

UNIFIED
DEVELOPMENT
ORDINANCE





THE UNIFIED DEVELOPMENT ORDINANCE

The purpose of the Unified Development Ordinance is to implement the Comprehensive Plan adopted February 14, 2011 and updated May 8, 2017; guide development in accordance with existing and future needs; and promote the public health, safety, convenience, order, appearance, prosperity, and general welfare; as well as providing for the orderly development of land within the territorial jurisdiction of the City of Florence. The Unified Development Ordinance includes a rewrite of the zoning ordinance and incorporates and updates the Land and Subdivision Ordinance as well as stormwater and utility regulations.

The Unified Development Ordinance of the City of Florence, SC that is published is current at this time. However, changes are made periodically to this document. The official copy of this Code is maintained at the City of Florence Department of Planning, Research, and Development. For information on the most current copy of the Code, please contact the Department of Planning, Research, and Development at (843) 665-2047 or 324 West Evans Street, Florence, SC 29501.

Adopted: January 15, 2018

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PART 1 JURISDICTION, ZONING DISTRICTS, AND LAND USES

ARTICLE 1 TITLE, PURPOSE, JURISDICTION, AND APPLICABILITY

Division 1-1.1 Title and Reference

Sec. 1-1.1.1 Title

This Ordinance shall be known as "The City of Florence, South Carolina, Unified Development Ordinance."

Sec. 1-1.1.2 Reference

This Ordinance is referred to herein as "Unified Development Ordinance."

Division 1-1.2 Purpose, Authority, and Jurisdiction

Sec. 1-1.2.1 Authority and Purposes

A. **Authority.** The authority for this Unified Development Ordinance is provided by state law, as follows:

1. In general, the authority for this Unified Development Ordinance is provided by Title 6, Chapter 29, South Carolina Code of Laws (the South Carolina Local Government Comprehensive Planning Act of 1994), as may be amended from time to time, which includes the following specific authorizations:
 - a. Article 5, Local Planning--Zoning
 - b. Article 7, Local Planning--Land Development Regulation
 - c. Article 11, Vested Rights (the Vested Rights Act)
2. The regulation of specific uses is further authorized and / or limited by the following provisions of the South Carolina Code of Laws:
 - a. Community correctional facilities (see S. C. Code § 2-48-70)
 - b. Mobile dental offices (see S. C. Code § 40-15-172(B)(9))
 - c. Private personnel placement services as home occupations (see S. C. Code § 41-25-30(J))
 - d. Public schools (see S. C. Code § 59-23-250)
 - e. Shooting ranges, the Shooting Range Protection Act (Title 31, Chapter 18, South Carolina Code of Laws)
 - f. Solid waste management facilities (see S. C. Code § 44-96-290(F))
 - g. Transfer centers and rendering plants (see S. C. Code § 47-22-60)
3. The procedures and administrative bodies are authorized as follows:
 - a. Planning Commission (see S. C. Code §§ 6-29-310, et seq.)
 - b. Board of Zoning Appeals (see S. C. Code §§ 6-29-780, et seq.)
 - c. Design Review Board (see S. C. Code §§ 6-29-870, et seq.)
 - d. Code Enforcement (see S. C. Code § 6-29-950)
4. Training of zoning officials is required by Title 6, Chapter 29, Article 9, South Carolina Code of Laws.
5. Stormwater pollution control regulations are authorized under Chapter 14, Title 48, Code of Laws of South Carolina, 1976, and by other powers granted to local governments by the General Assembly of South Carolina.

B. **Purposes.** This Unified Development Ordinance is adopted for the purpose of implementing the Comprehensive Plan adopted February 14, 2011, and guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, as well as providing for the orderly development of land within the territorial jurisdiction of the City of Florence.

Sec. 1-1.2.2 Jurisdiction

This Unified Development Ordinance applies to all property that is located within the corporate limits of the City of Florence, South Carolina, as may be expanded, contracted, or modified from time to time.

Division 1-1.3 Applicability, Vested Rights, Pending Applications, and Transitional Provisions

Sec. 1-1.3.1 Applicability

- A. Development Activities.** All development activities within the jurisdiction of the City of Florence that occur after the effective date of this Unified Development Ordinance shall be in accordance with the applicable provisions of said Unified Development Ordinance. For the purposes of this Unified Development Ordinance, all the following are "development activities":
1. Use. The use of any building, structure, land, or water. This includes new uses, expansions, and substantial changes to the operational characteristics of existing uses.
 2. Land Clearing. Land clearing associated with development for non-agricultural purposes shall be authorized in accordance with the Unified Development Ordinance and the U.S. EPA's Municipal Separate Storm Sewer System (MS4) requirements.
 3. Other Disturbance or Alteration. Any other disturbance of land, soil, vegetation, or waterways, including alteration of land for development or other purposes, shall conform to the applicable standards contained in this Unified Development Ordinance and the MS4 permit.
 4. Division or Subdivision. Any division of land for land development, for sale, or for lease, whether by metes and bounds, subdivision, or other technique shall comply with all applicable requirements of this Unified Development Ordinance.
- B. Development Plats.** No plat or the subdivision of any land within the territorial jurisdiction of the City of Florence shall be filed with or recorded by the Florence County Clerk of Courts until such plat has been submitted and approved in accordance with the procedures set forth in [Division 6-21.5](#), Standardized Development Review Procedures.

Sec. 1-1.3.2 Vested Rights to Develop Property

- A. Applicability.** All applicable ordinances, municipal code sections, and regulations relating to zoning, planning, and land development within the City are subject to the provisions of this Section.
- B. Establishment of Vested Rights.** Elements herein provided from the "Vested Rights Act", SC Code of Laws, Title 6, Chapter 29, Article 11 with various changes incorporates:
1. A vested right to develop property in accordance with a site specific development plan is triggered upon the "signed, dated, and stamped" approval of a site specific development plan by the official or body of the City given the authority to approve a site specific development plan and the payment of all applicable fees.
 2. A vested right for an approved site specific development plan expires two years after the date of final approval by the official or body authorized to approve a site specific development plan and may, upon application, be extended on an annual basis for an additional five years.
 3. No sooner than three months prior to, but no later than, the expiration of a vested right period for an approved site specific development plan, the landowner of real property with a vested right may apply to the City for an annual extension of the vested right. The City must approve applications for at least five annual extensions of the vested right unless an amendment to this Unified Development Ordinance has been adopted that prohibits approval of the site specific development plan. A new application must be made for each annual extension of the vested right. No more than five annual extensions of the vested right may be approved.
 4. No vested rights are established for phased development plans, including approved or conditionally approved phased development plans. An approved or conditionally approved site specific development plan is required prior to approval of each phase of a phased development plan.
 5. Specific prior vested rights, including, but not limited to, rights arising from development agreements, associated with property proposed for annexation shall be binding upon the City only upon application and approval by action of the City Council.
- C. Conditions and Limitations of Vested Rights.** Elements herein provided from the "Vested Rights Act", SC

Code of Laws, Title 6, Chapter 29, Article 11 with various changes incorporated: A vested right established by this Unified Development Ordinance and in accordance with the standards and procedures in this Unified Development Ordinance or regulations adopted pursuant to this Unified Development Ordinance is subject to the following conditions and limitations:

1. A vested right established under a conditionally approved site specific development plan may be terminated by the City Council upon its determination, following notice and public hearing, that the landowner has failed to meet the terms of the conditional approval;
2. A site specific development plan for which a variance, regulation, or special exception is necessary does not confer a vested right until the variance, regulation, or special exception is obtained;
3. A vested site specific development plan may be amended if the amendment does not cause an increase in the intensity, density, and change in use; does not affect more than 25 percent of the land area or does not affect more than 50 percent of the number of subdivided lots; does not cause a reduction in the amount of open space or bufferyard; does not adversely impact the stormwater management system/plan and adversely impact the existing riparian buffer(s); and does not adversely impact pedestrian/vehicular access or circulation. All other provisions of the Unified Development Ordinance and Code of Ordinance sections or regulations at the time of vesting must be satisfied. Approval or conditional approval of an amendment does not re-set or re-start the expiration period of a vested right;
4. A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the Building Official;
5. A vested right to a site specific development plan is subject to revocation by the City Council upon its determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval;
6. A vested site specific development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;
7. A vested site specific development plan is subject to later City overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;
8. A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan without consent of the landowner;
9. If real property having a vested site specific development plan is annexed, the City must determine, after notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after the annexation; and
10. A local governing body must not require a landowner to waive his vested rights as a condition of approval or conditional approval on a site specific development plan.

D. Nature of Vested Rights. Elements herein provided from the “Vested Rights Act”, SC Code of Laws, Title 6, Chapter 29, Article 11 with various changes incorporated: A vested right pursuant to this Section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect health, safety, and welfare, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grand-fathering of the vested right. This Section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Development Agreement Act in Chapter 31 of Title 6.

