

# Saint George Zoning and Land Development Regulations

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# 1 INTRODUCTION

This chapter is enacted to promote the health, safety, morals, and general welfare; to regulate and restrict the height, the number of stories, and size of buildings and other structures, percentage of a lot which may be occupied, size of yards, courts and other open spaces, the density of population, location, and use of buildings, structures, and land for trade, industry, residence, and other purposes and to divide the Town of Saint George into districts of such number, shape, and area as are deemed best suited to carry out such purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

## 2 DEFINITIONS

Intent: For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined. Except as defined herein, all other words used in this Ordinance shall have their everyday dictionary definition. If a particular definition for a word contained in these regulations is needed and not found herein, the definitions found in Article XXV-Definitions, in the Dorchester County Zoning and Land Development Ordinance shall apply.

### 2.1. Interpretation

- Words used in the present tense include the future tense.
- Words used in the singular number include the plural, and words used in the plural number include the singular.
- The word “person” includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- The word “lot” includes the word “plot,” “parcel,” or “tract.”
- The word “shall” means always mandatory.
- The word “structure” includes the word “building.”
- The word “used” or “occupied” as applied to any land or building shall include the words “intended, arranged, or designed to be used or occupied.”
- Any word denoting gender includes the female and the male.
- The words “town,” “the town,” or “this town” shall mean the Town of Saint George in Dorchester County, South Carolina, and the capitalization of such – “Town” – refers to the government of the same.
- The words “state,” “the state,” or “this state” shall mean the State of South Carolina, unless otherwise noted, and the capitalization of such – “State” – refers to the government of the same.

### 2.2. Terms

Access: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Access Point: The location of the intersection of a street or driveway with a road.

Accessory Use/Building: An incidental and subordinate use that is customarily associated with the principal use of a lot or building located on the same lot as the principal use (e.g. – garage). In St. George, such shall not be established until the primary use is established, occupied, and in operation. See Figure 1.

Acre: A measure of the land area containing 43,560 square feet.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as

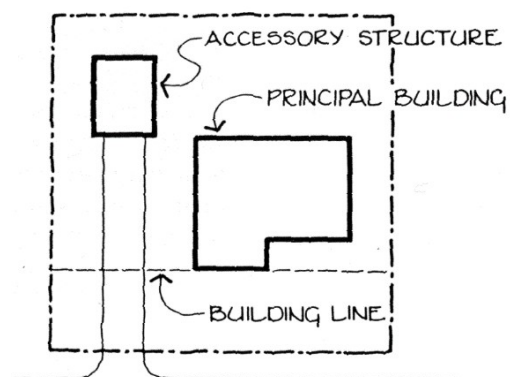


FIGURE 1

any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. This excludes normal repairs and maintenance of the structure.

Annexation: The incorporation of land into the limits of an existing municipality.

Agriculture: Any form of agriculture or horticulture and related buildings and uses associated with the production and/or sale of plants and animals useful to humans, including, but not limited to, forage, grain, and field: crops, hay, pasturage, dairy and dairy products, poultry and poultry products, horses, other livestock and fowl products, including the owning, breeding, leasing, recreational usage, and training of any such animals; bees and apiary products, fruits and vegetables of all kinds, tobacco, Christmas trees, floral and greenhouse products, sod, viticulture, silviculture, aquaculture, pet farm, and the primary processing and storage of agriculture products. [3.14.2005]

Bar/Tavern: A business where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery or brew-pub, and other beverage-tasting facilities such as wine or beer tasting rooms. Does not include adult-oriented businesses.

Bed & Breakfast Inn (B&B): A dwelling with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable Department of Health and Environmental Control Regulations.

Board of Zoning Appeals: A quasi-judicial board appointed by the St. George Town Council which hears requests for special exceptions, appeals of decisions of the Zoning Administrator, and variances to the Zoning Ordinance and Land Development Regulations Ordinance of the Town of St. George.

Body Piercing: Body piercing, which is a form of body modification, is the practice of puncturing or cutting a part of the human body, creating an opening in which jewelry may be worn, or where an implant could be inserted.

Buffer: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate and/or screen one use or property from another to visually shield or block noise, lights, stormwater run-off, or other nuisances.

Buildable Area: The area of a lot remaining after the minimum setbacks, maximum lot coverage, and buffer requirements of the Zoning Ordinance are achieved.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, fowl, or property of any kind.

Building Height: Building height shall be measured vertically to the highest point of the structure from the existing grade. The height limitations stated herein shall not apply to the following provided they are not intended for human occupancy, do not exceed sixty (60') cubic feet in volume, do not exceed seven (7') feet in total height, and are enclosed by an entry door:

- chimneys,
- spires,
- belfries,
- cupolas, and
- domes.

**Building Inspector:** The individual designated by the Town of St. George to enforce the provisions of the current building code, as adopted by the Town Council.

**Building Permit:** A permit obtained from the Town of St. George that establishes the inspection schedule and denotes approval of construction within a development.

**Business, Wholesale:** Establishments selling commodities to retailers, including wholesalers for all types of retail products, bulk stations for gasoline, kerosene, fuel, oil, bottled gas, etc., and warehouses.

**Café and Delicatessen:** A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking or preparing food. No place shall qualify as a cafe or delicatessen unless fifty (50) percent or more of the revenue derived from such place shall be from the preparation, cooking, and serving of meals and not the sale of alcoholic beverages.

**Caliper:** A horticultural method of measuring the size of nursery stock. See Figure 2.

**Certificate of Occupancy:** A certificate allowing the occupancy or use of a building, certifying that the structure or use has been completely constructed and will be used in compliance with this Ordinance and all other applicable regulations.

**Change in Use:** Any use that differs from the previous use of a building or land, or increases or decreases in the intensity of a use.

**Church:** A structure or group of structures providing housing for religious worship, religious education, and charitable activities as may be prescribed by the tenets and practices of a particular religious body.

**Clear Cutting:** The indiscriminate, complete removal of trees and other vegetation from an area of land.

**Commercial, General:** Use pertaining to the exchange of cash, goods, services, or any other remuneration for goods, services, lodging, meals, or entertainment in any form.

**Conditional Use:** A use permitted in a particular zoning district after proof is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the Zoning Ordinance and approved by the Zoning Administrator.

**Congregate Housing Facility:** A structure where more than four (4) unrelated persons reside under supervision for special care, treatment, training, or similar purposes, on a temporary or permanent basis.

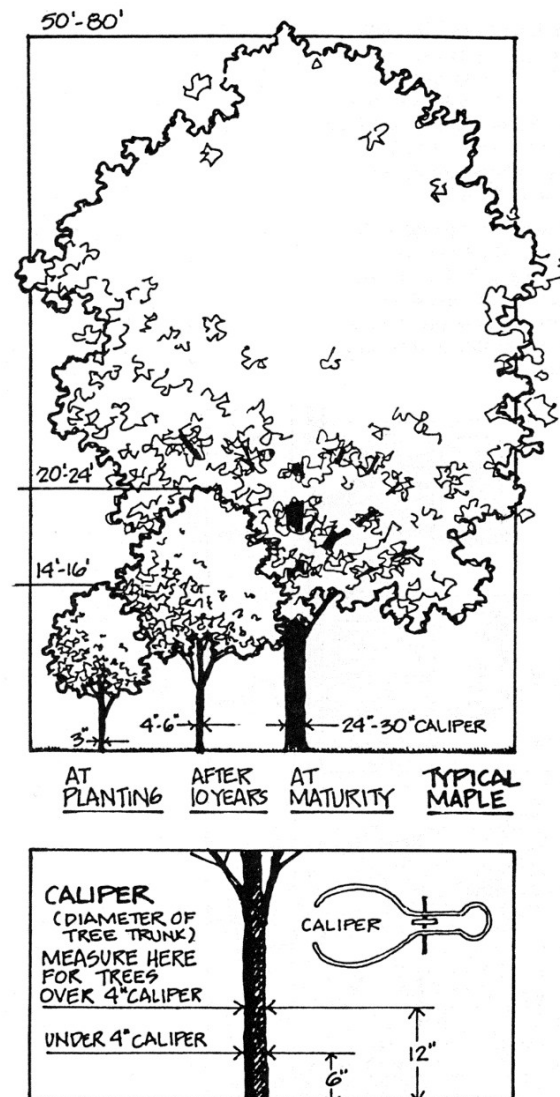


FIGURE 2



Continuing Care Facility: Such may consist of one or more of the following types of care:

- **Congregate Living Facility:** A facility that provides independent living that may be affiliated with or located near health care facilities.
- **Adult Assisted Living:** A facility for people who cannot live independently and who need assistance with daily chores and housekeeping.
- **Nursing Home:** A facility for individuals who require specialized nursing care on a regular basis but who do not need to be hospitalized.

Damaged: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its undamaged condition would equal or exceed 50 (fifty) percent of the market value of the structure before the damage occurred.

Destroyed: Structure or building is destroyed if the cost of its restoration would be more than fifty percent (50%) of its most current tax-assessed value.

Developed Site: For the purpose of the landscape provisions in Chapter 4 of this Ordinance, a property that contains existing structures or buildings for which a building permit was required.

Diameter at Breast Height (DBH): The width of a tree in inches measured at four and one-half feet (4'-6") above the existing grade.

Dining Room: Interior floor area provided for the seating of paying customers and serving of food and beverages to the same, characterized by tables and chairs and/or booths in a space accessible to the public via an entrance off the public right of way. For the purpose of definition in this ordinance, dining rooms shall be contiguous barring extenuating circumstances, shall not be within four feet (4') of a bar, and shall not be less than ten feet (10') in width at any point.

District: A portion of the incorporated area within the Town of St. George, within which certain regulations and requirements of various combinations thereof apply under the provisions of this Zoning Ordinance.

Dripline: The outermost extensions of the canopy of a tree projected vertically onto the ground below, so named as rainfall is generally shed into roughly this same shape around the tree. See Figure 3.

Dwelling: One or more connecting rooms, containing independent cooking and sleeping facilities, which have direct access to the outside or a common hall and which are used as separate living quarters for occupancy by a single person or family.

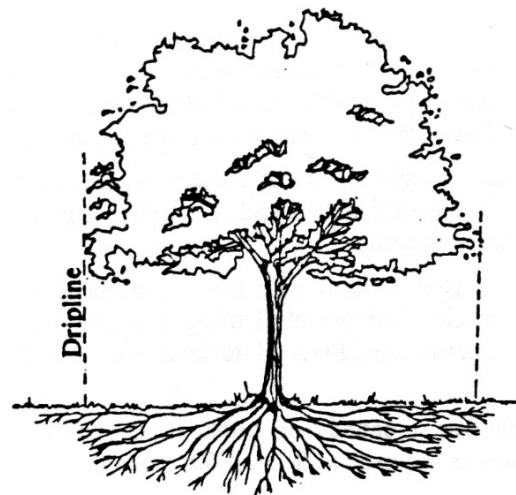


FIGURE 3

Dwelling, Attached Single-family: An independent dwelling unit sharing one or more common walls with like units, the owner of which owns also the roof above the unit as well as the lot, which may be equal to or larger than the footprint of the unit, on which it is founded. Such a unit features direct access to a public right of way or common area but shares common vertical walls with adjacent, like units. Attached single-family lots that are independent of one another.

Dwelling, Detached Single-family: A free-standing, independent dwelling unit.

Dwelling, Multi-family: An independent dwelling unit utilizing structure – roof, floor, and/or walls – and occupying land of ownership common to one or more additional dwelling units.

Dwelling, Tiny-home: Single-family dwelling units, no greater than 750 square feet in floor area, on a permanent foundation and not attached to a chassis. These are not manufactured homes as defined by HUD or a recreational vehicle as defined by the National Fire Protection Association (NFPA) and American National Standards Institution (ANSI).

Earth Berm: A mound of earth or the act of pushing the earth into a mound. Berms are used to shield, screen, and/or buffer undesirable views and to separate incompatible land uses. They may create visual interest, decrease noise, and control water flow. For the purpose of this ordinance, berms shall be no more than two feet (2') high given the gradual relief of lands throughout the town of St. George.

Existing Grade: The average elevation of compacted soil, naturally in place, above mean sea level within the proposed footprint of a structure before any preparation for the construction of such structure; or the intersection of naturally occurring soil with the atmosphere and the trunk of a tree or other plant.

Existing Use: The use of a lot or structure at the time of the enactment of the Zoning Ordinance or amendment thereof.

Facade: The exterior elevation of a structure constituting the primary approach to the structure and featuring the primary entrance, if occupiable.

Family Day Care: Establishment providing for the care of persons of any age between 7:00 a.m. and 7:00 p.m. in which no education takes place

Farmers Market: A “cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season or that occupies a given site for any given day or event and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling locally-grown fresh produce in conformance with the applicable regulations of South Carolina state agencies and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income.”

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Filling Station: For the purpose of this Ordinance, a commercial establishment offering for retail sale gasoline to be directly filled into personal and commercial vehicles with no more than two axles. A filling station offers to such vehicles filling and changing of fluids and filters including gasoline, oil, coolant, and air, and minor repairing and replacing including that of tires, batteries, lights, mirrors, glass, and window and headlamp wipers. For the purposes of this Ordinance, filling stations shall not store automotive parts out of doors and shall have appropriate designated locations for vehicles served away from the public right-of-way. Such shall not count on-street parking to meet parking requirements, as divulged in Chapter 3. See also Vehicle Service and Repair Station.

Full Service/Sit Down Restaurant: an establishment that serves food or beverages for immediate consumption primarily on the premises, with only a minor portion, if any, of the food being taken out of the establishment. A full-service, sit-down restaurant is characterized as an establishment in which food is cooked or prepared on the premises on a customer-demand basis, which requires payment after consumption, and provides seating and tables for on-premises customer dining with table service.

**Garage:** A structure, either attached or detached, that is an accessory to a residential building and is used for parking and storage of vehicles owned and operated by the residents of the residential building.

**Home Occupation:** Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident’s dwelling unit that does not constitute a nuisance or adversely affect the use or development of adjoining or nearby properties in the neighborhood.

**Impervious Surface:** Any exposed material that prevents water from passing through to and absorbing into the ground.

**Industrial, Heavy:** Manufacturing, processing, or other enterprise creating significant external effects or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials.

**Industrial, Light:** Research and development activities or the processing, compounding, manufacture, assembly, packaging, storage, and/or other treatment of finished or semi-finished products from previously prepared materials conducted wholly within an enclosed structure.

**Industrial Park:** A tract of land that is planned, developed, and operated as an integrated facility for several individual industrial uses, with consideration to transportation facilities (e.g. – rail and highway), circulation, parking, utility needs, aesthetics, and compatibility.

**Kennel:** A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold for a fee or other compensation.

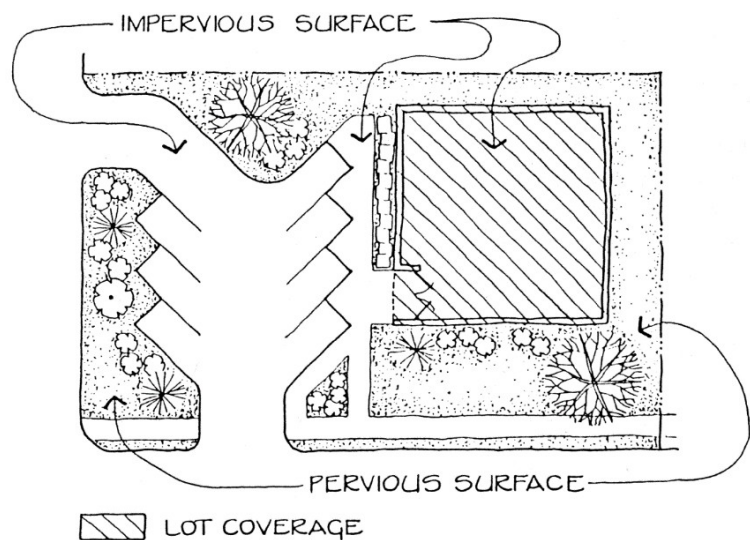
**Landscaping:** The practice or physical product of the arrangement of plant materials including ground cover, shrubs, and trees, along with other natural and/or artificial elements such as rocks, fences, and walls, as a means to enhance the built or natural environment by screening undesirable or unsightly land uses, buildings or other structures, or parking areas; by creating privacy; by buffering different land uses; and/or by modifying micro-climatic conditions (wind, shade, air temperature, etc.).

**Landscape Plan:** To-scale illustrative document locating proposed landscaping, with accompanying plant schedule, in relation to proposed and existing features of a specified site(s). See Figure 4.

**Lodging:** A facility containing six or more guest rooms that are rented to occupants daily.

**Lot Coverage:** The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

**Lot Frontage:** The distance over which the lot abuts the public right of way.



**FIGURE 4**

Manufactured Housing (Mobile Home): Any pre-fabricated residential structure built in a factory on a permanently attached chassis before being transported to a site and constructed to the standards and codes as promulgated by the United States Department of Housing and Urban Development 1976. [3.14.2005]. Such units must meet all minimum specifications for South Carolina Wind Zone 2 (model year starting with July 1, 1995, and be labeled as such [11.12.2012]

Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

Mobile Home: Transportable dwellings intended for permanent residential occupancy that is built entirely in a factory under federal construction and safety standards administered by the U.S. Department of Housing and Urban Development.

Mixed-use Development: A development containing harmoniously interrelated land/building uses; such might create under a master plan featuring pedestrian access and minimizing vehicular impacts.

Modular Building Unit: Any building of closed construction, regardless of the type of construction or occupancy classification, other than a manufactured (mobile)home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. [3.14.2005]

Net Site Area: Area used to calculate landscape requirements. This area is calculated as follows:

- For undeveloped sites, all areas of a site except:
  - The footprint of proposed buildings and other proposed structures
  - Any buffer yards required.
- For developed sites, all areas of a site except:
  - The footprint of existing buildings and structures;
  - The footprint of proposed buildings and structures;
  - Existing parking lots, not in excess of 10% over the number of required parking spaces and paved access areas; and
  - Any buffer yards required.

Nonconforming Lot: A lot, the area, dimensions, or location of which were lawful prior to the adoption, revision, or amendment of the zoning ordinance, which fails to conform to the present requirements of the zoning district in which it is located.

Nonconforming Structure or Building: A structure or building, the size, dimensions, or location of which lawfully existed prior to the adoption, revision, or amendment to the Zoning Ordinance but which fails to conform to the present requirements of the zoning district in which it is located.

Nonconforming Use: A use or activity that was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance but which fails to conform to the present requirements of the zoning district in which it is located.

Off-site Seasonal Retail: The sale of seasonal goods for a finite duration (i.e. – temporary) at a location other than that at which such goods were produced, manufactured, raised, harvested, etc.

Office: A use or location primarily used for conducting the affairs of a business, profession, service, industry, government, or activity where, typically, no material goods are produced or traded.

Office, Professional: An office in which the member of a profession conducts affairs, including medical offices and clinics. See Office and Profession.

Outdoor Storage: The keeping in an unenclosed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Parcel: A portion of land for which a single title describing and locating such land exists and is on record with the Dorchester County Office of Clerk and Recorder.

Parkway: The area of public right-of-way located between the curb or edge of the pavement and the adjacent property line.

Pedestrian-oriented Development: Development designed with an emphasis on the street sidewalk and other pedestrian access to and through the site(s) and building(s) over automobile access and parking areas. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option or choice of not having to use a car to travel between uses, and will provide a variety of interesting and detailed streetscapes which balance the needs of a pedestrian with vehicular traffic.

Pedestrian Scale: Relationships between a person and the natural or built environment in which the person conceives of a sense of scale by comprehending depths, distances, and spaces, made possible through existing or manipulated size, texture, permanence, light, acoustics, and accessibility.

Permitted Use: Any use allowed in a zoning district, meeting the uniform standards set forth for the district, and subject to the restrictions applicable to that zoning district.

Plat: A map representing a tract of land, showing the boundaries and location of individual properties and streets; recorded or to be recorded with the Dorchester County Register of Mesne Conveyance (RMC).

Planned Development: A land area, of a minimum contiguous size specified by ordinance, to be planned, developed, operated, and maintained as a unified whole according to a master plan programming infrastructure, utilities, buffers, and landscaping with a mix of residential, commercial, institutional and/or civic uses.

Profession: A vocation, calling, occupation, or employment requiring training in the liberal arts or sciences or combination thereof requiring advanced study in a specialized field; any occupation requiring licensing by the state and maintenance of professional standards applicable to the field.

Pub: A place of business in which alcohol is sold and consumed onsite to which the sale of such alcohol contributes less than fifty percent (<50%) of total revenue while at least fifty percent (50%) of total revenue is produced through the sale of food and non-alcoholic beverages for onsite consumption and in which the ratio of the bar, measured in linear feet, to the dining room, measured in square feet, does not exceed one to fifty (1:50). See also Tavern.

Public Hearing: A meeting announced and advertised in advance that is open to the citizens and landowners of St. George, et al, where the public is allowed to participate and input.

Recreational Vehicle (RV): A vehicular-type portable structure without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for

recreational camping and travel use and including, but not limited to travel trailers, truck camper, and pop-up campers.

**Retail, General:** Selling of goods and/or merchandise to the general public for personal or household consumption and rendering of services incidental to the sale of such goods.

**Scale:** Established measure of proportion between actual and represented features and spaces, such as that represented graphically on a hardline drawing.

**Secondary Living Quarters:** A habitable dwelling or apartment within or detached from the principal dwelling on a lot, excluding manufactured homes, no greater than eight hundred (800) square feet in floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

**Services, Business:** Services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing;

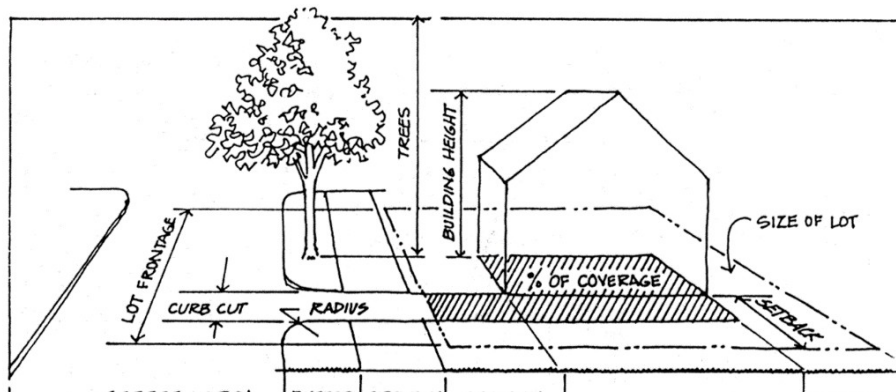


FIGURE 5

and personal supply services.

**Services, Manufacturing:** Construction, repair, or demolition of, including but not limited to, buildings, streets, water and sewer systems, bridges, and similar construction.

**Services, Personal:** Services involving the care of a person or his or her personal goods or apparel (e.g. - laundry, cleaning and pressing service, linen supply, diaper service, beauty shops, barbershops, shoe repair, steam baths, reducing salons and health clubs, clothing rental, locker rental, porter service, and domestic services. [8.11.2008]

**Setback:** The shortest distance from a structural element to a lot line. See Figure 5.

**Setback required:** The area within a set distance from a lot line as specified in the Lot/Site Requirements of a district. See also Yard.

**Sexually Oriented Business:** An establishment consisting of, including, or having the characteristics of any or all of the following:

- **Adult Bookstore:** An establishment having as a substantial portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

- **Adult Cabaret:** (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas or (2) an establishment that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
- **Adult Motion Picture Theater:** A building used for presenting material, primarily in the medium of motion pictures, distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

**Sign:** Any object, device, display, structure, or part thereof situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images (excluding national or state flags, window displays, athletic scoreboards, or the official announcements or signs of government).

**Silviculture:** The harvesting of timber from a pre-existing forest. Such is distinguishable from commercial timbering (an agricultural use) in that commercial timbering harvests trees planted and raised specifically for harvesting.

**Special Exception:** A conditional use permitted by the Board of Zoning Appeals upon request by an applicant for which standards specified in a zoning ordinance must be met, including site-specific conditions determined during the BZA's consideration. A special exception granted by the BZA is not a variance or a reversal of the decision of the Zoning Administrator.

**Structure:** Anything constructed or built, an edifice or building of any kind, constructed of parts joined together in a definite manner.

**Tattoo Parlor:** A tattoo is a form of body modification made by inserting tattoo ink, dyes, and/or pigments, either indelible or temporary, into the dermis layer of the skin to form a design

**Temporary Event:** Sales or events occurring over a duration of no more than thirty (30) days and no more than three (3) thirty-day periods per year.

**Tiny Home:** A backyard tiny home is a residential building code-compliant structure often referred to as an accessory dwelling unit. These homes may also be used as a primary dwelling when they range between 300 to 600 square feet.

**Transportation Facilities:** Ground establishments providing for the interchange of passenger and freight including but not limited to bus passenger and parking terminals, truck terminals, railroad passenger and freight terminals, railway express freight terminals, and taxicab stands and yards.

**Tree, Indigenous:** Those native to the coastal plain of South Carolina, listed in Appendix A of this Ordinance.

**Tree, Landmark:** A tree, due to its stature, that contributes to the health, general welfare, and quality of life of townsfolk therefore deemed of irreplaceable value by the Town. Trees considered landmark trees by the Town of St. George shall be (1) large maturing broadleaf trees, as listed in Appendix A, of a DBH of thirty or more inches (30"+), (2) large maturing coniferous trees, as listed in Appendix A, of a DBH of twenty-four or more inches (24"+), and (3) small maturing trees, as listed in Appendix A, of a DBH of fifteen or more inches (15"+).

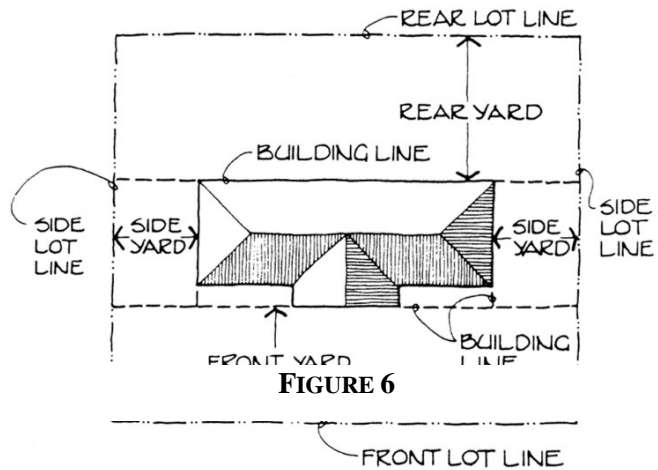
**Tree, Protected:** A tree, due to its stature, that contributes to the health, general welfare, and quality of life of townsfolk, therefore, deemed of value by the Town such that it should be guarded against development

and, if necessarily lost to development, replaced by trees to offset any overall loss to the environment of St. George.

**Undeveloped Site:** One or more parcels without a structure or other improvements.

**Vehicle Service and Repair Station:** Any commercial establishment providing services and repairs beyond or outside those outlined in the definition of a Filling Station.

**Yard:** A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to the sky except where encroachments and accessory buildings are expressly permitted. See also the definition of “Setback”.



**Yard, Buffer:** 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 buffer yard and materials used in its constructions vary according to use. See Figure 6.

**Yard, Front:** The yard extending the full width of the lot, situated between the front lot line as it occurs along the public right of way and a line projected to the side lot lines from the front of the building.

**Yard, Rear:** The yard extending the full width of the lot, situated between the rear lot line and the line projected to the side lot lines from the rear of the building.

**Yard, Side:** The yard extends the full depth of the lot, situated between the side lot line and a line projected to the front and rear lot lines from the side of the building. In zoning districts where development is allowed up to the lot line, the side yard requirement may be replaced by requirements for the acquisition of maintenance easements.

**Zoning Administrator:** The person designated by the Town to be responsible for the administration of this Ordinance and the Land Development Regulations Ordinance.

**Zoning Permit:** Written permission issued by the Town of St. George for the construction or enlargement of a structure, including signs, and the grading or excavation of a site in preparation for construction or for the installation of underground utilities.



## 3 GENERAL PROVISIONS

### 3.1. Applicability

The following provisions shall apply throughout the jurisdiction of this Ordinance, regardless of the underlying regulating district.

### 3.2. Establishment of Official Zoning Districts and Map

Intent: To accomplish the purposes, outlined in the Comprehensive Plan and sections of this ordinance, the boundaries of the zoning districts are hereby established as shown on the Official Zoning Map of the Town of St. George, which, together with all explanatory matter herein, is adopted and declared a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested to by the Town Clerk, and shall bear the Seal of the Town under the words “Official Zoning Map, Town of St. George, SC,” together with the date of adoption of this ordinance. The Official Zoning Map shall be in the office of the Zoning Administrator and shall be the final authority as to the current zoning status of the land, water areas, buildings, and other structures in the town.

