perimeter of the site.

## **Section 9.6**

### **Street Access To Property and Buildings**

- (1). Every building hereafter erected, constructed, moved or relocated shall be adjacent and/or have access to a publicly dedicated, publicly accepted or maintained street
- (2). no building shall be erected so as to cut off access or entry of fire fighting equipment to the rear of the building.

**Section 9.7****Garage, Yard, Etc. Sales**

Garage, yard and tag sales are specifically permitted as an accessory use in all districts. Such sales shall be limited in the RCD to four during each twelve month period, for a maximum duration of two days per sale.

## ARTICLE X

### ADMINISTRATION

#### **Section 10.0**

#### **Administrative Officer and Responsibilities**

The duly appointed Building Official or his designee is hereby given authority to administer and enforce all the provisions of this Ordinance.

The building Official shall accept and examine all applications for construction, subdivisions of land, land use or reuse, and shall issue building, use and sign permits where such applications are in accord with the provisions of this Ordinance and applicable building codes. He shall direct parties in conflict with this Ordinance, cause to be kept records and files of any and all matters referred to him and to execute any and all reports as the Planning Commission or County Council may require.

#### **Section 10.1**

#### **Building and Sign Permits Required**

No building, sign, or other structure shall be erected, no shall any existing building, sign, or other structure be moved, added to, enlarged or structurally altered, and no excavation for any building or other structure shall being before the issuance of a Building Permit therefore by the Building Official. No Building Permit shall be issued where it appears that the structure or facilities to be constructed for the use of contemplated would be in violation of the provisions of this Ordinance. The provisions of this Section shall not apply to the necessary construction, replacement or maintenance by a public utility or its outside plant facilities, including such items as poles, crossarms, guys, wires, cable and drops.

#### **Section 10.2**

#### **Use Permit Required**

No building, other structure or land shall be used; not shall any building structure or land be converted, wholly or in part, to any other use, until a Use Permit, certifying compliance with this Ordinance, has been issued by the Building Official, except that no Use Permit shall be required for any use in existence on the effective date of this ordinance. No Use Permit shall be issued where such use is in violation of the provisions of this Ordinance, or of any other applicable law or regulations.

#### **Section 10.3**

#### **Subdivision Plat Approval Required**

No plat for the subdivision of any land within unincorporated Hampton County shall be filed with or recorded by the Hampton County Clerk of Court until such plat shall have first been submitted to

and approved by the Hampton County Planning commission, according to procedures set forth by this Ordinance.

To assist the Commission, there shall be established a "Subdivision Review Committee" composed of the following:

- (1). One member of the Hampton County Planning Commission;
- (2). County Building Official;
- (3). Representative of the County Health Department (DHEC);
- (4). Resident Highway Maintenance Engineer;
- (5). District Soil Conservationist;
- (6). Public Works Director;
- (7). Fire Chief for Area in which the Subdivision is proposed.

No road or other public way or land shall be accepted or

maintained, nor shall any water lines, sewerage, street lighting or similar improvements be extended or connected, nor shall any permit be issued by any department of the county for construction of any building or other improvements in any subdivision established hereafter which has not been approved by the Planning Commission.

## Section 10.4

## **Fees**

To help defray the cost of processing applications under this Ordinance, the following fee schedule is hereby established.

(1). Sanitary landfills, large scale projects, mining and extraction operations, salvage and junk yards, stockyards, slaughter houses, commercial kennels, and animal auction houses, resources recovery, recycling, solid waste storage, and composting facilities \$500.

(2). All other uses Ref: Budget Ordinance 2024-06  
Sign Permits Ref: Budget Ordinance 2024-06  
Amendments \$75  
Subdivisions Ref: Budget Ordinance 2024-06

## Section 10.5 Duration of Permit

### Duration of Permit

Any building permit issued shall become invalid if the authorized work is not commenced within six (6) months of date of issuance or is suspended or abandoned for a period of six (6) months, provided that the Building Official may upon good cause shown within either of said six month periods extend a permit for an additional period not exceeding six (6) months.

## Section 10.6 Filing of Applications

## **Filing of Applications**

Applications for building, sign and use permits shall be filed on forms provided by the office of the Building Official.

## Section 10.7 Application Requirements for a Building Permit

## Application Requirements for a Building Permit

Each application for a building permit shall be accompanied by the following or as much thereof as the Building Official shall find necessary to determine whether the proposed building or facility will be in compliance with the provisions of this Ordinance:

- (1). Site analysis, where applicable.
- (2). A plat, with date and scale, showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of existing buildings and structures, and the lines within which the proposed building, structure, or facilities are to be erected, altered, or constructed; the existing and intended use of each of each building or part of a building; the number of families or housekeeping units the building is designed to accommodate; buffer area; flood and wetland areas; proposed parking; and such other information with regard to the lot and contiguous land uses as required to determine compliance with and provide for the enforcement of this Ordinance.

#### **Section 10.8                    Application Requirements For a Use Permit**

Application materials required for a Building Permit and on file in the Building Official's Office, shall constitute the basis for compliance determination and subsequent issuing of a Use Permit. Each application for a Use Permit shall be made at the time the building or structure is substantially complete, and shall be issued upon finding by the Building Official and assurance by the owner/developer that the proposed use has been constructed, erected, or altered in accord with all applicable requirements of this Ordinance.

Failure to comply with the standards and requirements of this Ordinance may result in withholding the issuance of such permit and prevent the use of said building or property until compliance is certified.

#### **Section 10.9                    Application Requirements For a Sign Permit**

Each application shall be accompanied by the following information:

- (1). Identification of ownership and/or leaseholder of property on which sign is to be erected, including street address.
- (2). Name and address of the owner of the sign.
- (3). Site plan sketch with dimensions (non-professionally drafter plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building setback line, and any buildings, parking areas, existing free-standing signs, and buffer areas.