Sec. 1-1.3.3 Pending Applications

- A. **General Development Approvals.** Complete applications for development approval that were filed before the effective date of this Unified Development Ordinance or any amendments hereto, shall be processed according to the zoning, subdivision, or other technical regulations that were in effect at the time the application was filed. However, the applicant may consent to the application of this Unified Development Ordinance instead of the previous ordinances and regulations.
- B. **Effect on Prior Conditions of Approval.** Conditions of development approvals that were granted prior to the effective date remain in force, regardless of the standards of this Unified Development Ordinance.
- C. **Effect on Existing Violations.** Any violation of the previous ordinances or regulations shall continue to be a violation under this Unified Development Ordinance and shall be subject to the penalties and enforcement set forth in this Unified Development Ordinance unless the use, development, construction, or other activity complies with the provisions of this Unified Development Ordinance. However, this provision shall not be interpreted as a waiver of prior conditions of approval.
- D. **Land Disturbance.** Approvals of land disturbing activities, which were approved by South Carolina Department of Health and Environmental Control prior to the effective date of this Unified Development Ordinance, shall remain in effect for the original term of the approval. For land disturbing activities which were not initiated during the original term of the approval, the person responsible for the land disturbing activity shall resubmit a stormwater pollution prevention plan (SWPPP) to the City for review and approval subject to the requirements of this Unified Development Ordinance.
- E. **Inactive Applications.** Applications for development approval that are not pursued with due diligence may expire pursuant to *Section 6-21.5.7, Termination of Inactive Applications*.

Sec. 1-1.3.4 Effect on Development Approvals that Predate the Effective Date

- A. **Generally.** Approved development may be carried out within the scope of the development approval, including applicable standards in effect at the time of approval, provided that the approval is valid and has not lapsed.
- B. **Duration of Approvals.** Development approvals that are valid on the effective date are valid until their expiration date; or, if no expiration date is specified in the approval documents or prior ordinances and regulations, pursuant to *Section 6-21.5.7, Termination of Inactive Applications*.
- C. **Scope of Approvals.** This Section shall not be interpreted to confer rights upon an applicant that are not set out within the scope of a development approval.

Sec. 1-1.3.5 Effect on Private Restrictions

- A. **Generally.** This Unified Development Ordinance does not abrogate private restrictions that affect the use, development, or maintenance of property. This Unified Development Ordinance will be enforced on property that is subject to private restrictions as provided in this Section.
- B. **No Duty to Search for Private Restrictions.** The City has no duty to search for the existence of private restrictions on property. In the review of applications pursuant to this Unified Development Ordinance, the City will enforce only its own regulations.
- C. **No Duty to Interpret Private Restrictions.** The City will not interpret or apply private restrictions unless it is a party to them.
- D. **No Duty to Enforce Private Restrictions.** To the extent that the City is made aware of private restrictions:
 - 1. If the private restrictions are more restrictive than this Unified Development Ordinance, or if they involve subject matter that is not addressed by this Unified Development Ordinance or other provisions of the Florence Code of Ordinances and Zoning Compliance, then the City will only enforce the provisions of this Unified Development Ordinance or the Code of Ordinances and Zoning Compliance. Enforcement of more restrictive provisions is at the discretion of the parties to the private restrictions (or any other party who has standing to bring suit under South Carolina law).

2. If the private restrictions are less restrictive than this Unified Development Ordinance or other provisions of the Code of Ordinances and Zoning Compliance, then the City will enforce this Unified Development Ordinance or the Code of Ordinances and Zoning Compliance.

Sec. 1-1.3.6 Existing Planned Development Approvals

- A. **Generally.** Planned development approvals that were accompanied by a duly approved development plan and granted prior to the effective date may be carried out according to their terms.
- B. **Inactive Planned Development Approvals.** Unless otherwise provided in a development agreement or in the approval itself, a planned development approval for which construction has not commenced by the effective date of this Unified Development Ordinance shall lapse if no building permits are issued within two years after the effective date. The land subject to such lapsed planned development shall be zoned Campus (CA), General Commercial (CG), or Activity Center (AC).
- C. **Planned Development Approvals in Zoned Areas.** Planned development approvals that occurred prior to effective date of this Unified Development Ordinance may request an amendment following the process set out in *Section 6-21.5.2, Pre-Application Conference* through *Section 6-21.5.10, Public Meetings and Hearings*.

ARTICLE 2 ZONING DISTRICTS AND LAND USES

Division 1-2.1 Purpose and Application of Article

Sec. 1-2.1.1 Purpose and Application

- A. **Generally.** The purpose of this Article is to establish the zoning districts; the permitted, conditional, permitted special exception, and prohibited uses in each zoning district; and the additional standards that apply to conditional and permitted special exception uses. This Article also provides standards for the approval or conduct of temporary uses.
- B. **Zoning Districts.** Zoning districts are established by Section 1-2.2.1, Establishment of Zoning Districts. The zoning districts that are established by this Article are intended to:
 1. Guide new development according to the Florence Comprehensive Plan;
 2. Protect and enhance community character;
 3. Respect and conserve the development patterns within the City's established neighborhoods;
 4. Facilitate redevelopment within the City's established neighborhoods that are in transition;
 5. Provide opportunities for commercial development and mixed-use activity centers to serve City and regional residents and visitors;
 6. Provide opportunities for development of employment centers in campus and industrial park settings.
- C. **Land Use.** The purpose of [Division 1-2.7, Land Use](#), is to set out the uses of land that are permitted in each district in a simplified format. Uses are either permitted as-of-right (permitted), permitted subject to compliance with additional standards (conditional), permitted subject to additional standards and a public hearing (permitted special exception), or prohibited (not permitted).
- D. **Conditional and Permitted special exception Use Standards.** The purpose of [Division 1-2.8, Conditional and Permitted Special Exception Use Standards](#), is to provide additional standards to ensure that uses that are listed in [Division 1-2.7, Land Use](#), as "conditional" or "permitted special exception" are compatible with other uses in the district in which they are located.
- E. **Temporary Uses.** The purpose of [Division 1-2.9, Temporary Uses](#), is to set out standards for the location and conduct of temporary uses of land.
- F. **Accessory Uses.** The purpose of [Division 1-2.10, Accessory Uses](#), is to set out standards for a use of land, structure, or building that is incidental and subordinate to the permitted principal use.

Division 1-2.2 Zoning District

Sec. 1-2.2.1 Establishment of Zoning Districts

A. **Zoning Districts Established.** The City of Florence is divided into the 15 zoning districts that are established by Table 1-2.2.1A, *Florence Zoning Districts*.

Table 1-2.2.1A Florence Zoning Districts				
Abbreviation	District Name	Principal Function	Character	Description
Agricultural and Open Space Zoning Districts				
OSR	Open Space and Recreation	Open space and recreation areas and uses	Natural or Suburban for developed uses	The OSR district is intended for public open space or open space that is protected by conservation easement. These open spaces may provide for recreational uses.
AR	Agricultural / Rural	Rural and agricultural uses	Rural	The AR district is intended for agricultural, agricultural support uses, farmsteads and other rural development.
Residential Zoning Districts				
RE	Estate Residential	Single-Family Residential	Estate	The RE district is intended to provide for single-family development with an estate character.
RS	Suburban Residential	Single-Family Residential	Suburban	The RS district is intended to provide for single-family development with a suburban character.
RG	General Residential	Variety of Residential Housing and Neighborhood Types	Auto-Urban	The RG district is intended to provide for a variety of residential housing and neighborhood types with an auto-urban or new-urban character.
RU	Urban Residential	Variety of Residential Housing and Neighborhood Types	Urban	The RU district is intended to provide for a variety of residential housing and neighborhood types with an urban character. This district is more intensely developed than the RG district.
NC	Neighborhood Conservation	Protect Character and Function of Established Neighborhoods	Varies by Subdistrict	The NC district is intended to protect the character and function of established neighborhoods in the manner described in Subsection B. below.
Business and Commercial Zoning Districts				
CR	Commercial Re-use	Low-impact, small-scale commercial uses	Suburban	The CR district is intended to provide for low-impact commercial uses that are small-scale and thus, may be appropriate in certain residential settings, as well as adaptive re-use of residential buildings for limited commercial uses along major corridors.
CA	Campus	Corporate business, light industry, education, medical, and research uses	Suburban	The CA district is intended for suburban campus settings for general, professional, and medical offices; educational and institutional facilities; hospitals; research and development; and light industries.
CG	Commercial General	Commercial, office, retail, institutional, and service uses	Auto-Urban	The CG district is intended for a broad range of retail, restaurant, entertainment, office, institutional, and service uses.
Mixed-Use Zoning Districts				
CBD	Central Business District	Mixed-use	Urban	The CBD is intended for development, redevelopment, and reuse of residential, commercial, and mixed-use buildings in Downtown.
AC	Activity Center	Mixed use	Urban	The AC district is intended mixed use development outside of the CBD.
DS	Destination / Select Use	Variable uses	Auto-urban	The Destination / Select Use district is intended to allow for flexibility of uses that will support nearby businesses by attracting people to the area.
Industrial Zoning Districts				
IL	Light Industrial	Light industrial	Auto-Urban	The Light Industrial district is intended to provide for light industrial and personal storage uses.
IH	Heavy Industrial	Heavy Industrial	Auto-Urban	The Heavy Industrial district is intended to provide for heavy industrial uses, commercial logistics facilities, rail yards, and the airport.
Overlay and Special Districts				
See Division 1-2.3 , Historic Conservation; Division 1-2.4 , Downtown Design Districts; and Division 1-2.5 , Florence Airport Compatibility Districts				