### 3.3. Interpretation of District Boundaries

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

- Boundaries indicated as approximately following the centerlines of streets, highways, railroad lines, utility easements, and alleys shall be construed to follow such centerlines;
- Boundaries indicated as approximately following platted lot lines and Town limits shall be construed as following such lines; and
- The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.

### 3.4. General Conformity Required

No building permit or certificate of occupancy shall be issued, no building or structure or part thereof shall be erected, altered, or occupied, no use or change in use commenced, and no land altering activity commenced relating thereto may occur prior to endorsement or verification by the Zoning Administrator that such activity shall be in compliance with this Ordinance and has received all approvals required under this Ordinance.

**3.4.1** New or Moved Structures: Any structure hereafter moved from one site to another site, including movement within the same lot, shall be considered to be a new structure. Any structure built or restored after damage or destruction by fire or other calamity shall be considered to be a new structure.

**3.4.2** Remodeling: If any structure is remodeled after the effective date of this ordinance such that the floor area of the structure is increased by more than fifty percent (50%) or the cost of remodeling exceeds fifty percent (50%) of the current appraised value as shown on the most recent tax records:

- A. The entire structure as remodeled shall comply with the use regulations of this ordinance.
- B. Any alterations of, enlargements of, or additions to the structure shall comply with the lot and building requirements of this ordinance.

- C. Any off-street parking provided shall not be less than that required (or if already less than that required, shall not be further reduced below) the requirements of this ordinance applicable to a similar new structure or use.

### **3.4.3 Change in Land Use or Land Classification**

If a use of any structure is hereafter changed to another use, then the new use must comply with the use regulations of this ordinance, but the mere establishment of the new use does not require the existing structure to conform to the bulk and area regulations of this ordinance.

### **3.4.4 Exemptions:**

- A. Structures: Any structure for which zoning and building permits have been issued prior to the effective date of this Ordinance shall be exempt from the requirements of this Ordinance, provided that construction has commenced in reliance on such permit.
- B. Uses: Any use of land or a structure for which a zoning permit has been issued prior to the effective date of this Ordinance shall be exempt from the requirements of this Ordinance.
- C. Existing Variances: Any variance lawfully approved before the effective date of this Ordinance, or amendment thereof, shall be deemed to be and continue to be valid after the adoption of this Ordinance.
- D. Height of Spires and Belfries: No building or structure shall exceed the height limit specified for the zoning district in which it is located, except that height limitations of this Ordinance shall not apply to church spires and belfries.

## **3.5. Lots of Record**

In any zoning district, where a lot of record at the effective date of adoption of this Ordinance does not contain sufficient land area or dimensions to meet the requirements of the district in which is located, such lot may be used as a building site for any use that is permitted in the zoning district in which the lot is located; provided however that all structures on these lots must conform to as many of the lot and building requirements as possible and further shall meet minimum requirements for access and supportive infrastructure.

## **3.6. Nonconforming Land Uses and Structures**

**3.6.1** Nonconforming land uses and structures are declared by this Ordinance to be incompatible with permitted uses and/or do not meet current building and lot requirements for the zoning districts in which they are located. However, to avoid undue hardship, the lawful use of any nonconforming building 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 any nonconforming building or land use shall:

- A. Not be changed to another nonconforming use;
- B. Not to be re-established after discontinuance of one year; (9.9.2002)
- C. Not be enlarged or altered in a way that increases the degree of noncompliance.

**3.6.2** Nonconforming buildings or structures that legally existed before damage by fire or natural causes may be reconstructed using the foundation footprint provided that all building and flood management codes are met and demolition occurs within six (6) months after the damage occurs and reconstruction occurs within twenty-four (24) months as extended for cause by the Zoning Administrator.

**3.6.3** Nonconforming residential structures legally existing before the adoption of this ordinance that are damaged by fire or natural causes may be reconstructed with an expansion of the existing

footprint by 10%, provided such expansion meets current lot and building requirements and does not increase the degree of nonconformity.

**3.6.4** In the event that an existing footprint is not used or damage occurred more than twenty-four (24) months prior, all reconstruction shall be required to meet the provisions of this Ordinance and any other applicable state and federal regulations.

**3.6.5** Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

**3.6.6** In the event that an existing conforming use increases in building area by thirty percent (30%) or more, such use shall conform to the standards of this Ordinance, especially with regard to parking (Section 3.13) and landscaping (Section 14.5). In the event that existing parking areas expand by ten percent (10%) or more, the landscaping standards of this Ordinance relating to the screening of such parking shall be met. Such increases and improvements shall require a zoning permit and accompanying documentation.

**3.6.7** If an existing nonconforming residential structure is completely damaged in any way, a replacement structure may be permitted with no more than the existing square footage plus ten percent (10%) of the structure's square footage.

### **3.7. Government Property and Public Facilities**

Pursuant to §6-29-770 of the SC Code of Laws, as amended, agencies, departments, and subdivisions of the State of South Carolina or any County that use real property within the Town of St. George, as owner or tenant, are subject to the Town of St. George Zoning and Land Development Ordinance.

**3.7.1** The provisions of this section do not require a state agency, department, or subdivision to move from facilities occupied on June 18, 1976, regardless of whether or not their location is in violation of this Ordinance.

**3.7.2** The provisions of this section do not apply to a home serving nine or fewer mentally or physically handicapped persons provided the home provides care on a twenty-four (24) hour basis and is approved or licensed by a state agency or department or under contract with the agency or department for that purpose. For the purposes of this Ordinance, the residents of such homes shall be construed to be a natural family. Representatives of the agency or department proposing the establishment of a group home within the Town of St. George shall follow requirements pertaining to public notice, site selection, resident screening, and periodic reviews under §6-29-770 of the SC Code of Laws, as amended.

**3.7.3** No new street, structure, utility, square, park, or other public way, grounds, open space, or public building for any use, whether publicly or privately owned, may be constructed or authorized in the Town of St. George until the location, character, and extent of such have been submitted to the Planning Commission for review and comment as to the compatibility of the proposal with the Town's adopted Comprehensive Plan.

- A.** In the event that the Planning Commission finds that the proposal is in conflict with the comprehensive plan, the Commission shall transmit its findings and the particulars of the nonconformity to the entity proposing the facility.
- B.** If the entity proposing the facility determines to go forward with the project which conflicts with the comprehensive plan, the governing or policy-making body of the entity shall publicly state its intention to proceed and the reasons for the action. A copy of this finding must be sent to the St. George Town Council and Planning Commission and published in a newspaper of general

circulation in the community at least fifteen (15) days prior to awarding a contract or beginning construction.

- C. Telephone, sewer, gas utilities, or electric suppliers, utilities, and providers, whether publicly or privately owned, whose plans have been approved by the Town Council or a state or federal regulatory agency, or electric suppliers, utilities, and providers who are acting in accordance with a legitimately delegated right pursuant to Chapter 27 or 31 of Title 33 of the SC Code of Laws, as amended, are exempt from this provision. These utilities must submit construction information to the Town Planning Commission.

### **3.8. Use Approvals**

**3.8.1** Use Types: Within each district, specific use groups are allowed either by right (permitted), conditionally, or with special exception approval:

- A. By-right or Permitted uses shall be developed within the applicable zoning district subject to administrative approval of a zoning permit by the Zoning Administrator.
- B. Conditional uses, which are compatible with permitted uses in the same zoning district, but have the potential for some incompatibility or adverse impacts, shall be developed within the applicable district only when it has been demonstrated to the satisfaction of the Zoning Administrator that the proposed use meets all conditions for that use in zoning district regulations for the applicable zoning district.
- C. Special Exception uses, which may be compatible with other uses allowed within a specific zoning district, but are more intensive and have greater potential for adverse impacts on adjacent properties, shall be approved for development within an applicable district only if the proposed use meets any conditions for that use listed in the zoning district regulations for the applicable zoning district and the criteria for special exception contained herein.
  1. The proposed special exception will not have a substantial adverse impact on the aesthetic character of the area to include a review of the orientation of spacing of buildings;
  2. The proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response;
  3. The establishment of the proposed special exception does not create a concentration or proliferation of the same types of special exception use, which concentration may be detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed;
  4. The special exception is consistent with the character of the district in which it is proposed;
  5. The proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property;
  6. The proposed special exception is compatible with the general character of the district in which it is proposed;
  7. The proposed special exception will not adversely affect the public interest.
- D. Temporary uses may be permitted by the Zoning Administrator if it is demonstrated that the proposed use meets any conditions for that use in the zoning district regulations or those applicable in §3.10.4 below.

**3.8.2** Unspecified Uses: Except when specifically determined by the Zoning Administrator as included or implied within the description or classification of another use, no uses are permitted unless

specified in a use definition or accessory use listed for a particular district. Land uses, buildings, or other structures not specifically included or implied in the description of a user group shall not be permitted in any district.

**3.8.3** Adding Unspecified Uses to the District Regulations: Uses other than those allowed in the applicable zoning district may be added to a district only upon a text amendment approved by the Town Council under the provisions of this Ordinance.

### **3.9. Supplemental Standards for Conditional Uses**

In addition to meeting all regulations of the zoning district in which a use or structure is established, the following uses listed as “conditional” must meet the applicable conditions listed below.

**3.9.1** Home Occupations: Home Occupations shall be permitted in any dwelling unit provided that such occupation:

- A. Is conducted by residents of the dwelling;
- B. Employs a maximum of two (2) persons other than residents of the dwelling;
- C. Utilizes not more than thirty percent (30%) of the total floor area of the principal building;
- D. Is not visibly evident from outside the dwelling;
- E. Produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
- F. Conducts no retail sales other than items hand-crafted on the premises in connection with such home occupation;
- G. Shall not display products visible from the street;
- H. Does not generate traffic in greater volumes than would normally be expected in a residential neighborhood;
- I. Provides any needed off-street parking located elsewhere than in the required front yard; and
- J. Exists provided that no accessory structure for such use exceeds half the gross floor area of the dwelling.

**3.9.2** Bed and Breakfast Establishments: Where “bed and breakfast” establishments are allowed, such shall comply with the standards for home occupations in addition to the following standards:

- A. No exterior alterations, other than those necessary to assure the safety of the structure, shall be made to any building to operate a Bed and Breakfast in a residence.
- B. The manager of the premises shall reside on the property.
- C. The resident owner shall keep a current guest register, including names, addresses, and dates of occupancy of all guests.
- D. The resident owner shall comply with all business license and revenue collection ordinances of the Town of St. George, Dorchester County, and the State of South Carolina.
- E. Parking spaces shall be provided in accordance with this Ordinance.
- F. No “bed and breakfast” shall be established until a permit, therefore, has been secured from the Zoning Administrator.
- G. The establishment shall not contain restaurant facilities but may provide food service for overnight guests only.

### **3.10. Temporary Uses**

Temporary structures and uses, when in compliance with all applicable provisions of the Ordinance, and all other ordinances of the Town of St. George shall be allowed as follows.

**3.10.1** Construction Trailers: Trailers used in conjunction with construction projects may be permitted provided that the following conditions are met.

- A.** Such construction trailers may be located at a building site for which a valid building permit has been obtained from the Town of St. George, or in the case of a residential subdivision, a valid building permit has been obtained for at least one of the residential units being constructed.
- B.** All construction trailers shall be located at least ten (10) feet off any street right-of-way and not be placed in any required rear or side yard setbacks.
- C.** All construction trailers shall be removed within one (1) month of the completion of the project or issuance of the Certificate of Occupancy.

**3.10.2** Temporary Sales or Events

**A.** Such, otherwise prohibited in a particular zoning district, may be issued a temporary permit as herein provided. Upon completion and submittal of an application, the Zoning Administrator may grant a zoning permit for the following temporary uses:

- 1. Off-site seasonal retail;
- 2. Revivals;
- 3. Shows for civic and youth organizations;
- 4. Fairs, carnivals, or other similar public activities; and
- 5. Fireworks stands.

**B.** Such permits shall be effective for a duration mutually agreed to by the applicant and the Zoning Administrator not longer than nine (9) months, except for fifteen (15) additional days before and after the event allowed for setting up or taking down equipment, tents, and the like.

**3.10.3** Temporary Manufactured Homes: A manufactured home may be allowed on a temporary basis in a zoning district even if it is a prohibited use if a disaster occurs that results in an occupied single-family dwelling being destroyed. The purpose of allowing such a manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live during the restoration of the destroyed unit or the construction of a new unit. The Zoning Administrator will issue a zoning permit for such temporary use for a period of up to twelve (12) months. Such permit may be renewed only if it is determined that:

- A.** Construction of a new dwelling unit is proceeding in a diligent manner;
- B.** The granting of such permit will not materially endanger the public health, welfare, or safety; and
- C.** The location of the manufactured home on the site does not have a substantial negative effect on adjoining properties.

**3.10.4** Other Temporary Uses: All other such temporary uses not otherwise listed may be granted a temporary zoning permit only after the Zoning Administrator has made the following determinations:

- A.** The proposed use shall not materially endanger the public, health, welfare, and safety;
- B.** The proposed use shall not have a substantial negative effect on adjoining properties;
- C.** Temporary permits shall be applied for ten (10) days in advance of the event or function; and
- D.** A separate permit shall be obtained for each event.

In approving a temporary permit, the Zoning Administrator may authorize conditions regarding the duration of the use, hours of operation, signage, lighting, etc.; to ensure compliance with provisions 'A' through 'D;' and such conditions shall be made part of the permit issued. Violations of such conditions shall be considered a violation of this Ordinance.

### **3.11. Accessory Uses and Structures**

**3.11.1** Accessory Use: Any use may be established as an accessory use to any permitted principal use in any zoning district provided that the accessory use:

- A. Is customarily incident to, maintained, and operated as part of the principal use;
- B. Does not impair the use or enjoyment of nearby property (nor create hazard) in greater degree than the associated principal use;
- C. Does not create levels of noise, odor, lighting, vibration, dust, pollution, or traffic hindrance in a greater degree than the associated principal use;
- D. Complies with the size, location, and appearance standards below; and
- E. Is not used in residential districts for commercial purposes, specifically as rental or lease property.

**3.11.2** Accessory Structures: Accessory structures shall meet the following criteria to accommodate the variety of lot sizes, building design, and community aesthetics.

- A. Accessory buildings on residential lots whose area is less than 10,000 square feet shall not occupy more than 800 square feet or be larger than 50% of the floor area of the principal building on the zoning lot, whichever is less.
- B. Accessory buildings on residential lots whose area is greater than 10,000 square feet shall not occupy more than 1,000 square feet or be larger than 50% of the floor area of the principal building on the zoning lot, whichever is less.
- C. Accessory buildings that serve mobile or modular homes shall not exceed 50% of the floor area of the principal structure.
- D. Carports which are attached to, or share a roof with, an accessory building will not be counted in the square footage of the accessory building, but must remain open on three sides and extend no further than 20 feet from the side of the building. All carports are subject to setback requirements.
- E. Accessory building height. Accessory buildings that serve single-story principal structures are limited to 15 feet in height, and those accessory buildings serving structures which are two stories or greater are limited to 27 feet in height.
- F. Accessory structure location. Accessory structures shall not be closer than five feet to a side or rear lot line, except in the case of a corner lot, the more restrictive of these two rules applies:
  - 1. Accessory building shall not be closer to the side street than the side building line of the principal building; or
  - 2. Accessory building shall not be closer to the side street

**3.11.3** Pools and tennis courts and their appurtenant structures and materials including but not limited to walls, equipment rooms, cabanas, decks, patios, and skirts shall not protrude into any required setbacks. Such uses shall be fenced or otherwise protected against human intrusion.

### **3.12. Fence and Wall Standards**

Jails, penitentiaries, and the like are exempt from fence and wall standards. Except as otherwise noted in this Ordinance, fences or walls are permitted in the various districts subject to the following regulations.

**3.12.1** Residential Use

- A. Yard Fences and Walls
  - 1. Max. Height: Six feet (6').

2. Materials: The preferred materials are wood, wrought iron, brick, or combinations thereof; however, chain link is acceptable. When combinations of two or more materials are used, the heavier material shall be below. Vinyl and aluminum. [3.14.2005]

### **3.12.2 Commercial and Industrial Use**

#### **A. Rear Yard Fences and Walls**

1. Max. Height: Eight feet (8').
2. Materials: Brick, stucco, chain link (barbed wire is permitted for side and rear yard fences not visible from a street), wrought iron, stone, wood, concrete, or combinations of the above. When the combination of two or more materials is used, the heavier material shall be below. Vinyl and aluminum. [3.14.2005]

#### **B. Side and Front Yard Fences and Walls**

1. Max. Height: Six feet (6'), except as required screening for the affected district.
2. Materials: Brick, stucco, chain link (barbed wire is permitted for side and rear yard fences not visible from a street), wrought iron, stone, wood, concrete, or combinations thereof. When the combination of two or more materials is used, the heavier material shall be below. Vinyl and aluminum. [3.14.2005]

### **3.12.3 Civic and Institutional Use**

#### **A. Fences and Walls in All Yards**

1. Max. Height: Eight feet (8').
2. Materials: The preferred materials are brick, stucco, wrought iron, stone, wood, or combinations thereof. Chain link is acceptable. When a combination of two or more materials is used, the heavier material shall be below.

### **3.12.4 Single-family Residential Use**

#### **A. Front Yard Fences and Walls**

1. Max. Height: Three feet (3').
2. Materials: The preferred materials are wood, wrought iron, brick, or combinations thereof; however, chain link is acceptable. When combinations of two or more materials are used, the heavier material shall be below.

#### **B. Side and Rear Yard Fences and Walls**

1. Max. Height: Six feet (6').
2. Materials: The preferred materials are wood, wrought iron, brick, or combinations thereof; however, chain link is acceptable. When combinations of two or more materials are used, the heavier material shall be below.

### **3.12.5 Other Uses**

#### **A. Front Yard Fences and Walls**

1. Max. Height: Three feet (3').
2. Materials: The preferred materials are wood, wrought iron, brick, or combinations thereof; however, chain link is acceptable. When combinations of two or more materials are used, the heavier material shall be below.

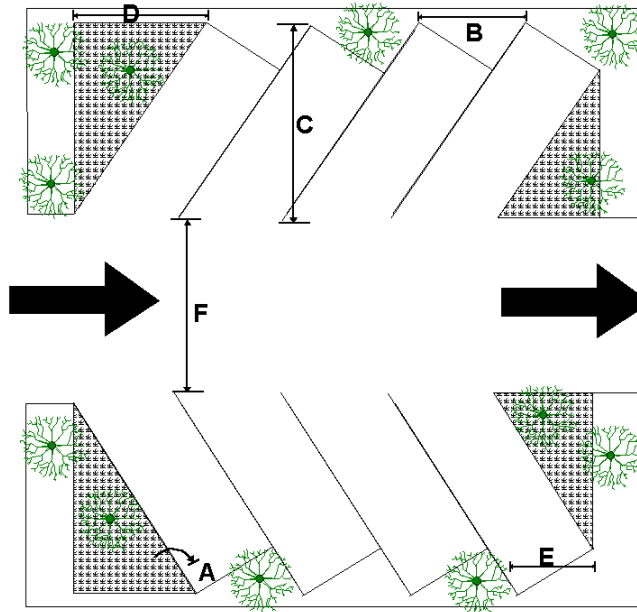
#### **B. Side and Rear Yard Fences and Walls**



1. Max. Height: Six feet (6').
2. Materials: The preferred materials are wood, wrought iron, brick, or combinations thereof; however, chain link is acceptable. When combinations of two or more materials are used, the heavier material shall be below

**3.13. Parking**

• Figure 3.1: Parking Dimensional Standards



A Parking Angle	B Curb Length	C Stall Depth	D Starting Loss	E Last Car Requirement	F Aisle Width Minimum	
					ONE-WAY	TWO-WAY
30°	18'	18'	30'	4'	12'	20'
45°	12'	20'	20'	6'	14'	20'
60°	10'	21'	12'	8'	18'	22'
90°	9'	20'	0'	9'	20'	22'

**3.13.1 Parking Space Dimensions Standards**

- A. Each diagonal/angled or perpendicular parking space shall contain a rectangular area of at least one hundred eighty (180) square feet.

- B. Parallel parking shall provide a space of twenty feet by seven feet (20' x 7'), min.
- C. Diagonal/angled parking areas and widths shall conform to Figure 3.1.

### 3.13.2 General Design Standards

- A. Off-street parking areas in non-residential zoning districts shall be designed so that vehicles may utilize such areas without backing onto a public street unless no other practicable alternative is available.
- B. Off-street parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments.
- C. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.
- D. No off-street parking area shall be located over an active or auxiliary septic tank field.
- E. Retaining walls, screening, landscaping, and building walls shall be protected from vehicle contact.
- F. A permanent turn-around shall be required when the dead-end aisle exceeds five hundred feet (500'), measured along the centerline of the dead-end aisle from the centerline of the nearest intersecting aisle or public roadway.

### 3.13.3 Parking Allocation Requirements

- A. The following figures shall constitute the minimum number of vehicular parking spaces required on a lot of each listed land use. (Calculations shall be rounded to the next whole number.) The maximum number of vehicular parking spaces allowed shall be that derived from the following figures plus fifteen percent (15%).
- B. The Town Center District, featuring ample on-street parking, shall be exempt from minimum – but not maximum – parking allocation requirements. Parking requirements in other zoning districts in St. George shall follow the standards provided below:
  1. Residential: Single-family detached dwelling units must provide two (2) covered parking spaces. Tandem parking is permitted.
  2. Residential: Multi-family developments must provide two (2) parking spaces per dwelling unit plus 1 space per 10 dwelling units for visitor parking.
  3. Bed & Breakfast: 1 space per bedroom.
  4. Congregate care facility: 1 per 2 beds.
  5. Congregate care facility for children: 1 per employee plus 1 per 10 beds
  6. Office, commercial, and institutional, except as noted hereafter: 1 per 350 square feet.
  7. Nursing home: 1 per 6 beds.
  8. Accommodations: 1 per bedroom.
  9. Daycare: 1 per employee.
  10. School, pre-, K-8: 1 per employee.
  11. High school, college, or other educational institution: 1 per 100 square feet of total classroom space.
  12. Church: 1 per 50 square feet of the sanctuary. 80% may be provided at an off-site public or private parking area that is an accessory to another use not open or operating during the time of weekend services and within 400 feet of the place of worship. Written permission from

the owner of such parking area indicating times for which church parking is permitted shall be submitted to the Zoning Administrator prior to approval. Churches existing at the date of adoption of this Ordinance are not required to provide on-site parking.

13. Funeral home: 1 per 100 square feet of assembly space.
14. Hospital: 1 per 2 beds.
15. Health clinic: 2 per treatment room.
16. Public assembly: 3 spaces per 1,000 square feet.
17. Bowling alley: 2 per bowling lane.
18. Museum or art gallery: 1 per 500 square feet.
19. Food-and-beverage (restaurant et al): 1 per 350 square feet for indoor plus 1 per 500 square feet of the outdoor seating area, where applicable.
20. Industrial: 1 per 2 employees at maximum employment on a single shift.

**C.** The following alterations may be applicable to the required calculations.

1. An additional parking space shall be provided for each company vehicle parked onsite.
2. All uses shall provide off-street loading zones sufficient for their requirements (typically one 30'x10' parking space per 10,000 square feet commercial) such that no vehicle loading or unloading projects into a public right of way.
3. If two adjacent uses share a parking area, the total calculated parking space requirement may be reduced by fifteen percent (15%). Where such uses are located on parcels of different ownership, a written agreement between the property owners shall be submitted to the Zoning Administrator prior to approval.
4. If three or more consecutive uses share the parking area, the total calculated parking space requirement may be reduced by thirty percent (30%). Where such uses are located on parcels of different ownership, a written agreement between the property owners shall be submitted to the Zoning Administrator prior to approval.

**D.** Disabled Parking: For new construction or expansion of building and/or parking lot by thirty percent (30%) or more, "if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each such parking area. Spaces required need not be provided in the particular lot. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost, and convenience are ensured." (<http://www.access-board.gov/adaag/html/adaag.htm#4.1>)

1. The number of disabled parking spaces shall be provided in compliance with Americans with Disabilities Act Accessible Guidelines (available from American National Standards Institute at 1430 Broadway, New York, New York 10018). Such call for one (1) space for disabled drivers per twenty-five (25) of the first one hundred (100) spaces provided. Developers of larger lots should consult ADA Accessible Guidelines (found at the above internet address) to determine the number of disabled spaces required.
2. Off-street parking spaces for the disabled shall be designed as follows:
  - a. All spaces for the disabled shall have access to a curb ramp or curb-cut when necessary to allow access to the building served and shall be located so that users will not be compelled to wheel behind parked vehicles and located the shortest practicable distance between the parking area and the entrance to the principal building served.

- b. Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height that will not interfere with the opening and closing of motor vehicle doors.
- c. Other considerations, including but not limited to size, layout, marking, signage, and proximity to entrances shall be followed according to ADA Accessible Guidelines.

**3.13.4 Lighting Standards**

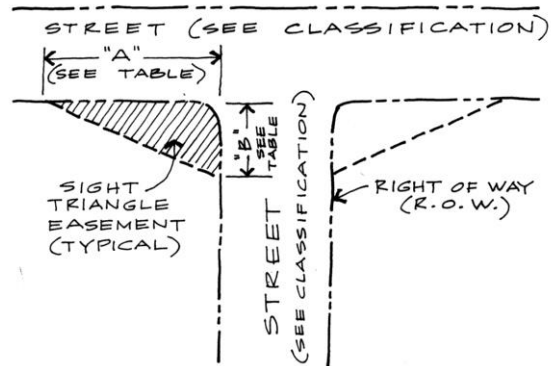
- A. All parking space area lighting shall be energy efficient and designed so that any glare is directed away from adjacent properties and does not create any hazardous traffic conditions.
- B. Lighting shall be provided to illuminate any off-street parking or loading spaces within developments providing customer service to the public one-half hour before sunset. Required lighting shall be designed at a mounting height, luminance, and spacing to provide a minimum average horizontal illumination of 0.5 foot-candle within the parking area and at building entrances and routes thereto.

**3.14. Sight Triangle**

**3.14.1 Intent:** To guard against traffic hazards at street intersections created by new development, no impediment to visibility shall be placed, allowed to grow, erected, or maintained within visibility triangles, as described and illustrated herein.

**3.14.2 Size of Sight Triangle:** Configuration and dimensions are shown at right. No structure, sign, or landscaping material shall exceed thirty inches (30") in height within the sight triangle. No parking shall be allowed within the sight triangle.

**3.14.3 Tree Protection:** In the design and placement of new streets, the developer shall respect protected trees to prevent the necessitation of their removal from prescribed sight triangles. If protected trees fall within the sight triangle, the developer may appeal to the Zoning Administrator to ease the size requirement of the sight triangle in order to preserve the trees upon documentation of proof that such trees will not obstruct views to the point that the intersection will be hazardous to motorists, pedestrians, and cyclists. This may be accomplished through stop signs and/or other traffic calming measures that would reduce traffic speed at the intersection.



"A" (DISTANCE IN FEET)		"B" (DISTANCE IN FEET)		
		LOCAL STREET	COLLECTOR STREET	ARTERIAL STREET
30	LOCAL STREET	30	100	130-150
100	COLLECTOR STREET	30	100	130-150
130-150	ARTERIAL STREET	30	100	130-150

**SIGHT TRIANGLE**

**3.15. Externalities**

**3.15.1 Vibration:** No inherent and recurring generated vibration shall be created to be perceptible without instruments at the property line.

**3.15.2 Light:** The source of exterior lighting shall not be arranged in such a manner as to be detrimental to adjacent properties or the traveling public.

**3.15.3** Noise: No persistent noise shall be detectable beyond the property line in excess of the average level of street and traffic noise generally heard at the point of observation, and no noise below such level shall be caused that is objectionable with respect to intermittence, beat, frequency, or shrillness.

**3.15.4** Odor: No objectionable odor shall be created detectable beyond the property line, and the emission of odors, regardless of type, shall not be such as to be detrimental to the value and use of the adjacent property.

### **3.16. Measurements of Lots, Yards, and Related Terms**

#### **3.16.1** Width Measurements for Regular Lots

The width of a regular lot shall be determined by the measurement across the lot at the required front yard setback. Lot width shall be measured only along continuous frontage facing one street. Yards and street lines shall be measured along the arc of the curve for curvilinear yards and street lines.

#### **3.16.2** Determination of Front Yard for Regular Lots

- A.** For regular interior lots, the front shall be construed to be the portion nearest the street.
- B.** For regular corner lots, the front shall be construed as the shorter boundary fronting the street. If the lot has equal frontage on two or more streets, the front of the lot shall be determined by the prevailing building pattern, or the prevailing lot pattern if a building pattern had not been established.

#### **3.16.3** Yards Adjacent to Streets

- A.** Regular lots shall have front yards of at least the depth required for the district across the entire frontage of the lot.
- B.** Other required yards adjacent to streets shall be provided across or along the entire portion of the lot adjacent to the street.
- C.** Street lines should be used for the measurement of required yards adjacent to streets. Where the lot line adjacent to the street is straight, required yards shall be measured from such line, extended in the case of rounded corners. On convex or concave lots, if applicable, front, side, and rear yards, shall be parallel to or concentric with the street line.
- D.** The depth of required yards adjacent to streets shall be measured perpendicular or radially to such straight lines.