- (4). Correct size, shape, configuration, fence area, height, nature, number and type of sign to be erected.
- (5). The value of the sign and sign structure.
- (6). The Building Official may waive any of the informational requirements listed above deemed unnecessary to any application.

## **Section 10.10**

### **Applications Requirements for Processing Subdivision Plats**

Applications to subdivide land in Hampton County shall meet the following requirements. If a subdivision is proposed in stages of phases, however, only that phase to be recorded and developed initially or at the time the application for approval is submitted shall be required to comply with the provisions of this Section.

#### **10.10.1 Sketch Plan Requirements**

The submission of a Sketch Plan is optional. If submitted, it shall contain at least the following data, legibly drawn to scale, but not necessarily showing precise dimensions:

- (1). Name address of subdivider and owner or applicant.
- (2). North arrow, scale, date, and a location map showing the relationship between the proposed subdivision and the surrounding area.
- (3). Tract boundaries and acreage.
- (4). Significant topographical and physical features including the location of water courses within the tract.
- (5). The location, names and right-of-way widths of existing streets within fifty (50) feet of the tract.
- (6). Tentative street and lot arrangement showing average lot size and number of lots.
- (7). Proposed name of subdivision.

#### **10.10.2 Preliminary Plan Requirements**

The applicant developer shall prepare and submit to the Building Official two copies of a Preliminary Plan at a scale of 1" = 100', containing the following information:

- (1). Property boundaries, with bearings and distances.
- (2). Contours at appropriate intervals, where public sewer is proposed.
- (3). North arrow and scale.
- (4). Name of subdivision and developer.
- (5). Layout of proposed streets, roads, public crosswalks, road names or designations.
- (6). Profile of proposed streets showing natural and finished grades.
- (7). Layout of all lots; lot and block numbers; utility easements, width and use.

- (8). Sanitary sewer plans, with letter of approval from DHEC.
- (9). Location of all existing street, road, railroad, and utility right-of-way, on or contiguous to the site.
- (10). Construction plans for storm sewer system(s) with grades, pipe size, and location of outlets. Storm sewers shall be sized to accommodate runoff based upon the following:
  - a. All roadway drainage systems should accommodate a storm with five (5) year return frequency.
  - b. All other systems and easements designed to handle the internal drainage created by the development should be designed to accommodate a storm with a ten (10) year return frequency.
  - c. All easements or systems designed to handle drainage originating outside of, yet flowing through, the development should be engineered to handle a storm with a one hundred (100) year return frequency.
- (11). Water supply plans, with letter of approval from DHEC.
- (12). Designation of land (if any) to be reserved or dedicated for public use.
- (13). Total number of lots, total acreage.
- (14). A narrative statement addressing:
  - a. The proposed ownership and maintenance of streets, drainage system, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements.
  - b. Proposed phasing and time schedule if development is to be done in phases.

#### 10.10.3 Final Plat Requirements

Final plats shall conform to the Preliminary Plan, as approved by the Planning Commission, and shall meet the minimum requirements of the South Carolina State Board of Registration for Professional Engineers and Land Surveyors, and the rules and regulations promulgated by the State Board of Engineer Examiners, "Minimum Standards Manual for the Practice of Land Surveying in South Carolina".

### Section 10.11 Application Procedures For Processing Subdivision Plats

#### 10.11.1 Assignment

All subdivision applications will be assigned to one of three categories. The Building Official shall, after reviewing the application, instruct the applicant as to the assignment of his application, which shall be one of the following:

- a) An exempt subdivision,
- b) A minor subdivision, or
- c) A major subdivision.

#### 10.11.2 Exempt Subdivisions

Applicants of exempt subdivisions, as defined by this Ordinance, shall submit to the Building Official two copies of the proposed plat. The plat shall be stamped for recording as follows, "This plat is exempt from the requirements of the Hampton County Subdivision Ordinance", and signed by the Building Official.

#### 10.11.3 Minor Subdivisions

- (1). Any applicant requesting approval of a proposed minor subdivision, as defined by this Ordinance, shall submit to the Building Official two copies of the proposed plat containing the information required by Section 10.10.1 for Sketch Plan approval, together with the prescribed fee.
- (2). If in compliance with the requirements of this Ordinance, the Building Official, having been delegated by the Planning Commission, shall stamp and sign the plat for recording.

#### 10.11.4 Major Subdivisions

Any applicant requesting approval of a Major Subdivision, as defined by this Ordinance, shall submit a Preliminary and then a Final Plat in accord with the following procedures.

- (1). Preliminary Plat (Plan) Approval
  - a. The applicant shall submit to the Building Official three (3) copies of the materials stipulated by Section 10.11.2.
  - b. The Building Official shall within 10 days call a meeting of the "Subdivision Review Committee" to review the proposed Plat. The committee shall act within 10 days and shall advise the applicant of its comments and concerns, if any.
  - c. The Preliminary Plat shall then be forwarded to the Planning Commission, together with the comments and recommendations of the Subdivision Review Committee. The Planning Commission shall act on the application within 30 working days of receipt of a complete application.

Action taken by the Commission shall be at a scheduled public meeting. In its deliberations, the Planning Commission shall either approve, approve conditionally, or disapprove the Plat. If the Preliminary Plat is disapproved or approved conditionally, the reasons for such actions shall be stated in writing and signed by the Chairman of the Planning Commission. The reasons for disapproval shall

refer specifically to those parts of the regulation with which the Plat does not conform. On conditional approval, the Commission may require the subdivider to resubmit the Preliminary Plat with all recommended changes before approving the Plat.

