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ARTICLE 1: GENERAL PROVISIONS

1.1. Title and Effective Date

This document shall be known and may be cited as the “Municipal Zoning and Development Ordinance of the City of Hardeeville, South Carolina” and is referred to in this document as “”this Ordinance” and the “MZDO.” This Ordinance shall become effective upon adoption of this Ordinance or any portion thereof, and as thereafter amended.

1.2. Authority

In pursuance of authority conferred by Section 6-29-710 of the Code of Laws of the State of South Carolina, 1976, as amended, and pursuant to the authority granted under the terms of Title 6, Chapter 7, Code of Laws of South Carolina, 1976, the City Council of the City of Hardeeville, South Carolina, does ordain and enact into law the following articles, divisions, and sections as set forth in this Ordinance.

1.3. Purpose

The provisions of this Ordinance are enacted to protect the public health, safety, and general welfare, and to implement the policies of the Hardeeville Comprehensive Plan. The provisions are specifically intended to:

A. Foster convenient, compatible, and efficient relationships among land uses;

B. Promote a healthful and convenient distribution of population by regulating and limiting the density of development;

C. Ensure greater public safety, convenience, and accessibility through the physical design and location of land use activities;

D. Encourage the efficient use of the available land supply in the City, including redevelopment of underutilized land in central areas;

E. Promote a balanced supply of commercial, industrial, institutional, and transportation land uses that is compatible with adjacent land uses and has good access to transportation networks;

F. Preserve the character and quality of residential neighborhoods;

G. Promote a balanced, diverse supply of quality housing located in safe and livable neighborhoods;

H. Ensure the provision of adequate open space for light, air, and fire safety;

I. Conserve the value of buildings and land;

J. Preserve and protect existing trees and vegetation, floodplains, stream corridors, scenic views, and other areas of scenic and environmental significance from adverse impacts of land development;

K. Facilitate the adequate and safe provision of transportation, water, sewage, drainage, schools, parks, and other public facilities; and

L. Ensure that service demands of new development will not exceed the capabilities of existing and future streets, utilities, or other public facilities and services.

1.4. Applicability and Jurisdiction

A. General

The provisions of this Ordinance shall apply to all land, buildings, structures, and uses within the corporate limits of the City of Hardeeville, South Carolina

B. Application to Governmental Units

To the extent allowed by law, the provisions of this Ordinance shall apply to all land, buildings, structures, and uses owned by government agencies, including all Municipal, State, and Federal lands. Where the provisions of this Ordinance do not apply to such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this Ordinance.

C. Compliance Required

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with all of the applicable regulations established by this Ordinance. No lot of record that did not exist on the effective date of this Code shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this Ordinance, unless allowed by Section 1.8, Transitional Regulations.

D. Minimum Requirements

The regulations in this MZDO shall be considered the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

1.5. Comprehensive Plan

This Ordinance is intended to implement the planning policies adopted as part of the City's Comprehensive Plan, as amended, and periodically updated, including all supplements and attachments thereto.

1.6. Conflicting Provisions

A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This Ordinance is intended to complement other Municipal, State, and Federal regulations that affect land use. This Ordinance is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern.

B. Conflict with Private Agreements

This Ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance. In no case shall the City be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

1.7. Severability

A. If any court of competent jurisdiction invalidates any provision of this Ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this Ordinance.

B. If any court of competent jurisdiction invalidates the application of any provision of this Ordinance, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.

C. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

1.8. Transitional Regulations

The purpose of transitional regulations is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, at the time of the adoption of this Ordinance.

A. Violations Continue

Any violation of the previous version of the Hardeeville Municipal Zoning and Development Ordinance (generally referred to as the 2003 MZDO, as amended), or other prior zoning or development ordinances of the City, shall continue to be a violation under this Code and shall be subject to the penalties and enforcement set forth in Section 7.12, Enforcement, unless the use, development, construction, or other activity complies with the provisions of this Ordinance. Payment shall be required for any penalty assessed under the previous

regulations, unless the original violation is no longer considered a violation under this Ordinance.

B. Uses, Structures, and Lots Rendered Conforming

A use, structure, or lot not lawfully existing at the time of the adoption of this Ordinance is deemed lawful as of the effective date of this Ordinance, provided it conforms to all of the requirements of this Ordinance.

C. Uses, Structures, and Lots Rendered Nonconforming

1. When a lot is used for a purpose that was a lawful use before the effective date of this Ordinance, and this Ordinance no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by Section 3.5, Nonconforming Buildings or Uses and Use Discontinuance.

2. Where any building, structure, or lot that legally existed on the effective date of this Ordinance does not meet all standards set forth in this Ordinance, such building, structure, or lot shall be considered nonconforming and shall be controlled by Section 3.5, Nonconforming Buildings or Uses and Use Discontinuance.

D. Processing of Applications Commenced or Approved Under Previous Ordinances

1. Pending Applications

a. Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Ordinance, shall, within six (6) months of the date of acceptance for completeness, be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete. If the Applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Ordinance. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

b. An Applicant with an approved pending application may waive review available under prior ordinances through a written letter to the Planning Director and request for review under this Ordinance.

c. Notwithstanding the foregoing, applications which had been accepted by the City for approval in accordance with the complementary city and county ordinances authorizing the City to process applications for development or zoning approvals and permits outside the corporate limits of the City, but within the “Southern Jasper County – Hardeeville Joint Planning Area” prior to the effective date of the Jasper County Ordinance withdrawing such authority by County Ordinance Number ____, shall continue to be processed by the City, in accordance with subsection (a) above, unless the applicant withdraws the application. Withdrawal of the application does not entitle the applicant to a return of the application fee.

2. Preliminary Approvals

An application for which preliminary approval of a plat was granted prior to the effective date of this Code may be processed for a final decision in accordance with the preliminary approval, applicable terms of the ordinance in place at the time of preliminary approval, and any other approved permits and conditions, even if the application does not

comply with one (1) or more requirements set forth in this Ordinance. Preliminary approvals granted under the previous code may be extended no more than once, and for no longer than twelve (12) months, pursuant to the extension procedures applicable under the previous ordinance.

3. Approved Projects

   a. Special Exceptions, Subdivision Plats, Site Plan approvals, Grading Permits, Planned Unit Developments (now known as Planned Development Districts), Sign Permits and Variances, any of which are valid on the effective date of this Ordinance, shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed. Further provisions regarding vesting are contained within Article 10 of this MZDO, as well as Section 1.8.E regarding Planned Development Districts.

   b. Any building or development for which a Building Permit was granted prior to the effective date of this Ordinance shall be permitted to proceed to construction even if such building or development does not conform to the provisions of this Ordinance.

   c. If the development for which the Building Permit is issued prior to the effective date of this Ordinance fails to comply with the time frames for development established for the Building Permit, the Building Permit shall expire and future development shall be subject to the requirements of this Ordinance.

E. Planned Developments

Planned Unit Developments (PUD's) (now known as Planned Development Districts or PDD's) shall conform to the standards of this Ordinance unless a specific departure from the standards of the City's Zoning Ordinance in effect at the time of creation of the PUD was authorized as part of the specific PUD ordinance adopted by the City in accordance with Section 512 of former Appendix A to the Hardeeville Code of Ordinances or approved under prior City Codes. PDD's approved under prior City Codes in which the infrastructure is not completed are defunct and subject to the standards of the MZDO, and are subject to rezoning to Conservation Preservation (CP), if not already reclassified by operation of the prior ordinances authorizing the PDD or by the adoption of the Official Zoning Map of the City of Hardeeville contemporaneously with the adoption of this MZDO.

F. Sign Amortization

1. All signs that have up-to-date permitting and are in conformity with the existing sign ordinance prior to the effective date of this Ordinance shall be deemed conforming by virtue of their "grandfathered" status, but must be brought into conformity if modified in any way aside from routine maintenance.

2. All signs not permitted or nonconforming under the existing sign ordinance (the 2003 MZDO) prior to the effective date of this ordinance shall be brought into conformity with this Ordinance within one (1) year from the effective date of this MZDO for a sign with replacement cost of six thousand dollars ($6,000) or less and five (5) years for a sign with replacement costs of six thousand one dollars ($6,001) or more. Special provisions regarding billboards are included in Article 8.

3. Any unpermitted sign that received a variance prior to the effective date of this MZDO must be brought into conformance with this MZDO within five (5) years beginning with the date of the original variance date, or whenever repair or maintenance is done exceeding

fifty (50%) percent value of the sign, whichever time period is less.

4. This ordinance contains further provisions regarding nonconforming signs, lots, and uses.

G. Annexations

Any property not zoned due to inadvertence or after having been annexed by this City shall be given the lowest density residential zoning of this MZDO. A property owner may apply to City Council for rezoning as per the procedures of this ordinance.

ARTICLE 2: ZONING DISTRICTS

2.1. General Provisions

This Article establishes the zoning districts and contains basic information pertaining to zoning districts, primarily statements of purpose and district-specific regulations. The following Articles 3, Use Regulations, and 4, General Development Standards, set forth the uses allowed within the districts and the development standards that apply in the districts.

A. Establishment of Districts and District Boundaries

For the purpose of this Ordinance, the City of Hardeeville and the Hardeeville-Jasper County Joint Planning Area are hereby divided into the following zoning districts:

TABLE 2-1: ZONING DISTRICTS ESTABLISHED

District Type	Abbreviation	District Name
Residential Districts	SFR1	Single-Family Residential 1
	SFR2	Single-Family Residential 2
	MFR	Multi-Family Residential
Nonresidential Districts	RC	Rural Commercial
	GC	General Commercial
	HC	Highway Commercial
	LI	Limited Industrial
	BI	Basic Industrial
Special Purpose and Overlay Districts	MU	Mixed Use
	CP	Conservation Preservation
	RA	Rural Agriculture
	MHC	Manufactured Home Community
	PDD	Planned Development District
	DMU	Downtown Mixed Use
	DGC	Downtown General Commercial
	HCOD	Highway Corridor Overlay District

B. Official Zoning Map

The boundaries of the above zoning districts are indicated on a map or series of maps entitled "Official Zoning Map, Hardeeville, South Carolina," which, together with all explanatory matter thereon, are hereby adopted by references and declared to be a part of this Ordinance. Each map bearing the designation "Official Zoning Map, Hardeeville, South Carolina", shall be identified by the signature of the Mayor and attested by the Clerk, under the words: "Official Zoning Map, Hardeeville, South Carolina", together with the date of adoption of this Ordinance and the seal of the City. If, in accordance with the provisions of this Ordinance and the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be caused to be entered on the Official

Zoning Map promptly by the Planning Director within seven (7) days after the amendment has been approved by the Mayor and Council. Such changes shall be made available by the City Clerk. No amendment to this Ordinance that involves matter portrayed on the Official Zoning Map shall become effective until after such changes have been made on said Map. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be physically or electronically published, the Official Zoning Map will be maintained in paper form within the custody of the City Clerk pursuant to Section 1-6 (14) of the Hardeeville Code of Ordinances. This map information shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the City. Copies of the Official Zoning Map as adopted and thereafter amended shall be updated regularly on the City of Hardeeville's Geographic Information System, which shall be located in the office of the Planning Director.

1. Rules for Interpretation of District Boundaries

   Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, or the FEMA Flood Hazard Boundary Maps, the following rules shall apply:

   a. Boundaries indicated as approximately following the center lines or right-of way lines of streets, highways, alleys, railways, or public utility easements shall be construed to follow such lines.

   b. Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.

   c. Boundaries indicated as approximately following incorporated areas or County limit lines, or special district lines, as amended from time to time, shall be construed to follow such lines.

   d. Boundaries indicated as approximately following the center, mean high water mark, or shoreline of streams, rivers, canals, lakes or other bodies of water, flood plains or low lands, shall be construed to follow such boundaries.

   e. Boundaries indicated as parallel to or extensions of features indicated in subsections a through d above shall be so construed. When distances are not specifically indicated on the Official Zoning Map or in other circumstances not covered by subsections a through d above, the Board of Zoning Appeals shall interpret the district boundaries.

C. Additions or Reductions in Total Land Area

Where the total land area within the jurisdiction of this Ordinance is increased or reduced by any means, the following conditions shall apply:

1. When the changes result in an increase in land area within the jurisdiction of this Ordinance, said land area whether previously a part of a Municipality or not, shall be zoned accordingly and approved by the Mayor and Council through the normal amendment procedure. In the event any land shall inadvertently or otherwise fail to be zoned, such land shall have a default zoning designation of RA until such time as the landowner shall request a re-zoning.

2. When reductions are made in the area under the jurisdiction of this Ordinance the provisions of this Ordinance shall no longer apply to that land area.

3. In all cases, where additions or reductions in land area under the jurisdiction of this Ordinance require adjustments in the zoning, the requirements of State and local law shall be adhered to in all respects.

D. Relationship to Overlay Districts

All lands within the jurisdiction of this Ordinance shall be designated as one (1) of the base zoning districts set forth in Sections 2.2 or 2.3. In addition, some lands may be designated as one (1) or more of the special purpose and overlay districts set forth in Section 2.4. Where the property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of a conflict between the two sets of standards, the standards for the overlay district shall control.

2.2. Residential Districts

A. General Purposes of Residential Districts

The residential zoning districts contained in this Section are intended to:

1. Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan and with standards for public health, safety, and general welfare;

2. Allow for a variety of housing types that meet the diverse economic and social needs of residents;

3. Protect the scale and character of existing residential neighborhoods and community character;

4. Discourage any use that would generate traffic or create congestion on neighborhood streets other than the normal traffic that serves the residents of the district; and

5. Discourage any use that, because of its character or size, would create additional requirements and costs for public services that are in excess of such requirements and costs if the district were developed solely for the intended type of residential uses.

B. Specific Purposes of Residential Districts

1. Single-Family Residential District (SFR1)

The SFR1 District is intended to be developed and reserved for low-density residential purposes. The regulations that apply within this District are designed to encourage the formation and continuance of a stable, healthy environment for single-family dwellings situated on individual lots in typical suburban-style developments. This District is intended to discourage any encroachment by intense commercial, industrial, or other uses capable of adversely affecting the residential character of the district while continuing to be in close proximity to neighborhood commercial-style services and conveniences. Residents of this District should expect a varied range of public services. In established residential subdivisions, lots that are in excess of the minimum lot size shall be allowed a one-time subdivision only if the minimum lot dimensions of the newly

created lots are within fifteen (15%) percent of the surrounding established residential neighborhood.

2. Single-Family Residential District (SFR2)

The SFR2 District is intended to be developed and reserved for moderate-density residential purposes. The regulations that apply within this District are designed to encourage the formation and continuance of a stable, healthy environment for single-family dwellings situated on individual lots in typical suburban-style developments. This District is intended to discourage any encroachment by intense commercial, industrial, or other uses capable of adversely affecting the residential character of the district while continuing to be in close proximity to neighborhood commercial-style services and conveniences. Residents of this District should expect a varied range of public services. In established residential subdivision, lots that are in excess of the minimum lot size shall be allowed a one-time subdivision only if the minimum lot dimensions of the newly created lots are within fifteen (15%) percent of the surrounding established residential neighborhood.

3. Multi-Family Residential District (MFR)

The MFR District is intended to be developed and reserved for medium-to-high density residential purposes. The regulations that apply within this District are designed to encourage the formation and continuance of a stable, healthy environment for several different types of dwellings situated on lots of four thousand (4,000) square feet or more at a maximum density of sixteen (16) units per acre. This district should be located in areas near commercial centers and services. The District will be used to buffer single-family development from more intense commercial areas. Where adjacent lots are assimilated for development in a established single family residential neighborhood, for the purpose of constructing multi-family units, such a request will be submitted as a Special Exception pursuant to the standards of Section 7.7.

2.3. Nonresidential Districts

A. General Purpose of Nonresidential Districts

The nonresidential zoning districts contained in this Section generally are intended to:

1. Provide appropriately located areas consistent with the Comprehensive Plan for retail, service, office, and industrial uses;

2. Strengthen the City's economic base and provide employment opportunities close to home for residents of the City and surrounding communities; and

3. Minimize any negative impact of nonresidential development on adjacent residential districts.

B. Specific Purposes of Nonresidential Districts

1. Rural Commercial (RC)

The RC District is intended to be developed to provide conveniences and support for rural areas. Intensive commercial development will not be allowed. The uses allowed in this District will support farm uses and provide necessary services on a small scale. Development standards will ensure these uses are compatible with the rural communities

that they serve.

2. General Commercial District (GC)

The GC District is intended to be developed and reserved for general business purposes. The regulations which apply within this District are designed to encourage the formation and continuance of a compatible and economical environment for businesses, financial, service and professional uses which benefit from being located in close proximity to each other; and discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial character of the District. Manufactured housing units shall not be considered as acceptable structures for offices or places of business within this District.

3. Highway Commercial District (HC)

The HC District is intended to be developed with particular consideration for truck or automobile-oriented commercial development existing or proposed along principal highways passing through the city and in the vicinity of key interchanges or intersections. The regulations which apply within this District are designed to encourage the formation and continuance of a compatible and economically healthy environment for businesses, and services designed to serve the traveling public; and to discourage any encroachment by industrial, commercial, residential or other uses considered capable of adversely affecting the basic intent of the District. Manufactured Housing Units shall not be considered as acceptable structures for offices or places of business within this District.

4. Limited Industrial District (LI)

The LI District is intended to provide areas for limited industrial purposes which are not significantly objectionable in terms of noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this District are designed to encourage the formation and continuance of a compatible environment for uses generally classified to be limited industrial in nature; protect and reserve undeveloped areas in Hardeeville which are suitable for such industries; and discourage encroachment by those residential, commercial or other uses capable of adversely affecting the basic industrial character of the District. Manufactured housing units shall not be considered as acceptable structures for offices or places of business within this District.

5. Basic Industrial District (BI)

The BI District is intended to promote the development and continued use of land for large-scale basic or primary industrial purposes which involve extensive manufacturing, processing or assembly operations; and preserve underdeveloped sizable tracts of land with industrial potential for industrial uses. Manufactured housing units shall not be considered as acceptable structures for offices or places of business within this District.

2.4. Special Purpose and Overlay Districts

A. Conservation Preservation District (CP)

1. Purpose

The CP District is intended to preserve and/or control development within certain land, marsh and/or water areas in Hardeeville which: 1) serve as wildlife refuges; 2) require protection from an environmental or ecological standpoint; 3) possess great natural

beauty or are of historical significance; 4) are utilized for outdoor recreational purposes; 5) provided needed open space for the health and general welfare of the City's inhabitants; and/or 6) are subject to periodic flooding. The regulations which apply within this District are designed to reserve such areas for the purposes outlined herein and to discourage any encroachment by residential, commercial, industrial, or other uses capable of adversely affecting the relatively undeveloped character of the District.

2. District Standards

No use or activity, including those listed as allowed in Article 3, shall be permitted in a CP District that would disturb, destroy, or impair the natural fauna, flora, water regimen or topography.

B. Mixed Use District (MU)

1. Purpose

The MU District is intended to be developed and reserved for village-style or neighborhood-oriented business purposes in conjunction with medium- to high-density residential development. This type of development will allow small nodes of neighborhood conveniences to be accessed by community-wide sidewalks or pedestrian ways. Development standards will allow minimal setbacks, narrow streets, and alleyways for services and rear access. Pocket parks and open space will provide amenities for these communities. The regulations that apply within the District are designed to encourage the formation and continuance of a stable, healthy , and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce traffic and parking congestion; and discourage industrial and other encroachments capable of adversely affecting the localized commercial character of the District. Trailers and mobile homes shall not be considered as acceptable structures for offices or places of business within this District.

2. District Standards

a. Applicability

These standards apply to traditional neighborhood developments (village-style or neighborhood-oriented), which are new developments within the MU District of fifteen (15) acres or more or redevelopment or infill development within the MU District.

b. Neighborhood Uses

In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A Mixed Use District should consist of a mix of residential uses, a mixed use area, and open space as provided below:

i. Residential Uses

A mix of residential uses may occur anywhere in the Mixed Use District. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the Mixed Use District.

ii. Mixed Use Area

A mixed use area of commercial, residential, civic or institutional, and open space uses as allowed in Section 3.1, Table of Allowed Uses. Individual

businesses shall not exceed ten thousand (10,000) square feet in size. Exceptions to this maximum size requirement shall only be granted by special exception through the Board of Zoning Appeals subject to the criteria in Section 7.7.

iii. Open Space

Open space uses should be incorporated in this District. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than in central locations.

c. Development Units

The number of residential dwelling units (excluding open spaces) shall be determined as follows:

i. In areas devoted to mixed residential uses:

(A) The number of single-family attached and detached units permitted shall be four (4) dwelling units per net acre.

(B) The number of multi-family units shall be sixteen (16) dwelling units per net acre.

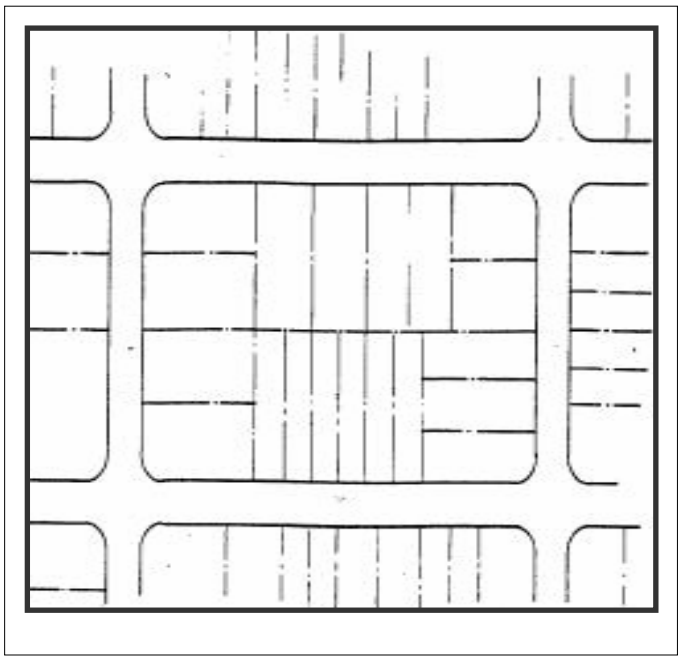
(C) Secondary dwelling units shall be permissible in addition to the number of dwelling units authorized under this Section. However, the total square footage of the accessory dwelling unit is eight hundred (800) sq. ft. and must meet all other standards of this Ordinance.

d. Open Space

Subject to the limitations of Section 4.3 Open Space.

e. Block and Lot Size Diversity

Street layouts should provide for perimeter blocks that are generally in the range of two hundred (200) to four hundred (400) feet deep by four hundred (400) to eight hundred (800) feet long. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.



Plan-view diagram of a street grid showing a diversity of lot (parcel) sizes.

f. Lot Widths

Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.

g. Circulation Standards

The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the traditional neighborhood development and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the traditional neighborhood development.

i. Pedestrian Circulation.

Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the development. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides. The following provisions also apply:

(A) Sidewalks in Residential Areas.

Clear and well-lighted sidewalks, four (4) feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.

(B) Sidewalks in Mixed Use Areas.

Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of seven (7) feet in width.

ii. Bicycle Circulation.

Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non motorized users) and separate, striped, four (4) foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be fourteen (14) feet.

iii. Public Transit Access.

Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted.

iv. Motor Vehicle Circulation.

Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.

The orientation of streets should enhance the visual impact of common open spaces and prominent buildings create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

v. Street Hierarchy

Subject to standards of Section 4.10B.

h. Parking Requirements

The parking requirements below are in addition to any requirements established by Section 4.6, Parking and Loading.

i. Parking areas for shared or community use are encouraged.

ii. In the mixed use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in Section 4.5, Landscaping and Tree Conservation.

iii. A parking lot or garage may not be adjacent to or opposite a street intersection.

iv. In the mixed use area, a commercial use must provide one (1) parking space for every five hundred (500) square feet of gross building area.

v. Parking lots or garages must provide not less than one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.

vi. Adjacent on-street parking may apply toward the minimum parking requirements.

i. Service Access

Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.

j. Paving

Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

k. Architectural Standards

A variety of architectural features and building materials should give each building or group of buildings a distinct character.

i. Entries and Facades

(A) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.

(B) The front facade of the principal building on any lot in a Mixed Use District shall face onto a public street.

(C) The front facade shall not be oriented to face directly toward a parking lot.

(D) Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.

(E) For commercial buildings, a minimum of fifty (50%) percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.

(F) New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.

l. Guidelines for Lighting

Street lighting shall be provided along all streets. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Street lights shall be installed on both sides of the street at intervals of no greater than seventy-five (75) feet.

C. Downtown General Commercial (DGC)

1. Purpose

Hardeeville seeks to preserve, promote and control infill development and revitalization in its traditional city core. History demonstrates that a few traditional urban design conventions will generate building types and neighborhood forms which allow profitable, positive infill and change, which strengthen property values and appearance, and which offer a high quality of life. This District establishes new standards for land development in order to:

a. Preserve and extend the historic neighborhood character through the design and placement of building types and public spaces;

b. Create high-quality street spaces by using buildings to form an interesting and safe environment that works for pedestrians, bicyclists and motorists;

c. Enhance the viability of local businesses and reduce travel demand by focusing growth in appropriate locations;

d. Provide a measure of predictability to property owners and occupants about what may be built on their land or that of their neighbors, yet allow for a market-driven mixture of land uses; and

e. Encourage a wide range of building types and sizes that will offer a measure of self-sufficiency and sustainability, and which will adapt gracefully to changeover time.

In the case of conflict between these standards and any other local land development regulation, these standards shall apply.

2. Application Requirements.

The following items are required for review, unless deemed not applicable by the Planning Director:

a. A current Site Survey, no more than one (1) year old.

b. A current Tree Survey, no more than one (1) year old.

c. A Site Plan, drawn to scale, which shall indicate:

i. Building locations;

ii. Parking locations and number of spaces;

iii. Paved surfaces, materials and location(s);

iv. Site location diagram and legal description;

v. Building elevations illustrating all sides of all structures; and

vi. Other reasonable supporting documents to indicate intentions and/or any other items required by the Architectural/Overlay Review Board.

3. General Provisions.

a. Fences, Garden Walls, and Hedges. Fences, garden walls, or hedges are strongly encouraged and, if built, should be constructed along all unbuilt rights-of-way which abut streets and alleys. Maximum height shall be forty-eight (48) inches along front and side property lines adjacent to streets. Maximum height for rear and interior property lines shall be seventy-two (72) inches. Pillars and posts may extend up to six (6) inches above the height limitations provided such pillars and posts average no more than ten (10) feet apart. Fences and garden walls shall be a minimum of twenty-five (25%) percent opaque. Fences made of chain-link (wholly or in part) are prohibited along all right-of-way lines which abut streets.

b. Size: Buildings shall not exceed ten thousand (10,000) square feet in size. Exceptions to this maximum size requirement shall only be granted by special exception through the Board of Zoning Appeals.

c. Parking. Parking shall be placed along streets and in small, strategically located on-site lots.

i. Off-Street Parking Lot Location and Design.

(A) Wherever possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In cases where this is not possible, parking can be located to the side of building, but in no case shall the parking area be wider than fifty (50%) percent of the lot frontage and in no case shall parking be located in front of a building.

(B) Buildings that have both rear and side access shall access parking through the rear.

(C) Front driveways to rear parking areas are permitted only where rear or side street access is unavailable.

(D) Access through parking lots across property lines should be encouraged, especially when there is no alley.

(E) Circular drives must be approved on a case-by-case basis

(F) Garage door(s) shall be positioned no closer than twenty (20) feet behind the principal plane of the building front. Where space permits, garage doors shall face the side or the rear, not the front.

ii. Interior Parking Lot Landscaping Requirements.

(A) Landscaped islands are required in parking areas at the following intervals for either head-in or diagonal parking stalls: No more than eight (8) consecutive parking stalls are permitted without a landscape break of at least six (6) feet in width and extending the entire length of the parking stall. Each landscape break shall have at least one (1) tree for every ninety (90) square feet of area, or portion thereof, and be covered with grass, shrubs, or living ground cover. To minimize water consumption, the use of low-water vegetative ground cover other than turf is encouraged.

(B) In lieu of landscaped islands, landscape strips of at least six (6) feet in width can be provided between parking isles. Landscape strips shall have the same landscape requirements as landscape islands.

d. Accessory Structures. Accessory structures are permitted and may contain parking, storage space, and/or accessory dwelling units.

Accessory dwelling units shall not be greater than six hundred twenty-five (625) square feet in area.

e. Exceptions from Build-To Lines. Exceptions from build-to lines may be granted for avoiding trees with calipers greater than eight (8) inches DBH.

f. Architectural Guidelines. The lists of permitted materials come from study of traditional buildings found in South Carolina and have been selected for their appropriateness to the visual environment and climate.

A primary goal of the architectural guidelines is authenticity. The guidelines encourage construction which is straightforward and functional, and which draws its ornament and variety from the traditional assembly of genuine materials. The Architectural/Overlay Review Board shall have authority to approve substitute materials for those listed as options under.

i. General Requirements. The following shall be located in rear yards or side yards not facing side streets:

(A) Air-conditioning compressors;

(B) Irrigation and pool pumps;

(C) Clotheslines;

(D) Clothes-drying yards;

(E) Electrical utility meters;

(F) Antennas; and

(G) Permanent barbecues.

The following are prohibited:

(A) Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening);

(B) Plastic shutters within fifteen (15) feet of the right-of-way;

(C) Reflective and/or bronze-tint glass;

(D) Plastic or PVC roof tiles;

(E) Backlit awnings;

(F) Glossy-finish awnings;

(G) Styrofoam cornices; and

(H) Front-yard fences made of chain link, barbed wire, or plain wire mesh. Wire mesh fences may be permitted if installed in conjunction with

landscaping which will provide minimum of twenty-five (25%) percent opacity.

ii. Building Walls.

(A) Permitted Finish Materials.

(1) Wood siding, painted or natural (cypress and cedar preferred);

(2) Cement-fiber siding (Hardi-Plank or equal);

(3) Concrete masonry units with stucco (C.B.S.);

(4) Reinforced concrete with stucco;

(5) Brick; and

(6) Tabby;

(B) The following are prohibited:

(1) Vinyl siding (shall only be approved on a case-by-case basis as a Special Exception)

(2) Aluminum siding

iii. Garden Walls and Fences.

(A) Permitted Finish Materials.

(1) Wood: Painted white, left natural, or painted/stained

(2) Concrete masonry units with stucco (C.B.S.);

(3) Reinforced concrete with stucco;

(4) Wrought iron;

(5) Tabby; and

(6) Brick;

(B) Permitted Configurations.

(1) Wood:

(2) Picket fences: Minimum thirty (30%) percent opaque, with corner posts;

(3) Other: To match building walls;

(4) Concrete masonry units with stucco (C.B.S.);

(5) Stucco: With smooth or light texture to match building walls;

(6) Wrought iron: vertical, five-eighths (5/8) inch minimum dimension, four (4) to six (6) inch spacing;

(7) Tabby: Vertical or battered;

(C) General Requirements.

Fences, garden walls and hedges shall be minimum twenty-five (25%) percent opaque.

Height along front and side property lines that abut the street: Up to forty-eight (48) inch maximum.

Height along rear property lines and side property lines not abutting the street: Up to seventy-two (72) inch maximum.

iv. Columns, Arches, Piers, and Porches.

(A) Permitted Finish Materials.

(1) Columns:

(a) Wood, painted or natural (cypress and cedar preferred);

(b) Concrete with smooth finish;

(2) Arches:

(a) Concrete masonry units with stucco (C.B.S.);

(b) Reinforced concrete with stucco;

(3) Piers:

(a) Concrete masonry units with stucco (C.B.S.);

(b) Reinforced concrete with stucco;

(c) Tabby;

(4) Porches (railings, balustrades):

(a) Wood, painted or natural (cypress and cedar preferred);

v. Roofs.

(A) Permitted Finish Materials.

(1) Roofs:

(a) Metal (strongly encouraged):

(I) Galvanized;

(II) Copper;

(III) Aluminum;

(IV) Zinc-Alum;

(V) Terne;

(b) Shingles:

(I) Asphalt;

(II) Metal, "dimensional" type;

(c) Tile (other options preferred; permitted only if approved by the Architectural/Overlay Review Board).

D. Downtown Mixed Use District (DMU)

1. Purpose

The DMU District is intended to be developed and reserved for village-style or neighborhood-oriented business purposes in conjunction with medium- to high-density residential development. This type of development will allow small nodes of neighborhood conveniences to be accessed by community-wide sidewalks or pedestrian ways. Development standards will allow minimal setbacks, narrow streets, and alleyways for services and rear access. Pocket parks and open space will provide amenities for these communities. The regulations that apply within the District are designed to encourage the formation and continuance of a stable, healthy , and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; reduce traffic and parking congestion; and discourage industrial and other encroachments capable of adversely affecting the localized commercial character of the District. Trailers and mobile homes shall not be considered as acceptable structures for offices or places of business within this District.

This District establishes new standards for land development in order to:

a. Preserve and extend the historic neighborhood character through the design and placement of building types and public spaces;

b. Create high-quality street spaces by using buildings to form an interesting and safe environment that works for pedestrians, bicyclists and motorists;

c. Enhance the viability of local businesses and reduce travel demand by focusing growth in appropriate locations; and

d. Provide a measure of predictability to property owners and occupants about what may be built on their land or that of their neighbors, yet allow for a market-driven mixture of land uses.

In the case of conflict between these standards and any other local land development regulation, these standards shall apply.

2. General Provisions.

a. Fences, Garden Walls, and Hedges. Fences, garden walls, or hedges are strongly encouraged and, if built, should be constructed along all unbuilt rights-of-

way which abut streets and alleys. Maximum height shall be forty-eight (48) inches along front and side property lines adjacent to streets. Maximum height for rear and interior property lines shall be seventy-two (72) inches. Pillars and posts may extend up to six (6) inches above the height limitations provided such pillars and posts average no more than ten (10) feet apart. Fences and garden walls shall be a minimum of twenty-five (25%) percent opaque. Fences made of chain-link (wholly or in part) are prohibited along all right-of-way lines which abut streets.

b. Size: Buildings shall not exceed six thousand (6,000) square feet in size. Exceptions to this maximum size requirement shall only be granted by special exception through the Board of Zoning Appeals.

c. Accessory Structures. Accessory structures are permitted and may contain parking, storage space, and/or accessory dwelling units

   Accessory dwelling units shall not be greater than six hundred twenty-five (625) square feet in area

d. Parking. Parking shall be placed along streets and in small, strategically located on-site lots.

   i. Off-Street Parking Lot Location and Design.

      (A) Wherever possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In cases where this is not possible, parking can be located to the side of building, but in no case shall the parking area be wider than fifty (50%) percent of the lot frontage and in no case shall parking be located in front of a building.

      (B) Buildings that have both rear and side access shall access parking through the rear.

      (C) Front driveways to rear parking areas are permitted only where rear or side street access is unavailable.

      (D) Access through parking lots across property lines should be encouraged, especially when there is no alley.

      (E) Garage door(s) shall be positioned no closer than twenty (20) feet behind the principal plane of the building front. Where space permits, garage doors shall face the side or the rear, not the front.

   ii. Interior Parking Lot Landscaping Requirements.

      (A) Landscaped islands are required in parking areas at the following intervals for either head-in or diagonal parking stalls: No more than eight (8) consecutive parking stalls are permitted without a landscape break of at least six (6) feet in width and extending the entire length of the parking stall. Each landscape break shall have at least one (1) tree for every ninety (90) square feet of area, or portion thereof, and be covered with grass, shrubs, or living ground cover. To minimize water consumption, the use of low-water vegetative ground cover other than turf is encouraged.

(B) In lieu of landscaped islands, landscape strips of at least six (6) feet in width can be provided between parking isles. Landscape strips shall have the same landscape requirements as landscape islands.

e. Accessory Structures. Accessory structures are permitted and may contain parking, storage space, and/or accessory dwelling units.

Accessory dwelling units shall not be greater than six hundred twenty-five (625) square feet in area.

f. Exceptions from Build-To Lines. Exceptions from build-to lines may be granted for avoiding trees with calipers greater than eight (8) inches.

Note. An encroachment authorization letter must be obtained from the City (or State as applicable) when building elements shown below encroach into the right-of-way.

3. Building Elements.

a. Architectural Guidelines. The lists of permitted materials come from study of traditional buildings found in South Carolina and have been selected for their appropriateness to the visual environment and climate.

A primary goal of the architectural guidelines is authenticity. The guidelines encourage construction which is straightforward and functional, and which draws its ornament and variety from the traditional assembly of genuine materials. The Architectural/Overlay Review Board shall have authority to approve substitute materials for those listed as options under.

i. General Requirements. The following shall be located in rear yards or side yards not facing side streets:

(A) Air-conditioning compressors;

(B) Irrigation and pool pumps;

(C) Clotheslines;

(D) Clothes-drying yards;

(E) Electrical utility meters;

(F) Antennas; and

(G) Permanent barbecues.

The following are prohibited:

(A) Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening);

(B) Plastic shutters within fifteen (15) feet of the right-of-way;

(C) Reflective and/or bronze-tint glass;

(D) Plastic or PVC roof tiles;

(E) Backlit awnings;

(F) Glossy-finish awnings;

(G) Styrofoam cornices; and

(H) Front-yard fences made of chain link, barbed wire, or plain wire mesh. Wire mesh fences may be permitted if installed in conjunction with landscaping which will provide minimum of twenty-five (25%) percent opacity.

ii. Building Walls.

(A) Permitted Finish Materials.

(1) Wood siding, painted or natural (cypress and cedar preferred);

(2) Cement-fiber siding (Hardi-Plank or equal);

(3) Concrete masonry units with stucco (C.B.S.);

(4) Reinforced concrete with stucco;

(5) Brick; and

(6) Tabby;

(B) The following are prohibited:

(1) Vinyl siding

(2) Aluminum siding

iii. Garden Walls and Fences.

(A) Permitted Finish Materials.

(1) Wood: Painted white, left natural, or painted/stained with colors approved by the Architectural/Overlay Review Board;

(2) Concrete masonry units with stucco (C.B.S.);

(3) Reinforced concrete with stucco;

(4) Wrought iron;

(5) Tabby; and

(6) Brick;

(B) General Requirements.

Fences, garden walls and hedges shall be minimum twenty-five (25%) percent opaque.

Height along front and side property lines that abut the street: Up to forty-eight (48) inch maximum.

Height along rear property lines and side property lines not abutting the street: Up to seventy-two (72) inch maximum.

iv. Columns, Arches, Piers, and Porches.

(A) Permitted Finish Materials.

(1) Columns:

(a) Wood, painted or natural (cypress and cedar preferred);

(b) Concrete with smooth finish;

(2) Arches:

(a) Concrete masonry units with stucco (C.B.S.);

(b) Reinforced concrete with stucco;

(3) Piers:

(a) Concrete masonry units with stucco (C.B.S.);

(b) Reinforced concrete with stucco;

(c) Tabby;

(4) Porches (railings, balustrades):

(a) Wood, painted or natural (cypress and cedar preferred);

v. Roofs

(A) Permitted Finish Materials.

(1) Roofs:

(a) Metal (strongly encouraged):

(I) Galvanized;

(II) Copper;

(III) Aluminum;

(IV) Zinc-Alum;

(V) Terne;

(b) Shingles:

(I) Asphalt;

(II) Metal, "dimensional" type;

(c) Tile

E. Rural Agriculture District (RA)

1. Purpose

The RA District is intended to ensure that development occurs at a low density, in order to protect the open and rural character of the area. The rural and agricultural character of southern Jasper County is important to the historic, social, natural/environmental, and economic fabric of the region and should be maintained, protected, and enhanced. Any significant new development planned to occur in the RA District should be done via the Planned Development District. The RA Zoning District is intended to be utilized and reserved for general farming and tree growing purposes as well as certain specialized residential, recreational, or other public purposes. The regulations that apply within this District are designed: 1) to encourage the formation and continuance of a compatible environment for public and recreational areas, truck farms, orchards, livestock ranches, various timber lands, forest management areas, horticultural nurseries and other agricultural uses that involve the growing of crops, livestock and animals and/or trees; 2) to provide services and commercial land to residents of the RA Districts; and 3) to discourage any encroachment by premature housing developments, commercial and/or industrial operations, or other uses capable of adversely affecting the basic agricultural or open character of this District.

F. Manufactured Home Community District (MHC)

1. Purpose

The MHC District is intended to provide a sound and healthy environment sufficient to meet the meet the unique needs of the inhabitants living in mobile homes or manufactured homes, to protect mobile home parks or manufactured home parks from encroachment by incompatible uses, and to encourage the consolidation of mobile homes or manufactured homes into mobile home parks or manufactured home parks. Any manufactured home and/or manufactured home park in Hardeeville shall henceforth be located in conformance with the regulations set forth herein. The Manufactured Home District is a “floating” zoning classification authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 which a land owner may petition the Planning Commission and City Council to apply to their land as a Special Exception Use, demonstrating to the Commission and the City Council that the minimum zoning district requirements for the Manufactured Home District have been met and that applying this zoning designation to the land is compatible with existing development and historic resources and substantially meets the objectives of the Comprehensive Plan.

2. Definitions

As used in this Ordinance, the terms “Mobile Home” and Manufactured Home” are generally synonymous. For the definitions of the terms “Mobile Home” and “Manufactured Home,” see Article 9.

3. Scope and Jurisdiction

a. Codes enforcement personnel of the City shall enforce all applicable requirements of this Ordinance upon reasonable request and notification.

b. Upon notice from the Code Enforcement Department, placement of a manufactured home contrary to the provisions of this Ordinance shall be immediately ceased. Such notice shall be in writing and transmitted to the owner of the manufactured home in violation. Notice shall state the violation and the conditions under which the violation may be corrected. Written notice shall be sufficient if mailed by registered mail, hand delivered, or accepted by an agent or relative of the owner of the manufactured home in violation.

c. It shall be unlawful for any public utility to provide service to any manufactured home where a permit is required under this Ordinance prior to the issuance of the required permit(s) or to maintain such service upon notification by the Code Enforcement Department that such violation was made against the provisions of this Ordinance.

4. Duty of Owner

Each owner of a manufactured home located within Hardeeville shall obtain and display a county registration decal as required by state law within fifteen (15) days of either purchase or change of ownership of a mobile home, or if the home is relocated. The decal must be displayed on the manufactured home in such a manner as to be visible from the street or driveway to which the mobile home is addressed or facing.

5. Exceptions

a. A manufactured home held for display or exhibition purposes by a mobile home dealer licensed by the State of South Carolina as such; or

b. A manufactured home passing through the City of Hardeeville on a public street, road, or highway for conveyance elsewhere.

6. Registration and Adherence to Existing Regulations and Guidelines

a. All mobile homes or manufactured homes shall be registered with the Jasper County Assessor's Office in accordance to State and County law, and a copy of the application shall be made available to the City of Hardeeville and/or the City Treasurer upon request.

b. All new or expanding mobile home parks or manufactured home parks must adhere to any applicable Federal, State, or County regulations or guidelines, including, but not limited to, DHEC Regulations, the Addressing and Road Naming Ordinances, and the Building Code.

7. Moving Permit Requirements

a. Prior to the movement of any manufactured home being transported into, out of, or within the City of Hardeeville for any purpose, a "Moving Permit" endorsement to the Moving Permit required by Jasper County must be obtained from the City of Hardeeville and must be displayed at the rear of the manufactured home during the entire transportation period. Failure to acquire and display this permit will place the manufactured home hauler and the owner in violation of this Ordinance.

b. This moving permit endorsement requirement shall not apply to manufactured home dealers moving a manufactured home from their lot to the customer's lot when delivery is required by the terms of the sale, or bringing a manufactured home into the state for resale purposes. However, a moving permit endorsement is required for any other reason including, but not limited to repossession of a manufactured home

by or for a manufactured home dealer.

8. Exceptions

The provisions of this Article shall not apply to transactions involving the sale and purchase of mobile homes between manufacturers and licensed dealers as such are defined by State law.

9. Habitability

a. No manufactured home shall be permitted, used, or occupied, nor shall public utilities be extended to or activated in any such home unless and until the home has been inspected and found to be habitable by the Codes Enforcement Department. No manufactured home produced before June 15, 1976, shall be brought into and located in the City of Hardeeville. All manufactured housing brought into the City of Hardeeville for occupancy shall have at least seven hundred fifty (750) square feet of floor area; provided that units consisting of five hundred sixty (560) square feet of floor space are permitted when the only occupant is over sixty-five (65) years of age or physically handicapped.

b. The term “habitable” as used herein means there is no defect, damage, or deterioration to the home which creates a dangerous or unsafe situation or condition; that the plumbing, heating, and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place and free from breaks. Further, the term “habitable’ shall include the following facilities:

i. Sanitary Facilities

Every manufactured home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.

ii. Hot and Cold Water Supply

Every manufactured home shall have cold and hot running water connected to the kitchen sink, lavatory, tub or shower. All water shall be supplied through an approved system connected to a publicly owned potable water supply.

iii. Heating Facilities

Every manufactured home shall have heating facilities, which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each manufactured home shall be provided with an alternative system, approved by the Codes Enforcement Department.

iv. Cooking and Heating Equipment

All cooking and heating equipment facilities shall be installed in accordance with the Federal Manufactured Home Construction and Safety Standards.

v. Smoke Detector

Every manufactured home shall be provided with an approved UL listed smoke detector, installed in accordance with the manufacturer's recommendations. When activated, the detector shall provide an audible alarm.

vi. Carbon Dioxide Detector

For mobile homes that use natural or propane gas for heating and/or cooking, an UL approved carbon dioxide detector shall be installed per manufacture's recommendations. When activated, the detector shall provide an audible alarm.