B. Neighborhood Conservation District and Subdistricts.

1. *Generally.* The Neighborhood Conservation (NC) district is divided into six subdistricts, as set out in **Table 1-2.2.1B, Neighborhood Conservation Subdistricts**. The subdistricts are based on the zoning and general character of the City's established neighborhoods, including the predominant building type, typical lot areas and widths, and building coverage, scale, and setbacks.
2. *All Lots Are "Conforming".* All NC zoned lots that existed as of the effective date of this Unified Development Ordinance are conforming, regardless of their lot area or lot width. The lot area and lot width standards within each subdistrict, shown in *Table 1-2.2.1B, Neighborhood Conservation Subdistricts*, are only used to control subdivision or combination of NC zoned lots after the effective date of this Unified Development Ordinance.
3. *All Lawfully Constructed Single-Family Homes Are "Conforming".* All existing single-family homes on NC zoned lots that were lawfully constructed are "conforming," regardless of their setbacks, height, or building coverage.
4. *Alternative Development Standards.* Alternative development standards may be used in lieu of compliance with the subdistrict's setback standards. *See Sec. 2-5.2.2, Alternative Setback Standards.*

Table 1-2.2.1B Neighborhood Conservation Subdistricts				
Subdistrict	Character Type	Predominant Building Type	Minimum Lot Area (for New Lots)	Minimum Lot Width (for New Lots)
NC-15	Suburban	Single-Family Detached	15,000 sf.	100 ft.
NC-10			10,000 sf.	80 ft.
NC-6.1	Auto-Urban		6,000 sf.	60 ft.
NC-6.2		Single-Family Detached and Two-Family Attached	6,000 sf.	60 ft.
NC-6.3		Mixed Detached and Attached	6,000 sf.	50 ft.
NC-4			4,400 sf.	40 ft.

Sec. 1-2.2.2 Official Zoning Map

- A. **Official Zoning Map Adopted.** Zoning districts are shown upon the map entitled "Official Zoning Map of the City of Florence" (referred to hereinafter as "Zoning Map"), which is made part of this Unified Development Ordinance. Copies of the Zoning Map are on file and available for inspection during regular business hours at the Planning and Development office (Department).
- B. **Force and Effect.** The Zoning Map and all notations, references, and other information shown on it are a part of this Unified Development Ordinance and have the same force as the text of the Unified Development Ordinance.
- C. **Status of Official Zoning Map.** The Zoning Map that is on file at the Department shall control in the event of a conflict between the map that is on file and any other reproduction of the map.
- D. **Effective Date.** The Unified Development Ordinance may be adopted before the Zoning Map. In such case, the Unified Development Ordinance will not become effective until the Zoning Map is adopted.

Sec. 1-2.2.3 Interpreting the Zoning Map

- A. **Generally.** The precise location of any zoning district boundary line shown on the Zoning Map shall be defined by the rules of this Section.
- B. **Rezoning Ordinance and Zoning Map.**
 1. Rezoning ordinances shall be promptly reflected on the Zoning Map.
 2. In the event of conflict between the district boundaries on the Zoning Map and the zoning for property

provided by a duly enacted rezoning ordinance dated after the effective date, the duly enacted rezoning ordinance shall control, and the Zoning Map shall be promptly corrected.

3. In the event of a conflict between the district boundaries on the Zoning Map and the zoning for property provided by a duly enacted rezoning ordinance adopted before the effective date, the Zoning Map shall control.

C. Identifiable Features. Where zoning district boundary lines appear to follow identifiable features and there is no more detailed information on file (e.g., a legal description of the district boundaries), their location shall be determined by applying the rules of this subsection in order from 1. to 4. until the boundaries are known:

1. *Rights-of-Way.* Boundary lines shown as following, or approximately following, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the right-of-way. Where streets or alleys on the ground differ from streets or alleys shown on the Zoning Map, the streets or alleys on the ground control where they are clearly established and in use as streets or alleys.
2. *Property Lines.* Boundary lines shown as following, or approximately following, lot lines or other property lines shall be construed as following such lines as they existed as of the last revision date of the Zoning Map.
3. *Watercourses.* Boundaries shown as following, or approximately following, the centerline of streams or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
4. *Parallel to Features.* Boundaries shown as separated from and parallel or approximately parallel to any of the features listed in paragraphs 1. through 3., above, shall be construed to be parallel to such features and at such distances as shown according to the scale on the Zoning Map.

D. Un-subdivided Land or No Identifiable Feature. On un-subdivided land, or where a district boundary follows no identifiable feature, the location of district boundaries shall be determined by applying the following rules in order from 1. to 3., until the boundaries are known:

1. *Legal Description.* The boundary shall be according to the legal description in the ordinance establishing the district boundaries.
2. *Text Dimensions.* The boundary shall be located by reference to dimensions shown in text on the Zoning Map, if any.
3. *Map Scale.* The boundary shall be located using the map scale appearing on the Zoning Map.

Sec. 1-2.2.4 Undesignated or Annexed Land

A. Generally. It is the intent of the City Council that all land within the City be zoned.

B. Apparently Undesignated Land. Therefore, for the purposes of ensuring that all land has a zoning designation, any land that is not assigned a zoning district on the Zoning Map is zoned consistent with the designation on the Future Land Use Plan, adopted as part of the Comprehensive Plan, as amended from time to time.

C. Zoning of Annexed Land.

1. The City does not have zoning districts that are comparable to the districts in Florence County. Therefore, the City may process an application for an initial City zoning designation, or may designate consistent with the Future Land Use Plan, adopted as part of the Comprehensive Plan, as amended from time to time, a newly annexed property's zoning district upon its own initiative, in conjunction with annexation proceedings. The zoning shall be applied to a property as a separate standard zoning process.
2. Land that is not otherwise zoned by the City during the annexation process is zoned consistent with the designation on the Future Land Use Plan, adopted as part of the Comprehensive Plan, as amended from time to time upon annexation until affirmatively rezoned to another district in conformance with the Comprehensive Plan.

Division 1-2.3 Historic Conservation

Sec. 1-2.3.1 Generally

- A. **Historic Conservation.** It is the hope of the City of Florence that by encouraging a general harmony of style, form, proportion, and material between buildings of historic design and those of contemporary design, the City's historic buildings and districts will continue to be distinctive and will serve as visible reminders of the significant historical and cultural heritage of the City.
- B. **Authority.** This Ordinance is part of the Unified Development Ordinance and is enacted pursuant to the [South Carolina Code of Laws](#), Sections 6-29-710 and Section 6-29-870, Chapter 29. [South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Article 5](#), Local Planning – Zoning et sequitur (and those that follow).
- C. **Purpose.** The purposes of the historic conservation regulations of this Unified Development Ordinance are to:
1. Provide a mechanism to identify and foster conservation of the distinctive historic and architectural characteristics of Florence, which represent elements of the City's cultural, social, economic, political, and architectural history.
 2. Promote the educational, cultural, economic, and general welfare of the people of the City;
 3. Foster civic pride in the beauty of the past as represented in Florence's historic district;
 4. Encourage harmonious, orderly, and efficient growth and development of the City;
 5. Strengthen the local economy;
 6. Conserve and improve the value of property designated as landmarks or within a historic district;
 7. Provide for the economic benefits to encourage business and residential owners to locate and invest in historically significant properties;
 8. Protect and enhance the character and attractiveness of the City thereby supporting and promoting business, commerce, and industry; and
 9. Foster and encourage conservation, restoration, and rehabilitation of the historic structures and areas, thereby preventing urban blight.

Sec. 1-2.3.2 Use and Reuse of Existing Buildings and Sites

- A. **Redevelopment and Reuse.** Redevelopment and reuse projects on a parcel that has been designated a historic property by City Council is permitted, subject to the provisions of [Division 4-16.2, Development Standards for Historically Designated Properties](#).
- B. **Ordinary Maintenance and Repair.** This Section does not apply to the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when that repair does not involve a change in design, material, color, or outer appearance of the structure.

Division 1-2.4 Downtown Design Districts

Sec. 1-2.4.1 Purpose

In order to promote the economic and general welfare of the City and the public generally, the City seeks to promote and control conservation, redevelopment, restoration, and revitalization in its traditional downtown core, and seeks to ensure harmonious, orderly, and efficient growth and redevelopment in Downtown. History demonstrates that these goals require that the City take action to conserve the qualities relating to the history of Downtown and to create a harmonious outward appearance of structures by emphasizing the conservation and restoration of the historic areas and buildings, by promoting the continued construction of buildings in

Downtown, and by fostering civic pride and the orderly growth and redevelopment of Downtown. The creation of the Downtown Overlay Districts is to establish a mechanism for the accomplishment of these objectives.