If the preliminary Plat is found to conform to all the requirements of the Ordinance, approval shall be given by the Planning Commission and shall be noted in writing by the Building Official, on behalf of the Planning Commission, on at least two (2) copies of the Preliminary Plat. Once copy shall be retained by the Building Official and one copy given to the applicant/subdivider.

(2). Effects of Preliminary Plat Approval

Preliminary Plat approval shall confer upon the applicant the following:

- a) The right to proceed with the installation of site improvements; and
- b) The right to proceed with the preparation of a Final Plat; however,
- c) Preliminary Plat approval shall not authorize the applicant to sell or otherwise transfer lots or parcel within the platted subdivision.

(3). Final Plat Approval

- a) Final Plat approval is an administrative action by the Building Official. No public notice or hearing is required in connection with approval proceedings on Final Plats.
- b) An application requesting Final Plat approval shall submit to the Building Official three (3) copies of the materials specified in Section 10.11.13 of this Ordinance. The Final Plat shall show all streets, utilities, and improvements in exact location, identifying those portions already installed and those to be installed and/or certified in the amount of improvement guarantees required to assure completion of those improvements not yet installed, as stipulated in Section 8.3 of this Ordinance.
- c) Final Plat approval shall be granted or denied within 30 days after submission of a complete application to the building Official or within such further time as may be consented to by the applicant.
- d) No subdivision plat, portion or phase thereof shall be accepted for filing by the Office of Clerk of Court until it has been approved by the Planning Commission as indicated on the instrument by the signature of the Building Official. The signature of

the Building Official shall not be affixed until the applicant/developer has posted the guarantees required pursuant to Section 8.3 of this Ordinance.

(4). Effect of Final Plat Approval

Final Plat approval shall confer upon the applicant the following rights:

- a) To record the plat with the County Clerk of Court, and
- b) To proceed with the sale and/or transfer of lots and parcels in accord with the approved and recorded plat.

If the Final Plat is disapproved, the reasons for such action shall be stated in writing and signed by the Building Official. One (1) copy of the Final Plat shall be retained by the Building Official and two (2) copies returned to the subdivider.

**10.11.5 Recording of Final Plat**

No subdivision plat shall be recorded in Hampton County unless and until it bears the signature of the Building Official, on behalf of the Planning Commission. Final Plats shall be recorded within seven (7) days of approval or the action of the Commission shall be null and void, unless an extension of time is granted in writing by the Commission upon written request of the subdivider.

**Section 10.12                    Inspections For Compliance**

The Building Official may make or require any inspections of any construction to ascertain compliance with the provisions of this Ordinance and other laws which are in force and to ascertain that such building or structure is constructed or erected as indicated on the approved permit application.

**Section 10.13                    Appeal From A Decision of The Building Official**

It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Building Official and that the decision of the Building Official shall be final, unless appealed, as provided for herein.

**Section 10.14                    Appeal To The Planning Commission**

A decision of the Building Official may be appealed to the Planning Commission under the following conditions, and no others:

- (1). Where it is alleged there is error in an order, requirement, decision or determination by the Building Official in the enforcement of this ordinance, or

(2). To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Commission that:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
- b) the application of the Ordinance on this particular piece of property would create an unnecessary hardship; and
- c) such conditions are peculiar to the particular piece of property involved; and
- d) relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the Land Use and Development Plan, provided however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district.

In exercising the previously listed powers, the Commission may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination of the Building Official, and to that end shall have all the powers of the Office from whom the appeal is taken and may issue or direct the issuance of a permit.

(3). **USE VARIANCE** However, an affirmative vote of two thirds (2/3) of the Commissioners present and voting shall be required before a variance may be granted for a use of land, a building, or a structure that is prohibited in a given district ("Use Variance") by Ordinance or solution; provided, however, that County Council may overrule the decision of the Commission pursuant to S.C. Code Ann. § 6-29-800 and such other laws as may apply. Once the Planning Commission approves or denies a Use Variance, staff of the Building & Planning Department shall notify the Clerk to Council and County Council in writing within ten (10) days of the Planning Commission's decision.

For a Use Variance that has been granted by the Commission, no vested right shall attach thereto and no permit shall be issued for at least fifteen (15) days from

the date the Clerk and County Council are notified of a Use Variance decision by the Commission to determine whether County Council intends to consider overruling such decision of the Commission. If the Chairman or any member of County Council delivers notice to the Building & Planning Department (or its successor) of intent to consider overruling a Use Variance within 15 days of the granting of a Use Variance by the Commission, then the Commission's decision shall be held in abeyance, a vest right shall attach to the Use Variance granted by the Commission and no permit shall be issued until County Council has determined whether to overrule to Commissioner's decision. County Council shall take action on the appeal no later than thirty (30) days from the day after notice of the Planning Commission's decision is provided to the Clerk to Council. If County Council fails to take action within thirty (30) days of notice to the Clerk to Council, then the decision of the Planning Commission is final. When an appeal is granted, decision of County Council are final. (Per Ordinance 2024-04, adopted on April 1, 2024)

#### **Section 10.15                    Appeals, Hearing and Notice**

Appeals to the Commission shall be taken within a reasonable time by filing with the office from whom the appeal is taken, notice of appeal specifying the grounds thereof. The Building Official shall forthwith transmit to the Commission all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from.

Each applicant for an appeal or variance shall at the time of making application, pay a required fee of \$25 for the cost of advertising and mailing notices.

The Commission shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give 15 days public notice thereof in a newspaper of general circulation, as well as due notice to the parties in interest, including all adjacent property owners, and decide the same within a reasonable time. Within three (3) days after acceptance for filing of an appeal the applicant shall erect a sign, to be furnished by the Building Official, on the land with which the appeal is concerned.