10. Compliance Required

a. No manufactured home shall be used or occupied unless and until the home has been installed in accordance with these regulations and inspected for compliance by the Codes Enforcement Department.

b. Where upon inspection by the Codes Enforcement Department, either as a new placement, relocation, or upon request for an inspection, a manufactured home is found not to meet the minimum requirements of habitability described herein, said official shall take appropriate action to require the owner to make necessary improvements to render the unit habitable; or block the placement and use of said unit by denying electricity or other utilities to the unit, and/or requiring the removal of said unit at the owner's expense.

c. Failure to secure inspection and approval prior to occupying such unit shall be a violation of this Ordinance, and each day of violation shall constitute a separate offense.

d. The Codes Enforcement Department may grant exceptions to this requirement upon consultation and agreement by the City Manager in hardship cases, such exception to not exceed thirty (30) days.

11. Manufactured Housing Setup

Manufactured housing, being residentially designed single family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code where permitted to be located by this Ordinance, shall:

a. Be installed in accordance with the Manufacturer's Installation Manual. In the absence of such a manual, the home must be installed in accordance with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations, as they may hereafter be amended from time to time.

b. Have skirting or a curtain wall around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.

c. Have installed or constructed, and firmly attached to the home and anchored securely to the ground, permanent steps with landing and handrails at each exterior doorway, in accordance with applicable Building Codes.

d. Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.

e. Be provided with a sanitary sewer system approved by DHEC (for septic tanks) and/or the BJWSA (for public sewer) Evidence of such approval shall accompany each and every permit request to install a manufactured home.

f. Be served by a separate electric meter. It shall be unlawful for any manufactured home to receive electricity except by use of a separate meter. Any existing home not in compliance with this Section upon the effective date of this Ordinance shall obtain service from a separate electric meter within one hundred eighty (180) days of the effective date, or be declared by the Codes Enforcement Department to be in violation of this Ordinance.

   It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of an approved permit issued by the Codes Enforcement Department to establish said home.

12. Mobile Homes Manufactured Prior to June 15, 1976

A mobile home, as defined by this Ordinance, being manufactured prior to June 15, 1976, shall not be established within the incorporated limits of Hardeeville on or after the effective date of this Ordinance. However, the use of an existing mobile home manufactured prior to June 15, 1976, may be continued in accordance with the requirements and conditions of sections 709.1 and 709.2 (Mobile Home Nonconformities and Nonconformity Compliance Schedule) of the prior City of Hardeeville Zoning Ordinance, the same as Manufactured Homes manufactured after June 15, 1976. If either type of mobile or manufactured home is relocated to another lot, parcel or site, it must meet all the requirements of this Ordinance regarding permitting, set-up and habitability.

13. Fees

A fee schedule is hereby established to cover the cost of registration and inspections for compliance with this Ordinance, and is on file with the Planning and Permitting Departments.

14. Manufactured Home Parks

The establishment and operation of a manufactured home park shall comply with the following design and development standards. A request for a Manufactured Home Park will require special exception approval from the Board of Zoning Appeals and re-zoning approval by Ordinance of the City Council after receiving a recommendation from the Planning Commission. The basis for approval is a demonstration by the Applicant that the owner/operator/developer can operate the manufactured home park in a manner that addresses the unique conditions that are created by both rental habitation and the intensity and density of the development and the infrastructure demands of such an operation. It is the responsibility of the Applicant to make evident to the Board and City Council that the following criteria can be met:

a. As demonstration that the day-to-day operations of the manufactured home park addresses the unique conditions of a rental community, the Applicant must demonstrate the ability to effectively manage the park. The Applicant may submit a management plan to demonstrate such ability to manage the park, which plan could address such things as group gatherings, overflow parking, care and control of household animals, traffic controls, school bus stops, recreational opportunities for the residents on-site, standards for management of household and other waste, grounds keeping, and mobile home maintenance (for example, the presence of an

on-site manager, repair staff or contracts, etc.).

b. As demonstration that the manufactured home park community will be harmonious with the surrounding properties, the appropriate buffering restrictions, setbacks and other criteria as hereinafter set forth will be provided, as well as evidence that there is adequate water, sewer, and other infrastructure in place to service the park, or satisfactory arrangements made with the providers of such services prior to enactment of the Development Permit. A detailed surveyed site plan showing the appropriate buffering restrictions, parking, driveways, spacing, density and other requirements of the MZDO shall be required.

c. The park site and all roads servicing the park must be named, with such names pre-approved by Jasper County E911 Addressing.

d. The park site shall not be less than seven (7) acres, and have not less than two hundred (200) feet of frontage on a publicly maintained road; the park site shall not be larger than forty (40) acres, nor have more than one hundred fifty (150) spaces.

e. The park shall be served by public water and sewer systems approved by DHEC and the BJWSA, a system of stormwater drainage in compliance with either the then-current Jasper County Drainage Standards and such standards as hereinafter are enacted by the City of Hardeeville under Section 4.9 of this Ordinance, as well as refuse disposal facilities, plans of which shall be approved by City officials.

f. Turnarounds approved by the Hardeeville Fire Chief.

g. All dwelling spaces shall abut upon an interior all weather roadway meeting the design requirements of Jasper County, shall have a right of way at least fifty (50) feet wide, and be paved at least twenty (20) feet in width, with unobstructed access to a public street.

h. A copy of the proposed homeowner association, management plan (if rental), or other group maintenance agreement must be submitted to the Hardeeville Planning Commission and approved by City Council.

i. All on-site roadway intersections shall be provided with a streetlight and proper signage.

j. Lots in parks shall be sized and arranged so that there will be at least fifty (50) feet of spacing between the manufactured homes, and at least thirty-five (35) feet from the right of way of any street or drive providing common circulation. Minimum lot size for each space shall have an average minimum area of six thousand (6,000) square feet, with a minimum average lot width of fifty (50) feet. Mobile Homes may not be situated closer than twenty (20) feet from the interior edge of the buffer, which buffer requirements are set forth herein below. There shall otherwise be a fifteen (15) foot rear yard setback. Accessory structures as defined in Section 3.3, Accessory Uses and Structures, for individual mobile homes shall be located a minimum of six (6) feet from any adjoining manufactured home. The manufactured home space shall be exclusive of the prescribed buffer area, and all manufactured home spaces must be clearly delineated by fencing, vegetation, or other clearly visible means. The delineation of the spaces may be waived by the Board of Zoning Appeals if the park owner can demonstrate that maintenance and upkeep of the park will not suffer for lack of this measure. Even if the space delineation is waived, the prescribed buffer area must still be delineated to protect the required inactive character of that area.

k. All homes shall be installed in accordance with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board of Regulations, as may be amended or supplemented from time to time, and the requirements of Section 2.4.F.11, Manufactured Housing Setup, above.

l. The open space percentage requirements for Manufactured Home Parks shall be the same as those found in Section 4.3, Open Space, of this Ordinance as are applicable to Single Family Residential developments of the same acreage; provided, however, that Manufactured Home Parks having more than sixty (60) dwelling units shall increase its open space percentage to thirty (30%) percent, of which at least one-third (1/3) must be set aside as active recreational area, such as basketball courts, playgrounds and open playing fields. Plans for such active recreational area must be submitted as part of the Park Management Plan as required hereinabove. Passive green area open space including trails, viewing areas, etc., must be completed prior to twenty-five (25%) percent development completion. Active green areas open space, including bike paths; park facilities, playgrounds, basketball courts, etc. must be completed prior to fifty (50%) percent development completion.

m. Permanent space numbers shall be established for each manufactured home space and shall be located so as to be visible from the street or roadway, and shall be in accordance with the Jasper County standards for E911 Addressing standards. Signs identifying space locations shall be erected at each street or roadway intersection within the park.

n. No manufactured home space in a park shall have direct access to any external public roadway, but shall instead access an internal street system.

o. Manufactured home parks shall be limited to two (2) entrances off a public roadway, provided the entrances must meet South Carolina Department of Transportation or Jasper County specifications on spacing and sizing, whichever or more restrictive.

p. The maximum number of manufactured home spaces per net acre shall not exceed six (6) units per acre, unless septic tank systems are used and for which a permit has been obtained from the Jasper County Health Department, in which case the maximum shall be two (2) units per acre.

q. Notwithstanding the parking requirements set forth in Section 4.6, Off Street Parking, manufactured home parks shall have two (2) off-street parking spaces for each manufactured home. Parking may be provided at the manufactured home space or in community parking areas. The requirements of Section 4.6 for off-street loading and unloading may be satisfied by including such spaces as part of one (1) or more community parking areas. Parking spaces and driveways shall be paved, either of asphalt or concrete construction. Parking of recreational vehicles and watercraft must be exclusive of the two (2) parking spaces provided for the manufactured home and may not encroach upon the common driveway (if any) or street area for the manufactured home park.

r. In the development of park areas, existing trees and other natural site features shall be preserved to the extent reasonably feasible. Clear-cutting, prior to development, is prohibited, except as part of a bona fide timbering operation undertaken in accordance with best management practices and/or South Carolina Department of Forestry standards for silviculture operations.

s. Special buffering and screening requirements are appropriate for manufactured home parks. A buffer is an area in which no activity is permitted other than necessary utility functions, such as transmission lines, underground conduits, etc. This area is

defined by a linear measurement from the property line inward and will vary, dependant upon the intensity of the development. Manufactured Home Parks consisting of more than sixty (60) units shall have a minimum buffer area of sixty (60) feet; Parks of less than sixty (60) units shall have a minimum buffer of thirty (30) feet. Such buffers shall be landscaped or natural vegetation providing at least fifty (50%) percent opacity for screening. Buffers may be reduced to thirty (30) and fifteen (15) feet, respectively, if privacy fencing in accordance with Section 4.5, Landscaping and Tree Conservation, (relating to fencing requirements for multi-family dwellings) is installed. In a Manufactured Home Park in excess of sixty (60) units, ten (10%) percent of the buffer area may be used as a credit against the open space requirement.

t. Given the intent of this District and with consideration to the nature of this District being to promote a healthy and harmonious residential environment, it shall be prohibited to harbor or raise livestock, poultry or any animals customary to a barnyard, including but not limited to, cattle, horses, sheep, goats, swine, and/or chickens on any lot within this District.

15. Sale of Manufactured Home Lots

If spaces for manufactured homes are to be offered for sale, lots proposed to be sold must be properly subdivided and recorded according to the requirements of the City and Jasper County. Application for subdivision/development approval may be processed in conjunction with the review procedure under this Ordinance to obtain authorization of its development within a MH Zoning District. Whether spaces are proposed for sale, rental or lease, the design of the park shall comply with the standards set forth in this Section.

16. Revocation of Permit to operate a Manufactured Home Park

The City Council, in addition to other enforcement procedures available under the MZDO and the laws of the City and State, may revoke any permit to operate a manufactured home park when the operator or owner has been found to have violated the provisions of the MZDO by a court of competent jurisdiction. After any such finding, the license may be reissued only if the circumstances if the circumstances leading to the finding of a violation have been remedied and the park is being maintained and operated in full compliance with the law.

G. Planned Development District (PDD)

1. Purpose

The purpose of the PDD District is to encourage flexibility in land planning that will result in improved design, character, and quality of new housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed use developments; to promote the most appropriate use of land; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features and open space.

2. Procedural Requirements

The procedure to establish a PDD District is set forth in Section 7.4 of this Ordinance.

3. Permitted Uses

a. Any use permitted in any of the zoning districts adopted by the City of Hardeeville may be permitted, and any other uses as the Council may approve, including limited or special uses, provided the conditions for such uses are in compliance with the City

of Hardeeville MZDO.

b. There shall be no areas of a PDD that are unspecified as to the type of land uses that will occupy those particular areas.

c. Sewer treatment plants, lift stations and utility pads may be permitted in a PDD.

4. District Design and Development Standards

a. Any property in a PDD District shall be required to adhere to all provisions of this Ordinance, as well as any Overlay District as applicable, unless a waiver or deviation is secured as part of the approved Concept Plan. The regulations applicable to the uses in an approved PDD shall be those of the most restrictive zoning district where such uses are allowed, unless a waiver or deviation from such restrictions is secured as part of the approved Concept Plan.

b. Perimeter setbacks around the boundary of the PDD shall be a minimum of ten (10) feet. The setback shall be measured from the property boundary unless a particular boundary of the PDD abuts a road or highway right-of-way, in which case it shall be measured from the abutting edge of the right-of-way.

c. Buffer Requirements

i. Minimum buffers of (a) twenty (20) feet shall be maintained along all external dimensions of a PDD which abut a Conservation Preservation (CP) or Rural Agriculture (RA) District; (b) thirty (30) feet where the PDD is adjacent to a Single or Multi-Family Residential, and fifty (50) feet where adjacent to Commercial. Public or Institutional uses. Additional buffers, such as heavy plant screening, walls or fences to a height of seven (7) feet may be required for trash, all storage yards and/or outdoor display areas, as well as those areas identified in the MZDO specific use standards.

ii. Buffers shall be in addition to the required perimeter setback.

iii. No development, parking areas, structures or accessory buildings except the required fence and vegetation, a properly permitted sign, interconnecting pedestrian and/or bicycling trails, sidewalks and paths, or underground utilities shall be placed in the outer twenty (20) feet of the buffer area. Buffers shall include vegetative cover and be maintained regularly. Within the remaining buffer, the only allowable uses are pedestrian and/or bicycling trails, sidewalks and paths, or underground utilities.

iv. The buffer shall include a vegetative screen of evergreen trees and/or shrubs that will reach seven (7) feet in height within twelve (12) months of installation and form a continuous screen of at least seventy-five (75%) percent opacity within two (2) years of installation.

d. The City of Hardeeville reserves the right, if it finds substantial needs for screening of the proposed PDD activity, to include within the buffer a six (6) foot high fence made of either brick, finished concrete, mortar, wood, stone, masonry units, faux masonry materials, or a combination of the above. The public view side of the fence shall include vegetative plantings which complement and enhance the fence.

e. The frontline of the required side yard buffer shall begin where the private property line and the public right-of-way intersect and extend to the rear lot line. The vegetative screen plantings and the fence, if required, shall begin where the private

property line and the public right-of-way intersect and extend to the rear lot line. This requirement will be modified as necessary to accommodate safe view corridors for vehicular and pedestrian ingress and egress.

f. Required rear yard buffers and the fence, if required, shall extend the entire length of the rear lot line.

H. Highway Corridor Overlay District (HCOD)

1. Purpose

The purpose of this Section is to implement design standards recommended by the Hardeeville Planning Commission along highway corridors under the jurisdiction of the City of Hardeeville.

2. District Created

The Highway Corridor District is an overlay district and the requirements of this Section are in addition to, and not replacing other, requirements of the Hardeeville MZDO. Whenever such requirements are in conflict, the stricter requirement as determined by the administrative official shall govern. The requirements of this Section shall be in effect whenever a use permit, subdivision/development approval, or Sign Permit is required by this Ordinance.

3. District Boundaries

The Highway Corridor District consists of all those lands lying within the Highway 278 Extension right-of-way and all those lands lying within five hundred (500) feet of the Highway 278 Extension right-of-way from U.S. Hwy 17 on the west to the City of Hardeeville corporate boundaries on the east.

4. District Design and Development Standards

a. Highway Buffer

A minimum twenty-five (25) foot wide continuous landscaped buffer shall be established and maintained parallel and adjacent to the entire Highway 278 Extension right-of-way. The highway buffer is separate and distinct from any buffer and/or open space requirements found elsewhere in the Hardeeville MZDO. Only the following uses and elements may be located in the buffer:

i. Vehicular access drives which tie into approved access points and run perpendicular to the right-of-way.

ii. That portion of frontage road right-of-way landscaped to the highway buffer standards as allowed below in subsection d., Frontage Road.

iii. Landscaped walls and fences less than six (6) feet high.

iv. Lighting.

v. Landscaping fixtures.

vi. Signage.

vii. Underground utility lines, provided the buffer is restored.

viii. Overhead utility lines which run perpendicular to the highway right-of-way and located only in public utility right-of-way areas and are consolidated with access drives. Individual service and group development service lines shall be located underground.

ix. Drainage or stormwater detention areas.

b. Tree Removal

See Section 4.8.

c. Landscaping

See Section 4.5.

d. Frontage Roads

No frontage road or frontage road right-of-way shall be located in the highway buffer.

e. Access Points and Land Subdivision/Development

i. Every property within the Highway 278 Corridor District has access to a public roadway. No additional access points shall be allowed on the Highway 278 Extension, except as approved by the SC Department of Transportation (SCDOT) and the City of Hardeeville.

ii. No land within the Highway 278 Corridor District shall be subdivided unless vehicular access is provided using existing or additional access points and approved by the SCDOT and the City of Hardeeville.

f. Signage

See Article 8

i. The signage standards contained herein shall not apply to directional or informational signs erected by a public agency and approved by the City of Hardeeville.

g. Architectural Design and Materials

It is the City of Hardeeville's intentions to require architectural design and materials in the Highway 278 Corridor District as stated below, and to authorize the Architectural Review Board to administer such standards as are delegated to it by this MZDO.

i. The following exterior materials and design features may be used in the Highway 278 Corridor District:

(A) Siding

Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block, smooth structural steel siding and artificial siding which closely resembles painted wood clapboard. Wood siding may be painted, stained, weathered or left natural.

(1) Metal corrugated siding may be used on buildings with a total fully enclosed interior floor space in excess of three thousand (3,000) square feet if another approved, nonmetal siding material is used for the exterior of the entire building area facing the Highway 278 Extension and/or facing a development community parking area and for the first twenty-five (25%) percent of the front to back area of any non-frontage sides viewable from the Highway 278 Extension.

(B) Roofs

Wood shingles, slate shingles, multi-layered asphalt shingles, metal raised seam, or tiles.

(C) Features

Pitched roofs, roof overhang, covered porches, canopies, awnings, trellises, gazebos and open wood fences.

(D) Colors

Earth tones (green, tans, light browns, terra cotta), grays, pale primary and secondary colors (with less than fifty (50%) percent color value), white and cream tones, and oxblood red.

ii. The following exterior materials and design features shall not be used in the Highway 278 Corridor District:

(A) Plywood, cinder block, unfinished poured concrete, unfaced concrete block and plastic or metal not closely resembling painted wood clapboard, as limited by the Architectural Design and Materials subsection i.

(B) Partial (less than three (3) sides) mansard roofs, flat roofs without a pediment, long unarticulated roofs, excluding gas station pumping area covers.

(C) Long, unarticulated or blank facades as limited in Architectural Design and Materials subsection ii.(B).

(D) Incongruous architectural details or color contrasts resulting in a clearly disturbing appearance.

(E) Chain link or woven metal fences if visible from Highway right-of-way.

(F) Reflective materials as the main building feature.

(G) Highly reflective glass.

ARTICLE 3: USE REGULATIONS

3.1. Table of Allowed Uses

Table 3-1 below lists the uses allowed within all base zoning districts.

A. Explanation of Table Abbreviations

1. Allowed By-Right Uses

   "P" in a cell indicates that the use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Ordinance, including the use-specific standards set forth in this Chapter and the requirements of Article 4, General Development Standards.

2. Special Exceptions

   "S" in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved as a special exception in accordance with the procedures of Section 7.7, Special Exceptions. Special exceptions are subject to all other applicable regulations of this Ordinance, including the use-specific standards set forth in this Article and the requirements of Article 4, General Development Standards.

3. Prohibited Uses

   "N" in a cell indicates that the use is prohibited in the respective zoning district.

4. Use-Specific Standards

   Regardless of whether a use is allowed by right or permitted as a special exception, there may be additional standards that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of the table and "C" in a cell. Cross-references refer to Section 3.2, Use-Specific Standards. These standards apply in all districts unless otherwise specified. The failure to properly denote any use or requirement in this chart does not remove responsibility for compliance with the requirement or restriction imposed elsewhere within the MZDO.

B. Table Organization

In Table 3-1, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory. The failure to properly denote any use or requirement in this chart does not remove responsibility for compliance with the requirement or restriction imposed elsewhere within the MZDO.

C. Use for Other Purposes Prohibited

Approval of a use listed in Table 3-1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 3-1 and approved under the appropriate process is prohibited.

D. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made. When application is made for a use category or use type that is not specifically listed in Table 3-1, the procedure set forth below shall be followed.

1. The Planning Director shall make a determination as to the zoning classification into which the proposed land use should be placed, based on consideration of the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount, and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer. In making this determination the Planning Director may consider other classification resources such as the Society of Engineers, etc.

2. Based on these considerations, the Planning Director shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts. A Written Interpretation shall be signed by the Planning Director and kept on file in the Planning Department. If the Planning Director is unable to determine the zoning districts within which such use should be permitted, then a Text Amendment to this Ordinance shall be presented to the Planning Commission for recommendation and to City Council for final approval.

E. Table of Allowed Uses

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
Residential Uses															
Site Built Dwellings															
• Duplex	N	P	N	N	P	P	N	N	P	N	N	N	N	2.0 spaces per unit	
• Multi-family, apartments	N	P	N	N	P	P	N	N	P	N	N	N	N	2.0 spaces per unit	
• Patio homes	S	S	N	N	S	S	N	N	N	N	N	N	N	2.0 spaces per unit	
• Residential resort complex	N	N	N	N	S	S	N	N	N	N	N	S	S	Ref. Sec. 3.16	
• Single-family detached	P	P	N	P	P	P	N	N	N	N	N	P	P	2.0 spaces per unit	
• Townhouses	S	P	N	N	S	S	N	N	S	N	N	N	N	2.0 spaces per unit	
• Triplex & quadruplex	N	P	N	N	P	P	N	N	P	N	N	N	N	2.0 spaces per unit	

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
Manufactured Dwellings															
• Manufactured home parks	N	N	C	N	N	N	N	N	N	N	N	N	N	2.0 spaces per unit	
• Modular homes	P	P	N	P	P	P	N	N	N	P	P	P	P	2.0 spaces per unit	
• Residential designed	N	N	P	N	N	N	N	N	N	N	N	S	S	2.0 spaces per unit	
• Standard designed	N	N	P	N	N	N	N	N	N	N	N	N	S	2.0 spaces per unit	
Retail Trade															
• Beer, wine, & liquor	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Building materials, garden supplies	N	N	N	P	N	N	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
• Clothing & accessory stores	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
• Convenience stores	N	N	N	P	P	P	P	P	P	P	P	N	P	1.0 per 350 s.f. GFA	
• Electronics & appliances	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Flea markets	N	N	N	P	P	P	P	P	P	N	N	N	P	1.5 per stall	
• Food & beverage stores	N	N	N	C	C	C	C	P	P	N	N	N	N	1.0 per 350 s.f. GFA	3.2.A.7
• Fruit & vegetable	N	N	N	P	P	P	P	P	P	N	N	S	S	1.0 per 350 s.f. GFA	
• Fuel dealers	N	N	N	N	N	N	N	N	N	P	P	N	N	1.0 per 500 s.f. GFA	
• Furniture & home furnishings	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Gasoline stations	N	N	N	C	C	C	C	C	C	P	P	N	N	1.0 per 600 s.f. GFA	3.2.A.8
• General merchandise stores	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Grocery stores	N	N	N	C	C	C	C	P	P	N	N	N	N	1.0 per 350 s.f. GFA	3.2.A.7
• Health & personal care	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
• Lawn & garden equipment & supplies stores	N	N	N	P	P	P	P	P	P	P	P	N	P	1.0 per 350 s.f. GFA	
• Lumber & building materials	N	N	N	P	P	P	P	P	P	P	P	N	P	1.0 per 350 s.f. GFA	
• Manufactured home dealers	N	N	N	N	N	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA	
• Miscellaneous retail	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Motor vehicle & parts	N	N	N	N	P	P	P	P	P	N	N	N	N	1.0 per 600 s.f. GFA	
• Non-store retailers	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Specialty stores	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Sporting goods, hobbies, books, & music	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Truck stops	N	N	N	N	N	N	P	N	N	N	N	N	N	1.0 per 600 s.f. GFA	3.2.A.8
Finance & Insurance															
• Banks	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
• Credit intermediation (including check cashing, title loans, payday loans, etc.)	N	N	N	N	N	N	N	N	N	P	P	N	N	1.0 per 350 s.f. GFA	
• Funds, trust, & other financial vehicles	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
• Insurance carriers & related activities	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
• Pawn shops	N	N	N	N	N	N	N	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Security & commodity contracts, & financial investments	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
Real Estate & Rental & Leasing															

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
• Mini-warehouses	N	N	N	C	N	N	N	C	C	C	C	N	N	1.0 per 6 storage units	3.2.A.12
• Real estate	N	N	N	P	P	P	P	P	P	P	P	N	P	1.0 per 350 s.f. GFA	
• Rental & leasing services	N	N	N	P	N	N	P	P	P	N	N	N	N	1.0 per 500 s.f. GFA	
• Video tape rental	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
Professional, Scientific, & Technical Services															
• Professional, scientific, technical services	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 300 s.f. GFA	
• Veterinary services	N	N	N	C	C	C	N	C	C	C	C	N	P	1.0 per 350 s.f. GFA	3.2.A.21
Management of Companies & Enterprises															
• Mgmt. of companies & enterprises	N	N	N	N	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
Educational Services															
• Business schools, computer, & management training	N	N	N	N	P	P	P	P	P	P	P	N	P	5.0 per classroom, plus 2 per admin. office	
• Educational support services	N	N	N	N	P	P	P	P	P	P	P	N	P	1.0 per 200 s.f. GFA	
• Elementary schools	S	S	S	P	P	P	P	P	P	N	N	N	N	2.0 per classroom, plus 5 admin. spaces	
• Jr. colleges, colleges, universities, professional schools	N	N	N	N	P	P	P	P	P	N	N	N	P	5.0 per classroom, plus 2 per admin. office	
• Other schools & instruction	N	N	N	N	P	P	P	P	P	N	N	N	P	5.0 per classroom, plus 2 per admin. office	
• Secondary schools	S	S	S	S	S	S	S	S	S	N	N	N	N	5.0 per classroom, plus 10 admin. spaces	

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
Health Care & Social Assistance															
• Ambulatory health care services	N	N	N	P	P	P	P	P	P	N	N	N	P	1.0 per 150 s.f. GFA	
• Community care for elderly	P	P	P	P	P	P	P	P	P	N	N	P	P	0.4 per bed	
• Community, food, & housing & emergency & relief services	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Day care services	N	N	N	P	P	P	P	P	P	N	N	P	P	1.0 per 200 s.f. GFA	
• Hospitals	N	N	N	C	C	C	C	C	C	N	N	N	N	0.7 per bed	3.2.A.10
• Individual & family services	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Nursing & residential care facilities	N	N	N	P	P	P	P	P	P	N	N	N	P	0.4 per bed	
• Nursing care facilities	P	P	P	P	P	P	P	P	P	N	N	P	P	1.0 per 500 s.f. GFA	
• Social assistance	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA	
• Vocational rehabilitation services	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
Arts, Entertainment, & Recreation															
• Amusement, gambling, & recreation	N	N	N	N	C	C	C	C	C	N	N	N	N	By individual review	3.2.A.18
• Golf courses & country clubs	C	C	N	N	C	C	N	P	P	N	N	N	C	5.0 per hole	3.2.A.9
• Gun club & skeet ranges	N	N	N	S	S	S	S	S	S	N	N	S	S	1.0 per 500 s.f. GFSI	
• Marinas	P	P	P	P	P	P	P	P	P	P	P	P	P	1.0 per slip	
• Museums, historical sites, & similar institutions	N	N	N	C	C	C	P	P	P	N	N	P	P	1.0 per 1,000 s.f. GFA	
• Performing arts, spectator sports & related industries	N	N	N	N	C	C	C	P	P	N	N	N	N	1.0 per 300 s.f. GFA	

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
Accommodation & Food Services															
• Bed & breakfast inns	S	S	S	S	P	P	P	P	P	N	N	S	S	1.5 per bedroom	
• Camps & recreational vehicle parks	N	N	N	S	S	S	S	S	S	N	N	S	S	Not Applicable	
• Restaurants	N	N	N	P	C	C	P	P	P	P	P	P	N	1.0 per 150 s.f. GFA	3.2.A.5
• Hotels & Motels	N	N	N	N	P	P	P	P	P	P	P	N	N	1 per rental unit	
• Rooming & boarding houses, dormitories, group housing	N	P	N	N	P	P	P	P	P	N	N	N	N	1.0 per bedroom	
Other Services (except Public Administration)															
• All other organizations	N	N	N	P	P	P	P	P	P	N	N	N	P	1.0 per 500 s.f. GFA	
• All other personal services	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 300 s.f. GFA	
• Auto repair & maintenance	N	N	N	C	C	C	C	C	C	C	P	N	C	1.0 per 500 s.f. GFA	3.2.A.1
• Automotive parking lots & garages	N	N	N	P	P	P	P	P	P	P	P	N	N	None	
• Cemeteries	N	N	N	P	P	P	P	P	P	P	P	P	P	None	
• Coin operated laundries/dry cleaning	N	N	N	P	P	P	P	P	P	N	N	N	N	1.0 per 250 s.f. GFA	
• Crematories	N	N	N	N	N	N	N	N	N	P	P	N	N	1.0 per 500 s.f. GFA	
• Funeral homes & services	N	N	N	P	P	P	P	P	P	N	N	N	N	5.0, plus 1.0 per 2 seats main assembly	
• General auto repair	N	N	N	C	C	C	C	C	C	C	P	N	C	1.0 per 500 s.f. GFA	3.2.A.1
• Truck/Heavy Machinery repair	N	N	N	N	N	N	N	N	N	P	P	N	N	1.0 per 500 s.f. GFA	
• Laundry & dry cleaning services	N	N	N	C	C	C	C	C	C	P	P	N	N	1.0 per 500 s.f. GFA	3.2.A.11

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
• Other repair	N	N	N	P	P	P	P	P	P	P	P	N	P	1.0 per 350 s.f. GFA	
• Personal & laundry services	N	N	N	N	C	C	C	C	C	C	P	N	N	1.0 per 500 s.f. GFA	3.2.A.11
• Personal care services	N	N	N	P	P	P	P	P	P	N	N	N	N	2.5 per chair or basin	
• Pet care	N	N	N	S	S	S	S	S	S	N	N	N	P	1.0 per 250 s.f. GFA	3.2.A.21
• Public Assembly	S	S	S	P	P	P	P	P	P	N	N	P	P	Ref Section 3.2.A.17	3.2.A.17
• Fraternal, professional, political, civic, business organizations	N	N	N	C	C	C	C	C	C	N	N	P	P	1.0 per 350 s.f. GFA	3.2.A.17
• Sexually oriented business	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 350 s.f. GFA	3.2.A.18
Public Administration															
• Administration of economic programs	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
• Administration of environmental quality & housing program	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
• Administration of housing, planning, CD programs	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
• Administration of human resources	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
• Correctional institutions	N	N	N	N	N	N	N	N	N	P	P	N	N	1.0 per jail cell, plus 10 per 250 s.f. GFA	
• Courts	N	N	N	P	P	P	P	P	P	P	P	N	P	1.0 per 350 s.f. GFA	
• Executive, legislative, & general govt.	N	N	N	P	P	P	P	P	P	P	P	N	P	1.0 per 350 s.f. GFA	
• Fire protection	P	P	P	P	P	P	P	P	P	P	P	P	P	4.0 per bay	
• Justice, public order & safety	N	N	N	P	P	P	P	P	P	P	P	N	P	1.0 per 350 s.f. GFA	
• Police protection	P	P	P	P	P	P	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA	

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
• Public parks & recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	By individual review	
Agriculture, Forestry, Fishing & Hunting															
• Agricultural production, crops	N	N	N	P	P	P	P	P	P	P	P	P	P	None	
• Agricultural production, livestock animals	N	N	N	N	N	N	N	N	N	P	P	P	P	None	
• Agricultural services	N	N	N	P	P	P	P	P	P	N	N	P	P	None	
• Animal specialties	N	N	N	N	N	N	N	N	N	N	N	P	P	None	
• Feedlots	N	N	N	N	N	N	N	N	N	N	N	N	P	None	
• Fishing, hunting, trapping	N	N	N	P	P	P	P	P	P	N	N	P	P	None	
• Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	None	
• General farms	N	N	N	N	N	N	N	N	N	P	P	P	P	None	
• Horses & other equine	N	N	N	N	N	N	N	N	N	N	N	S	S	None	
• Livestock, except feedlots	N	N	N	N	N	N	N	N	N	N	N	P	P	None	
• Poultry & eggs	N	N	N	N	N	N	N	N	N	N	N	P	P	None	
Mining															
• Mining	N	N	N	N	P	P	P	P	P	P	P	P	P	None	
Utilities															
• Collection	C	C	C	C	C	C	C	C	C	P	P	C	C	1.0 per 500 s.f. GFA	3.2.A.15
• Electric	C	C	C	C	C	C	C	C	C	C	C	C	C	1.0 per 500 s.f. GFA	3.2.A.15
• Electric, gas, & sanitary services	C	C	C	C	C	C	C	C	C	C	C	C	C	1.0 per 500 s.f. GFA	3.2.A.15
• Generation	N	N	N	C	C	C	P	P	P	P	P	N	P	1.0 per 500 s.f. GFA	3.2.A.15
• Natural gas distribution	C	C	C	C	C	C	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA	3.2.A.15
• Sewerage systems	C	C	C	C	C	C	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA	3.2.A.15
• Steam & air conditioning supply	N	N	N	C	C	C	P	P	P	P	P	N	P	1.0 per 500 s.f. GFA	3.2.A.15

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
• Storage/treatment	N	N	N	C	C	C	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA	3.2.A.15
• Transmission	C	C	C	C	C	C	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA	3.2.A.15
• Treatment	N	N	N	C	C	C	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA	3.2.A.15
• Water supply systems	C	C	C	C	C	C	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA	3.2.A.15
Construction															
• Bldg. construction-general contract & operative builders	N	N	N	P	P	P	P	P	P	P	P	N	P	1.0 per 1,000 s.f. GFA	
• Heavy construction other than building construction-contractors	N	N	N	N	P	P	P	P	P	P	P	N	P	1.0 per 1,000 s.f. GFA	
• Special trade contractors	N	N	N	P	P	P	P	P	P	P	P	N	P	1.0 per 1,000 s.f. GFA	
• Office Warehouse/ Flex Space	N	N	N	N	N	N	N	P	N	P	P	N	N	1.0 per 1,000 s.f. GFA	
Manufacturing															
• Apparel	N	N	N	N	S	S	S	S	S	S	S	N	N	1.0 per 500 s.f. GFA	
• Beverage & tobacco	N	N	N	N	S	S	S	S	S	S	S	N	N	1.0 per 500 s.f. GFA	
• Chemical products	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 500 s.f. GFA	
• Computer & electronic products	N	N	N	N	S	S	S	S	S	S	S	N	N	1.0 per 500 s.f. GFA	
• Electrical equipment, appliances & components	N	N	N	N	S	S	S	S	S	S	S	N	N	1.0 per 500 s.f. GFA	
• Fabricated metal products	N	N	N	N	S	S	S	S	S	S	S	N	N	1.0 per 500 s.f. GFA	
• Food	N	N	N	N	S	S	S	S	S	S	S	N	N	1.0 per 500 s.f. GFA	

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
• Furniture & related products	N	N	N	N	S	S	S	S	S	S	S	N	N	1.0 per 500 s.f. GFA	
• Leather & allied products	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 500 s.f. GFA	
• Machinery	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 500 s.f. GFA	
• Miscellaneous manufacturing	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 500 s.f. GFA	
• Nonmetallic mineral products	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 500 s.f. GFA	
• Paper	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 500 s.f. GFA	
• Petroleum products	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 500 s.f. GFA	
• Plastic & rubber products	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 500 s.f. GFA	
• Primary metal	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 500 s.f. GFA	
• Printing & related activities	N	N	N	N	S	S	S	S	S	S	S	N	N	1.0 per 500 s.f. GFA	
• Textile mills	N	N	N	N	S	S	S	S	S	S	S	N	N	1.0 per 500 s.f. GFA	
• Textile product mills	N	N	N	N	S	S	S	S	S	S	S	N	N	1.0 per 500 s.f. GFA	
• Transportation equipment	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 500 s.f. GFA	
• Wood products	N	N	N	N	S	S	S	S	S	S	S	N	S	1.0 per 500 s.f. GFA	
Wholesale Trade															
• Recyclable material (Sec. 3.11)	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 5000 s.f. GFA	3.2.A.23
• Used motor vehicle parts (Sec. 3.11)	N	N	N	N	N	N	N	N	N	S	S	N	N	1.0 per 5000 s.f. GFA	3.2.A.23
• Wholesale trade-durable goods	N	N	N	C	C	C	C	P	P	P	P	N	N	1.0 per 5000 s.f. GFA	3.2.A.23
• Wholesale trade-nondurable goods	N	N	N	C	C	C	C	P	P	P	P	N	N	1.0 per 5000 s.f. GFA	3.2.A.23

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
Transportation & Warehousing															
• Air transportation	N	N	N	N	P	P	P	P	P	P	P	N	P	1.0 per 250 s.f. GFA	
• Broadcasting & telecommunications	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	3.2.A.24
• Communication towers & ant.	S	S	N	S	S	S	S	S	S	S	S	S	S	NONE	3.2.A.24
• Info. services & data processing	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
• Libraries	N	N	N	P	P	P	P	P	P	P	P	N	P	1.0 per 350 s.f. GFA	
• Motion picture theaters	N	N	N	N	C	C	C	P	P	N	N	N	N	1.0 per 5 seats	
• Motion pictures & sound industries	N	N	N	N	P	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA	
• Pipeline for transportation	N	N	N	N	P	P	P	P	P	P	P	N	N	1.0 per 500 s.f. GFA	
• Publishing industries	N	N	N	C	C	C	C	C	C	P	P	N	N	1.0 per 500 s.f. GFA	3.2.A.16
• Rail transportation	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 500 s.f. GFA	
• Scenic & sightseeing transportation	N	N	N	P	P	P	P	P	P	P	P	P	N	1.0 per 500 s.f. GFA	
• Support activities for transportation	N	N	N	N	P	P	P	P	P	P	P	N	N	1.0 per 500 s.f. GFA	
• Transit & ground passenger transportation	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 500 s.f. GFA	
• Truck transportation	N	N	N	N	N	N	N	N	N	C	C	N	N	1.0 per 500 s.f. GFA	3.2.A.20
• U.S. Postal Service	N	N	N	P	P	P	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA	
• Warehousing & storage	N	N	N	N	N	N	N	N	N	C	C	N	N	1.0 per 1,000 s.f. GFA	3.2.A.22
• Water transportation	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 500 s.f. GFA	

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
Administrative & Support & Waste Management & Remediation Services															
• Administrative & support services	N	N	N	P	P	P	P	P	P	P	P	N	N	1.0 per 750 s.f. GFA	
• All other waste management	N	N	N	N	N	N	N	N	N	P	P	N	N	1.0 per 1,000 s.f. GFA	
• Hazardous waste treatment & disposal	N	N	N	N	N	N	N	N	N	N	C	N	N	NA	
• Landscape services	N	N	N	P	P	P	P	P	P	P	P	P	P	1.0 per 1,000 s.f. GFA	
• Material recovery facilities	N	N	N	N	N	N	N	N	N	P	P	N	N	1.0 per 1,000 s.f. GFA	
• Solid waste incinerators	N	N	N	N	N	N	N	N	N	P	P	N	N	1.0 per 1,000 s.f. GFA	
• Solid waste landfill	N	N	N	N	N	N	N	N	N	S	S	N	S	1.0 per 1,000 s.f. GFA	
• Waste collection	N	N	N	N	N	N	N	N	N	P	P	N	P	1.0 per 1,000 s.f. GFA	
• Waste management services	N	N	N	N	N	N	N	N	N	P	P	N	N	1.0 per 1,000 s.f. GFA	
Accessory Uses to Residential Uses															
• Auxiliary shed, workshop	P	P	P	N	P	P	N	N	N	N	N	P	P	None	
• Bathhouses & cabanas	P	P	P	N	P	P	N	N	N	N	N	P	P	None	
• Domestic animal shelters	P	P	P	P	N	N	N	N	N	N	N	P	P	None	
• Family day care home	P	P	P	P	P	P	P	P	P	P	N	P	P	None	
• Home occupation	S	S	S	P	P	P	P	P	P	P	N	S	S	None	
• Horticulture, gardening	P	P	P	P	P	P	P	P	P	P	N	P	P	None	
• Kennels	N	N	N	S	S	S	S	S	S	S	S	N	S	None	3.2.A.21
• Noncommercial greenhouses	P	P	P	N	P	P	N	N	N	N	N	P	P	None	
• Private garage & carport	P	P	P	N	P	P	N	N	N	N	N	P	P	None	
• Satellite dishes, etc.	P	P	P	N	P	P	N	N	N	N	N	P	P	None	

	SFR1/ SFR2	MFR	MHC	RC	MU	DMU	HC	GC	DGC	LI	BI	CP	RA	Required Off-Street Parking (*)	Use-Specific Standards
• Storage building	P	P	P	N	P	P	N	N	N	N	N	P	P	None	
• Swimming pool, tennis courts	P	P	P	N	P	P	N	N	N	N	N	P	P	None	
Accessory Uses to Non-Residential Uses															
• Buildings, structures	N	N	N	P	P	P	P	P	P	P	P	P	P	None	
• Open storage	N	N	N	S	S	S	S	S	S	S	S	N	S	None	
Temporary Uses															
• All temporary uses	S	S	S	S	S	S	S	S	S	S	S	S	S	None	

(*) Parking Standards including requirements for size and location are located in Article 4.6 of this Ordinance.

3.2. Use-Specific Standards

A. Principal Uses

1. Auto Repair and Maintenance

   a. All major repairs shall be conducted within a fully enclosed building.

   b. The open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises is prohibited. All outdoor storage shall meet the standards of Section 4.5.B, Screening.

2. Auto Wash

   a. An off-street paved parking area capable of accommodating not less than one-half of hourly vehicle washing capacity awaiting entrance to the washing process shall be located and maintained on the premises (such space to contain at least two hundred (200) square feet per waiting vehicle);

   b. No safety hazard or impediment to traffic movement shall be created by the operation of such an establishment.

3. Bakery

   In the MU District:

   a. Goods baked on the premises must be sold on the premises.

   b. Wholesale sales are prohibited.

4. Commercial Riding Stable

   a. No building or enclosure for animals shall be located closer than one hundred (100) feet from any property line;

   b. The stable and related operations shall be separated from adjoining properties by a suitable, well-maintained planting screen, fence, or wall.

5. Restaurants (other than drive-in establishment)

   a. Outdoor loudspeakers are prohibited;

   b. All lights or lighting arrangements used for purposes of advertising or night operations shall be directed away from adjoining or nearby residential properties;

   c. Parking and/or service areas shall be separated from adjoining residential properties by a suitable, well maintained wood or masonry type wall not less than six (6) feet in height, of uniform design and finish on both sides, and constructed by the developer or owner of the commercial property. This standard may be modified at the discretion of the Planning Director when a six (6) foot height is determined to be inappropriate.

6. Equipment Sales and Service

a. Open storage of junk or salvage materials of any type in conjunction with the operation is prohibited;

b. No objectionable sound, vibration, heat, glare or electrical disturbance shall be perceptible beyond the premises.

7. Food and Beverage Stores; Grocery Stores

a. Slaughtering is prohibited.

b. Any cleaning of fish or poultry shall be conducted within the principal building enclosure on the premises and meet the requirements of Health Department.

8. Gas Stations or Truck Stops

a. All pumps shall be set back at least twenty-five (25) feet from the right-of-way line of all adjacent streets;

b. Parking and/or service areas shall be separated from adjoining residential properties or zoning districts by a suitable, well maintained masonry type wall not less than six (6) feet in height above finished grade and consistent with the requirements of Section 4.5.B, Screening. Such a barrier shall be of the same design and nature on both sides. This barrier requirement may be amended to provide for other suitable barriers at the discretion of the Planning Director in individual situations where a six (6) foot wall is determined to be an inappropriate barrier. Such wall is to be constructed by the owner or developer of the property.

9. Golf Courses

Course lighting to allow for nighttime operation is prohibited.

10. Hospital

The use may include any functions that relate directly to the operation of the hospital and that are contained within the confines of said hospital or clinic,

11. Laundry and Dry-Cleaning Services

Any establishment providing laundering, cleaning, or pressing services on the premises shall be only for articles delivered to the premises by individual customers

12. Mini-warehouses

a. The site shall contain no less than one-half (1/2) acre and no more than ten (10) acres, and shall have direct access from a street constructed to City standards.

b. The maximum height of all buildings shall be thirty-five (35) feet.

c. All site boundaries shall be fenced with a sight-obscuring fence at least eight (8) feet high and include the required landscape buffer. However, no fencing shall be required on the portion of site boundaries where a structure abuts either side of the lot line. The design of the sight-obscuring fence shall be approved by the Planning Director. Where a mini-warehouse abuts a commercial or residentially zoned district, fifteen (15) feet of landscaping shall be required external to the sight-obscuring

fence.

13. Open Yard Use for the Sale, Rental and/or Storage of New, Used, or Salvaged Materials, or Equipment

    a. Burning of materials or products on the premises is prohibited;

    b. Open storage of used or salvaged materials and/or equipment shall be provided a suitable, well-maintained masonry type wall not less than six (6) feet in height and of such consistency as to completely hide the use of the property from public view. All screening shall be consistent with the standards of Section 4.5.B, Screening. Such a barrier shall be of the same design and nature on both sides. This barrier requirement may be amended to provide for other suitable barriers at the discretion of the Planning Director in individual situations where a six (6) foot wall is determined to be an inappropriate barrier. The owner or developer of the property shall construct such barrier.