#### **3.16.4** Yards on Double Frontage Lots

On lots with frontage on two nonintersecting streets (a through lot), the minimum front yard setback established for the district in which such lot is located shall be provided on each street.

#### **3.16.5** Yards on Corner Lots

Corner lots shall be deemed to have no rear yards, only two (2) front yards that are adjacent to the street, and two (2) side yards. If two (2) different side yards are required in a district, the larger available yard shall apply.

#### **3.16.6** Side Yards on Regular Lots

Side yards on regular lots are defined as running from the required front yard line to the required rear yard line. On regular through lots, the required side yard shall run from the required front yard line to the second required front yard line. On corner lots, the required side yards shall run from the point where side yard lines intersect to the required front yard lines.

### **3.16.7 Rear Yards on Regular Lots**

Rear yards provided on interior regular lots shall be at least the depth required for the district and shall run across the full width of the lot at the rear.

### **3.17. Structures with Authorized Yard Requirement Reductions**

In the case of any building partially constructed that does not comply with such yard requirements applicable at the time of such construction, such building may be exempt from district requirements provided such reduction has been approved by the Zoning Administrator in accordance with the following provisions:

- A.** The Zoning Administrator has determined that:
  - 1. The error does not exceed ten (10) percent of the measurement that is involved;
  - 2. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building after the issuance of a building permit, if such was required;
  - 3. Such reduction will not impair the purpose and intent of this Ordinance;
  - 4. The reduced yard requirement will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
  - 5. The reduced yard requirement will not create an unsafe condition concerning both properties and public streets;
  - 6. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
  - 7. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulation.
- B.** In approving such a reduction under the provision of this Section, the Zoning Administrator has allowed only a reduction necessary to provide reasonable relief and, as deemed available, and prescribe such conditions, to include landscaping and screening measures to assure compliance with the intent of this Ordinance.
- C.** The Zoning Administrator shall not have waived or modified the standards necessary for approval specified in this Section.
- D.** If there is an error greater than ten (10) percent of the measurement that is involved, the property owners shall have obtained a variance from the Board of Zoning Appeals.

## 4 ADMINISTRATION

### 4.1. Zoning Administration

**4.1.1** Zoning Administrator: The Zoning Administrator shall be contracted by or be an employee of the Town of St. George charged with the administration of the St. George Zoning Ordinance and Land Development Regulations Ordinance per SC Code of Laws 6-29-800 et seq. which shall entail the following duties.

- A. Interpreting the Zoning Ordinance and Land Development Regulations Ordinance.
- B. Administering permits and certificates.
- C. Processing applications for variances.
- D. Serving as the professional staff to the Zoning Board of Appeals by processing appeals to the Board and preparing the record for an appeal to the circuit court.
- E. Investigating and resolving complaints pertaining to the ordinances.
- F. Enforcing the ordinances
- G. Other duties assigned by ordinance, Mayor, or Council.
- H. Administering Zoning Map/Code Amendments
- I. Approving Site Plans, Sketch Plans, and Preliminary and Final Plats.
- J. Rendering interpretations on permitted and prohibited uses in the Zoning Ordinance.
- K. Processing requests for minor administrative adjustments as authorized.
- L. The following duties may be carried out by the Zoning Administrator or delegated to another employee of the Town designated by the Zoning Administrator.
  - 1. Fee collection for permits and certificates.
  - 2. Maintaining the current zoning map.
  - 3. Maintaining public records related to zoning and land development.

### 4.2. Planning Commission

**4.2.1** Establishment of Planning Commission: A Planning Commission is hereby established for the Town of St. George as a board that has the powers and duties as provided in the South Carolina Code Sections 6-29-310, et seq.

#### 4.2.2 Membership

- A. The Planning Commission shall consist of seven (7) members.
- B. Members shall be citizens of St. George.
- C. A Commission member cannot hold an elected public office in the Town of St. George.
- D. The Town shall appoint members for staggered terms of five (5) years (3.14.2005). Members serve until their successors are appointed and qualified.
- E. Members shall serve without pay but may be reimbursed for authorized expenses incurred in the performance of their duties.
- F. The Town shall fill any vacancy for an unexpired term.
- G. The Town may remove for cause any member it appoints.
- H. When making appointments, the Town shall consider professional expertise, community knowledge, and concern for the future welfare of the total community and its citizens.

**I.** Members shall represent a broad cross-section of community interests and concerns.

**4.2.3** Officers: The Commission shall elect one of its members as chairperson and another as vice-chairperson for one-year terms. It shall also appoint a secretary, usually an employee of the Town, to prepare and maintain the minutes of meetings and other records.

**4.2.4** Powers and Duties of the Planning Commission: The Planning Commission shall be assigned the duty to develop and carry out a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the town of St. George. The following steps constitute this duty.

- A.** Comprehensive Plan: Prepare and periodically revise the St. George Comprehensive Plan, special area development, and/or redevelopment plans and programs.
- B.** Implementation: Prepare and recommend to the Council measures for carrying out the Plan. Such measures include the following.
  - 1. Zoning Ordinance: To include text, map, and any necessary revisions.
  - 2. Regulations for Land Subdivision and Development: The Commission is responsible for overseeing the administration of the St. George Land Development Regulations Ordinance once adopted by the Council.
  - 3. Official Map: Map and maintain revisions showing the exact location of existing or proposed public streets, highways, utility rights-of-way, and public building sites. The Commission is responsible for developing regulations and procedures for administering the official map ordinance.
  - 4. Landscaping Ordinance: to provide required standards for planting, tree preservation, and other aesthetic considerations. Such shall be constituted by Chapter 4 of this Ordinance and any amendments made hereafter.
  - 5. Capital Improvements Program: to list required projects to carry out the adopted plans. Also, the Commission must submit an annual list of priority projects to Council for consideration when annual capital budgets are prepared. The Commission should take these priority projects from the adopted plans.
  - 6. Policies and Procedures: to help carry out the adopted Comprehensive Plan elements. These could cover such things as expanding the corporate limits, extending the public water and sewer systems, accepting dedicated streets, accepting drainage easements, and offering economic development incentive packages.

**4.2.5** Rules of Procedure: The Planning Commission shall adopt rules of procedure that should, as a minimum, cover the following (SC Code §6-29-360):

- A.** Election of a chairperson and vice-chairperson and their duties,
- B.** Appointment of a secretary and the duties,
- C.** Procedures for calling meetings,
- D.** Place and time for meetings,
- E.** Posting notices to comply with the Freedom of Information Act,
- F.** Setting agenda,
- G.** Quorum and attendance requirements,
- H.** Rules and procedure for conducting meetings,
- I.** Public hearing procedure,
- J.** Procedure for making and keeping records of actions,



- K. Procedure for plan and plat review,
- L. Delegation of authority to staff,
- M. Procedure for purchase of equipment and supplies,
- N. Procedure for employment of staff and consultants,
- O. Preparation and presentation of the annual budget, and
- P. Procedure for authorizing members or staff to incur expenses and secure reimbursement.

### **4.3. Board of Zoning Appeals**

**4.3.1** Appeal of the Decision of the Zoning Administrator: All questions arising in connection with the enforcement of the Zoning Ordinance and/or the Land Development Regulations Ordinance shall be presented first to the Zoning Administrator, after which, such questions shall be presented to the Board of Zoning Appeals only on appeal of the written decision of the Zoning Administrator.

**4.3.2** Establishment of Board of Zoning Appeals: A Board of Zoning Appeals is hereby established for the Town of St. George as a quasi-judicial board that has the powers and duties as provided in the South Carolina Code §6-29-780 et seq.

#### **4.3.3 Membership**

- A. The Board shall consist of five (5) [9.9.2002] members.
- B. Members shall be citizens of St. George.
- C. Members shall be appointed by Town Council for overlapping terms of five (5) years.
- D. Members may serve up to two (2) terms.
- E. Members may continue to serve until a successor is appointed.
- F. Initial appointment shall be one member each for terms of one, two, three, four, and five years.
- G. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- H. Members shall serve without pay but may be reimbursed for expenses incurred while part of the Board.
- I. Members cannot hold any other public office or position in the Town.

#### **4.3.4 Proceedings of the Board of Zoning Appeals**

- A. The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its membership, who shall serve for one (1) year or until re-elected or until their successors are elected.
- B. The Board shall appoint a secretary, who may be a Town officer, a Town employee, a member of the Planning Commission, or a member of the Board of Zoning Appeals.
- C. The Board shall adopt rules and by-laws in accordance with the provisions of this Ordinance and the South Carolina Code §6-29-790.
- D. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

#### **4.3.5 Powers of the Board of Zoning Appeals**

- A. Appeals of Administrative Review: The Board may hear and decide appeals where it is alleged the Zoning Administrator erred in an order, requirement, decision, or determination, made in the enforcement of any section of the Zoning Ordinance, including landscaping, tree protection, and sign regulations. [3.14.2005] In such cases, the Board may reverse or affirm, wholly or in part,

the Zoning Administrator's actions. The Board shall have all the powers of the Zoning Administrator in such cases and may direct the issuance of a permit.

- B. Variances:** The Board shall have the power to hear requests for variances to Zoning Ordinance provisions and decide as to their validity when strict application of the Zoning Ordinance would cause unnecessary hardship.
1. All of the following standards must be applicable and apply for a finding of an unnecessary hardship.
    - a. **Extraordinary Conditions:** There are extraordinary and exceptional conditions pertaining to the particular piece of property, which could exist due to topography, street widening, or other conditions making economically feasible use of the property difficult or impossible;
    - b. **Other Property:** Extraordinary conditions generally do not apply to other properties in the vicinity. **Utilization:** Because of these extraordinary conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
    - c. **Detriment:** The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by granting of the variance.
  2. **Conditions:** In granting a variance, the Board may attach conditions to it. These conditions may address the location, character, or other features of a proposed building, structure, or use. The Board sets the conditions to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.
  3. **Use Variances:** The Board may not grant use variances. A "use variance" involves the establishment of a use not otherwise permitted in a zoning district, extends physically a non-conforming land use, or changes the zoning district boundaries shown on the official zoning map.
- C. Special Exceptions:** The Board may grant special exceptions as outlined in Section 3.8.C.

**4.3.6** Decisions of the Board of Zoning Appeals: The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions, all of which shall be filed in the office of the Board and shall be public record. On all appeals, applications, and other matters brought before the Board of Zoning Appeals, the Board shall inform in writing all the parties involved of its decision(s) and the reason(s) heretofore.

#### **4.3.7** Procedures for Appeals and Variances

- A. Application:** Any person believing to have found an error in the written decision of the Zoning Administrator may appeal it to the Board of Zoning Appeals. Such appeals shall be filed with the Town within thirty (30) days of the date of written notice of the decision or order of the Zoning Administrator. The applicant and parties to the permitting process are entitled to notice of the appeal.
- B. Stay of Proceedings:** Filing an appeal to the Board stays all legal proceedings to enforce the appealed action unless the appealed officer certifies that a stay would cause imminent peril to life and property. In such cases, a Board or court restraining order may stay the action.

- C. Hearings: The Board of Zoning Appeals shall hold a public hearing within sixty (60) days of receiving a written application for the hearing of an appeal or request for variance or special exception approval, giving public notice thereof at least fifteen (15) days prior to the hearing by placing a notice in a general circulation newspaper in the community.
- D. Posting Property: In cases involving variances, Town staff must post conspicuous notices on or next to the affected property. At least one notice must be visible from each street that borders the property.

**4.3.8** Appeals from Decisions of Board of Zoning Appeals: Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal any decision of the Board to the circuit court, filing with the clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days of the rendering of the decision of the Board.

#### **4.4. Amendments**

Intent: The regulations, restrictions, and boundaries set forth in this Ordinance may, from time to time, be amended, supplemented, changed, or repealed by Town Council provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard.

##### **4.4.1** Amendment Procedure

- A. Any amendments, changes (including rezoning), or supplements to the Zoning Map, Zoning Ordinance, or Land Development Regulations Ordinance and/or urban design regulations such as landscaping, tree protection, and sign regulations [3.14.2005] must first be submitted to the Zoning Administrator for review and recommendation.
- B. Application form for a zoning amendment, when applicable, together with the application fee, shall be filed with the Zoning Administrator. The Zoning Administrator shall review the application as to proper form. Within ten (10) days of the receipt, the applicant shall receive written notice from the Zoning Administrator whether an application is complete and or that additional information is needed. [3.14.2005]
- C. Upon receipt of a complete application the Zoning Administrator shall then transmit the application and recommendation to the Planning Commission within ten (10) days.
- D. Required Information: The applicant shall set forth a detailed description of the amendment on an application provided by the Zoning Administrator. When the amendment involves a change in the Zoning Map, the applicant shall submit the following information:
  1. A legal description and street address of the subject property, together with a property boundary map if the subject property is not explicitly delineated on the Zoning Map;
  2. Name, address, and phone number of the applicant;
  3. Name of the property owner(s) and applicant's interest in the property if not the owner in fee simple title;
  4. Filing date of application; and
  5. Applicant's and property owner's signature.

**4.4.2** Planning Commission Review: All proposed amendments must be submitted to the St. George Planning Commission for its review and recommendation. The Planning Commission shall have sixty (60) days within which to submit its report. If the Planning Commission fails to submit a report within the sixty (60) day period, it shall be deemed to have recommended approval of the requested amendment. In reviewing any petition for a zoning amendment, the Planning Commission shall identify

and evaluate all factors relevant to the petition. These facts shall include but not be limited to the following.

- A. Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- B. Whether or not the requested zoning change is consistent with the Comprehensive Plan.
- C. The precedents and the possible effects of such precedents that might result from approval or denial of the petition.
- D. The capability of the Town or other government agencies to provide any services, facilities, and/or programs that might be required if the petition became approved.
- E. Effect of approval of the petition on the condition and/or value of property in town.
- F. Consistency of the petition with adopted plans and policies of the Town of St. George.

**4.4.3** Notice: Town staff shall perform the following duties in the event of a proposed amendment to the Zoning Ordinance.

- A. Newspaper Notice: A notice shall be placed in a newspaper of general circulation in the Town at least fifteen(15) days prior to the hearing. The notice must list the hearing time and place.
- B. Posting Property: In rezoning of property cases, conspicuous notices shall be posted on or adjacent to the affected property by the Zoning Administrator. One notice must be visible from each public street that borders the property. Such sign(s) shall be posted at least fifteen (15) days prior to the public hearing.
- C. Mail Notice: Written notice must be mailed to all interested groups requesting notice.

**4.4.4** Public Hearing: The Town Council shall conduct a public hearing at which the Planning Commission will present its recommendation on the proposed amendment. Town Council shall review the Planning Commission report and comments made at the public hearing before taking action to either adopt or reject the amendment to the Ordinance.

**4.4.5** Public Hearing: The Planning Commission shall conduct a public hearing after which it will make a recommendation on the amendment to Town Council. Town Council shall review the Planning Commission report and comments made at the public hearing before taking action to either adopt or reject the amendment. Adoption by Ordinance: Adoption by the Town Council of the amendment or rezoning must be by Ordinance. After adoption, the Zoning Administrator shall make the necessary changes to the Zoning Ordinance text and Official Map.

## **4.5. Permitting**

**4.5.1** Applicability: It is unlawful to construct, reconstruct, alter, demolish, change the use of, or occupy any land, building, or other structure without first obtaining the appropriate permit. It is also unlawful for any other local government official to issue any permit without the approval of the Zoning Administrator.

**4.5.2** Zoning Permit: A Zoning Permit will be issued only after it is demonstrated to the satisfaction of the Zoning Administrator that all land development and zoning codes will be met.

- A. General Provisions: No building or structure shall be erected or occupied, no use or change in use commenced, and no excavation or grading commenced relating thereto unless a zoning permit has been issued by the Zoning Administrator and is valid at the inception of development.
- B. Permit Applications: All applications for Zoning Permits shall be accompanied by site plans in duplicate drawn at 1" =100' or greater, showing, at a minimum, the following:
  1. Actual dimensions and shape of the lot to be built upon;

2. Size and location on the lot of the buildings already existing;
  3. Location and exterior dimensions of the proposed buildings or alteration;
  4. Size, location, and type of existing and proposed public infrastructure serving the site, including water, sewer, and vehicular, bicycle, and pedestrian lanes;
  5. Number, size, location, and type of proposed and existing vegetation and other landscaping;
  6. Number, size, location, and lighting of proposed and existing signs; and
  7. Number, size, and location of proposed and existing off-street parking lots and/or spaces.
- C.** The application shall include such other information as lawfully may be required by the Zoning Administrator, including:
1. Existing or proposed uses of the building and land;
  2. The number of housing units the building is designed to accommodate;
  3. Conditions existing on the lot; and
  4. Such other matters as may be necessary to determine conformance with and to provide for the enforcement of this ordinance.

**4.5.3** Building Permit: Building Permits are required for all structures and signs constructed or erected after the effective date of this ordinance. The following shall be required in the application for a Building Permit from the Town of St. George.

- A.** A Zoning Permit issued by the Zoning Administrator;
- B.** Site plans, in duplicate, illustrating the above, if different from that submitted for the Zoning Permit;
- C.** Construction documents drawn at ¼" = 1'-0" including dimensional foundation, floor, and roof plans; plumbing, mechanical, and electrical plans; structural plans and sections; elevations; and all schedules necessary for construction accompanying the elements depicted thereon; and
- D.** All required permits from other agencies of jurisdiction, such as the US Army Corps of Engineers, SCDHEC, Dorchester County, et al.

**4.5.4** Certificate of Occupancy: An inspection of the development upon completion shall be conducted to determine its conformance to this Ordinance, St. George Land Development Regulations, and other applicable codes and regulations prior to the issuance of a Certificate of Occupancy.

**4.5.5** Recordation of Permits: One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the Town. The Zoning Administrator shall maintain a record of all Zoning and Building Permits on file at his office, and copies shall be made available on request to interested parties.

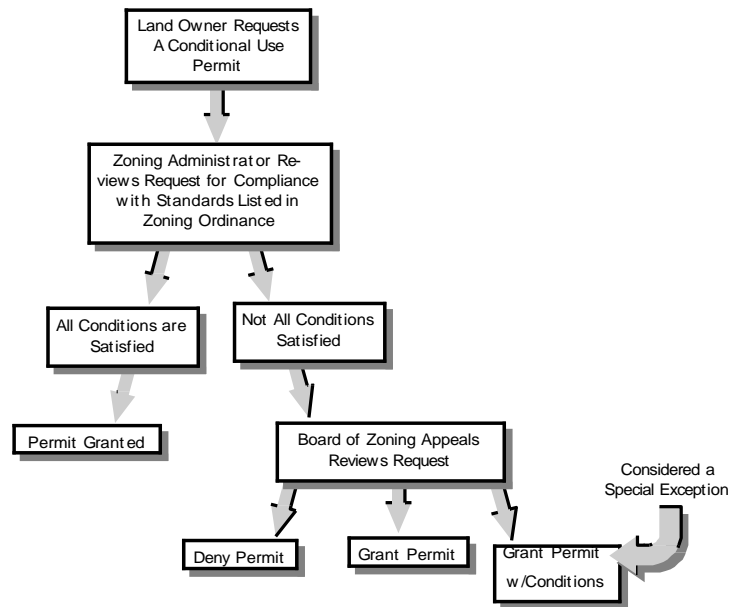
**4.5.6** Posting of Permits: The successful applicant shall post a copy of the permit at the entrance of the property for which the permit was granted. Such shall be easily recognized from the public right of way and maintained until all Certificates of Occupancy for the Development have been granted. Such shall be posted as its own temporary free-standing sign or be attached to a message board denoting the developer, builder, or designer that meets the conditions set forth in Section 15.4.1.I-Temporary Signs. Such shall be posted fifteen (15) days (min.) before another permit in the development process will be granted.

**4.5.7** Expiration of Permits: Any permit issued per this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, unless specified otherwise, or if the work authorized by it is suspended or abandoned for a period of one (1) year. Written notice of the permit lapse shall be given to the persons affected, together with a notice that

further work as described in the canceled permits shall not proceed unless and until new permits are obtained.

**4.6. Conditional and Special**

**4.6.1** Conditional Use: A conditional use must meet conditions, restrictions, and/or limitations specific to a use to be permitted, as outlined in the Zoning Ordinance. These are in addition to those standards that apply to all land in the zoning district. This technique is intended to allow uses compatible with the district but which may have an adverse impact on an adjacent property, use, or district unless conditions are imposed to protect that property, use, or district. If the Zoning Administrator deems that these conditions have been met, he shall issue a Zoning Permit for the use.



**4.6.2** Appeal to Board of Zoning Appeals: The applicant may appeal to the Board of Zoning Appeals (BZA) for approval of a “special exception use.” The BZA may require the applicant to adhere to additional standards specifically outlined in the Zoning Ordinance for special exceptions. Such standards may be imposed as an alternative or in addition to those required for a conditional use permit. Alternatively, the Board must determine that the use, without meeting one or more of the prescribed conditions, will not adversely impact neighboring properties, the zoning district within which it is situated, and the town as a whole, thus approving the use as a special exception. The decision of the Board is final and may be appealed by the applicant only to the circuit court. A special exception shall require the following procedure.

- A.** Application to the Town of St. George: The applicant shall complete and submit the appropriate form and fee to the Zoning Administrator, who shall then forward the application and its accompanying information and documentation to the Board of Zoning Appeals. The application for special exceptions shall include, at a minimum, the following information:
  1. A legal description and street address of the subject property, together with a property boundary map if the subject property is not explicitly delineated on the Zoning Map;
  2. Name, address, and phone number of the applicant;
  3. Name of the property owner(s) and applicant’s interest in the property if not the owner in fee simple title;
  4. Filing date of application; and
  5. Applicant’s and property owner’s signature.
- B.** Notice: Town staff shall perform the following duties in the event of an application for a zoning permit by special exception.
  1. Newspaper Notice: A notice shall be placed in a newspaper of general circulation in the town at least fifteen (15) days prior to the hearing. The notice must list the hearing time and place.

2. Posting Property: Conspicuous notices shall be posted on or adjacent to the affected property by the Zoning Administrator. One notice must be visible from each public street that borders the property. Such sign(s) shall be posted at least fifteen (15) days prior to the hearing.
  3. Mail Notice: Written notice must be mailed to all interested groups requesting notice at least fifteen (15) days prior to the public hearing.
- C. Public Hearing:** The Board of Zoning Appeals shall conduct a public hearing, at which the Zoning Administrator shall present to the BZA a report of the application for a special exception and his findings of compliance or non-compliance with the Zoning Ordinance and at which the applicant shall provide any information necessary to prove that conditions for the special exception use, as listed in the Zoning Ordinance, will be met.
- D. Order on Special Exception:** The Board of Zoning Appeals shall, upon the decision of approval or denial, submit to the applicant its decision in writing within sixty (60) days and shall notify the Zoning Administrator of such decision. If the Board of Zoning Appeals finds that the conditions outlined in the Zoning Ordinance for the use in question have been met, authorizing the Zoning Permit sought, the Zoning Administrator shall grant a special exception to the applicant.

#### **4.7. Enforcement**

**4.7.1** Limit on Re-application: Except for requests which are continued with the mutual consent of the applicant and the Zoning Administrator, a property owner or owners shall not initiate action for a subdivision, appeal, variance, special exception, or zoning amendment affecting the same parcel of property or any part thereof more often than once every twelve (12) months.

**4.7.2** Fees and Fines: The Town Council shall establish a Schedule of Fees and Fines and a collection procedure for Zoning Permits, zoning amendments, variances, appeals, and other matters pertaining to this Ordinance and the Land Development Regulations Ordinance. The schedule shall be posted in the office of the Zoning Administrator and may be altered or amended as needed by Town Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

#### **4.7.3** Violation and Remediation

- A. Applicability:** Any violation of the Zoning Ordinance or the Land Development Ordinance is unlawful and shall be a misdemeanor per SC Code §6-29-950. Each day in which the violation occurs or exists shall constitute a separate offense where the Zoning Administrator determines that the situation places the public in imminent danger or creates an emergency situation. In a situation that does not place the public in imminent danger or create an emergency situation, if, in the opinion of the Zoning Administrator, no substantial progress is made toward correcting the violation by the end of the seventh (7<sup>th</sup>) calendar day, each day the violation continues thereafter shall constitute a separate offense.
- B. Enforcement tools:** The following steps may be taken by the Zoning Administrator to ensure compliance with the Zoning Ordinance and Land Development Ordinance of the Town of St. George.
1. Permits: The Zoning Administrator may withhold any or all Zoning Permits, Building Permits, or other permits or Certificates of Occupancy for any development that does not comply with the provisions of the Zoning Ordinance and/or Land Development Regulations Ordinance. Such permits and certificates will not be granted to the applicant until the development is brought into compliance with these ordinances. Such denial may be appealed to the Board of Zoning Appeals per Section 4.3.5 of this chapter and shall remain in effect until overturned by the Board if so voted.

2. **Stop Order:** If the Zoning Administrator finds that any of the provisions of the Zoning Ordinance of the Land Development Regulations Ordinance are being violated or has received reliable information indicating that a violation of these ordinances is occurring or about to occur, he may issue a “Stop Order,” per SC Code of Laws 6-29-950(A,B). A Stop Order requires that all activities in violation of these ordinances cease. Such action may be appealed to the Board of Zoning Appeals per Section 14.3 of this chapter and shall remain in effect until overturned by the Board if so voted. Such shall cite the activities in violation and the provision of local code being violated. Failure by the applicant to stop such activities is unlawful and shall be a misdemeanor punishable by a fine of five hundred dollars (\$500) and/or imprisonment for thirty (30) days for each day of the violation, in addition to fines and penalties which may be imposed for violations of the Town Codes, the Zoning Ordinance, the Land Development Regulations Ordinance, and other codes. The following steps shall be taken by the Zoning Administrator to serve a Stop Order.
  - a. **Posting:** The Zoning Administrator shall post a copy of the Stop Order at a conspicuous location on the site of the violation (e.g. – the front door of the temporary on-site construction office or on the posted permit being violated).
  - b. **Serving:** The Zoning Administrator shall serve the offending party with a copy of the Stop Order. If available, the construction foreman on-site shall be served. Another copy of the Stop Order shall be mailed to the address given on the application for the permit being violated. The Zoning Administrator is also encouraged to mail a copy to the property owner, as indicated on tax records.
3. **Selection of Remedial Action:** In order to correct a violation of the Zoning Ordinance or Land Development Regulations or to mitigate the adverse impacts resulting from a violation of this ordinance, the Zoning Administrator has the discretion to select among the following courses of action, as appropriate under the circumstances. These steps intend to allow the non-compliance to be eliminated or mitigated without necessitating legal action by the Town or townsfolk with stature against the violator. Such a decision by the Zoning Administrator may be appealed to the Board of Zoning Appeals; however, during such an appeal process, the developer may not proceed in any manner in violation of these ordinances.
  - a. Require the developer or owner to take specific actions to bring the construction or activity in question into compliance with the Zoning Ordinance and the Land Development Regulations Ordinance.
  - b. Require the developer or owner to take specific actions that will minimize the extent and impacts of the non-compliance or mitigate the adverse impacts caused by or associated with the violation, so long as undue hardship on adjoining or nearby properties or uses is not created.
4. **Ordinance Summons:** Any code enforcement officer, including the Zoning Administrator, who witnesses a violation of the Zoning Ordinance or Land Development Regulations Ordinance (or other local ordinance) may issue an “Ordinance Summons” per SC Code of Laws 6-29-950(A,B). Such may also be issued to a party in violation of a Stop Order. The Ordinance Summons shall cite the activities in violation, the provision of local code being violated, and the itemized and total fine assessed by the offender. The official shall personally serve the Ordinance Summons on the offender and be prepared to serve as a prosecuting witness in the event of a trial. The offender cannot appeal an Ordinance Summons to the Board of Zoning Appeals, as the summons gives a magistrate or judge jurisdiction to try the case. The offender may pay the fine assessed by the Town to the local



- Municipal Court, request a trial by jury, or agree to a court trial. In the latter two instances, upon conviction, the court may uphold or adjust the monetary fine in addition to assessing state-mandated costs and/or sentence the offender to confinement in jail.
5. Injunction: Per SC Code of Laws 6-29-950(A), the Zoning Administrator, another local government officer, a local government attorney, or a neighboring property owner specifically damaged by a zoning ordinance violation can start an action for an injunction in circuit court. Such prohibits property uses contrary to the Zoning Ordinance and can require the removal of unauthorized structures.
  6. Warrant: Any person with knowledge of the facts of a violation of the Zoning Ordinance or Land Development Regulations Ordinance may file an affidavit for an arrest warrant for the violator. The arrest warrant shall then be served on the violator by a law enforcement officer, who takes the violator into custody. The violator is booked and held until a judge conducts a bond hearing. After the bond is posted or the violator is released on his own recognizance, the case is set for trial. The case is settled by bond forfeiture, court trial, or jury trial if the violator requests one. If the case goes to trial, the person signing the affidavit must testify as a prosecuting witness. If convicted, the court may impose a fine and/or confinement on the violator as well as an assessment of costs. The violator's conviction does not guarantee the condition or use contrary to the Zoning Ordinance or Land Development Regulations Ordinance will be corrected, since magistrates and municipal judges do not have the authority to issue injunctions or orders requiring compliance with the ordinances. However, the violator may be tried and convicted for each offense – each day on which the violation takes place.
  7. Per the 2004 Vested Rights amendment to the SC Planning Enabling Act, the variance is vested for two years. After the second year, a developer can request one-year extensions of the approval for up to five (5) years. See State Code Section 6-29-1510 through 6-29-1560.