Sec. 1-2.4.2 Establishment of Downtown Overlay Districts

A. Overlay Districts. There are seven overlay districts in the Downtown area, those districts being designated as follows:

1. *D-1 Downtown Redevelopment District.*

- a. The intent of the D-1 District is to foster the cultural, economic, and general welfare of the public by providing a mechanism for the identification, recognition, conservation, maintenance, protection, and enhancement of existing architecturally valuable structures, properties, and neighborhoods. Redevelopment, development, and reuse projects in the D-1 District will be subject to the design guidelines of [Division 4-16.3, Downtown Design District Site Development Guidelines](#).

2. *D-2 Downtown Central District.*

- a. The intent of the D-2 District is to foster good urban design and to establish and maintain a unified, improved identity for Downtown.
- b. Development and redevelopment projects in the D-2 District will be subject to the design guidelines of [Division 4-16.3, Downtown Design District Site Development Guidelines](#).

3. *D-3 Downtown Arts and Cultural District.*

- a. The intent of the D-3 District is to foster good urban design and to build on the attractive and significant architecture that exists through new infill development.
- b. Development and redevelopment projects in the D-3 District will be subject to the design guidelines of [Division 4-16.3, Downtown Design District Site Development Guidelines](#).

4. *D-4 Timrod Park Residential District.*

- a. The intent of the D-4 District is to foster good residential design and to maintain and build upon the attractive and significant historic architecture that exists throughout the district.
- b. Development and redevelopment projects in the D-4 District will be subject to the design standards of guidelines of [Division 4-16.3, Downtown Design District Site Development Guidelines](#).

5. *H-1 Downtown Historic District.*

- a. The intent of the DC-1 District is to respect and build on the historic character of Downtown Florence.
- b. Development and redevelopment projects in the DC-1 District will be subject to the design guidelines of [Division 4-16.3, Downtown Design District Site Development Guidelines](#).

6. *NROD Neighborhood Revitalization Overlay District.*

- a. The intent of the NROD is to stabilize the neighborhoods surrounding downtown Florence to promote and control their redevelopment, restoration, preservation, and revitalization.
- b. Development and redevelopment projects in the NROD District will be subject to the design standards of guidelines of [Division 4-16.3, Downtown Design District Site Development Guidelines](#).

7. *FAWD Food, Artisan, and Warehouse District*

- a. The intent of the FAWD is to create a district that will foster and promote a mixed land use in close proximity to downtown that incorporates small industrial food and beverage manufacturing, food retail, farmers' markets, and a variety of other artisan manufacturing land uses.
- b. Development and redevelopment projects in the FAWD District will be subject to the design standards of guidelines of [Division 4-16.3, Downtown Design District Site Development Guidelines](#).

8. IS-COD - Irby Street Corridor Overlay District

- a. The intent of the Irby Street Corridor Overlay District is to foster redevelopment of properties adjacent to the US Highway 52/Irby Street Corridor for the purpose of creating and maintaining a safe, efficient, functional and attractive corridor through the City of Florence Downtown. This overlay district is inclusive of and builds upon downtown overlay districts as adopted in 2005 as part of the revitalization of Downtown Florence. Furthermore, the overlay will encourage redevelopment of existing structures in a manner which enhances the character of the corridor, reduces conflict between pedestrian and vehicular traffic, and promotes economic development of the community.
- b. Development and redevelopment projects in the Irby Street Corridor Overlay District will be subject to the design standards of guidelines of Division 4-16.3, *Downtown Design District Site Development Guidelines*.

- B. District Boundaries.** The boundaries for the overlay districts hereby established shall be shown on the Official Zoning Map.
- C. Resolution of Conflicts.** The overlay districts established in this Section supersede, modify, and / or supplement any conflicting requirements and limitations of this Unified Development Ordinance with respect to the underlying zoning district. All of the requirements and limitations of any underlying zoning district that do not conflict with those of the overlay district continue to apply.
- D. Map Annotation.** The above overlay districts shall be indicated on the zoning map with the base district designation followed by a slash and the overlay district designation.

Sec. 1-2.4.3 Neighborhood Revitalization Overlay District (NROD)

- A. Purpose and Intent.** In order to promote the stabilization of the surrounding neighborhoods of the downtown area of the City of Florence, it is in the City's best interest to establish an overlay zoning district that promotes and controls the redevelopment, restoration, preservation, and revitalization of the neighborhoods. The Neighborhood Revitalization Overlay Zoning District acts as a tool to help accomplish the goals that are set forth in the Florence Neighborhood Revitalization Plan. This tool will help attract new residents to the neighborhoods, and provide opportunities for existing residents and property owners. Per the Neighborhood Revitalization Plan, "The goal for these neighborhoods is comprehensive revitalization that enhances the overall desirability of Florence as a place to live, increases the City's regional competitiveness, sets the stage for catalytic development, and builds off of recent success."
- B. Establishment.** In conformity with the Florence Downtown Overlay Districts, Planned Development Districts, and Open Space Development Districts, the Neighborhood Revitalization Overlay District shall be established on the official Zoning Map by the same procedure as for amendments (Article 9) and in accordance with the requirements of this section.
- C. Boundary.** The Neighborhood Revitalization Overlay Zoning District may be applied to individual or aggregated parcels that are within, adjacent or in close proximity to the catalyst projects as set forth in the Neighborhood Revitalization Strategy adopted by Florence City Council in December of 2014.
- D. Land Uses.** All land uses allowed in the underlying zoning district are permitted within the Neighborhood Revitalization Overlay Zoning District.
- E. Development Standards.** Restrictions and requirements to the development or use of property within the NROD shall be in accordance with the requirements below.
1. Minimum lot area: 3,500 square feet
 2. Minimum lot width: the minimum lot width shall meet the requirements of Table 2-4.1.3 for the underlying zoning district.

3. Maximum building height: the maximum building height shall meet the requirements of Table 2-4.1.3 for the underlying zoning district.
4. Maximum impervious surface ratio: 50%
5. Maximum floor area ratio: 0.50.
6. Minimum setbacks: the minimum front yard setback shall be 15 feet (15'), the minimum side yard setback shall be 5 feet (5'), and the minimum rear yard setback shall be 15 feet (15').

Division 1-2.5 Florence Airport Compatibility District

Sec. 1-2.5.1 Purpose

The Florence Airport Compatibility overlay district (FAC) is established pursuant to the authority set out in Title 55, Aeronautics, Chapter 9, South Carolina Airports Act. The purpose of the FAC is to ensure that development within the areas impacted by the Florence Regional Airport operations is compatible with the function and operations of the airport.

Sec. 1-2.5.2 Findings

- A. **Essential Purpose.** The Florence Regional Airport fulfills an essential community purpose.
- B. **Endangerment.** Airport hazards endanger the lives and property of users of Florence Regional Airport and of occupants of land or to property in its vicinity. Therefore, the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Florence Regional Airport.
- C. **Obstructions.** If an obstruction in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, it would tend to destroy or impair the utility of Florence Regional Airport and the public investment therein.
- D. **Prevention of Airport Hazards.** It is necessary in the interest of the public health, public safety and general welfare, that the creation or establishment of airport hazards be prevented. The prevention of airport hazards should be accomplished to the extent legally possible, by the exercise of the police power, without compensation.

Sec. 1-2.5.3 Boundaries

The boundaries of the FAC District are the combined extents of the airport approach zones, transitional zones, horizontal zones, and conical zones, which are described in [Division 4-13.5, Airport Protection](#).

Division 1-2.6 Jeffries Creek (JC) Protection Overlay District

Sec. 1-2.6.1 Purpose

In order to promote the general welfare of the City and of the public generally, the City seeks to regulate and control development activities adjacent to Jeffries Creek within the City Limits of Florence. The City further seeks to preserve the Jeffries Creek floodway in order to protect and improve the water quality, scenic beauty, and wildlife habitat of the creek. The creation of the Jeffries Creek Protection Overlay District is done in order to establish a mechanism for the accomplishment of these objectives.

Sec. 1-2.6.2 Establishment, Mapping, and Restrictions

- A. **Intent.** There is established an overlay district in the Jeffries Creek area of Florence. The intent of this district is to regulate and control development activities within the district in order to protect and improve water quality of Jeffries Creek and to preserve the scenic beauty and wildlife habitat of the area.
- B. **Applicability.** The Jeffries Creek Protection District shall apply to all areas of the floodway within the City Limits, and shall automatically be revised to include all areas within the floodway boundaries annexed into the City in the future.

- C. **Boundaries.** The boundaries for the overlay district are shown on the Official Zoning Map, which generally follow the Jeffries Creek floodway as shown on the FEMA Flood Insurance Rate Maps, as amended from time to time.
- D. **Restrictions and Requirements.** Restrictions to the development or use of property within the Jeffries Creek Protection District shall be in accordance with the requirements in *Section 4-12.5.1, Riparian Buffer Requirements*. The riparian buffer requirements of this Unified Development Ordinance are in force unless modified by the issuance of another permit by SCDHEC or the United States Army Corps of Engineers, but otherwise shall not superseded or invalidated by the issuance of any other permit(s).
- E. **Variiances.** Variiances, waivers, and exemptions shall not be permitted within the Jeffries Creek Protection District.