14. Private Kindergarten or Pre-school Nursery

    a. Such use shall meet the minimum standards set forth for such facilities by the SC Department of Health and Environmental Control.

    b. Such use shall be separated and screened from adjoining residential properties by a suitable, well-maintained, shrubbery screen, fence or wall of at least six (6) feet in height.

    c. Structures for such uses shall be of a permanent nature and not considered to be a mobile home or manufactured house under the definitions of this Ordinance.

15. Public Utility Substation or Subinstallation

    a. Commercial uses and the storage of vehicles or equipment on the premises is prohibited;

    b. The site shall be enclosed by a painted wood or masonry fence or wall at least six (6) feet in height above finished grade consistent with the standards of Section 4.5.A, Bufferyards.

    c. A landscaped strip not less than five (5) feet in width shall be planted and suitably maintained around the facility.

16. Publishing Industries

    In the GC and DGC Districts, such use shall provide parking, loading, and unloading facilities in conformance with the standards for industrial buildings, as set forth in Section 4.6, Off-Street Parking and Loading.

17. Public Assemblies, etc.

    a. SFR1 and SFR2 Districts

       Notwithstanding other requirements in this Ordinance, the following development standards apply in the SFR zoning districts:

       i. Minimum Lot Size: Forty thousand (40,000) square feet

ii. Side Yard Setback: Twenty (20) feet

iii. Front Yard Setback: Forty (40) feet

iv. Rear Yard Setback: Twenty-five (25) feet

v. A buffer zone consisting of either vegetation or privacy fence at least eight (8) feet in height must be erected at the property line in both side yards.

vi. Such uses shall comply with all sign standards, including the maximum number of signs allowed and the maximum square footage of signs, for the zoning district in which it is located, as defined in Section 8.3, Sign Regulations.

vii. The off-street parking requirements shall be one (1) space per two hundred (200) square feet of heated space for buildings without fixed seats, or one (1) space per five (5) seats or six (6) feet of pew space in those buildings with fixed seated or pews.

b. MFR District

Notwithstanding other requirements in this Ordinance, the following development standards apply in the MFR Zoning District:

i. Minimum Lot Size: Forty thousand (40,000) square feet

ii. Side Yard Setback: Twenty-five (25) feet

iii. Front Yard Setback: Forty (40) feet

iv. Rear Yard Setback: Twenty-five (25) feet

v. A buffer zone consisting of either vegetation or privacy fence at least seven (7) feet in height must be erected at the property line in both side yards.

vi. The off-street parking requirements shall be one (1) space per two hundred (200) square feet of heated space for buildings without fixed seats, or one (1) space per five (5) seats or six (6) feet of pew space in those buildings with fixed seated or pews.

vii. Signs for places of public assembly shall not exceed the maximum size and number of signs allowed and the maximum square footage of signs prescribed for each Zoning District or any of the requirements further defined in Article 8, Signs.

18. Sexually Oriented Business

Such uses shall comply with the City's business license ordinance and meet the following special exception conditions:

a. Minimum front yard of three hundred (300) feet.

b. Minimum side yard of one hundred (100) feet.

c. Maximum building height of thirty (30) feet.

d. Freestanding or illuminated signs are prohibited. Sign copy is limited to a verbal description of the type of business but not the material or services available on the premises. Signs cannot include any graphic or pictorial depiction of material, live presentations of persons, or services available on the premises.

e. Minimum one thousand (1,000) feet buffer from church, school, educational institution, residence, recorded subdivision/development, or publicly or privately owned youth-oriented grounds or facilities or existing adult business.

f. A natural buffer, such as red tips, evergreens, or other materials that extend from the ground up to at least six (6) feet in height shall be provided around the property.

g. One (1) on premises parking space shall be provided for every fifty (50) square feet of total floor space within building.

h. Any other conditions placed upon the owner as prescribed by the Hardeeville Board of Zoning Appeals when a special exception use permit is applied for that are reasonable and provide for the well being, safety, and health of the public in general and the neighborhood in particular.

19. Stand or Shelter for the Selling and/or Display of Seasonal Agricultural Products

a. In the RA Zoning District, such stands or shelters may be located within the minimum front yard area, but no closer to the nearest street right-of-way than twenty (20) feet.

b. At least four (4) off-street parking spaces shall be provided and suitably maintained.

c. This conditional provision does not apply to products which are not agricultural and seasonal in nature.

20. Truck Transportation

a. Such facilities shall have direct access to major streets;

b. Acceleration and deceleration lanes shall be provided and maintained where trucks enter or leave terminal sites that are at least ten (10) feet in width and one hundred (100) feet in length respectively.

c. Open storage conducted in connection with the operation is allowed only if screened from view from right of way or another use.

21. Warehousing and Storage

Open storage of junk or salvage materials of any type in conjunction with the operation is prohibited.

22. Wholesale Trade

Open storage of junk or salvage materials of any type in conjunction with the operation is prohibited.

23. Communication Towers

a. Definitions. In additions to the definitions contained in Article 9, the following shall apply to this Section:

i. Antenna means a devise, dish, or array used to transmit or receive telecommunications signals.

ii. Communications towers means a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building. This does not include private home use television reception antennae and satellite dishes, or communications towers for amateur radio operation license by the Federal Communications Commission (FCC).

iii. Fall zone means the determined area within which the structure can be predicted to collapse in the event of failure.

iv. Telecommunications, defined in the Federal Telecommunications Act of 1996 as the transmission between or among points specified by the users of information of the user's choosing, without change in the form of content or other information as sent and received.

b. General requirements. The following conditions apply to all communication towers, which is a special exception use requiring approval by the Board of Zoning Appeals:

i. The tower shall not be illuminated or contain any lighting unless otherwise required by State or Federal regulations.

c. Freestanding towers. The following conditions shall be met before a freestanding communications tower is approved:

i. Approval for a proposed communications tower within a radius of ten thousand five hundred (10,500) feet from an existing tower or other suitable structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet the applicant's structural specifications or technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate and in a timely manner. Reasonable market rate shall be determined by applicant providing an average of the lease rates it pays for co-location-sites in Jasper County. The rate information shall be deemed a trade secret of the applicant and shall be made available only to the appropriate City Staff who shall hold this information confidential.

ii. The tower must be set back from all lot lines a distance equal to the tower's fall zone, as certified by a Registered Engineer, plus twenty (20) feet.

iii. The tower must be located no closer to a residential structure than a distance equal to one and one-half (1½) feet for each one (1) foot in height of the proposed tower plus fifty (50) feet as measured from the center of the proposed tower. At a minimum, there must be a one hundred fifty (150) foot distance between the proposed tower and a residential structure. This requirement may be waived by the owner of the residential structure.

iv. The proposed tower must be designed to accommodate additional antennae equal in number to the applicant's present and future requirements.

v. The proposed tower shall provide space for at least three (3) additional co-locations, for a total of four (4) separate arrays.

vi. The height of a tower is limited to one hundred sixty (160) feet as measured from existing grade at its base to the highest point of the tower or antenna. An

additional twenty (20) feet of height may be approved if the tower is designed to accommodate more than four (4) separate antennae arrays

vii. A tower must be setback from the OCRM critical line, the OCRM base line and all publicly owned right-of-way a distance equal to the tower height divided by 0.35. This provision may be waived by the administrator for towers located on city-owned property to provide for public safety communications equipment utilized by fire and rescue or law enforcement personnel and for towers designed as flag poles.

viii. The tower shall be appropriately secured by means of a wood, vinyl or masonry wall or fence, at least six (6) feet high; however, razor wire shall not be permitted. The tower shall have a vegetated buffer, either existing or installed, that provides an effective screen from public rights-of-way and adjacent property owners. If a buffer is to be installed, its placement on the site will vary in order to provide the most effective screening from public view. Required materials will be based on installation of a twenty-five (25) foot buffer around the fenced area.

ix. The site shall or will meet the landscaping requirements of the district in which it is located.

x. One (1) sign, two (2) square feet in size, which includes the name of the company(s) operating the equipment and a phone number for emergencies, shall be displayed in a visible location on or near the tower.

xi. The color of the tower and its antennae shall be one which will blend to the greatest extent possible with the natural surroundings. Monopole towers shall be required; lattice towers and guyed towers are prohibited.

xii. All tower, antennae, and accessory structure, or equipment that is not used for communication purposes for more than one hundred twenty (120) days shall be considered as abandoned and shall be removed by the owner within sixty (60) days. The City shall require a removal bond sufficient to cover one hundred fifty (150%) percent of the costs of removal to be purchased and kept in force as a requirement of permitting. Removal costs shall be the responsibility of the communication tower owner. The City reserves the right to dismantle any abandoned communications structure and associated equipment which has not been removed within the allotted time period. In that event, the City shall be reimbursed by the communications tower owner and/or by the surety bond within thirty (30) days of invoicing for the cost of dismantling and disposal of the tower and associated materials.

d. Roof-mounted or water tank mounted communications towers. The following conditions apply to roof-mounted communication towers:

i. No tower may be located on any residential structure.

ii. A proposed roof-mounted or water tank mounted tower shall not extend more than twenty (20) feet above the highest part of the structure.

e. Application requirements. The following items shall be submitted with the application for approval of a communications tower:

i. Documentation that co-location on existing towers or structure in a radius of ten thousand five hundred (10,500) feet was attempted by the applicant but found unfeasible with reasons noted.

ii. A notarize affidavit that states the applicant's willingness to allow co-location on the proposed tower at a fair market rate and in a timely manner to any other service provider licensed by the FCC for the City market area.

iii. A Site Plan, sealed by a South Carolina Registered Engineer, showing the location of all existing improvements and any proposed tower, antenna, accessory structure or equipment. In addition, the site plan must show all existing trees.

iv. Identification of the owners of all antennae and equipment to be located on the site.

v. Written authorization from the owner of the site for the application.

vi. Evidence that a valid FCC license for the proposed activity has been issued.

vii. Certification from the Federal Aviation Administration (FAA) that all towers, antennae, and equipment meet federal aviation and navigation requirements.

viii. Documentation signed and sealed by a South Carolina Registered Engineer that indicates the proposed tower meets the structural requirements of the International Building Code (as adopted by the City) and the co-location requirements of this Chapter. The Engineer shall certify that the tower can withstand IBC standards for minimum wind load.

ix. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential occupancies.

x. For a new tower, written indemnification of the City and proof of liability insurance of no less than one million dollars ($1,000,000) to be reviewed by the City for appropriate increases every five (5) years to respond to claims which may arise from operation of the facility during its life, at no cost to the City in form approved by the City Attorney.

xi. To assure removal of any abandoned tower, antennae, accessory structure, or equipment, a performance bond in the amount of the anticipated removal costs as determined by a South Carolina Registered Engineer, will be posted.

3.3. Accessory Uses and Structures

A. Accessory Uses

In addition to the principal use, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

1. Uses Customarily Accessory to Farms and Other Agricultural Uses

   a. Private airfields or air strips, together with subordinate uses;

   b. Private garages;

c. Cemeteries;

d. Barns, stables and other facilities for livestock;

e. Shed or tool room for the storage of equipment used in grounds or building maintenance;

f. Storage facilities for produce;

g. Greenhouses;

h. Condensers;

i. Creameries;

j. Feed lots;

k. Facilities for hatching or butchering of fowl;

l. Private swimming pool and bathhouse or cabin;

m. Private dock or boat house;

n. Swimming beach;

o. Trash Facilities: All private trash receptacles (dumpsters, trash cans, etc.) shall be hidden or screened from view. Screening shall be compatible with the architectural style of the primary structure. Unscreened facilities shall come into compliance immediately following the passage of this MZDO.

2. Uses Customarily Accessory to Dwellings

a. Private garage not to exceed the following storage capacities:

i. One (1) or two (2) family dwellings: Four (4)automobiles;

ii. Multi-family dwelling: Two (2) automobiles per dwelling unit;

iii. Group dwelling: One and one half (1.5) automobiles per sleeping room.

b. Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed under subsection 2.a. above; and provided that such space shall not be used for more than one (1) commercial vehicle licensed as one (1) ton or less in capacity per family residing on the premises.

c. Shed or tool room for the storage of equipment used in grounds or building maintenance, not to exceed forty (40%) percent of the square footage of the dwelling house.

d. Private swimming pool and bathhouse or cabana.

e. Private dock or boathouse.

f. Swimming beach.

g. Non-commercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not to exceed seventy-five (75%) percent of the height of the primary structure.

h. Trash Facilities: All commercial trash receptacles (dumpsters, etc.) shall be hidden or screened from view. Screening shall be compatible with the architectural style of the primary structure. Unscreened facilities shall come into compliance immediately following the passage of this MZDO.

3. Uses Customarily Accessory to Church Buildings

a. Parsonage, pastorium, or parish house, together with any use accessory to a dwelling as listed under "Uses Customarily Accessory to Dwellings" above.

b. Off-street parking area for the use without charge of members and visitors to the church.

c. Cemeteries provided that they are not located in any Residential District.

d. Trash Facilities: All private trash receptacles (dumpsters, trash cans, etc.) shall be hidden or screened from view. Screening shall be compatible with the architectural style of the primary structure. Unscreened facilities shall come into compliance immediately following the passage of this MZDO.

4. Uses Customarily Accessory to Retail Business, Office Uses, and Commercial Recreation Facilities

a. Off-street parking or storage area for customers, clients, or employees.

b. Completely enclosed building for the storage of supplies, stock or merchandise.

c. Repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located, and provided such operation is not otherwise specifically prohibited in the District in which the principal use is located.

d. Private air fields or airstrips, together with subordinate uses.

e. Sheds or tool rooms for the storage of equipment used in operations or maintenance.

f. Private swimming pools, bathhouses, or cabanas.

g. Swimming beach.

h. Bait house.

i. Agricultural products stand, not to be construed to include peddlers of nonagricultural products, provided all set back requirements or observed in the Commercial District where located, and further provided that such a stand be disassembled after the growing season, not later than October 1 of any year, and such stand complies with the sign regulation for the Zoning District within which it is located, and furthermore, does not create a hazard to local traffic patterns.

j. Trash cans, street furniture, and other related site furnishings located on private property shall not contain any commercial message such as a name or logo of a

business.

5. Uses Customarily Accessory to Public Uses, Building or Activities

   There shall be no limitations regarding accessory uses to any use, building, or activity operated within public domain except that such uses, buildings, or activities must be directly related and subordinate to the principal public use.

6. Caretaker's Residence

   a. In the CP District, a caretaker's residence located on a single parcel of land of not less than forty (40) acres and must be set back not less than twenty-five (25) feet from any adjacent or adjoining property line.

   b. In the nonresidential districts, a caretaker's residence may be provided for commercial uses so long as the dwelling quarters are concealed within the principal structure and that there is no outdoor storage on the premises, including, but not limited to, boats, campers, inoperable automobiles or storage buildings, that may indicate that the premises are used for any purpose other than that of the principal use.

   c. In the LI and BI districts, a one-family or two-family dwelling may be located on the premises of a permitted use provided the head of the household is employed by the industry as a watchman or caretaker or as employees of an agricultural or horticultural operation located on the premises.

B. Home Occupations

Home occupations shall be permitted in any Residential District provided that such occupation:

1. Is conducted by no other persons than members of the family and not more than two (2) other employees who are not residents residing on the premises;

2. Is conducted within the principal building with no display or storage of anything outside the principle building;

3. Utilizes not more than twenty-five (25%) percent of the total floor area of the principal building;

4. Produces no alteration or change in the character of exterior appearance of the principal building front of a dwelling;

5. Involves no sales or offering for sale of any article not produced or assembled by members of the family or employees, or any service not performed by members of the family or employees on the premises;

6. Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition. No equipment or process shall be used that creates a visual or audible interference in any radio or television receivers off the premise or causes flotation of line voltages off the premise.

7. Normal business hours shall be limited to 8:00AM to 8:00PM. At no time shall customers exceed three during normal working hours. Business that operate between hours of 8:00PM and 8:00AM shall be of a type that is quiet in nature such as clerical, bookkeeping, accounting, computer, etc., and do not create other than normal residential

traffic on the surrounding area;

8. Ensures that the applicant for such home occupation must 1) demonstrate that the proposed business use will not occupy more than twenty-five (25%) percent of the dwelling or accessory structure; 2) present a petition signed by all the property owners within one hundred fifty (150) feet of the property boundaries upon which the home occupation is to occur, stating their agreement or disagreement with the proposed use; 3) demonstrate a sufficient amount of off-street parking as defined in Section 4.6, Parking and Loading, exist or shall be created upon the premises for the home occupation; and 4) present these items to the Planning Director for approval;

9. Ensures that businesses requiring appropriate state licensing shall receive appropriate licensing before a Zoning Permit and Business License is issued by the City of Hardeeville

10. Does not involve automobile and/or body repairing; greenhouse or commercial nurseries and truck farming; food handling, processing or packing of food other than catering services that utilize standard home kitchen equipment; repair, manufacturing and processing uses, except that of a seamstress, where goods are manufactured for stock, sale or distribution; restaurants; and uses that harbor, train, raise, or treat dogs, cats, birds, other animals on-site.

    The Planning Director can defer the request to the BZA as a special exception use for their consideration and approval at a public hearing if, in his opinion, the home occupation request would create adversity in the neighborhood or he may deny the home occupation permit.

C. Accessory Uses

1. Retail Businesses, Incidental to a Permitted Use

    a. Such use shall be located on the same premises as a permitted use.

    b. Open storage of junk or salvage materials in conjunction with the operation is prohibited.

3.4. Temporary Uses and Structures

The Planning Director is authorized to issue a Temporary Certificate of Zoning Compliance for temporary uses, as follows:

A. Real-estate sales office in model homes provided no sleeping accommodations are maintained in the structure.

B. Contractor's office and equipment sheds, in any District, provided that such office is placed on the property to which it is appurtenant.

C. Temporary tent sales or sidewalk sales of items shall be permitted when conducted by and on the premises of a business operating out of a permanent structure on said premises and offering for sale similar merchandise as offered within the permanent structure without a zoning certificate as long as the setback requirements for the particular zoning District are not violated. Under no circumstances shall this provision be construed to permit peddlers or hawkers to operate on any premises. Yard sales are allowed only if written permission from

property owner is obtained.

D. Temporary seasonal sales of unprocessed agricultural or horticultural products related to the seasonal demand or availability of such product; including but not limited to fresh fruits and/or vegetables, Christmas trees, and bedding plants may be permitted provided that:

1. Horticultural and agricultural products shall exclude non-edible flora which is ordinarily available through established floral outlets without regard to season,

2. Temporary seasonal sales operators submit a Site Plan for review by the appropriate City officials and

3. Such operations are limited to six (6) months of operation.

E. All temporary Certificates of Zoning Compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

3.5. Nonconforming Buildings or Uses and Use Discontinuance

A. Nonconforming Buildings or Uses

Nonconforming buildings or land uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land uses at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, except that the nonconforming building or land use or portions thereof, shall not be:

1. Changed to another nonconforming use;

2. Re-used or re-occupied after discontinuance of use or occupancy for a period of thirty (30) days or more;

3. Re-established, re-occupied, or replaced with the same or similar building, or land use after physical removal or relocation from its specific site location at the time of passage of this Ordinance for a period of thirty (30) days or more.

4. Changed to a different use within the same district if such use would increase the traffic impacts or parking requirements, or otherwise increase of fail to reduce the degree of the non-conformity

5. Repaired, replaced, rebuilt, or altered after damage exceeding fifty (50%) percent of its replacement cost at the time of destruction as determined by the Planning Director or assigned agent.

6. Enlarged or altered in a way which increases in nonconformity.

B. Nonconforming Building or Use Discontinuance

1. Notwithstanding other provisions of this Ordinance, certain nonconforming buildings or land uses, after this Ordinance is enacted into law, shall be discontinued and/or shall be torn down, altered or otherwise made to conform with this Ordinance within the periods of time set by City Council. Upon application to the Board of Zoning Appeals, the Board,

either according to general rule or upon findings in the specific case, may permit not more than one (1) extension for not more than the time indicated in the Nonconformity Compliance Schedule below.

2. Upon learning or determining that a building or use is non-conforming, the Planning Director shall send a written notice the owner of the property that is nonconforming stating in what manner the property does not conform to said Ordinance to inform the owner of the nonconformity.

C. Parking Non-conformities

In cases of nonconformance due to insufficient automobile parking, buildings may not be enlarged or expanded, or uses changed which increase the nonconformity, until parking accommodations satisfy the requirements of this ordinance.

D. Manufactured Home Nonconformities

All manufactured home sites existing prior to the enactment of Ordinance 92-1 (the prior Zoning Ordinance of the City of Hardeeville) are exempt from all requirements as otherwise specified in this Ordinance and should apply to the BZA for a special exception.

E. Landscaping - Nonconforming Uses

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

1. When construction of new freestanding buildings, additions to existing buildings, new buildings which replace existing buildings, or addition of communication towers and antennae exceeds five thousand dollars ($5,000.00) in value, ten (10%) percent of the value of these improvements shall be expended towards landscaping.

2. When interior or exterior building repairs, renovations, or improvements exceeds ten thousand dollars ($10,000.00) in value, fifteen (15%) percent of the value of these improvements shall be expended towards landscaping.

3. When modifications made to the ground other than to structures, such as grading, paving, repaving, or re-striping of parking lots but excluding signs or other landscaping expenses exceeds five thousand dollars ($5,000.00) in value, ten (10%) percent of the value of such modifications shall be expended towards landscaping.

4. The percentages specified in (a) shall be above and beyond any expenditures required for landscaping specifically required by new construction or site alterations itself. For example, with a ten thousand dollar ($10,000.00) addition to a building, the developer shall be required to spend one thousand dollars ($1,000.00) on landscaping and tree conservation on the overall site. The expense of installing a landscape bedding around the addition shall not count toward the one thousand dollar ($1,000.00) requirement.

5. The Planning Director shall review and approve the proposed Landscaping Plan to assure optimal effectiveness in bringing the site closer to compliance. The priority for installation of landscaping is as follows:

   a. Planting of overstory trees in the front buffer (creating a front buffer if necessary);

   b. Perimeter screening of parking areas; and

c. Planting of overstory trees in the interior parking areas.

The work may include removing portions of pavement in order to install landscaping peninsulas, perimeter buffers, and other landscaping areas. Where the overall circulation and parking pattern will be disrupted, the developer shall not be required to remove paving.

6. When the value of any building construction, including repairs, renovation, and/or expansions over a three (3) year period exceeds fifty (50%) percent of the fair market value of the property as shown in the Jasper County Tax Record, the property must be brought into compliance with the full requirements of this Section.

7. Once the property is brought into compliance to the extent practicable, no further landscaping expenditures shall be required.

F. Nonconformity Compliance Schedule

To be administered and enforced by the Planning Director:

TABLE 3-5: NONCONFORMITY COMPLIANCE SCHEDULE		
NON-CONFORMITIES	TO BE DISCONTINUED WITHIN	EXTENSION PERMITTED
WRECKING, JUNK, SCRAP, OR SALVAGEYARDS AND OTHER OPEN USES OF LAND, SIGNS, OUTDOOR ADVERTISING STRUCTURES (SEE ARTICLE 8), BARRIERS, AUTOMOTIVE AND STORAGE YARDS FOR LUMBER, BUILDING MATERIALS, CONTRACTOR'S EQUIPMENT, VACANT MOBILE HOMES ON INDIVIDUAL LOTS, AND OTHER NONCONFORMITIES.	ONE (1) YEAR	SIX (6) MONTHS
MOBILE HOME PARKS IN SINGLE-FAMILY RESIDENTIAL AREAS	THREE (3) YEARS	ONE (1) YEAR

ARTICLE 4: GENERAL DEVELOPMENT STANDARDS

4.1. Applicability

All subdivision/development of land and development within the jurisdiction of this Ordinance shall conform to the requirements of this Article 4, unless specific standards in accordance with the enactment of a Planned Unit Development in accordance with Section 512.2(D)(2) of Appendix A of the former Hardeeville Zoning Ordinance were adopted as part of that Planned Unit Development, or are specifically exempted from these standards by a provision of this Ordinance.

4.2. Dimensional Standards

A. Table of Dimensional Standards

The table below lists the dimensional requirements for development in all zoning districts within the jurisdiction of this Ordinance. All primary and accessory structures are subject to the dimensional standards set forth in the following tables. These general standards may be further limited or modified by other applicable sections of this Ordinance.

1. Dimensional Standards for Most Districts

TABLE 4-2: TABLE OF DIMENSIONAL STANDARDS

	MINIMUM LOT AND AREA			MINIMUM SETBACKS			BUILDING
ZONING DISTRICT	LOT AREA (SQ FT)	AREA PER DWELLING UNIT (SQ FT)	LOT WIDTH (FT)	FRONT	SIDE	REAR	MAX HEIGHT (FT)
SFR1	20,000	20,000	80	25	10	15	40
SFR2	10,000	10,000	70	25	10	15	40
MFR	4,000	16 units/ac (max)	40	20	5	10	50
MU	N/A	N/A	N/A	0	0	25	50
DMU	N/A	N/A	N/A	0	0	25	50
RC	20,000	-	80	50	25 [A]	25 [A]	50
GC	6,000	-	50	40	10 [A]	25 [A]	50
DGC	N/A	-	N/A	0	0 [A]	25	50
HC	10,000	-	100	40	25 [A]	15 [A]	50
LI	1 acre	-	100	50	25 [A][C]	35	50
BI	25,000	-	100	25	10 [A][C]	15 [D]	50
CP	1 acre	-	200	100	50	None	50
RA	5 acres	-	400	100[B]	30	30	40
MHC	See Section 2.4 E for District Standards						

NOTES:

[A] Where the District abuts any Residential Zoning District not seperated by a street right-of-way, a suitable, well maintained masonry type wall not less than six feet in height above finish grade shall be constructed. Such a barrier shall be of the same design and nature on both sides. This barrier requirement may be amended to provide for other suitable barriers at the discretion of the Staff Review Committee in individual situations where a six-foot wall is determined to be an inappropriate barrier. Such wall is to be constructed by the developer or owner of the property.

[B] Except that stands or shelters for the selling and/or display of seasonal agricultural produce or other permitted commercial activities may be located within the minimum lot area, but not within 20 feet of the nearest street right-of way.

[C] Minimum setback of 30 feet if abuting a residential district not seperated by street right-of-way.

[D] Minimum setback of 30 feet if abuting another zoning district.

B. Measurements and Exceptions

1. Lots

All lots that shall hereafter be established within a subdivision/development shall comply with the following design standards:

a. Measurement of Front, Side, Rear Yards; Determination of Building Area

The required front, side, and rear yards for individual lots, as set forth for the particular district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the "Buildable Area."

b. Special Front Yard Requirements for Dwellings in Developed Areas

The setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback on already built-upon lots located within one hundred (100) feet on each side of such lot and zoning district, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. Also, in no case shall such setbacks be less than fifteen (15) feet.

c. Location of Building on Lots and Residential Limitations

Every building or use hereafter erected or established shall be located on a lot; and every one-and two-family residential structure, except as herein provided, shall be located on an individual lot. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines as outer boundaries and, in no case, shall such buildings infringe beyond the building lines into the respective front, side, rear yards or other setbacks required for the district in which the lot is located. The first floor elevation of all new or moved structures subsequent to the passage of this Ordinance shall be in compliance with the minimum height requirements of established Federal Flood Insurance Program flood boundaries.

d. Double Frontage Lots

On lots having frontage on two (2) streets, but not located on a corner of two (2) or more streets, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance on at least two (2) of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of Corner Lots section.

e. Corner Lots

On lots having frontage on more than one (1) street at an intersection, the minimum front yard requirement may be reduced to one half (1/2) the regulated distance on the portion of the lot fronting on the street or streets of less importance. If the streets are designated on the Zoning Map as being of equal importance, then the property owner can choose the street along which he wishes to reduce his front yard requirement. However, in no case, shall the setback be reduced to less than fifteen (15) feet.

f. Street Access

i. All lots shall abut on a street which conforms to the design requirements of this Ordinance.

ii. Flag lots are prohibited.

g. Lot Shape

Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. Excessive lot depth in relation to lot width shall be avoided. The depth of residential lots shall be not less than one (1) or more than five (5) times their width.

h. Lot Drainage

Lots shall be provided with adequate drainage and shall be graded so as to drain water away from the building. The minimum elevation of the lot shall be a level that will prevent ponding or flooding as a result of heavy rains. The entire lot shall be properly drained at a minimum slope of one-eighth inch (1/8") per foot toward the roadside and/or lot swales. In no event should the lot be graded so as to throw the storm water onto the adjacent property or lot, except into a common ditch or swale established within an easement area on such property or lot for that purpose. Any remnants or lands not meeting all of the requirements of this Ordinance shall be incorporated into either existing or proposed lots, or shall be legally deeded to a Homeowners or Property Owners Association.

2. Setbacks

a. Required Setbacks

i. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements set forth in the table above for the zoning district in which it is located, except as otherwise established in this Ordinance or unless a variance or administrative adjustment has been granted.

ii. Setbacks shall be unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above grade upward, unless otherwise allowed under subsection b. below.

b. Projections into Required Setbacks

The following structures may project into required front, side or rear setbacks as specified in this subsection, and shall not be considered in determining lot coverage:

i. Fences, Walls, and Other Yard Accessories

Fences, walls, trellises, poles, posts, ornaments, lawn furniture, and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.

ii. Paved Terraces

Paved terraces may project into any required setback, provided that no structures placed there shall violate other requirements of this Ordinance and

are at least five (5) feet from the lot line.

iii. Unroofed Landings, Decks, Stairs and Balconies

Unroofed landing, decks, and stairs may project into required front and rear setbacks only, provided that no portion other than a handrail shall extend higher than thirty (30) inches above the finished grade level. Unroofed balconies may project into a required side or rear yard provided these projections are at least six (6) feet from the lot line.

iv. Incidental Architectural Features

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than two (2) feet into any required yard provided these projections are at least five (5) feet from the lot line.

v. Roofs Over Porches and Other Exterior Approaches

Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may encroach up to five (5) feet into a front setback, provided that, where such roof projections encroach within the setback, the roof projections shall comprise no more than fifty (50%) percent of the total length of the building's façade. The covered porch or entrance area encroaching into the setback shall remain exterior to the building and enclosed by no more than a railing.

vi. Projections Into Easements and Rights of Ways Prohibited

Projections shall not extend or encroach into any easement(s) or right(s)-of-way.

vii. Handicap Ramps

The Planning Director may allow the installation of handicap access ramps in required front, side, and rear setbacks.

viii. Bay Windows

Bay windows that are not more than eight (8) feet in width where the projection breaks the plane of the wall may project no more than two (2) feet into any required yard setback, so long as there is an eight (8) foot radius offset to any opposing bay window on the adjacent lot. Notwithstanding any other provisions of this Code, bay windows shall not be included in determining lot coverage.

ix. Private Garages and Carports

A private garage or carport may project into a required setback abutting a public alley, in accordance with other requirements of this Ordinance.

c. Visibility

i. Visibility at Street Intersection

In all districts, no fence, wall, terrace, sign, shrubbery, painting, or other structure or object capable of obstructing driver vision between the heights of three (3) and ten (10) feet above the finished street level shall be permitted on a

corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) that bound said lot.

ii. Visibility at Private Drive and Entrance Intersecting with Public Streets

There shall be no impediment to visibility caused by any structure or vegetation at any intersection with a private drive and any public right-of-way which may create or cause to create a traffic hazard.

3. Height

a. Height Measurement

Building height is determined by the vertical distance as measured from the lowest ground elevation on the building to the highest point on the building, excluding chimneys, cupolas and antennae.

b. Exception to Height Limitations

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments; water towers; observation towers; transmission towers; silos; chimneys; smoke stacks; conveyors; flag poles; masts and aerials, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zone or flight patterns.

c. Buildings that Exceed Fifty (50) Feet in Height

Occupancies that exceed fifty (50) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment must have plans approved by the Fire Chief and appropriate Staff at the City of Hardeeville and, as necessary, reach financial arrangements acceptable to the City Council which provide assistance in purchasing the appropriate fire-fighting apparatus or equipment.

4.3. Open Space

A. Areas Qualifying as Open Space

Open space, as required in this Section 4.3, shall mean all areas not utilized for buildings, sidewalks, roads, and parking. Areas qualifying as open space are landscaped areas; dedicated wildlife preserves; buffer areas as required in the Highway Corridor Overlay District or other buffer requirements as may be found within this Ordinance; ancillary recreational amenities such as swimming pools, tennis courts, basketball courts, and golf courses; and up to fifty (50%) percent of lagoons, ponds, lakes, and natural freshwater wetlands.

B. Required Open Space Percentages

1. Required open space, as shown in Table 4-3 below, shall be computed as the aggregate sum of the open space percentages computed for the various designated land uses and densities within the overall development, or if developed in phases, within each phase. The total open space required may be provided anywhere within the development, or if developed in phases, within each phase. In the event another provision of the MZDO

requires a larger percentage of open space, or that a portion of the open space be set aside and developed as active open space, such provision(s) shall apply.

TABLE 4-3: PERCENTAGE OPEN SPACE REQUIRED BY LAND USE AND DENSITY	
USE TYPE / DENSITY	REQUIREMENT
ALL RESIDENTIAL	30%**
INSTITUTIONAL & PUBLIC USES	15%
COMMERCIAL USES	20%
INDUSTRIAL USES	25%
HOTEL/MOTEL*	20%
*REQUIRED OPEN SPACE PERCENTAGE OF TOTAL HOTEL/MOTEL TRACTS IS COMPUTED BY DIVIDING THE HOTEL/MOTEL UNITS PER ACRE BY 2.5 AND APPLYING THE RESULTANT RESIDENTIAL DENSITY REQUIREMENT. EXAMPLE: HOTEL DEVELOPMENT AT 30 UNITS PER ACRE. TAKE 30 DU DIVIDED BY 2.5 WHICH EQUALS 12 DU/ACRE; RESIDENTIAL MULTI-FAMILY 10--16 DU/ACRE EQUALS 30 PERCENT OPEN SPACE REQUIRED. ** 1/3 OF OPEN SPACE FOR ACTIVE RECREATION	

2. In the case of development fronting on saltwater tideland (i.e., the landowner owns to the mean high water mark, or under a King's Grant), the developer may utilize a portion of these wetlands, for which title is held, to meet up to twenty-five (25%) percent of the open space required in Table 4-3.

3. The open space credit for lagoons, ponds, lakes, and natural freshwater wetlands may not exceed fifty (50%) percent of the total amount of the lagoons, ponds, lakes, and natural freshwater wetlands for which title is held, that is, the development shall be entitled to the lesser of the potential open space credit or fifty (50%) percent of the actual wetlands owned.

C. Additional Open Space Requirement for Subdivisions and Developments with More than fifty (50) Dwelling Units

Subdivision/developments and PUDs with more than fifty (50) dwelling units shall increase their open space percentage to thirty (30%) percent, of which at least one-third (1/3) must be set aside as active recreational area, such as basketball courts, playgrounds and open playing fields. Plans for such active recreational area must be submitted as part of the park management plan as required hereinabove. Passive green area open space including trails, viewing areas, etc., must be completed prior to twenty-five (25%) percent development completion. Active green areas open space, including bike paths, park facilities,

playgrounds, basketball courts, etc. must be completed prior to fifty (50%) percent development completion.

Examples: Development tract size (including fresh water wetlands) equals seven acres.

Example #1

High Ground =	6.00 acres
Wetlands =	3.00 acres
Proposed Density =	6.0 du/acre
Required Open Space from Table 4-4 (20% x 7 acres) =	1.4 acres
Potential Wetlands Credit	
[50% × 1.4 acre (required open space)] =	0.7 acre
50% of Wetlands Held =	1.5 acre
Open Space Required on High Ground =	0.7 acres

Wetlands Held were greater than Required Open Space, therefore Subtract Potential Wetlands Credit

Example #2

High Ground =	6.00 acres
Wetlands =	1 acres
Proposed Density =	6.0 Du/acre
Required Open Space from Table 4-4 (20% × 7 acres) =	1.4 acres
Potential Wetlands Credit	
[50% × 1.4 acre (required open space)] =	0.7 acre
50% of Wetlands Held =	0.5 acre
Open Space required on High Ground =	0.9 acres

Wetlands Held were less than 50% of the Required Open Space, therefore Subtract 50% of Wetlands Held

4.4. Water and Air Pollution

All uses must satisfactorily comply with the health and environmental requirements of all appropriate Federal, State, and local agencies regarding the protection of waterways from pollution by waste materials and the protection of the atmosphere from pollution by dust smoke, or other waste materials.

4.5. Landscaping and Tree Conservation

A. Bufferyards

1. Purpose

The bufferyard is a unit of yard together with the planting, fences, walls, and other screening devices required thereon. The purpose of a bufferyard is to avoid any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

2. Where Required

Bufferyards shall be required for proposed new uses or substantially expanded uses (over fifty (50%) percent gross floor area) in accord with the following Table 4-5-1.

3. Specifications and Options

a. From Table 4-5-1, match the abutting use with the proposed new or expanded use to determine the type of bufferyard required. Should a question arise as to the land use classification of a proposed or abutting use, the Planning Director shall determine the classification. Next, refer to the bufferyard illustrations following Table 4-5-1 to determine the amount of bufferyard required. Several options of landscaping are available under each bufferyard. The requirements are given in one hundred (100) foot units as measured along the property line. Whenever a wall or fence is required, the location of the structure may be on either side of the required bufferyard.

Table 4-5-1: Adjacent Use Buffer Requirements

Proposed New or Expanded Use	Existing Adjacent Use							
	Ag	Single-Family Dwelling, SFR Zone	Single-Family Dwelling	All Other Residential Uses	Office/ Inst	Comm/ Non-Effluent Industry	Effluent Producing Industry	Street
Office/Institutional	0	3	2	1	0	0	0	3
Multi-family/ Manufactured home park	0	3	2	0	1	2	3	3
Low impact	0	3	2	1	0	0	0	2
Commercial	1	4/5C	3	2	0	0	0	2
Non-effluent producing industry	2	5	4	3	2	0	0	3
Effluent producing industry	3	6	6	5	3	2	0	3

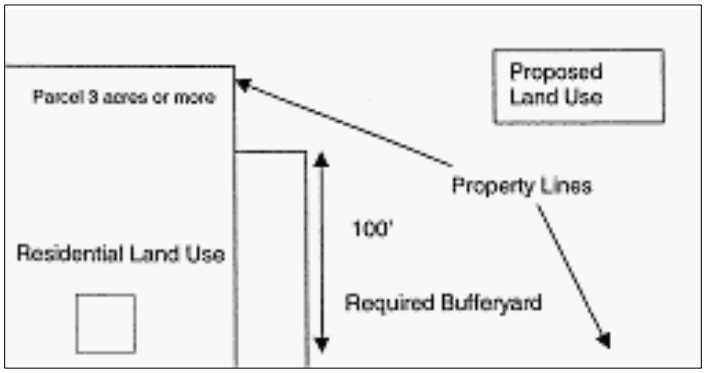
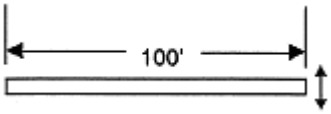
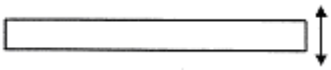
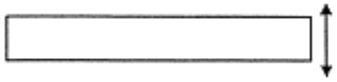
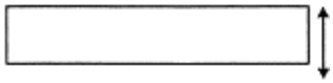
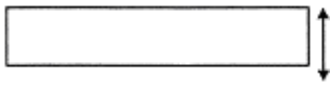
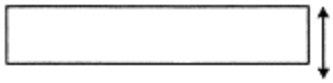
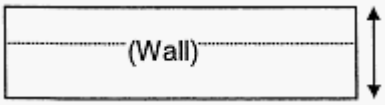
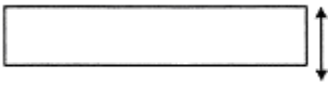
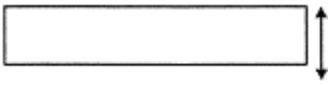


TABLE 4-5-2 BUFFERYARD ILLUSTRATIONS			
Type	Space Required	Width	Plants Required
Bufferyard 1		5’	5 trees; or 3 trees & 6 shrubs; or 12 shrubs; or six-foot fence (wood-solid)
Bufferyard 2		10’	10 trees; or 6 trees & 12 shrubs; or 24 shrubs; or 6-foot fence
Bufferyard 3		15’	15 trees; or 8 trees & 24 shrubs; or 48 shrubs; or 6-foot fence & 20 shrubs or trees
Bufferyard 4		25’	25 trees & 30 shrubs; or 12 trees & 60 shrubs; or 8-foot fence & 10 trees or shrubs
Bufferyard 5A		50’	30 trees & 40 shrubs; or 20 trees & 80 shrubs; or 8-foot fence & 25 trees or shrubs
Bufferyard 5B		25’	6-foot masonry wall & 25 trees or shrubs
Bufferyard 5C		5’	8-foot masonry wall
Bufferyard 6B		25’	6-foot masonry wall & 25 trees or shrubs
Bufferyard 6A		50’	8-foot fence & 45 trees & 80 shrubs; or 8-foot fence & 30 trees & 120 shrubs

Note: Not to scale

b. The length of a bufferyard shall extend along the length of the property line separating two uses, except for property lines in excess of two hundred (200) feet, where the bufferyard need only extend one hundred (100) feet beyond either end of the existing use to be buffered as long as the natural buffer is maintained and approved by SRC.

4. Use of Existing Vegetation

Existing vegetation, including all trees of any dimension, shall be retained to the extent practical and feasible. In no event shall a developer clear-cut the site of a required bufferyard. Instead, the developer shall conduct an existing tree inventory, identifying the location, species, and diameter (breast high) of all trees in the bufferyard, and complement the presence of such trees with appropriate shrubs and other vegetation to meet all requirements of this section.

5. Materials

To achieve the desired results, only coniferous (evergreen) plants, suitable for local conditions, shall be used. When structures are used, the materials shall be durable and suitable for screening.

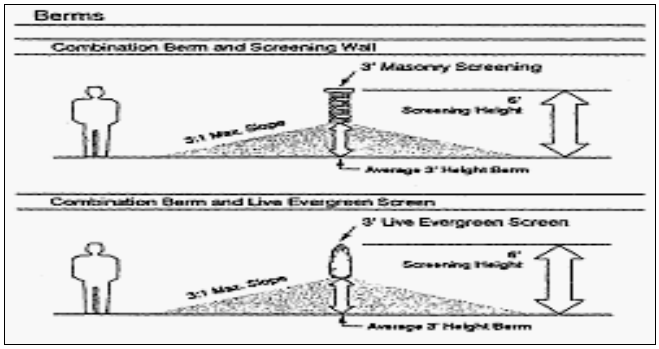
6. Plant Size and Caliper

The minimum tree at planting shall be six (6) to seven (7) feet in height and two and one half (2½) inches DBH. The minimum shrub shall be two (2) to three (3) feet in height. Both trees and shrubs shall be nursery stock with well-developed root systems unless plants found in place can be used. If the existing vegetation provides a screen equal to or greater than that which would be planted, no other plant material shall be required. In case of open woods, an additional planting of eye shrubs such as hemlock or pines may be needed to improve screening. Fencing requirements are not changed by a wooded site.

7. Substitutions

The following substitutions for opaque walls, fences, and plant materials may be made:

a. Berms may be used to compensate for fences. An eight (8) foot high opaque structure can be a combination of berm and fence to total eight (8) feet.



b. Black, green, and brown color-coated chain-link fence, designed to blend into the landscape, along with evergreen hedge on the outbound side may be substituted for wooden or vinyl fences of the same height. All plants must be sized and spaced to obscure the chain link fence within five (5) years of planting.

c. Any existing plant material that otherwise satisfies the requirements of this Section may be substituted and counted toward satisfying the requirements of this Section.

8. Fence and Wall Specifications

All fences and walls used as part of the bufferyard requirement must have the finished side facing outward. Fences shall be wooden or other durable or opaque material approved by the Planning Director. Wooden fences shall be made of rot-resistant

material such as pressure-treated pine, locust, cedar, or redwood. If made of pine, the post shall be rated for soil contact and the boards rated for outside use. Chain link fences with wood, plastic, or metal strips are expressly prohibited. However, a color-coated black, green, or brown chain link fence with evergreen hedge is acceptable. Metallic finish chain link fence is expressly prohibited. Walls must be made of masonry materials including poured concrete, concrete block covered with stucco, and brick.

9. Responsibility

It shall be the responsibility of the proposed new use to provide the bufferyard where required by this Title, except that no new detached single-family dwelling or duplex shall be required to provide such bufferyard.

10. Required Maintenance

The maintenance of required bufferyards shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply agreed upon with the Planning Director to ensure continuous healthy growth and development. Dead plant material shall be removed and replaced; 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 Title, and may be remedied in the manner prescribed for other violations.

11. Use of Bufferyards

A bufferyard may be used for passive recreation and may be interrupted by access driveways not exceeding sixteen (16) feet in width (exceptions for uses requiring wide curb cuts may be approved by the Planning Director). All other uses are prohibited, including off-street parking.

12. Sight Clearance

Bufferyards may not obscure a clear line of sight for vehicular traffic. Therefore, bufferyards should be placed no closer than twenty (20) feet from street/road right-of-way lines.

B. Screening

1. Purpose

Screening is a type of buffer that is designed to block or obscure a particular element or use from view. The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

2. Where Required

Screening specified by this Section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for shipping containers, building materials, appliances, commercial trash containers, salvage materials, and similar unenclosed uses.