## 5 LARGE LOT SINGLE FAMILY RESIDENTIAL

Intent: To promote the establishment of new subdivisions with larger lots and conserved areas as a means of mitigating impacts on existing neighborhoods in Town. Also, to allow for development within St. George that will be compatible with the Town's objectives in the Comprehensive Plan and with its growth capabilities.

### 5.1. Lot/Site Requirements

- A. Minimum Lot Size: 20,000 square feet
- B. Maximum Lot Coverage: Building footprint(s) shall not exceed 30% of the lot area.
- C. Setbacks
  - 1. Front
    - a. Primary Structure: 25 feet.
    - b. Accessory Structure: 15 feet.
  - 2. Side: 15 feet
  - 3. Rear
    - a. Primary and Habitable Accessory Structures: 25 feet.
    - b. Non-habitable Accessory Structure: 15 feet.
- D. Maximum Building Height: 35 feet.

### 5.2. Uses

- A. Permitted Uses: The following uses shall be permitted in the LL - SFR District provided all specified standards are met.
  - 1. Agriculture
  - 2. Residential
    - a. One single-family detached dwelling
    - b. Secondary living quarters (one per parcel)
    - c. Home occupations
- B. Conditional Uses: The following uses will be approved as a conditional use in the LL-SFR District upon approval of a conditional use permit by the Zoning Administrator. The following uses shall be permitted in the LL-SFR District upon achievement of the standards accompanying each use.
  - 1. Public Utility Facilities
    - a. Shall achieve minimum setbacks of one foot (1') for each foot in height.

### 5.3. Open Space Conservation

Newly created subdivisions in this zoning district shall provide common open space equivalent to no less than 20% of the parent tract prior to subdivision.

**Prohibited Uses: Any use not listed as permitted is prohibited.**

## 6 SINGLE FAMILY RESIDENTIAL

Intent: To promote the preservation of neighborhoods predominately single-family residential in character. Also, to allow for development within St. George that will be compatible with the Town's objectives in the Comprehensive Plan and with its growth capabilities.

### 6.1. Lot/Site Requirements

- A. Minimum Lot Size: 10,000 square feet
- B. Maximum Lot Coverage: Building footprint(s) shall not exceed 25% of the lot area.
- C. Setbacks
  - 1. Front
    - a. Primary Structure: 15 feet.
    - b. Accessory Structure: 25 feet.
  - 2. Side: 10 feet *[12.8.2014]*
  - 3. Rear
    - a. Primary and Habitable Accessory Structures: 10 feet. *[12.8.2014]*
    - b. Non-habitable Accessory Structure: 5 feet. *[12.8.2014]*
- D. Maximum Building Height: 35 feet.

### 6.2. Uses

- A. Standards: The following standards shall apply to all uses in the Single-family Residential District.
  - 1. Non-residential: Service and delivery areas, mechanical and utility equipment, and commercial vehicle storage shall achieve minimum setbacks of twenty-five feet (25') and conform to screening/buffering standards set forth in Section 14.5.4 – Required Screening and Buffering.
- B. Permitted Uses: The following uses shall be permitted in the SFR District provided all specified standards are met.
  - 1. Agriculture
  - 2. Residential
    - a. One single-family detached dwelling
    - b. Secondary living quarters (one per parcel)
    - c. Home occupations
  - 3. Institutional
    - a. Public and quasi-public institution
    - b. Church
    - c. School
- C. Conditional Uses: The following uses will be approved as a conditional use in the SF District upon approval of a conditional use permit by the Zoning Administrator.  
The following uses shall be permitted in the SFR District upon achievement of the standards accompanying each use.

1. Public Utility Facilities
  - a. Shall achieve minimum setbacks of one foot (1') for each foot in height.
2. Replacement Manufactured Home
  - a. Manufactured (mobile) homes currently in the zone that are damaged or destroyed, and not replaced within twelve (12) months shall be subject to the conditions for manufactured homes in the Lot/Site Requirements of the Residential - Medium Density District.

**Prohibited Uses: Any use not listed as permitted is prohibited.**

## 7 RESIDENTIAL – MEDIUM DENSITY

Intent: To allow the continuation of medium-density residential uses and transient housing in areas of developable land within St. George that will be compatible with the Town’s objectives in the Comprehensive Plan and responsive to its growth capabilities and to encourage the clustering of residential units in order to preserve open space and minimize the cost of municipal services.

### 7.1. Lot/Site Requirements

- A. Minimum Lot Size:
  - 1. Single Family Detached Dwellings: 8,000 square feet.
  - 2. Single Family Attached Dwellings: 5,000 square feet
  - 3. Multi-family Structures: 1 acre
  - 4. Non-residential uses: 1 acre
- B. Maximum Lot Coverage: Building footprint(s) shall not exceed 50% of the lot area.
- C. Setbacks
  - 1. Front: 15 feet.
  - 2. Side:
    - a. Primary and habitable Accessory Structure: 10 feet. *[12.8.2014]*
    - b. Non-habitable Accessory Structure: 5 feet. *[12.8.2014]*
  - 3. Rear:
    - a. Primary and habitable Accessory Structure: 10 feet. *[12.8.2014]*
    - b. Non-habitable Accessory Structure: 5 feet. *[12.8.2014]*, except on corner lots, in which case the minimum setback shall be ten feet (10’).
- D. Maximum Building Height: 35 feet.

### 7.2. Uses

- A. Standards: The following standards shall apply to all uses in the Residential – Medium Density District.
  - 1. Non-residential: Service and delivery areas, mechanical and utility equipment, and commercial vehicle storage shall achieve minimum setbacks of twenty-five feet (25’) and conform to screening/buffering standards set forth in Section 14.5.4 – Required Screening and Buffering.
- B. Permitted Uses: The following uses shall be permitted in the RMD District provided all specified standards are met.
  - 1. Agriculture
  - 2. Residential
    - a. One single-family detached dwelling
    - b. Secondary living quarters (one per parcel)
    - c. Single-family attached dwelling
    - d. Multi-family dwellings, up to eight (8) units per structure
    - e. Tiny Homes

- f. Home occupations per Section 3.9.1-Home Occupations.
3. Institutional
- a. Public and quasi-public institution
  - b. Church
  - c. School
- C. Conditional Uses: The following uses will be approved as a conditional use in the RMD District upon approval of a conditional use permit by the Zoning Administrator. The following uses shall be permitted in the RMD District upon achievement of the standards accompanying each use.
1. Public Utility Facilities
- a. Shall achieve minimum setbacks of one foot (1') for each foot in height.
2. Manufactured Home
- a. Shall not share a lot with any structure other than one private accessory structure conforming to district setback requirements.
  - b. Shall be a USDHUD-approved unit (bearing such seal), certified under SC Manufactured Housing Standards, National Manufactured Housing Construction and Safety Standards Act of 1974.
  - c. Shall adhere to the most recent regulations promulgated by the S.C. Department of Health and Environmental Control (DHEC) and other state or federal laws/regulations related to the development of mobile homes and trailer parks.
  - d. All auxiliary and supporting structures (e.g. – porch, deck, lean-to, etc.) shall conform to current building codes, as adopted by the Town, and be subject to inspection by the Town building official.
  - e. Shall be installed in accordance with SC State Code 19-425.42.
  - f. Shall not be roofed by a structure independent of the unit.
  - g. Shall not be a recreational vehicle (RV).
  - h. All tongues, axles, transport lights, and other removable towing apparatus shall be removed prior to occupation.
  - i. Shall be supplemented with a four-foot by four-foot (4'x4') (min. size) front porch at the primary entrance for access to the unit.
  - j. Shall be installed with a curtain wall of colored vinyl, painted treated wood, brick, or painted concrete masonry in accordance with SC State Code 19-425.42(B)(5)(d).
  - k. Shall have a minimum roof pitch of three (rise) and twelve (run) (3:12) (about 14 degrees).
  - l. Shall be repaired or replaced if damaged or destroyed, actions toward which shall commence within ninety (90) days of obtaining a zoning permit.
  - m. May be increased in total square footage by no more than ten (10) percent.

**Prohibited Uses: Any use not listed as permitted is prohibited.**

## 8 RESIDENTIAL MIXED USE

Intent: To promote the preservation of neighborhoods predominately single-family residential in character while allowing limited commercial development compatible with residential development.

### 8.1. Lot/Site Requirements

- A. Minimum Lot Size:
  - 1. Residential Uses: 8,000 square feet.
  - 2. Non-Residential Uses: 20,000 square feet
- B. Maximum Lot Coverage: The building footprint shall not exceed 50% of the lot area.
- C. Setbacks
  - 1. Front: 15 feet.
  - 2. Side: 5 feet.
  - 3. Rear: 10 feet.
- D. Maximum Building Height: 35 feet; 55' for structures on lots abutting a Non-residential zoning district.

### 8.2. Uses

- A. Standards: The following standards shall apply to all uses in the Residential – Mixed-Use District.
  - 1. Mechanical equipment at ground level shall be placed on the parking lot side of the building and away from buildings on adjacent sites.
  - 2. Building facades shall constitute a street frontage at pedestrian scale.
  - 3. Main pedestrian access to the building shall be from the street or sidewalk. Secondary access may be from parking areas.
  - 4. When residential uses are attached to business or institutional uses where business and residential portions of a building are located on different floors, business/commercial uses shall occupy the floors below residential uses to preserve a residential atmosphere for the residents above while maintaining public street life.
  - 5. Residential uses shall be separated from business and institutional uses by construction assemblies meeting or exceeding current building code requirements (as adopted by the Town of St. George) for sound transmission and fire prevention.
- B. B. Permitted Uses: The following uses shall be permitted in the RMU District provided all specified standards are met.
  - 1. Agriculture
  - 2. Residential
    - a. One single-family detached dwelling
    - b. Secondary living quarters (one per parcel)
    - c. Home occupations per Section 3.9.1-Home Occupations.
    - d. Multi-family dwellings, up to two (2) units within/attached to or on the same lots as a commercial use

- e. Tiny Homes
- 3. Office
  - a. Professional office
- 4. Institutional
  - a. Public and quasi-public institution
  - b. Church
  - c. School
  - d. Continuing care facility
- 5. Commercial
  - a. Family daycare
- 6. Mixed Use: Nothing in this Ordinance shall be construed to prohibit the occupation of a single lot or single structure by two or more disparate, permitted uses in this district.
- C. Conditional Uses: The following uses will be approved as a conditional use in the RMU District upon approval of a conditional use permit by the Zoning Administrator.  
The following uses shall be permitted in the RMU District upon achievement of the standards accompanying each use.
  - 1. Public Utility Facilities
    - a. Shall achieve minimum setbacks of one foot (1') for each foot in height.
  - 2. Replacement Manufactured Home
    - a. Manufactured (mobile) homes currently in the RMU zone that are damaged or destroyed, and replaced within twelve (12) months subject to the conditions for manufactured homes in Residential - Medium Density zoning district (2.2.2006) Section 7.2.C.2
    - b. Manufactured (mobile) homes shall be repaired or replaced if damaged, actions toward which shall commence within ninety (90) days of obtaining a zoning permit.

**Prohibited Uses: Any use not listed as permitted is prohibited.**



# 9 RESIDENTIAL MIXED USE MANUFACTURED HOME

Intent: To promote the preservation of neighborhoods predominately single-family residential in character while allowing manufactured homes and limited commercial development compatible with residential development.

## 9.1. Lot/Site Requirements

- A. Minimum Lot Size:
  - 1. Residential Uses: 8,000 square feet.
  - 2. Non-Residential Uses: 20,000 square feet
- B. Maximum Lot Coverage: Building footprints shall not exceed 50% of the lot area.
- C. Setbacks
  - 1. Front: 15 feet.
  - 2. Side: 5 feet.
  - 3. Rear: 10 feet.
- D. Maximum Building Height: 35 feet. 55' for structures on lots abutting a Non-residential zoning district.

## 9.2. Uses

- A. Standards: The following standards shall apply to all uses in the Residential Mixed Use - Manufactured Home.
  - 1. Mechanical equipment at ground level shall be placed on the parking lot side of the building and away from buildings on adjacent sites.
  - 2. Building facades shall constitute a street frontage at a pedestrian scale.
  - 3. Main pedestrian access to the building shall be from the street or sidewalk. Secondary access may be from parking areas.
  - 4. When residential uses are attached to business or institutional uses where business and residential portions of a building are located on different floors, business/commercial uses shall occupy the floors below residential uses to preserve a residential atmosphere for the residents above while maintaining public street life.
  - 5. Residential uses shall be separated from business and institutional uses by construction assemblies meeting or exceeding current building code requirements (as adopted by the Town of St. George) for sound transmission and fire prevention.

**B. Permitted Uses:** The following uses shall be permitted in the RMU-MH District provided all specified standards are met.

1. Agriculture
2. Residential
  - a. One single-family detached dwelling
  - b. Secondary living quarters (one per parcel)
  - c. Home occupations per Section 3.9.1-Home Occupations
  - d. Multi-family dwellings, up to two (2) units within/attached to or on the same lots as a commercial use
  - e. Tiny Homes
3. Office
  - a. Professional office
4. Institutional
  - a. Public and quasi-public institution
  - b. Church
  - c. School
  - d. Continuing care facility
5. Commercial
  - a. Family daycare
6. Mixed Use: Nothing in this Ordinance shall be construed to prohibit the occupation of a single lot or single structure by two or more disparate, permitted uses in this district.

**C. Conditional Uses:**

In addition, the following uses shall be permitted in the RMU-MH District upon achievement of the standards accompanying each use.

1. Public Utility Facilities
  - a. Shall achieve minimum setbacks of one foot (1') for each foot in height.
2. Manufactured Home
  - a. Shall not share a lot with any structure other than one private accessory structure conforming to district setback requirements.
  - b. Shall be a USDHUD-approved unit (bearing such seal), certified under SC Manufactured Housing Standards, National Manufactured Housing Construction and Safety Standards Act of 1974.
  - c. Shall adhere to the most recent regulations promulgated by the S.C. Department of Health and Environmental Control (DHEC) and other state or federal laws/regulations related to the development of mobile homes and trailer parks.
  - d. All auxiliary and supporting structures (e.g. – porch, deck, lean-to, etc.) shall conform to current building codes, as adopted by the Town, and be subject to inspection by the Town building official.
  - e. Shall be installed in accordance with SC State Code 79-42.
  - f. Shall not be roofed by a structure independent of the unit.
  - g. Shall not be a recreational vehicle (RV).

- h. All tongues, axles, transport lights, and other removable towing apparatus shall be removed prior to occupation.
- i. Shall be supplemented with a four-foot by four-foot (4'x4') (min. size) front porch at the primary entrance for access to the unit.
- j. Shall be installed with a curtain wall of colored vinyl, painted treated wood, brick, or painted concrete masonry in accordance with SC State Code 79-42.
- k. Shall have a minimum roof pitch of three (rise) and twelve (run) (3:12) (about 14 degrees).
- l. Shall be repaired or replaced if destroyed, actions toward which shall commence within ninety (90) days of obtaining a zoning permit.
- m. May be increased in total square footage by no more than ten (10) percent.
- n. Manufactured (mobile) homes currently existing in the Residential Mixed Use Manufactured Home zoning district that is damaged or destroyed, but replaced within twelve(12) months subject to the conditions for a manufactured home above in Section 9.2.C.2.

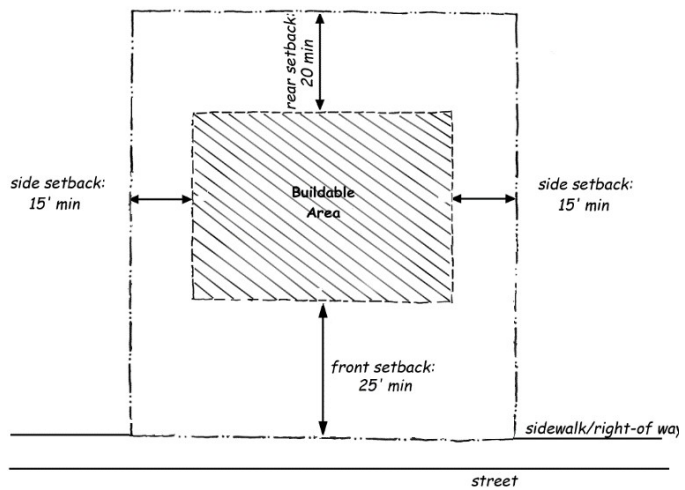
**Prohibited Uses: Any use not listed as permitted is prohibited.**

# 10 LIMITED COMMERCIAL DISTRICT

Intent: To allow commercial development along Memorial Boulevard and portions of North and South Parler while preventing the intrusion of incompatible uses into residential areas directly behind properties with frontage on those highway segments. The Limited Commercial District spans the width of the town along Memorial Boulevard (Highway 78) except where the highway is divided by Parler Avenue and the Town Center District. This district serves as the eastern and southern “gateways” to St. George. The Limited Commercial District will have a mixture of residential and commercial uses that respect existing structures in scale and use.

## 10.1. Lot/Site Requirements

- A. Minimum Lot Size: 5,000 square feet.
- B. Maximum Lot Coverage: Building footprint(s) shall not exceed 50% of the lot area.
- C. Building Setbacks
  - 1. Front: 25 feet, min.
  - 2. Side: 15 feet, min.
  - 3. Rear: 20 feet, min.
- D. Parking/Drive aisle Setbacks
  - 1. Front: 15 feet, minimum
  - 2. Side: 5 feet per side, minimum
  - 3. Rear: 5 feet
- E. Maximum Building Height: 55 feet.



## 10.2. Uses

- A. Standards: The following standards shall apply to all uses in the Limited Commercial District.
  - 1. Mechanical equipment at ground level shall be placed on the parking lot side of the building and away from buildings on adjacent sites.
  - 2. Main pedestrian access to the building shall be from the public street or sidewalk. Secondary access may be from parking areas to the rear or side of the principal structure.
  - 3. Parking lots/drive aisles shall be paved. Gravel or decomposed granite surfaces are not acceptable.
  - 4. Any open yards used for outdoor storage shall be screened per Chapter 14.5.4 D
- B. Permitted Uses: The following uses are hereby permitted in the Limited Commercial (LC) District.
  - 1. Office/Commercial
    - a. Office
    - b. Personal services
    - c. Business services
    - d. General retail under 15,000 square feet

- e. General commercial under 15,000 square feet
  - f. Service commercial
  - g. Restaurants (Including sit down and drive-through)
  - h. Cafes
  - i. Bar/Tavern/Pub under 5,000 Square Feet
  - j. Commercial Day care/child care/children’s daycare centers
  - k. Any use the Zoning Administrator determines is in keeping with the intent of the district. Any use that falls under the same Commercial Classification category as those above that the Zoning Administrator determines is compatible with adjacent uses and the intent of the district.
2. Institutional
    - a. Church
    - b. Government
    - c. School
  3. Residential
    - a. Single-family attached/detached dwellings up to eight (8) units per acre
    - b. Multi-family dwellings, up to eight (8) units per acre
    - c. Continuing care facilities housing up to twenty (20) beds per acre
  4. Mixed-Use Development: Nothing in this Ordinance shall be construed to prohibit the occupation of a single lot or single structure by two or more disparate, permitted uses.

**C. Conditional Uses:**

The following uses will be approved as a conditional use in the LC District upon approval of a conditional use permit by the Zoning Administrator.

In addition to the provisions found throughout this Ordinance and the standards set forth applicable for all uses within the LC District, the conditions to be met are as follows.

1. Public Utility Facilities
  - a. Shall achieve minimum setbacks of one foot (1’) for each foot in height.
2. Used Vehicle Sales
  - a. Mobile/manufactured/temporary structures may not be used for sales offices.
  - b. No on-site vehicle repair is allowed.
  - c. Vehicles and vehicle parking shall be restricted to paved surfaces only. Parking on unpaved surfaces is expressly prohibited.
3. Lodging
  - a. All lodging types are limited to a maximum number of 65 rooms when they are located within 200 feet of the Town Center District. Lodging types not within 200 feet of the Town Center District are not limited in the total number of rooms.
  - b. Additional opaque screening 6 feet high shall be employed when adjacent to any existing residential use.
4. Vehicular Repair/Storage/Maintenance, including Fuel Filling Service Stations with Repair
  - a. All work on vehicles shall be within the interior of the building. No exterior repairs may be made.

- b. No service bay door shall directly face Memorial/Parler/Railroad roadways. All service bay doors shall face the side or rear of the property and shall be equipped with doors.
- c. Storage of vehicles being repaired shall be located behind the front building setback.
- d. No outdoor storage of unregistered/inoperable vehicles may be allowed on the site. All vehicular storage areas shall be screened by opaque fence/wall/landscaping.

**D. Special Exceptions.**

The following uses may be considered for approval as a Special Exception in the LC District upon application to and approval from the Board of Zoning Appeals.

- 1. Medical clinics
- 2. Bars and Taverns over 5,000 square feet
- 3. Convenience Stores with Fuel Pumps.
- 4. Any Commercial use over 15,000 square feet.
- 5. Animal Hospital including overnight boarding.
- 6. Equipment Rental (outdoor storage)
- 7. Vehicle Storage Lots (auto/boat/trailer/farm/construction/boat)
- 8. Mini Storage Facilities
- 9. Any building exceeding 55' high

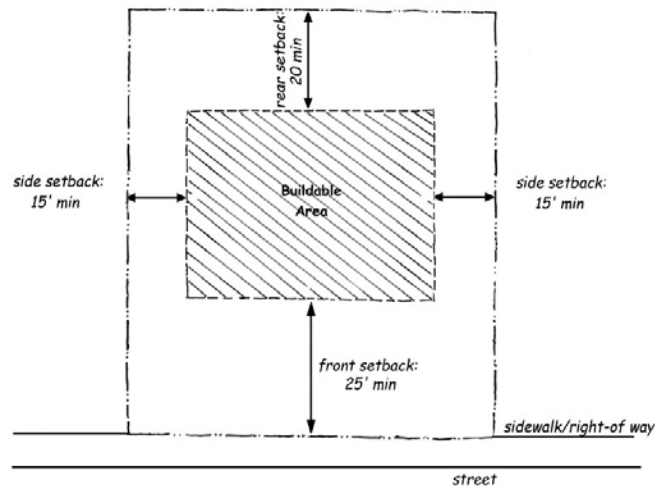
**Prohibited Uses: Any use not listed as permitted is prohibited.**

# 11 COMMERCIAL CORRIDOR DISTRICT

Intent: To allow trades and services that may not necessarily be compatible in scale or use with the central business district to locate in an area that is convenient to major traffic access. This district serves as the Town's western "gateway" from I-95 and the southern "gateway" along Highway 15. The Commercial Corridor (CC) District will have a mixture of highway commercial, traveler convenience, and lodging use that respect existing structures and in scale and use. Some light industrial uses may also be appropriate here.

## 11.1. Lot/Site Requirements

- A. Minimum Lot Size: 5,000 square feet.
- B. Maximum Lot Coverage: Building footprint(s) shall not exceed 35% of the lot area.
- C. Building Setbacks
  - 1. Front: 25 feet, min.
  - 2. Side: 15 feet, min.
  - 3. Rear: 20 feet, min.
- D. Parking/Drive aisle Setbacks
  - 1. Front: 15 feet, minimum
  - 2. Side: 5 feet per side, minimum
  - 3. Rear: 5 feet
- E. Maximum Building Height: 55 feet
- F. Reserved.



## 11.2. Uses

- A. Standards: The following standards shall apply to all uses in the Commercial Corridor District.
  - 1. Any open yards used for outdoor storage shall be screened per Chapter 14.5.4.D
  - 2. Finished or semi-finished products may be stored outdoors pending shipping for a period of no more than sixty (60) days.
  - 3. Parking lots/drive aisles shall be paved for any new commercial use.
- B. Permitted Uses: The following uses are hereby permitted in the CC District.
  - 1. Office/Commercial
    - a. Office
    - b. Personal services
    - c. Business services
    - d. General retail
    - e. General commercial
    - f. Service commercial
    - g. Restaurants, any type
    - h. Filling stations
    - i. Café/Delicatessen

- j. Bar/Tavern/Cocktail Lounge/Pub
  - k. Hotel/Motel
  - l. Truck Stops
  - m. Convenience Stores with Fuel Pumps
  - n. Lodging, including Bed & Breakfasts and Extended Stay Motel
  - o. Animal Hospital, including overnight boarding
  - p. Mini Storage Facilities
  - q. Hospitals or Medical Clinics
  - r. New and Used Vehicle Sales
  - s. Institutional Uses
    - Churches
    - Government
    - School
  - t. Commercial daycare/child care/children's daycare centers.
  - u. Reserved
2. Residential
    - a. Multi-family apartments, townhomes, condominiums, and similar at up to eight (8) units per acre
    - b. Continuing care facilities housing up to twenty (20) beds per acre
    - c. Family Day Care
    - d. Reserved
  3. Mixed-Use Development: Nothing in this Ordinance shall be construed to prohibit the occupation of a single lot or single structure by two or more disparate, permitted uses.
  4. Any use the Zoning Administrator determines is in keeping with the intent of the district. Any use that falls under the same Commercial Classification category as those above that the Zoning Administrator determines is compatible with adjacent uses and the intent of the district.
  5. Reserved.
- C. Conditional Uses:**

The following uses shall be permitted in the CC District upon achievement of the standards accompanying each use.

1. Public Utility Facilities
  - a. Shall achieve minimum setbacks of one foot (1') for each foot in height.
2. Light Manufacturing
  - a. Industrial/manufacturing uses shall have methods of controlling/mitigating the external effects of the manufacturing process: smoke, noise, soot, dirt, vibration, odor, etc. Consideration for each industrial/manufacturing use will be based on the criteria that it will not create glare, heat, odor, dust, smoke, noise, or physical vibrations perceptible at property lines except as may be normal for a residential use or commercial use.
3. Vehicle Repair/Storage/Maintenance including Fuel Filling Service Stations with Repair
  - a. All work on vehicles shall be within the interior of the building. No exterior repairs may be made.



- b. No service bays shall directly face Memorial Blvd or Parler Avenue. All service bays shall face the side or rear of the property and shall be equipped with doors
- c. Storage of vehicles being repaired shall be located behind the front building setback.
- d. No outdoor storage of unregistered/inoperable vehicles may be allowed on the site. All vehicular storage areas shall be screened by opaque fence/wall/landscaping.
- e. Reserved

**D. Special Exceptions**

The following uses will be considered for approval as a Special Exception in the CC District upon application to the Board of Zoning Appeals.

1. Equipment Rental (outdoor storage)
2. Manufacturing
3. Warehousing facility with over 50,000 square feet of floor area
4. Any building exceeding 55' high
5. Congregate Housing Facility

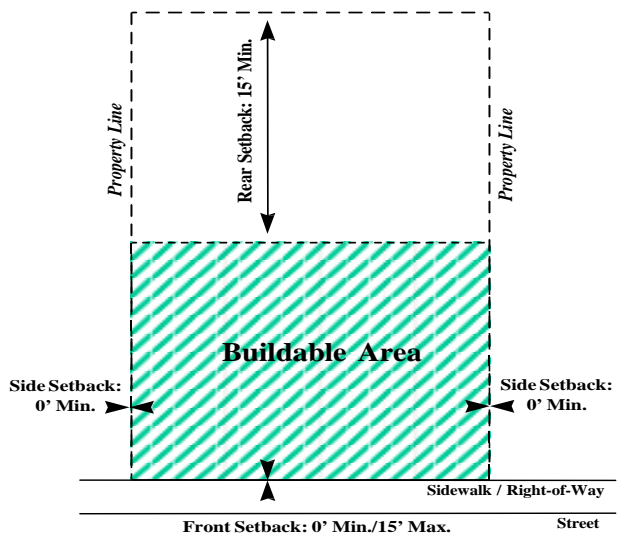
**Prohibited Uses: Any use not listed as permitted is prohibited.**

# 12 TOWN CENTER DISTRICT

Intent: To encourage the retention of the visual and historical integrity of the district while promoting commercial enterprise and protecting property value. The Town Center District is the heart of St. George. The downtown area has historically been and currently is the central area for shopping and services for both the residents of the town and surrounding areas. The Town Center District and its businesses are easily accessible by vehicles, bicycles, and pedestrians. A mixture of uses that respect the existing structures, especially those with historic significance, in scale and use are appropriate for this district.