#### **Section 10.16                    Decisions of the Planning Commission**

A majority vote of the members constituting a quorum shall be necessary to reverse any order, requirement, decision, or determination of the Building Official or to decide in favor of the

applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Building Official and shall be public record. On all appeals, applications and other matters brought before the Commission, the Commission shall inform in writing all the parties involved of its decision and the reasons therefore.

**Section 10.17**

**Appeals From Decision of Planning Commission**

Any person who may have a substantial interest in any decision of the Planning Commission may appeal from any decision of the Commission to the Circuit Court in and for the County of Hampton, filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly where in such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the Decision of the Commission is rendered.

## ARTICLE XI

### AMENDMENTS

#### **Section 11.0**

#### **Amendment Authorization and Procedure**

This Ordinance may be amended from time to time by County Council, but no amendment shall before effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have recommended approval of the requested amendment.

#### **Section 11.1**

#### **Initiation of Amendment**

Proposed changes or amendments to the Ordinance may be initiated by County Council, the Planning Commission, the property owner, or by legal representative.

Before any action shall be taken on an amendment request, the party or parties proposing or recommending said amendment shall with the petition for such change deposit the required fee with the Building Official at the time the petition is filed to cover publication and other miscellaneous cost for said change. Under no condition shall said fee or any part thereof be refunded for failure of said amendment to be adopted. However, in the event of an application is withdrawn prior to the time it is ordered advertised for hearing by the Building Official, one-half (1/2) of the fee shall be refunded.

#### **Section 11.2**

#### **Application Requirements**

All applications shall be presented on forms provided by the Building Official and signed by the applicant.

#### **Section 11.3**

#### **Action by Planning Commission**

- (1). All applications shall be decided on the basis of the evidence of record.
- (2). An application for an amendment shall be either approved, denied or withdrawn. An application may be withdrawn at any time before the hearing. If it is not withdrawn, it shall be either approved or denied on its merits.
- (3). The Planning Commission shall act on an application within thirty (30) days after receipt thereof, recommending to County Council, either denial or approval. The decision shall be determined by a majority of those voting. All

decisions of the Planning Commission shall be made in open session on roll call by yeas and nays and the resolution embodying the decision shall not be valid unless it is incorporated in the Planning Commission's minutes.

**Section 11.4**

**Public Hearing and Notice Thereof**

Before enacting an amendment to this Ordinance, the County Council shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in Hampton County.

**Section 11.5**

**Decision of the County Council**

Following the public hearing, the County Council shall act on the application, and provide written notice of its action.

## ARTICLE XII

### DEFINITIONS

For the purposes of this Ordinance, certain terms are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word "building" shall include the words "structure" and "premises"; the word "shall" is mandatory and not directory; the words "use" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel"; and the word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as individual. Any word not herein defined shall be as defined in any recognized standard English dictionary.

**Access.** A means of vehicular approach or entry to or exit from property.

**Adult Uses.** Adult uses include any establishment or use which, as one of its principal purposes, sells, displays or exhibits materials, including books, magazines, movies, tapes, photographs, etc. which appeal to prurient interests, contain patently offensive depictions of sexual conduct, and have no serious literary, artistic, political or scientific value.

**Approach Surface.** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface.

**Block.** A parcel of land entirely surrounded by roads or highways, railroad rights-of-way, waterways, or a combination thereof.

**Building.** A structure built, maintained, or intended for use of shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof.

**Building Accessory.** A building which (1) is subordinate to and serve a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served, and (4) is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

**Building Line.** A line beyond which no foundation, wall, or part of the structure of any building shall project, with the exception of projections and accessory buildings, as provided by this Ordinance.

**Building Permit.** A document or certificate issued by Hampton County authorizing construction, enlargement, alteration, moving of, or demolition of a building or structure or the placement of a mobile home.

**Building, Principal.** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located

**Compost.** Mean the humus-like product of the process of composting waste.

**Composting Facility.** Means any facility used to provide aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material.

**Condominium.** A condominium is an ownership arrangement, not a land use. It is individual ownership of a unit in a multi-unit structure.

**Conical Surface.** A surface extending horizontally twenty (20) feet for every one (1) foot vertically from the periphery of the horizontal surface.

**Construction, Demolition and Land Clearing Debris.** Discarded solid waste resulting from construction, remodeling, repair and demolition of structures and road building and land clearing. The wastes include, but are not limited to, bricks, concrete, and other masonry materials, soil, rock, lumber, road spoils, paving material, and tree and brush stumps, but does not include solid waste from agricultural or silvicultural operations.

**Developed Lot or Parcel.** A developed lot or parcel is one which contained \$50,000 in commercial, industrial or business improvements, according to records in the tax assessor's office or receipt of a valid building permit in said amount.

**Developer.** An individual, partnership or corporation (or agent therefore) that undertakes the activities covered by these regulations.

**DHEC.** South Carolina Department of Health and Environmental Control.

**Drainage.** The removal of surface water or ground water from land by drains, grading or other means.

**Drainage Facility.** Any component of the drainage system.

**Drainage System.** The system through which water flows from the land, including all water courses, water bodies and wetlands.

**Driveway.** A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

**Dwelling.** A structure or portion thereof which is used exclusively for human habitation.

**Dwelling Apartment.** See Dwelling, Multi-family

**Dwelling, Cluster Development.** A development design technique that concentrates building in specific area on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. It is applied principally to single-family residential subdivision.

**Dwelling Detached.** A dwelling which is not attached to any other dwelling by any means.

**Dwelling, Duplex.** A structure on a single lot containing two dwellings, each of which is totally separated from the other by an unpierced wall or ceiling.