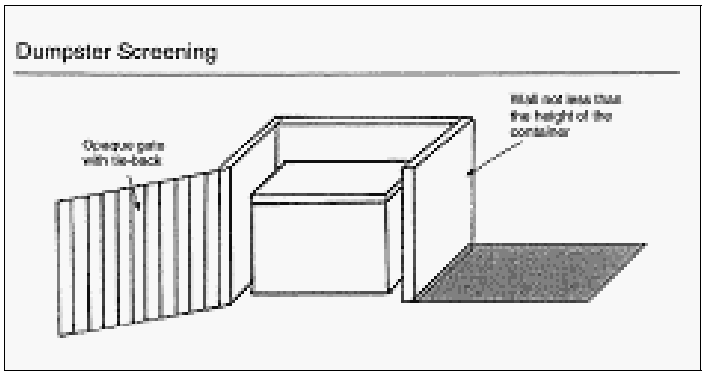
3. Type of Screening Required

Screening shall be accomplished by an opaque divide not less than six (6) feet in height or the height of the object to be screened, whichever is greater. Screening may be

accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper sitting of disruptive elements, building placement or other design techniques approved by the Planning Director.

4. Fence and Wall Specifications

All fences and walls used as part of the screening requirement must have the finished side facing outward. Fences shall be wooden or other durable or opaque material approved by the Planning Director. Wooden fences shall be made of rot resistant material such as pressure treated pine, locust, cedar, or redwood. If made of pine, the post shall be rated for soil contact and the boards rated for outside use. Chain link fences with wood, plastic, or metal strips are expressly prohibited. However, a color-coated black, green, or brown chain link fence with evergreen hedge is acceptable. Metallic finish chain link fence is expressly prohibited. Walls must be made of masonry materials including poured concrete, concrete block covered with stucco, and brick.



C. Landscaping

1. Purpose

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. The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to enhance environmental and visual characteristics; to promote the greening of development and the reduction of noise pollution, storm water run off, air pollution, and artificial light glare, and to safeguard property values, protect public and private investments; and promote high-quality development.

2. Where Required

No proposed commercial, institutional, industrial or other nonresidential use, or multi-family project or manufactured home park, shall hereafter be established or reestablished in an existing building or structure, and subsequently used unless landscaping is provided in accord with the provisions of this Section. No existing building, structure, or vehicular use area shall be enlarged by fifty (50%) percent or more unless the minimum landscaping required by the provisions of this Section is provided throughout the building site.

3. Landscaping Plan Required

A Landscaping Plan shall be submitted as part of the application for Development Permit. The plan shall:

a. Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site; and

b. Indicate the location and dimensions of landscaped areas, plant materials, decorative features, irrigation etc in accordance with the requirements of this Ordinance.

4. Landscaping Requirements

Required landscaping shall be provided as follows:

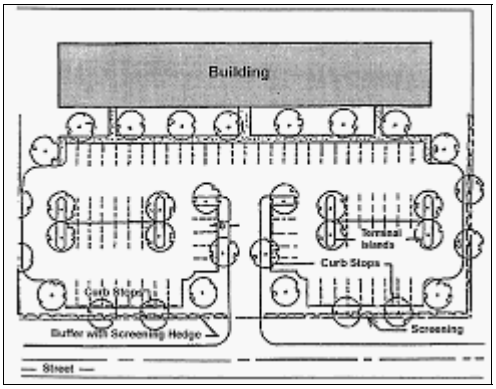
a. Along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this Chapter, to buffer and separate incompatible land uses. The amount specified shall be as prescribed by Section 4.5.A, Bufferyards.

b. Within the interior of a lot or parcel, peninsula, or island-type landscaped areas shall be provided for any open vehicular use area containing twenty (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 direction. Elsewhere, landscaped areas shall be designed to soften and complement the building site and separate the building from the vehicular surface area.

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

TABLE 4-5-3: INTERIOR LOT LANDSCAPING	
Use	% of Lot
Institutional	15%
Industrial/wholesale/storage	10%
Office	10%
Commercial-retail-service	5%
Multi-family Projects	10%
Manufactured Home Parks	10%

d. Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.



5. Landscaped Areas

a. All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of four (4) inches in height. The barrier need not be continuous.

b. Landscaped areas must be at least twenty-five (25) square feet in size.

6. Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or other readily available water supply approved by the Planning Director. Failure to monitor such areas is a violation of this Section, and may be remedied in the manner prescribed for other violations.

4.6. Parking and Loading

A. Off-Street Parking and Loading Standards

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all districts at the time of the initial construction of any principal building producing an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs. Off-street parking spaces shall have direct access to a street or alley, and shall be provided and maintained in accordance with the following requirements:

B. Parking Requirements According to Use

Parking requirements for specific uses are listed in Table 3-1, Table of Allowed Uses.

C. Location on Other Property

If the required automobile parking space cannot be reasonably provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within four hundred (400) feet of the main entrance to such principal use and shall not thereafter be reduced or encroached upon in any manner. A parking easement or other suitable legal encumbrance, to be filed of record, shall be required to be submitted to City Staff and the City Attorney for approval, which easement shall not be terminable without the City's permission to ensure the off-site parking is available for so long as the use requiring it is in existence.

D. Common Off-Street Parking Areas

A single use encompassing more than one (1) of the activities specified in Table 3-1, or two (2) or more principal uses whether located on the same or separate lots, may utilize a common area in order to comply with off-street parking requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of Off-Street Parking, and provided that the owner of said lot relinquished the development rights over the property until such time as parking space is provided elsewhere. A parking easement or other suitable legal encumbrance, to be filed of record, shall be required to be submitted for approval by City Staff, including the City Attorney, which easement shall not be terminable without the City's permission to ensure the common

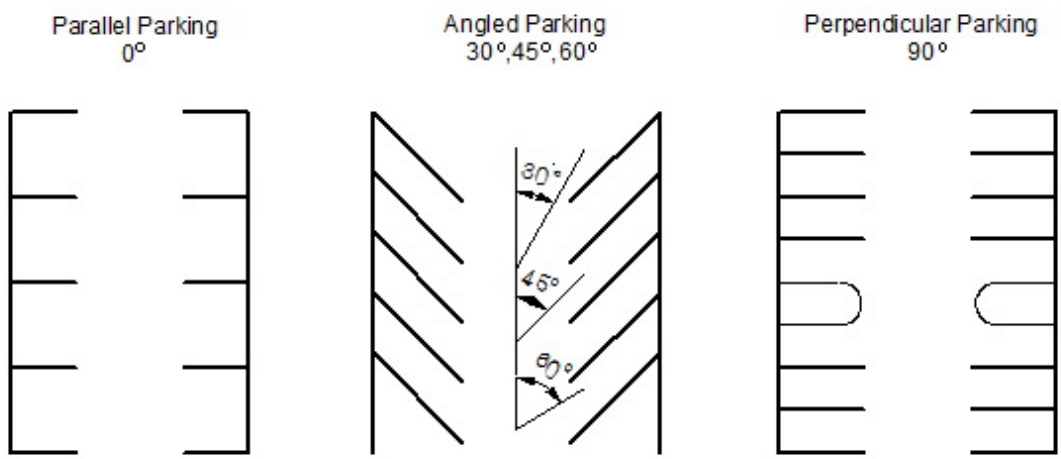
parking is available for so long as the use requiring it is in existence.

E. Use of Public Rights-of-Way for Maneuvering

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

F. Parking Space Area Requirements

Each required off-street parking space as required by this Ordinance shall be a minimum of twenty (20) feet long by ten (10) feet wide in area. This requirement does not include any space necessary for the vehicular maneuvering within the lot or facility to access such parking spaces. Aisle widths must meet the approval of the Staff Review Committee to ensure public safety concerns are addressed. The Planning Director or other designated agent may require that the parking arrangements be prepared and certified by a licensed engineer. Handicap parking shall be provided, as specified by the "American with Disabilities Act (ADA)," latest edition as published in the Federal Register.



G. Off-Street Loading and Unloading Spaces

Every lot on which a business, trade, industry, multifamily residential use or manufactured home park is hereafter established shall provide space as indicated herein for the loading and unloading of vehicles off the public right-of-way with direct access to an exterior doorway. Such space shall have access to an alley, or a street if there is no alley for the purpose of this Section, an off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and be free of obstructions at all times. Required space shall be considered as follows:

1. Retail Business

   One (1) space for each five thousand (5,000) feet of gross floor space.

2. Transportation, Wholesale, Industrial, Governmental and Institutional Uses, Including All Public Assembly Places, Hospitals and Educational Institutions, Public or Private Outdoor and Indoor Recreational Areas or Activities

One (1) space for the first twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

SQUARE FEET	NUMBER OF LOADING/ UNLOADING SPACES
25,000 – 99,999	2
100,000 – 159,999	3
160,000 – 239,999	4
240,000 – 349,999	5

For each additional one hundred thousand (100,000) square feet or fraction thereof one (1) additional loading/unloading space shall be required.

3. Off-Street Loading

All uses, whether specified in this Ordinance or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, walk, alley or way.

4. Location

Required 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. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein. In the case of residential areas or manufactured housing parks, such off-street parking may be located in consolidated areas so as to provide additional parking for visitors to the residents.

H. Parking and Storage of Certain Vehicles

See Chapter 18 of the City of Hardeeville Municipal Code.

4.7. Lighting

All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

A. Fixture (Luminaire)

Except as provided herein, or unless otherwise explicitly approved by the SRC, the light source shall be a full cutoff fixture, completely concealed within an opaque housing and not be visible from any street. Where the design of an area may suggest the use of lighting fixtures of a particular "period" or architectural style, fixtures other than full cutoff fixtures may be used if the lumens generated by each fixture do not exceed five thousand five hundred (5,500) and if the mounting heights of such fixtures are less than or equal to fifteen (15) feet.

Fixtures used under gasoline canopies and other structural canopies shall be flat lens, recessed lens, or drop lens with glare shields. Use of drop lens without glare shields is prohibited. Drop lenses without glare shields must be brought into compliance with this Section at the passage of this Ordinance.

B. Light Source (Lamp)

Only fluorescent, metal halide, LED, or color corrected height-pressure sodium may be used. The same type must be used for the same or similar types of lighting on any development. No colors other than white or off-white (light yellow tones) may be used for any light source for the lighting of signs, structures of the overall site unless the SRC deems such lighting to be appropriate to the design theme of the proposed development.

C. Mounting

Fixtures must be mounted in such a manner that their cone of light does not cross ay property line of the site. Poles shall be black, dark gray, dark brown, or earth tone. The height of the light shall not exceed twenty-five (25) feet above grade; however, in parking areas greater than one (1) acre in size, lights located more than one hundred (100) feet from any property line may be up to thirty (30) feet above grade and MUST be approved for such height by the SRC. Any fixtures located within any required buffer should not exceed twelve (12) feet above grade. For purposes of this Ordinance, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture (luminaire).

D. Submittal Requirements

A site Lighting Plan at a scale of one (1) inch to twenty (20) feet or other scale acceptable to the Planning Director shall be submitted. The site Lighting Plan shall include:

1. Existing and proposed buildings, trees, landscaping, parking areas, and all proposed exterior lighting;

2. Specifications for all proposed lighting fixtures including fixture design, type of lamp, wattage, designation as "cutoff" fixtures, and other descriptive information on the fixtures; and

3. Proposed mounting height and placement of all exterior lighting fixtures.

E. Timers and Dimmers

It is recommended that lighting installations include timers, dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting.

F. Holiday Lighting

Holiday lighting shall be exempt from the provisions of this Section, provided that such lighting does not create dangerous glare on adjacent streets or properties and is limited to forty-five (45) days before the holiday and thirty (30) days after the holiday.

G. Light Trespass

In addition to the general provisions in this Section, off-street lighting shall be shielded and/or directed in such a manner that it illuminates only the user's premises and does not spill over into the neighboring residential areas so as to interfere with the peaceful enjoyment of

residential or public properties. Floodlighting of buildings is prohibited.

H. Nonconforming Fixtures

Except where otherwise noted, all outdoor lighting fixtures existing and legally installed and operative before the effective date of this MZDO are exempt from the requirements of this Section. Whenever a nonconforming fixture is repaired/replaced, or moved, the replacement fixture shall meet the requirements of this Section if the damage is to more than thirty (30%) percent of the fixtures on site.

4.8. Tree Protection

A. Purpose

The purpose of this Section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety and general welfare, to lessen air pollution, to increase air filtration, to reduce noise, heat and glare, to prevent soil erosion, to aid in surface drainage and minimize flooding, to beautify and enhance the environment.

B. Protected Trees

Any hardwood measuring twelve (12") DBH (Diameter at Breast Height) or greater with the exception of Sweet Gum trees and Water Oaks shall constitute a "protected tree" for purposes of this section and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any tree in violation of the terms of this Section.

C. Exceptions

Commercial timber, tree farms and nurseries, public utilities and agricultural operations of disturbing activity of less than two (2) acres on a single lot or parcel are exempt from the protective requirements of this Section. Property cleared under the exemptions of this Section shall not be redeveloped and the City shall withhold any development permit for a period of twenty-four (24) months.

D. Tree Survey

Prior to grading or clearing a lot or parcel for development and the issuance of a grading or building permit, the developer/owner applicant shall have conducted a tree survey identifying the location of all protected trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

E. Site Design

The design of any land development project or subdivision shall take into consideration the location of all protected trees identified on the tree survey. Lot and site design shall minimize the need to fell protected trees, of which no more than twenty-five (25%) percent may be removed to accommodate a proposed use or development. The minimum tree cover shall be fifteen (15) trees per acre.

The site design shall be presented on a Site Plan showing:

1. Existing location and size of all protected trees;

2. Trees to be removed;

3. Trees to be preserved;

4. Areas to be cleared; and

5. Areas for proposed structures and improvements

Site Plan approval by the Director of Planning shall be prerequisite to the issuance of a Grading and/or Building Permit.

F. Tree Protection and Replacement

1. Clear Cutting Prohibited. The clear cutting of trees by any person for the sole purpose of clearing land or offering land for sale shall be prohibited. Bona fide silviculture operations are exempt from this provision to the extent harvesting operations in advance of land sales shall be authorized upon certification to the City that at least fifteen (15) trees per acre shall remain after clearing. Each tree removed is considered a separate offense.

2. Prior to Development. Where a grading permit, building permit or subdivision approval has not been issued, the destruction of any protected tree, as defined by this Ordinance, without prior approval of the Planning Director, which approval shall not be unreasonable withheld, shall be prohibited. Each tree removed is considered a separate offense.

3. During Development and Construction. During development, a minimum protective zone, marked by barriers, shall be established (erected) at the “drip line” and maintained around all trees to be retained as required by this Section. On any land it shall be unlawful, prior to or during construction of any structures, for any person to place solvents, building materials, construction machinery, construction vehicles, or soil deposits in any location other than a location specified on an approved Clearing Plan, or to engage in any other practices that have a potential for causing root or trunk injury, including, but not limited to excavating, building, trenching, grading, tree removal, grubbing, filling, stringing of overhead or underground utilities, land clearing or other land alteration, except in accordance with the terms and provisions of an approved Clearing Plan. During construction, no attachments or wires shall be attached to any trees designated for protection under such plans. Barriers must be inspected and approved by staff by to commencement of any construction activities. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage materials within this protected zone.

4. After Development. No person shall break, damage, remove, cut, kill or cause to be killed any protected tree, except for the following:

   a. In the event that any tree shall be determined to endanger the public health, safety or welfare, including airport operations, and require removal, written authorization may be given by the Planning Director and the tree or parts thereof (i.e. dead limbs) removed.

   b. During the period of an emergency, such as a hurricane, tornado, ice storm, flood or any other act of nature, the Planning Director may waive the requirements of this Section.

   c. Where due to unusual site conditions or circumstances, the requirements of this section pose a constraint to development and/or the use of a site or parcel, the Planning Director may adjust the requirements as necessary to moderate the constraint.

d. Trees involved in wetland mitigation.

e. Diseased (unhealthy) or nuisance trees, with approval of the Planning Director.

G. Protected Trees Removed Without Permits

Where protected trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of protected trees in violation of this Section, in addition to the per tree violation penalty and restitution provided under Section 1.9 of the Hardeeville code of Ordinances, replacement trees shall be planted in accord with a replacement schedule approved by the Planning Director, or designee, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

1. Combined DBH of replacement trees is equal to or greater than three (3) times the DBH of the tree removed or;

2. Individual replacement trees are of the largest transplantable DBH available.

4.9. Erosion and Sediment Control and Stormwater Management

A. Purpose

In order to protect the general health, safety, and welfare, and to protect the natural assets and resources of the City and Joint Planning Area for posterity, this Section 4.9 is enacted to protect the lands and waters from the effects of excessive soil erosion and sedimentation, to prevent siltation of streams and waterways, to prevent clogging of drainage channels, and to prevent damages to the property of adjacent landowners. In addition, it is the purpose of this Section to provide proper drainage channels, clear of obstruction, for stormwater runoff; to control pollution of streams and drainage channels by urban stormwater runoff; and to prevent encroachment into natural drainage channels by buildings or other land improvements. Proper management of the quality and quantity of stormwater runoff will minimize damage to public and private property, insure a functional drainage system, promote the attainment and maintenance of water quality standards, enhance the local environment associated with the drainage system, maintain as nearly as possible the predevelopment runoff characteristics of the area, and facilitate economic development while mitigating drainage impacts.

B. Exemptions

The provisions of this Section 4.9 shall not apply to:

1. Agricultural and silvicultural land management and cultural practices, or construction of on-farm nonresidential buildings and structures used in a farming operation, provided that such structures do not require a building permit and adhere to the Flood Damage Prevention Ordinance, Chapter 9, Hardeeville Code of Ordinances.

2. Single family residential lots of under two (2) acres or less or single family residential lots that have been approved as part of an overall subdivision/development stormwater management plan on record with the City and that meets the requirements of this Ordinance. However, the City Building Official and/or Engineer may, if valid reason exist, require submittal of all/or portions of this Section for any single family residential lots.

3. Industrial operations conducted in accordance with valid NPDES individual storm water pollution prevention permit(s) issued by the Industrial, Agricultural and Storm Water

Permitting Division of the South Carolina Department of Health and Environmental Control, provided that such operations are subject to review in accordance with this Ordinance and adhere to the Flood Damage Prevention Ordinance, Chapter 9, Hardeeville Code of Ordinances.

4. Mining and mineral resource extraction operations conducted in accordance with a valid mining permit issued by the Mining and Reclamation Division of the South Carolina Department of Health and Environmental Control, provided that such operations are subject to review in accordance with Sec. 8-19(b) and adhere to the Flood Damage Prevention Ordinance, Chapter 9, Hardeeville Code of Ordinances.

5. Any agency with power of eminent domain. Such agencies must apply to the Department of Health and Environmental Control for a Stormwater Management Permit.

6. Construction and maintenance activities associated with provisions of gas, electrification or communication services and more particularly described in Section 72-302A(6) of the Standards for Stormwater Management and Sediment Reduction administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991.

C. Erosion and Sediment Control Requirements

1. Approved Plan and Permit Required for Land Disturbance.

   Unless otherwise provided in this Article, the surface of land in the City shall not be disturbed or changed for any purposes, whatsoever, but not including those exemptions outlined in Exemptions (below), except in accordance with a plan for control of erosion and sedimentation approved by the City of Hardeeville. Prior to any grading, construction, or land disturbances of any nature, a Land Disturbance Permit shall be obtained from the City of Hardeeville that shall state the period for which the permit is valid. The applicant must also comply with obtaining a Land Disturbance permit from OCRM as well.

2. Land Disturbance Permits

   The applicant shall apply in writing to the City of Hardeeville for a Land Disturbance Permit to disturb or change land in the city, pursuant to the procedure in Section 7.13, Land Disturbance Permits.

3. Guidelines for Preparation of Erosion and Sediment Control Plans

   Erosion and Sediment Control Plans shall be prepared according to the following guidelines, as applicable, prior to submission to the City of Hardeeville. Plans shall include appropriate measures and practices for erosion and sediment control, installed in a timely sequence during the development process, maintained to insure their proper functions, and removed when their function has been accomplished accordingly:

   a. Select land where the drainage pattern, topography, and soils are favorable for the intended use. Tracts of land vary in suitability for different uses. Consider the major characteristics of the land area and the kinds of soil in identifying and evaluating potential erosion and sediment problems, and in selecting appropriate control measures and practices to keep erosion/sedimentation to a minimum or from occurring altogether.

   b. Expose the smallest practical area of land for the least possible time during development and monitor this area constantly for erosion and sedimentation

problems.

c. When feasible, retain and protect natural vegetation. Save topsoil, where practical, for replacing on graded areas.

d. Use temporary plant cover, silt fencing, mulching, and/or structures to control runoff and protect areas subject to erosion during construction.

e. Provide for handling the increased runoff caused by changed soil and surface conditions. Emphasis should be placed on conservation of existing on-site soil. Effective means include the use of diversion ditches, grassed or surfaced waterways and outlets, enlarged and protected drainage channels, grade control structures, and effective use of street gutters and storm sewers.

f. Use sediment basins or other forms of silt traps, where practical, to remove heavy sediment loads from runoff waters leaving the disturbed area. Install permanent vegetative cover and long-term erosion protection measures or structures as soon as practical in the development process. Insure all plans conform to applicable South Carolina Department of Health and Environmental Control requirements as well as those mandated by the Ocean and Coastal Resource Management Division. The City is not responsible for ensuring any development erosion control or drainage plan conforms with state and/or federal government regulations.

4. Contents of Plan and Application

The Erosion and Sediment Control Plan and application for Land Disturbance Permit shall include, but not be limited to, the following data as applicable:

a. A vicinity map sufficient to locate the site and to show the relationship of the site to its general surroundings at a scale of not less than one thousand (1,000) feet to one (1) inch.

b. A Site Plan, drawn to a scale of not less than one hundred (100) feet to one (1) inch, and supporting specifications and schedules showing:

i. The boundary lines of the site on which the work is to be performed, including the approximate acreage of the site.

ii. Existing contours with intervals of not more than one (1) foot.

iii. Existing drainage patterns, including off-site drainage through site, significant on-site depressional storage areas, and any existing drainage structures within the boundaries of the survey.

iv. Proposed physical improvements on the site, including present development and future utilization, if known. Include pervious and impervious surfaces and note these accordingly.

v. All drainage provisions, , erosion and sediment control measures, vegetative practices, or other protective devices to be utilized in connection with, or as a part of, the proposed work. All drainage provisions must adhere to all applicable requirement of Chapter 9, Hardeeville Code of Ordinances, Flood Damage Prevention.

vi. Provisions for erosion control during construction (temporary) and during the life of the facility (permanent). Such provisions shall include a schedule and

sequence of operations indicating:

(A) the anticipated starting and completion dates of each particular development sequence; and

(B) the estimated time of exposure for each disturbed area prior to completion of effective erosion and sediment control measures. Specifications accompanying the plan shall include, as appropriate, seeding mixes and application rates, type of sod, seedbed preparation, lime and fertilizer application, mulching and other related data.

vii. A complete and adequate Grading Plan for on-site borrow pits and material processing facilities, where applicable, including provisions for adequate drainage in such areas.

viii. A general description of the predominant soil types on the site.

ix. The name and address of the owner, developer, and petitioner, and the individual responsible for satisfactory completion of the work described in the plan, if different from the above as well as emergency contact information during construction.

x. Title, scale, north arrow, date and name of the individual or organization preparing the plan, with seal when applicable.

xi. The plan and application shall be supported by such supplemental reports, specifications, data, and additional information as the City may reasonably require, including but not limited to, finished contours, elevations, finished floor elevations, dimensions, locations, slopes, storm drainage computations, and field investigation reports on soils and drainage.

(A) Evidence of compliance with all applicable regulations pertaining to the protection of wetlands as well as compliance with all State and Federal governmental regulations.

(B) Copy of US Army Corps of Engineers and Ocean and Coastal Resource Management Division jurisdictional wetland determination documentation and proof of SCDOT drainage acceptance into their system (when applicable) along with a copy of the wetland boundary map for the entire property.

xii. Applicant's certification statement:

I (We) hereby certify that all clearing, grading, construction and/or development will be done pursuant to this plan

Date Applicant

Seal of a South Carolina Registered Professional Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor.

c. Provide Ocean and Coastal Resource Management Division letter of approval.

5. Inspection

The City Engineer or designee shall periodically review the work done under the approved Erosion and Sediment Control Plan and Land Disturbance Permit, as deemed

advisable. Upon completion of such work, he/she shall make a final review. If the work has been completed in accordance with the plan and permit, the City Engineer or designee shall issue a letter of satisfactory completion.

D. Stormwater Management Requirements

1. Approved Stormwater Management Plan Required

   a. Unless otherwise provided in this Ordinance, any construction or other development affecting the quantity and/or quality of stormwater runoff shall be in accordance with a Stormwater Management Plan approved by the City. Approval of the Stormwater Management Plan shall be obtained prior to the issuance of a Building Permit.

   b. No Building Permit shall be issued until the required drainage improvements are installed. Drainage improvements shall in all cases be completed and in working condition prior to occupancy.

2. Coverage Under Other Permit(s)

   a. The City may review industrial storm water pollution prevention plan(s), as required under a facility's National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit, when outfall monitoring indicates a suspected violation.

   b. The City may review reclamation plan(s), as required under a mining and mineral resource extraction operation's operating permit, when outfall monitoring indicates a suspected violation.

   c. The City may review certificate(s) of environmental compatibility, as required by the Public Service Commission, when outfall monitoring indicates a suspected violation at a utility.

3. Contents of Plan

   The Stormwater Management Plan shall include, but not be limited to, the following data as applicable, and submitted in digital format specified by the City. The digital data may be deferred until the development permit is issued unless requested by the City Engineer as a part of the review. The City Engineer may require additional calculations be made, formulae used, or data supplied as he deems necessary:

   a. A Vicinity Map sufficient to locate the site and drainage area, showing the relationship of the site to its general surroundings at a scale of not less than one (1) inch = one thousand (1,000) feet.

   b. A Site Plan for the site(s) where drainage improvements are proposed, drawn to a scale of not less than one hundred (100) feet to one (1) inch utilizing the South Carolina State Plane Coordinates as specified in Title 27, Chapter 2, of the South Carolina Code of Laws, as amended. The Site Plan must include supporting specifications and computations showing:

      i. The boundary lines of the site(s) on which the work is to be performed, including the acreage of the site and drainage area, and boundary of any special flood hazard and/or regulatory floodway and base flood elevations. Adherence to the Flood Damage Prevention Ordinance, Chapter 9 of the Hardeeville Code of Ordinances, shall also be required.

ii. Existing and proposed contours, at intervals of not more than one (1) foot based on mean sea level. Contours shall extend at least one hundred (100) feet outside the site boundary lines. Additional contours may be required to clarify drainage areas and/or flow patterns. Contours from credible sources (LIDAR, etc) may be used in lieu of survey data provided that the contours show current data.

iii. Existing drainage patterns map, drawn to a scale of not less than one (1) inch = one hundred (100) feet, including off-site drainage through site, on-site storage areas (stage – area/ stage – volume relationships provided), and any existing drainage structures located within the boundaries of the survey.

iv. Proposed physical improvements on the site, including present development and future utilization. Construction and design details shall be included for all structural controls. All landscaping relating to stormwater management shall also be shown on the grading plan or a supplemental grading plan included with engineered drawings.

v. All drainage and flood protection provisions and improvements to be utilized in connection with, or as part of, the proposed work. Such provisions shall include a time schedule and sequence of operations indicating the anticipated starting and completion dates of each development sequence.

vi. Show any existing drainage structures located within or immediately adjacent to the proposed drainage, whether it will or will not be considered as part of the proposed drainage plan.

vii. Show all existing utility easements whether they be water, sewer, power, communications, etc …

viii. Designation of all easements needed for review and maintenance of the stormwater management facilities, including easements needed for the maintenance of the public drainage system. As a minimum, easements shall have the following characteristics:

(A) Provide adequate access to all stormwater management facilities for review and maintenance. If the stormwater management facilities are submerged, a means of dewatering the structures for review and maintenance will be required;

(B) Provide adequate access to all parts of the public drainage system and structures. Any steps shall be aligned immediately adjacent to the opening for safety of personnel accessing the structures;

(C) Provide drainage easements of acceptable widths, in accordance with the City's Storm Drainage Standards;

(D) Provide sufficient land area for maintenance equipment and personnel to adequately and efficiently maintain the system. A minimum of twenty (20) feet beyond the bank along one or both sides of all open drainage ways, ditches, channels, etc., is required. This distance shall be measured from the top of bank or toe of dam, whichever is applicable. Easements are also required for stormwater management facilities, in accordance with specifications provided in the Storm Drainage Standards.

(E) Restriction on easements shall include:

(1) prohibiting all fences without gates of adequate size to allow maintenance equipment to pass; and

(2) prohibiting structures or landscaping that could interfere with access to the easement area(s) for inspections and maintenance.

ix. A general description of the predominant on-site soil types, including, but not necessarily limited to the NRCS/SCS Soil Survey for Jasper County map, scale shown, and applicable soil and hydrologic soil group tables.

x. The name and address of the applicant, the owner, and the individual responsible for satisfactory completion of the work described in the plan, if different from the above.

xi. Title, scale north arrow, and date.

xii. Name of the individual or organization preparing the plan, with seal when applicable.

xiii. A geotechnical report, prepared by a State Registered Geotechnical Engineer, shall be submitted containing at a general soils characterization and at least one (1) current soil boring log and one (1) soil boring log per additional acre of stormwater management detention/retention ponds. The boring depth shall be to a depth of at least three (3) feet below the bottom of the proposed ponds, and shall indicate the groundwater depth observed at the time of the boring(s). The location of the boring(s) shall be indicated on the topographic map. In addition, the geotechnical engineer shall provide the estimated seasonal high ground water depth at each boring location. If dry retention is proposed, or if any stormwater discharge will be reduced through percolation, then the results of percolation tests, at least one (1/acre) per pond, shall be provided.

xiv. The plan shall include such supplemental reports, specifications, data, and additional information as the City Engineer may require. Supplemental materials requested may include, but are not limited to, elevation; dimensions; locations; slopes; storm drainage computations; and field investigation reports on soils, drainage, and flooding.

xv. Copy of US Army Corps of Engineers and Ocean and Coastal Resource Management Division jurisdictional wetland determination documentation along with a copy of the wetland boundary map for the entire property.

c. A plan for maintenance of privately owned stormwater management facilities shall be included as part of the stormwater design plan. At a minimum, the maintenance plan shall specify the following:

i. Maintenance activities that will be performed to ensure that the proposed drainage system and stormwater management facilities will operate as designed.

ii. The frequency and amount of maintenance to be performed.

iii. The equipment that will be required to perform the needed maintenance.

iv. Name, address and phone number of the party responsible for maintenance.

v. Annual certification of any stormwater detention facilities by a South Carolina registered engineer. This certification shall indicate that structures and embankments are in good condition. Every five years, an engineer shall provide certification of storage volume and depth. This certification shall indicate any change in depth due to siltation and shall verify the storage volume is equal to the designed volume. If changes have occurred, recommendations needed to restore the functionality of the detention facilities function shall be included. Certifications shall be sent to the City of Hardeeville.

d. Applicant's certification statement:

I (We) hereby certify that all clearing, grading, construction and/or development will be done pursuant to this plan.

Date Applicant

e. Seal of a qualified South Carolina Registered Professional Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor.

4. Application for Plan Approval

The applicant shall submit two (2) copies of the Stormwater Management Plan, prepared in accordance with the provisions of this Section 4.9, to the City Engineer. The Stormwater Management Plan shall include such stream flow and storm runoff calculations and other information as may be reasonably required by the City Engineer under the requirements of this Article. The Stormwater Management Plan shall be certified by the applicant and sealed by a South Carolina Registered Professional Civil Engineer in accordance with the requirements of sections this Ordinance. An Ocean and Coastal Resource Management Division letter of approval shall also be required when applicable.

5. Approval or Disapproval of Stormwater Management Plan

a. If the Stormwater Management Plan conforms to the requirements of this Section, the City shall approve the plan and notify the applicant.

b. If the Stormwater Management Plan does not conform to the requirements of this Section, the City shall disapprove the plan and forward a written notification, indicating the reason or reasons for plan disapproval, to the applicant.

c. Review of the Stormwater Management Plan Review shall require twenty (20) working days or less from the date of submittal until the time a decision is rendered, either approving or disapproving the plan. However, if the City or its designee determines that the size and scope of the proposed plan requires additional time for adequate review, the review period shall be extended as determined appropriate by the City or its designee, but in no event shall the review period exceed forty-five (45) working days. If at the end of the forty-five (45) working day period a decision has not been reached, the plan shall be deemed approved; provided, however, that the applicant may waive this requirement and consent in writing to the extension of that period.

d. If a Stormwater Management Plan is disapproved, the applicant may elect to correct the indicated deficiencies in conformity with the provisions of this Article and resubmit

the plan.

6. Responsibility of Applicant

Approval of plans by the City in no way relieves the applicant's technical representative from his responsibility for the correctness of the plans or the accuracy of his calculations, nor does it relieve the owner or the applicant from their obligation to comply with any applicable laws. In addition, the City's approval of such plans does not relieve the applicant in any way of its responsibility for conforming to all applicable State and Federal regulations and/or requirements.

7. Methods of Calculating Stream Flow and Runoff

a. Formulas and values as prescribed in the Storm Drainage Design Standards shall be used for calculating all stream flow and runoff. Copies of the standards may be obtained through the City Building Official's office.

b. The following rainfall frequencies shall be used in the calculations for stormwater runoff and stormwater management facility design, depending upon the size of the watershed:

Size (Acres)	Frequency / Duration
0 – 299	25 year / 24-hour
300 +	50 year / 24-hour

The two (2) year, 24-hour rainfall shall also be used as prescribed in the Storm Drainage Design Standards.

c. Calculations used in the design of proposed stormwater management facilities shall reflect the anticipated future development of the entire watershed.

d. Appropriate inlet control and outlet control curves shall be used to determine headwater depths, where applicable.

8. Primary Drainage Channel Requirements

All primary drainage channels located within or immediately adjacent to any improvement, development or subdivision/development shall be protected or improved by the applicant as follows:

a. Responsibility of Applicant

The applicant shall be responsible for carrying out the proposed work in accordance with the approved Stormwater Management Plan (to include any special provisions or conditions), and in compliance with the requirements of this Section.

The applicant shall plan and carry out his developments in a manner that will not interfere with or restrict the flow of water. The applicant shall adhere to the requirements of the Flood Damage Prevention Ordinance, Chapter 9, Code of Ordinances, Hardeeville, SC. The developer shall be responsible for any improvements to such channels, as needed to handle increased runoff or other changes resulting from his development, in accordance with the provisions of this

Article. This includes compliance with OCRM and SCDOT where applicable.

b. Land Dedication Required

All land adjacent to a primary drainage channel and not protected by levees, dikes or fill shall be dedicated for the purpose of providing drainage right-of-way as follows:

In commercial or residential subdivision/developments of less than fifty (50) units, drainage easements of satisfactory width to provide working room for construction and maintenance equipment shall be deeded to the Property Owner's Association, and/or City and/or Jasper County for all drainage improvements, including stormwater management facilities, and shall be separate and apart from adjoining lots.

In group developments, residential developments in excess of fifty (50) units, or planned unit developments, the property owner(s) or Home Owners' Association shall be responsible for maintenance of drainage channels and easements. The final plat approved for recordation shall indicate the available public easements for drainage channels. The City and/or County shall have the right to encroach onto these public easements or permit others to encroach for any purpose deemed appropriate by the City. In no way does this right of encroachment lessen the obligation of the property owner(s) or the responsibility of the Home Owners' Association for maintenance of the drainage channels and easements.

c. Existing Channels

The existing channel lying within or contiguous to a subdivision/development or parcel of land proposed for development or redevelopment may be:

i. Cleaned to provide for free flow of water; and straightened, widened, and improved to prevent overflow resulting from the 50-year frequency rainfall beyond the limits of the dedicated drainage easement provided for in subsection (b) above; provided:

(A) The Stormwater Management Plan contains details of the proposed channel modifications and includes either:

(1) A Mitigation Plan for water quality impacts, including best management practices to be implemented as part of the channel modification and overall project; or

(2) An engineering analysis demonstrating no water quality impacts resulting from the proposed modifications.

(B) The Stormwater Management Plan must be approved in accordance with this Article prior to commencing any channel modifications.

d. Final Grading

Final grading of all lots and building sites for new construction or substantial improvement shall adhere to the requirements of the Flood Damage Prevention Ordinance, Chapter 9, Code of Ordinances, Hardeeville, SC.

e. Bank Protection

Whenever channel improvements are carried out in accordance with subsection (c) above, sodding, seeding, backsloping, cribbing, and other bank protection shall be designed and constructed to control erosion for the anticipated conditions and flow resulting from a 50-year rainfall.

f. Channels within Street Easements

Primary drainage channels located within street easements shall be placed in enclosed storm sewers, except under the following conditions:

i. Where a paved street surface at least two (2) lanes wide is provided on both sides of an improved channel so as to provide access to abutting properties.

ii. For lots with a double-street frontage, an open drainage channel is permitted between the rear lot line and the paved street, provided that access from the street to the lot is prohibited both at the time of construction and in the future.

iii. When a condition outlined in either (i) or (ii) above is present, adequate width shall be dedicated as right-of-way to provide for the maintenance of an improved drainage channel and its bank.

g. Levees

All levees protecting residential structures or non-residential structures shall adhere to the requirements of the Flood Damage Prevention Ordinance, Chapter 9, Code of Ordinances, Hardeeville, SC. Any levee constructed or improved under this subsection shall also comply with the other provisions of this Section, including, but not limited to, subsection (h) below.

h. Exceptions

Not withstanding any other provision of this Section, no levees, dikes, fill materials, structures or obstructions that will impede the free flow of water during times of flood shall deviate from the requirements of the Flood Damage Prevention Ordinance, Chapter 9, Code of Ordinances, Hardeeville, SC. except

i. such proposed impediment is or would be a part of or used by any public or private school that was constructed and operated before January 1, 2001 on property subsequently classified as a regulatory floodway, or

ii. such proposed impediment is or would be a part of or used by a publicly owned wastewater treatment facility that was constructed and operated before January 1, 2001 on property subsequently classified as a regulatory floodway; or

iii. such proposed impediment is a minor recreational or playground facility or area, such as, but not limited to, a boat ramp, floating dock, picnic area, soccer goal, or swing set; or

iv. such impediment was approved by the City under this subsection (8), or under any predecessor provision, before January 1, 2001; provided, however, that any specified activities permitted above must comply with all applicable Federal, State, and local requirements, including, but not limited to, 44 C.F.R. 60.3(d)(3), as amended. Nothing in this subsection (h) shall limit provisions in this Section or elsewhere authorizing or requiring the maintenance and repair of levees, dikes, dams, and similar structures; provided, however, that this sentence shall not be construed as authorizing or requiring the repair or maintenance of any

such structure to the extent that such repair or maintenance would result in a structure that would be higher or wider than it was before the need arose for such repair or maintenance.

i. Applicable Regulations

All applicable regulations of the National Flood Insurance Program, Ocean and Coastal Resource Management Division, the Flood Damage Prevention Ordinance, Chapter 9, Code of Ordinances, Hardeeville, SC and any State and Federal governmental agencies are incorporated by reference herein.

9. Secondary Drainage Channel and Surface Requirements

All secondary drainage channels which are within or immediately adjacent to an improvement, development, or subdivision/development shall be protected and improved by the applicant as follows:

a. Drainage easements of satisfactory width to provide working room for construction and maintenance equipment shall be dedicated to the City and/or Jasper County or to a private entity clearly identified in the recorded easement for all drainage improvements in subdivision/development developments, including stormwater management facilities. Drainage improvement maintenance for group developments, commercial buildings, or planned unit developments shall be the responsibility of the property owner(s) or Home Owners' Association.

b. Secondary drainage channels having a primary function of: 1) collecting surface water from adjacent properties, or 2) intercepting and diverting side hill drainage, shall be improved open channels.

c. Secondary drainage channels having a primary function of: 1) transporting surface water through a block or development; or 2) collecting surface water from cross channels, shall be improved as follows:

i. Secondary drainage channels shall be improved with either a closed storm sewer or improved open channel designed to carry the runoff resulting from a 25-year frequency rainfall. A natural stream may be approved by the City for environmental or aesthetic purposes, provided that it has the required carrying capacity and it adheres to the requirements of the Flood Damage Prevention Ordinance, Chapter 9, Code of Ordinances, Hardeeville, SC.

ii. All improvements to drainage channels shall be carried out such that waters of the State protected by the Federal Clean Water Act are not degraded. OCRM and/or Army Corps of Engineers approval for channel modifications shall be provided prior to approval by the City.

d. In areas of special flood hazard, adherence to the requirements of the Flood Damage Prevention Ordinance, Chapter 9, Code of Ordinances, Hardeeville, SC shall be applicable.

e. Secondary drainage channels located within street easements shall be placed in enclosed storm sewers, except under the following conditions:

i. Where a paved street surface at least two (2) lanes wide is provided on both sides of an improved channel so as to provide access to abutting properties.

ii. For lots with a double-street frontage, an open drainage channel is permitted between the rear lot line and the paved street, provided that access from the street to the lot is prohibited both at the time of construction and in the future.

iii. When a condition outlined in either i. or ii. above is present, adequate width shall be dedicated as right-of-way to provide for the maintenance of an improved drainage channel and its bank.

f. Off-site discharges from closed storm sewers or improved open channels and not routed through a stormwater facility will only be permitted at natural wetlands and/or streams or man-made drainage channels if the design is acceptable to the City, State, and Federal agencies, where applicable, no adverse impacts to the receiving water can be demonstrated via generally accepted engineering backwater analyses, and a drainage easement is obtained from the adjoining landowner. Adequate provisions shall be made to reduce discharge velocities such that the receiving channel is not degraded. When off-site drainage channels are not adequate to accept the additional runoff resulting from development, the developer shall install on-site facilities for controlled release of stormwater runoff. These on-site drainage facilities shall be designed to limit the runoff rate to predevelopment levels during storm events for the 2, 25, 50 and 100 year storm events.

10. Developments

a. Single-family Residential, Duplex, or Manufactured Home Development

Site grading shall be carried out in such a manner that surface water from each dwelling lot will flow directly to a storm sewer, improved channel, sodded swale/ditch, or paved street without running more than two hundred (200) feet.

b. Commercial, industrial, multi-family, and institutional development:

i. Roofs, paved areas, yards, courts, courtyards, and other impervious surfaces shall be drained across pervious surfaces when possible and finally directed into a storm sewer system, with the exception that such drainage may flow directly into a street, curb and gutter system or improved channel when impractical, impractical and approved by the City.

ii. Construction of buildings over storm drainage improvements is not permitted.

iii. Surface water collected on streets shall be diverted to enclosed storm sewers or drainage channels at satisfactory intervals to prevent flooding of one half a lane in the case of a two lane road or one lane in the case of a four lane road. In no case shall water be allowed to overtop the curb during a 25-year frequency rainfall.

iv. All such development shall conform to the Ocean and Coastal Resource Management Division regulations and requirements.

11. Minimum Water Quality Requirements

a. The minimum quality control requirements are provided in the Storm Drainage Design Standards. These requirements may be waived by the City if:

i. It can be shown, by engineering calculations acceptable to the City, that stormwater management facilities are not needed to control developed peak

discharge rates and meet water quality requirements;

ii. Installing such facilities would not be in the best interest of local citizens or the City;

iii. Such facilities are in conformance with all State and Federal regulatory requirements; and

iv. Will not degrade existing water quality.

b. The City maintains the right to determine if additional stormwater management facilities, beyond those required under this Article, are necessary for on-site stormwater management. Additional facilities may be needed to enhance or provide for the general health, safety and welfare; to correct unacceptable or undesirable existing conditions; or to provide protection for future development in a more desirable fashion. If such a determination is made, the City may:

i. Require that the owner/applicant grant any necessary easements to provide access to or drainage from the stormwater management facility; and

ii. Develop an agreement with the owner/applicant for the over-design of the stormwater management facility to provide additional water quality benefits beyond that required by this Article; and

iii. Require that the developer maintain the stormwater management facility for more time than the original proposed time by means of maintenance bonds or other means if necessary in feed; and

iv. Participate financially in construction of the stormwater management facility, to the extent that such facility exceeds the on-site stormwater management requirements, as determined by the City. The City may pay the additional expenses incurred in providing the additional storage capacity or water quality benefits, including land costs and increased design and construction costs.

12. Design Criteria for Improvements

a. Open Channels

Open channels shall be provided with an improved section that will carry runoff from the appropriate design storm and preclude the creation of backwater inundating any areas outside of dedicated drainage easements. The channel shall be designed to minimize negative water quality impacts and protect against erosion in accordance with standards adopted by the City. The channel shall have maximum side slopes of 3:1 (H:V).

b. Closed Storm Sewers and Culverts

Closed storm sewers and culverts shall be constructed of precast or prefabricated pipe or box culvert or built in place, of closed box design, in conformity with South Carolina Department of Transportation specifications. They shall be sized to carry the runoff from the appropriate design storm and to preclude the creation of headwater inundating any areas outside of dedicated drainage easements. They shall be designed so that they can be dewatered for inspection as a part of the stormwater management plan.

c. Bridges

Bridges shall be designed in accordance with standards established by the South Carolina Department of Transportation and/or Jasper County specifications, whichever is applicable.

d. Levees

Levees shall be designed, constructed, and maintained as follows:

i. Design and construction shall be in accordance with U.S. Army Corps of Engineers' Manual EM 1110-2-1913 (31 March 1978) Design and Construction of Levees. The design and construction of drainage systems within levees shall be in accordance with the U.S. Army Corps of Engineers' Manual EM 1110-2-1413 (15 Jan 1987) Hydrologic Analysis of Interior Areas. A South Carolina Registered Professional Engineer shall certify that he has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the Corps of Engineers. Where applicable, the levee shall be submitted for permitting in accordance with the South Carolina Safe Dams Act.

ii. Owners of levees will perform the necessary and required maintenance and provide appropriate records to the City. These records will include:

(A) Signed agreements of perpetual operation and maintenance between the constructor and/or owner and the City;

(B) As-built construction plans sealed by a South Carolina Registered Professional Engineer. These as-built plans shall be approved by the City Engineer or designee; and

(C) Annual maintenance reports and as required by the City.