## 12.1. Lot/Site Requirements

- A. Minimum Lot Size: 2,000 square feet
- B. Maximum Lot Coverage: Building coverage shall not exceed, 90% of the parcel.
- C. Build-To Lines:
  - 1. Front: All buildings shall be built up to the front property line.
  - 2. Side: None except as required by the building code.
  - 3. Rear: None Required
- D. Maximum Building Height: 55 feet.



## 12.2. Uses

- A. Standards: The following standards shall apply to all uses in the Town Center District.
  - 1. Canopies, balconies, and bay windows at an upper level shall be a minimum of 8 feet above the adjacent grade while extending over the rights-of-way of sidewalks and pedestrian pathways. Canopies may be supported by members found on the sidewalk.
  - 2. Mechanical equipment at ground level shall be placed away from the primary public sidewalk
  - 3. Main pedestrian access to the building shall be from the public street or sidewalk. Secondary access may be from parking areas to the rear or side of the principal structure.
  - 4. When residential uses are attached to business or institutional uses where business and residential portions of a building are located on different floors, business/commercial uses shall occupy the floors below residential uses to preserve a residential atmosphere for the residents above while maintaining public street life.
  - 5. Residential uses shall be separated from business and institutional uses by meeting or exceeding current building code requirements (as adopted by the Town of St. George) for sound transmission and fire prevention.
- B. Permitted Uses: The following uses are hereby permitted in the TC District.
  - 1. Office/Commercial

- a. Offices
  - b. Personal services
  - c. Business services
  - d. General retail
  - e. General commercial
  - f. Service commercial
  - g. Full service/Sit Down Restaurants
  - h. Cafes
  - i. Bar/Tavern/Pub, under 2,000 square feet in floor area
  - j. Commercial daycare/childcare
  - k. Any use the Zoning Administrator determines is in keeping with the intent of the district. Any use that falls under the same Commercial Classification category as those above that the Zoning Administrator determines is compatible with adjacent uses and the intent of the district.
2. Residential
- a. Single-family/two-family detached, only on lots without frontage on N. Parler between Raysor Street and George Street and along Memorial Boulevard between May Street and Whitridge Lane.
  - b. Any residential unit type when located above the first/ground floor.
3. Mixed-Use Development: Nothing in this Ordinance shall be construed to prohibit the occupation of a single lot or single structure by two or more disparate, permitted uses.

**C. Conditional Uses**

The following uses will be approved as a conditional use in the TC District upon approval of a conditional use permit by the Zoning Administrator.

In addition to the provisions found throughout this Ordinance and the standards set forth applicable for all uses within the TC District, the conditions to be met are as follows:

- 1. Hotel/Bed & Breakfast Inn with less than 20 rooms
  - a. Owner or designated manager must live on premises.
  - b. Rooms may not have direct access to the building exterior/ parking lot.
- 2. Bar/Tavern over 2,000 sq. ft.
  - a. Shall not operate between the hours of 1am and 11am Monday - Saturday
  - b. Shall not operate Sundays before 1pm and after 9pm
  - c. Shall not be located within 300 feet of a church or school

**D. Special Exceptions**

The following uses will be considered for approval as a Special Exception in the TC District upon application to the Board of Zoning Appeals.

- 1. Temporary Outdoor/Farmers Market pursuant to provisions for temporary uses in Chapter 3.10
- 2. Medical clinics
- 3. Institutional uses, including:
  - a. Church

- b. Government
- c. School
- d. Assembly/cultural
- 4. Senior housing (not to exceed 12 units/Acre).
- 5. Hotel or Bed & Breakfast/Bed & Breakfast Inn that contains over 20 guest rooms
- 6. Liquor Store

**Prohibited Uses: Any use not listed as permitted is prohibited.**

## 13 WAREHOUSE/INDUSTRIAL DISTRICT

Intent: To accommodate a mixture of similar light industrial uses and related commercial or heavier commercial uses that are otherwise not compatible with residential and service commercial areas. This district is to serve as one that generates employment for residents and an economic base for the town of St. George while minimizing negative externalities that may result from such uses. Parcels proposed for zoning as Warehouse/Industrial shall be in locations consistent with the Comprehensive Plan Future Land Use Map.

### 13.1. Lot/Site Requirements

- A. Minimum Lot Size: 1 acre.
- B. Maximum Lot Coverage: Building footprint(s) shall not exceed 35% of the lot area.
- C. Building Setbacks
  - 1. Front: 50 feet, min.
  - 2. Side: 30 feet, min.
  - 3. Rear: 40 feet, min.
- D. Parking/Drive aisle Setbacks
  - 1. Front: 25 feet, minimum
  - 2. Side: 15 feet per side, minimum
  - 3. Rear: 30 feet
- E. Maximum Building Height: 55 feet.

### 13.2. Uses

- A. Standards: The following standards shall apply to all uses in the Warehouse/ Industrial District.
  - 1. Any open yards used for outdoor storage shall be screened per Chapter 14.5.4 D
  - 2. Finished or semi-finished products may be stored outdoors pending shipping for a period of no more than sixty (60) days.
  - 3. Parking lots/drive aisles shall be paved. Gravel or decomposed granite surfaces are not acceptable.
- B. Permitted Uses: The following uses are hereby permitted in the WI District.
  - 1. Residential
    - a. One single-family detached dwelling per parcel.
  - 2. Office/Commercial
    - a. Office
    - b. Business services
    - c. Café/Delicatessen
    - d. General retail commercial
    - e. Wholesale Business
    - f. Animal Hospital, including overnight boarding
    - g. Kennel

- h. Institutional Uses
- i. Other personal care services
- 3. Industrial/Warehousing
  - a. Warehousing
  - b. Building Supply and Equipment
  - c. Research and Development
  - d. Wholesale Distribution
  - e. Light Industrial, not including manufacturing
  - f. Mini Storage Facility including vehicular storage
  - g. Manufacturing Services
  - h. Transportation Services
- 4. Sexually Oriented Business
- 5. Tattoo Parlors
- 6. Body Piercing
- C. Conditional Uses:

The following uses will be approved as a conditional use in the WI District upon approval of a conditional use permit by the Zoning Administrator.

In addition to the provisions found throughout this Ordinance and the standards set forth and applicable for all uses found in the WI District, the conditions to be met are as follows:

- 1. Manufactured Home
  - a. Shall not share a lot with any structure other than one private accessory structure conforming to district setback requirements.
  - b. Shall be a USDHUD-approved unit (bearing such seal), certified under SC Manufactured Housing Standards, National Manufactured Housing Construction and Safety Standards Act of 1974.
  - c. Shall adhere to the most recent regulations promulgated by the S.C. Department of Health and Environmental Control (DHEC) and other state or federal laws/regulations related to the development of mobile homes and trailer parks.
  - d. All auxiliary and supporting structures (e.g. – porch, deck, lean-to, etc.) shall conform to current building codes, as adopted by the Town, and be subject to inspection by the Town building official.
  - e. Shall be installed per SC State Code 79-42
  - f. Shall not be roofed by a structure independent of the unit.
  - g. Shall not be a recreational vehicle (RV).
  - h. All tongues, axles, transport lights, and other removable towing apparatus shall be removed prior to occupation.
  - i. Shall be supplemented with a four-foot by four-foot (4'x4') (min. size) front porch at the primary entrance for access to the unit.
  - j. Shall be installed with a curtain wall of colored vinyl, painted treated wood, brick, or painted concrete masonry per SC State Code 19-425.42(B)(5)(d).
  - k. Shall have a minimum roof pitch of three (rise) and twelve (run) (3:12) (about 14 degrees).
  - l. Shall be repaired or replaced if damaged or destroyed, actions toward which

shall commence within ninety (90) days of obtaining a zoning permit.

2. Public Utility Facilities
  - a. Shall achieve minimum setbacks of one foot (1') for each foot in height.
3. Sexually Oriented Businesses provided such shall not be located within 300' of any of the following uses:
  - a. Another sexually oriented business,
  - b. Any residential zoning boundary, or
  - c. Any school, daycare facility, cemetery, public park, library, religious institution, or liquor store.
  - d. Any other personal care service establishment.

**D. Special Exceptions**

The following uses will be considered for approval as a Special Exception in the WI District upon application to the Board of Zoning Appeals.

1. Manufacturing Facility with over 50,000 square feet of floor area
2. Warehousing facility with over 50,000 square feet of floor area
3. Any building exceeding 55' high
4. Heavy Industrial/Manufacturing

**Prohibited Uses: Any use not listed as permitted is prohibited.**

# 14 TREE PROTECTION AND LANDSCAPING

## 14.1. Tree Protection

Intent: To promote and protect the aesthetic, recreational, ecological, and environmental benefits which trees, shrubs, and other vegetation provide the town of St. George. Also, to have a tree protection ordinance that considers the environmental goals of the town's comprehensive plan and promotes the general welfare and safety of the residents and visitors of St. George.

### 14.1.1 Applicability

This section of the Ordinance applies to "significant" and "landmark trees" located on public and private property within the town limits of St. George.

### 14.1.2 Permitting

- A. Clearing and Grubbing Permit: Prior to the commencement of any site clearing or vegetation alteration, other than mowing, in preparation for new development, a Clearing and Grubbing Permit shall be obtained from the Zoning Administrator, granted in the event of a subdivision only after approval of a preliminary or final plat or site development plan.
- B. Tree Removal Permit: To remove a significant or landmark tree, a permit must be obtained from the Zoning Administrator. Application for permits must be made at the Town Office. The Zoning Administrator shall issue the permit within five (5) business days of application if the proposal meets the criteria for tree removal. Any permit granted shall contain a definite date of expiration, to be agreed to by the applicant and to be not more than thirty (30) days, before which work shall be completed. Within five days after tree removal, a notice of completion shall be given to the Zoning Administrator. Completion includes the removal of all debris and stumps.
  - 1. Exemption: No permit shall be required to remove an imminently hazardous tree damaged through natural causes.
  - 2. Exemption: Silviculture, provided at least twenty-five percent (25%) of protected trees per acre remains the intent of which and shall be conveyed in a Clearing and Grubbing Permit.
  - 3. Exemption: Bonafide Agriculture (including commercial timbering), provided evidence of the practice of such is presented to the Zoning Administrator before receiving a Clearing and Grubbing Permit.
  - 4. Exemptions: Any tree or plant considered "invasive" by a bona fide state agency (new exemption).
  - 5. Exemption: "Just Cause" a homeowner will have the right to validate in writing the removal of either a significant or landmark tree on their property with just cause. Just cause includes a tree that poses an eminent threat to people, property, or any other item of value. Pictures and testimony or inspection and validation from a staff member of the Town of St. George Also, the Zoning Administrator or appointed representative has the right to question and visit the site to validate the request if desired.

### 14.1.3 Significant and Landmark Trees

- A. Significant Tree: Any tree or group of trees, due to its stature, location, significance, or deemed "valuable" by the Town shall be protected against development. If a significant tree is removed due to development it shall be replaced by any pre-approved planted tree(s). Significant trees protected by the Town of St. George shall generally be:



1. Any tree considered a hardwood or broadleaf tree with a minimum diameter at breast height (DBH) of twelve (12) inches.
  2. Any tree considered a softwood or coniferous tree with a minimum diameter at breast height of twenty (20) inches.
- B. Landmark Tree:** Any tree that is defined as rare, endangered, or protected according to Town, County, State, or Federal law, rule, or regulation; one which has significant old age; one which is associated with a historical event or person; one which is a tree species of record size; one which has a non-invasive or spreading abnormality; or one which has been determined by the Town Zoning Administrator as having scenic enhancement qualities. Additional characteristics include but are not limited to:
1. Any protected tree due to its stature and is deemed as a “Landmark tree” by the Town.
  2. Any tree considered a hardwood or broadleaf tree with a minimum diameter at breast height of twenty-four (24) inches
  3. Any tree considered a softwood or coniferous tree with a minimum diameter at breast height of thirty (30) inches.

**14.1.4 Conservation of Significant and Landmark Trees**

- A.** It shall be unlawful to fell, improperly prune or otherwise damage or destroy a Significant tree or Landmark tree without first obtaining a Tree Removal Permit.
- B.** In the event of development, a Tree Removal Permit shall be granted only upon approval of a site development plan or final plat by the Town meeting the requirements of this Ordinance.
- C.** Unless specifically authorized by permit from the Zoning Administrator, no person(s) shall intentionally damage, disturb, harm, injure, transplant, or remove any Significant or Landmark tree.
- D.** For subdivisions, the siting of a lot to place a Landmark tree or considerable stand of significant trees near the center of a lot in a location that would require the removal of such tree(s) for the construction of a dwelling unit or other primary structure shall be prohibited.

**14.1.5 Criteria to Remove any Significant and Landmark Trees**

- A. Significant/Landmark Trees:** No person shall remove, cut, or otherwise disturb any Significant or Landmark tree without first procuring a Tree Removal Permit. These protected classes of trees may be removed only for the reasons listed; however, appeals can be made in writing to the Zoning Administrator. Appeals will be heard by the Zoning Board of Appeals for the following reasons.
  1. “Just cause” includes a tree or trees that pose a threat to people, property, or any other item of value including other trees, crops, structures, public utilities, rights-of-way, or persons.
  2. Diseased and or infectious trees and trees in decline as certified by the Zoning Administrator or registered forester and/or certified arborist.
  3. Trees or their root systems causing significant visible damage to structures, foundations, driveways, sidewalks, and any other unsafe condition for pedestrian, vehicular movement, and/or underground utility lines. Trees within power line easements that cannot be successfully and properly pruned by the local utility company.
  4. Trees that stand within the proposed footprint of a permanent structure or within twenty feet (20’) of such, provided, however, that such structure be located to minimize the loss of protected trees.

5. Trees that stand in the path of proposed roads and driveways and any necessary sight triangles and public improvements, provided, however, that such is located to minimize the loss of protected trees.
6. Trees that prevent adequate space for on-site vehicular circulation and parking may be removed, provided, however, that such parking be located to minimize the loss of protected trees, that one (1) protected tree (min.) be conserved within the parking area per 2,500 square feet of such parking area, that trees not be removed to allow more than four (4) consecutive parking spaces (i.e. – every fifth space shall be reserved for trees if present), that rows of parking not adjacent to the building face a median strip reserved for protected trees, and that all conserved trees be separated from vehicular travel surfaces by three feet (3'), min. Impervious parking surfaces are strongly discouraged within ten feet (10') of protected trees.

**14.1.6 Tree Protection during Clearing, Grubbing, and Development:**

During any type of clearing/grubbing and development, the following measures shall be utilized to protect any tree on site not designated for removal.

- A. Unlawful Disturbance;** All Significant and Landmark Trees scheduled to remain shall be protected based on American National Standards Institutes, Inc., (ANSI), International Society of Arboriculture standards (ISA), and the South Carolina Forestry Commission recommended guidelines.
  1. Unnecessary cutting, breaking, or skinning of roots;
  2. Skinning and bruising of bark;
  3. Storing or stockpiling construction or excavation materials within drip lines;
  4. Burning within drip lines;
  5. Soil disturbance under the drip line of any tree shall be prohibited.
  6. Absorption of wastewater run-off within drip lines;
  7. Excessive foot or vehicular traffic within drip lines; and
  8. Parking vehicles within drip lines.
- B. Protective Barricades:** Temporary barricades shall be erected around all conserved trees located in development areas before the start of development activities and shall remain in place until development activities are complete.
  1. Barricading trees in groups shall be encouraged.
  2. Such barricading shall be highly visible (to be easily recognized in the rearview or side mirror of an oncoming vehicle traveling in reverse) and continuous at a height of three feet (3'), min., and capable of repelling a man moving at walking speed. Recommended materials are wood members or orange safety fencing supported by upright wood members or rebar. Flagged string is not preferred.
  3. All tree protection zones shall be designated with signs or tape posted visibly on all sides of the fenced area denoting the nature of the area as off-limits for the sake of tree protection.
  4. Barricading shall be erected at least ten feet (10') from the trunk of the conserved Significant tree and twenty feet (20') from the trunk of a conserved Landmark tree. Barricading shall also enclose any surfacing roots leading from such trees. Barricading at the drip line shall be strongly encouraged where feasible.
  5. In the event that such barricades block access to the construction site, the Zoning Administrator shall grant permission to the developer to retreat barricading to no less than

three feet (3') from the protected tree provided that a four-inch (4'') layer of wood mulch or pine straw covers the ground within the ten-foot (10') radius of the protected tree or the twenty-foot (20') radius of the landmark tree not barricaded.

6. When excavation, filling, paving, or hardscaping must be done within the prescribed barricaded zone, barricades shall not be removed but receded to a secondary location at the edge of work. Extra care shall be taken at such time by the contractor to ensure that no damage to the tree or its roots occurs.
7. The area within the protective barricades shall remain free of all building materials, temporary soil deposits, dirt or other construction debris, chemicals, machinery, and vehicles.
8. Any roots removed during development shall be outside barricading, shall be severed clean, and shall be treated with a two-inch (2''), min., layer of mulch applied on the surface above such roots to be sustained throughout development.

**C. Trenching**

Trenching for utilities shall not be permitted within ten feet (10') of any Significant tree and not within twenty feet (20') of Landmark trees nor shall trenching disturb more than twenty-five percent (25%) of the area within the drip line of the tree.

**D. Utilities.**

Utilities shall not be installed in tree protection areas without the use of special tunneling techniques to preserve root systems.

**E. E. Protection of Landscaping.**

1. All landscaping in required landscape areas that are adjacent to the pavement (parking or roadway) shall be protected with concrete or granite curbs or equivalent barriers (such as railroad ties or concrete bumpers) when necessary to protect the vegetation from vehicular damage.
2. Wounds to bark on conserved trees shall be cleaned to sound wood by removing loose bark and wood, leaving a smooth edge around the wound, which shall be properly dressed.

**14.2. Mitigation Policy**

Intent: To offset the removal of trees to avert a net loss of trees and tree canopy over time without creating an economic burden on development.

**14.2.1 Tree Replacement**

- A.** Applicability: Mitigation Policy shall apply to all trees removed by permit except those on the lot of an owner-occupied single-family residence.
- B.** All protected Significant and Landmark Trees earmarked for removal shall be replaced/mitigated in accordance with this chart.

TYPE OF PROTECTED TREE REMOVED	REQUIRED NUMBER OF 24-inch BOX REPLACEMENT TREES*
Significant Conifer or Softwood	One
Significant Hardwood	Two
Landmark Conifer or Softwood	Three
Landmark Hardwood	Four

\*Three (3) 15-gallon replacement trees may be substituted for a single 24-inch box tree. For example, if the developer is required to plant ten replacement 24-inch box trees, they may opt to provide thirty (30) fifteen-gallon trees of the same variety.

- C. Replacement trees shall be located appropriately, considering favorable growing conditions as dictated by soils; hydrology; exposure to sunlight; proximity to structures, utilities, hardscapes, and other plants; and other considerations.
- D. Replacement trees shall be indigenous to the St. George area consistent with botanical Zone 8.

#### **14.2.2 Fee in Lieu**

Any developer required to replace any lost protected trees may choose instead to pay the Town a fee of \$450 per the required number of 24-inch box replacement trees. For example, if the developer is required to plant ten 24-inch box replacement trees, the fee paid to the Town shall be \$4,500. Such fees shall be reserved by the Town in a fund specifically designated for public tree-planting and landscaping.

### **14.3. Vegetation Selection and Installation**

#### **14.3.1 Plant Selection**

- A. All plant materials installed shall be healthy and of the best quality.
- B. Plant materials used in conformance with the provisions of this ordinance should be of specimen quality and conform to the American Standard for Nursery Stock, American Standards Institute, Inc., 230 Southern Building, Washington, DC 20005.
- C. All trees, shrubs, and groundcovers to be planted shall be hardy to Botanical one 8.
- D. Shrubbery, groundcover, and other planting materials shall be used to complement tree planting but shall not wholly constitute required landscaping. Effective use of earth berms, existing topography, and existing trees and the incorporation of these into the landscape plan shall be part of the requirements.
- E. Indigenous Species: To preserve and promote the native environment in the Town of St. George, the retention and introduction of plant species indigenous to upper Dorchester County shall be strongly encouraged.
  - 1. Indigenous Trees: Trees native to the South Carolina coastal plain shall be required for use as replacement trees. Homeowners, those residing in owner-occupied detached single-family dwelling units that stand on land owned by the same, are encouraged to abide by this standard as well.
  - 2. Indigenous Shrubs: The use of indigenous shrubs shall be encouraged.
- F. Retention of Native Vegetation: Where possible, developers and homeowners are strongly encouraged to preserve native plant materials and, in the case of developers, to incorporate such into landscape plans. Such may be used to satisfy portions of landscaping requirements.
- G. A professional landscaper, homeowner, or other person engaged in landscaping in St. George shall be encouraged to choose plants suitable to the soil, sun exposure, and hydrological conditions of each site. As such, native plants are most preferred by the Town. Cultivars of native species are preferred over non-native species and will be acceptable in landscape plans and tree replacement. This Ordinance recognizes that not all native species are appropriate for landscape plans and encourages the landscaper to exercise prudent judgment regarding plant selection. Such may be facilitated through a visit to and by selecting plants from a local nursery.

#### **14.3.2 Planting Procedures**

**A. Trees**

1. Deciduous trees shall have a trunk diameter (caliper) of at least one and one-half inches (1 ½”) and shall be a minimum of six feet (6’) in height at the time of planting, except where specified otherwise.
2. Multi-trunk trees shall be at least six feet (6’) tall at the time of planting, except where specified otherwise.
3. All newly planted trees shall be installed in a permeable area of no less than a three-foot (3’) radius measured from the base of the tree. (Typically, the dripline is used as a guideline for determining the best minimum permeable area.) This requirement may be modified, where necessary, to allow for tree planting along sidewalks and in parking lots, to a minimum permeable area of forty (40) square feet.

**B. Shrubs**

1. Shrubs shall be at least three-gallon sizes and at least twenty-four inches (24”) tall at the time of planting.

**C. Groundcovers**

1. Groundcover includes low-growing, living plant materials such as perennials, grass, ivy, and similar plants.
2. To accomplish ninety percent coverage of bare soil by groundcover within three years, spacing for groundcover shall be as follows:
  - a. Two-and-a-half-inch (2 ½”) pots: twelve inches (12”) on center.
  - b. Four-inch (4”) pots: eighteen inches (18”) on center.
  - c. One-gallon pots: twenty-four inches (24”) on center.
  - d. Alternative spacing of particular species may be approved by the Zoning Administrator if documentation concerning the effectiveness of the groundcover is submitted with the landscape plan.
3. A manicured grass (e.g. – Bermuda, Centipede, St. Augustine) lawn, whether by seed or sod, may in part constitute the required groundcover.
4. Chipped wood, bark, pine straw, or mulching materials shall be used only in conjunction with plant materials and shall not stand alone as a groundcover. Typically, such non-living groundcovers shall be installed on ground that will be covered or shaded by shrubs and planted groundcover at maturity to protect tree roots and to aid the soil in moisture retention for such plants. Artificial plant materials shall not be an acceptable groundcover.

**14.4. Landscaping Requirements – Pre-development**

Intent: Prior to the development and construction process, wooded and non-wooded natural areas shall be manipulated to maintain a healthy vegetative cover to maintain the soil structure, minimize soil erosion, reduce stormwater run-off, and enhance the quality of the proposed development.

**14.4.1 Applicability:**

This section shall apply to all major subdivisions.

**14.4.2 Canopy Provision**

**A. Naturally Wooded Areas**

1. Conservation of existing mature trees, shrubbery, and ground cover is strongly encouraged to enhance the development and to uphold the intent of this Ordinance.

2. Existing vegetation shall be maintained in appropriate places. The intent shall be to establish and enhance forest cover and/or create screens and buffer strips in critical locations (i.e. – between residential and industrial/commercial uses, riparian/wetland areas, or sewer/water easements).
  3. Tree protection and mitigation policies shall be adhered to per Section 14.2 – Mitigation Policy.
- B.** Afforestation in Non-wooded Areas: In open fields, barren lands, and other non-wooded areas of major subdivisions, the applicant shall introduce a mixture of indigenous tree species, twenty (20) per acre to provide a tree canopy. The trees may be planted within public rights-of-way to SCDOT standards, common areas of the subdivision, along private property lines, and/or in other areas not in obstruction to current or future development.

## **14.5. Landscaping Requirements – During Development**

Intent: The existing natural landscape shall be preserved to the best extent reasonable and feasible. In determining compliance, the Zoning Administrator shall consider natural constraints on design, drainage, access and egress, utilities, and other factors reasonably related to the health, safety, and general welfare of the public that necessitate disturbance of the property.

### **14.5.1** Applicability

This section applies to all non-residential development as well as to all residential development of dwelling units other than single-family detached.

### **14.5.2** Landscape Plan

All landscape plans submitted pursuant to this section shall conform to the requirements of this ordinance. Such may be a separate document or be presented as part of the site plan for the Zoning Permit. The separate document shall be presented at a scale to which all of the required information is discernable. Submittal and approval of a landscape plan to and by the Zoning Administrator shall be required prior to receiving a building permit. The landscape plan shall include at least the following information:

- A.** All lot lines, pervious and impervious surfaces, existing and proposed structures, parking and access, other paved areas, buffer areas, location of utilities, easements, and all required yards;
- B.** Existing significant and landmark trees labeled by type, DBH, and designation for preservation/removal;
- C.** Designation of all existing vegetation to be incorporated into landscaping and buffering requirements, where applicable;
- D.** Delineation of existing natural, uncleared areas to remain versus land to be cleared;
- E.** Designation and/or delineation of other significant natural features, such as wetlands, relief, and endangered species as well as all applicable buffers associated with such;
- F.** Location and dimensions of areas to be landscaped and the total amount of landscaped area;
- G.** Common names, locations, numbers, and plant sizes of all trees, shrubs, and groundcover both required and provided as well as type and coverage area of groundcovers;
- H.** Location and coverage of irrigation system, if applicable; and
- I.** Details of any berms, buffers, fences, and other landscape features, as required and/or provided.

### **14.5.3** Landscaping Composition

- A.** Required Trees: Four (4) trees, min., of one and a half inches (1 ½”) in caliper per half an acre.

- B. The use of shrubbery, groundcover, and other planting materials is strongly encouraged to complement tree planting. Effective use of earth berms, existing topography, and existing trees and other vegetation is also a component of the landscape plan and shall be considered part of the landscaping requirement.
- C. Groundcover shall cover all cleared, permeable portions of the lot, seventy-five percent (75%) of which may be constituted of manicured grass lawn.

#### 14.5.4 Required Screening and Buffering

- A. **Abutting Residential:** If a commercial, industrial, office, institutional, or other public use for which more than four (4) parking spaces are provided abuts a lot zoned residential (SFR, RMD, RMU, or residential zone of Dorchester County), the residential property shall be protected against noise, glare, unsightliness, and other nuisances detrimental to property value. The same shall be required of multi-family development abutting other lots zoned residential.
  1. Within the required yard, the developer of such property shall, at a minimum, retain and/or install per forty linear feet (40'), min., of such abutment one large maturing tree, one small maturing tree, and eight shrubs that would reach six feet (6'), min., in height and width at maturity.
  2. In yards of less than ten feet (10'), the abutment shall be screened by an opaque and neatly maintained fence six to eight feet (6'-8') in height, and the plant materials may be partly or wholly excluded only if site conditions would prohibit or substantially inhibit their installation and growth.
- B. **Along Rights-of-way**
  1. To uphold and promote the intentions of this Ordinance, the developer of any non-residential or multi-family development for which more than four (4) parking spaces are provided shall, at a minimum, retain and/or install in any required or provided front yard (and side in the event of a corner lot) one large maturing tree and twelve shrubs that would reach two feet (2'), min., in height at maturity per sixty feet (60') of street frontage.
  2. The retention/installation of small maturing trees, ornamental grasses, and flowers is encouraged to provide interest in the streetscape.
  3. In yards of less than ten feet (10'), the plant materials may be partly or wholly excluded only if site conditions would prohibit or substantially inhibit their installation and growth.
  4. A garden wall or opaque fence three to five feet (3'-5') in height shall be installed along the right-of-way to screen parking areas if the setbacks of such parking areas are less than ten feet (10') from the right-of-way.
- C. **Loading Docks and Truck Berths:** To screen loading dock areas from view, opaque walls, wooden screening fences, landscaped berms, and/or evergreen hedges shall be required parallel to the trailer berths, and shall be a minimum of eight feet (8') in height. Screening shall be of sufficient length to screen the maximum size trailer that can be accommodated onsite and shall be parallel to trailer berths (e.g. – docks and berths that accommodate a fifty-foot {50'} trailer shall be screened with a fifty-foot {50'} wall parallel to the berth).
- D. **Outdoor Storage and Public Utility Facilities:** Opaque walls, wooden screening fences, landscaped berms, and/or evergreen hedges of a minimum height of six feet (6') shall be required to screen outdoor storage areas, public utility facilities, and similar uses from view.
- E. **Refuse Handling Facilities and Mechanical Equipment:** Opaque walls or wood screening fences, with appropriate necessary door or gate, of not less than the height of the facilities or equipment to be screened, shall be required to screen the view from any public right-of-way.