**Dwelling, Group Quarters.** A dwelling that houses primarily unrelated individuals, including barracks, dormitories and the like.

**Dwelling, Mobile Home or Manufactured Housing.** A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width, or forty body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term mobile home or manufactured housing shall not include the term modular building or structure or the term recreational vehicle or camping trailer.

**Dwelling, Mobile Home Park.** A site with required improvements and utilities for the long-term parking of three or more mobile homes which may include services and facilities for the residents.

**Dwelling, Multi-family.** A dwelling containing three or more dwelling units sharing access from a common hall, stairs, or balcony.

**Dwelling, Patio.** A one-family dwelling on a separate lot with open space setbacks on three sides, includes zero lot line dwellings.

**Dwelling, Single-family.** A building containing one dwelling unit.

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

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

**Escrow.** A deed, a bond, money or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

**Evergreen Tree.** A coniferous or deciduous tree that remains green throughout the year.

**Family.** (1)One or more persons related by blood, marriage, adoption, or guardianship; (2)not more than five persons not related, occupying a dwelling unit and living as a single housekeeping unit; and (3)not more than nine mentally or physically handicapped persons for whom care is provided on a 24-hour basis, in accord with 6-7-830 of the S.C. Code of Laws.

**Final Plat.** The final map of all or a portion of a subdivision which is presented for final approval and recording.

**Floodplain.** Those normally dry land areas subject to periodic inundation by water as defined by the Federal Emergency Management

Agency on Flood Boundary and Floodway Maps for Hampton County, the more recent edition available.

**Grade.** The slope of a street, or other public way, specified in percentage (%) terms.

**Hazardous Waste.** Waste materials as defined in Section 44-56-20 of the South Carolina Hazardous Waste Management Act.

**Horizontal Surface.** A horizontal plane one hundred fifty (150) feet above established airport elevation, the perimeter of which in plain view coincides with the perimeter of the horizontal zone.

**Impervious Surface Ration.** The impervious surface ration is a measure of the intensity of land use. It is determined by dividing the total site area of all impervious surfaces within the site by the total site area.

**Improvement.** Any man-made immovable item which becomes part of, placed upon, or is affixed to real estate.

**Individual Sewage Disposal System.** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving a single unit.

**Junk or Salvage Yard.** A junk or salvage yard is defined as a place (1)where two or more wrecked or disabled vehicles, without current license tags and/or are otherwise inoperable are placed or stored in an open area including parts thereof, scrap building material, scrap contractor's equipment, tanks, cases, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, mattresses, bed or bedding or any other kind of scrap or waste material, (2)possessing a South Carolina Business Tax Identification Number, and (3)having an on-site office from which to conduct business.

**Kennels, commercial.** An establishment where small animals are boarded principally outdoors for compensation, or where dogs are raised and/or bred on a commercial scale. This definition does not include veterinary clinics, where the boarding of animals is enclosed.

**Kennels, Domestic.** A pen, shelter or structure where no more than three dogs are boarded.

**Landfill.** A disposal facility or part of a facility where solid waste is placed in or on land, and which is not a land treatment facility, a surface impoundment, or an injection well.

**Lot.** A single parcel or tract of land.

**Lot Area.** The area contained within the boundary lines of a lot.

**Lot Corner.** A lot located at the intersection of two or more streets.

**Lot Depth.** The mean horizontal distance between front and rear lot lines.

**Lot Double Frontage.** A lot which has frontage on more than one street.

**Lot, Interior.** A lot, other than a corner lot, which has frontage on only one street other than an alley.

**Lot Line.** A line bounding a lot which divides one lot from another or from a street or any other public or private space.

**Lot, Width.** The distance between side lot lines measured at the front building line.

**Modular Structure or Building Unit.** A building or structure meeting the requirements of the *Modular Building's Construction Act*, 23-43-10 of the S.C. Code of Laws, and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term is not to be limited to residential dwellings.

**Nonconformity.** A nonconformity is a lot, use, building or structure which was lawfully created or established prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

Uses existing at the effective date of this Ordinance also shall include proposed uses evidenced by:

1. A valid building permit issued prior to the effective date of this ordinance where work is commenced within 6 months of and substantially complete within 18 months of said effective date.
2. A permit(s) to develop issued by a federal, state or local agency prior to the effective date of this Ordinance, provided development in connection therewith must commence and be substantially complete within 12 months of said Ordinance effective date.

**Non-residential Use.** A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

**Obstruction.** Any structure, growth or other object, including a mobile object, which exceeds a limiting heights set forth in Section 4.6.3 of this Ordinance.

**Parcel.** A land area bounded by property lines that is recognized as such by the County Assessor's Office.

**Performance Guarantee.** Any security that may be accepted by the county as a guarantee that the improvements requires as part of an application for a subdivision are satisfactorily completed.

**Planning Commission.** The Hampton County Planning Commission.

**Plat.** (1)A map representing a tract of land, showing the boundaries and location of individual properties and streets; (2)A map of subdivision or site plan.

**Poultry House, Commercial.** A building or structure where chickens, turkeys, ducks or other domestic birds are raised exclusively for commercial use, and where the structure(s) in which they are housed is not less than 200 square feet in aggregate.

**Preliminary Subdivision Plat.** A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

**Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred(200) feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline

**Recreational Vehicle.** A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

**Recreational Vehicle Park or Campground.** A plot of ground upon which three or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

**Recyclable Material.** Those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

**Recyclable Facility.** Any building premises in which or on which materials which would otherwise become solid waste are collected, separated, or processed for reuse.

**Resource Recovery.** Means the process of obtaining material or energy resources from solid waste which no longer has any useful life in its present form and preparing the waste for recycling.