13. Stormwater Management Facilities

a. Stormwater management facilities may include both structural and non-structural elements incorporating quantity and/or quality control.

b. A variety of different types of stormwater management facilities exist and can be used to satisfy the minimum quantity and/or quality control requirements. All proposed stormwater control measures shall be in accordance with the Storm Drainage Design Standards.

c. Stormwater management facilities shall restrict the peak post-development runoff rate to the peak pre-development rate for the following storm events: the 2, 25, 50 and 100 year storm events shall have flow restrictions of the peak post-development runoff rate to the peak pre-development rate.

d. On-site natural storage areas may not be filled unless provisions for the displaced storage are made in the post-development stormwater discharge calculations.

e. Wet ponds (retention structures with a permanent pool) shall be utilized for drainage areas in accordance with the Storm Drainage Design Standards and approved by the Ocean and Coastal Resource Division.

f. Where dry detention/retention is proposed to meet the water quality and design storm pre-post requirements, the stormwater calculations must demonstrate the capacity of the required treatment volume recovers in seventy-two (72) hours unless other Federal, State, or local regulations are more restrictive.

g. Where stormwater management facilities are used, designs which consolidate them into a limited number of large structures are preferred over designs utilizing a large number of smaller structures. Additional State and/or Federal permits may be required for larger stormwater management facilities impacting waters of the State protected by the Federal Clean Water Act.

h. The City may reject a Stormwater Management Plan if it incorporates structures and facilities that do not meet the requirements of this Article, through approved submittals in the case of structures, or utilize numerous small structures where other alternatives are physically possible.

i. The drainage system and all stormwater management structures within the city (including public and private portions) will be designed to the same engineering and technical criteria and standards. Owners of stormwater management facilities will perform the required testing and maintenance and provide appropriate records to the City. These records will include:

   i. As-built construction plans certified by a South Carolina Registered Professional Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor approved by the City Engineer;

   ii. Periodic maintenance reports as required by the City.

   iii. Annual inspection conducted by a South Carolina registered engineer detailing statements regarding the condition of the associated drainage structures as well as any recommendations needed to assure that the detention facilities function as designed, To adequately perform the inspections, submerged structures will require a means of dewatering these structures. Copies of inspection reports shall be submitted to the City of Hardeeville.

14. Maintenance of Stormwater Management Facilities

a. All stormwater management facilities shall be maintained by the owner(s) in such a manner as to maintain and enhance the general health, safety and welfare; to reduce and minimize damage to public and private property; to reduce and minimize the impact of such facilities on land and stream channel erosion; to promote the attainment and maintenance of water quality standards; and to maintain, as nearly as possible, the pre-development runoff characteristics of the area. All maintenance of privately owned stormwater management facilities shall be at the sole cost and expense of the owner(s) of such facilities.

b. It shall be unlawful for the owner or occupant of any property upon which a stormwater management facility is located, to fail to maintain the facility in such a manner that the facility creates a danger to the general health, safety and welfare. Should the owner fail to so maintain the stormwater management facility, this failure shall constitute a public nuisance and will be referred to the pertinent agencies.

c. If the City assists private owners with the design of stormwater management facilities, this does not imply any maintenance responsibilities by the City. The maintenance of all such facilities shall be the sole responsibility of the property owner(s).

15. Illicit Discharges and Improper Disposal

a. Illicit Connections

It shall be unlawful to use any stream or watercourse to carry off water from any kitchen sink, bathtub, septic tank, livestock facility, drainfield, or privy, or to carry off any fluid of an offensive or dangerous/toxic nature. No water or refuse from any industrial, commercial or institutional process, including water used for heating or cooling, shall be discharged in any stream or watercourse by any person until such person has obtained the appropriate local, State and Federal permits.

It shall be unlawful, either willfully or negligently, to injure, alter, deface, mutilate, tie-into, destroy, tamper or interfere with any publicly-owned property or any property used in the City's publicly owned storm water management system.

Building permits shall be required before the construction of any connection to the Jasper County, SCDOT, City or privately owned storm water management system.

b. Improper Disposal

It shall be unlawful for any person to discharge non-storm water to any storm water conveyance with the exception of the following:

i. Water line flushing;

ii. Diverted stream flows;

iii. Rising ground water;

iv. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005 [20]) to separate storm sewers;

v. Uncontaminated pumped ground water discharges from potable water sources;

vi. Foundation drains;

vii. Air conditioning condensation;

viii. Irrigation water;

ix. Springs;

x. Water from crawl space pumps;

xi. Footing drains;

xii. Lawn watering;

xiii. Car washing at one's residence, not for hire;

xiv. Flows from riparian habitats and wetlands;

xv. Dechlorinated swimming pool discharges;

xvi. Street wash water;

xvii. Discharges from fire fighting; and

xviii. Fire flows from hydrants for cleaning or testing.

c. Litter and Refuse Control

It shall be unlawful for any person to dump, throw, drop, leave, or in any way deposit any garbage, ashes, rubbish, white goods/appliances, paper, trash, carcasses, litter, refuse, building materials/debris, glass bottles, glass or cans: 1) on any property belonging to another; or 2) on or along any street, road, highway, curb, sidewalk or public right-of-way, except as required by the authorized and franchised waste management operator for that district. No person shall throw or deposit any refuse in any stream or other body of water within the boundaries of the City. Section 9-111 et seq. of the Hardeeville Code of Ordinances contains additional prohibitions.

d. Organic Waste

It shall be the duty of the property owner to keep grass clippings, leaves, tree and shrub clippings, stumps, organic materials or any other yard trash out of gutters, inlets, catch basins, and side ditches.

It shall be unlawful to place grass clippings, leaves, tree and shrub clippings, stumps, organic materials or any other yard trash in any street, storm drain, stream, storm water conveyance, or any other location where concentrated flows could wash such wastes into the storm sewer system.

Privies, septic tanks, farming areas where pesticides are used and associated drain fields, pigpens, corrals and stables of all kinds shall be placed far enough away from any stream, ditch, drain, or other storm water conveyance that human or animal waste(s) and in a manner approved by the City so that run off from these facilities will not run into any stormwater system or receiving water.

16. Spill Response

a. The Director of Emergency Services or designee, or an authorized Fire Official, shall have the authority to summarily abate, control and contain hazardous materials that are emitted into the environment and endanger the health or safety of the general public or the environment. The Director of Emergency Services or designee, or an authorized Fire Official, shall have the authority to enter public or private property with or without the owner's consent, to respond to such hazardous materials emergencies or reports. The Director of Emergency Services or designee, or authorized Fire Official, shall determine the type, amount and quantity of equipment and personnel required to adequately abate, control and contain all hazardous materials emitted into the environment.

b. The property owner and/or person responsible for the hazardous materials spill or release shall be held financially liable for the response, control, containment, equipment and materials costs, including legal fees, incurred by the City and supporting agencies. The property owner and/or person responsible for the hazardous material spill may provide personnel to assist abatement, removal, and remedial measures needed to return area to original condition prior to contamination, provided such personnel have been adequately equipped and trained pursuant to the requirements of local, State and Federal laws. The City shall not be liable for the use

of outside personnel. Assistance shall consist of any or all of the following:

i. Informing Emergency Services Department personnel of all matters pertaining to the incident.

ii. Supplying emergency response plan information for the site.

iii. Supplying emergency response equipment, personnel, and materials. Charges for hazardous materials emergency response shall be based upon the actual costs of response, control, containment, equipment and materials, including legal fees. All fees collected shall be turned in to the City Treasurer and credited to the City's general fund.

iv. Temporarily relocating any services or people from the affected area until the area is restored or declared safe by pertaining agencies.

c. In fire incidents involving hazardous materials or exposure to hazardous materials, no fee will be assessed for resources normally associated with firefighting operations. Fees shall be assessed for those activities and resources associated with abatement, control and containment of the hazardous materials involvement or exposure.

17. Supplemental Regulations

a. All applicable provisions of the standards for Stormwater Management and Sediment Reduction (Section 72-301, 302, 305, 307, 308, 312, 313, 314, 315 and 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991 are incorporated by reference herein.

b. All applicable provisions of the NPDES and Land Application Permits Regulation (Section 61-9.122 Part A 122.2, 122.3, 122.4 and Part B 122.26) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Pollution Control Act of 1976 are incorporated by reference herein.

18. Review During Construction

The City Engineer or designee shall periodically review the work completed under the approved Stormwater Management Plan. Upon completion of such work, he/she shall make a final review and if the work has been carried out in accordance with the approved plan and all the pertaining close-out documentation submitted and accepted, he/she shall issue a letter of satisfactory completion upon receipt and approval of the as-built drawings.

19. Right-of-entry

a. The City Engineer or designee shall have right-of-entry on or upon the property of any person subject to this Article and any permit/document issued hereunder. The City Engineer or designee shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, taking photographs, sampling, inventory, examination and copying of records, and the performance of any other duties necessary to determine compliance with this Article.

b. Where a person has security measures in force requiring proper identification and clearance before entry onto the premises, the person shall make necessary arrangements with security guards so that, upon presentation of suitable identification, the City Engineer or designee will be permitted to enter without delay

for the purposes of performing specific responsibilities.

c. The City Engineer or designee shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's operations as they relate to stormwater management.

d. Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the City Engineer Official or designee. The costs of clearing such access shall be borne by the person. This includes all other liability therein.

e. In cases where an imminent threat to the health or safety of the general public or the environment is suspected, the City Engineer or the Director of Emergency Services (or designee) shall review the existing stormwater management facilities to determine if immediate action is necessary. Such review shall be made with or without the consent of the owner, manager, or signatory official. If such consent is refused, the City may seek issuance of an administrative search warrant in order to gain access for review. Other law enforcement agencies may be called in if necessary.

20. Enforcement

a. The City Engineer or designee shall be entitled to review all stormwater management facilities subject to this Section at all reasonable times in order to determine compliance or non-compliance with the terms and provisions hereof.

b. When the City Engineer or designee finds that work done under any Grading Permit issued under the provisions of Article 7 fails to conform to the approved Erosion and Sediment Control Plan, or that the work has not been done, or finds that work done under any approved Stormwater Management Plan fails to conform to the approved plan, or that the work has not been done, the City Engineer may, as deemed necessary, by written order direct conformity to said Plan(s). Actions may include:

i. Issuing a written order to comply, to suspend work, or to revoke the permit issued; or

ii. Seeking redress through legal action; and/or

iii. Withholding the release of permanent electric power to the site.

c. When the City Engineer or designee determines that an owner has failed to maintain a stormwater management facility, he/she shall provide written notice to the owner or the person in possession, charge or control of such property stating that: 1) in the judgment of the City the conditions existing upon the property constitute a public nuisance; and 2) setting forth action to be taken to eliminate the objectionable conditions; and 3) requesting that such action be undertaken within the number of days specified in the notice. The notice shall further state that unless the objectionable conditions are voluntarily removed or remedied within the specified time, the City shall subject the offender to penalty in an amount deemed appropriate and in accordance with Section 7.12 of this Article.

d. The City Manager is authorized to take all legal actions on behalf of the City necessary to correct any public nuisances, including actions that are necessary to remove from the property such objectionable conditions constituting the public nuisance.

e. Nothing contained in this Section shall impair the right or ability of the City Attorney to exercise any and all other remedies available, at law or in equity, including without limitation, the pursuit of injunctive relief, under emergency circumstances where there exists the danger of bodily injury or death.

f. The governing body of the City or its appointed agent may obtain injunctive relief to enjoin violations of the provisions of this Section, and any person damaged as a result of such violations may, upon a proper showing of such damages, obtain payment therefore by a civil action.

g. This Section may be enforced by any other remedy of law or equity that the City is authorized to pursue, to include the authorities and powers conferred to local governments by the General Assembly of South Carolina. The penalties and other remedies provided in this Section are cumulative and not exclusive, and may be independently and separately pursued against the same person for the activity constituting a violation of this Section. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies in other provisions of this Code or other laws and regulations.

4.10. Streets

A. Street Access

Except as provided in this Section, no building shall hereafter be erected, constructed, moved, or relocated on a lot not located on a publicly or privately maintained street with a right-of-way of not less than twenty-four (24) feet.

B. Classification of Streets

For the purpose of this Ordinance, all public streets within this Ordinance's jurisdiction are hereby classified as being freeway, arterial, collector or local.

C. Standards

1. Street Layout Generally

The layout of proposed streets, whether public or private, as to the arrangement, width, grade, and location, should be coordinated with the street system in the adjoining areas, considering topography, natural features, and drainage systems existing and to be provided. Minor streets should be laid out so that their use by through traffic will be discouraged. Dead end streets, designed to be so permanently, shall be no longer than one thousand (1000) feet and shall be provided with a cul-de-sac. The cul-de-sac shall have a right of way radius of no less than fifty (50) feet and a solid paved circular area with a radius of forty (40) feet. Temporary dead end streets shall be provided with a temporary turnaround area which shall be designed considering traffic usage, maintenance, and removal. Landscaping may be utilized in the center of the cul-de-sac turnaround areas, if approved by City staff, including the Fire Chief and Chief of Police.

2. Standards for Public Streets

Standards for public streets shall abide by the current standards enacted by the South Carolina Department of Transportation, except all public streets shall have pedestrian travel ways on both sides of the street, and must be accepted by either the State of South Carolina, Jasper County, City of Hardeeville or dedicated to a Property Owner's

Association/Home Owner's Association that will assume the responsibility of maintenance. A letter of commitment is required along with appropriate deeds as legally recorded.

3. Standards for Private Roads

   Standard for private roads shall abide by the current standards enacted by the South Carolina Department of Transportation. Any deviation shall be approved by the City Engineer. Private roads when approved for a project and are not to become a public responsibility are to be so indicated on plats of the development and to be so noted in the covenants and agreements which control or follow the property.

4. Standards for Inverted Crown Roads

   The minimum requirements for inverted crown roads shall be:

   a. Transverse slopes shall be a two (2%) percent minimum.

   b. Longitudinal slopes shall be a one-half (0.5%) percent minimum.

   c. No utilities shall be placed under pavement, excluding stormwater drainage.

   d. A geotechnical report and analysis shall be performed by a qualified engineer, to determine if the soil is suitable for Inverted Crown Roads. The water table elevation shall also be determined.

   e. The road cross-section shall consist of the following:

      i. Twenty-four (24) inches compacted sub-base with satisfactory soils that conform to the requirements of SCDOT Specifications.

      ii. Six (6) inch stabilized aggregate base course that conforms to the SCDOT specifications for local roads.

      iii. Two (2) inch hot laid asphalt concrete surface course that conforms to SCDOT specifications.

      iv. The surface course shall be Type 1 according to SCDOT or AASHTO standards.

   f. Where the seasonal water table is less than three (3) feet below predevelopment grades, all designs shall contain a minimum of fifty (50) feet of six (6) inch perforated pipe subgrade drain encased with minimum of six (6) inches of #57 stone and wrapped completely with filter fabric on each side of drop inlets. Each section shall enter the drop inlet a minimum of one (1) foot above the storm drainage pipe invert elevation.

   g. Road shall consist of twenty-two (22) foot pavement, with two (2) foot shoulders unless otherwise approved by the City Engineer.

   h. Road shall have a minimum inlet spacing of five hundred (500) feet or less, depending on stormwater inlet spread calculations.

   i. All inlets shall be four (4) feet by four (4) feet minimum
   .

   j. All intersections shall have sufficient inlets to keep stormwater out of the intersection.

k. All discharges of stormwater in saltwater wetlands shall meet or exceed the Water Quality Control Standards DHEC OCRM.

l. Transition areas for intersections and changes to a different road cross-section shall meet the standards of South Carolina Department of Transportation.

m. Road shall be designed to South Carolina Department of Transportation standards so that potential for hydroplaning be reduced to a minimum (i.e., stormwater spread calculations).

n. The Engineer designing the road will provide drainage calculations showing how these criteria are accomplished.

o. Inverted crown roads are to be utilized for residential, low volume traffic usage only.

p. The existing tree root systems within the right-of-way shall be trimmed and cut back to eliminate and reduce intrusion or presence within the road subgrade including the twenty-four (24) inch compact subgrade. No existing standing trees which are adversely impacted by root pruning shall be left standing such that they would present a dangerous or hazardous condition within the right-of-way. The developer or its contractor shall use the services of a Certified Arborist in determining the impact and survivability of individual trees.

D. Access to Major Thoroughfares

Street, driveway, or other access separation along County, State, and Federal Highways shall be in accordance with the S.C. D.O.T. “Access and Roadside Management Standards.” Relief requested from this provision, in the form of a stated exception or by request for a variance, must be accompanied by:

1. Ownership and recording data associated with the lot of record; and

2. Evidence that the applicant has explored all alternatives for access other than by variance or exception to the prescribed standards, including but not limited to, joint use with adjoining properties, access from adjacent minor street, establishment of a frontage road, etc.; and

3. Application for a variance as set forth in this MDZO; and

4. Map or plan showing surveyed distance to the nearest existing ingress/egress points from those proposed.

E. Driveway Linkage Between Commercial Development

To the extent practical – as determined by the Staff Review Committee – driveways on adjacent commercial and office uses shall be linked to provide for movement from one such development to another without the necessity of returning to the public roadway. A driveway stub-out section shall be incorporated adjacent to a vacant lot or parcel, if that vacant lot or parcel is located in a district allowing for commercial development. This requirement shall not apply where a frontage road system is planned or in place. All driveways and driving areas (including those through parking lots) designated for such movement shall be paved. In addition, driveway connections to roadways shall be shared unless otherwise approved by the City Engineer.

F. Traffic Impact

If trips per peak hour for any development exceed seventy-five (75), appropriate intersection geometry and traffic control devices will be required at any of the development's access points as approved by the City Engineer and the South Carolina Department of Transportation when required. Final approval will not be given for a development until suitable arrangements with the City of Hardeeville are made to ensure that there are no decreases in levels of service at adjacent roads and intersection.

ARTICLE 5: SUBDIVISION DESIGN AND IMPROVEMENTS

5.1. Design Standards

A. Streets

1. Layout and Alignment

While it is the intent of this section to provide ample flexibility in the layout of streets in subdivision/developments, and most design standards are not specifically required herein, the Staff Review Committee will review the street system as to its design, safety, and convenience of users as well as adjacent property owners; provided that such review shall be conducted in accordance with reasonable standards and with generally accepted engineering and development practices. Emphasis shall be placed on safety at curves and intersections.

a. All streets shall comply with the standards in this ordinance.

b. Proposed streets should be coordinated with the street system in the surrounding area and where possible shall provide for the continuation of existing streets abutting the subdivision/development. Proposed streets shall stub to adjacent properties for continuation wherever possible.

c. Upon determination by the Staff Review Committee that reasonable access to adjoining property(s) would be seriously affected by a proposed subdivision/development design, the Staff Review Committee will notify the adjacent property owner(s) by registered mail of its findings and recommend that he take whatever action deemed necessary based on that finding. This provision is merely for the purpose of notifying an adjacent property owner and in no way obviates existing laws regarding access to property(s) by right of necessity.

d. Where a subdivision/development abuts or contains an existing or proposed major street, the Staff Review Committee may require minor access or frontage streets or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. All public streets shall have curbs, gutters and sidewalks on both sides of the street, and must be accepted by either the State of South Carolina, Jasper County, City of Hardeeville or dedicated to a Property Owner's Association/Home Owner's Association that will assume the responsibility of maintenance. A letter of commitment is required along with appropriate deeds as legally recorded. The recording of a final plat or plan subdividing a portion of the Property shall not constitute an offer to deed or dedicate any or all streets and rights of ways shown thereon to the City, or any other person or entity, nor as acceptance by the City of the dedication absent an express written agreement to do so.

2. Street Names

Proposed streets that are obviously in alignment with other existing and named streets shall bear the assigned name of the existing street. Proposed street names shall not be phonetically similar to existing street names, irrespective of the use of suffixes such as street, avenue, boulevard, drive, place, court, etc. In no case shall a name be used which will duplicate or be confused with other existing streets in the County. A house or

lot numbering (address) system shall be designed utilizing an extension of the existing system in the area.

3. Right-of-Way and Pavement Widths

TYPE	R-O-W	PAVEMENT
Local	50 feet	22 feet
Collector	60 feet	24 feet

Additional ROW (right-of-way) width and pavement width should be added where turn lanes, additional through lanes, on-street parking, grass strips, medians, and sidewalks are used.

4. Planned Unit Developments and/or Private Roads

Private roads, when approved for a project, are not to become City's responsibility; and are to be so indicated on any plat(s) of the subdivision/development and to be so noted in covenants and agreements which control or follow the property. Private roads shall comply with the private road standards in this ordinance. The recording of a final plat or plan subdividing a portion of the Property shall not constitute an offer to deed or dedicate any or all streets and rights of ways shown thereon to the City, or any other person or entity, nor as acceptance by the City of the dedication absent an express written agreement to do so.

5. Tree Root Systems

The existing tree root systems within the right-of-way shall be trimmed and cut back to eliminate and reduce intrusion or presence within the road sub-grade, including the twenty-four-inch compact sub-grade. No existing standing trees which are adversely impacted by the root pruning shall be left standing such that they would present a dangerous or hazardous condition within the right-of-way. The developer or its contractor shall use the services of a Certified Arborist in determining the impact and survivability of individual trees.

B. Pedestrian Ways

1. Pedestrian ways shall be required on both sides of all streets. The SRC requires sidewalks on both sides of streets having a fifty-foot right-of-way and on cul-de-sac streets or any other street if needed to provide through pedestrian access. Sidewalks shall be placed within the right-of-way when so specified. The subdivider shall construct all sidewalks according to one of the following placement alternatives:

   a. Sidewalks shall be placed against the back of the curb if the curb is vertical and non-mountable and have a minimum paved width of five feet; or

   b. Sidewalks shall be placed such that a minimum six-foot buffer/green space is maintained between the back of curb and the inside edge of the sidewalk. Sidewalk

paved width shall be a minimum of five feet; and

c. The subdivider shall assure that these minimums are sufficient to meet the anticipated pedestrian demand in the area.

d. Sidewalk construction may be deferred until house construction is completed, but an adequate bond will be required to assure that the funds are available for sidewalk construction.

2. Given that a combination or variation from the two placement methods as described above is necessary or desired or that an obstruction is located within the paved area, the following criteria must be satisfied:

a. All radii in the transitional section must be a minimum of ten (10) feet.

b. All transitional sections must be approved by the City Engineer.

3. In order to provide safe and adequate access on City sidewalks, all sidewalks shall meet minimum clear width requirements around all obstructions, natural or manmade, as described herein. Clear width shall mean the distance as measured from the outside edge of the obstruction to the outside edge of the sidewalk or from the inside edge of the obstruction to the inside edge of the sidewalk. If the clear width is to be obtained between the inside edge of the sidewalk and the obstruction, given that the sidewalk is placed against the back of the curb, the clear with shall be a minimum of five (5) feet.

4. All sidewalks must be constructed concurrently with the thoroughfare or, if the thoroughfare is already constructed, prior to acceptance of any improvements except as bonded for completion as construction along the thoroughfare is completed.

5. Exceptions to or partial waiver of the requirements of this Section may be granted by the Planning Commission when alternative pedestrian ways or pedestrian/bikeways have been or will be provided outside the normal right-of-way; or that unique circumstances or unusual topographic, vegetative, or other natural conditions prevail to the extent that strict adherence to said requirements would be unreasonable and not consistent with the purposes and goals of this Ordinance or Comprehensive Plan.

C. Other Utilities

1. General

A proposed utility sketch plan for other utilities such as electrical, telephone, and gas service to and throughout the subdivision/development shall be submitted by the subdivider. The proposed design shall be shown in conjunction with any proposed water and sewer systems. The Staff Review Committee shall forward copies of the proposed utility design to the various utility agencies affected. The various utility companies will review the proposed layout as to alignment, easements, proper relationship of utilities to streets, property lines and other utilities and shall notify the Staff Review Committee of its findings and approved design.

2. Utility Easements

Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be worked out with and approved by the public and/or private utility agencies involved.

3. Maintenance

   It shall be the responsibility of the developer, or Homeowner's or Property Owner's Association as provided for by restrictive covenants, to provide for maintenance. The City Council shall maintain, or cause to be maintained, only those easements specifically accepted for public maintenance in accordance with established procedures.

D. Lots

Residential lots (or commercial lots in the case of a commercial subdivision/development) shall meet the lot width, depth, area, and setback requirements of Table 4.2 of this Ordinance.

E. Flood Hazard Areas

1. It is the intent of this Section to establish minimum criteria for application to subdivision/developments which are to be located in what is defined as a "flood hazard area" as designated on official City floodplain maps. The County has a long history of damaging hurricanes, some of which have been accompanied by rising tidal waters resulting in property damage and danger to life and health.

2. Today's early warning systems afford communities an early enough opportunity to take necessary steps to protect individual lives and some properties from the effects of hurricane winds and waters; however, the damaging effects to property and health hazards associated with rising tidal waters, swollen and driven by hurricane winds, can only be dealt with through proper development of the flood hazard areas in a given community.

3. Much of the developable land area of the county lies at elevations which make it susceptible to potential flooding. Past hurricane data substantiates this probability. Thorough study of this data and geographic features of the County by agencies such as the U.S. Army Corps of Engineers and National Oceanic and Atmospheric Administration have resulted in a determination of the flood hazard areas of County. It is believed that by proper planning of development in these flood hazard areas and concerned adherence to minimum development criteria, the economic losses, hazards to life and health and the miseries associated with such, as a result of these probable flooding conditions, can be reduced significantly.

4. To this end, the following criteria shall apply to the subdivision/development of land within the designated flood hazard areas of the City:

   a. Clear Delineation

      Plats of subdivision/developments lying in a flood hazard area shall have such areas clearly delineated on the plat by indication to the topographic contour line corresponding to the 100-year flood elevation shown on official City floodplain maps.

   b. Plans and Specifications

      Engineering plans and specifications shall be submitted showing that adequate design has been incorporated to assure to the extent possible that all design meets the requirements of the Flood Damage Prevention Ordinance, Section 8, City of Hardeeville Code of Ordinances.

   c. Covenant Restrictions

Covenant restrictions shall be placed in the deeds to all lots of a subdivision/development lying within a flood hazard area stipulating to the lot owner that all construction meets the requirements of the Flood Damage Prevention Ordinance, Section 8, City of Hardeeville Code of Ordinances.

d. Disclosure Statement Required

On all plats of development for which lots, sites, or structures are to be sold or leased, the following statement shall be clearly affixed to the plat(s) and readily visible:

"The areas indicated on this plat as flood hazard areas have been identified as having at least a one percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain flood hazard protective measures be incorporated in the design and construction of structures in these designated areas. Reference shall be made to the development covenants and restrictions of this development and requirements of the City of Hardeeville Building Inspection Department and the Flood Damage Prevention Ordinance, Chapter 9, City of Hardeeville Code of Ordinances. In addition, federal law may require mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas."

F. Engineering Certification

All design, grading, drainage, and construction plans for roads, bridges, stormwater and sewer systems and water systems shall be prepared and certified by a civil engineer registered for practice in the State, and such certification, shown on all such plans.

5.2. Required Improvements

A. Water Systems

1. In accordance with the Agreement of Consolidation and Transfer between the City and Beaufort-Jasper Water and Sewer Authority (BJWSA), unless otherwise exempted by BJWSA, all proposed subdivision/developments shall connect to the public water service system of BJWSA. A written agreement between the subdivider and BJWSA indicating the arrangements made for provision of the service shall be submitted with the final application. Such agreement shall clearly state the responsibilities of both parties as they relate to installation and maintenance of the facility(s).

2. Water supply systems shall be installed according to plans approved by the S.C. Department of Health and Environmental Control, the Beaufort-Jasper Water and Sewer Authority and the City of Hardeeville and subject to specifications set forth by those agencies

B. Sewage Disposal Systems

1. In accordance with the Agreement of Consolidation and Transfer between the City and Beaufort-Jasper Water and Sewer Authority (BJWSA), unless otherwise exempted by BJWSA, all proposed subdivision/developments shall connect to the public sewer service system of BJWSA. A written agreement between the subdivider and BJWSA indicating the arrangements made for provision of the service shall be submitted with the final.

2. The sanitary waste disposal systems shall be installed according to plans approved by the S.C. Department of Health and Environmental Control, the Beaufort-Jasper Water and Sewer Authority and the City of Hardeeville and subject to specifications set forth by those agencies.

C. Drainage Systems

A drainage system shall be designed and constructed by the subdivision/development consistent with the design principles and standards contained in Section 4.9 of this Ordinance and adequate to provide proper drainage of the surface water of the subdivision/development and the drainage area of which it is a part. Drainage systems shall be installed according to plans approved by the City Engineer.

D. Monuments and Markers

Permanent reference points shall be placed in accordance with the following requirements:

1. Control Monuments

Control monuments shall be placed in the pavements of subdivision/development streets so that no lot is more than two thousand (2,000) feet from a control monument. The control monuments shall be placed in the streets, offset from the centerline approximately half-way between the centerline and the pavement edge in a cast iron "water main valve" type box with cover flush to the pavement. The control monument may be poured on the job or be a concrete marker of the type commonly used in the area. (Refer to diagram "Design Guide for Control Monuments"). Control monuments shall be referenced to elevations based on NGVD 88 as well as South Carolina State Plane Coordinates. Control monuments shall be depicted on Final Plats with state plane coordinates called out. Control monuments shall also be located at the corners of the subdivision or as directed by the City Engineer.

As an alternative to the above requirements, control monuments may be placed in open space areas, park areas, or the like and may be of a type commonly used in the area and installed according to common practice.

2. Property Markers

At all lot corners there shall be placed a concrete or five-eighths-inch-diameter galvanized steel pipe permanent marker.

E. Other Utilities

1. All other utilities such as electrical, telephone and gas service in the proposed subdivision/development shall be installed according to the plans and installation schedule properly reviewed and approved by the respective utility companies.

2. All utilities shall be installed underground, except those portions of the system which must necessarily be above ground (i.e., transformers, switch gears, connection pedestals), or upon determination that a variance to allow for overhead facilities is warranted due to exigencies of construction, undue and unreasonable hardship or other conditions particular to the development. Request and justification for the variance must be presented to the SRC by the respective utility provider to final plan approval.

F. Installation of Required Improvements

Installation of required improvements may not begin until after development plan approval is given by the Staff Review Committee. Installation shall be made according to the approved design on the final plat.

G. Changes in the Approved Plans and Specifications

If exigencies of construction necessitate changes in the approved plans and specifications, the subdivider shall request approval of such changes by the Staff Review Committee, who may delegate the responsibility for reviewing and approving said changes to a qualified agent of the governing authority. The subdivider shall not proceed with construction involving any changes prior to obtaining approval.

H. Maintenance of Improvements

The City Council shall not be responsible for the installation or maintenance of any improvement, unless City Council accepts an offer to dedicate and accepts responsibility by resolution duly passed by Council. The recording of a final plat or plan subdividing a portion of the Property shall not constitute an offer to deed or dedicate any improvement shown thereon to the City, or any other person or entity, nor as acceptance by the City of the dedication absent an express written agreement to do so. The subdivider shall maintain the required improvements or provide satisfactory guarantee to the City Council of the maintenance of required improvements for those improvements where public dedication and public acceptance for maintenance have not been made.

ARTICLE 6: DEVELOPMENT REVIEW BODIES

6.1. Purpose

This chapter identifies the roles and responsibilities of various appointed and elected boards, as well as the duties of the city staff, in the administration of this Ordinance.

6.2. Review Bodies Generally

A. Summary Table of Decision-Making and Review Bodies

1. Table 6-1 summarizes the review and decision-making responsibilities of the entities that have roles in the administration of the procedures set forth in Chapter 6, Review and Approval Procedures. The referenced notes are set forth immediately below the table. Other duties and responsibilities of the entities are set forth in the subsequent sections of this Article, the MZDO, the Hardeeville Code of Ordinances and State statutes.

2. Even though not referenced in this chapter, other boards, commissions, government agencies, and non-governmental agencies may be requested to review some applications, including, but not limited to, zoning map amendments, site plans, and subdivisions.

TABLE 6-1: SUMMARY OF ADMINISTRATION AND REVIEW ROLES

NOTE: This table summarizes the general review and decision-making responsibilities for the procedures contained in Article 7. Exceptions to these general rules apply. See Article 7 for details on each procedure.

R = Review (Responsible for Review and/or Recommendation) **H = Hearing (Public Hearing Required)**
D = Decision (Responsible for Final Decision) **A = Appeal (Authority to Hear/Decide Appeals)**

	Section	City Council	Planning Commission	Zoning Board of Appeals	City Staff
Amendments – Map and Text		D-H	R		R
PDD – Concept		D-H	R		R
PDD – Master Plan		D-H	R		R
Site Development Plan				A-H	R-D
Subdivision: Preliminary Plat				A-H	R-D
Subdivision: Final Plat				A-H	R-D
Special Exception				A-H	R-D
Certificates of Occupancy				A-H	R-D
Administrative Adjustment				A-H	R-D
Variance				D-H	R
Appeals of Administrative Decisions				D-H	R

B. Composition of Boards and Commissions

1. Board and Commission Appointment and Confirmation

a. Appointments to boards and commissions within the scope of this Ordinance shall be made by the City Council.

2. Conduct of Boards and Commissions

This section sets forth procedures that are common to all appointed boards and commissions within the scope of this Ordinance, which include the Planning Commission, the Zoning Board of Appeals, and the Architectural/Overlay Review Board.

a. Absence of Member

Any member of an appointed board of commission anticipating an absence from a meeting of their board of commission shall so advise the chair or secretary prior to the meeting.

b. Code of Ethics

The Planning Commission and the Zoning Board of Appeals members shall, in the performance of their quasi-judicial, adjudicatory responsibilities in all matters before them, including all matters which their members should reasonably know or expect to come before them, shall:

i. Make their decisions solely on the applicable law and the evidence in the record presented to the panel through the clerk or secretary of the board or commission or, when permitted, submitted to the panel in an open hearing on the record;

ii. Be impartial in fact and in appearance in the performance of their functions, which means that the panel and its members shall make their decisions without any actual or seemingly apparent personal or financial bias, prejudice, prejudgment or partiality with respect to any person, party, or principle of law; and

iii. Conduct their proceedings according to the applicable procedures provided by law.

c. Conflict of Interest

i. Conflict of interest. Conflicts of interests and disqualifying economic interests shall, in the first instance, be governed by the South Carolina Ethics Reform Act of 1991, as amended. Conflict of interest shall be handled in the following way:

(A) Upon making application for membership on a board, agency or commission, all members shall certify that they do not have a conflict of interest.

(B) Upon appointment, members shall disqualify themselves from voting or otherwise participating in any particular issue, which may arise, in which they have a conflict of interest or disqualifying economic interest, as required by S.C. Code §8-13-700(B).

(C) A member, who has an actual or known potential conflict of interest, shall take such action as is required by the South Carolina Ethics Reform Act of 1991, as amended and abstain from voting and discussing the issue, which is the subject of a conflict.

ii. No member of an appointed board or commission shall participate in any decision in which the board or commission determines either that such member has a conflict of interest, as defined in the Hardeeville Municipal Code and the State Ethics Commission; or that such member has a personal interest or involvement in the case that would prevent that member from fairly evaluating

the case; or that, based on all surrounding circumstances, participation by such member would create the appearance of impropriety in the proceedings.

iii. The determination shall take into consideration the interest of the public in boards and commissions that have familiarity with the community and its past and future development. No member shall be excused from participation solely on the basis of personal familiarity with the case or the parties involved.

iv. Any member who has a possible conflict of interest in a pending matter shall bring this information to the attention of the chair before the staff begins its presentation or as soon thereafter as the member recognizes his or her possible conflict. It shall be the responsibility of each member to fully disclose facts showing any known conflict of interest or other personal interest or involvement. Where appropriate, the conflict may be discussed in executive session.

v. Immediately upon discovering the existence of any conflict of interest prohibited by this Ordinance, the Municipal Code, or any state law applicable to local government officials, the board or commission member shall fully disclose on the record in open session of the board or commission the nature of and the facts creating the conflict and shall be disqualified from any participation in or communications with other members of the board or commission on the matter with which a conflict exists.

vi. A member who has a possible conflict of interest in a matter for decision may participate in that decision only upon the affirmative vote of a majority of all remaining commission members present. Such vote shall be recorded on the public record.

vii. Any member found by the board or commission to have a conflict of interest with regard to a particular matter shall not participate in any manner in that matter.

d. Ex Parte Contacts Prohibited

i. Ex parte contacts and communications are defined for the purposes of this subsection as the receipt, either directly or indirectly, of verbal, visual, or written communications outside a duly noticed, open hearing on the record at which all parties and all board or commission members have an opportunity to be present.

ii. Members of adjudicatory or quasi-judicial boards and commissions shall refrain from permitting ex parte contacts or communications with any person regarding any matter pending before or which may be reasonably expected to be pending before them.

iii. All members of a board or commission who sit in a quasi-judicial capacity shall adhere to the following in their receipt and deliberation of any matter coming before them. In contested matters, a decision maker shall not engage in ex parte communications with a party of record or any person who has a direct interest in the matter to be decided. A decision made at a hearing or a decision based on the review of a record is voidable if the decision-maker engaged in an substantive written or oral ex parte communication with a party or a person who has a direct interest in any issue in the matter unless the decision maker promptly notifies the parties of the ex parte communication, makes the ex parte communication a part of the record and provides the parties an opportunity to rebut the ex parte communication prior to a final decision being rendered.

iv. The prohibition against ex parte contacts remains in effect as long as a matter may reasonably be expected to come before the board or commission until after all appeal and remands for further consideration and reconsideration have concluded or the time for such proceedings has expired.

e. Consent Agenda

Any appointed board or commission may establish a consent agenda. The consent agenda shall consist of all matters brought before the board or commission for action that do not require a public hearing. All items on the consent agenda shall be approved by motion without debate. An item may be removed from the consent agenda prior to the approval at the request of any member of the board or commission present at the meeting. Items removed from the consent agenda shall be considered on the regular agenda.

f. Meetings Open to Public

All meetings of the appointed boards and commissions shall be open to the public except as otherwise provided by the exemptions pursuant to State law. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. This section does not apply to any votes required to be taken to organize a board or commission.

g. Quorum – Official Action

i. A majority of the then serving membership of the board or commission shall constitute a quorum for the transaction of business.

ii. Action by the board or commission shall require the favorable vote of a majority of the quorum present.

h. Reconsideration or Rehearing of Decisions

Decisions of any appointed board or commission under this chapter may be brought up for reconsideration or rehearing only if:

i. There was substantial procedural error in the original proceeding;

ii. The board or commission acted without jurisdiction in the original proceeding; or

iii. The original decision was based upon fraud or misrepresentation.

Any person seeking reconsideration or a rehearing must file a request with the city clerk, together with materials supporting one or more of the grounds stated in this subsection, within fifteen (15) days of the original decision. The board or commission, by majority vote, may schedule a rehearing only if it finds the allegations to be correct. A rehearing shall be conducted in the same manner as the original proceedings before the board or commission.

i. Removal of Member

A member of any appointed board or commission under this chapter may be removed from office by the City Council for cause. Any member with three consecutive, unexcused absences (including workshops) or who does not attend more than seventy (70%) percent of the meetings (including workshops) within a calendar year may be automatically removed from the Board or Commission on

which they serve and the Chairperson of body shall cause the City Manager to be notified of the vacancy on the board or commission to be filled through the appropriate procedure. In such cases, the member shall automatically cease to be a member of his or her board or commission and a vacancy shall exist.

j. Representatives

Persons appearing before an appointed board or commission under this chapter may appear in person or through a representative or attorney; appearances before quasi-judicial bodies for appeals or variances are strongly encouraged to appear in person with an attorney. The representative shall provide satisfactory proof of his or her authority upon the request of the board or commission.

k. Resolutions

All recommendations and decisions made by the appointed boards and commissions shall be made by resolution as appropriate and shall include precise findings made. The motion adopting the resolution shall show the vote of each member.

l. Secretary

The Planning Director shall be the secretary of each appointed board and commission in this chapter. In the Director's absence, another member of the planning staff shall act as secretary. The secretary shall keep a record of all meetings of each board or commission and shall keep such files as may be required.

m. Applicability of Other Provisions

The provisions of this chapter shall not be a limitation on more restrictive rules regarding the conduct of boards and commissions as may be required by state law, are set forth elsewhere in the Hardeeville Code of Ordinances or approved by resolution of the City Council.

6.3. City Council

A. Review and Decision-Making Responsibilities

1. The City Council shall have the review and decision-making responsibilities set forth in Table 6-1, to be carried out in accordance with the terms of this Ordinance.

2. In addition, the City Council shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance.

   a. Hear and approve, approve with conditions, or deny proposed Text Amendments.

   b. Hear and approve, or deny proposed Official Zoning Map (rezoning) amendments.

   c. Hear and approve, approve with conditions, or deny PUD Master Plan applications.

   d. Appoint the Planning Commission, Zoning Board of Appeals, and Architectural/Overlay Review Board;

   e. Take any other action not delegated to the Planning Commission, Zoning Board of Appeals, or city staff as the City Council may deem desirable and necessary to

implement the provisions of this Ordinance.

f. All other matters committed to it by state law.

6.4. Planning Commission

A. Review and Decision-Making Responsibilities

1. There is hereby re-created the City of Hardeeville Planning Commission, to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the City area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of its area of jurisdiction. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probably future development and include recommended means of implementation. The local Planning Commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies; public utility companies, civic, educational, professional, and other organizations and citizens. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The Planning Commission, its members and employees in the performance of its functions, may enter upon any land with consent of the property owner or after ten (10) days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the Planning Commission shall be liable for any injury or damage to property resulting therefrom. In general, the Planning Commission has the powers as may be necessary to enable it to perform its functions and promote the planning of the City.

2. The Planning Commission, its members and employees in the performance of its functions, may enter upon any land with consent of the property owner or after ten (10) days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the Planning Commission shall be liable for any injury or damage to property resulting therefrom. In general, the Planning Commission has the powers as may be necessary to enable it to perform its functions and promote the planning of the City.

3. The Planning Commission shall have the powers and duties set forth in Table 5-1, to be carried out in accordance with the terms of this Ordinance.

   a. The City and County Council authorizes the Planning Commission to review and make recommendations to the City Council for proposed Planned Development Districts (PDD), Manufactured Home Parks (MHP), other floating zones, rezonings and map amendments, and other land use matters committed to the discretion of the Council, and any other subdivision/development or development that may hereinafter be directed to the Planning Commission for recommendation or approval by this MZDO, taking into consideration the recommendations of City Staff, if applicable.

   b. The Planning Commission hereby delegates permitting responsibilities to the Planning Director and the Staff Review Committee. The Planning Director and the Staff Review Committee may submit any application for a permit to the Planning Commission for review and recommendation, and such submission automatically tolls the running of the time allowed for decision by the permitting authority by that amount of time necessary for review and recommendation by the Planning Commission, not to exceed an additional forty-five (45) days.

c. The Planning Committee shall create a report, with City Staff's assistance, of all studies undertaken and recommendations made by the Commission, and matters permitted or denied during the calendar year by the Staff Review Committee or Zoning Administrator, and shall present same to the City Council in a reasonably timely fashion after the end of the calendar year.

4. In addition, the Planning Commission shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

a. Development of Plans and Policies

Undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the City.

i. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare, as well as the efficiency and economy of the jurisdiction. Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation.

ii. The Planning Commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the plans and programs and the development of its area of jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens.

iii. All public officials shall, upon request, furnish to the Planning Commission, within a reasonable time, such available information as it may require for its work.

iv. The Planning Commission, its members and employees in the performance of its functions, may enter upon any land with consent of the property owner or upon receipt of an application for review and approval governed by this article to make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting there from.

b. Implementation of Plans and Policies

Prepare and recommend the following for adoption by the City Council, as a means for implementing the plans and programs:

i. The MZDO, to include zoning district maps and appropriate revisions thereof;

ii. Regulations for the subdivision/development or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this Ordinance;

iii. An official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion of it, as set forth in this Ordinance;

iv. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;

v. A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and

vi. Policies or procedures to facilitate implementation of planning elements.

B. Membership

1. The Planning Commission shall have no less than five (5) nor more than seven (7) members, and shall serve without compensation.

2. No member of the Planning Commission may hold an elected public office in the City. Members of the commission serve for staggered four-year terms, and shall serve until their successors are appointed and qualified.

3. Members may be reappointed for successive terms in accordance with procedures as may be adopted by respective City Council resolution from time to time. A vacancy in the membership of a Planning Commission must be filled for the unexpired term in the same manner as the original appointment. No member shall serve a term of appointment for longer than nine (9) consecutive years, unless four (4) out of five (5) Council members shall vote to extend beyond such time. The City Council may remove any member of the commission it appointed for cause.

4. In the appointment of Planning Commission members, the City Council shall consider their professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens. Members shall represent a broad cross-section of the interests and concerns within the jurisdiction, and shall be residents and (or) freeholders of the City or of the Counties within which the City is part of; provided however, that upon the positive vote of four (4) out of five (5) Council members, Council may appoint up to two (2) members of the Planning Commission who satisfy only one of the two above criteria, i.e., are not both a citizen and a freeholder.