## **14.6. Maintenance Requirements**

### **14.6.1 Applicability**

The Maintenance Requirements, as outlined herein, shall apply to all landscaping required and all trees protected by this Ordinance. Landscape maintenance shall be developed and approved as required. In the case where a question may arise between the Town and the developer regarding a proposed landscape plan, a third party (qualified professional landscape authority) approved by the Town and the developer may be consulted, all costs of which shall be borne by the developer.

### **14.6.2 General Maintenance**

A maintenance program shall be established. The following set of guidelines shall be used as a model for establishing a maintenance program.

- A.** All newly planted vegetative material shall be guaranteed to meet American Standards for Nursery Stock at the time of planting and for one year thereafter. Maintenance and replacement, according to the original approved plan, for damaged, destroyed, or dead plant materials are the responsibility of the property owner.
- B.** Any agreement for long-term maintenance of any landscaping project must be negotiated before receiving a building permit and shall be based on the following criteria.
  - 1. Trees and shrubs should be protected against damage incurred by lawnmowers and garden equipment. Keeping grassed areas away from tree trunks with the use of mulch or similar material is recommended.
  - 2. Required landscaped areas shall be routinely maintained free of debris and litter and in good condition, with regular mowing of grass, weeding, and pruning of trees and shrubs to present a neat healthy, and orderly appearance. Maintenance shall include the replacement of all dead plant material.
  - 3. Dead, diseased, or stolen plants or those irreversibly damaged shall be replaced within thirty (30) days with the plants indicated on the approved landscape plan. If the expiration of such plants is created by unsuitable conditions for such plants, those administering the maintenance plan shall replace such plants with vegetation more suited to the location, provided that such maintains the integrity of the original landscape plan and the intent of this Ordinance.

### **14.6.3 Pruning**

Necessary pruning should be started early and kept up at regular intervals. Trees should be pruned and shaped to avoid splitting later in life. Broken tops and branches shall be removed as soon as possible to avoid injury. Broken, weak, or diseased branches should be removed first, dead branches second, and healthy branches last. Proper pruning, as outlined herein, shall not require a permit.

#### **A. Pruning Guidelines**

- 1. Proper pruning can remove excessive growth without the problems created by topping. "Topping," or reducing the crown of a tree to a uniform height, may result in ugly, bushy, weakly attached limbs growing back, often higher than the original branches. In addition, many arborists say topping is the worst thing for the health of a tree.
- 2. Never remove more than one-third of the crown of a tree. Where possible, encourage side branches that form angles one-third off vertical (10:00 or 2:00 positions). Ideally, the main side branches should be no more than two-thirds the diameter of the trunk.



3. “Limbing up,” or removing low branches of a tree for views or access, shall be limited to one-third of the height of the tree or to ten feet (10’) above the existing grade, whichever is less. To remove such branches, cut them back to the trunk to avoid leaving stubs.

**B. Pruning Procedures**

1. Large Limbs (See illustrative)
  - a. Make a partial cut from beneath.
  - b. Make a second cut from above several inches out, and allow the limb to fall.
  - c. Complete the job with a final cut just outside the branch collar.
2. Small Branches
  - a. Make a sharp clean cut just beyond a lateral bud or another branch.

# 15 SIGN REGULATIONS

## 15.1. Scope of Sign Regulations

Intent: These regulations shall provide fair and comprehensive regulations that will eliminate confusing, distracting, and unsafe signs; assure the efficient transfer of information; and foster an uncluttered visual environment for the town, enhancing it as a place to live, visit, and conduct business.

**15.1.1** Purpose: The regulation of signs within the town is necessary for the following reasons:

- A. To protect the general public from damage or injury,
- B. To protect property values and the historic character of the town,
- C. To provide a pleasing overall environmental setting and wholesome community appearance which is deemed vital to the continued economic attractiveness of the town,
- D. To improve the legibility and effectiveness of commercial and governmental signs, and
- E. To allow signs appropriate to the planned character of the town.

**15.1.2** Applicability: This ordinance shall apply in all areas of the town. No sign shall be erected or maintained unless it complies with the regulations of this ordinance.

## 15.2. Definitions

Applicant: The owner(s) of record or the legally authorized agent of the owner(s) of record.

Copy Extension: Part of a sign that extends outside of the general boundary, backdrop, canvas, template, or structural parameter of a sign that acts as a part of the primary sign or as a separate or secondary sign.  
Syn.: cut-out, drop-out.

Shopping Center: (See also Unified Business Development.) A group of three (3) or more commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage per an approved plan.

Sign: Any object, device, display, structure, or part thereof situated outside which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images (excluding national or state flags, window displays, athletic scoreboards, or the official announcements or signs of government).



Sign, Awning, or Canopy: A sign that is mounted, painted, or attached to an awning or canopy.

Sign, Directory: A sign listing the tenants or occupants of a building or group of buildings that may indicate their respective professions or business activities.

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

Sign, Free-standing: Any non-movable sign not affixed to a building.

Sign, LED: A flat panel display that uses an array of light-emitting diodes as pixels for a video display. Their brightness allows them to be used outdoors where they are visible in the sun for store signs

Sign, Off-site: Any sign identifying, advertising, or directing the public to a business, merchandise, service, institution, entertainment, or activity that is located, sold, rented, based, produced, manufactured, furnished, or taking place at a location other than on the property where the sign is located.

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

Sign, Projecting: A Projecting sign shall mean an on-premise sign attached to a building, canopy, awning, or marquee and projecting outward therefrom in any direction a distance or more than eighteen (18) inches, provided, however, that no projecting sign shall extend horizontally from the building more than eight (8) feet at the greatest distance.

Sign, Roof: A sign erected upon or which extends above the roof of the building to which it is attached.

Sign, Vehicle: A sign that is attached to or placed in or on a truck, bus, car, trailer, boat, recreational vehicle, or any other vehicle. Vehicle signs shall exclude bumper stickers, license plates, and inspection and registration stickers.

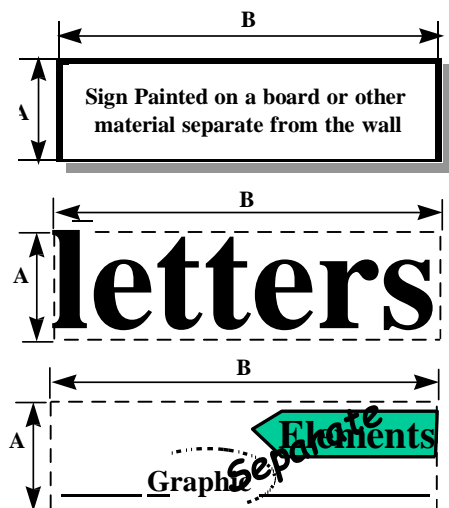
Sign, Wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure.

Sign, Window: Any sign, picture, letter, character, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed upon and/or inside and/or within three (3) feet of a window for the purpose of being visible from the exterior of the window.

Unified Business Development: (See also “shopping center”)  
A group of commercial establishments planned, constructed,

and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage per an approved plan.

Sign Area Defined: For the purpose of this ordinance, the square-foot area of a sign shall be measured to include the entire sign, including framing. Messages may be displayed on both sides of the sign. Structural members not bearing advertising matter shall not be included in the computation of sign area. When a sign consists of letters or forms placed directly on a wall, building surface, awning, or marquee, or against open air as when raised above a marquee, there being no



background to the letters or forms save the wall, the surface itself or open air, the area of the sign shall be that of the smallest parallelogram or series of parallelograms in which all the lettering and forms can be included.

### **15.3. General Regulations**

**15.3.1** Applicability: The following regulations shall apply to all signs in the town except where otherwise specified.

**15.3.2** Compliance: No existing sign, or portion thereof, shall be moved to a different location, erected, re-erected, replaced, or repaired without complying with all provisions of this article.

**15.3.3** Permitting: Sign Permits shall be required for the erection, alteration, or reconstruction of any sign and shall be issued by the Zoning Administrator.

- A.** All applications for Sign Permits shall be accompanied by plans in duplicate drawn to scale, showing the following:
  - 1. The actual dimensions and shape of the lot to be built upon;
  - 2. The exact size and locations on a lot of the buildings already existing, if any; and
  - 3. The number, size, location, and lighting of proposed and existing signs.
- B.** The application shall include such other information as lawfully may be required by the Zoning Administrator, including:
  - 1. Existing or proposed uses of the building and land; and
  - 2. Conditions existing on the lot and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.
  - 3. A written description of the materials being used on the sign and the type of illumination proposed.
- C.** One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original copy of the plans, similarly marked, shall be retained by the Town.
- D.** Once issued, a Sign Permit shall not be transferred or assigned to another individual or entity without complying with all provisions of this Ordinance.

**15.3.4** Sign Maintenance: The following standards shall be maintained for the life of a sign in St. George. The intent shall be that found in Section 15.1 Failure to adhere to these standards shall result in the assessment of a fine to the owner of such sign. Enforcement of this provision shall follow Section 4.7 – Enforcement.

- A.** Signs must be constructed of durable materials, properly installed, and maintained in good condition
- B.** The sign shall maintain its structural integrity so as not to pose a threat to surrounding persons, structures, or property.
- C.** The sign shall not persist for more than thirty (30) days with cosmetic damage exceeding five percent (5%) of the sign's surface area or one (1) square foot of surface area, whichever is less.
- D.** Lighting of signage in compliance with this Ordinance shall be maintained such that bulbs, valances, ballasts, etc. shall be replaced if broken.

**15.3.5** Prohibited Signs: The following signs are prohibited in the town.

- A. Signs Imitating Warning Signals: No sign shall display intermittent lights. Nor shall any sign use the words “stop,” or “danger,” or any word, phrase, symbol, or character in a manner that might mislead or confuse the driver of any vehicle.
- B. Fluttering Devices: Fluttering devices such as ribbons, banners, balloons, and similar devices are prohibited except as provided in Section 15.4.6.
- C. Certain Attached and Painted Signs: Signs painted on or attached to trees, fence posts, and telephone or utility poles, signs painted on or attached to rocks or other natural features, and signs painted on the roofs of buildings are prohibited.
- D. Portable Signs: Signs not permanently affixed to the ground or a building are prohibited except as provided for in Section 15.4.1.
- E. Roof Signs: No signs shall be permitted above the finished plane of the roof of any building.
- F. Off-site Signs: Off-site signs shall be prohibited.
- G. Vehicle Signs: No sign that is attached to or placed in or on a truck, bus, car, trailer, boat, recreational vehicle, or any other vehicle.
- H. Freestanding sign. No new freestanding signs are permitted in the Town Center District when the primary building frontage is located along Parler or Memorial (US78). Existing freestanding signs may continue to be utilized.
- I. Right of Way. Any sign located in the public right of way is prohibited.

#### **15.4. Regulations of Permissible Signs**

**15.4.1** Signs Not Requiring Permit: A permit is not required for the following types of signs.

- A. Traffic, directional, warning, or informational signs authorized by any public agency.
- B. Official notices issued by any court, public agency, or officer.
- C. Two (2) non-illuminated directional real estate signs measuring a maximum of 24”x6” shall be allowed off-site with an arrow, “For Sale”, “For Rent”, seller information, etc., on both sides. The frame shall be metal, plastic, or wood and shall be just large enough to hold the sign. Signs shall be removed within ten (10) days of the sale or the expiration of the listing. Also, one non-illuminated on-site sign measuring a maximum of six (6) square feet set back at least six (6) feet off the street/road right-of-way shall be allowed on the site of residential property that is for sale, for lease, for rent, etc. One non-illuminated sign measuring a maximum of twenty (20) square feet set back at least ten (10) feet off the street/road right-of-way shall be allowed on the site on nonresidential property for sale, for lease, for rent, etc. Both sides of the site sign may be utilized.
- D. One (1) sign for a home occupation, provided it is not illuminated, not larger than one (1) square foot, and mounted against a wall of the principal building.
- E. Church or public building bulletin boards and identification signs. There shall be a limit of one (1) such sign, which shall not exceed twenty-five square feet (25’<sup>2</sup>) in area and shall be set back at least six feet (6’) from the edge of the right-of-way.
- F. Directional signs not exceeding six square feet (6’<sup>2</sup>) in area referring to organizations or facilities and not erected for a period longer than ten (10) days.
- G. Signs identifying by name only residential subdivisions, unified housing developments, or mobile home parks not exceeding thirty-two (32) square feet.
- H. One (1) non-illuminated sign, not exceeding thirty-two (32) square feet, displaying the name of the building, contractors, architects, engineers, owners, financial, and/or selling or developmental

agencies upon the premises of any work under construction, alteration, or removal. Such a temporary sign shall not be erected before the issuance of a Building Permit and shall be removed prior to the issuance of the final Certificate of Occupancy.

- I. Temporary political and campaign signs provided they do not exceed six (6) square feet and are not located within a street or highway rights-of-way. Signs may be erected no earlier than sixty (60) days before the election and must be removed within one (1) week of the election.  
[3.14.2005]
- J. One non-illuminated sandwich board sign for any business located in the Town Center (TC) zone not to exceed two (2) feet wide by three (3) feet high and located on private property or immediately adjacent to the storefront on the sidewalk.

**15.4.2** Free-standing signs: One (1) and a half (1/2) square feet of sign area for each lineal foot of building front, side, or rear abutting a publicly maintained street or highway and occupied by a commercial or industrial use shall be permitted on the premises on which such use is conducted, subject to a maximum of one hundred fifty (150) square feet of sign area on any such premises. Free-standing signs are not permitted in the Town Center (TC) zoning district. The permitted sign area shall be divided among not more than three (3) signs, and no single sign area shall contain more than fifty (50) square feet. The sign shall be set back six feet (6') from the right-of-way. The maximum height for a free-standing sign, excluding the area within six hundred sixty (660) feet of the Interstate 95 right of way, is sixteen (16) feet above natural grade. Freestanding signs shall have their address prominently displayed on the supporting hardware or on the sign itself so that safety personnel can read the numbers from their vehicles. Sign height is to be measured from natural grade to the top extension of the sign. The sign area of all free-standing signs on the premises shall be charged against the maximum free-standing sign area allowed on the premises, except for the following types of signs:

- A. Menu reader boards for drive-in or drive-through restaurant services provided they are not oriented toward the street;
- B. Signs attached directly to petroleum product pumps at service stations provided each such sign is no larger than one (1) square foot and contains no letter, number, or logo larger than three (3) inches; and
- C. Private on-site directional signs such as "entrance," "exit," or "drive-through," provided they contain no business name, logo, or symbol.

**15.4.3** Wall Signs: Signs on the walls of a building, including signs attached flat against the wall and/or painted wall signs, shall meet the following requirements.

- A. Signs on Front Surface of the Building: The total sign area on the exterior front surface of a building shall not exceed one (1) square foot of sign area for each lineal foot of the building front.
- B. Signs on Side or Rear Surface of Building: The total sign area on the side or rear surface of a building shall not exceed a half (1/2) square foot of sign area for each lineal foot of the exterior side or rear surface of the building respectively.

**15.4.4** Shopping Center Signs

- A. For individual stores or business establishments within a shopping center or unified business development, the total sign area on the exterior front surface shall not exceed one (1) square foot of sign area for each lineal foot of the building front.
- B. In addition to signs permitted for individual stores or business establishments within a shopping center or unified business development, one (1) freestanding shopping center sign bearing the name of the unified business development or shopping center shall be permitted. This sign shall contain only the name of the shopping center or unified business development, except that

individual business signs not exceeding fifteen (15) square feet each are permitted for up to five (5) individual businesses as part of the main shopping center sign. The total area of this shopping center sign shall not exceed two hundred (200) square feet.

C. No individual businesses shall have a free-standing sign.

**15.4.5** Illuminated Signs: Illuminated devices shall be so placed and so shielded that light and glare therefrom or from the sign itself will not be cast directly into any residence, sleeping room, or into the eyes of vehicle drivers.

**15.4.6** Fluttering Devices: Fluttering devices such as ribbons, banners, balloons, and similar devices are prohibited except temporarily, once a year, for a period not to exceed thirty (30) days. The applicant shall register the event with the Town prior to opening.

**15.4.7** LED Signs: LED signs are permitted within the town under the following restrictions:

- A. Permitted locations. Schools, places of worship, and fuel pricing at service stations.
- B. Sign, style, height, width, and setback. The LED portion of the sign shall be integrated into a low-profile freestanding sign with a brick or stone base. The sign shall not exceed six (6) feet in height and eight (8) feet in width, including the base and all stonework. The sign shall be set back with a minimum of ten feet from the front property line. The LED portion of the sign may display letters/numbers only, with a maximum of three lines of text. No characters are permitted.
- C. LED sign area. The maximum area of the LED sign component shall not exceed thirty-six (36) square feet.
- D. Color and brightness control. Message copy shall be limited to one color, on a black background. The sign shall be equipped with photosensitive equipment which automatically adjusts to the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
- E. Movement restriction. The use of animation, flashing, scrolling, or blinking characters is prohibited.

**15.4.8** Projecting Signs: Projecting signs shall not exceed eight (8) square feet in size.

**15.4.9** Window Signs: Window signs shall be limited to twenty-five (25) percent of the square footage of the window.

## **15.5. Highway Attraction Signs**

**15.5.1** Design Standards: The following standards apply to all highway attraction signs.

- A. Shall be limited to one (1) per commercial establishment.
- B. Shall be located in the Commercial Corridor District(CCD)
- C. Shall be within six hundred sixty (660) feet of the right-of-way for Interstate 95.
- D. Shall be limited to five hundred (500) square feet area per side (limited to two).
- E. Shall be limited to forty-eight (48) feet above grade in height.
- F. Shall advertise activities conducted on the property on which the sign is located.
- G. The sign shall not overhang the Interstate 95 right of way.
- H. No sign permitted under this section may be erected which is not shielded effectively to prevent beams or rays of light from being directed as to cause glare or impair the vision of a driver's operation of a motor vehicle.
- I. No illuminated highway attraction sign shall be erected within four hundred feet (400') of a residence outside the CCD or within two hundred feet (200') of a residential zone.

- J. Highway attraction signs shall be separated by three hundred (300) feet on center, minimum, measured from the base or support of the sign. (In the event of two or more supports, the center shall be defined as the mid-point between the supports.)
- K. No more than two sign panels facing in the same direction may be erected on the same structure if the total area of both sign panels does not exceed the maximum.
- L. The applicant applying for a permit for a highway attraction sign shall show evidence of certification by a professional structural engineer that the sign will be structurally sound, will withstand maximum sustained winds of the St. George wind zone as found in the current building code, and will meet all other applicable Building Code requirements.

**15.6. Sign Amortization & Compliance**

**15.6.1** Standards of Compliance: The following regulations and amortization shall apply to all signs within the town except as otherwise noted.

- A. Amortization Clause: All existing signs permanently affixed to walls or the ground shall be brought into compliance with all provisions of this section no later than March 1, 2034, after the enactment of this ordinance. In any areas annexed into the town after the adoption of this ordinance, all signs shall be brought into compliance with all provisions of this article no later than March 1, 2034 years from the effective date of such annexation. All other signs must comply with the ordinance within thirty (30) days of the approval of this amendment.
- B. Economic Life of Signage
  - 1. Should it be determined that any owner of a sign required to be removed as a non-conforming sign is entitled to compensation therefore, it is hereby found and determined that the reasonable usable life of any such sign is a period of twelve (12) years and just compensation for the loss or removal of any such sign shall be based on a sign life expectancy of twelve (12) years.
  - 2. It is further found and determined that on the expiration date of March 1, 2034, all owners of non-conforming signs shall be deemed to have realized the full value and use of such signs and there will be no entitlement for compensation.
- C. Removal of Non-conforming Signs
  - 1. Any non-conforming sign on a lot with any enterprise left vacant for a period of one year or more shall be removed.
  - 2. Any illegal signage on a lot shall be removed prior to the allowance of any new enterprise being established on the said parcel.



# 16 PLANNED DEVELOPMENT REGULATIONS

**Intent:** The purpose of the Planned Development (PD) district is to accommodate reasonable community growth in a pattern that preserves and strengthens the town’s historic character and surrounding natural resources while encouraging flexibility, economy, and ingenuity in the development of tracts adjacent to the existing town. It is the intent of this district to achieve:

- Greater choice in the type of built environment and housing units available to the public;
- Increased flexibility for proposed development within the ordinance;
- Creation and retention of usable open spaces.
- A creative approach to the use of land and related physical development;
- An efficient use of land resulting in smaller networks of utilities and streets; and
- More efficient use of land and public services is encouraged by the incidence of new development in a traditional grid or loop street pattern.
- Future development continues the sense of place inherent in St. George, which promotes its community identity and sense of belonging, encouraging social interaction among residents;
- New development uses economical and energy-efficient building prototypes and landscaping techniques as a basis for design in order to minimize reliance on non-renewable energy sources.
- The Planned Development District shall be characterized as a contiguous layout that minimizes the typical suburban subdivision incorporating several curvilinear cul-de-sacs with little or no interconnectivity to other portions of the subdivision. Street patterns that interconnect streets through a grid or loop street system are preferred. The district shall be designed to provide open spaces that enhance views of the community’s natural resources.
- Complete streets design with narrow traffic lanes, sidewalks, street trees, and walkable block sizes.

## 16.1. Regulatory Effects

Consideration of a request for approval of a Planned Development District is based upon the submission of a Concept Development Plan. The Concept Development Plan consists of both visual and written representations of the proposed layout and/or design of the planned development, including alternative zoning regulations.

**16.1.1** Change of Zone: Approval of a request to zone a specific parcel or tract of land as a Planned Development (PD) district constitutes a change in the Town’s zoning map and zoning requirements applicable to those parcels included in the zoning request.

**16.1.2** Conflict: Wherever an approved Concept Development Plan and accompanying documents conflict with provisions in the Town’s land development regulations, provisions of the approved Concept Development plan supersede. All development requirements of the Town not specifically addressed by or illustrated on the Concept Development Plan apply.

**16.1.3** Transfer: Transfer of ownership of a parcel or tract of land zoned Planned Development does not invalidate the regulatory effect of the approved zoning, including consistency with the Concept Development Plan.

## **16.2. Permitted Uses and Structures**

A listing of the permitted uses within a proposed Planned Development District shall be adopted as part of the rezoning approval. Following approval of the rezoning, the uses permitted in the district shall be restricted to those listed, as recommended by the Planning Commission and approved by Town Council.

## **16.3. Allowable Mix of Uses**

A Planned Development District shall include a mix of residential, commercial, institutional, and/or civic uses, as approved by the Planning Commission and Town Council. In planned developments where a mix of these uses is proposed no more than 15% of the net land area shall be devoted to non-residential uses. The list of proposed uses may include the following:

### **16.3.1 Residential Uses:**

- A.** Single Family Detached dwellings
- B.** Single Family Attached dwellings, with no greater than four (4) units per structure.
- C.** Apartment dwellings on the same lot as an approved commercial use.
- D.** Accessory dwelling unit on a single-family detached dwelling lot not to exceed 800 square feet.

### **16.3.2 Commercial Uses:**

- A.** Bed and Breakfasts, in compliance with the provisions of the Zoning Code.
- B.** Home Occupations, in compliance with the provisions of the Zoning Code
- C.** Childcare centers, daycare centers, pre-schools, and kindergartens.
- D.** Professional offices, studios, and clinics.
- E.** Convenience retail and service establishments providing goods and services to residents of the planned development.

### **16.3.3 Institutional and Civic Uses:**

- A.** Schools or institutions of higher learning.
- B.** Public parks, playgrounds, or other active recreational use areas.
- C.** Churches, synagogues, or other similar places of worship.
- D.** Government agencies and services.
- E.** Open Spaces.

### **16.3.4 Accessory Uses:**

Other uses similar to those listed above may be considered for approval as listed on the Concept Development Plan, provided, however, that the following uses shall not be considered for approval as part of a request for a planned development:

- A.** Non-residential uses proposing greater than 2,100 square feet of floor space;
- B.** Accessory drive-up service windows;
- C.** Open or field storage;
- D.** Outdoor sales;
- E.** Commercial entertainment;
- F.** Manufactured housing; and
- G.** Manufacturing operations.

## 16.4. Development Standards

Within any PD district, the Planning Commission and Town Council shall ascertain whether the characteristics of the proposed building siting shall be appropriate as related to the purpose and intent of this ordinance and the structures within the planned development and the surrounding land uses. In addition, the following minimum development standards shall apply:

**16.4.1 Minimum Project Area:** The minimum project area shall be five (5) acres.

**16.4.2 Maximum Development Densities:** The overall density of development approved within a PD district shall not exceed that which can be adequately served by infrastructure existing or planned at the time of the rezoning or the following, whichever is less. In any case:

- A. The maximum residential density shall not exceed eight dwelling units per acre.
- B. The maximum non-residential floor area shall not exceed 2,100 square feet of total heated space.

**16.4.3 Maximum Residential Floor:** 3,500 square feet of total heated space, excluding porches and garage spaces.

**16.4.4 Lot and Building Requirements:** Minimum lot width, yard sizes, and setbacks, maximum lot coverage, minimum building separation, and maximum height are subject to the approval of the Planning Commission and Town Council upon a determination that the characteristics of the building sitting are appropriate as related to the intent of this Ordinance and the structures within the planned development and the surrounding land uses, in that such sitting does not produce safety hazards, traffic congestion, or interfere with the provision of services.

- A. Any lot or yard forming the outer boundary of the PD which adjoins a residential district must conform to the conventional minimum dimensional requirements of the adjoining residential district; provided, however, that a common open space to a depth of 100 feet from the PD district boundary may be used in lieu of compliance with the conventional minimum dimensional requirements of the adjoining residential district. In no case shall a structure be erected within 25 feet from any external lot line of a planned development.
- B. Location of single-family attached structures. Multi-unit portions of the PD shall be developed on the interior rather than the periphery of the tract so that the single-family detached units border adjacent properties developed with single-family detached residences.

**16.4.5 Screening.** All screening required by Chapter 14.5.4 of this Ordinance shall be provided; provided however that the Planning Commission and Town Council may waive or alter screening requirements where it is found that the layout, site configuration, or the existence of natural features are such that the absence/alteration of screening would not adversely affect adjoining land uses.

**16.4.6 Off-street Parking and Loading:** Parking and loading requirements shall comply with the requirements of Chapter 3.13 of this Ordinance. Before approval of a Planned Development application, the Planning Commission and the Zoning Administrator shall review and approve a parking scheme for the development. The planned development's deed and covenants shall include a legal instrument regarding the maintenance and repair responsibility for any off-street parking areas.

**16.4.7 Access:** The planned development shall have direct access to at least one existing roadway classified as an arterial or collector roadway as designated by this Ordinance. No individual residential lots within the PD shall be located to have direct vehicular access to any public roadway classified as an arterial or collector.

- A. Frontage. Any subdivision of land occurring within a PD development shall require each lot to have frontage on a roadway constructed to the Town's specifications. The amount of such

frontage shall not be less than fifty (50) feet except that a ten percent (10%) reduction in such frontage may be permitted for each lot fronting on an internal street upon a finding by the Planning Commission and Town Council that such does not produce safety hazards, traffic congestion or interfere with the provision of services.

- B. Private Streets. Private streets are permitted in an approved Planned Development; provided that such streets meet the design and construction standards of the Town. The association's deeds and covenants shall include a legal instrument regarding the maintenance and repair responsibility for the streets.

**16.4.8 Open Space:** In areas where single household units and/or two household units will be constructed, a minimum of 10% of the area shall be set aside for common open space.

**16.4.9 Community Recreation Facilities.** Any community recreation facility proposed shall be designed to serve residents of the planned development and shall be in scale with the community's character.

## **16.5. General Design Guidelines**

To ensure that the structure of a proposed Planned Development district has a strong relationship between the existing community of St. George and adjoining agricultural areas, the following design elements shall be achieved. Methods for achieving these guidelines shall be illustrated in the Concept Development Plan or within supporting documents before approval of the rezoning:

**16.5.1 Blocks:** Subareas of the proposed Planned Development shall consist of recognizable blocks and public open spaces designed to reinforce the existing block character of St. George. Public space shall include streets and open spaces.

**16.5.2 Walking/Biking:** Street designs shall support and encourage the use of non-vehicular forms of travel.

**16.5.3 Integrated Pathways:** Pedestrian accessibility to, from, and within the proposed PD shall be provided via an integrated pathway system, part or all of which may be comprised of sidewalks.

**16.5.4 Natural Resources:** All site planning shall take into consideration existing non-renewable natural resources within the community so that natural water bodies, vegetation, and other features are preserved, enhanced, and incorporated within the development's design.

**16.5.5 Landscape:** Placement of new landscaping and plant materials shall take into consideration seasonal sun and wind orientations, suitability to local soil and climate conditions, and water consumption requirements. The preservation of existing vegetation and native plant materials with low water consumption is encouraged.