Division 1-2.7 Land Uses

Sec. 1-2.7.1 Interpretation of Use Tables

- A. **Generally.** *Section 1-2.7.2, Residential and Commercial Uses of the Home through Section 1-2.7.7, Agriculture Uses*, contain tables that set out which uses are allowed by right (permitted), allowed subject to special standards (conditional) or processes (permitted special exception), and not allowed (prohibited) in each zoning district.
- B. **Applicability of Standards.** The standards of [Part 4, Site Design and Development](#) apply to the development, redevelopment, or substantial improvement of the uses set out in this Division.
- C. **Symbols.** All the tables use the following symbols:
1. "P" means that the use is a **Permitted Use**, subject to the standards that apply to all permitted uses. The use is approved by the Director, or an appointee.
 2. "C" means that the use is a **Conditional Use**, which is permitted by right and may be administratively approved by the Director, or an appointee, subject to:
 - a. Determination by the Director that the development substantially conforms to the standards of this Unified Development Ordinance.
 - b. The standards for permitted uses that are set out in this Unified Development Ordinance; and
 - c. The applicable conditional use standards for the specified use, as set forth in [Division 1-2.8 Conditional and Permitted Special Exception Use Standards](#).
 3. "SE" means that the use is allowed as a **Permitted Special Exception Use**, which may be approved following a public hearing by the Board of Zoning Appeals and consideration of the City Council, subject to:
 - a. The standards for permitted uses that are set out in this Unified Development Ordinance;
 - b. The applicable conditional and permitted special exception use standards for the specified use as set forth in [Division 1-2.8 Conditional and Permitted Special Exception Use Standards](#); and
 - c. The permitted special exception use standards of [Division 6-21.5, Standardized Development Review Procedures](#), which apply to all permitted special exception uses.
 4. "-" means that the use is a **Prohibited Use** in the specified zoning district.
 5. "B" (subscript) means that the use is subject to **Special Site and Building Development Standards** and shall comply with:
 - a. The standards for permitted uses that are set out in this Unified Development Ordinance; and
 - b. The standards set out in [Division 3-8.3, Special Building Standards](#); and
 - c. The standards set out in [Division 4-16.1, Special Site Development Standards](#).

Sec. 1-2.7.2 Residential and Commercial Uses of the Home

Set out in **Table 1-2.7.2-a, Residential and Commercial Uses of the Home** and **Table 1-23732-b, Neighborhood Conservation Residential Uses of the Home**, are which residential and commercial uses of the home are allowed in each zoning district.

Table 1-2.7.2-a Residential and Commercial Uses of the Home																
Land Use	Zoning Districts															
	Residential					Business Commercial			Mixed- Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC ³	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Residential Uses																
Single Family Detached	P	P	P	P	³	P	-	-	-	-	-	-	-	-	-	P
Lot Line Home	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-	-
Patio Home ²	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-	-
Townhome	-	P _B	P _B	P _B	³	-	-	P _B	P _B	P _B	-	-	-	-	-	-
Cottage	-	C	C	-	³	-	-	-	-	-	-	-	-	-	-	-
Duplex	-	-	P _B	P _B	³	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home ^{1,2}	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-	-
Multiplex (triplex or quadraplex)	-	-	P _B	P _B	³	P _B	-	-	P _B	-	P _B	-	-	-	-	-
Multifamily ²	-	-	C	C	³	-	-	C	C	C	C	-	-	-	-	-
Live - Work Units	-	-	-	-	³	C	-	-	P	C	P	C	-	-	-	-
Residential Neighborhoods																
Single Family Cluster	P	P	P	-	³	-	-	-	-	-	-	-	-	-	-	P
Mixed Housing Cluster	-	P	P	P	³	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home Park or Subdivision	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-	-
Commercial Use of the Home																
Bed and Breakfast Inn	C	C	-	-	³	C	-	-	C	C	C	-	-	-	-	C
Child Care Services	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-	-
Group Home	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-	-
Home Occupation	C	C	C	C	³	C	-	-	C	C	-	-	-	-	-	-
Short Term Rental	SE	SE	SE	SE	³	P	P	P	P	P	P	-	-	-	-	-
TABLE NOTES:																
¹ Permitted only in a manufactured home park or manufactured home subdivision.																
² Refer to Appendix A, Best Building and Site Design Practices. (Preferred but not required).																
RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)																
³ Refer to Table 1-2.7.2-b for Neighborhood Conservation Residential Uses of the Home																

**Table 1-2.7.2-b
Neighborhood Conservation Residential Uses of the Home**

Land Use	Zoning Districts					
	Residential					
	NC-15	NC-10	NC-6.1	NC-6.2	NC-6.3	NC-4
Residential Uses						
Single Family Detached	P	P	P	P	P	P
Lot Line Home	-	-	-	C	C	-
Patio Home ²	-	-	-	C	C	-
Townhome	-	-	-	-	P _B	-
Cottage	-	-	-	-	-	-
Duplex	-	-	-	P _B	P _B	P _B
Manufactured Home ^{1,2}	-	-	-	-	-	-
Multiplex (triplex or quadraplex)	-	-	-	-	P _B	-
Multifamily ²	-	-	-	-	C	-
Live - Work Units	-	-	-	-	-	-
Residential Neighborhoods						
Single Family Cluster	-	-	-	-	-	-
Mixed Housing Cluster	-	-	-	-	-	-
Manufactured Home Park or Subdivision	-	-	-	-	-	-
Commercial Use of the Home						
Bed and Breakfast Inn	-	-	C	C	C	-
Child Care Services	C	C	C	C	C	C
Group Home	-	-	-	-	C	-
Home Occupation	C	C	C	C	C	C
Short Term Rental	SE	SE	SE	SE	SE	SE

TABLE NOTES:

¹Permitted only in a manufactured home park or manufactured home subdivision.

²Refer to Appendix A, Best Building and Site Design Practices. (Preferred but not required).

RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)

Sec. 1-2.7.3 Institutional, Recreation, and Amusement Uses

Set out in **Table 1-2.7.3, Institutional, Recreation, and Amusement Uses**, is which institutional, recreation, and amusement uses are allowed in each zoning district.

Table 1-2.7.3 Institutional, Recreation, and Amusement Uses																
Land Uses	Zoning Districts															
	Residential					Business Commercial			Mixed- Use			Industrial		Agriculture & Open Space		
	RE	RS	RG	RU	NC	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Institutional Uses																
Assisted Living / Congregate Care Facilities	-	-	C	C	-	-	-	C	C	-	-	-	-	-	-	
Nursing Homes	-	-	C	C	-	-	-	C	-	-	-	-	-	-	-	
Hospital / Walk-In Clinic / Birthing Center / Surgical Facility	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	
College / University / Vo-Tech	-	-	-	-	-	C	P	P	P	P	P	P	-	-	C	
Public Assembly (places of worship; preschools; elementary, middle, and high schools; libraries; community centers; child or adult day care)	C	C	C	C	C	C	P	P	P	P	P	-	-	-	P	
Private Club	C	C	C	C	C	P	P	P	P	C	P	-	-	-	-	
Post Office	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	
Police or Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Prison/ Protective Custody	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	
Recreation and Amusement Uses																
Indoor Commercial Amusement	-	-	-	-	-	-	P	P	SE	P	P	P	-	-	-	
Indoor Recreation/ Personal Fitness	SE	SE	SE	SE	-	-	-	-	P	P	P	P	-	-	-	
Outdoor Commercial Amusement (amphitheaters, arenas, outdoor performing facilities)	-	-	-	-	-	-	-	SE	SE	SE	SE	SE	-	SE	-	
Outdoor Recreation	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	
Outdoor Shooting or Archery Range	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Recreational Vehicle Parks and Camps	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	SE	
Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	C _B	-	-	-	
RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)																

Sec. 1-2.7.4 Commercial Uses

Set out in **Table 1-2.7.4, Commercial Uses** is which commercial uses are allowed in each zoning district.