5. The commission should include, to the extent practical, individuals from the following professional groups: Land development, land planners, engineering, real estate, surveying, architecture/landscape architecture, attorneys or paralegals and/or appraisers/finance/bankers.

C. Organization; Meetings; Procedural Rules; Records; Purchases

1. The Planning Commission shall organize itself, electing one of its members as chairman and one as vice-chairman, both of whose terms must be for one year. The Commission shall meet at the call of the chairman and at such times as the chairman or Commission may determine.

2. The Commission shall use Robert's Rules of Order (most recent edition) for the conduct of meetings, as may be modified by adoption of such modifications by majority vote of the entire membership, subject to ratification of such modification by resolution of City Council. City Council may also, by resolution, provide for rules of procedure at a future date, in its sole discretion. Meetings of the board must be held each month at a date noticed annually and approved by the City Council, at the call of the chairman, and at such other times as the board may determine. Regularly scheduled meetings may be cancelled by the chairman if there is no business set for the board to consider (other than

approval of the minutes of the previous meeting), or in the event severe weather or other extraordinary conditions make it unsafe for the Board to meet. The Planning Commission shall keep a record of its resolutions, findings, and determinations, which record must be a public record. The Planning Commission may request the City Council to purchase equipment and supplies and employ or contract for such staff and such experts as it considers necessary.

D. Funding of Commission; Expenditures; Contracts

The Planning Commission may, as may be authorized by resolution of City Council, cooperate with, contract with, or accept funds from federal government agencies, state government agencies, local general purpose governments, school districts, special purpose districts, including those of other states, public or eleemosynary agencies, or private individuals or corporations; it may expend the funds; and it may carry out such cooperative undertakings and contracts as it considers necessary to accomplish the purposes of such undertakings and contracts as have been authorized by City Council.

6.5. Zoning Board of Appeals

A. Review and Decision-Making Responsibilities

The Zoning Board of Appeals has the following powers:

1. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by the Planning Director or by an authorized administrative official or body in the enforcement of the MZDO;

2. To hear and decide appeals for variance from the requirements of the MZDO when strict application of the provisions of the Ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

3. To permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the MZDO; and

Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City of Hardeeville. The appeal must be taken within thirty (30) days from the date the appealing party has received actual notice of the action from which the appeal is taken by filing with the officer from whom the appeal is taken and with the Zoning Board of Appeals notice of appeal specifying the grounds of it. The officer from whom the appeal is taken immediately shall transmit to the board all the papers constituting the record upon which the action appealed from was taken in exercising the above powers, the Zoning Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board in the execution of the duties specified in this chapter may subpoena witnesses and in case in contempt may certify this fact to the circuit court having jurisdiction.

All final decisions and orders of the board must be in writing and be filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be delivered to parties of interest by certified mail. Orders of the board regarding appeals, special exceptions and variances may be adopted and approved after reduction to writing at either a regularly scheduled or special called meeting, with such executed by the chairman or acting chairman and the secretary of

the board, or may be adopted by the board without formally convening through circulation of the order among the members of the board by the City staff for individual signature, should the board so choose.

The Zoning Board of Appeals shall have the review and decision-making responsibilities set forth in Table 5-1, to be carried out in accordance with the terms of this Ordinance.

B. Membership

1. There is hereby created, as a part of the administrative mechanism designed to enforce the zoning and land development ordinances and regulations, a board to be known as the Hardeeville Zoning Board of Appeals, which is referred to in this Ordinance as the BZA, whose jurisdiction shall include property within the City.

2. The BZA shall consist of five (5) members, a majority of which constitutes a quorum, and who shall serve without compensation.

3. The members shall serve for overlapping terms of three (3) years, or after that time until their successors are appointed and qualified.

   a. The City Council, by resolution within six (6) months of the adoption of the MZDO in April of 2008, established staggered terms for members of the then-existing BZA so as to provide that at least two (2) of the terms of five (5) then-serving members expired in a different year than the remaining members. Members then in office were and remain eligible for re-appointment.

   The Zoning Board of Appeals seats, which are at-large, and their expiration terms, and every four (4) years thereafter:

4. Members may be reappointed for successive terms in accordance with procedures as may be adopted by City Council resolution from time to time. A vacancy in the membership will be filled for the unexpired term by appointment of a new member in the same manner as the original appointment. No member shall serve a term of appointment for longer than nine (9) consecutive years, unless four (4) out of five (5) Council members shall vote to extend beyond such time. The City Council may remove any member of the Board it appointed for cause.

5. None of the members shall hold any other public office or position in the municipality or county.

The board should include, to the extent practical, individuals from the following professional groups: Land development, land planners, engineering, real estate, surveying, architecture/landscape architecture, attorneys or paralegals and/or appraisers/finance/bankers.

C. Officers; Rules; Meetings; Notice; Records

The board shall elect one of its members chairman, who shall serve for one year or until he is re-elected or his successor is elected and qualified. The board shall use Robert's Rules of Order (most recent edition) for the conduct of meetings, as may be modified by adoption of such modifications by majority vote of the entire membership, subject to ratification of such modification by resolution of City Council. City Council may also, by resolution, provide for rules of procedure at a future date, in its sole discretion. Meetings of the board must be held each month at a date noticed annually and approved by the City Council, at the call of the chairman, and at such other times as the board may determine. Regularly scheduled meetings may be cancelled by the chairman if there is no business set for the board to

consider (other than approval of the minutes of the previous meeting), or in the event severe weather or other extraordinary conditions make it unsafe for the Board to meet. Public notice of all meetings of the Zoning Board of Appeals shall be provided by publication in a newspaper of general circulation in the municipality. In cases involving variances or special exceptions conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property. The chairman or, in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board and must be a public record.

D. Final Decisions and Orders

All final decisions and orders of the board must be in writing and be filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board which must be mailed to parties of record by mail. Orders of the board regarding appeals, special exceptions and variances may be adopted and approved after reduction to writing at either a regularly scheduled or special called meeting, with such executed by the chairman or acting chairman and the secretary of the board, or may be adopted by the board without formally convening through circulation of the order among the members of the board by the City staff for individual signature, should the board so choose.

E. Contempt; Penalty

In case of contempt by a party, witness, or other person before the Zoning Board of Appeals, the board may certify this fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

F. Appeal from Zoning Board of Appeals to Circuit Court

A person who may have a substantial interest in any decision of the Zoning Board of Appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the board to the circuit court in and for the county by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board is mailed has actual notice of the decision, or the party of record is otherwise notified of the decision during a meeting or hearing.

G. Financing of Zoning Board of Appeals

The City Council may appropriate such monies, otherwise unappropriated, as it considers fit to finance the work of the Zoning Board of Appeals and to generally provide for the enforcement of any zoning regulations and restrictions authorized under this chapter which are adopted and may accept and expend grants of money for those purposes from either private or public sources, whether local, state, or federal.

6.6. Architectural/Overlay Review Board

A. Establishment

In order to provide for the preservation and protection of historic and architecturally valuable districts and neighborhoods, significant and/or natural scenic areas, to protect and/or provide

for the unique, special, or desired character of a hereinafter defined overlay districts and corridors, by means of restriction and conditions governing the right to erect, demolish, remove in whole or in part, or alter the exterior appearance of all buildings or structures within the areas, the City Council hereby provides for the Architectural/Overlay Review Board which shall become effective upon appointment of the members by Council.

B. Powers of Architectural/Overlay Review Board

The Architectural/Overlay Review Board has those powers involving the structures and neighborhoods as may be hereinafter set forth within this MZDO. Decisions of the Planning Director or other appropriate administrative official in matters under the purview of the Architectural/Overlay Review Board may be appealed to the board where there is an alleged error in any order, requirement, determination, or decision. Interpretation of overlay standards shall be the responsibility of the City's Architectural/Overlay Review Board, as appointed periodically by the City Council. These overlay standards shall serve as guidance to the Architectural/Overlay Review Board regarding the City's intent for land development in any given area.

1. Review process

a. The Architectural/Overlay Review Board will review:

i. Any application with a construction value of more than five thousand dollars ($5,000.00) to the exterior of the structure.

ii. All other applications will be reviewed and approved by City staff. Staff review will include, but is not limited to, the Planning Director and the Building Official.

b. Applications are subject to a discretionary review by the Architectural/Overlay Review Board. The Architectural/Overlay Review Board shall have approval authority for all aspects of site planning and exterior architecture, including aesthetic appropriateness, fit with historic context. The Architectural/Overlay Review Board shall have authority to waive architectural guidelines in specific instances where compliance would create undue hardship such as: additions in which new portions would be incompatible with the existing structure, or in the application of roofing materials that are consistent with the goals of preservation, but are not expressly permitted. The Architectural/Overlay Review Board may also grant special exemptions from the standards provided herein, including requirements for porches, on the basis of architectural merit and shall not form a precedence for future projects.

c. Optional preliminary review. Applicants may, at their option, submit designs in schematic or sketch form for preliminary approval, subject to further review.

d. Review and final approval. Applicants shall submit the items described below in Section (2) for final approval.

e. Applications for building permits must be submitted to the City of Hardeeville Building Department no later than one (1) year after final approval has been granted under the Downtown Redevelopment Overlay District Code. Failure to meet this time line will necessitate resubmission to the Architectural/Overlay Review Board.

f. Decisions and findings made by the Architectural/Overlay Review Board may be appealed as set forth in Section 6.6.

C. Membership; officers; rules; meetings; records

1. The board shall consist of no less than three (3) members to be appointed by the City Council, which shall endeavor to appoint as professionally qualified persons as it may be able to accept appointments. This board should include individuals from the following professional groups: architects and planners (2), builders and engineers (1). Because of the highly technical nature of this board, the City Council may also find it necessary to find professionals from outside the jurisdiction or who are engaged in a professional services contract with the city to review and make recommendations to this Board. The City Manager, Planning Director, Building Official, and City Engineer may also be included in the presentation, coordination, and facilitation of the board's work. Terms of members shall be for two (2) years, with at least one (1) (if three (3) members are initially appointed) or two (2) (if four (4) or more are initially appointed) members receiving a term of one (1) year, so that members of the board first to serve will be appointed for staggered terms, and shall serve until their successors are appointed and qualified. Members may be reappointed for successive terms in accordance with procedures as may be adopted by City Council resolution from time to time. The City Council may remove any member of the board which it has appointed. Assignments of terms and expiration of terms for each of the seats authorized shall be established upon the appointment of the initial members when the Board is activated.

2. None of the members may hold any other public office or position in the municipality or county.

3. The board shall elect one (1) of its members chairman, who shall serve for one (1) year or until he is re-elected or his successor is elected and qualified. The board shall use Robert's Rules of Order (most recent edition) for the conduct of meetings, as may be modified by adoption of such modifications by majority vote of the entire membership, subject to ratification of such modification by resolution of City Council. Meetings of the board must be held each month at a date noticed annually and approved by the City Council, at the call of the chairman, and at such other times as the board may determine. Regularly scheduled meetings may be cancelled by the chairman if there is no business set for the board to consider (other than approval of the minutes of the previous meeting), or in the event severe weather or other extraordinary conditions make it unsafe for the Board to meet. The chairman or, in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which immediately must be filed in the office of the board and must be a public record.

D. Appeal from Architectural/Overlay Review Board to Circuit Court

A person who may have a substantial interest in any decision of the Architectural/Overlay Review Board or any officer, or agent of the City may appeal from any decision of the board to the circuit court in and for the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the affected party receives actual notice of the decision of the Architectural/Overlay Review Board.

E. Contempt; penalty.

In case of contempt by a party, witness, or other person before the Architectural/Overlay Review Board, the board may certify the fact to the circuit court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

6.7. City Staff

A. Review and Decision-Making Responsibilities

City staff shall have the review and decision-making responsibilities set forth in Table 6.1, to be carried out in accordance with the terms of this Ordinance. The departments also shall have such additional powers and duties as may be set forth elsewhere in this Ordinance and other ordinances of the city.

B. Other Powers and Duties

The following departments have the general responsibilities set forth below.

1. Planning Director

For purposes of administrating and enforcing this Ordinance, the position of "Planning Director" shall be appointed by, and responsible to, the City Manager. The Planning Director's powers and duties include but are not limited to:

a. Administer and enforce the provisions of this ordinance;

b. Make written interpretations of this ordinance;

c. Review and make recommendations on Building Permits;

d. Review and make recommendations on Certificates of Occupancy;

e. Review, make recommendations, and issue Sign Permits;

f. Process applications for Variances and Special Exceptions;

g. Issue Certificates of Compliance (Zoning Permit);

h. Review and take action on Development Names;

i. Review and take action on Administrative Adjustments;

j. Review and make recommendations on site plans; and

k. Review, make recommendations, and if applicable issue Landscaping and Tree Conservation Permits

2. Staff Review Committee

The City Manager shall designate a Staff Review Committee (SRC) consisting of the Planning Director, Building Official, Fire Chief, City Engineer or designee, and any other City staff professional the City Manager deems necessary for professional review. The Planning Director shall serve as chair of the Committee and be responsible for all final decisions of the Committee. The Staff Review Committee shall have the following powers and duties:

a. Approval or deny submitted subdivision/site/development plans.

b. Approval or deny submitted building permit applications.

c. Approval or deny and provide recommendations to BZA and/or Planning Commission as needed on certain submittals.

3. City Manager

The City Manager shall appoint the Planning Director and the Staff Review Committee members.

ARTICLE 7: REVIEW AND APPROVAL PROCEDURES

7.1. Purpose and Structure of this Chapter

This chapter describes the procedures for review and approval of all applications for development activity in the City of Hardeeville. Common procedures, which are applicable to all or most types of development applications, are in Section 7.2. Subsequent sections contain additional provisions that are unique to each type of application, including specific staff and review board assignments, review standards, and other information that varies by procedure.

7.2. Common Procedures

A. Applicability

The common procedures of this Section 7.2.B. shall apply to all applications for development activity under this Ordinance unless otherwise stated.

B. Pre-Application Conferences

1. Purpose

The purpose of a pre-application conference is to familiarize the applicant and the city staff with the applicable provisions of this Ordinance that are required to permit the proposed development.

2. Applicability

a. Required for New Applications

A pre-application conference is required prior to submittal of the following types of applications:

i. Street and Development Name Approval

ii. Sign Permit

iii. Tree Permit

iv. Zoning Permit

v. Building Permit

vi. Development Permit

vii. Site Plan Approval

viii. Map Amendment (Rezoning)

ix. Text Amendment

x. Planned Development District (PDD)

xi. Subdivision/development

xii. Variance

No application for these types of approvals shall be accepted until after the pre-application conference is completed and the applicant receives written notification of the conclusions. This review shall take place prior to any substantial investment, such as land acquisition for a proposed development, site and engineering design, or the preparation of other data.

b. Optional for All Other Applications

A pre-application conference is optional prior to submission of any other application under this Title not listed in subsection a. above.

c. Waiver

The Planning Director may waive the pre-application requirement if the Planning Director finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver. The waiver shall be made in writing and shall become a part of the case record for the application.

3. Initiation of Pre-Application Conference

The potential applicant shall request a pre-application conference with the Planning Director. Prior to the pre-application conference, the applicant should provide to the Planning Director a description of the character, location, and magnitude of the proposed development and any other draft documents such as maps, drawings, models, and the type of development permit sought.

4. Pre-Application Conference Content

The Planning Director shall schedule a pre-application conference after receipt of a proper request. At the conference, the applicant, the Planning Director or designee, and any other persons the Planning Director deems appropriate and available to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this Ordinance, the parties should discuss in general the proposed development and the applicable requirements and standards of this Ordinance.

5. Issues to Address at Pre-Application Conference

The following items should be covered in the pre-application conference:

a. Applicability of city policies, plans, and requirements as they apply to the proposed development.

b. Appropriateness of the development with respect to the policies set forth in the comprehensive plan and the regulations in this Ordinance.

c. Need, if any, to prepare a subdivision plat and/or site plan.

d. Any concerns or requirements related to the anticipated impact upon public rights-of-way and public improvements, and appropriate requirements to mitigate those impacts, including but not limited to traffic impact assessments.

e. Any concerns related to neighborhood impacts, land use, landscaping concepts, and overall project design.

f. Possible alternatives or modifications related to the proposed application.

g. Procedures that will need to be completed to review and act on the proposed change.

6. Informal Recommendations Not Binding

The informal recommendations of the Planning Director are not binding upon the applicant or the city, but are intended to serve as a guide to the applicant in making the application and advising the applicant in advance of the formal application of any issues which will or may subsequently be presented to the appropriate decision-making body. Because a pre-application conference precedes the actual application, some key issues relating to a specific proposal may not be apparent at the pre-application conference.

7. Application Required Within Six Months

After a pre-application conference has been completed, an application must be submitted within six (6) months, unless one (1) extension is granted by the Planning Director not to exceed an additional six (6) months. If a complete application is not submitted within six (6) months or an extension has not been granted, a new pre-application conference shall be required prior to submitting an application.

C. Authority to File Applications

1. Unless otherwise specified in this Ordinance, applications for review and approval may be initiated by:

a. The owner of the property that is the subject of the application;

b. The owner's authorized agent; or

c. Any decision-making body.

2. When an authorized agent files an application under this Ordinance on behalf of a property owner, the agent shall provide the city with written documentation that the owner of the property has authorized the filing of the application.

D. Application Contents, Submission Schedule, and Fees

1. Form of Application

Applications required under this chapter shall be submitted in a form and in such number as required by this ordinance.

2. Processing Fees

Applications required under this chapter shall be accompanied by the fee amount that is adopted by City Council. Fees shall be established from time to time by resolution of the City Council. All fees shall be made payable to the City of Hardeeville. The City of Hardeeville reserves the right to require the applicant to reimburse the city for professional fees incurred in processing the application.

3. Waivers

The Planning Director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Planning Director may waive such requirements where he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

E. Verification of Application Completeness

1. The Planning Director shall only initiate the review and processing of an application if such application is complete. The Planning Director shall make a determination of application completeness within ten (10) working days of application filing. If the application is determined to be complete, the application shall then be processed according to this Ordinance. If an application is determined to be incomplete, the Planning Director shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal.

2. An application shall be considered complete if it is submitted in the required form, includes all mandatory information and is accompanied by the applicable fee. A pre-application conference shall have been held, if required by subsection 7.2.B.2.a above.

3. Any supplemental technical reports and special studies that are submitted following the original application must be received at least thirty (30) days prior to a public hearing. As a consequence for any false or misleading information submitted or supplied by an applicant on an application, that application will be deemed incomplete, be rejected and the must reapply.

F. Notice

1. Content of Notices

Notice of all public hearings required under this chapter shall, unless otherwise specified in this Ordinance:

a. Identify the date, time, and place of the public hearing;

b. If applicable, describe the property involved in the application by street address or by legal description and nearest cross street;

c. Describe the nature, scope, and purpose of the proposed action;

d. Indicate that interested parties may appear at the hearing and speak on the matter; and

e. Indicate where additional information on the matter may be obtained.

2. Summary of Notice Requirements

The following table summarizes the notice requirements of the procedures of this chapter.

TABLE 7-1: SUMMARY OF NOTICE REQUIREMENTS		
Type of Application or Procedure	**Published**	**Posted**
Amendments (to text of this Ordinance)	✓	-
Amendments (to official zoning map)	✓	✓
Planned Development Districts	✓	✓
Subdivisions	-	-
Special Exceptions	✓	✓
Development Plans	-	-
Administrative Adjustments	-	-
Variances	✓	✓
Appeals of Administrative Decisions	✓	-

3. Published Notice

When Table 7-1 requires that notice be published, the Planning Director shall cause a notice to be published in a newspaper having general circulation. The notice shall be published at least fifteen (15) days before the scheduled hearing date. In computing such period, the day of publication shall not be counted, but the day of the hearing shall be counted.

4. Posted Notice and Neighbor Notice

When Table 7-1 requires that notice be posted, the Planning Director shall cause a notice to be posted on the property for at least fifteen (15) days before the scheduled hearing date. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted. If no part of the subject property is visible from the public right-of-way, the notice shall be posted along the nearest street in the public right-of-way. Posted notices shall include all the content specified in subsection 1. above except for the legal description.

Written notification of Public Hearings shall be made to all property owners of adjacent parcels. Ownership information shall be obtained from the County Assessor's Office and deposited in the US Mail at least fifteen (15) calendar days before the public hearing that is the subject of the notice. Failure to do this notice will not invalidate any action taken.

5. Constructive Notice

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to, errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the

decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Ordinance.

a. Comprehensive Amendments

Comprehensive Text or map amendments to the zoning ordinance of wide-spread application are not subject to a requirement of mailed or posted notice. The City Council shall instead publish a summary of the proposed action in a newspaper of general circulation in the City or County, as applicable, and shall make the materials available for public inspection in the appropriate city department. Publication in the legal notice section is permitted. Publication shall occur at least twice, with the first notice being published at least six (6) days prior to the second publication, and the second publication shall be at least fifteen (15) days prior to the scheduled hearing.

6. Presumption of Notice

When the records of the city document the publication, mailing, and posting of notices as required by this subsection, it shall be presumed that notice of a public hearing was given as required by this subsection.

G. Conditions of Approval

Some procedures set forth in this Ordinance authorize the decision-making body to impose such conditions upon the premises benefited by the approval as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the comprehensive plan and this Ordinance. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development. No conditions of approval, except for those attached to variance or minor modification approvals, shall be less restrictive than the requirements of this Ordinance.

H. Expiration of Permits/Approvals

If the work described in any permit/approval granted under this Ordinance has not begun within the time limits as set forth in Article 10 from the date of issuance thereof, said permit/approval shall expire; it shall be canceled by the Planning Director, and written notice thereof shall be given to the persons affected. Renewal of the permit/approval for an additional period in accordance with Article 10 may be acquired by the applicant upon his/her written notification to the Planning Director requesting an extension. Unless approved pursuant to the South Carolina Development Agreement Act, or granted a specific term pursuant to Article 10 hereof, no PDD or other development shall be considered vested beyond the general provisions allowed under Article 10.

I. Conformity and Permits Required

1. Every official and employee of the City of Hardeeville, vested with duty or authority to issue a building permit, business license, or any other permit or license requiring a zoning review, shall not issue such permit or license without the approval of the Planning Director.

2. No license or permit shall conflict with this Ordinance, and if such conflict occurs, the license or permit shall be null and void.

3. No development, building, sign, or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Planning Director.

4. No zoning permit for buildings or signs shall be issued by the Planning Director except in conformity with the provisions of this Ordinance for land use or construction in the City of Hardeeville, and no permit shall be considered valid unless signed by the Planning Director.

7.3. Amendments

A. Purpose and Scope

This Ordinance, including the official zoning map, may be changed pursuant to this section. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance or the official zoning map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the city. Amendments should not be used when a special exception, variance, or minor modification could be used to achieve the same result.

B. Procedure for Amendments

A proposed amendment to this Ordinance, including an amendment to the official zoning map, shall be processed in accordance with the following requirements:

1. Pre-Application Conference

Before filing an application, a private-party applicant for an amendment shall request a pre-application conference with the Planning Director.

2. Application

a. Applicants shall submit the materials specified in this ordinance. Additional materials may be required for certain types of rezoning applications, such as amending the zoning to a planned development district.

b. The Planning Commission or the Planning Director may require the submission of such other information as may be necessary to permit the informed exercise of judgment under the standards for the review of the amendment application. Such information shall be related to the scale and location of the rezoning application and may include, without limitation, traffic, soil, hydraulic, visual, aesthetic, water, and sewage analyses.

c. Applications for amendments must be submitted, in proper form, at least twenty (20) days prior to a Planning Commission meeting in order to be properly noticed and heard at that meeting.

3. Public Meetings

Published, written, and posted notice of public hearings on amendments shall be provided in accordance with Section 7.2.

4. Review and Recommendation by Planning Commission

a. All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission. The Planning Commission shall recommend that the City Council approve the amendment as submitted, approve the amendment with modifications, or deny the amendment, based on the approval criteria of subsection C. below.

b. The Planning Commission shall have no less than thirty (30) days, or more than forty-five (45) days, within which to submit their report and recommendation. Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted to the Mayor and Council for final action.

5. Action by Mayor and City Council

The Mayor and City Council shall hold a public hearing on the proposed amendment and, at the close of the hearing, shall, based upon the approval criteria of subsection C. below and upon recommendations of the Planning Director and Planning Commission:

a. Approve the amendment by ordinance;

b. Approve the amendment by ordinance with modifications;

c. Deny the amendment; or

d. Refer the proposed rezoning back to the Planning Commission or to a committee of the City Council for further consideration.

6. Successive Applications

Following denial of a zoning map amendment request, no new application for the same or substantially the same amendment shall be accepted within six (6) months of the date of denial, unless denial is made without prejudice.

7. Changes in the Zoning Map or Zoning Text

Following final action by the Mayor and Council, any necessary changes shall be made on the official zoning map or in the text of this Ordinance.

C. Approval Criteria

1. Approval Criteria for Amendments to the Text of this Ordinance

Recommendations and decisions on amendments to the text of this Ordinance shall be based on consideration of all the following criteria:

a. Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;

b. Whether the proposed amendment is consistent with the comprehensive plan and the stated purposes of this Ordinance; and

c. Whether the proposed amendment will protect the health, safety, and general welfare of the public.

2. Approval Criteria for Amendments to the Official Zoning Map

The City Council may approve zoning map amendments (rezonings), and the Planning Commission may recommend approval, if the rezoning corrects a technical mistake or the rezoning meets all the following criteria:

a. The rezoning is consistent with the comprehensive plan and the purposes of this Ordinance;

b. The rezoning will protect public health, safety, and general welfare;

c. The rezoning is consistent with the stated purpose of the proposed zoning district;

d. Facilities (including roads and transportation) and services (including water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development. The applicant shall demonstrate availability of services by providing intent-to-serve letters from the respective service providers with the amendment application.

e. The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and

f. Future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

7.4. Planned District Development (PDD)

A. Purpose

The purpose of the PDD district is to encourage flexibility in land planning that will result in improved design, character, and quality of new housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed use developments; to promote the most appropriate use of land; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features and open space.

B. General Requirements

1. Minimum Acreage

a. At least four (4) contiguous acres shall be required to be eligible for the PDD district regulation.

b. The City of Hardeeville may, at its discretion, waive this acreage requirement and grant PDD zoning to property having a valid PUD designation from Jasper County for properties proposed for annexation into the City. In such instances, the City of Hardeeville PDD designation may incorporate the zoning regulations and term, if any, as approved by Jasper County; provided however, nothing herein shall be construed to preclude the City of Hardeeville from changing or adding regulations to any such PDD when, in its sole discretion, it deems such to be necessary and in furtherance of the public interest. To the extent there is any conflict between regulations imposed by the County and those imposed by the City, the regulations imposed by the City shall prevail.

2. Properties Under 200 Acres

Properties consisting of less than two hundred (200) acres shall not be required to submit a Concept Plan and shall begin the review process with an application and Master Plan. It is recommended, however, for projects less than two hundred (200) acres that are unusually complex or sensitive to submit a Concept Plan to avoid undue delays in the review process. Applicants under two hundred (200) acres will be granted PDD zoning only after acceptance of the Master Plan by City Council.

3. Ownership

All property zoned PDD shall be under single ownership, or if in multiple ownership, then by written consent of all owners who agree to be bound by the district designation and regulations.

4. PDD Requirements are Minimums

The detailed standards set forth herein are minimum requirements and it is the intent of this section that the City Council may impose conditions and safeguards in excess of, or in addition to, the specified minimal requirements. Satisfying the minimum requirements set forth herein does not per se indicate that an applicant is entitled to a zoning change and notice is hereby given to that effect.

5. Development Agreement

The City of Hardeeville may require, at its sole discretion, the negotiation and execution of a development agreement as provided by State law for developments in excess of 25 acres.

C. Approval Criteria

In addition to the general approval criteria for rezonings set forth in Section 7.3.C.2. above, PDD rezoning applications shall be reviewed for compliance with the following additional criteria:

1. The PDD designation is necessary to address a unique situation or represents a substantial benefit to the city, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards; and

2. The request complies with the PDD standards in Section 2.4.G. of this Ordinance.

D. Procedures to Establish a Planned Development District

1. Amendment Procedure Applies

The establishment of a planned development district shall follow the procedure for zoning amendments set forth in Section 7.3 above, except as modified in this Section 7.4 D.

2. Application

A request for the PDD district shall be processed as an amendment to the zoning ordinance and official map(s), including the future land use maps and the Comprehensive Plan, if necessary. The application shall be in the form required by the city and shall contain, at a minimum, a legal description of the property and if in multiple ownership, the written consent of all owners who agree to be bound by the district designation and regulations.

3. Concept Plan Required With Application

   A Concept Plan shall be submitted with the application to the Planning Director or his or her designee. Applications and Concept Plans will be forwarded to the Planning Commission for recommendation to the City Council in accordance with standard procedural requirements.

4. Required Contents for Concept Plan

   The Concept Plan shall contain:

   a. A narrative statement by the applicant as to the goals of development and a justification of why a PDD designation is necessary to achieve them;

   b. The types of uses proposed for the PDD, either specifically or generally, if general descriptions are used, the uses deemed applied for shall be those allowed in the most restrictive zoning district where such uses are permitted as a matter of right, and the regulations of such zoning district shall apply. To avoid miscommunication and to encourage ease of administration, applicants are encouraged to specifically designate the uses it proposes, i.e. single-family residences, offices or business parks or the like;

   c. The total number of units for residential uses and the total number of acres, to include the range of residential lot, and the total square footage or acreage for commercial uses and institutional uses;

   d. A general layout of roadways of major circulation, the anticipated rights-of-way (ROW) widths based on either ultimate traffic demands in accordance with the Institute of Transportation Engineers (ITE) Manual, (latest available edition) or a minimum of fifty (50) feet, whichever is greater; whether they are to be publicly or privately maintained, and a general statement as to the anticipated impact of the PDD project on public roads, including the ability of the public roads to have sufficient capacity to carry the additional traffic generated by the PDD at build-out, taking into consideration build out of other impacting developments. The City of Hardeeville may require a traffic impact analysis as set forth in the MZDO, and a statement of need for mitigation (if any). If mitigation is required, a statement of proposed mitigation must be included;

   e. A description or list of any proposed waivers or deviations from the regulations of this Ordinance regarding either 1) generally applicable development standards; 2) specific zoning district regulations, or 3) any applicable overlay district regulations, and what is proposed in their place;

   f. Statement(s) from applicable utility service providers such as water, sewer (if applicable), telephone and electricity, trash and yard waste that service is available to the PDD, or what is required to render services available;

   g. A proposed phasing schedule and average anticipated residential units or commercial square footage to be produced annually;

   h. A statement identifying existing buildings, structures, or other facilities on the property;

   i. Identification of adjacent landowners and existing land use and zoning of such properties, and proof of notification to adjacent landowners by certified mail of the

notice of zoning application;

j. Identification, by name, number and width, of existing public rights-of-way on or adjacent to the property, and the proposed access to such existing rights-of-way;

k. The proposed internal and external setbacks, vegetative buffer material and percent open space areas. Any deviation from the applicable MZDO standards must be accompanied by justification for such proposed deviation, which may or may not be granted, in City Council's sole discretion;

l. Proposed stormwater mitigation shall comply with Section 4.9 (Stormwater Management) (as may be hereafter amended) of the MZDO;

m. The proposed ownership and maintenance of rights-of-way, drainage systems, water and sewer systems, open space systems and amenities;

n. A description of archeological sites or historic structures on the property, as defined by the South Carolina Department of History and Archives, including grave sites, and the proposed approach for protecting them and any others that might be discovered during development;

o. A site map/plan delineating the vicinity of the property; the boundary lines of the property; any rivers, creeks, marshes, and general patterns of wetlands on or adjacent to the property; land uses adjacent to the property; existing buildings, structures or facilities on the property; municipal or county boundary lines adjacent to the property; historic structures on or adjacent to the property; any flood hazard and all overlay district boundary lines; proposed access to existing roads; and arrangement/layout or land uses, approximate acreage of each land use area, type of use and residential density of each use area.

5. Review and Recommendation by Planning Commission

The Planning Director shall provide a written report and recommendation on the PDD application and Concept Plan to the Planning Commission. The Commission shall review the application and the Concept Plan and, based on the Director's recommendation and the approval criteria of Section 7.4.C, recommend that the City Council approve, approve with modifications, or deny the application and Concept Plan.

6. City Council Consideration of Application and Concept Plan

The City Council will consider the application, Concept Plan, and recommendations from staff and the Planning Commission. The City Council shall examine, consider, and address issues relating to financial impacts upon the City and Jasper County, environmental impacts, and required infrastructure to serve the PDD. The Council may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the development that are reasonably available and where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens. Such elements may be, but are not limited to, environmental impact statements as to specific matters not otherwise required or adequately addressed herein, traffic analysis, hurricane evacuation, other emergency preparedness and response, historical preservation, shoreline erosion, public access, community linkages, public education and the like. Should additional information be requested by City Council, City Council may request the review and recommendation of the Planning Commission relative to the additional information prior to study, review and consideration by City Council of the additional data or information. When necessary and appropriate to address such issues, the City of Hardeeville may

require a development agreement as a prerequisite to approving a PDD hereunder, in accordance with the South Carolina Development Agreement Act.

7. Effect of Approval

   a. Upon approval by City Council of the application and Concept Plan and the adoption of an ordinance to that effect, property greater than two hundred (200) acres or having been submitted as a Concept Plan pursuant to Section 7.4 as an unusually complex or environmentally shall be zoned PDD and the Concept Plan, as approved, shall be deemed part of the regulations applying to that particular PDD District.

   b. If the Concept Plan submitted by the applicant is approved, but modified without the written agreement of the applicant, the applicant shall have sixty (60) days after receipt of notice of approval of the modified Concept Plan to withdraw the Concept Plan by written notice to City Council. If withdrawn, the zoning for the areas within the Concept Plan shall be unchanged from the zoning existing before the application was submitted.

   c. Unless a waiver or deviation is secured as part of the approved Concept Plan, the regulations applicable to all uses in an approved Concept Plan shall be those of the most restrictive zoning district where such uses are allowed.

   d. Unless approved pursuant to the South Carolina Development Agreement Act, or granted a specific term pursuant to Article 10 hereof, no PUD shall be considered vested beyond the general provisions allowed under Article 10 and are subject to rezoning to Conservation Preservation (CP) upon expiration.

8. Additional Requirements to Develop in Areas Zoned PDD

   a. A zoning of PDD shall not entitle an owner of the affected property any right to develop or engage in any land use or land disturbing activity, other than that in existence as of the time the Concept Plan is approved. Further, initial zoning of PDD does not vest a developer any number of residential units or square footage of commercial/institutional/industrial space.

   b. To engage in development or any land use or land disturbing activity other than that in existence when PDD zoning is approved, an overall Master Plan and subsequent Development Plan(s) must be approved for the areas to be developed or engaged in land disturbing activity. A zoning of PDD is not deemed by the City of Hardeeville to constitute the commencement of activity or use that would abrogate exemptions, tax or otherwise, attendant to silviculture activities.

9. Sale or Transfer within PDD

   The developer of a PDD may sell or transfer ownership of development tracts within a PDD in accordance with the following procedures and provisions:

   a. The developer must submit and have secured approval of a Concept Plan for the PDD;

   b. Property covenants and restrictions must accompany the transfer of any development tract within the approved PDD restricting the new owner to the development type, road network, water, sewer approach, and density indicated on the approved Concept Plan;

c. The developer must submit a sworn affidavit from the prospective purchaser of a development tract, wherein the purchaser waives rights to the guarantee of the installation of required improvements afforded through this Ordinance for the subdivision of land, and further acknowledges and agrees that an initial Master Plan and final Development Plan must be submitted, and a Development Permit awarded, prior to commencement of any development on the tract.

d. The developer must submit a plat suitable for certification by the City of Hardeeville Administrator or authorized designated agent for the City authorizing the developer to record such plat with the Clerk of Court or Register of Deeds, including submissions in digital format as required by the general provisions of the MZDO, and subsequently record such plat prior to the sale or transfer of any development tract or phase: and

e. This procedure will not be permitted for the sale or transfer of an individual single-family lot or group of lots intended for construction of one single-family dwelling.

E. Master Plan

1. Applicability

A Master Plan shall be developed for all or any portion of the PDD property to be developed. The Master Plan, as well as any fee as may be established by the City of Hardeeville, shall be submitted to the Planning Director and the Staff Review Committee for review and thereafter to the Planning Commission, both of whom shall make a recommendation to City Council.

2. Minimum Requirements for Master Plan

The minimum requirements of the Master Plan include:

a. Multiple copies of the Master Plan to sufficiently distribute to all designated reviewing bodies at the time of submittal;

b. Proposed arrangement of land uses, including land for public facilities, approximate acreage of each use area or tract, type of use and density (residential use tracts). All specified densities will be construed as maximums, with acceptance of the maximums subject to satisfaction of other provisions within the PDD ordinance;

c. A boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor;

d. Notarized Statement of Assignment of Rights Per Development Agreement/PDD (template available from the Planning Director);

e. The location of primary control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred;

f. The proposed name of the development and the names and addresses of the owner(s) of record, and the applicant, if different from the owner(s), with proof of authority to submit and process the application;

g. Type of land use of all parcels contiguous to the development property;

h. A map or site plan showing:

i. The location, dimensions, descriptions, and flow of existing watercourses and drainage structures within the tract or on contiguous tracts;

ii. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary;

iii. Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved roads;

iv. Topographic survey of the area being applied for;

v. The location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract intersecting or contiguous with its boundaries or forming such boundaries;

vi. The location, dimensions, name and description of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract;

vii. The proposed location, dimensions and description of land(s) for public facilities; and

viii. Proposed conceptual street system layout, vehicular and pedestrian, with the written comments of the City's Engineer or designated Engineer.

i. Traffic impact analysis as set forth in the MZDO or as required by staff or City Council, and a statement of need for mitigation (if any). If mitigation is required, a statement of proposed mitigation;

j. Preliminary Master Drainage Plan and Master Water and Sewer Plan with the written comments of the City's Engineer or designated Engineer;

k. Where applicable, surveyed line delineating the extent of any special district boundary on the development property.

l. Preliminary comments from affected agencies having approval or permitting authority over elements related to the proposed development, or evidence that a written request for such comments was properly submitted to the agency and a reasonable period of time has elapsed without receipt of such comments. Minimum agency responses include DOT, EMS, DHEC, OCRM, DHEC, fire officials, and school districts (as applicable);

m. A narrative addressing:

i. The proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements; and when any are to be privately owned, a description of the governance, operation and financial structure to be used to secure their maintenance management and long term improvements;

ii. Proposed phasing and time schedule if development is to be done in phases;

iii. Proposed phasing and time schedule for lands to be dedicated for public facilities;

iv. Proposed internal site planning standards such as typical lot sizes and widths, and setbacks and buffers aimed at addressing potential incompatibility between adjacent land uses and activities;

v. Letters of capability and intent to serve community water supply or sewage disposal service from the affected agency or entity, where applicable;

vi. A statement describing the character of, and rationale for, the proposed Master Plan; and

vii. Other information or descriptions deemed reasonably appropriate by staff or City Council for review.

viii. City Council may, in its sole discretion, accept a Master Plan application which does not include all of the above elements for processing and consideration upon a showing by the applicant why such information is unavailable or impractical to provide. City Council reserves the right to require such omitted information to be supplied prior to final Master Plan approval and second reading.

3. Master Plan Review and Approval

Review and Recommendation by Planning Commission

The Planning Director shall provide a written report and recommendation on the PDD application and Concept Plan to the Planning Commission. The Commission shall review the application and the Concept Plan and, based on the Director's recommendation and the approval criteria of Section 7.4.C., recommend that the City Council approve, approve with modifications, or deny the application and Concept Plan.

a. Upon review of the proposed Master Plan, the City Council may move to approve or deny the Master Plan by a majority vote. City Council, upon majority vote, may request such additional reasonable information as it may deem reasonably necessary to evaluate the Master Plan prior to approval.

b. Upon approval of the Master Plan by City Council in the case of property less than two hundred (200) acres or those that do not have an approved Concept Plan, and enactment of an ordinance to that effect, the property shall be zoned PDD, with the same rights and restrictions as set forth in Section 7.4.

c. Any Master Plan reviewed and approved shall not be recordable with the Clerk of Court or Register of Deeds for the purpose of sale of any lots or parcels of land, and no land use or land disturbance activity, other than that in existence as of the time of the Master Plan approval, shall be permitted unless and until the applicant has secured Final Development Plan approval per Section 7.5.

d. Plats, surveys and other information suitable for submission in digitized format for approved Master Plans shall be submitted to the City in both paper and digitized format, in accordance with adopted City procedures.

e. All phases of the PDD will be required to adhere to the latest version of the following standards at the time of Development Plan submittal:

i. All sections of Article 4, General Development Standards.

ii. Environmental quality standards.

iii. City fees.

iv. Impact fees (unless otherwise specified in a development agreement).

4. Changes to Approved Master Plans

a. Changes Subject to Administrative Approval

Approved Master Plans may be revised, subject to the approval of the Hardeeville City Manager or his authorized designee, for the following changes:

i. Minor changes in the location of roads or widths of streets or rights-of-ways within the Master Plan;

ii. Minor changes in the allocation of housing density within the Master Plan so long as the overall approved density of the Master Plan is not increased; and

iii. Changes in the proposed build-out and phasing schedule.

b. Changes Requiring City Council Approval

Changes to the Master Plan listed below shall require that a revised Master Plan be submitted to City Council for ordinance amendment.

i. Re-designation of land uses within a development area or phase;

ii. Increases in building heights, or decreases in setbacks, and buffers;

iii. Major changes in the location of roads or widths of streets or right-of-ways within the Master Plan;

iv. Major changes in the allocation of housing density within the Master Plan, and any proposed increase in density of the Master Plan; and/or

v. Lot sizes and dimensions.

7.5. Site Development Plans

A. Applicability

Development plans (also called “site plans”) are required to commence activity within any area or phase within the PDD district, and also are required for the following types of development:

1. Any non-residential development;

2. Any multi-family development;

3. Any residential development containing any lots smaller than 8,000 square feet; and

4. Any non-residential development or non-residential component in a mixed-use development.

B. Conformance with Approved PDD Master Plans

If submitted for an area zoned PDD, the development plan must be in conformance with the approved Master Plan and the procedural and substantive requirements of the MZDO, as amended, if at all, by the provisions of the PDD ordinances pertaining to the development.

C. Application

To secure a Development Plan approval, the applicant must submit to the City any administrative fee as may be established by the City and the following:

1. A sufficient amount of black or blue line prints of the Development Plan to be distributed to all reviewing bodies;

2. Name and address of owner(s) of land being developed;

3. Name of the development, date, north point and graphic scale;

4. Name and seal of registered land surveyor, landscape architect or civil engineer;

5. Name of county, location, tax map(s) and parcel number(s);

6. Bearings and distances of all lot lines and street lines;

7. Streets and alleys, rights-of-way, proposed street names and lot numbers (Street addresses will be assigned or approved by the Jasper County Office of Emergency Preparedness after Development Plan approval and copies are sent to appropriate agencies);

8. Final traffic mitigation plans (if applicable);

9. Square foot area of each lot;

10. Location of all monuments and markers and type indicated;

11. Location, size and type of all existing and proposed easements;

12. Proposed location and designation of parks, playgrounds, school sites, open space, recreation amenity areas and public facilities where applicable;

13. Existing railroads, watercourses, streets, highways, city limit lines, transmission lines, existing and/or proposed water and sewer lines, easements, drainage pipes, ditches, and wetlands and wetlands buffers within or immediately adjacent to land in the land being developed, whether or not jurisdiction is asserted by OCRM or the Army Corps of Engineers;

14. Design, specifications and profiles of all proposed streets, drainage systems, lighting, parking, and parking lots (submit directly to the City's designated Engineer);

15. Layout and design, specifications and profiles for all proposed water lines and sewer lines or well and septic tank locations, as applicable;

16. Letters of Intent to serve underground electrical, telephone or gas from respective utility companies;

17. Proposed fire hydrant locations or locations and quantity of other proposed water supply systems for fire protection as required;

18. Other affected agency final approval, certification or permits for elements relative to the development such as:

    a. DHEC construction permits for community water and sewer systems;

    b. DHEC approval of the use of individual wells or community water system in conjunction with septic tanks in the event community sewer is physically unavailable;

    c. OCRM and/or Army Corps of Engineer signed certification of surveyed Wetland Boundary Lines and any required buffers/easements;

    d. OCRM and/or Corps of Engineer permits for proposed docks, marinas, bulkheads, fill and the like (where applicable);

    e. City designated Engineer approval of stormwater drainage systems and road plans;

    f. Local Fire Official having jurisdiction shall certify that development is in compliance with all applicable fire and life safety standards; and

    g. All other applicable regulatory agency approvals;

19. Two (2) copies of signed final covenants and restrictions for the development (where applicable;

20. Signed statement of any offers of proposed public dedication of streets, drainage system, school sites, open space areas, easements or river, wetland, grave or historic site access, or, if these are not to be dedicated and are to remain private, a complete and detailed report of the procedures, fees and methods that address maintenance and improvements to these elements;

21. Two (2) copies of final Homeowners or Property Owners' Association documents addressing ownership and maintenance of all improvements;

22. City of Hardeeville and/or Jasper County Overlay district boundary lines (where applicable) denoted directly on the Development Plan;

23. Tree survey, inventory and mitigation proposal consistent with the provisions of the MZDO;

24. Copies of recorded deeds, plats or easements clearly documenting legal access to the development and any applicable encroachment permits; and

25. Bond or legal surety, acceptable to the City of Hardeeville, guaranteeing the completed installation of all required improvements to the development and other improvements shown on the Development Plan, or represented in the application, shall be posted with the City. Such bonds or other surety shall be payable to the City of Hardeeville and equal one hundred twenty-five (125%) percent of a registered engineers' estimates of construction costs or contractors' executed contracts for subdivision improvements, whichever is greater. The applicant shall complete all improvements including required mechanisms guaranteeing perpetual ownership and maintenance, within twelve (12)

months of the date of Development Plan Approval. Failure to do so will constitute a violation of the development permit and terminate the right to continue development, and shall entitle the Beaufort County to act on the posted bond and cause the improvements to be completed on behalf of the lot purchasers in the development. Extension to the twelve-month time period afforded for completion of improvements may be granted one time by the City of Hardeeville. Such requests must be submitted prior to the expiration date and accompanied by:

a. An explanation of why the extension is necessary;

b. Signed/Dated agreement with the extension by all affected lot owners in the development to date;

c. Amount of work completed, cost remaining for incomplete work and time frame for completion of work, certified by a registered engineer;

d. Amended bond or surety for incomplete work in an amount of one hundred twenty-five (125%) percent of the cost of completion and of sufficient duration to secure the completion of the work.