## **16.6. Modifications**

Town Council, upon recommendation of the Planning Commission, may permit modification of any Development Standard or Design Guideline listed in this Section in conjunction with approval of the zoning to PD. All requests for modifications must demonstrate the following:

- The design and improvement of lots that shall contain such modifications shall be in harmony with the design and improvement of other lots within the proposed development and shall not, through the use of such modifications, be different from, or inferior to, other lots within the proposed development.
- The modifications shall not result in configurations of lots or streets systems, which shall be impractical or detract from the appearance of the proposed development.
- The proposed modifications shall not result in any detriment to public health, safety, or welfare.

- Landscaping and other methods of design shall be used to ensure harmony with buildings within the development.
- The maximum lot coverage shall not be exceeded.
- The proposed modifications shall not result in any detriment to any adjacent uses or districts.
- The proposed modifications will not place an unduly increased burden on existing systems of infrastructure, e.g., streets, or water quality.

## 16.7. Administrative Procedures

**16.7.1 Pre-application Conference:** All applicant shall communicate their intentions to establish a Planned Development, and the proposed characteristics thereof, to the Planning Commission in the form of a sketch plan prior to submitting an official Application for Amendment in order to avoid undue delay in the review process after initiating such application, and in order to facilitate review of materials which may be in preliminary form, and in order to avoid unnecessary expense in preparation of materials in a final form which may later be found to be unacceptable or incomplete. The applicant is encouraged to seek professional assistance in the preparation of this plan.

**16.7.2 Applications:** An applicant shall make an application for an amendment to the existing zoning of a parcel in accordance with the Zoning Code by submission of a Concept Development Plan. The application shall be submitted to the Zoning Administrator who will forward such application to the Planning Commission for review. It must be accompanied by the following documents:

- An approved and recorded plat of the total site including a boundary survey with vicinity map, title block, scale, and north arrow;
- Proof of ownership of all property to be included within the proposed Planned Development district or certification of the applicant as the representative of the property owner(s) if the property is not owned by a single entity.
- A description of the development objectives to be achieved by the planned development. The statement shall describe the purpose and the character of the proposed development and its relationship to the current zoning ordinance, and/or other adopted plans of the Town.
- A Site Plan and supporting maps, which include:
  - The number of acres of the overall site;
  - Location and number of acres of various sub-areas by type of use;
  - The use, height, elevations, impervious surface, and location of all structures;
  - Density figures for the various sub-areas and phases of the site, including the number of units and density of each residential type, such number to represent the maximum number of units to be developed;
  - Density figures for the various sub-areas and phases of the site, including the floor area of each non-residential use, such number to represent the maximum amount of non-residential floor area to be developed;
  - Existing and proposed circulation systems identifying arterials, collectors, local streets, landscaped areas, off-street parking areas, handicapped parking spaces, service areas, loading areas, major points of access to public rights-of-way and dumpster locations;

- Existing and proposed site conditions, including soil analysis and an on-site drainage plan with spot elevations at a density of no less than fifty per acre.
  - Existing and proposed utility systems;
  - Open space and screening design;
  - Development phasing map with stages of development depicted; and
  - Other information as may be requested by the Zoning Administrator regarding configuration to facilitate the Planning Commission's review of the site plan.
- A Statement of Intent, which includes:
    - A legal description of the proposed development boundaries;
    - Total number of acres in the development;
    - The number, type, size, and location of units;
    - Maximum proposed impervious surface, including square footage and percentage;
    - The number of off-street parking spaces related to the individual uses as;
    - A statement of the public improvements both on and off-site that are proposed for dedication and/or construction and an estimate of the time for providing such improvements;
    - A description of the existing and proposed site conditions, including soil analysis, hydrology study, drainage plan, and a letter from DHEC regarding the site capacity for onsite water and wastewater systems;
    - Open space, screening, and buffer areas descriptions;
    - Development phasing schedule for all construction with a number of buildings, approximate construction dates, and justification;
    - A statement of impact on public facilities, including water, wastewater collection and treatment, schools, roadways, garbage collection, fire protection, and letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed Planned Development;
    - Description of the proposed procedures and operations of the homeowners' association or group maintenance features;
    - A description of the types of uses to be included in the development, including their respective location, number, and size, in square feet; and
    - Other information as may be requested by the Zoning Administrator due to site configuration to facilitate the Planning commission's review of the descriptive statement.

#### **16.8. Planning Commission Review**

After meeting all application requirements, a public hearing shall be held before the Planning Commission, in accordance with the procedures set forth in this Zoning Code. Recommendations as to an application for zoning of a PD district shall be made by the Planning Commission to Town Council after the hearing. Such a recommendation may be made at the conclusion of the public hearing or at the next meeting of the Planning Commission and is advisory.

#### **16.9. Town Council Consideration**

Upon receipt of a recommendation from the Planning Commission, Town Council shall schedule a public hearing. Town Council may then approve the application, may include specific modifications to the proposal or other applicable regulations, or may deny the application. Council shall pass upon the adequacy of the application in form and substance relative to any agreements, contracts, deed restrictions, or other instruments involved. Such instruments shall be approved by appropriate officers and agencies prior to the commencement of development activities.

#### **16.10. Compliance**

If an application is approved, the development shall be required to be in accord with the approved planned development district, meeting the requirements of these and other regulations, as supplemented or modified by the Town in the particular case as part of its approval, and shall conform to any time or priority limitations established by Council on beginning and completion of the development as a whole, or in specified phases.

#### **16.11. Authorization to Proceed**

Upon approval of a Planned Development, the official zoning map shall be amended to designate the approved district. Approval of a Planned Development District shall constitute authority for the applicant to submit a preliminary subdivision plan.

#### **16.12. Subdivision Plans**

Approval of a Concept Development Plan and Statement of Intent shall constitute authority to prepare subdivision plans, if applicable, in accordance with the procedures set forth in these land development regulations. No building permit or certificate of occupancy shall be issued until the Planning Commission has approved final plats for each phase of the development.

#### **16.13. Issuance of Zoning and Building Permits**

The Building Inspector shall only issue building permits for lots within a planned development district after all of the following conditions have been met:

- All plats showing proposed features of the planned development as approved by the Planning Commission have been filed with the Building Inspector.
- Any necessary agreements with the Town that the Town may become a party to have been completed and deed restrictions and other restrictive covenants related to the planned development have been recorded, with the Town Clerk and in the RMC office for Dorchester County.
- All required deed restrictions or other restrictive covenants as required by the Town Council upon approval of the amendment establishing the planned development district, and proof of recording of such deed restrictions and covenants in the R.M.C. office for Dorchester County, have been filed with the Town Clerk.
- The legal perpetual agreement setting forth the ownership, care, maintenance, and other responsibilities, including liability, for all commonly owned areas and structures within the planned development and proof of recording the same in the R.M.C. office for Dorchester County have been filed with the Town Clerk.

- The application as approved by Town Council setting forth and committing the developer to certain design standard development phasing schedules, and other pertinent matters are on record with the Town Clerk.
- The posting of a bond or the giving of other surety in an amount and form approved by the Town Council that adequate progress will be made in the project development has been completed.

#### **16.14. Changes to an Approved Planned Development District**

**16.14.1 Major Changes:** Proposed amendments to an approved planned development district involving the following changes shall be considered major amendments, and shall only be approved by the Town Council in the manner provided by law for the amendment to the zoning map at the time of any such proposed amendment:

- A. The location of residential, office, commercial development sub-areas, open space areas and major circulation systems;
- B. The maximum number of allowed dwelling units and maximum net density for each sub-area;
- C. A requirement specific to the approved planned development;
- D. Information required for open space and recreational use areas;
- E. The plan for landscape screens and buffers; and
- F. Amendments to the building phase schedule.

**16.14.2 Minor Changes:** All other proposed amendments to the PD shall be considered minor amendments, and the Zoning Administrator, upon receipt of an application, may approve minor amendments to the PD.

#### **16.15. Failure to begin, Complete, or Make Adequate Progress**

The descriptive statement approved by Town Council and duly recorded shall set forth the development schedule for the PD, including phasing of development of non-residential uses in relationship to residential uses in all events, development must begin within two (2) years of the approval of the PD, pursuant to the approved phasing schedule.

##### **16.15.1 Bond**

Town Council may require the posting of a bond with a corporate surety to guarantee that the schedule set forth in the descriptive statement will be adhered to in order to guarantee the construction of streets, utilities, and other facilities and amenities or to allow for correction of improper development, such as the failure to develop areas designated for common open spaces.

##### **16.15.2 Failure**

Upon the failure to make adequate progress as agreed to in the descriptive statement, Town Council may, at its option, enforce and collect upon the bonds as described above, or pursue such other means legally available to it to protect the public interest.

#### **16.16. Terms of Section to Prevail**

In case of any conflict of the terms of this Section with terms of other requirements in this Ordinance, the terms of this Section shall prevail.



# 17 LAND USE REGULATIONS

Intent: To govern all types of land development activities including site plans, subdivisions, any change in land characteristics through redevelopment, construction of buildings or other facilities, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, or similar developments for sale, lease or any combination of owner and rental characteristics.

## 17.1. General Provisions

**17.1.1 Authority:** This ordinance, “Land Development Regulations,” originally adopted as Section 18.7 of the Town Codes of St. George, is hereby incorporated into the St. George Zoning and Land Development Regulations. The Zoning Administrator is vested with the authority to review, approve, conditionally approve, and disapprove applications for the subdivision and development of land, which shall include Site Development Plans, Sketch Plans, Preliminary and Final Plats. If the subdivision includes a change in zoning, the Planning Commission is vested with the approval of such change in accord with the procedures in Section 14.4.

**17.1.2 Policy:** It is declared to be the policy of the Town of St. George to consider all land development as subject to the control of the Town pursuant to the adopted Comprehensive Plan for the orderly, planned, efficient, and economical development of St. George.

- A. Land to be developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided or developed until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and other improvements. The determination of the presence or absence of adequate public facilities, or provision thereof, shall be evaluated by the Zoning Administrator upon review of a complete permit application and a completed ‘Community Impacts Assessment Form for Proposed Subdivision or Land Development Project.’
- B. The existing and proposed public improvements shall conform to and be properly related to the policies shown in the Comprehensive Plan, official map, and capital budget and program of the Town, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the Comprehensive Plan, and the capital budget and program.
- C. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of the regulations.

## 17.2. Applicability and Jurisdiction

**17.2.1 Applicability:** These regulations shall apply to all land development and subdivisions of land located within the corporate limits of the Town of St. George.

- A. No land may be subdivided or developed through the use of any legal description other than with reference to a plat approved by the Town in accordance with these regulations.
- B. No land shall be subdivided or developed until each of the following conditions has occurred in accordance with these regulations:

(1) The development applicant or his agent has submitted a conforming Site/Sketch Plan of the proposed land development to the Zoning Administrator;

(2) The development applicant or his agent has obtained approval of the Site/Sketch Plan, a Preliminary Plat when required, and a Final Plat from the Zoning Administrator; and

(3) The development applicant or his agent files the approved plats with the Clerk and Recorder for Dorchester County.

- C. No Building Permit or Certificate of Occupancy shall be issued for any land development after the effective date of, and not in substantial conformity with, the provisions of these land development regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

#### **17.2.2 Modifications of Standards.**

- A. Findings. Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve modifications of these land development regulations so that substantial justice may be done and the public interest secured, provided that the proposed modification, with or without conditions, shall not have the effect of nullifying the intent and purpose of these regulations; further provided, the Planning Commission shall not approve modifications of these standards unless it shall make findings based upon the evidence presented to it in each specific case that:
1. The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property;
- B. Conditions. In approving a modification request, the Planning Commission may require such conditions as will, in its judgment, secure substantially the purposes of the standard requirement.
- C. Procedures. A proposed modification shall be submitted in writing by the developer when a Preliminary Plat is filed for the consideration with the Zoning Administrator. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

#### **17.2.3 Enforcement and penalties.**

- A. General.
1. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision, shall transfer or sell any part of the parcel before the Final Plat of the subdivision has been approved by the Zoning Administrator in accordance with the provisions of the regulations and filed with the Register of Mesnes Conveyance of Dorchester County.
  2. No Building Permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue Certificates of Occupancy or to extend utility services to any parcel created in violation of these regulations.
  3. It shall be the duty of the Zoning Administrator to enforce these requirements and to bring to the attention of the Town Attorney or his designated agent any violations of these regulations.
- B. **Penalty.** Any violation of these regulations or amendments thereof shall be a misdemeanor under the laws of the State; the offender, upon conviction, shall be punished as for a misdemeanor; the Dorchester County court having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and, upon conviction, to so punish them; each day that any structure or land is used in violation of these regulations shall constitute a separate offense.

- C. Civil enforcement.** Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described above.

### **17.3. Land Development Application Procedure and Approval Process**

#### **17.3.1** General procedure.

- A. Applicability.** Whenever a land development application or subdivision application entails the improvement or division of the land for the purpose of offer, sale, lease, or development, whether residential or non-residential, approval by the Zoning Administrator shall be required in addition to all other procedures and approvals required in the Zoning Ordinance, whether or not applicable zoning procedures also require Zoning Administrator approval, review, or recommendation. No Zoning Permits, Building Permits, or Certificates of Occupancy shall be issued for the project until the development or subdivision is approved and/or the applicable plat has been recorded with the Register of Mesne Conveyance of Dorchester County.
- B. Classification of land developments.**
1. **Land Development.** A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, or similar developments for sale, lease, or any combination of owner and rental characteristics.
  2. **Minor Land Development Subdivision.** Any development containing three (3) lots of less fronting on an existing street; not involving any new street or road, the extension of municipal facilities, nor the creation of any public improvements; not adversely affecting the remainder of the parcel or adjoining property; and not in conflict with any provision or portion of the Zoning Ordinance, Comprehensive Plan, or these regulations.
  3. **Major Land Development Subdivision.** All developments not classified as minor land developments, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local government facilities or the creation of any public improvements.
- C. General Process.** Before any land is developed or subdivided, the owner/applicant of the property proposed for land development or his authorized agent shall apply for and secure approval of the proposed development in accordance with the following procedures.
1. **Minor Land Development Subdivision**
    - a. Sketch Plan
    - b. Final Subdivision Plat
    - c. Community Impacts Assessment for Proposed Subdivision or Land Development Project
  2. **Major Land Development Subdivision.**
    - a. Sketch Plan
    - b. Preliminary Plat
    - c. Final Subdivision Plat
    - d. Community Impacts Assessment for Proposed Subdivision or Land Development Project
  3. **Land Development**
    - a. Sketch Site Plan
    - b. Site Plan

- c. Landscape Plan
  - d. Building Elevations (all four sides)
  - e. Tree Survey
  - f. Signs (if any)
  - g. Community Impacts Assessment for Proposed Subdivision or Land Development Project
- D.** Official Submission Date. The date of receipt of development plans or subdivision plats, with all documentation required in this ordinance, by the Zoning Administrator shall be the official submission date of the requested review. This date shall be stamped as received on the application.

**17.3.2** Sketch Plan.

Submission. Prior to the filing of any Preliminary or Final Plat, a Sketch Plan shall be submitted to the Zoning Administrator. The purpose of the Sketch Plan is to enable the Zoning Administrator to assist the applicant in determining what requirements apply prior to extensive site planning and engineering work necessary for the preparation of the Preliminary Plat and Final Plat required herein. The Sketch Plan of a proposed development shall be drawn at a scale and on a sheet size as required for Preliminary Plats and shall contain at least the following data, legibly drawn to scale, but not necessarily showing precise dimensions:

- A.** North arrow, written and graphic scales, and a location map showing the relationship between the proposed development and the surrounding properties;
- B.** Tract boundaries and total acreages;
- C.** Tentative street and lot arrangement showing average lot size and the number of lots;
- D.** Existing and proposed land use throughout the development;
- E.** Zoning classification(s); and
- F.** Phasing schedule plan if development is to be developed in phases.
- G.** Conference. With the submission of the Sketch Plan to the Zoning Administrator, the applicant shall schedule an appointment to meet with the Zoning Administrator. This conference is designed to advise the applicant of the following:
  - 1. Land development procedures,
  - 2. Requirements of this Ordinance, and
  - 3. Requirements of other departments.
  - 4. Filling out the Community Assessment Form

The Zoning Administrator may invite officials from other departments who must eventually approve aspects of the plat to attend this conference or advise the applicant of the officials who may need to be contacted.
- H.** Determination of subdivision type. After the conference, the Zoning Administrator shall notify the applicant in writing of the decision on the classification of subdivision within ten (10) days from the date that the Sketch Plan is submitted to the Zoning Administrator.

**17.3.3** Preliminary Plat.

Submission. The applicant, when required, shall prepare and submit a Preliminary Plat to the Zoning Administrator to be used for the purpose of determining the conformance of the development to design standards and improvement requirements. An application requesting approval of the Preliminary Plat, together with three (3) copies of the plat and required supplemental material, shall be submitted to the

Town Clerk not less than thirty (30) days prior to the meeting at which it is to be considered by the Zoning Administrator.

- A. General.** The Preliminary Plat of a proposed development shall be clearly and legibly drawn to a scale not smaller than one inch equal to one hundred feet (1" =100') and shall be on a sheet twenty-four by thirty-six inches (24" x 36") or of an approved size by the Zoning Administrator. If the Preliminary Plat requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- B. Requirements.** The Preliminary Plat shall contain or be accompanied by the following information:
  - 1. General information.
    - a. Proposed name of development. The name shall not duplicate or too closely approximate, phonetically or otherwise, the name of any development within the jurisdiction.
    - b. Name of record owner, surveyor, and/or engineer
    - c. True-north arrow, graphic scale, written scale, and date, including the month, day, and year that the original drawing was completed and the month, day, and year for each revision of the original drawing.
    - d. Name of the landowner(s), developer(s), if different, and location and ownership of adjoining properties.
    - e. Existing zoning classification of the tract within the tract.
    - f. A vicinity map, for the purpose of locating the property being developed, drawn at a scale of one-inch equals two thousand feet (1" =2,000') and showing the relation of the property to surrounding properties, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, and landmarks existing within two thousand feet (2,000') of any part of the property.
  - 2. Existing site data.
    - a. The distance and bearing of one of the corners of the boundary of the development to the nearest intersection of existing streets or roads.
    - b. Total tract boundaries of the property being developed, showing bearing and distances, and a statement of the total acreage of the property.
    - c. All existing municipal boundaries, property lines, rights of way, easements, railroads, sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, storm drainage ditches, water courses, buildings, and wooded areas.
    - d. All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including the names, right-of-way widths, pavement widths, and approximate grades.
  - 3. Proposed site data.
    - a. Street rights of way, pavement widths, and grades. Street profiles and cross-sections shall be provided when requested by the Zoning Administrator.
    - b. Lot lines, lot dimensions, and lot and block numbers.
    - c. Preliminary plans for utilities (i.e. – sewer, water, electricity, gas lines, and storm drainage). Storm and sanitary sewer profiles, cross sections, and sizes shall be provided when required by the Zoning Administrator.
    - d. Plans for the protection of soils on the site from wash, erosion, and other drainages during construction.

- e. Other easements and rights of way, including locations, dimensions, and purposes.
  - f. Any contour changes to be made by grading.
  - g. Parks, school sites, and other areas designated for public use, if any.
  - h. Areas to be used for purposes other than detached single-family residential and public, if any, with the purpose, location, footprint, and dimensions of each indicated.
4. Platting information.
    - a. The total tract boundary lines of the area being developed shall be in accordance with the most recent edition of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 22.
    - b. The Preliminary Plat shall meet all the standards and requirements as set forth in the laws of the State of South Carolina and these regulations.
  5. Supplemental data.
    - a. Copies of approval of the Department of Health and Environmental Control whenever individual sewage disposal or water supply systems are required.
    - b. Any other information considered by the applicant or the Zoning Administrator to be pertinent to the review of the Preliminary Plat.
  6. Improvement plans and data.
    - a. The applicant shall submit construction plans and specifications for all public improvements required by this Ordinance and installation of such.
- C.** Application fee. To defray the cost of inspection, review of the plat for conformance, and notification of the interested parties, the applicant shall pay fees, as specified in the Schedule of Fees and Fines of the Town of St. George, to the Town Clerk at the time of filing for the Preliminary Plat approval.
- D.** Zoning Administrator procedure. The Zoning Administrator shall act on the submitted plan or plat within sixty (60) days of the official submission date. Failure to act within sixty (60) days shall constitute automatic approval, and the applicant/developer shall be notified of this in writing. The sixty-day time limit may be extended by mutual agreement between the developer and the Town.
1. Notification of Action. Action taken by the Zoning Administrator shall be at a regularly scheduled Planning Commission meeting and notice of the time and place of said meeting shall be sent to the applicant whose name and address appear on or accompany the Preliminary Plat. Such notice shall be sent not less than five (5) days before the date fixed for the meeting.
  2. Preliminary Plat approval. The Zoning Administrator shall review and approve the Preliminary Plat. and any other municipal recommendations, testimony, and exhibits submitted. The Zoning Administrator shall tentatively approve, approve conditionally, or disapprove the Plat. One (1) copy of the proposed Preliminary Plat shall be returned to the applicant while one (1) copy is retained by the Town for its records bearing the date of approval, conditional approval, or disapproval and written reasons for such actions signed by the Zoning Administrator.
  3. Standards for approval of Preliminary Plats. No Preliminary Plat of a proposed development shall be approved by the Zoning Administrator unless the applicant/developer proves by clear and convincing evidence that:
    - a. The proposed development is consistent with the policies in the Comprehensive Plan;

- b. The proposed development meets the requirements of the Zoning Ordinance and these Land Development Regulations;
  - c. Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of development;
  - d. If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;
  - e. All areas of the proposed development which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and the proposed uses of these areas are compatible with such conditions;
  - f. The applicant has taken every effort to mitigate the impact of the proposed development on public health, safety, and welfare; and
  - g. Adequate public access is provided to all proposed lots.
4. Site improvements. No improvements shall be made nor shall permanent markers or monuments be installed prior to a granting of approval of the Preliminary Plat by the Zoning Administrator. Preliminary Plat approval shall be authorization for the applicant to proceed with the installation of site improvements and to proceed with the preparation of the Final Plat but shall not authorize the sale or transfer of lots.
5. Effective period of Preliminary Plat Approval. The approval of a Preliminary Plat shall be effective for a period of two (2) years from the date that the Preliminary Plat is approved by the Zoning Administrator. By the end of that time, the applicant shall submit a Final Plat for approval. If a Final Plat is not submitted within the two-year period, preliminary approval shall be null, and the applicant shall be required to submit a new Sketch Plan for review subject to the then-existing zoning and land development restrictions.

#### **17.3.4 Final Plat.**

Submission. The applicant shall prepare and submit a Final Plat to the Zoning Administrator the Planning Commission to be used for the purpose of determining the conformance of the development to design standards and improvements requirements. An application requesting approval of the Final Plat, together with three (3) copies of the plat plus any additional copies which the applicant desires to be stamped and returned shall be submitted to the Town Clerk not less than thirty (30) days prior to the meeting at which it is to be considered by the Zoning Administrator. Submission details will include the following:

- A.** The Final Plat shall meet or exceed the standards set forth for the Preliminary Plat, presenting the equivalent information, revised or updated, as applicable.
- B.** Requirements. The Final Plat shall conform to the greatest extent possible with the approved Preliminary Plat, including all conditions for approval noted thereon, and shall contain or be accompanied by the following information in addition to that required on the Preliminary Plat.
  - 1. General, existing, and proposed information.
    - a. The month, day, and year that the original drawing (generally the Preliminary Plat) was completed and the month, day, and year for each revision of the original drawing.
    - b. All installed public improvements required, documented to the standards set forth for Preliminary Plat approval.

- c. If no Preliminary Plat was prepared (i.e. – in the instance of a minor subdivision), the information shall be provided on such plat in conformance with and contain the information found in Section 17.3.3 – Preliminary Plat.
2. Platting information.
    - a. The total tract boundary lines of the area being developed shall be in accordance with the most recent edition of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, as promulgated by the Code of Laws of South Carolina, 1976, Title 40, Chapter 22.
    - b. The Final Plat shall meet all the standards and requirements as set forth in the laws of the State of South Carolina and these regulations.
  3. Supplemental data.
    - a. Copies of approval of the Department of Health and Environmental Control whenever individual sewage disposal or water supply systems are required.
    - b. Any other information considered by the applicant, the Planning Commission, or the Zoning Administrator to be pertinent to the review of the Preliminary Plat.
  4. Certification. The following certificates shall be lettered, printed, and/or stamped on the face of the Final Plat.
    - a. Surveyor or Engineer Certification of Accuracy. The signature, seal, and certification of a registered professional land surveyor or engineer to the effect that the Final Plat accurately reflects a survey made by him, that any changes from the description appearing in the last recorded transfer of land contained in the Final Plat are so indicated, that all monuments shown thereon actually exist or will be installed and their position is accurately shown.
    - b. Certification of Ownership and Dedication. A notarized certification of title showing that the applicants are the owners, and statements by such owners acknowledging any offers of dedication of land for public use and restricting land by protective covenants.
    - c. Certification of the Approval of Water and/or Sewer Systems (where applicable). The South Carolina Department of Health and Environmental Control (DHEC) and the appropriate service district shall certify that the water supply and/or sewer disposal system(s) installed or proposed for installation fully meet DHEC requirements.
    - d. Certification by Subdivider’s Engineer (where applicable). The signature, seal, and approval of the subdivider’s engineer shall indicate that required infrastructure improvements have been satisfactorily installed or that adequate financial guarantees have been provided.
    - e. Recording Notations. Appropriate notations for transfer and recording by the County Clerk and Recorder’s Office, indicating the date and time of recording, the plat book location thereof, and the instrument number.

**C. For Minor Subdivisions.**

1. Application fee. To defray the cost of inspection, review of the plat for conformance, and notification of the interested parties, the applicant shall pay fees, as specified in the Schedule of Fees and Fines of the Town of St. George, to the Town Clerk at the time of filing for the Final Plat approval.
2. Final Plat approval. The Zoning Administrator shall review the Final Plat and any other municipal recommendations, and testimony and exhibits submitted. The Zoning Administrator shall tentatively approve, approve conditionally, or disapprove the plat. One



- (1) copy of the proposed Final Plat shall be returned to the applicant while one (1) copy is retained by the Town for its records bearing the date of approval, conditional approval, or disapproval and written reasons for such actions signed by the Zoning Administrator.
3. Standards for approval of Final Plats. No Final Plat of a proposed development shall be approved by the Zoning Administrator unless the applicant proves by clear and convincing evidence that:
    - a. The proposed development is consistent with the policies in the Comprehensive Plan;
    - b. The proposed development meets the requirements of the Zoning Ordinance and these Land Development Regulations;
    - c. Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of development;
    - d. If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;
    - e. All areas of the proposed development which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and that the proposed uses of these areas are compatible with such conditions;
    - f. The applicant has taken every effort to mitigate the impact of the proposed development on public health, safety, and welfare; and
    - g. Adequate public access is provided to all proposed lots.
  4. Zoning Administrator procedure. The Zoning Administrator shall act on the submitted plan or plat within sixty (60) days of the official submission date. Failure to act within sixty (60) days shall constitute automatic approval, and the applicant/developer shall be notified of this in writing. The sixty-day time limit may be extended by mutual agreement between the developer and the Town.
  5. Notification of Action. Action taken by the Zoning Administrator shall be at a regularly scheduled Planning Commission meeting and notice of the time and place of said meeting shall be sent to the applicant whose name and address appear on or accompany the Preliminary Plat. Such notice shall be sent not less than five (5) days before the date fixed for the meeting.
  6. Final approval. If the Final Plat and all supplementary data comply with all applicable requirements of this Ordinance and the Zoning Ordinance, the Zoning Administrator shall approve said plat, and approval shall be noted in writing on each copy of the Final Plat. If the Final Plat is denied, the reasons for such action shall be stated in writing and signed by the Zoning Administrator. If deemed necessary, any modifications required by the Zoning Administrator as prerequisites to the approval of the Final Plat shall be noted on the plat. Two (2) copies of the executed plats shall be retained by the Town and the remaining copies returned to the applicant.

#### **17.3.5** Recording of Final Plat.

##### **A.** Signing of the plat.

1. When a subdivision agreement and security are required, the Zoning Administrator shall endorse approval on the Final Plat after the agreement and security have been approved and all the conditions of the resolution pertaining to the Final Plat have been satisfied.

2. When the installation of improvements is required prior to recordation of the Final Plat, the Zoning Administrator shall endorse approval on the Final Plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed.

**B. Recordation of plat.**

1. No subdivision plat shall be recorded unless it bears the endorsement of the Zoning Administrator
2. The plat shall be filed at the Dorchester County Clerk and Recorder's Office by the applicant within twelve (12) months of Final Plat approval or the action of the Town shall be null and void unless an extension of time is granted in writing by the Zoning Administrator upon written request of the applicant.