**Resource Recovery Facility.** Means a combination of structures, machinery, or devices utilized to separate, process, modify, convert, treat, or prepare collected solid waste so that component materials or substances or recoverable resources may be used as a raw material or energy source.

**Right-of-way.** The land occupied by a road and adjacent to it that is dedicated to a public entity for maintenance or other public purposes.

**Runway.** A specified area on an airport prepared for landing and takeoff of aircraft.

**Sanitary Landfill.** Means a land disposal site employing and engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards and meets the design and operation requirements of this Ordinance.

**Shoulder.** The graded part of the right-of-way that lies between the edge of the main pavement (main traveled way) and the curbline, ditch and drainageway.

**Sign.** Any object, device, display or structure, or part thereof, situated outdoor or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, even or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**Sign Abandoned.** A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists, or to which it refers.

**Sign, Awning, Canopy, or Marquee.** A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee.

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

**Sign, Flat.** A single faced sign attached flush to a building or projecting no more than 12 inches.

**Sign, Free-Standing.** Any non-movable sign not affixed to a building.

**Sign, Permanent.** A sign attached to a building, structure, or the ground in some manner requiring a permit and made of materials intended for more than short term use.

**Sign, Political.** A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

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

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

**Sign, Roof.** A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

**Sign, Temporary.** A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

**Sign, Wall.** A sign painted on the wall of a building and has no sign structure.

**Sign, Window.** A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that is can be seen from the exterior of the structure through a window.

**Sketch Plan.** A preliminary presentation and attendant documentation of a proposed subdivision of sufficient accuracy to be used for the purpose of discussion and classification.

**Solid Waste.** Means any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operation and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES

permits under the Federal Water Pollution Control Act, as amended or the Pollution Control Act of South Carolina.

**Stock Yard.** An open or closed compound, where livestock is fed, graded, bought, sold, or maintained for transfer.

**Storage.** Means the containment of solid waste, either on or temporary basis or for a period of years, in such manner as not to constitute disposal of such solid waste; provided, however, that storage in containers by persons of solid waste resulting from their own activities on their property, leased or rented property, if the solid waste in such containers is collected at least once a week, shall no constitute "storage" for purposes of this act. The term does not apply to containers provided by or under the authority of the county for the collection and temporary storage of solid waste prior to disposal.

**Street.** Any vehicular way which: (1) is an existing state or county roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the Register of Mesne Conveyance, and includes the land between the street lines, whether improved or unimproved.

**Arterial Street.** A public thoroughfare designed to move large volumes of traffic from one point to another.

**Collector Street.** A public thoroughfare which filters traffic from minor streets and conducts it to arterial streets or local traffic generators such as schools, recreation areas, and public parks.

**Minor (Local) Street.** A public thoroughfare designed to provide access to property abutting the right-of-way.

**Private Street.** A vehicular way not dedicated for public use or maintenance.

**Structural Alteration.** Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

**Subdivider.** Any person, firm, corporation or other legal entity subdividing land within the jurisdiction of this Ordinance.

**Subdivision.** The division of a tract, parcel or lot into two or more lots or building sites, or other divisions of land for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets and includes the re-subdivision of land.

**Subdivision, Exempt.** An exempt subdivision is one which meets the following conditions:

- 1) Involves the division of land into parcels of five (5) acres or more where no new street is involved; provided such lots are assured by plat or deed of not less than 25 feet of frontage on a public or private street at such time as a

building permit is sought or subsequent transfer of said lot(s) is requested. Said assurances to be approved by the Building Official.

- 2) Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and other applicable regulations.
- 3) Involves cemetery lots.
- 4) Involves the division of property by will or inheritance under the statute of descent and distribution.

**Subdivision, Major.** A major subdivision is any subdivision other than an exempt or minor subdivision.

**Subdivision, Minor.** A minor subdivision is one which does not involve any of the following: (a) the creation of more than a total of ten (10) lots; (b) the creation of any new streets other than a private rural community driveway; (c) the extension of public water or sewer lines to five or more lots; or (d) the installation of drainage improvements through one or more lots to serve one or more other lots.

**Subdivision Review Committee.** A Committee formed to coordinate the processing of all subdivisions within Hampton County.

**Surveyor.** A person who is registered by the South Carolina State Board of Engineering Examiners to practice land surveying in South Carolina.

**Transfer Station.** Means a combination of structures, machinery, or devices at a place or facility where solid waste is taken from collection vehicles and placed in other transportable units, with or without reduction of volume, for movement to another solid waste management facility.

**Transport.** Means the movement of solid waste from the point of generation to any intermediate point and finally to the point of ultimate processing, treatment, storage or disposal.

**Use.** The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Use, Accessory.** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

**Use, Principal.** The specific primary purpose for which land is used.

**Waste Tire Site.** Means an establishment, site, or place of business, without a collector or processor permit, that is maintained, operated, used, or allowed to be used for the disposal, storing, or depositing of unprocessed used tires, but does not include a truck service facility which meets the following requirements:

- 1) All vehicles serviced are owned or leased by the owner or operator of the service facility;

- 2) No more than two hundred waste tires are accumulated for a period of not more than thirty days at a time;
- 3) The facility does not accept any tires from sources other than it's own; and
- 4) All waste tires are stored under a covered structure.

**Waste Tire Treatment Site.** Means a permitted site used to produce or manufacture usable materials, including fuel from waste tires.

**Wetlands.** Areas of one-quarter (.25) acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Jurisdictional wetlands are those over which the U.S. Corps of Engineers has permitting jurisdiction.