26. Any other material or information required by the MZDO or requested by the Planning Director or designated staff.

D. Development Plan Approval

1. A Development Plan shall be submitted to the Staff Review Committee or its designated agent and such other professional advisors as the City may designate. A Development Plan may be approved if:

a. It incorporates all information required in subsection C. above;

b. If located in an area zoned PDD, it complies with the approved Concept and Master Plan for that district;

c. It complies with the provisions of the this Ordinance appertaining to the PDD and/or any other Development Agreements, if applicable; and

d. All infrastructure systems have been reviewed and approved by all applicable reviewing authorities.

2. Except as otherwise modified herein, the provisions of the Municipal Zoning and Development Ordinance in effect at the time of the application shall be applicable.

3. Unless approved pursuant to the South Carolina Development Agreement Act, or granted a specific term pursuant to Article 10 hereof, no PUD shall be considered vested beyond the general provisions allowed under Article 10, and are subject to rezoning to Conservation Preservation (CP) upon expiration.

7.6. Subdivision

A. General

1. No plat of a subdivision/development of land within the jurisdiction of this Ordinance shall be filed with or recorded by the county register of deeds until such plat shall has been

submitted to and approved by the City in accordance with this section.

2. Developers who are required to register their subdivision/development with the office of interstate land sales registration of the Department of Housing and Urban Development must also indicate that fact on the plat submitted to the city for approval and recording at the records office; however, the city is under no duty to verify such state of facts and assumes no liability for approving any plat for recording which fails to include such statement.

3. No street or other public or private way or land shall be accepted or maintained nor shall any water lines, sewerage, street lighting, or similar improvements be extended or connected in any subdivision/development that has not been approved by the city as provided in this section. No permit for construction of any building or other improvement in any subdivision/development established hereafter shall be issued that has not been approved by the city as provided herein, and such notice of approval affixed to the plat.

B. Plans Exempted from Standard Procedure

The following exceptions are exempted from the standard plat submission and review procedure, except that all these exceptions still must submit plats in accordance with Final Plat Approval procedures, Section 7.6.C, step 3, below:

1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.

2. The subdivision/development of land into lots, each having an area of five acres or more, where no new street is involved.

3. The division of land into parcels for conveyance to other persons through the provisions of a will or similar document and in the settlement of an intestate estate where the resultant lots are equal to the standards of the governing authority.

4. The division of land into lots for the purpose of sale or transfer to members of one's own immediate family, where no new street is involved, where the resultant lots are equal to the standards of the governing authority, is exempt from the standard submission and review procedures.

5. The division of land into fewer lots than four (4), where each parcel continues to have access to a street or road.

6. A transfer of title to land not involving the division of land into parcels.

A written statement of the occurrence of such divisions as stated in (1), (2), (3) and (4) above and notation on the plat in question, shall be submitted by the owner of the property being divided to the Staff Review Committee for information only.

C. Review Procedures

The following sections are an outline of the procedure for obtaining review and approval of the subdivision/development of land or development activities within the jurisdiction of this Ordinance. The review and approval procedure may consist of three separate steps. The first step is optional, steps 2 and 3 are mandatory.

1. Step 1: Review of Optional Sketch Plan

Although not required, prior to the preparation and filing of a preliminary plat the subdivider is encouraged to and may submit to the Staff Review Committee a simple sketch plan of the proposed subdivision/development. The sketch plan may be a simple free-hand drawing and should show the relationship of the proposed subdivision/development to the surrounding area and the general subdivision/development plan. The purpose of the sketch plan is to assist the subdivider prior to extensive site planning and preparation of a preliminary plat by enabling him to become familiar with the regulations affecting the land to be subdivided and reviewing the proposal as to conformance with the provisions of the comprehensive plan which includes among other things proposed public projects such as transportation routes, school sites, recreation areas, open space areas, public utilities, and the like pertinent to any new development. The Staff Review Committee shall review the sketch plan and advise the subdivider, or authorize an agent of the Staff Review Committee to review and advise the subdivider as to the requirements of the regulations affecting the land to be subdivided within fifteen (15) days from the date submitted.

2. Step 2: Review and Approval of Preliminary Plat

The preliminary plat contains accurate preliminary planning and engineering. While not a survey (although such may be advisable), the accuracy is to be such that only minor changes are to be expected in the final plat. The preliminary submissions must be submitted under the signature and seal of the appropriate Design Professional(s) as required by South Carolina State Code. The final plat is expected to be in substantial compliance with the preliminary plat, with only minor deviations created by final engineering, surveying, other minor design enhancements, or requirements of the Architectural/Overlay Review Board (if applicable). Major changes at the final plat stage may, at the discretion of the Staff Review Committee, be required to be reviewed again as a preliminary plat if the SRC believes the changes result in significant implications that adversely affect the purposes of these subdivision/development/development regulations or the ability to safely or adequately provide services. A proposed phasing plan shall require approval by the SRC, and should be submitted at the preliminary application stage.

a. Submission

Five (5) black or blue line prints of the preliminary plat, together with supporting data, shall be submitted by the subdivider to the director of the Staff Review Committee at least fourteen (14) days prior to a regularly scheduled meeting date of the Staff Review Committee. A conference between the subdivider and the Staff Review Committee will be held in order that the Committee might advise the subdivider of the extent to which the proposed subdivision/development conforms to the applicable requirements of this Ordinance and shall further suggest any modifications of the plan which are deemed advisable or necessary to secure performance. Applications, maps, and supporting data for the preliminary plan will be distributed only to committee members, staff and necessary agencies involved in the review process.

b. Staff Review Committee Procedure

Following submission of a preliminary plat meeting the plat requirements as stated herein, the Staff Review Committee may require the sub-divider to forward relative data to the various local, state, and federal agencies for which review is required. The Staff Review Committee shall be notified by the sub-divider of any conferences requested by any of these affected agencies which should be held prior to the Staff Review Committee acting on the preliminary plat. However, it shall be the responsibility of the subdivider to obtain all necessary permits or approvals for such agencies. The Staff Review Committee shall act on a preliminary plat within twenty

(20) days after the next regular committee meeting following submission unless required conferences between the subdivider and other review agencies are not completed within the time frame and the Staff Review Committee duly notified of the remarks of the affected agency. Upon approval of the preliminary plat, the Staff Review Committee shall indicate in writing:

i. The conditions of such approval, if any;

ii. Certification on the plat by the director of the Staff Review Committee; and

iii. The date on which the Staff Review Committee granted approval; or if disapproving, shall express in writing reasons for disapproval. The action of the Staff Review Committee shall be recorded in the minutes of the committee meeting and the subdivider shall be duly notified.

Approval of the preliminary plan by the Staff Review Committee does not authorize the sub-divider to proceed with the installation of improvements such as streets, drainage system, water and sewer system, utilities, recreation areas nor any amenities. Approval of a preliminary plat or plan shall not constitute approval of the final subdivision/development plat and shall not authorize the sale and other transfer of lots. Plans subject to Architectural/Overlay Board approval should receive preliminary approval before being submitted to that Board.

c. Approved Plans Containing Public Improvement Projects

Where a tract of land or right-of-way that has been approved by a governmental body or department of such a body lies wholly or partially within an area to be subdivided, and provided that said body or department has notified the Staff Review Committee of such official plans prior to or within fourteen (14) days after the presentation of the preliminary subdivision/development plan to the Staff Review Committee for approval, the subdivider shall reserve the proposed site or right-of way for a period of not more than sixty (60) days from the date of approval of the preliminary plan in order to afford the agency involved the opportunity to act on the site or right-of-way as provided for by state law. Such reservation would be stated as a condition of preliminary approval by the Staff Review Committee.

d. Preliminary Plat Requirements

In order for the Staff Review Committee to properly review the preliminary plat, the following information shall be submitted unless the Staff Review Committee determines and notifies the subdivider that certain information is not necessary.

i. Name and address of owner of record.

ii. Proposed name of subdivision/development, date, north point, and graphic scale.

iii. Name and seal of registered surveyor.

iv. Vicinity map showing location of proposed subdivision/development.

v. Tract boundaries and total acreage.

vi. Significant topographical features such as water courses, swamps, pipes, etc.

vii. Existing buildings, streets, railroads, transmission lines, drainage pipes and ditches, sewer and water lines, city limit lines, and any public utility lines on and adjacent to the tract to be subdivided.

viii. Tentative street and lot arrangement, average size lot and number of lots.

ix. Proposed street right-of-way widths, proposed street names, pavement widths, and utility easements.

x. Proposed parks and playgrounds or other open spaces proposed by the subdivider and any such known projects by other agencies.

xi. Preliminary plan for water system, sewer system, surface and storm water drainage system.

xii. Existing and proposed covenants.

xiii. Proposed time schedule of development if to be done in stages or phases.

xiv. Designated zoning classification of the property.

xv. Traffic Impact Assessment per City guideline if project produces seventy-five (75) trips per day or more.

3. Step 3: Review and Approval of Final Plat

The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time of submission.

a. Submission

i. The sub-divider shall submit to the Staff Review Committee within one (1) year of the date of the preliminary plat approval an original, two (2) reproducible permanent prints on Mylar media, and black or blue line prints of the final plat, and one (1) electronic copy readable in AutoCAD® latest edition, at least fourteen (14) days prior to a regularly scheduled meeting of the Staff Review Committee. The number of prints required may vary at the discretion of the Staff Review Committee.

ii. The plat shall be reviewed by the Staff Review Committee for conformance with the approved preliminary plat and with the requirements of these regulations. The Staff Review Committee may request the sub-divider to forward appropriate copies for the final plat together with necessary supporting data to the department of health and environmental control for approval of proposed water and sewer systems and to the city engineer designee for review and approval of the proposed drainage plan, as well as any other agency determined to be involved in approving the subdivision/development and/or development. The Staff Review Committee shall be notified of any requested conferences with the subdivider by the health department, city engineer or other affected agency. However, it shall be the responsibility of the subdivider to obtain all necessary permits or approval from such agencies. The Staff Review Committee shall notify the sub-divider within twenty (20) days after its next regular meeting following submission, of the approval or disapproval of the final plat or any conditions or requested modifications. The Staff Review Committee shall submit a report to the city council certifying approval or disapproval of the final plat, and

in the case of disapproval, shall state the reasons therefore.

iii. Approval and certification by the Staff Review Committee shall not be deemed to constitute or affect an acceptance by the city, county, state or the public of the dedication of any street or other ground shown upon the plat. Upon receipt of the plat where an offer has been made by the subdivider to dedicate any street, rights-of-way, public parks and other public lands, the City Council shall determine the acceptance or non-acceptance of the dedications. If accepted by the City Council, action to that effect shall be noted on the plat and if not accepted, the subdivider shall be notified of the reasons for non-acceptance.

iv. The reproducible and prints shall be distributed after complete final approval as follows:

(A) The original and one (1) print shall be recorded in the office of the county clerk of court.

(B) One (1) reproducible print and one (1) print shall be returned to the subdivider.

(C) One (1) reproducible print and one (1) print shall be forwarded to the city building inspection department.

(D) One (1) print shall be forwarded to the county department of health and environmental control.

(E) One (1) print shall be forwarded to the city engineer or designee.

(F) One (1) print shall be retained by the Staff Review Committee.

v. The approved final plat shall be not be recorded with the register of deeds after final approval by the Staff Review Committee except with the notation that no lots have been approved for sale, unless a surety in lieu of completion of improvements shall have been provided the City, or the required improvements installed, inspected and approved by the City. Should the six-month time period expire before submission of the surety or the beginning of substantial site improvements, including the application and receipt of any applicable building permits, the plat must be resubmitted to the Staff Review Committee for reprocessing. It shall be unlawful to sell or transfer property (or lots) within the approved subdivision/development until after the approved final plat receives approval of the surety or acknowledgment of completion of improvements and the final plat is recorded with the register of deeds or clerk of court indicating such under stamp and signature of the Planning Director.

b. Final Plat Requirements

The final plat shall be drawn on permanent reproducible Mylar media and shall conform substantially to the approved preliminary plat. More than one (1) map may be used if necessary. The final plat shall be prepared by the registered surveyor and shall contain the following information:

i. Name and addresses of owner(s) of record.

ii. Name of subdivision/development, date, north point and graphic scale.

iii. Name and seal of registered surveyor.

iv. Name of county, location tax map number and parcel number(s).

v. Exact tract boundaries of the land being subdivided shown with bearings and distances to the nearest minute and one-hundredth (1/100) of a foot respectively.

vi. Streets and alleys, rights-of-way, proposed street names, and proposed house numbering system.

vii. Lot lines, bearing to the nearest minute and distances to the nearest one-hundredth (1/100) of a foot.

viii. Square foot area of each lot.

ix. Location of all monuments and markers.

x. Parks, playgrounds, school sites, or other public open areas, if any.

xi. Existing railroads, water courses, streets, highways, city limit lines, transmission lines, water and sewer lines, drainage pipes and ditches, and easements for other public utilities on or adjacent to the subdivision/development, such as, gas or electrical.

xii. Location and size of all proposed utility easements.

xiii. Additional information:

(A) Design of proposed water system, sewer system and drainage plan.

(B) Statement of intended use of open space areas, unless otherwise noted on the plat.

(C) Statement of proposed deed covenants, if any, and statement of final covenants when adopted.

(D) Statement and description of all offers of land for dedication, if any.

(E) Statement of form of guarantee of installation and maintenance of all improvements to the subdivision/development, such as, streets, water system, sewer system, drainage system, easements, open spaces, and any others.

(F) Statement of requirement of registration with the office of interstate land sales registration of the department of housing and urban development (where applicable).

(G) Statement of agreement between the subdivider and public or private agency for the installation and maintenance of community water and/or sewer systems.

7.7. Special Exceptions

A. Purpose

The special exception review and approval procedure provides a discretionary approval process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure encourages public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that proposed special exception uses will not have a significant adverse impact on surrounding uses or on the community-at-large.

B. Procedure

1. Application

A special exception permit application shall contain the information specified in this ordinance and shall be submitted to the Planning Director. If development plan review is required under Section 7.5, then the applicant shall file a development plan review application for simultaneous review with the special exception application.

2. Public Hearing Notice

Notice of public hearings shall be published, mailed, and posted in accordance with Section 7.2.

3. Review and Report

After review from the Planning Director, the Board of Zoning Appeals has the power to permit uses by special exception based on the approval criteria of subsection 7.7.C below, approve, approve with conditions, or deny the application.

In granting a special exception permit, the Board of Zoning Appeals may impose conditions that shall be complied with by the owner before a certificate of occupancy may be issued by the building inspector for use of the building on such property pursuant to such special exception permit and such conditions precedent to the granting of the certificate of occupancy.

C. Approval Criteria

A special exception permit application may be approved only if the Board of Zoning Appeals finds that all of the following criteria have been met:

1. The proposed use is consistent with the comprehensive plan and all applicable provisions of this Ordinance and applicable state and federal regulations;

2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;

3. The proposed use is consistent with any applicable use-specific standards set forth in this Ordinance;

4. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust,

and other external impacts);

5. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and

6. The proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

7.8. Certificate of Occupancy

A. Applicability

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy has been issued by the Planning Director, the Fire Chief, and the Building Official for said premises. The certificate shall state that the proposed use of the building or land conforms to the requirements of this Ordinance and all applicable building codes.

B. Certificates of Occupancy for Nonconformities

No nonconforming structure shall be maintained, altered, or expanded (other than exterior painting or interior renovation or repair), nor nonconforming use maintained, renewed, changed, or extended until a Certificate of Occupancy shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall have three (3) months to apply for Certificates of Occupancy. Failure to make such application within three (3) months shall be presumptive evidence that the property was not in conformance at the time of enactment or amendment of this Ordinance.

C. Temporary Certificates of Occupancy

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a Certificate of Occupancy, and the Certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work. A temporary Certificate of Occupancy may be issued by the Planning Director for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary Certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

D. Record of Certificates of Occupancy

No Certificate of Occupancy issued under the provisions of this Ordinance shall be considered valid unless signed by the Planning Director. The Planning Director shall maintain a record of all Certificates of Occupancy and shall make such record available as public information upon request by any person.

7.9. Administrative Adjustments

A. Purpose

The Planning Director shall have the authority to authorize variance up to twenty five percent (25%) from any numerical standard in Article 4 as set forth in this Ordinance. Any request for variance greater than twenty five percent (25%) shall be treated as a variance request and

handled by the BZA.

B. Application

Application for an Administrative Adjustment shall include a brief description of the requirement to be varied in business letter form and include any other material necessary to ensure the complete understanding of the request. The application shall be made to the Planning Director.

C. Review and Action by the Planning Director

The Planning Director shall review the application and approve, approve with conditions, or deny the application based upon the criteria in subsection D. below. A written decision shall be made to the applicant within fifteen (15) days of submittal, or additional information requested. In the event additional information is requested by the Planning Director, and additional fifteen (15) day period shall be allowed for review.

D. Approval Criteria

The Planning Director may approve the administrative adjustment only if he or she finds that the adjustment meets all of the criteria below:

1. The requested adjustment is consistent with the comprehensive plan and the stated purpose of this Ordinance;

2. The requested adjustment meets all other applicable building and safety codes;

3. The requested adjustment does not encroach into a recorded easement;

4. The applicant must obtain written agreement including an attached site drawing to scale indicating adjustment from affected, adjacent property owner of record;

5. The requested adjustment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and

6. The requested adjustment is necessary to either: (a) compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general; or (b) accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard to be modified. In determining if “practical difficulty” exists, the factors set forth in Section 7.10.C, Approval Criteria (for Variances), shall be considered.

7.10. Variances

A. Purpose and Scope

The variance process is intended to provide limited relief from the requirements of this Ordinance in those cases where the Board of Zoning Appeals finds that the strict application of a particular requirement will create unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Ordinance render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to

the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the city.

B. Procedure

1. Pre-Application Conference

Before filing a variance application, the applicant shall request a pre-application conference with the Planning Director. See Section 7.2.B, Pre-Application Conferences.

2. Application

An application for a variance shall be submitted to the Planning Director. A request for variance may be initiated only by the property owner or his authorized representative. The application must state with particularity the relief sought and must specify the facts or circumstances that are alleged to show that the application meets the approval criteria of subsection 7.10.C, Approval Criteria. Once the application is complete, the Planning Director shall schedule the application for consideration at a public hearing, and shall transmit to the Board of Zoning Appeals all applications and other records pertaining to the variance prior to the hearing.

3. Action by the Board of Zoning Appeals

a. Upon receiving the application materials from the Planning Director, the Board of Zoning Appeals shall hold a public hearing on the proposed variance. Written, published, and posted notice of the hearing shall be provided pursuant to Section 7.2.F, Notice.

b. In considering the application, the Board shall review the application materials, the approval criteria of subsection 7.10.C, Approval Criteria, and all testimony and evidence received at the public hearing.

c. After conducting the public hearing, the Board may: deny the variance request; conduct an additional public hearing on the application; or grant the requested variance. Any approval or denial of the request shall be by resolution, accompanied by written findings of fact that the variance meets or does not meet each of the criteria set forth in subsection 7.10.C, Approval Criteria, stating the reasons for such findings.

d. Under no circumstances shall the Board of Zoning Appeals grant a variance from any written conditions attached by another decision-making body to the approval of a special exception permit or subdivision plat or development plan.

e. The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. Other requirements may be prescribed by the MZDO.

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

C. Approval Criteria

The Board of Zoning Appeals may grant a variance in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

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

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

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

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

5. Special circumstances or conditions exist (e.g., narrowness, exceptional topographic conditions, or the shape of the property) that are not common to other areas or buildings that are similarly situated and practical difficulty may result from strict compliance with this Code's standards, provided that the requested variance will not have the effect of nullifying or impairing the intent and purposes of either the specific standards, this Code, or the comprehensive plan.

D. Lapse of Approval

Any variance granted shall become null and void:

1. If the variance is not exercised within one (1) year of the date it is granted, or

2. If any building, structure, or characteristic of use permitted by variance is moved or altered so as to enlarge the variance or discontinue it.

7.11. Appeals of Administrative Decisions

A. Purpose and Scope

Appeals to the Board of Zoning Appeals from the decisions of the city's administrative staff are allowed under this Ordinance. It is the intention of this section that all questions arising in connection with the interpretation and enforcement of this Ordinance be presented first to the Planning Director, that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decisions of Planning Director, and that recourse from the decision of the Board of Zoning Appeals shall be to the courts. It is further the intention of this section that the duties of the City Council in connection with this Ordinance shall not include the hearing or passing upon disputed questions that may arise in connection with the enforcement thereof.

B. Decisions That May Be Appealed

Any order, requirement, permit, decision, determination, refusal, subdivision or interpretation made by any administrative officer in interpreting and/or enforcing the provisions of this Ordinance may be appealed to the Board of Zoning Appeals, unless otherwise provided in

this Ordinance.

C. Filing of Appeal; Effect of Filing

1. An appeal to the Board of Zoning Appeals may be brought by any person, firm, corporation, office, department, board, bureau, or commission aggrieved by the order, requirement, permit, decision, or determination that is the subject of the appeal.

2. An application for an appeal shall be filed with the Planning Director. Once the application is complete, the Planning Director shall schedule the appeal for consideration at a public hearing before the Zoning Board of Appeals. The Planning Director shall transmit to the Board of Zoning Appeals all applications and other records pertaining to such appeal. The appeal must be taken within thirty days from the date the appealing party has received actual notice of the action from which the appeal is taken.

3. The filing of an appeal shall stay all proceedings in furtherance of the contested action, unless the Planning Director certifies to the Board of Zoning Appeals that, in his or her opinion by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

D. Action by the Zoning Board of Appeals

1. Upon receiving the application materials from the Planning Director, the Board of Zoning Appeals shall hold a public hearing on the appeal. Notice of the public hearing shall be provided in accordance with subsection 7.2.F, Notice. At the hearing any party may appear in person or by agent or by attorney.

2. Either at the public hearing or a subsequent meeting, the Board of Zoning Appeals shall adopt a resolution reversing, affirming, or modifying the contested action. In reversing, affirming, or modifying the contested action, the Board of Zoning Appeals shall have all relevant powers of the administrative officer from whom the appeal is taken.

3. The Board of Zoning Appeals shall not reverse or modify the contested action unless it finds that there was an error in the application or interpretation of the terms of this Ordinance or related policies adopted by the city.

4. The Board of Zoning Appeals shall not reverse or modify the contested action unless there is a concurring vote of a majority of the quorum then present.

E. Effect of Reversal or Modification

In the event that the Board of Zoning Appeals reverses or modifies the contested action, all subsequent actions taken by administrative officers with regard to the subject matter shall be in accordance with the reversal or modification granted by the Board of Zoning Appeals.

F. Appeal from Zoning Board of Appeals to Circuit Court

Any appeal from a decision of the Board of Zoning Appeals shall be to circuit court in accordance with Section 6-29-820, et.seq., of the Code of Laws of South Carolina. Any such petition to the court shall be filed with the court clerk no later than thirty (30) days after the date the decision of the Board of Zoning Appeals is mailed.

7.12. Enforcement

A. Enforcement Responsibility

The Planning Director is hereby assigned the duty and authority to administer and enforce the provisions of this Ordinance. If the Planning Director finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order the discontinuances of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of its provisions.

B. Complaints Regarding Violations and Remedies

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis of such complaint and shall be filed with the Planning Director. The Planning Director may also become aware of a violation through a verbal complaint or through his own knowledge. He shall record properly such complaint, immediately investigate, and take whatever action is necessary to assure compliance with the Ordinance.

C. Remedies

In any case, any building or structure is proposed to be used, or is erected, constructed, reconstructed, altered, maintained, or used; or any land is proposed to be used, or is used in violation of this Ordinance, the Planning Director, the Mayor and Council, the City Attorney, or any other person aggrieved may, in addition to other remedies provided by law, institute an injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

D. Penalties for Violation

Any owner, agent, or any other persons violating any provisions of this Ordinance shall be guilty of a misdemeanor, shall be prosecuted according to procedures established for misdemeanors, and upon conviction shall be punished in accordance with the provisions of Section 1-13 of the City Code of Ordinances. Each day such violation continues shall constitute a separate offense. In the case of tree ordinance violations, every tree shall be considered a separate offense. Nothing herein contained shall prevent the City from taking other such lawful action as is necessary to prevent any violations.

7.13. Land Disturbance Permits

A. Application

1. The applicant shall apply in writing to the City of Hardeeville for a land disturbance permit to disturb or change land in the city. Such application shall be accompanied by three (3) copies of an Erosion and Sediment Control Plan prepared in accordance with this ordinance. The plan shall be certified by the applicant and by a South Carolina Registered Professional Civil Engineer, Land Surveyor, or Landscape Architect, where allowed by South Carolina State Code.

2. A landowner proposing to construct one (1) single-family residence on the property may develop and certify his own Erosion and Sediment Control Plan for a tract of land containing two (2) acres or less, provided: 1) the areas to be disturbed will not allow water to flow in any one direction for over two hundred (200) feet before entering a curb inlet, etc.; and 2) the cuts and fills established will not exceed a height or depth of over five (5) feet; 3) there will be no concentrated off-site water to be controlled on the site and 4) no off site drainage system will be impeded or effected by such an activity. The plan so developed must meet the objectives of this section.

3. The application and grading permit fees are included in the fees assessed under the City's land development regulations and MZDO.

B. Approval or Disapproval of Application

1. If the Erosion and Sediment Control Plan conforms to the requirements of this Section 4.9, the City shall issue the land disturbance permit to the applicant, with a copy of the approved plan. However, if the plan does not conform with the requirements of this Section 4.9, written notification of the permit denial shall be forwarded to the applicant that indicates the reason(s) for plan disapproval.

2. Review of the Erosion and Sediment Control Plan shall require thirty (30) working days or less from the date of submittal until the time a decision is rendered, either approving or disapproving the plan. However, if the City determines that the size and scope of the proposed plan requires additional time for adequate review, the review period shall be extended as determined appropriate by the City, but in no event shall the review period exceed forty-five (45) working days.

3. If an Erosion and Sediment Control Plan is disapproved and the land disturbance permit denied, the applicant may elect to correct the indicated deficiencies in conformity with the provisions of this Section 4.9 and resubmit the application and plan. No additional application fee shall be assessed for such resubmission.

C. Other Authorizations and Requirements

When any other authorization, bonds, or other sureties are required by applicable laws, regulations, or ordinances pertaining to any part of the proposed work to be done under the Erosion and Sediment Control Plan, the applicant shall furnish the City with satisfactory evidence that such requirements have been met before the commencement of work under an approved plan and land disturbance permit.

D. Extension of Time

If the applicant is unable to complete the work within the time specified in the approved plan and permit, he or she may, prior to the expiration of such time, present a written request to the City for an extension of time, setting forth reasons for the requested extension. The City shall approve or deny the request for an extension of time subject to such additional erosion and sediment control measures as may be reasonably required.

E. Responsibility of Applicant

1. The applicant shall be responsible for carrying out the proposed work in accordance with the approved Erosion and Sediment Control Plan and grading permit, and in compliance with the requirements of this article.

2. The applicant shall be responsible for compliance with all applicable regulations pertaining to the protection of wetlands.

3. The applicant shall be responsible for notifying the City of Hardeeville Building Official a minimum of two (2) business days prior to the start of construction.

F. Supplemental Regulations

All applicable provisions for the Standards for Stormwater Management and Sediment Reduction (Sections 72-301, 302, 305, 307, 308, 312, 313, 314, 315 and 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991 are incorporated by reference herein.

ARTICLE 8: SIGNS

8.1 Purpose; Administration and Enforcement

A. Purpose and Intent.

It is the purpose of this division to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. It is not the purpose of this Article to regulate or control the copy or content of signs. Notwithstanding any thing to the contrary in this Article, no sign shall be subject to any limitation based on the content of the message contained on such sign. It is not the intent of this Article to afford greater protection to either commercial or noncommercial speech. Any sign, display or device under this Article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with all other requirements of this Article. These sign regulations are intended to:

1. Enable the identification of places of residents and business.

2. Allow for the communication of information necessary for the conduct of commerce.

3. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.

4. Enhance the attractiveness and economic well being of the City as a place to live, vacation and conduct business.

5. Protect the public from the dangers of unsafe signs.

6. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.

7. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.

8. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.

9. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.

10. Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.

11. Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians.

12. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.

13. Preserve and enhance the natural and scenic characteristics of this community.

14. Promote the economic development and marketing of businesses located within an approved urban renewal area.

15. Provide increased flexibility in the number, size, location, design and operating characteristics of signs in an approved Planned Development District.

B. Administration and Enforcement.

1. Building and Electrical Code Standards.
All permanent signs must meet the structural and installation standards of the International Building Code and electrical standards of the National Electrical Code as enforced by the City of Hardeeville Building Department

2. Permit Required.
No sign requiring a permit shall be erected unless a sign permit has been issued by the Planning Director or designee in accordance with the procedures of this Ordinance. Action shall be taken on permit applications within 3 business days

3. Fees.
An applicant for a zoning permit shall pay such fees as determined necessary for application processing. These fees are due upon submission of an application and shall be determined by City Council from time to time by resolution.

4. Permits.
A permanent tag shall be attached to every installed sign. The tag shall remain the property of the City of Hardeeville and shall not be removed without the Planning Director's approval.

5. Documentation of Signs.
Upon request, the owner of any existing sign shall provide the City of Hardeeville Planning Director with evidence that documents the size, location and date of construction of all existing signs on the premises.

C. Prohibited Signs

The following signs shall be prohibited:

1. Flashing Sign;
2. Pennants, Streamers, and other Animated Signs;
3. Signs Imitating Traffic Devices (Signal) and Signs;
4. Signs in Wetlands;
5. Signs in Right-of-Way;
6. Snipe Sign;
7. Vehicle Sign; and
8. Roof Signs;

D. House Numbers- All permanent, free-standing, On-Premises signs shall contain house numbers containing number at least four inches in height. The area devoted to required house numbers shall not be included in the calculation of maximum sign area.

E. Illumination- All lighted On-Premises signs shall comply with all dimensional standards set forth in this Ordinance. Additionally, all internally illuminated signs on property

adjacent to non-commercial residential uses shall have an opaque background on the sign face. No glare exceeding 2 foot candles should be directly visible from any residential zone. Neon signs shall be an allowable sign type

F. Signs in Disrepair- Signs in disrepair shall be repaired, renovated, or removed from the premises within 60 days following notice by Planning Director.

G. Abandoned Signs- Signs advertising a person, business, service, event or other activity that is no longer available or other signs that contain inaccurate or outdated information shall be considered abandoned. Remedial action shall be taken within 30 days after a sign becomes abandoned. If no remedial action is taken, the Planning Director shall give notice to the owner of record who shall have 30 days to remove the sign prior to any further enforcement action being pursued. This provision shall apply to all abandoned signs, including those abandoned before March 20, 2008.

H. Signs Interfering with Vehicular Vision

1. In the area near the entrance of a driveway, no sign shall obscure the travel vision from 30 inches to ten feet above ground level in triangular areas formed by measuring from the point of intersection of any front lot line and driveway, a distance of 15 feet along the front lot line and driveway and connecting the points to form a triangle.

2. No sign or structure shall be erected so as to interfere with the vision of vehicles operated along any highway, street, road or driveway, or at any intersection of any street, highway or road with a railroad track. Signs determined by the Planning Director to be in violation shall be removed or relocated immediately upon notice.

8.2 Permitted Signs

A. Free-Standing Signs

1. Maximum size, height, width, length, number of sign faces, number of signs per establishment, and required minimum height and setbacks are based upon establishment size and shall conform with Table 8.2.A.

2. A maximum of one reader board shall be allowed per zoning lot for single or multi-tenant structures containing office, commercial, or industrial uses if attached to permanent free-standing signs. The area of the reader board shall be included in the site's total sign area allowance.

3. All new free-standing signs are to be designed as monument signs, pedestal style signs or pole mounted signs.

4. All pedestal style signs shall have a pole skirt.

5. The predominate materials used for free-standing signs, excluding copy material or materials not visible from the public right-of-way, must compliment those found on the principal structure. Materials, design and color of the sign do not need to be the same as those found on the principle structure to be considered complimentary.

6. Signs that are located in parking lots (such as directional signs) may be internally lit when constructed with routed letters or an opaque background.

7. The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for sign construction and meet all the requirements of this Ordinance.

8. When calculating the sign area of a “monument sign”, “pedestal sign”, or “pole sign”, the internal structural framework supporting the sign or other solid structural features (not containing copy or any graphic, word, symbol, insignia, text sample, model, device, or combination thereof which is primarily intended to advertise, identify or notify, exclusive of a frame or border) shall not be used in the calculation of the maximum area of the sign. Signs may be mounted on a base or foundation that will not be included in the square footage; however, the base for monument signs must be as wide as the sign.

Table 8.2-A Freestanding Signs

Requirement	Agricultural	Residential	Highway Commercial	Other Non-Residential	
Total Maximum Area (sq. ft.)	32	10	400	Bldg. Size (sq. ft.) 0 sq. ft. to 2,500 sq. ft. 2,500 sq. ft. to 25,000 sq. ft. 25,000 sq. ft.+	Sign Size = 100 = 150 = 200
Maximum Height (ft.)	14	5	40 High Rise = 100	20	
Maximum Width (height of sign face) (ft.)	N/A	5	5:1 Ratio	Ratio—Longest side: Shortest side 5:1	
Maximum Length (ft.)	N/A	5	5:1 Ratio	Ratio—Longest side: Shortest side 5:1	
Setbacks (ft.)	10	10	None	No Setback in DGC and DMU All other = 10	
Max. Number of Sign Faces	2 per sign	2 per sign	2 per sign	2 per sign	
Max. Number of Signs	2 per major frontage	2 per major frontage	2 per major frontage	2 per major road frontage	

B. Wall/Facade Signs

1. A maximum of two signs shall be allowed per wall/facade, with a maximum of four per building.

2. Maximum size of wall/facade sign shall not exceed 15% of the total area of the wall on which the sign is located.

3. The hanging or attachment of objects is not permitted unless they are shown on the drawings approved for sign construction and meet all the requirements of this Ordinance.

4. Awning Signs

a. The use of awnings for the purpose of providing signage will be considered a wall sign. The awning signage must meet all dimensional and intensity standards applicable to wall signs in this Article.

b. For purposes of the subsection, an awning sign is a sign used for the purpose of providing signage and must be located above a display window or entryway.

c. Text or graphic shall be limited to the face of an awning.

C. Sandwich Board & Easel Signs

1. Restaurants may have one sandwich board or easel sign displaying the menu or specials.

2. The easel sign structure shall not exceed 6 feet in height. The sign face or message board on an easel sign shall not exceed 4 square feet.

3. Sandwich boards shall have a maximum surface area of eight (8) square feet per side and be a maximum of 3.5 feet in height.

4. Sandwich board and easel signs are permitted in HC, DGC, and DMU zoning districts and shall only be displayed when the establishment is open for business.

5. Sandwich board and easel signs shall not block pedestrian or vehicular access.

D. Off-Site Directional Sign Program

The following shall regulate and establish a standardized program of off-site residential directional kiosk signs and commercial centers of over two hundred fifty thousand (250,000) sq ft (heated area) for the City of Hardeeville. For the purposes of this subsection, residential projects with an approved model home or sales centers permit may participate in the approved kiosk directional program.

1. The kiosk location plan, sign structure and panel design shall be approved by the Planning Commission.

2. A kiosk sign structure shall be located not less than three hundred (300) feet from any other kiosk sign for any single direction of traffic. Kiosk sign structures shall be permitted within any public right-of-way, subject to issuance of an encroachment permit.

3. Each kiosk sign shall require the submittal of a detailed site plan showing the specific location of the sign which shall be reviewed and approved by the Planning Department in accordance with the requirements of the this Code.

4. All kiosk sign structures placed on private property shall require written consent of the property owner which shall be filed with the Planning Department prior to the issuance of a sign permit. All kiosk signs located on City property or within a designated City right-of-way shall require an encroachment permit through the appropriate agency, and a hold harmless agreement or other form of liability insurance, deemed necessary and approved by the City Attorney and effective on the date of installation of any sign.

5. At the option of the City, an administrator may be assigned to monitor, approve, assign, and otherwise manage the kiosk sign and/or kiosk sign program.

6. All kiosk signs shall be constructed in accordance with the requirements of the International Building Code (IBC) and all applicable requirements of the City of Hardeeville.

7. All kiosk signs shall be permitted in any land use or zoning district, subject to the requirements of this Section and the limitations of the specific land use and zoning district in which the sign is located.

8. All kiosk sign structures shall conform with the following standard regulations:

   a. Double sided kiosk signs are permitted. No more than one (1) panel per development per side of a kiosk sign is permitted;

   b. Kiosk sign panels may only contain the name of the development and a directional arrow unless approved under a special event permit, and one (1) sign copy color as indicated in below;

   d. Kiosk sign structures shall not encroach within the clear sight triangle as defined in Chapter 5 of this Code;

   e. Size shall be no more than four and one-half (6) feet in width by seven (10) feet in height.

9. Design of kiosk structures and panels shall be established and approved by the Staff Review Committee. Colors will be the same as those of the City logo and seal.

E. Special Signs

1. Maximum size, number, and height of special signs shall conform with Table 8.2.B.

2. Temporary Signs

   a. Size, Number and Height
   Maximum size, number and height of temporary signs shall conform with Table 8.2.B.

   b. Duration
      i. Non-Commercial Temporary Signs shall be allowed for a maximum of 60 days per event.
      ii. Commercial Temporary Signs shall be allowed for a maximum of 60 days, starting with the opening of a business.

3. Real Estate Signs

   a. Maximum size, number and height of real estate signs shall conform with Table 8.2.B of this Chapter.

   b. Signs shall face a maximum of two directions, and may be mounted back-to-back or V'ed.

   c. Where signs are V'ed, the space between panels shall not exceed 3 feet at the point at which panels are closest, and the interior angle formed by

signs shall not exceed 60 degrees. For purposes of these requirements, V'ed signs shall be counted as one sign.

d. Where signs face two directions, whether back-to-back or V'ed, both signs must be the same standard size.

4. Flags Used as Signs

a. A permit shall be required for the installation of all flag poles or flag display devices erected on lots zoned for multi-family, office, commercial, or industrial use or occupied by a multi-family, office, commercial, or industrial use.

b. Applicants must submit with the permit application a scaled site plan giving the location of all flag poles and complete dimensional and installation engineering data.

c. Applicants must provide documentation of minimum clearance from electric, telephone or cable TV lines as certified by the proper utility prior to issuance of permit, or installation.

d. Maximum size and number of flags used as signs, and height of flag poles shall conform with Table 8.2.B of this Chapter.

e. The American flag and the flag of the State of South Carolina are exempt from the provisions for maximum size of flags and maximum size of flagpoles in Table 8.2.B of this Chapter.

5. Political Campaign Signs (No Permit Required)

Political campaign signs do not require a sign permit. Political campaign signs may only be displayed 60 days prior to election and must be removed within 72 hours after the election. Signs shall not be located in ROW. Signs shall not exceed four (4) feet in length by four (4) feet in height in residential areas or eight (8) feet in length by four (4) feet in height in nonresidential areas.

8.2-B Special Signs

Sign Type	Maximum size (Square Feet)	Maximum Quantity	Minimum Setback (ft)	Max Height (feet)
Subdivision/Multi-Family Identification Signs	32	2 per entrance	10	12
Directional Signage	3	2 per entrance	10	3
High Rise Identification Sign	200 sq ft per side	1 per zoning lot	10	100
Temporary Sign (Type 1): Includes, grand openings [1], promotional banners [1] and permitted special events	32 sq. ft. Time Limit: Shall not exceed 60 days and must be removed no later than 15 days after the conclusion of the sale or event, or first day of grand opening	1 per 1500 ft. frontage Maximum: 3 per lot	10	6
Temporary Sign (Type 2): Includes Real estate signs, Construction projects, and New Development Site Signs	32 sq. ft. 6 sq.ft. (Residential) Time Limit: Shall not exceed one year. May be renewed up to additional 6 months	1 per 1500 ft. frontage Maximum: 3 per lot	10	6
Flags	60	3 per zoning lot	10	35 ft. or 15 ft. above highest point of roof (whichever is less)
Civic/Institutional	100 sq. ft. 50 sq. ft. (Residential)	1 per zoning lot	10	12 Sign must have opaque background except the marquee. Marquee cannot exceed 25% of total sign

Notes:
1. Banners must be secured to buildings on all 4 sides at all times

8.3 Billboards

A. Outdoor Advertising of America Standards

All Off-Premises Signs shall be constructed in compliance with Outdoor Advertising of America Standards.

B. Location and Setbacks

1. All billboards shall be located within 50 feet of the 1-95 right of way.

2. Billboards shall only be allowed in PDD, LI, BI, HC, and GC districts subject to the standards of this Article

3. Permitted sizes, maximum height, minimum setbacks and location criteria shall be as indicated in Table 8.3.A of this Article.

C. Orientation and Character

1. Signs shall face a maximum of two directions, and may be mounted back-to-back or V'ed. Where signs are V'ed, the space between panels shall not exceed three feet at the point at which panels are closest, and the interior angle formed by signs shall not exceed 90 degrees.

2. A billboard shall have only one (1) main advertising message at a time; Indexing, Changeable Copy and Light Emitting Diode (LED) billboards or the like are not allowed

D. Compatible Size Signs

Where signs face two directions, whether back to back or V'ed, both signs must be the same standard size.

TABLE 8.3-A BILLBOARDS

Maximum Length (ft)	48
Maximum Width (ft)	14
Maximum Area (sq ft)	450
Maximum Height (ft)	60
Minimum Setback (front/side)	15
Location Criteria Minimum distance to nearest off-premises sign (ft)	1,500

8.4 Permits and Licenses

A. Sign Permit Required

1. Except as otherwise provided in Sections 8.6, Exempt Signs and 8.4, Temporary Signs, a permit must be obtained in accordance with this Article when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered. Construction signs are allowed for engineer firms, etc as long as one (1) sign per project and appropriate review application has been submitted to the Planning Department.

2. Routine maintenance does not require a permit. Such maintenance includes painting, cleaning, changing copy where permitted, or changing copy in compliance with a Sign Plan, but does not include reconditioning a sign by removing it from its supports for the purpose of repair or alteration and reinstallation, replacing the plastic face or changing the structural or electrical components of any sign, except routine electrical maintenance. Painting or repainting the advertising message or sign area of a sign for the same business is allowed without a permit.

B. Application.

The property owner or agent, along with the lessee, if any, and the sign installer, must file an application for the Sign Permit on forms prescribed by the Planning Director. The application must be accompanied by all required documents and fees.

C. Required Application Documents

1. An application for a Sign Permit must be accompanied by:

   a. A scale drawing of the sign showing all dimensions and visual characteristics, including structural and architectural supports.

   b. A scale drawing of the site showing:

      i. The proposed location of the sign, including setbacks;

      ii. The location and size of all other signs on the property;

      iii. The location, dimensions, and distance from property lines of all building on the site;

      iv. The location and name of all streets which abut the property; and

      v. The frontage dimensions of the site along each street which abuts the property.

   c. Application must be made for an Electrical Permit, if the application is for an illuminated sign.

   d. Application must be made for a Building Permit for a sign requiring structural support.

e. Payment of the Sign Permit fee.

f. Other information that may be required by the Planning Director to insure compliance with this Article or other sections of the Code.

g. A Sign Concept Plan:

i. For any lot or parcel, or multiple lots and parcels in a subdivision/development in a non-residential zone that is requesting more than eight hundred (800) square feet of total sign area; or

ii. For a development of more than one (1) lot or parcel in a non-residential zone developed under a Management Control Plan where one (1) or more individual lots or parcels is requesting more than eight hundred (800) square feet of total sign area; or

iii. For a development within a Planned Development District.

h. A Sign Concept Plan for a development may include one (1) or more individual sites or parcels whose total sign area does not exceed eight hundred (800) feet

i. Billboards must declare their value for amortization purposes, in accordance with the amortization parameters required under state and federal law.

D. Inspection, Approval, Permit Expiration

1. All signs for which a permit is required are subject to inspection. All ground signs shall be subject to a footing inspection, and all signs to a final electrical inspection. Inspections must be made to the main frame prior to installation of decorative panels or skirting. Following an inspection, if corrections of defects are not made within ten (10) days after notification, no permits for any sign work will be issued to the delinquent contractor.