**17.3.6 Lot Line Adjustments and Combination or Recombination of Lots.**

The Zoning Administrator will allow plat approval procedures to be bypassed and grant Final Plat approval to the subdivider in the following situations:

- A.** The adjustment of lot lines where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and the Zoning Ordinance provided that in making such changes:
  1. No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by Town regulations,
  2. Easements or rights of way shall not be changed,
  3. Street locations and block sizes shall not be changed, and
  4. No lot shall be created which does not abut a public street.
- B.** The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and the Zoning Ordinance provided that in making such changes:
  1. No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by Town regulations,
  2. Easements or rights of way shall not be changed,
  3. Street locations and block sizes shall not be changed, and
  4. No lot shall be created which does not abut a public street.
- C.** In the case of the above exceptions, the applicant shall submit to the Zoning Administrator three (3) copies of the proposed plat changes along with the application fee.

**17.3.7 Appeals.**

If the Zoning Administrator is designated as the approving authority, a party may appeal a staff action to the Planning Commission. The Planning Commission shall act on the appeal within sixty (60) days. The Planning Commission's action is final. A party may appeal the decision to the circuit court within thirty (30) days of actual notice of the decision.

**17.4. Assurance for completion and maintenance of improvements.**

**17.4.1 Completion of improvements.**

Before the Final Plat is signed by the Zoning Administrator, all applicants shall be required to complete, in accordance with the Zoning Administrators' decision and to the satisfaction of the Town Engineer, all public improvements, including lot improvements on the individual lots of the development, as required

in these regulations, and to dedicate those public improvements to the Town, free and clear of all liens and encumbrances on the dedicated property and public improvements.

#### **17.4.2 Improvement Agreement and Guarantee**

- A. Agreement.** The Zoning Administrator in collaboration with the Town Administrator, may waive the requirement that the applicant complete and dedicate all public improvements prior to the approval of the Final Plat and, as an alternative, permit the applicant to enter into a subdivision improvement agreement by which the covenants to complete all required public improvements shall be fulfilled no later than two (2) years following the date on which the Zoning Administrator signs the Final Plat.
- B. Security.** Whenever the Zoning Administrator permits an applicant to enter into a subdivision improvement agreement, it shall require the applicant to provide a performance bond, cashier's check, letter of credit, or cash escrow as security for the promises contained in the subdivision improvement agreement.
  - 1. The security shall be in an amount equal to one hundred and fifty percent (150%) of the cost as estimated by the Town of any improvements which have not been constructed, installed, and completed in compliance with the requirements of this Ordinance prior to the posting of said security and for which sufficient certification has been furnished.
  - 2. In the event that any or all the required improvements are not completed within the time specified by the Commission, the Town may let or re-let the contract, using the posted security to defray the costs of such required improvements.
- C. Certificate of satisfactory completion.** The governing body will not accept dedication of required improvements, nor release or reduce the amount of any security posted by the applicant until:
  - 1. The Zoning Administrator has submitted a certificate stating that all required improvements have been satisfactorily completed;
  - 2. The applicant's engineer or surveyor has certified, through submission of a detailed survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Zoning Administrator, that the layout of the line and grade of all public improvements is in accordance with the construction plans; and
  - 3. A title insurance policy has been furnished to and approved by the Town Attorney indicating that the improvements have been completed, are ready for dedication to the Town or other appropriate entity, and are free and clear of any and all liens and encumbrances.

#### **17.4.3 Acceptance of dedication offers.**

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the Town before Final Plat approval. The approval of a subdivision plat by the Zoning Administrator, whether preliminary or final, shall not be deemed to constitute or imply the acceptance by the Town of any street, easement, or park shown on the plat. The Zoning Administrator may require the plat to be endorsed with appropriate notes to this effect.

#### **17.4.4 Maintenance of improvements.**

The applicant shall make such adequate provisions as shall be required by the Zoning Administrator for the perpetual maintenance of all public facilities in the subdivision until such obligations have been assumed by another entity.

#### **17.4.5 Issuance of Building Permits and Certificates of Occupancy.**

When a subdivision improvement agreement and security have been required for a development, no Certificate of Occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by either the Town or the County, as required in the Zoning Administrator’s approval of the Final Plat. If a subdivision is to be phased in, building permits and certificates of occupancy may be issued upon completion of required public improvements for the active phase only.

**17.5. Design standards.**

**17.5.1** General. The design standards contained herein shall be considered minimum standards. Higher standards are to be encouraged in subdivision design. The following standards shall be applied toward that end.

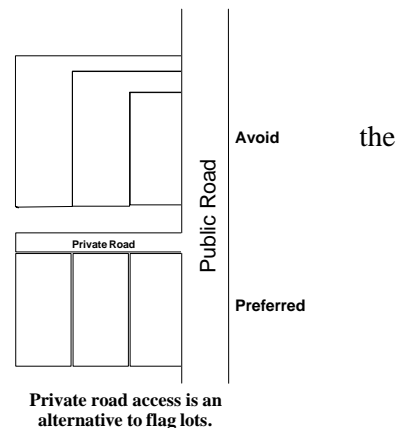
**17.5.2** Lots.

- A. All lots shall be accessible by public streets.
- B. The lot size, width, shape, grade, and orientation shall be in relation to the street and block design, existing and proposed topographical and natural vegetative conditions, and the type of development and use contemplated.
- C. All lots shall meet the minimum area requirements for the zoning district within which they are located.
- D. Corner lots shall be of sufficient size and shape to permit the required building setback and orientation to both streets.
- E. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the Town and recorded with the deed.

**17.5.3** Flag lots.

- A. Flag lots shall not be permitted when their effect would be to increase the number of properties requiring direct and individual access connections to State Highway System or other major thoroughfares.
- B. Flag lots may be permitted for residential development when deemed necessary to achieve planning objectives, such as preserving natural or historic resources, under the following conditions:

1. Flag lot driveway shall be separated from other driveways by at least the minimum lot width requirement of the zoning district.
2. The flagpole shall have a minimum width of twenty feet (20’).
3. In no instance shall flag lots constitute more than ten percent (10%) of the total number of building sites in a subdivision.
4. The lot area of the flagpole shall not be counted as part of the required minimum lot area of that zoning district.



**17.5.4** Streets and roads.

**A. General requirements.**

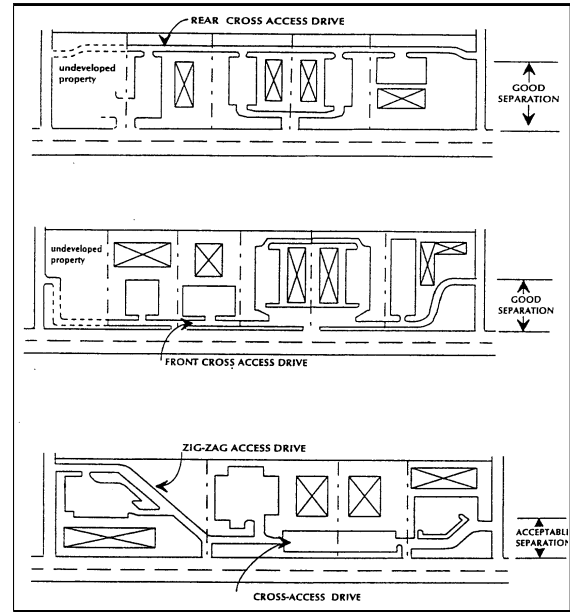
1. Frontage on approved roads. Major subdivisions shall not be approved unless the pre-subdivided parcel/development has frontage on and/or access from a public street.
2. Classification. All roads shall be classified as arterial, collector, or local. US Highways 78 and 15 shall be classified as arterial roads.
3. Intersections.
  - a. Not more than two (2) streets shall intersect at any one point.
  - b. All streets shall intersect at right angles as nearly as possible, subject to variations approved by the Town Engineer upon evidence of good cause. In no case shall streets intersect at an angle of less than seventy-five (75) degrees.
  - c. Street intersections shall be one hundred fifty feet on center (150' o.c.), min., measured along the centerline of the street being intersected.
  - d. Street intersections shall be located at least one hundred fifty feet (150') from the right of way of any railroad, measured from the center point of the intersection to the railroad right-of-way line nearest the intersection.
4. Right-of-way and pavement widths. Public-street rights of way and pavement widths shall be not less than:

<b>Required Right-of-Way and Pavement Widths</b>		
<b>Street Classification</b>	<b>Pavement Width</b>	<b>Right-of-Way Width</b>
Local Street	20 feet	40 feet
Collector Street		
2-Lane	22 feet	40 feet
3-Lane	34 feet	50 feet
Arterial	Per State Requirements	

5. Blocks. Block size and shape shall reflect the physical characteristics of the site regarding topography, applicable zoning requirements, natural growth, and soil conditions and shall permit lot access, traffic circulation, and control and safety of traffic.
  - a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets (arterials), railroads, or waterways.
  - b. No block shall be less than two hundred feet (200'). For local streets, no block shall be more than one thousand feet (1,000') in length. Where practicable, blocks along highways and arterials, and collector streets shall be no more than one thousand feet (1,000') in length. Minimum on-center spacing of public street intersections with arterials shall conform to SCDOT standards.

- c. Blocks in commercial and industrial areas may vary from the elements of design previously detailed if required by the nature of the use, subject to the approval of the Zoning Administrator.
- 6. Road names. Names shall be sufficiently different in sound and spelling from other road names in the municipality so as not to cause confusion. A road that is (or is planned as) an extension of an existing road shall bear the same name.
- 7. Joint and cross-access.

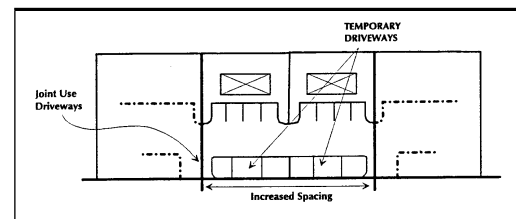
- a. Adjacent commercial or office properties shall provide a cross-access drive and pedestrian access to allow circulation between sites.
- b. A system of joint-use driveways and cross-access easements as shown in the figure below shall be established wherever feasible along arterial roads, such as US Highways 78 and 15, and the building site shall incorporate the following:



- A continuous service-drive or cross-access corridor extending the entire length of each block served to provide for driveway separation.
- A design speed of ten miles per hour (10 mph) and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.
- Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
- A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.

- c. Pursuant to this section, property owners shall:

- Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and the cross-access or service drive;
- Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the Town and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
- Record a joint maintenance agreement with the deed defining the maintenance responsibilities of property owners.



- d. The Zoning Administrator may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make the development of a unified or shared access and circulation system impractical.

8. Shared access.
  - a. Subdivisions with frontage on the state highway system shall be designed with shared access points to and from the highway. Normally a maximum of two (2) accesses shall be allowed regardless of the number of lots or businesses served.
  - b. Direct access to individual one- and two-family dwellings (private driveways) shall be prohibited on the state and federal highways to residential lots of less than one (1) acre.
9. Connectivity.
  - a. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision.
  - b. Whenever a proposed development abuts unplotted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the Town to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with temporary turnarounds unless specifically exempted by the Town, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
  - c. Collector streets shall intersect with other collector or arterial streets at safe and convenient locations.
  - d. Sub-collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
  - e. Subdivisions on a single residential access street ending in a cul-de-sac shall not exceed twenty-five (25) lots or dwelling units, and the cul-de-sac shall have a minimum cartway radius of thirty feet (30’).

#### **17.5.5 Sidewalks.**

- A. Required improvements.**
  1. Sidewalks shall be included within the dedicated right of way when indicated by the Zoning Administrator.
  2. A median strip of grassed or landscaped areas at least three (3) feet wide shall separate all sidewalks from adjacent roads.
- B. Pedestrian Accesses.** The Zoning Administrator may require, to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, perpetual unobstructed easements at least ten (10) feet in width. Easements shall be indicated on the plat.

#### **17.5.6 Parks, playgrounds, and recreation areas.**

- A. Required dedication.** For major subdivisions, the Zoning Administrator shall require the provision of three (3) acres of recreation area for every one hundred (100) dwelling units.
- B. Minimum size.** In general, land reserved for recreation purposes shall have an area of at least two (2) acres. When the ratio of dwelling units to the recreational area would create a park less than two (2) acres, the Zoning Administrator may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall land less than one-half (0.5) acre be reserved.

- C. Location. The recreation site shall be on land suitable for use as a playground, playfield, or for other recreational purposes. The developer shall improve the site to the standards required by the Zoning Administrator. The recreational site shall front on at least one (1) road.
- D. Money in lieu of land. Where, with respect to a particular subdivision, the reservation of land required pursuant to the requirements of this section does not equal the minimum required size of the recreation area, the Zoning Administrator shall require, before final approval of the subdivision plat, that the applicant deposit with the Town a cash payment instead of dedication. Such deposit shall be placed in a Neighborhood Park and Recreation Improvement Fund to be established by the Town. The fund shall be used for the improvement of a neighborhood park, playground, or recreation area, including the acquisition of the property. The Zoning Administrator shall determine the amount to be deposited, based on the following formula: two hundred dollars (\$200) multiplied by the number of lots the parcel can be divided into by the required minimum lot size of the zoning district in which it is located using net developable land, less a credit for the land actually reserved for recreation purposes if any.

**17.5.7 Stormwater drainage.**

- A. Easements. Drainage easements shall be provided so that hazards to properties within the proposed subdivision are minimized and neighboring properties will not be adversely affected by the increased run-off after development.
- B. Location.
  1. Where conditions make impractical the inclusion of drainage facilities within road rights of way, perpetual, unobstructed easements at least fifteen feet (15') in width for drainage facilities shall be provided across the property with satisfactory access to the nearest roadside drainage ditch/culvert. Easements shall be indicated on the plat. Drainage easements shall extend from the road to a natural watercourse or other drainage facilities.
  2. Where practicable, drainage easements shall center along or be adjacent to a common property line.
  3. When a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right of way conforming substantially to the lines of such watercourse, and of such width and, where applicable, construction as will be adequate for the purpose.
  4. Wherever possible, in the event of artificial drainage ways, the drainage should be maintained by an open channel with landscaped banks and adequate width for the maximum potential volume of flow.
  5. Natural drainage ways shall be preserved in their natural state.
  6. Low-lying lands along watercourses subject to flooding or overflowing during storm periods shall be reserved as drainage ways.
- C. Maintenance. Unless otherwise specified, the applicant shall be responsible for the general maintenance of easements. The Town or utility companies with lines in such easements shall have full right of access.
- D. Clearance. All stumps, debris, trash, and fallen trees within the easement right of way shall be cleared and removed.

**17.5.8 Utilities.**

- A. 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 the public and private utilities



involved, shall center along or be adjacent to a common property line where practicable, and shall be installed underground except where unusual circumstances prohibit such practice. Each cul-de-sac or dead-end street shall have provisions for a fifteen-foot (15') utility easement extending along the property line to prevent dead-end utilities.

- B. Maintenance.** Unless otherwise specified, the applicant shall be responsible for the general maintenance of easements. The Town or utility companies with lines in such easements shall have full right of access.
- C. Clearance.** All stumps, debris, trash, and fallen trees within the easement right of way shall be cleared and removed.

**17.5.9** Water supply and sewer connections.

Where a public water supply or public sewage system is reasonably accessible, the developer shall indicate a connection with such water supply or sewage system and a water and sewage connection for each lot with such material and to such size and length as shall be approved by the Public Works Department. Where a public water supply or public sewage system is not reasonably accessible or not planned for in the future, an alternate method of water supply or sewage disposal may be indicated and shall be approved in writing by the Department of Health and Environmental Control.

- A.** Any Major Subdivision within one thousand (1,000) feet of water and sewer lines shall be required to tap into such lines, and such connections shall be shown on Preliminary and Final Plats with appropriately sized pipes as approved by the Public Works Department. Such infrastructure shall be in place per the public improvement requirements of the Final Plat.
- B.** Fire hydrants. Fire hydrants shall be required for all subdivisions connected to a public water system. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structure and shall be approved by the fire department.

**17.6. Improvement standards.**

**17.6.1** Intent. Assurance of completion of improvements is necessary to protect the prospective lot buyer and the Town from the liability of the creation of lots without the provision of necessary services. To protect both the lot buyer and the Town and to ensure that the subdivision is an asset to the community, the improvements required by these regulations shall be installed prior to the approval of the Final Plat.

**17.6.2** General Conformance. Improvements shall be installed per the requirements and standards outlined in this Ordinance and other specifications and policies of the Town of St. George, Dorchester County, the State of South Carolina, and other public agencies of jurisdiction.

- A.** Commencement. No construction or installation of improvements shall begin in a proposed subdivision until the Preliminary Plat has been approved by the Zoning Administrator and unless all applicable permits have been issued.
- B.** Access. All public agencies shall have access to the premises and structures of a subdivision under this Ordinance during reasonable hours to make those inspections as deemed necessary by them to ensure compliance with the provisions of this Ordinance.
- C.** Inspection. Before beginning any work within the subdivision, the developer and/or developer's contractors shall make arrangements with those public agencies charged with the enforcement of the provisions of this Ordinance to provide for adequate inspection of the improvements.

- D.** Final Plat Approval. Approval of the Final Plat for recording shall not be given by the Zoning Administrator unless the developer has installed the required improvements as specified and required herein or has provided a financial guarantee as explained in this Ordinance.
- E.** Changes in the approved plans and specifications. If exigencies of construction necessitate changes in the approved plans and specifications, the developer shall request approval of such changes from the Zoning Administrator.

#### **17.6.3** Markers.

- A.** Markers shall be constructed of steel rods or iron pipes one-quarter of an inch (1/4") or three-quarters of an inch (3/4") in diameter, minimum respectively, and not less than twenty-four (24") inches long, shall be placed vertically in the ground to extend twelve inches (12") above the finished grade and shall be flagged with durable, colored material of six square inches (6"2) of surface area per side, min.
- B.** Markers shall be installed at the following locations:
  - 1. All angles formed by the intersection of lot lines and
  - 2. All exterior corners of the subdivision.

#### **17.6.4** Roads.

- A.** Roadway clearance. All stumps, debris, trash, and fallen trees within the road right of way shall be cleared and removed. All paved areas shall be cleared of significant soil sedimentation.
- B.** Paved roads. All paved streets shown on the Final Plat shall be graded, constructed, and surfaced per the following details and specifications. Any subdivision or development of land for purposes of sale or lease or any other purpose not specifically exempted shall have only paved roads complying with the South Carolina Department of Highways and Public Transportation Standards. Paved public streets must be properly dedicated and accepted by the County for maintenance. The donor and the contractor who have constructed the road shall submit an affidavit stating that all construction costs have been paid and that the road is free of all encumbrances. This affidavit is required by Section 57-1-110 of the Code of Laws of South Carolina, 1976, as amended.
- C.** Clearing and grubbing. Clearing and grubbing of the required right of way shall be completed per specifications contained in the South Carolina Department of Highways and Public Transportation, Standard Specifications for Highway Construction, latest edition.
- D.** Subgrade. Subgrade work shall be completed per specifications contained in the South Carolina Department of Highways and Public Transportation, Standard Specifications for Highway Construction, latest edition.
- E.** Roadway base and surfacing. Roadway base work and surfacing shall be carried out per one of these alternatives (based on asphalt concrete surface course weight of 125.3 lbs./ft<sup>3</sup>) acceptable to the South Carolina Department of Highways and Public Transportation.
  - 1. Alternative Number 1:
    - a. Base: sand asphalt base course, 3" uniform.
    - b. Surface: asphalt-concrete surface course 150 lbs. per square yard, which is approximately 1.5 inches thick.
  - 2. Alternative Number 2:
    - a. Base: stabilized aggregate base course, 6" uniform without prime.

- b. Surface: bituminous double treatment, type one or two or asphalt-concrete surface course, 150 lbs. per square yard, which is approximately 1.6 inches thick.
- 3. Alternative Number 3:
  - a. Base: earth-type base course, pit material, 6” uniform thickness, calculated on basis of cubic yards.
  - b. Surface: bituminous double treatment, type one or two or asphalt-concrete surface course, 150 lbs. per square yard, which is approximately 1.6 inches thick.
- 4. Alternative Number 4:
  - a. With approval by the County Engineer after inspection of the foundation, #3 mix or rock and tar allowed for road base in subdivisions.

**F. Unpaved roads.**

The Zoning Administrator may allow certain roads to be developed as unpaved private roads per the following requirements.

- 1. Lot frontage. No more than three (3) lots may be provided access exclusively through the use of a private, unpaved road. Subdivision of such lots or the use other than low-density residential shall be prohibited unless the road is paved to County standards and dedicated to the County. Restrictive covenants shall be incorporated within the deed expressing this.
- 2. Secondary access. Private, unpaved roads may be allowed as secondary (alleyway) access to lots with primary approved access to a public, paved road.
- 3. Construction techniques. Requirements shall be generally the same as for paved streets and the following special requirements:
  - a. Roads must be stabilized with a stabilizing type of soil, earth-type base material, or aggregate base course approved by the Public Works Department.
  - b. Such stabilizing agents shall be mixed with the material in place to a depth not less than six inches (6”).
  - c. All roads constructed under this section must serve expected traffic needs in all types of weather from dry conditions to extremely wet conditions. Design material and specifications must be presented to establish compliance with this requirement.
  - d. Review by the County Engineer and other inspectors shall be mandatory for any proposed road constructed under this section.
  - e. Developers may also be required to follow additional construction requirements or standards as determined by the Zoning Administrator and promulgated herein.
- 4. Indemnification and hold-harmless agreements. The developers must require and receive a hold-harmless agreement and indemnification agreement signed by each landowner. These agreements shall be presented to and approved by the Town Attorney prior to Final Plat approval and shall operate to relieve the Town of any liability or responsibility arising from the construction and use of the said private road. This release shall be in favor of the Town for any harm that may result from the use of the private road by adjoining landowners, visitors, or any user of the road, including the public at large. Each signed agreement will be recorded with the plat, and reference shall be made as to the character of the road on the plat.
- 5. Maintenance of Private Roads. A system or means shall be established to provide for the continued maintenance of the road and associated storm drainage system.
  - a. This agreement must be approved before Final Plat approval and may include but not be limited to the following methods:

- Perpetual Maintenance Agreement,
  - Homeowners Association,
  - Landowners Agreement, and/or
  - Creation by the developer of a performance bond or other form of security as determined appropriate by the Zoning Administrator.
- b. Disclosure of private-road status.
- Roads approved must be distinguished as private roads and not a maintenance responsibility of the Town, County, or State. Plats, street signs, and other references, as required, shall serve to put persons on notice as to the privacy of the road.
  - The developer shall install signs at the beginning of the private road reading “County Maintenance Ends.”
  - The maintenance system as provided must be adequately described to potential purchasers and become a responsibility of each landowner as evidenced by recordation with each deed, plat, or restrictive covenant.

**G. Shoulders and ditches.**

1. All shoulders and slopes shall be prepared in compliance with the South Carolina Department of Highways and Public Transportation, Standard Specifications for Highway Construction, latest edition.
2. All shoulders and slopes shall be protected from erosion.

**H. Street name signs.** Street name signs shall be installed at all intersections by the subdivider. The design, construction, materials, and placement of all street name signs shall conform to the requirements of the Town or a comparable Street Name and House Numbering Plan approved by the Dorchester County E11.

**I. Stop signs.** Stop signs shall be placed at all cross-type and “T” type intersections – except those at which SCDOT places three-light traffic signals – in conformance with the requirements contained in the South Carolina Manual on Uniform Traffic Control Devices for Streets and Highways.

**17.6.5 Easements.** Easements shall be provided as required in Design Standards for this Ordinance for road rights of way and as required for the installation and maintenance of all utility systems.

**17.6.6 Drainage.** A drainage system shall be designed and constructed by the subdivider consistent with the design principals and standards contained in the Design Standards of this Ordinance and adequate to provide proper drainage of the surface water of the subdivision, the drainage area of which it is a part, and the protection of downstream property owners from any increased runoff due to development.

**17.6.7 Sanitary sewage disposal system.** A sanitary sewage disposal system shall be designed and constructed by the subdivider consistent with the design principles and standards contained in the Design Standards of this Ordinance.

**17.6.8 Water supply system.** A water supply system shall be designed and constructed by the subdivider consistent with the design principles and standards contained in the Design Standards of this Ordinance.

**17.7. Definitions.**

**17.7.1 Intent.** For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined. Except as defined herein, all other words used in this Ordinance shall have their everyday dictionary definition.

**17.7.2 Interpretation.**

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural number include the singular.
- C. The word “person” includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- D. The word “lot” includes the word “plot” “parcel” or “tract.”
- E. The word “shall” is always mandatory.
- F. The word “structure” shall include the word “building.”
- G. The word “used” or “occupied” as applied to any land or building shall include the words “intended, arranged, or designed to be used or occupied.”
- H. Any word denoting gender includes the female and the male.

**17.7.3** Words and terms defined.

1. Alley. A public or private right of way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
2. Applicant. The owner of the land proposed to be subdivided or it’s representative who shall have express written authority to act on behalf of the owner. The consent shall be required of the legal owner. The terms “subdivider” and “developer” can mean the applicant.
3. Arterial road. A road intended to move through-traffic to and from major attractors such as central business districts, regional shopping centers, and major industrial areas; and/or as a route for traffic between communities or large areas; and/or which carries high volumes of traffic.
4. Block. Land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways, or boundary lines of municipalities.
5. Bond. Any form of a surety bond in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the Town Council whenever a bond is required by these regulations.
6. Collector road. A road intended to move traffic from local roads to arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.
7. Construction plan. The maps or drawing accompanying a subdivision plat and showing the specific location and design of public/infrastructure improvements to be installed in the subdivision in accordance with the requirements of the Zoning Administrator as a condition of the approval of the plat.
8. Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of the other lot.
9. Cul-de-sac. A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.
10. Design criteria. Standards that set forth specific improvement requirements.
11. Developer. The owner of the land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations. See Subdivider.
12. Easement. Authorization by a property owner for another to use the owner’s property for a specified purpose.

13. Escrow. A deposit of cash with the local government or escrow agent to secure the promise to perform some act.
14. Final Plat. The map of a subdivision to be recorded after approval by the Zoning Administrator and any accompanying material as described in these regulations.
15. Flag lot. A mostly landlocked lot, surrounded by lots on all sides, that accesses a public right of way by means of a narrow strip of property projecting from the main body of the block.
16. Flagpole. A narrow strip of property joining a flag lot to a public right of way for means of access.
17. Frontage. That side of a lot abutting a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
18. Frontage road. A public or private drive that generally parallels a public street between the right of way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.
19. Highway. See Arterial Road.
20. Homeowners' association. An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision (be it a lot, parcel site, unit plot, condominium, or any other interest) is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.
21. Improvements. See Public Improvements.
22. Land Development. A change in land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, or similar developments for sale, lease, or any combination of owner and rental characteristics.
23. Local road. A road whose sole function is to provide access to abutting properties and to other roads from individual properties.
24. Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or possession or for development.
25. Lot, corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees with frontage on two streets.
26. Major Land Development. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local government facilities or the creation of any public improvements.
27. Minor Land Development. Any subdivision containing not more than three (3) lots fronting on an existing street not involving any new street or road or the extension of municipal facilities or the creation of any public improvements, not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or these regulations.
28. Money in lieu of land. Payment of money into a municipally earmarked fund to provide for the acquisition of facilities off-site in place of dedicating land or providing such facilities on-site.

29. Non-residential subdivision. A subdivision whose intended use is other than residential (e.g. – commercial or industrial).
30. Ordinance. Any legislative action, however, denominated, of a local government that has the force of law, including any amendment or repeal of any ordinance.
31. Planned development. A development constructed on a tract of a minimum specified size is planned and developed as an integral unit.
32. Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Zoning Administrator for approval.
33. Public hearing. An adjudicatory proceeding held by the Planning Commission preceded by published notice and actual notice to certain persons, at which certain persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating that plat approval should or should not be granted.
34. Public improvement. Any drainage ditch, roadway, parkway, sidewalk, or another facility for which the local government may ultimately assume responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
35. Public meeting. A meeting of the Planning Commission preceded by notice, open to the public and at which the public may, at the discretion of the body holding the public meeting, be heard.
36. Right of way. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or another public purpose.
37. Road, dead-end. A road or a portion of a road with only one (1) vehicular traffic outlet.
38. Road, right-of-way width. The distance between property lines is measured at right angles to the centerline of the street.
39. Sketch Plan. A sketch preparatory to the Preliminary Plat (or Final Plat in the case of minor subdivisions) to enable the subdivider to save time and expense in developing a plat that meets the objectives of these regulations.
40. Subdivider. Any person (1) who, having an interest in land, causes it directly or indirectly to be divided into a subdivision, (2) who directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop a portion of land, (3) who engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision, or (4) who is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.
41. Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, or interests for the purpose of offer, sale, lease, or development, whether immediate or future. Subdivision includes the movement or abandonment of lot lines and the combination of lots.
42. Tract. A lot. The term “tract” is used interchangeably with the term “lot,” particularly in the context of subdivision, where a tract is subdivided into several lots, parcels, sites, or interests.
43. Vested rights. Right to initiate or continue the establishment of a use that will be contrary to a restriction or regulation coming into effect when the project associated with the use is completed.