Table 1-2.7.4 Commercial Uses															
Land Use	Zoning Districts														
	Residential					Business & Commercial			Mixed-Use			Industrial		Agricultural & Open Space	
	RE	RS	RG	RU	NC	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR
Commercial Uses															
Alcoholic Beverage Sales (Offsite Consumption)	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-
Alcoholic Beverage Sales (Onsite Consumption)	-	-	-	-	-	-	-	C	C	C	P	-	-	-	-
Animal Boarding Facilities, Small Animal	-	-	-	-	-	-	-	C	SE	SE	-	P	-	-	P
Animal Grooming Facilities	P	-	-	-	-	C	-	P	C	C	-	P	-	-	-
Animal Veterinary, Small Animal	-	-	-	-	-	-	-	P	C	-	C	P	-	-	P
Animal Veterinary, Large Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Automobile Sales, Rental and Service Establishments	-	-	-	-	-	-	-	P	-	SE	-	-	-	-	-
Automobile Repairs, Heavy	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-
Automobile Repairs, Light	-	-	-	-	-	-	-	P	-	P	-	P	P	-	-
Nursery, Retail	-	-	-	-	-	-	-	P	-	-	-	P	-	-	-
Overnight Accommodations(hotels, motels, commercial inns)1	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-
Commercial Retail (Business Services; Personal Services; Shopping Centers)	-	-	-	-	-	C	C	P	P	P	P	C	C	-	-
Fueling Station / Car Wash	-	-	-	-	-	-	-	C _B	-	C _B	-	C _B	C _B	-	-
Truck Stops and Truck Washes	-	-	-	-	-	-	-	-	-	-	-	-	C _B	-	-
General Professional/ Medical Office	-	-	-	-	-	C	P	P	P	P	P	P	-	-	-
Restaurant; No Drive-In or Drive-Through	-	-	-	-	-	C	P	P	P	P	P	C	C	-	-
Restaurant; Drive-In or Drive Through	-	-	-	-	-	-	-	P _B	-	SE _B	-	P _B	-	-	-
Specialty Use	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-
Mobile Food Vendor	-	-	-	-	-	-	C	C	C	C	C	C	C	C	-
Event Facility / Banquet Hall / Dance Hall / Lodge	-	-	-	-	-	-	-	C	P	C	C	-	-	-	-
Tattoo Facilities	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-
Heavy Retail/Home Center	-	-	-	-	-	-	-	C	-	-	-	C	C	-	-
Wholesale	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-

RE (Estate Residential), RS (Suburban Residential), RG(General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)

Sec. 1-2.7.5 Industrial, Logistics, and Storage Uses

Set out in **Table 1-2.7.5, Industrial, Logistics, and Storage Uses** is which industrial, logistics, and storage uses are allowed in each zoning district.

Table 1-2.7.5 Industrial, Logistics, and Storage Uses																
Land Use	Zoning Districts															
	Residential					Business & Commercial			Mixed-Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Industrial Uses and Logistics																
Light Industry	-	-	-	-	-	-	C	-	-	-	-	P	P	-	-	
Research / Testing Laboratory	-	-	-	-	-	-	C	-	-	-	-	CL	P	-	-	
Recycling Collection Facility	-	-	-	-	-	-	-	-	-	-	-	C _B	C _B	-	-	
Composting Facility	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	SE	
Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	SE	C	-	-	
Heavy Industry	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	
Warehousing and Logistics / Distribution Centers	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	
Storage Uses																
Self-Storage / Moving Vehicle Rental	-	-	-	-	-	-	-	C _B	-	-	-	C _B	-	-	-	
Rail Yard	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	
Storage Yard	-	-	-	-	-	-	-	-	-	-	-	SE	C	-	-	
RE (Estate Residential), RS (Suburban Residential), RG (General Residential, RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use) CA (Campus), CG (Commercial General), CBD (Central Business District, AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)																

Sec. 1-2.7.6 Communications, Utility, and Transportation

Set out in **Table 1-2.7.6, Communications, Utility, and Transportation Uses** is which industrial, communications, and transportation uses are allowed in each zoning district.

Table 1-2.7.6 Communications, Utility, and Transportation Uses																
Land Use	Zoning Districts															
	Residential					Business & Commercial			Mixed-Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Utility Uses																
Waste Transfer Station	-	-	-	-	-	-	-	-	-	-	-	-	SE _B	-	-	
Disposal	-	-	-	-	-	-	-	-	-	-	-	-	SE	-	-	
Electrical Substation	SE _B	SE _B	SE _B	SE _B	SE _B	SE _B	SE _B	SE _B	SE _B	SE _B	SE _B	SE _B	SE _B	SE _B	SE _B	
Power Generation, Renewable Fuel	-	-	C	C	-	-	C	C	-	C	-	C	C	-	C	
Community-Scale Water or Wastewater Treatment	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	
Broadcasting Center / Satellite Farm / Server Farm / Switching Facility	-	-	-	-	-	-	C	-	-	-	-	P	P	-	-	

Table 1-2.7.6 (continued)																
Communications, Utility, and Transportation Uses																
Land Use	Zoning Districts															
	Residential					Business & Commercial			Mixed-Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Transportation Uses																
Helistop	-	-	-	-	-	-	C	-	-	-	-	-	C	-	-	
Wireless Telecommunications Facilities																
Communication Towers and Antennas	-	-	-	-	-	-	SE _B	SE _B	-	-	-	SE _B	SE _B	SE _B	SE _B	
Attached Facilities	C _B	C _B	C _B	C _B	C _B	C _B	C _B	C _B	C _B	C _B	C _B	C _B	C _B	C _B	C _B	

RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)

Sec. 1-2.7.7 Agriculture Uses

Set out in **Table 1-2.7.7, Agriculture Uses** is which agricultural uses are allowed in each zoning district.

Table 1-2.7.7																
Agriculture Uses																
Land Use	Zoning Districts															
	Residential					Business & Commercial			Mixed-Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Agricultural Uses																
Agricultural Support / Rural Services	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	
Agriculture, Crops or Silviculture	C	C	-	-	-	-	-	-	-	-	-	-	-	-	P	
Agriculture, Livestock (non-CAFO)	SE	SE	-	-	-	-	-	-	-	-	-	-	-	-	P	
Agriculture, CAFO / Aquaculture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	
Animal Keeping	C	C	C	C	C	C	-	-	-	-	-	-	-	-	P	
Apiary	C	C	C	C	C	C	-	-	-	-	-	C	C	C	P	
Community Gardens, Greenhouses, Hoophouses, Nurseries	C	C	C	C	C	-	-	-	-	-	-	-	-	P	P	
Commercial Stables	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	
Farmers' Market or Farm Stand	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	
Nursery or Greenhouse, Wholesale	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	

RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)

Sec. 1-2.7.8 Unlisted and Functionally Similar Uses

- A. **Generally.** If a proposed use is not listed in this Division, or if the application of the listed uses to a particular proposed development is ambiguous, then the Director shall decide whether the proposed use is either a subcategory of a permitted, conditional, or permitted special exception use, or a use that is functionally similar to a permitted, conditional, or permitted special exception use. The proposed use shall have limited or no greater impact, with regard to each of the decision criteria enumerated in Subsection B., than the permitted, conditional, or permitted special exception use of which it is either a subcategory of, or functionally similar to.
- B. **Decision Criteria.** The following decision criteria shall be evaluated when the Director decides whether a proposed use is a subcategory of, or functionally similar to, a permitted, conditional, or permitted special exception use:

1. Parking demand;
2. Average daily and peak hour trip generation (cars and trucks);
3. Water and wastewater demand;
4. Regulated air or water emissions;
5. Impervious surface;
6. Noise;
7. Lighting;
8. Dust;
9. Odors;
10. Solid waste generation;
11. Use and storage of hazardous materials;
12. Character of buildings and structures;
13. Nature and impacts of operation to include buffering from adjacent properties; and
14. Hours of operation.

C. Effect of Director's Determination.

1. If the Director approves an application for a decision pursuant to this Section, then the use may be allowed as a permitted, conditional, or permitted special exception use, with the same restrictions as the use to which it was compared for the purposes of the favorable decision.
2. If the Director determines that a proposed use is not a subcategory of, or functionally similar to, a permitted, conditional, or permitted special exception use, then the proposed use is a prohibited use.

Sec. 1-2.7.9 Prohibited Uses

All uses that are not listed in this Article as permitted, conditional, or permitted special exception uses, and all uses that are determined to not be a subcategory of, or functionally similar to, a permitted, conditional, or permitted special exception use are prohibited in all districts.

Division 1-2.8 Conditional and Permitted Special Exception Use Standards

Sec. 1-2.8.1 Application of Division

- A. **Timing of Compliance.** The standards of this Division apply at the time a permitted special exception or conditional use is established in an existing or new structure, and when an existing permitted special exception or conditional use is proposed to be expanded by more than 10 percent of the existing square

footage currently devoted to the use. This Division applies to an expansion of use whether it is to or within an existing building, in an outdoor area devoted to the use, or a combination thereof.

- B. **Other Applicable Standards.** The standards of this Division are applied in addition to the other applicable standards of this Unified Development Ordinance.
- C. **Relationship to Use Tables.** The standards of *Section 1-2.8.2, Residential and Commercial Uses of the Home Standards*, through *Section 1-2.8.7, Agriculture Use Standards*, below correspond to the respective use tables in *Section 1-2.7.2, Residential and Commercial Uses of the Home*, through *Section 1-2.7.7, Agriculture Uses*, above.
- D. **Uses Not Listed.** If there are conditional and permitted special exception uses specified in *Division 1-2.7 Land Uses* that are not listed in this Division, then there are no additional standards required for these uses. However, a permitted special exception use that is not listed in this Division is subject to the standards and procedures of *Division 6-21.5, Standardized Development Review Procedures*, all applicable development standards, and all conditions of approval that may be applied by the Planning Commission and City Council.