2. Within ten (10) days after receipt of an application, the City Manager's designated reviewing official shall determine that the information is complete or incomplete and inform the Developer in writing of the deficiencies, if any. If the application is deemed:

a. Incomplete, the Developer may submit the required information within ten (10) days without payment of an additional application fee, but if more than ten (10) days elapse, the Developer must thereafter initiate a new application and pay a new application fee; or

b. Complete, the reviewing official shall determine if the sign meets all provisions of the City's Code of Ordinances and shall issue the permit which states whether the application is approved, denied, or approved with conditions within thirty (30) days of receiving the complete permit application, except Temporary Sign Permits as set forth in Section 8.4 which must be approved, denied, or approved with conditions within ten (10) days of receipt of the complete application. Any application not specifically approved within the applicable calendar day period shall be deemed granted.

3. No permit shall be issued for any sign if a nonconforming billboard, roof, projecting, or pole sign exists at the business location.

4. Every Sign Permit issued shall become null and void if the work is not commenced within six (6) months. If work is suspended or abandoned for one hundred twenty (120) days at any time after commencement, a new permit shall be required and the fee will be one-half (1/2) the amount required for a new application provided no changes have been made in the original plans.

E. Sign Design and Construction

All signs shall meet the following minimum design and construction standards:

1. All signs shall comply with the minimum requirements provided in the building code relating to design, structural members, and connections. All signs requiring electrical connections and all ground signs shall require a Building Permit.

2. Signs shall maintain a clearance of ten (10) feet from all overhead electrical conductors and three (3) feet from all secondary voltage service drops.

3. No sign shall be attached to a wall which lacks sufficient strength to support it, or nailed or attached in any way to trees, telephone poles, or other objects.

F. Expiration or Invalidation of a Sign Permit

A Sign Permit becomes invalid when:

1. The sign for which the permit was issued is not erected within three (3) months from the date of issuance;

2. The sign for which the permit was issued is moved or substantially altered;

3. The Planning Director revokes the permit for failure to comply with an order issued by the City stipulating corrective action for improper maintenance;

4. The application for a Sign Permit contained inaccurate information;

5. The business ceases existence or changes; or

6. The terms of the permit have not been satisfied.

G. Maintenance

1. All signs including all supports, braces, guys, and anchors shall be kept in good repair.

2. A sign which no longer correctly directs or exhorts any person, advertises an operating business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed shall be removed. The property owner is responsible for the removal of the signs, including all brackets, poles, and structural elements. The structural elements may remain if intended and suitable for reuse.

3. If any sign is unsafe or insecure or is a menace to the public health or safety, or has been constructed, erected, operated, used, posted, displayed or is being maintained in violation of the requirements, in addition to being a violation of the Hardeeville Code of Ordinances and subject to such criminal sanctions as are allowed under Section 1.9 of the Hardeeville Code of Ordinances, is hereby declared to be a public and private nuisance and shall be forthwith removed,

obliterated or abated. Written notice of such finding shall be provided to the contractor, owner, agent or lessee thereof, and a time, not less than three (3) days nor more than fifteen (15) (dependant on the relevant health and safety factors), shall be accorded for removal, obliteration or abatement. Any portable sign such as snipe signs or real estate signs may be removed without notification of the property owner, if such sign is placed in public rights-of-way. If the contractor, agent, owner, or lessee fails to timely remove or correct the violation, the sign may be removed or altered to comply at the expense of the contractor, owner, agent, or lessee of the property upon which such sign is located and the expense of removal and any legal proceedings incurred by the City shall become a lien upon the property, with such lien collectible as if such was a special assessment or tax lien. The City may immediately remove any sign or advertising structure which is an immediate peril to persons or property, with such costs recoverable in like manner.

8.5 Nonconforming Signs

A. Generally.

1. A "Nonconforming Sign" is any sign that was legally established but which no longer complies with the Sign Regulations contained in Article 8 of this Ordinance.

2. A nonconforming sign shall not be changed or replaced with another nonconforming sign, including changing the sign face

3. A nonconforming sign shall not be modified in any way which would increase the degree of nonconformity. No changes in the existing sign will be allowed except those repairs which are necessary to keep the sign in good working order.

B. Nonconforming On-Premise Signs

Any sign in existence on March 20, 2008, which had up to date permitting and was in conformity with the sign ordinance provisions existing prior to that date, but were not in compliance with the provision of the March 20, 2008 MZDO as of the date of adoption of this Article, and are not made conforming by the provisions of this Article shall be deemed nonconforming, but shall be allowed to continue to be displayed by virtue of their “grandfathered” status in accordance with the provisions below, except that the time by which they must be made conforming shall be three (3) years from the initial effective date of this Ordinance.

C. Non-Conforming Billboards

Billboards in existence at the time of the enactment of Ordinance Number 02-20-03B_, adopted in 2003 and thereafter codified as Appendix A to the Hardeeville Municipal Zoning and Development Ordinance were declared to be nonconforming signs pursuant to that ordinance, and an amortization schedule providing for a phased removal was included; City Council has previously extended the amortization period as a matter of grace to the date of this ordinance. Such billboards as are still in existence as of the date of the initial effective date of this Article shall be allowed to remain, but may, upon a determination that the amortization period has expired, be ordered by City Council to be removed as a nonconformity whose amortization period was in place prior to April 14, 2005, upon such reasonable notice as may be given by Council in its discretion, subject to the terms and conditions of any applicable overriding federal or state statute.

8.6 Severability

A. Generally.

In any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.

B. Severability Where less Speech Results.

Without diminishing or limiting in any way the declaration of severability set forth above in subsection A, above, or elsewhere in this Article, this Code or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such on constitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

C. Severability of Provisions Relating to Certain Prohibited or Exempted Signs.

Without diminishing or limiting in any way the declaration of severability set forth above in subsection A, or elsewhere in this Article, this Code or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such on constitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs, including specifically those signs and types exempted or prohibited, and not allowed under any section of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of Section 8.6, Exempt Signs or 8.5, Prohibited Signs, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such on constitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of those sections, thereby insuring that as may prohibited sign types as may be constitutionally prohibited continue to be prohibited, and those exempted may continue to be exempted.

D. Severability of Prohibition of Billboards.

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article and/or any Code provisions and/or laws are declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this Article or Code.

ARTICLE 9: DEFINITIONS

9.1. Rules of Interpretation and Construction

Except as specifically defined herein, all words used in this Ordinance have their customary dictionary definitions. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

A. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

B. The word "shall" is always mandatory.

C. The word "may" is permissive.

D. The word "structure" includes the word "building."

E. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

F. The words "map", "Zoning Map", or "Official Zoning Map" shall mean the Official Zoning Map of Hardeeville, South Carolina, and refers to all maps so titled and bearing the seal of Hardeeville together with the signature of the Mayor, as well as the date of adoption of the Ordinance.

G. The term "Planning Commission" refers to the Hardeeville Planning Commission.

H. The term "Mayor and Council" refers to the Mayor and City Council of Hardeeville, South Carolina.

I. The term "Clerk" refers to the City Clerk/Treasurer of Hardeeville, South Carolina.

J. The term "Regional Council" refers to the Low-country Council of Governments and its staff.

K. The term "Planning Director" refers to the person subsequently and specifically designated by the Mayor and Council so employed and empowered as the Planning Director for Hardeeville, South Carolina.

9.2. Definitions

Accessory
A use, activity structure, or part of a structure that is subordinate and incidental to the main activity or structure on the site.

Alley
A narrow public or private thoroughfare which provides only a secondary means of vehicular access to abutting properties.

Alteration, Structural
Any change in the supporting members of a building (such as bearing walls, columns, or girders), any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

Appurtenances
Architectural features not used for human occupancy consisting of spires, belfries, cupolas, or dormers, silos, parapet walls and cornices without windows, chimneys, ventilators, skylights, and antennae.

Area of Special Flood Hazard
Any land area susceptible to inundation by the base flood (100-year flood) as determined on official Flood Hazard Boundary Maps, Flood Insurance Rate Maps, or other best available data.

As-built Plan
The amended final site plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed.

Automobile Service Station
Buildings and premises on any parcel or lot where gasoline, oils, and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), when no part of the premises are used for the storage of dismantled or wrecked vehicle parts, and also when the following services may be rendered, and none other:

A. Sale and servicing of spark plugs, batteries, and distributors;

B. Tire repair and servicing, but no re-capping;

C. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearing;

D. Washing and polishing;

E. Greasing and lubrication;

F. Exchanging fuel oil pumps and installing fuel lines;

G. Minor servicing and replacing of carburetors;

H. Emergency wiring repairs;

I. Adjusting and repair of brakes;

J. Minor adjustment of engines, not involving removal of the head and/or crank case, or racing the motor;

K. Sale of cold drinks and packaged foods, as accessory only to principal operation;

L. State Certified Inspection Station;

Awning
An architectural projection roofed with flexible material supported entirely from an exterior wall of a building.

Balcony
A porch connected to a building on upper stories supported by either a cantilever or by columns on one (1) side.

Bed-and-Breakfast
See “Tourist Home” in this Section.

Best Available Data (environmental)
For purposes of the erosion control and stormwater management regulations of this Ordinance (Section 4.6), current FEMA information or Flood Insurance Study data, whichever is the most restrictive. The most restrictive information is that which produces the highest base flood elevation (BFE) or the widest floodway.

Best Management Practice (BMP) (environmental)
For purposes of the erosion control and stormwater management regulations of this Ordinance (Section 4.6), a structural or nonstructural management based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality and quantity protection goals.

Boarding House
A building, other than a hotel or motel, where lodging or rooms, or both, are provided for compensation, whether directly or indirectly.

Bufferyard
A yard containing materials used to provide sight and sound screening from adjoining properties and rights-of-way. The required height and width of the bufferyard and materials used in its construction may vary according to use.

Buildable Area
The portion of a lot or site, exclusive of required yard areas, setbacks, landscaping, or open space within which a structure may be built.

Building
A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

Building Coverage
The horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level including courts and exterior stairways, but excluding uncovered decks, porches, patios, terraces, and stairways.

Building, Principal
A building in which the primary use of the lot on which the building is located is conducted.

Building Line (also Build-to-Line)
A line that is the inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area. Except for porches, handicap accessible ramps, and any other feature explicitly listed or stated within the regulations herein, no portion of any building or structure may be extended to occupy any portion of a lot outside its building lines.

Care Homes
A rest home, nursing home, convalescent home, home for the aged, or similar uses established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for the aged, infirm, chronically ill or convalescent persons.

Clinic
An establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, other health care professionals, or similar professions.

City Engineer, Designee

A person designated by city council to serve as city engineer in the absence of a city engineer.

Colonnade (or Arcade)
A covered, open-air walkway at standard sidewalk level attached to or integral with the building frontage; structure overhead is supported architecturally by columns or arches along the sidewalk.

Condominium
See "Dwelling, Condominium" in this Section.

Cul-de-sac
A street having one open end and being permanently terminated by a vehicle turnaround.

Density The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per acre, that is one (1) unit per acre of land is devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds or other public uses. Design professional. A South Carolina registered land surveyor, civil engineer, landscape architect and architect, as may be required for particular work under South Carolina State Code.

Detention Area An area or structure that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avoid flooding.

Developer
That person (see “Person” in this Section) who is improving a parcel of land within the city and who may or may not be the owner of the property.

District
The term applies to various geographical areas of Hardeeville for purpose of interpreting the provisions of this Ordinance. The districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the City are set forth in Articles 2 and 3 of this Ordinance. The terms "District" and "Zoning District" are synonymous and are used interchangeably throughout this Ordinance.

Doublewide
See definitions for "Manufactured Home" in this Section.

Drainage
The outflow of water or other fluid from a site, whether by natural or artificial means.

Drainageway A natural or artificial watercourse, including a adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

Drainage System
The surface and subsurface system for removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature; and the manmade elements such as improved open channels, culverts, retention facilities, and enclosed storm sewers.

Dwelling
A building for human habitation, which shall not include a trailer or other mobile living unit or hotel, dormitory, hospital or rooming house; arranged or designed to provide living quarters for one or more families. The terms “dwelling” and “residence” shall be interchangeable.

Dwelling, "One-Family" or "Single-Family"

A detached dwelling other than a mobile home designed for or occupied exclusively by one (1) family on a single lot.

Dwelling, Condominium
A building or series of buildings on the same lot, or portions thereof, containing more than one (1) dwelling unit under separate ownership with joint ownership of common open spaces.

Dwelling, Group
A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident person or families. The term "group dwelling" includes but is not limited to the terms rooming house, apartment hotel, fraternity house, or sorority house, Y.M.C.A. or Y.W.C.A. A hotel, motel, or tourist home shall not be deemed to be a group dwelling as herein defined.

Dwelling, "Multi-Family" or Multiple-Family"
A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments and condominiums.

Dwelling, Townhouse
A single dwelling unit in a townhouse group, located or capable of being located on a separate lot, and being separated from the adjoining dwelling unit by an approved wall extending from the foundation through the roof and structurally independent of the corresponding wall of the adjoining unit.

Dwelling Unit
A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Drive-In
A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside and/or inside of the principal building. The term "drive-in" includes drive-in restaurants, and dairy bars, theaters, banks, laundries, food stores, or car washes.

Easement
A grant by a property owner to the use of land by the public, a corporation, or persons for specific purposes including but not limited to the construction of utilities, drainageways, and roadways.

Embankment or Fill Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

Erosion
The general process by which soil and rock fragments are detached and moved by the action of wind, water, ice, and gravity, either naturally or induced.

Erosion and Sediment Control Plan
A plan which adequately describes necessary land management practices and control measures, including a timetable or schedule for their installation, which will effectively minimize soil erosion and sedimentation; prepared and approved as provided herein for application to a particular land area.

Family
One (1) or more persons occupying a single dwelling unit provided that no such family shall contain over five (5) persons unless all members are related by blood or marriage, but further provided that domestic servants employed on the premises may be housed on the premises.

FEMA

The Federal Emergency Management Agency.

FEMA-designated floodplain
The 100-year floodplain shown on the most current FEMA Flood Insurance Rate Map or Flood Boundary and Floodway Map. This shall include both the detailed 100-year floodplain, which shows the 100-year flood elevation, and the approximate 100-year floodplain.

Flood
A general and temporary condition of partial or complete inundation of normally dry land areas, caused by the overflow of a watercourse or the unusual and rapid accumulation of surface water runoff from any source. For the purpose of this section, a flood shall be construed to be any inundation that has a return frequency of one hundred (100) years or less.

Flood, 10-Year
The flood having a ten percent (10%) chance of being equaled or exceeded in any given year.

Flood, 25-Year
The flood having a four percent (4%) chance of being equaled or exceeded in any given year.

Flood, 50-Year
The flood having a two percent (2%) chance of being equaled or exceeded in any given year.

Flood, 100-Year /Base Flood
The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Flood, 500-Year
The flood having a two-tenths percent (0.2%) chance of being equaled or exceeded in any given year.

Flood Insurance Rate Map (FIRM)
An official map of Hardeeville and/or Jasper County, SC on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to Hardeeville and/or Jasper County, SC, with accompanying reports.

Flood Insurance Study
A study using detailed hydrologic and hydraulic analyses to model the one percent (1%) annual chance flood event, determine base flood elevations, and designate floodways and risk zones (Zones AE, A1-30, AH, AO, VE, and V1-30).

Flood Plain
Also "flood prone area", means a land area adjoining a river, stream, ocean or water course which is likely to be flooded. The flood plain for the city is duly designated on officially adopted city flood plain maps available at the city hall.

Flood Prone Area
The area of land susceptible to being inundated by a flood (see definition of “flood”).

Floodproofing
Any combination of structural and nonstructural additions, changes, or adjustments to structures including utility and sanitary facilities which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

Floor
See “Story” in this Section.

Frontage
The length of the property line of any one (1) premises parcel serving as a public right-of-way line.

Frontage, Building
The side of a building that abuts, parallels, or is nearest to parallel with, a street, a parking area, or other circulation area open to the general public and that has either a main window display or a public entrance to the building.

Garage, Private
An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

Garage, Repair
Building and premises designed or used for purposes indicated under "automobile service station" and/or major commercial repairs; provided that body work and painting shall be conducted within fully enclosed buildings and provided further that self-propelled vehicles in process of repair shall be stored in fully enclosed and secluded area.

Garden Wall
A freestanding wall, no higher than seventy-two (72) inches, along the property line dividing private yards from streets, alleys, and/or neighboring lots.

Governing Authority
The city council having jurisdiction in the area and matter involved.

Grading
Any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Group Development
The development of two (2) or more structures designed or intended for separate occupancy or use on a site that is not subdivided into lots, blocks, and streets, and is subject to the city's land development regulations; such as shopping centers, office buildings, industrial sites, manufactured home parks, apartment complexes, and condominium complexes.

Habitable Floor
For purposes of the erosion control and stormwater management regulations of this Ordinance (Section 4.9), any floor useable for living purposes, which include working, sleeping, eating, cooking and recreation, or any combination thereof. Floor elevation is to be measured as follows: (a) For slab-on-grade type buildings or buildings with basements, the top surface of the slab or basement floor constitutes the lowest floor; (b) For footing, foundation wall, or pile type buildings having crawl spaces under the building with no basements, the top surface of the finished flooring above the horizontal joist, beam, or other supporting member constitutes the lowest floor.

Height, Building
Building Height is determined by the vertical distance as measured from the lowest ground elevation on the building to the highest point on the building, excluding chimneys, cupolas and antennae.

Home Occupation
A use secondary or accessory to a property’s primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all applicable legal requirements.

Hotel

A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, and which is open to transient or permanent guests and is not a boarding house as herein defined. The word "hotel" includes the terms "motel", "tourist home" and "motor court".

Immediate Family
As used herein, shall mean a sub-divider's heirs at law who would succeed to his estate of inheritance under the state statute of dissent and distribution.

Junkyard or Salvage Yards
A building structure, or parcel of land, or portion thereof, used for collecting, storage, or sale of waste paper, rags, scrap metal, rubber tires, bottles, or discarded material. Where such materials are a byproduct of a permitted use, such activity shall be considered outdoor storage.

Land
Any ground, soil, or earth, including marshes, wetlands, swamps, drainage-ways, and areas not permanently covered by water, including any improvements or structures customarily regarded as the land.

Landscaping
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.

Land Disturbance
Any activity involving the clearing, grading, transporting, filling, and any other activity which causes the land to be exposed to the danger of erosion. Agricultural activities such as planting, growing, cultivating, and harvesting of crops; and the growing and tending of gardens shall not be considered herein.

Land Disturbance Permit
A certificate issued by the City of Hardeeville to perform work pursuant to an approved Erosion and Sediment Control Plan in an approved subdivision/development plan or single family residential unit where an approved stormwater management plan has not been approved as part of an overall subdivision/development, prepared under the provisions of this section.

Loading Space, Off-street
Space logically and conveniently located for pickups and deliveries off public right-of-way, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. It includes overflow parking for manufactured home parks.

Lot
An area designated as separate and distinct parcel of land on a legally recorded subdivision/development plat or in a legally recorded deed as filed in the official records of Jasper County, South Carolina. The terms "lot", "plat", "lot of record", "parcel", "property", "site", or "tract" whenever used in this Ordinance, are interchangeable.

Lot, Corner
A lot which occupies an interior angle of less than one hundred thirty-five (135) degrees, formed by the intersection of two (2) streets or a street and an accessway.

Lot, Double Frontage
A lot which has frontage on more than one (1) street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three (3) or more streets.

Lot, Interior

A lot, other than a corner lot, which has frontage on only one (1) street other than an alley.

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

Lot Frontage
See "Frontage" in this Section.

Lot of Record
See "Lot" in this Section.

Lot Width
The distance between side lot lines that is parallel to the front lot line and located the minimum exterior setback distance from the front lot line.

Maintenance
For purposes of the erosion control and stormwater management regulations of this Ordinance (Section 4.9), any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this section and to prevent structural failure of such facilities. Maintenance shall not include actions taken solely for the purpose of enhancing the aesthetics of stormwater management facilities.

Major Street
See “Street, Arterial” in this Section.

Manufactured Home
A vehicle or structure that is designed to be moveable on its own chassis for conveyance on public thoroughfares and designed without a permanent foundation. A manufactured home may consist of one (1) or more components that can be disassembled for towing purposes or two (2) or more units that can be towed separately, but designed to be attached as one (1) integral unit). All manufactured homes produced since June 15, 1976, must have been inspected and certified during the manufacturing process, and display an emblem of approval certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Code on the manufactured home. The definition of manufactured homes does not include “modular residential housing”, as defined within the South Carolina Modular Buildings Construction Act, nor does it include motor homes or recreational vehicles.” Mobile Home.” Any vehicular or similar portable structure in excess of thirty (30) feet in length having wheels, jacks, or skirting and so designed or constructed as to permit single-family occupancy for dwelling or sleeping purposes. The term "mobile home" includes the term "house trailer" and "double-wide".

Marquee
A permanently roofed architectural projection, whose sides are vertical and are intended for the display of signs, which provides protection against the weather for the pedestrian, and which is supported entirely from an exterior wall of a building.

Mobile Home Park
Premises where two or more mobile homes are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for the use of mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

Mobile Home Space
A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Motel

See “Hotel” in this Section.

Net Density/Net acreage
That acreage which remains after the deduction of easements for roads, utilities and ditches, including wetlands and marshes, and open space. View easements shall not apply to net developable acre. Where easements exist on the whole parcel, the exact easement dimensions shall be determined and subtracted, such as power line right of way, ditch right of way, or road widths, or the easement for the total parcel must be released before the parcel can be developed.

New Construction
For purposes of the erosion control and stormwater management regulations of this Ordinance (Section 4.9), structures for which the first placement of permanent construction commenced on or after the effective date of this section.

Nonconforming Use
A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the Zoning District in which it is situated either at the date of this Ordinance or as the result of subsequent amendments to this Ordinance.

Official Flood Plain Maps
A map or series of maps, officially adopted by the city council, delineating the flood prone areas and coastal high hazard areas of the city.

One hundred year flood elevation
That elevation of land, measured from mean sea level, which has a one (1%) percent chance of being reached each year as a result of flooding conditions usually accompanying a hurricane.

On-Site Stormwater Management
The design and construction of a stormwater management facility within and for a single development.

Parcel
See "Lot" in this Section.

Parking Lot
Any off-street public or private open area used for the express purpose of parking automobiles and other vehicles, with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot or an accessory used in the principal use on a given lot.

Parking Space
Parking spaces as defined in this Ordinance shall be considered as the absolute minimum amount of spaces required. They shall encompass an area of not less than twenty (20) feet in length and ten (10) feet in width and shall be clearly defined as an area for the parking of automobiles and shall remain as open space and shall not be used for any other purpose. Area required for the maneuvering of vehicles within a parking lot or vehicular travel lanes necessary for such maneuvering shall not be considered as a suitable area for parking spaces. The Planning Director may require that off-street parking arrangements be designed and certified by a licensed engineer, and may also allow for the reduction of the minimum dimensions required for clearly defined compact car parking for a total of spaces which do not exceed twenty-five (25%) percent of the required amount for a particular use in a given District.

Person
Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate or governmental entity, or their legal representative agents or assigns.

Planned Development District
A development usually consisting of more than one type of land use comprising detached, some-detached, attached, single or multistoried dwellings including a mix of residential, recreational, limited convenience commercial, cultural and common open space areas.

Planning Commission
See Article 6 in this Ordinance.

Plat
A document, prepared by a registered surveyor or engineer, that delineates property lines and shows monuments and other landmarks for the purpose of identifying property for legal purposes.

Porch, Front
A roofed area, attached at the ground floor level or first floor level, and to the front of building, open except for railings and support columns.

Premises
A lot or other tract of land including the buildings or structures thereon.

Primary Drainage Channel
A drainage channel, stream or creek draining an area of three hundred (300) acres or more.

Property
See “Lot” in this Section.

Public Nuisance
The following conditions constitute a public nuisance: (a) Any condition that constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests. (b) Any open place containing a concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature. (c) Any open place containing a collection of garbage, food waste, animal waste, or any other rotten matter of any kind. (d) Any open place containing furniture, appliances, or metal products of any kind or nature which have jagged edges of metal or glass, or areas of confinement. (e) Any condition which blocks, hinders, or obstructs in any way the natural flow of streams, creeks, surface water, ditches, or drains, to the extent that the blockage, hindrance, or obstruction creates standing or stagnant water. (f) Any activity designated a public nuisance under state law or elsewhere in the Hardeeville Code of Ordinances.

Public Right-of-Way Line
The line where the property meets the public right-of-way at a public street or public waterway, provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.

Public Way
Any street, highway, road, path or right-of-way, whether privately or publicly-owned, which is designed, or used for vehicular or pedestrian traffic either by public right or custom, or by invitation of two (2) or more common owners.

Regional Stormwater Management
The design and construction of a stormwater management facility that controls runoff from more than one (1) development.

Regulatory Floodway
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by

more than one (1) foot, as identified on an official Flood Insurance Rate Map or other available information.

Residence
See “Dwelling” in this Section.

Retention Structure
A permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff.

Runoff
The portion of the precipitation on the land that reaches the drainage system.

Screening
A type of buffer that is designed to block or obscure a particular element or use from view. See also “Bufferyard” in this Section.

Secondary Drainage Channel
A drainage channel, stream or creek draining an area less than three hundred (300) acres in size.

Sedimentation
The process of forming and depositing of suspended matter carried in suspension in water through the action of gravity. It is usually accomplished by reducing the velocity of the water below the point where it can transport the suspended material.

Service Station
See "Automobile Service Station" in this Section.

Signs
The following definitions refer to the sign standards in Article 8, Signs.

Abandoned Sign
A permitted sign which was erected on property in conjunction with a particular use which use has been discontinued for a period of thirty (30) days or more, or a permitted temporary sign for which the permit has expired.

Administrator
That person designated by the City Manager to administer and enforce the provisions of Article 8.

Back-to-Back Sign
A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically contiguous.

Banners, Pennants and Balloons
Any animated rotating, fluttering or non-stationary device made of flexible materials designed to attract attention.

Billboards
Billboards are outdoor signs which advertise firms, organizations, goods, products, or services which are not located on the same premises as the sign and which are sold, rented, owned, or leased for the display of advertising messages.

Canopy
A structure constructed of rigid materials, including, but not limited to, metal, wood, concrete, plastic, canvas or glass which is attached to and supported by a building or by columns,

poles or braces extended to the ground.

Canopy Sign
A sign which is suspended from, attached to, supported from or forms a part of a canopy.

Changeable Copy Sign
A sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

Commercial or Industrial Center
Two (2) or more separate occupancies located within the same or adjacent building or buildings on the same commercial or industrial plat of record.

Dilapidated Sign
Any sign which is structurally unsound, has defective parts or it in need of painting or maintenance.

Directional Sign

1. A sign, permanently erected or permitted in the public right-of-way or private property by the City, state, or other governmental agency to denote the name of any thoroughfare; the route to any city, village, educational institution, public building, historic place, shrine or hospital; to direct and regulate traffic; to denote any railroad crossing, bridge, ferry or other transportation or transmission company for the direction or safety of the public.

2. A sign, notice or symbol for the information of the Federal Aviation Agency as to locations, directions, landings and conditions, affecting safety in aviation.

3. An on-premises temporary sign which contains information regarding the time and place of regular meetings of civic or religious groups.

Directory Sign
A sign listing only the names and/or use, or location of more than one (1) business, activity or professional office conducted within a building, group of buildings or commercial center.

Double-Faced Sign
A sign containing two (2) faces which are usually, but not necessarily, parallel.

Easel Sign
A sign or message board displayed on a portable open frame the outline of which (the frame) is roughly pyramidal in shape.

Electrical Sign
A self-illuminated sign or sign structure in which electric wiring, connections and/or fixtures are used as part of the sign property.

Existing Sign
Any sign that was erected, mounted or displayed prior to the adoption of this Ordinance.

Façade
The entire building wall, including main street wall face, and parapet, fascia, windows, doors, canopy and roof on any complete elevation.

Fixed Projecting Sign

A sign, other than a flat sign, which extends outward for more than eight (8) inches from the facade of any building and is rigidly affixed thereto.

Flashing Sign
Any lighted or electrical sign which emits light in sudden transitory bursts.

Flat Sign
A sign erected parallel to and extending not more than twelve (12) inches from the facade of any building to which it is attached and supported throughout its entire length by the facade of the building and not extending above the building.

Freestanding Sign
A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or other support.

Frontage Wall Face
The building facade, excluding parapet, fascia, soffit, mansard and roof, which faces a frontage of the premises.

Height of Sign
The vertical distance measured from the average elevation of the nearest road centerline to the top of the sign face or sign structure, whichever is greater.

Ground Sign
A detached on-site sign built on a freestanding frame, mast or pole(s).

Illuminated Sign, External
Any sign which is directly lighted by an external source.

Illuminated Sign, Internal
Any sign which transmits light through its face or any part thereof.

Inflatable Sign
A sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Ingress/Egress Sign
A sign which designates only the direction of ingress or egress of a parking area or driveway, such as "In," "Out," "One-Way," "Do Not Enter" or "No Exit."

Management Control Plan
A legally binding agreement, recorded in the land records of Jasper County, which binds the owner of a lot or parcel that is part of a commercial or industrial development to control the signage as approved by the management authority under the agreement.

Moving Message Board
Any electrical sign having a continuous message flow across its face by utilization of lights or other electrical impulses forming various words or designs, such as a time and temperature sign.

Nonconforming Sign
Any sign which has a valid permit, was erected or displayed prior to the effective date of this Ordinance or any subsequent amendment hereto and does not conform with any provision of this Ordinance.

Occupancy
Any use of or activity upon the premises.

Off-Premises Sign
Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being promoted on such sign is itself located or conducted. For purposes of this Article, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.

On-Premises Sign
Any sign located or proposed to be located at any place, if otherwise permitted by Article 8, within the plat of record for the business or other activity identified on such sign.

Painted Wall Sign
A sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

Panel
The primary surface of a sign upon which the message of the sign is carried.

Parapet
A vertical false front or wall extension above the roof line.

Pennant
See definition of banners, pennants and balloons.

Permitted Sign
A sign for which a valid permit has been issued.

Political Sign
A sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the City shall vote.

Portable Sign
Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

Premises
The plat of record which is affected either directly or indirectly by the contents of this Ordinance.

Project Sign
Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services or material.

Real Estate Sign
A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease or for sale.

Roof
The exterior upper covering of the top of a building.

Roof Sign

A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.

Rotating Sign
Any sign which revolves around one (1) or more fixed areas.

Sandwich Board Sign
A portable sign shaped like an A-frame with a sign panel on one (1) or both sides where the sign panel is integral to the structure of the sign.

Seasonal/Holiday Sign
A sign used for emphasizing the celebration of a historic American holiday, which is erected for a limited period of time.

Sign
Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others which is located on or attached to premises, real property, structures on real property or a vehicle.

Sign Concept Plan
A plan required before the City can issue a permit, (1) for certain commercial or industrial zoned sites where the total area of Signs is greater than 800 square feet; or (2) for more than one commercial or industrial zoned site developed under a Management Control Plan, if the total area of Signs on one or more of the sites is greater than 800 square feet, or (3) for optional method development projects within an approved Planned Development District. The plan consists of scale drawings of the site delineating the location, dimensions, colors, shape, and architectural characteristics of all Signs.

Sign Face
The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

Sign Related Activity
An activity such as installation, maintenance, alteration, repair, or modification of a Sign intended for use by others. A person or organization, may engage in these activities without a license, however, a review by the Administrator must be performed for Signs requiring permits to ensure that the Sign conforms with all aspects of Article 8.

Sign Structure
A supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied, provided however, this definition shall not include a building, fence, wall or earthen berm.

Sign, Area of
The square foot area enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions; but shall not include any supporting structure or

bracing.

Sign, Limited Duration
A non-permanent sign that is displayed:

1. On private property for more than thirty (30) days. A limited duration Sign is not intended to be displayed for an indefinite period; or

2. Within the public right-of-way.

Sign, Location
A Sign which portrays a logo, symbol, name, or address to identify the location of the building or use.

Sign, Permanent
A Sign that is constructed in a manner and of materials that will withstand long-term display and is intended to be displayed for an indefinite period of time. A permit must be obtained from the Director for a permanent Sign.

Sign, Portable
A Sign installed on a support or structure that permits removal or relocation of the Sign by pulling, carrying, rolling, or driving, such as a Sign with wheels; a menu or sandwich board Sign; an inflatable Sign; an umbrella, but not a canopy Sign, may be a temporary Sign or a limited duration Sign, but not a permanent Sign. A Sign attached or painted on a vehicle parked and visible from the public right-of-way is also bound by this division unless it is a currently licensed and registered vehicle used in the daily operation of the business. This does not include a Sign on a commercial vehicle which is operated within the public right-of-way.

Stationary Portable Sign
This includes sandwich-board signs, easel signs, and other signs resting on or attached to a stand, piece of furniture, or other object.

Swinging Sign
A sign installed on an arm, mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Temporary Sign
Any sign or information transmitting structure intended to be erected or displayed for a limited period.

Time and Temperature Sign
An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.

Traffic Direction/Safety Sign
A sign which is on-premises consisting of type and/or an arrow and is designed, sized and erected solely for the purpose of vehicular or pedestrian traffic direction or safety. The sign will have no advertising words or phrases.

Vehicle Sign
A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premise, time of day, duration, availability of other parking space on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of the

display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for the vehicle.

Wall Sign
Any Sign that is attached to the wall of a building. There are two (2) types of wall signs:

Flat Wall Sign
A Sign that is parallel to the wall of a building to which it is attached, but does not extend more than twelve (12) inches from the building face.

Projecting Wall Sign
A Sign that is attached to a wall of a building and extends more than twelve (12) inches from the building face.

Window Sign
Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within fifteen (15) feet of the identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off-premises contiguous property or public right-of-way.

Window Sign, Temporary
A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, sign for sales, specials, going out of business, and grand openings.

Silviculture
The care and cultivation of forest trees as defined in state statues and regulations..

Site
See "Lot" in this Section.

Special Exception
A condition which the literal interpretation of the MZDO would not be appropriate for location generally or without restriction throughout a given Zoning District, but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the Zoning Board of Appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare of the community.

Storm Drainage Design Standards
The manual of design, performance, and review standards for stormwater management, prepared under the direction of the City Engineer.

Stormwater Design Plan
The set of drawings and other documents comprising all of the information and specifications for the drainage systems, structures, concepts and techniques used to control stormwater as required by this section and the Storm Drainage Design Standards. Also included are the supporting engineering calculations and results of any computer analysis.

Stormwater Management
The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to minimize channel erosion, flood damage, and/or degradation of water quality and in a manner to enhance and insure the public health, safety, and general welfare.

Stormwater Management Facilities

Structures and man-made features designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system. Stormwater management facilities include vegetative or structural measures, or both, to control the increased volume and rate of stormwater runoff caused by manmade changes to the land.

Stormwater Runoff
The direct response of a watershed to precipitation, including surface and subsurface flows resulting from precipitation.

Stoop
A small platform and/or entrance stairway at an exterior door, commonly covered by a secondary roof or awning.

Story
That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not floor above it, then the space between the floor and ceiling next above it.

Story, Half
A story in which one (1) or more exterior walls intersection a sloping roof not more than two (2) feet above the floor of such story.

Street
A dedicated public way or private way for vehicular traffic, whether designated as an avenue, boulevard, thoroughfare, road, highway, expressway, lane, drive, alley or any other public or private way.

Street, Arterial
A street designed to carry large volumes of traffic and providing for efficient vehicular movement between large areas of the City.

Street, Collector
A street carrying traffic from local streets to the major system of arterial streets and highways and including the principal entrance streets to a residential development and principal streets for circulation within such a development.

Street, Frontage
The public right-of-way, which serves as primary access to a property.

Street, Local
A street used primarily for access to abutting properties.

Street, Private
Any newly created street is a private street unless: (a) Its right-of-way has been legally dedicated to the state, the county or municipality; and (b) The appropriate public body has accepted the street for the purpose of maintaining it.

Street Centerline
That line surveyed and monumented by the governing body shall be the centerline of a street. In the event that no centerline has been so determined, it shall be that line running midway between and parallel to the general direction of the outside right-of-way lines of such streets.

Structure
Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but not limited to, storm sewer infrastructure, manufactured homes, gas or liquid storage tanks, fences, tennis courts, swimming

pools, and buildings.

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

Subdivision
The division of a tract, parcel or lot into two (2) or more lots or building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, legacy, or building development, including all divisions of land involving a new street or being land which is adjacent to an existing street. The following are exceptions to the definition: (a) The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the County and/or any zoning regulations pertaining to minimum lot size for the particular land to be divided; (b) The division of land into parcels of five (5) acres or more where no new street is involved.

Substantial Improvement
Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure prior to the improvement.

Surveyor
A registered land surveyor in good standing with the state board of engineering examiners.

Technical Representative
South Carolina Registered Professional Civil Engineer, responsible for sealing Stormwater Management Plan(s).

Townhouse
See "Dwelling, Townhouse" in this Section.

Tourist Home (Bed-and-Breakfast)
A dwelling in which sleeping accommodations in less than ten (10) rooms are provided or offered for the use of guests in return for compensation, and meals may or may not be offered. Any dwelling in which such accommodations are offered in ten (10) or more rooms shall be deemed to be a hotel as herein defined. The use of dwelling as a tourist home shall not be considered an accessory use nor a customary home occupation.

Tract
See "Lot" in this Section.

Trailer
Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to: 1) provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation; 2) serve as a carrier of people, new or used goods, products or equipment; 3) be used as a selling, advertising or display device.

Trailer, House
See “Manufactured Home” in this section.

Use, Principal
The primary purpose for which a lot is occupied and/or used.

Variance
A modification of the terms of this Ordinance granted by the Zoning Board of Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal

enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the Zoning District in which the property is located. Hardships shall not be construed so as to include financial burdens or hardships that are created by the landowner or developer of the particular property.

Vegetation
All plant growth, including trees, shrubs, grasses, and mosses.

Water Quality
Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Waters
For the purpose of identifying NPDES stormwater permit "point discharges", waters means surface waters, within Hardeeville's jurisdictional boundaries.

Waters of the State
Refer to the State of South Carolina Department of Health and Environmental Control, Regulation R.61-9.122, Part A, Section 122.2

Watershed
The drainage area contributing stormwater runoff to a single point.

Yard
A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

Yard, Front
A yard situated between the front building line and the front lot line extending the full width of the lot.

ARTICLE 10: VESTING OF DEVELOPMENT/SUBDIVISION RIGHTS

10.1. General Limitations and Conditions.

Except as hereinafter set forth, a vested right established by this Ordinance is subject to the limitations and conditions as set out in Sections 6-29-1540 and 6-29-1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004.
(Ord. No. 2005-6-2A, § 1, 6-16-05)

10.2. Definitions.

As used in this article:

A. Approved or approval means a final action by the City's Planning Director, Staff Review Committee, Board of Zoning Appeals, Planning Commission or City Council in those matters committed to their respective authority or discretion in accordance with the permitting procedures of the MZDO, or an exhaustion of all administrative remedies/appeals that results in the authorization of a site specific development plan or a phased development plan.

B. Building permit means a written warrant or license issued by the Building Official or such other official as may be designated by the City Manager that authorizes the construction or renovation of a building or structure at a specified location.

C. Conditionally approved or conditional approval means an interim action taken by the City or its designees in accordance with the MZDO and the S.C. Local Government Comprehensive Planning Act (the "Enabling Act") that provides authorization for a site specific development plan or a phased development plan but is subject to approval. These authorizations include, but are not limited to, Concept Plan Planned Development Districts ("Concept PDD") pursuant to Section 7.4.D, a Master Plan Planned Development District ("Master Plan PDD") pursuant to Section 7.4.E, and any authorization for a development in a "floating zone district" which provides conditions in the authorization ordinance for continued operation of the use, such as those contained within Section 2.4 of the MZDO, the Manufactured Home Park District ordinance.

D. Landowner means an owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the owner. "Landowner" may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan pursuant to this article.

E. Person means an individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.

F. Phased development plan means a development plan submitted to the City by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site specific

development plan. These include, but are not limited to, Concept PDD and Master Plan PDD plans as authorized by Sections 7.4.D and 7.4.E, respectively, and plans for properties for which only a portion of the whole property is designed and submitted as a site specific development, with the remainder reserved for future development.

G. Real property or property means all real property that is subject to the land use and development ordinances or regulations of a local governing body, and includes the earth, water, and air, above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.

H. Site specific development plan means a development plan submitted to the City or its authorized boards, commissions or agents by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. These plans include Planned Development District (PDD) submissions pursuant to Section 7.5, and subdivision or development plans, including conditional use plans, submitted pursuant to Articles 5 and 7 and for proposals which comply with all of the required standards of the zoning district within which the property is located or have received a variance or special exception for which all appeals have been exhausted and the decision is final.

I. Vested right means the right to undertake and complete the development of property under the terms and conditions of a site specific development plan or a phased development plan as provided in the MZDO.

(Ord. No. 2005-6-2A, § 1, 6-16-05)

10.3. Two-year Vested Right Established on Approval of Site Specific Development Plan; Process for Renewal.

A. A vested right is triggered and established for two (2) years upon the payment of all applicable fees and final approval of a site specific development plan which authorizes the landowner to proceed with grading, installation of utilities, streets and other infrastructure, and to undertake other significant expenditures necessary to apply for a building permit or such other permit as may be required by the City.

B. A vested right for an approved site specific development plan expires two (2) years after the date of final approval by the final official or body authorized to approve a sire specific development plan.

C. No sooner than six (6) months, or no later than forty-five (45) days prior to the expiration of the vested rights for a site specific development plan, the landowner of real property with a site specific vested right may apply to the City's Staff Review Committee for an annual extension of the vested right. The Staff Review Committee must approve applications for at least five (5) annual extensions of the vested right, unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval, such as a rezoning, zoning or comprehensive plan text amendment, or implementation of a health, safety, environmental or other general welfare provision applicable to the development or subdivision.

D. A vested site specific development plan may be amended if the amendment conforms to, or does not cause a greater nonconformity with, the then current provisions of the municipal zoning, planning, or land development ordinances, code sections, or regulations. Approval of an amendment does not re-set or re-start the expiration period of a vested right.

E. Decisions of whether to grant the renewal or not by the Staff Review Committee are appealable to the City Council by any interested party having standing as is generally applied

in appeals in other zoning or planning matters. Within sixty (60) days of the filing of the appeal with the Clerk to Council, the City Council shall hear the appeal upon the materials submitted to the Staff Review Committee, the arguments of the landowner and staff, any additional material as the Council may deem relevant and material which was not available to the Staff Review Committee at the time the decision was made submitted by either the landowner or City staff, and such public comment as may be allowed. The City Council may grant or deny the renewal on appeal, or grant the renewal upon conditions. The City Council may defer its decision on the appeal until a date certain, for up to two (2) meetings, and may re-open the hearing for additional fact finding in its sole discretion if such a deferral was made and either the landowner, the City staff, or a Council Member so requests.

(Ord. No. 2005-6-2A, § 1, 6-16-05)

10.4. Two-Year Vested Right Established on Approval of Conditionally Approved Site Specific Development Plan; Process for Renewal.

A. The City may, in its sole discretion, and upon such conditions as it may see fit, provide for the establishment of a two (2) year vested right in the ordinance creating a Concept PDD, Master Plan PDD, or other conditionally approved site specific development plan. Such vested right may be terminated by the City in accordance with Section 7.4.D if after notice and public hearing, the City determines the landowner has failed to meet the terms of the conditional approval.

B. The City may, in its sole discretion, and upon such conditions as it may see fit, provide for the establishment of up to a five (5) year vested right in the ordinance creating a Concept PDD, Master Plan PDD, or an approved or conditionally approved phased development plan. Such vested right may be terminated by the City in accordance with Section 7.4.D(6) if after notice and public hearing, the City determines the landowner has failed to meet the terms of the conditional approval.

   1. Phased development plans shall submit site specific development plans for each phase, which shall conform to the requirements and regulations in effect at the time of the submission of the site specific plan. Such site specific plans shall thereafter be vested in accordance with the provisions of Section 10.3.

   2. The City may, in its sole discretion, provide for a renewal of the vested right granted in accordance with either (A) or (B) above, either in the ordinance creating or authorizing the Concept PDD, Master Plan PDD, conditionally approved site specific plan, or the approved or conditionally approved phased development plan.

(Ord. No. 2005-6-2A, § 1, 6-16-05)

10.5 Conditions and Limitations.

A. In addition to the terms, conditions and requirements above:

   1. Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable land development ordinances or regulations;

   2. A vested site specific development plan or vested phased development plan may be amended if approved by the local governing body pursuant to the provisions of the land development ordinances or regulations, subject to the limitations of Section 10.3 above;

3. A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code;

4. A vested right to a site specific development plan or phased development plan is subject to revocation by the City upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval;

5. A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;

6. A vested site specific development plan or vested phased development plan is subject to later City overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;

7. A change in the zoning district designation or land-use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan or vested phased development plan without consent of the landowner;

8. If real property having a vested site specific development plan or vested phased development plan is annexed, the City must determine, after notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after the annexation;

9. The City may not require a landowner to waive his vested rights as a condition of approval or conditional approval of a site specific development plan or a phased development plan.

(Ord. No. 2005-6-2A, § 1, 6-16-05)

10.6. Vested Right Attaches to Real Property; Applicability of Laws Relating to Public Health, Safety and Welfare.

A. A vested right pursuant to this Article 10 is not a personal right, but attaches to and runs with the applicable real property.

B. The landowner and all successors to the landowner who secure a vested right pursuant to this article may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right.

C. This article does not preclude judicial determination that a vested right exists pursuant to other statutory provisions.

D. This article does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

(Ord. No. 2005-6-2A, § 1, 6-16-05)