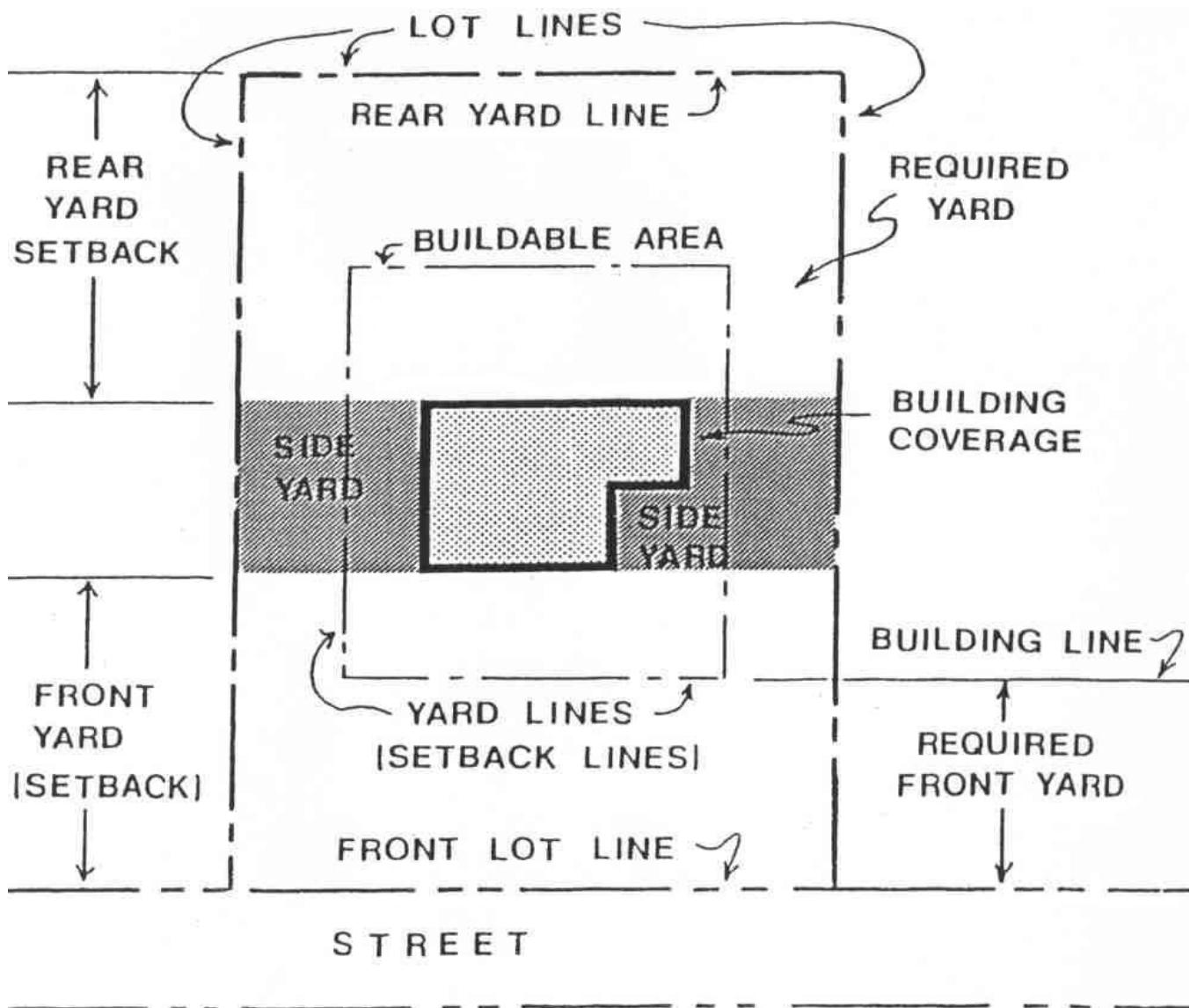
**Yard.** An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed form the ground upward except as specifically provided in this Ordinance.