Sec. 1-2.8.2 Residential and Commercial Use of the Home Standards

The standards of this Section apply to residential and commercial uses of the home that are specified in *Table 1-2.7.2, Residential and Commercial Uses of the Home* as conditional (C) or permitted special exception (SE).

A. **Bed and Breakfast Inns** are permitted if it is demonstrated that:

1. The building is occupied by the resident/owner;
2. The use is located in an existing single-family building that is recognized by the Design Review Board as historically or culturally significant;
3. No regularly scheduled meal other than breakfast is served;
4. There is no preparation of food for catering events on or off the premises;
5. The architectural integrity of the structure is maintained;
6. There is no increase in the number of bedrooms compared to the number in the original building;
7. Parking is provided on the basis of one space per guest room, plus two spaces for each resident innkeeper;
8. There is sufficient onsite parking to accommodate private gatherings;
9. Signage is limited to a single, non-illuminated placard or nameplate with a maximum size of four square feet that is affixed securely and flat against a wall of the home.

B. **Child care services** are permitted if it is demonstrated that:

1. The operator for the use meets all certification, licensing, and/or monitoring requirements of the Department of Health and Environmental Control (DHEC);
2. The use is limited to a single-family detached dwelling that meets all standards of this Unified Development Ordinance;
3. There is no other child care home within 1,000 feet, measured from property line to property line, or that is located on a street segment that terminates in a dead end or cul-de-sac;
4. Signage is restricted to a single placard with a maximum size of two square feet that must be affixed securely and flat against a wall of the home;
5. Employees are restricted to residents of the dwelling;
6. Adequate precautions are taken on behalf of the operator so as not to create an undue burden on neighboring properties via traffic, parking, and noise;
7. There is adequate space on-site for temporary parking and drop-off and pick-up during peak times; and
8. The owner of the dwelling unit for which there is an application for approval of a child care home has provided written consent.

C. Duplexes are permitted if it is demonstrated that:

1. They conform to the standards and requirements set out in Section 3-8.3.1, Single Family Attached and Multiplex Building Standards.
2. They conform to the lot and building standards set out in Table 2-4.1.3, Lot and Building Standards.
3. Standard and over-under duplexes that take vehicular access from the street may provide a separate hard-surface driveway for each unit that shall be no more than 20 feet wide or provide a shared hard-surface driveway for both units no greater than 27 feet wide.
4. Open parking shall be located to the side or rear of the building.
5. Vehicles shall be parked only in designated areas.
6. One tree shall be planted within four feet of the extension of the plane of the party wall for standard duplexes.

D. Group Homes are permitted if it is demonstrated that:

1. No more than one group home is located on the same block, or within 300 feet along the street segment, whichever is the shorter distance;
2. Group homes on abutting blocks but with frontage on different streets are separated by a minimum of 150 feet;
3. The lot meets minimum lot size restrictions of the zoning district within which the proposed site is located; and
4. Proposed access meets all applicable standards of this Unified Development Ordinance.

E. Live-Work Units are permitted if it is demonstrated that:

1. Live-work units are permitted in the CR district if it is demonstrated that:
 - a. The use occurs as a conversion within the existing unit;
 - b. structure retains its external appearance as a residential use;
 - c. The area devoted to work does not exceed 25 percent of the total habitable area of the unit;
 - d. Employees are restricted to residents of the dwelling;
 - e. There is no visible signage;
 - f. The lot meets minimum size restrictions of the zoning district within which the proposed site is located; and
 - g. Proposed access meets all applicable standards of this Unified Development Ordinance
2. Live-work units are permitted in the CG (Commercial General), AC(Activity Center), and DS (Destination / Select use) if it is demonstrated that:
 - a. The units are designed with an external appearance as a townhome;
 - b. Sufficient land area is available on the proposed site to develop not less than 10 townhome units, some or all of which may be used as live-work;
 - c. Signage is restricted to a single placard with a maximum size of two square feet that must be affixed securely and flat against a wall of the townhome;
 - d. Access to individual units is by an alley or local street; and
 - e. Access to parking lots or parking structures is by a local or collector street.

F. Lot line and patio homes are permitted if it is demonstrated that:

1. They conform to the lot and building standards set out in Table 2-4.1.3, Lot and Building Standards.
2. The development shall have a minimum site area of two acres; and
3. Where a unit is to be constructed at or on the property line, a five foot private maintenance easement shall be provided on the adjoining lot.

G. Multifamily is permitted if it is demonstrated that:

1. They conform to the lot and building standards set out in Table 2-4.1.3, Lot and Building Standards by Housing Type.
2. The development is separated from an adjoining residential district or use by either a local street or a Type C bufferyard, unless a more opaque bufferyard is required by Article 10, Landscaping and Buffering
3. Vehicular access for the development is not located closer than 300 feet to NC district boundaries, unless separated by a collector or arterial street. The distance must be measured by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the vehicular access of the multi-family development to the nearest boundary of a NC district.
4. Buildings are designed such that there are not more than 24 dwelling units per floor; and
5. In the CBD (Central Business District), AC (Activity Center), and DS (Destination / Select Use) districts:
 - a. Vehicular access to the units is provided via an alley, parking structure, or parking court; and
 - b. The use provides a courtyard that is visible from the street or a plaza that is accessible from the sidewalk.

H. Multiplexes are permitted if it is demonstrated that:

1. They conform to the standards and requirements set out in Section 3-8.3.1, Single Family Attached and Multiplex Building Standards.
2. They conform to the lot and building standards set out in Table 2-4.1.3, Lot and Building Standards by Housing Type.
3. Parking shall only be allowed in designated areas which may be inclusive of the driveways.
4. A continuous landscape screen, a minimum of three feet in height at planting or fencing as approved, shall be required along the perimeter of the parking area or area affected by parking in those areas that adjoin existing residential uses or a publicly maintained street, as approved by the Director.
5. They are constructed with not more than four units; and
6. Exterior building materials are of similar type, quality, and durability as other housing types in the same development,
7. In the CR district:
 - a. The use occurs as a conversion within the square footage of an existing unit; or
 - b. Any expansion that increases the square footage of the existing building meets the following standards:
 1. The square footage of the expanded multiplex is no greater than 120 percent of the largest residence within 300 feet in any direction;
 2. Exterior building materials are of similar type, quality, and durability as the existing building materials;
 3. The structure retains the appearance of a single family dwelling; and
 4. Only one entrance is visible from the front property line.

I. Short Term Rentals are permitted if it is demonstrated that:

In zoning districts: RE, RS, RG, RU, NC:

1. The short term rental shall be operated by the owner and full-time resident of the property. For the purposes of this ordinance, the “owner and full-time resident” shall mean the record owner of the property who physically resides at the subject property, has designated the subject property as his/her legal voting address and the address of his/her driver’s license, and the subject property must be assessed at the four percent homeowner’s assessment rate according to the records of the Florence County Assessor’s Office. The owner or his/her designee is not required to be present during the entire lease period; however, the owner or his/her designee must be present at check-in to ensure the accuracy of the guest registry.
2. The owner may rent out no more than two (2) bedrooms as short term rentals in the primary residence. Rental bedrooms may not contain a separate kitchen or cooking area from the primary residence.
3. The owner shall maintain a guest registry which includes at minimum the guest’s name, address, and contact phone number; the number of people in each guest’s party; the make, model, and license plate number of any guest’s vehicle parked on the property; as well as the guest’s date and time of arrival and scheduled departure date. The guest registry shall be maintained such that the owner, upon request, can supply information regarding the number of rooms rented, the number of individuals occupying the home, and the dates of guest’s date and time of arrival and departure.
4. A motor vehicle may not park in the front yard or side yard of a residential property, except in a driveway or on an improved surface such as concrete, asphalt, pavers, brick, or other material as approved by the Planning Director. The total area designated for parking shall not exceed 25% of the front and/or side yard area. There shall be no parking of motor vehicles on grass or the street.
5. No exterior signage is permitted.
6. No activities other than lodging shall be allowed as part of a short term rental (e.g. weddings, parties, conferences).
7. The Short Term Rental will be operated in accordance with all other applicable provisions of this Unified Development Ordinance, the City's Code of Ordinances, as well as applicable Federal and State requirements.

J. Single Family, Patio House, and Townhouse are permitted if it is demonstrated that:

1. The site on which the development is to occur is developed in a manner consistent with all City codes regarding:
 - a. A 100-year floodplain;
 - b. The regulatory floodway;
 - c. A riparian buffer as identified in [Division 4-12.5](#), Riparian Buffers;
 - d. Previously dedicated conservation easement;
 - e. Natural areas (as it relates to the City’s storm water management program objectives and goals);
 - f. Natural conveyance channels that are consistent with the City’s regulatory requirements under NPDES, Phase IV.
2. The development will meet minimum open space requirements.
3. The development will include the provision of adequate recreation and parkland sites and acreage to serve its future residents.

K. Townhomes are permitted if it is demonstrated that:

1. They conform to the standards and requirements set out in Section [3-8.3.1](#), Single Family Attached and

Multiplex Building Standards.