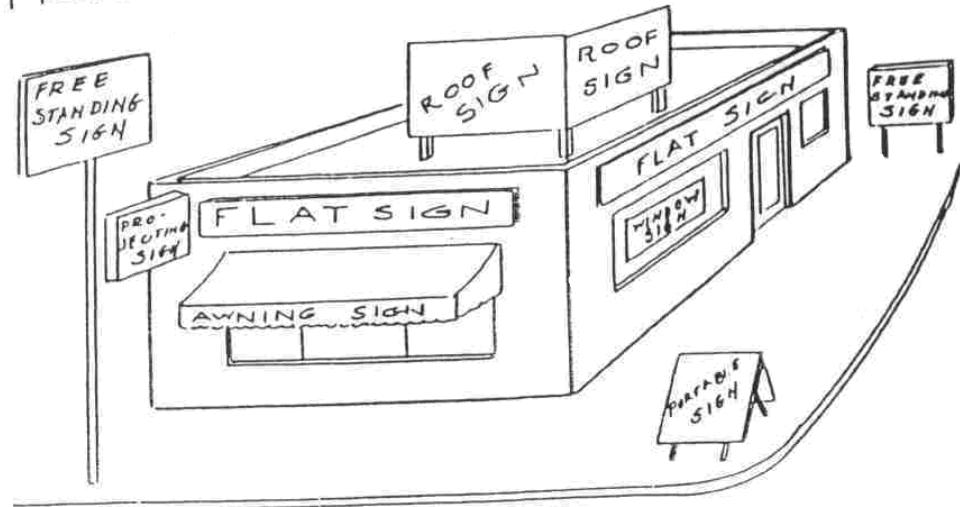
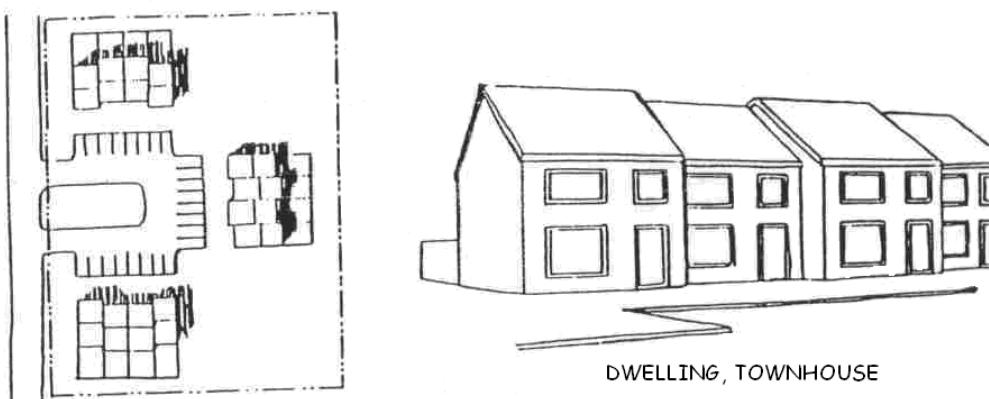
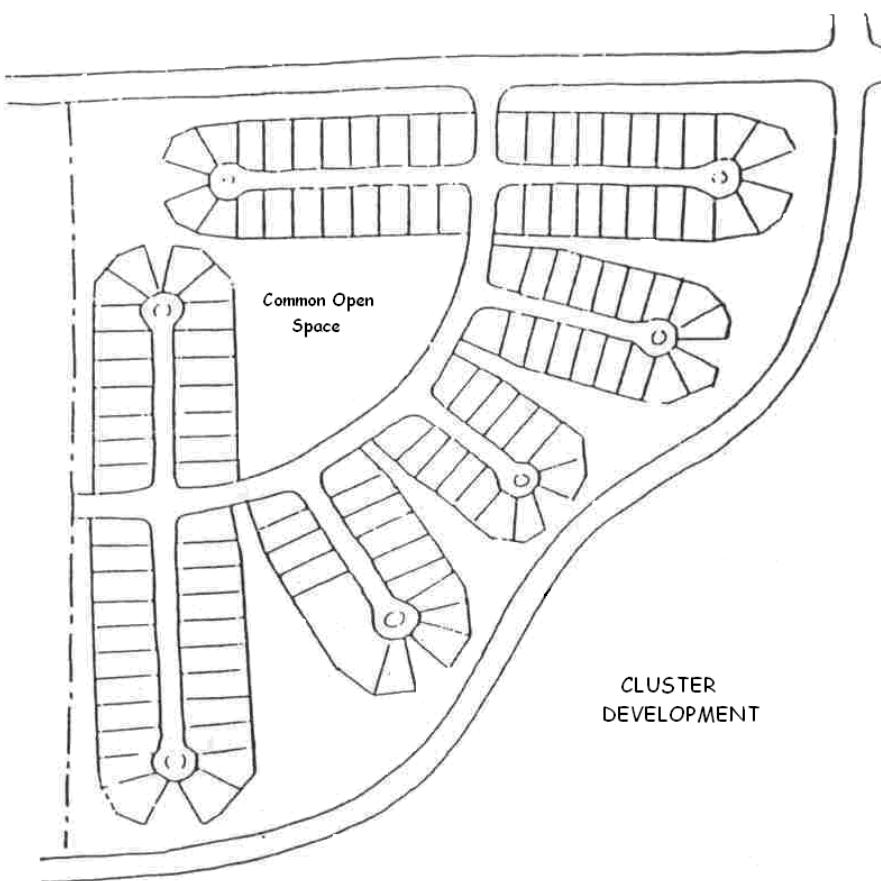
**Yard, Front.** A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

**Yard, Rear.** A yard extending the full width of the lot in the area between the rear lot line and the rear building line (see illustration).

**Yard, Side.** A yard extending the full length of the lot in the area between the side lot line and a side building line (see illustration).

# Yards and Setbacks





## ARTICLE XIII

### VIOLATIONS, CANCELLATION OR PERMITS, PENALTIES, AND EFFECTIVE DATE

#### **Section 13.0** Ordinance Violations

The construction, reconstruction, erection, structural alteration or use of any building, sign or other structure or the use of the land or premises in violation of any of the provisions of this Ordinance is hereby declared to be a misdemeanor. In addition to all other remedies provided by law, the county may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful act, including the issuance of an Ordinance summons, in accord with Section 56-7-80 of the Code of Laws of South Carolina, 1976.

#### **Section 13.1** Permit Cancellations

A Building, Use or Sign Permit shall be cancelled by the Building Official when construction or use violates any provision contained in this Ordinance. Upon such cancellation any further work upon the construction, alteration, erection or repair on said building or structure, and any further use of said building or structure or land except for a purpose for which a permit is not required, shall be deemed an Ordinance violation, and processed accordingly.

#### **Section 13.2** Action Punishable

Every act or omission designated as a misdemeanor in this Article shall be punishable by a fine of \$200 or 30 days in jail for each offense. Where such act or omission is continued in violation of the provisions of this Ordinance, after giving notice of such violation by the Building Official or his agent, each and every day thereafter such violation continues shall be deemed a separate misdemeanor.

#### **Section 13.3** Conflict With Other Laws

Where the provisions of this Ordinance are higher or more restrictive than those imposed by any other applicable law or regulation, such higher or more restrictive provisions shall apply.

#### **Section 13.4** Saving Clause

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance in its entirety or of any part thereof other than that so declared to be invalid.

**Section 13.5**

**Effective Date**

This Ordinance shall take effect on June 6, 1994.

Hampton County Council

Lee Bowers, Chairman

Aline, Newton, Clerk