2. They conform to the lot and building standards set out in Table 2-4.1.3, Lot and Building Standards by Housing Type.
3. A minimum of three joined townhomes shall be oriented to each street adjacent to the development. Two unit buildings shall only be permitted in the interior of a lot.
4. The development shall have a minimum site area of one-half acre;
5. All units must be established on single lots and so arranged to ensure public access. As such, townhouse units may be initially established on separate parcels or must be designed to accommodate future subdivision of property as determined by the Department.
6. Not more than eight or fewer than two townhomes may be joined together with the same or staggered front yard setback. If a development is proposed with staggered front setback lines, the unit that is established closest to the front property line must meet the minimum required front yard setback for the district.
7. Staggered front yard setbacks of adjoining buildings must not vary in their setbacks by more than 20 feet.
8. There is a minimum distance of 20 feet between unattached townhome units.
9. Each unit may have one accessory building, which shall be of permanent construction, permanently affixed to the land, set back a minimum of five feet from all property lines, and shall have a maximum floor space of 500 square feet.

Sec. 1-2.8.3 Institutional, Recreation, and Amusement Use Standards

The standards of this Section apply to institutional, recreation, and amusement uses that are specified in *Table 1- 2.7.3, Institutional, Recreation, and Amusement Uses* as conditional (C) or permitted special exception (SE).

A. Assisted Living/Congregate Care Facilities are permitted if it is demonstrated that:

1. The use will be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation;
2. The site is a minimum of three acres ;
3. Primary access to the site is from a collector or arterial street;
4. The site has a minimum landscape surface area of 20 percent;
5. The use is not located closer than 100 feet to the boundaries of the Neighborhood Conservation (NC) districts;
6. If the gross floor area of the facility is more than 5,000 square feet, the use is separated from residential district or use by a Type B bufferyard; and
7. In the RU district, the site is a minimum of one-half acre.

B. College, University, Vocational, and Technical Schools are permitted if it is demonstrated that:

1. A circulation plan has been submitted, reviewed, and approved by the City, which demonstrates that:
 - a. Peak traffic impacts to the surrounding right-of-way are mitigated to allow the rights-of-way to function at levels of service that exist prior to establishment of the assembly use; and
 - b. On-site circulation is reasonably safe for on-site patrons.
2. In the CR district, the school is an adaptive re-use of an existing single-family dwelling, or is a new building that has the character of a single-family dwelling.

C. Indoor Commercial Amusement facilities are permitted if it is demonstrated that:

1. Primary access to the site is from a collector or arterial street; and
2. The use is:
 - a. Located at least 100 feet from any residential district or use; and
 - b. Constructed of sound-resistant materials.

D. Indoor Recreation/Personal Fitness facilities are permitted if it is demonstrated that:

1. In the RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), and NC (Neighborhood Conservation) districts, it is designed:
 - a. As part of the neighborhood and reserved for the exclusive use of its residents; and
 - b. With no more than 10,000 square feet of gross floor area.
2. The use is separated from all residential districts and uses a Type B bufferyard or a local street or collector roadway.

E. Nursing Homes are permitted if it is demonstrated that:

1. The use will be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation;
2. The site is a minimum of three acres;
3. Primary access to the site is from a collector or arterial street;
4. The site has a minimum landscape surface area of 20 percent;
5. The use is not located closer than 100 feet to the boundaries of the Neighborhood Conservation (NC) districts;
6. If the gross floor area of the facility is more than 5,000 square feet, the use is separated from all residential districts or uses by a Type B bufferyard;

F. Outdoor Commercial Amusement facilities are permitted if it is demonstrated that:

1. The use is located at least 600 feet from residential districts and uses;
2. The use is separated from all residential districts and uses by a Type C bufferyard;
3. Events are limited such that noise levels attributable to the use at the closest residential district or use does not exceed:
 - a. 70 db between the hours of 10:00 a.m. and 9:00 p.m.;
 - b. 60 db between the hours of 9:00 p.m. and 11:00 p.m.; and
 - c. 40 db between the hours of 11: p.m. and 10:00 a.m.
4. The reduction of noise level that is required at 9:00 p.m. may be extended to 11:00 p.m. for up to three events per calendar year and to 12:30 a.m. for one event per calendar year with prior permission of the Director, provided that the event(s) occur on a Friday or Saturday evening or on a Federal holiday.

G. Private Clubs are permitted if it is demonstrated that:

1. The use will be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation;
2. The use will be operated in accordance with all other applicable provisions of the City's Code of Ordinances; and
3. Primary access to the site is from a collector or arterial street.

H. Prison or Protective Custody Facilities are permitted if it is demonstrated that:

1. The site includes a minimum of 90 percent open space;
2. Areas for all operational activities (including, but not limited to, the intake of prisoners, recreation, and serving of meals) are enclosed within a building, within a patio that is fully surrounded by buildings, or is fully surrounded by an opaque screening fence at a minimum height of 10 feet;
3. All buildings are set back a minimum of 125' from all property lines; and
4. The site is a minimum of 1,000 feet from properties used for public and institutional purposes.

I. Public Assembly is permitted if it is demonstrated that:

1. Adequate on-lot, on-street, or private off-street parking (via ownership or private agreements) is provided within 300 feet of the place of public assembly; and
2. The use will be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence.
3. The use has a minimum site area that is the greater of:
 - a. Four times the minimum lot size of the respective district;
 - b. The following minimum site areas:
 1. School: 10 acres
 2. Places of worship, libraries, or museums: 3 acres
4. Expansion to abutting lots or parcels meets the following criteria and standards:
 - a. The applicant controlled the property onto which the expansion is proposed on the effective date of this Unified Development Ordinance;
 - b. It will allow the use to take access from a collector or arterial roadway;
 - c. It will involve the installation of a Type C bufferyard between the use and abutting residential uses, unless equivalent buffering is already provided; and,
 - d. The expansion will not involve the location of buildings or parking within 50 feet of residential property.
5. In the RE, RS, and AR districts:
 - a. The maximum floor area ratio (FAR) is 0.05; (FAR is calculated as the square footage of the building (for all floors) divided by the total square footage of the lot)
 - b. Primary access to the site is from a collector or arterial street;
 - c. The site is a minimum of three acres; and
 - d. If the gross floor area of the facility is more than 5,000 square feet, the use is separated from all residential districts or uses by a Type B bufferyard.
6. In the RG and RU districts:
 - a. The maximum floor area ratio (FAR) is 0.15; and
 - b. The standards and requirements of (5) above are met.
7. In the NC district:
 - a. The site is accessed from a collector street;
 - b. The maximum FAR is 0.15; or
 - c. The building(s) housing the use has a maximum total floor area of 10,000 square feet, whichever is less; and

- d. If the gross floor area is more than 5,000 square feet, the use is separated from all residential districts or uses by a Type B bufferyard; and
- e. Expansions of existing uses are limited to contiguous sites.

8. In the CR district:

- a. The use occurs as a conversion within the square footage of an existing unit; or
- b. Any expansion that increases the square footage of the existing building meets the following standards:
 - 1. The square footage of the expanded multiplex is no greater than 120 percent of the largest residence within 300 feet in any direction;
 - 2. Exterior building materials are of similar type, quality, and durability as the existing building materials;
 - 3. The structure retains the appearance of a single family dwelling; and
 - 4. Only one entrance is visible from the front property line.
- c. A circulation plan has been submitted, reviewed, and approved by the City, which demonstrates that:
 - 1. Peak traffic impacts to the surrounding right-of-way are mitigated to allow the rights-of-way to function at levels of service that exist prior to establishment of the assembly use; and
 - 2. On-site circulation is reasonably safe for on-site patrons.

J. Recreational Vehicle Parks and Camps are permitted if it is demonstrated that:

- 1. The site is a minimum of three acres;
- 2. The site is developed in a manner that preserves natural features and the landscape;
- 3. Areas designated for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against un-channeled motor vehicle ingress and egress;
- 4. All drives are located a minimum of 150 feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress;
- 5. All streets will be private;
- 6. Each park site shall be serviced by public water and sewer or other systems approved by the Department of Health and Environmental Control (DHEC); and
- 7. Bufferyards shall be as specified by Article 10, Landscaping and Buffering;
- 8. The following limitations and requirements are met:
 - a. The maximum impervious surface ratio is 35 percent of the site;
 - b. Maximum density shall not exceed 12 vehicles per acre; and
 - c. Minimum setbacks for all structures and recreational vehicles shall be:
 - 1. Street frontage is 50 feet; and
 - 2. All other property lines are 25 feet.

K. Sexually Oriented Businesses are permitted if it is demonstrated that:

- 1. The use will not be located within 1,000 feet (measured in a straight line and documented on a map drawn to scale) of:
 - a. a residential district or use;

- b. an assembly facility;
 - c. public or private schools and educational facilities;
 - d. public parks and recreational facilities;
 - e. U. S. Highways 378, 76, 301, and 52;
 - f. S.C. Highways 341, 403, 327, 51, 41, and 403;
 - g. Interstate 95;
 - h. another sexually oriented business; or
 - i. day care facilities.
2. An application for a permit and/or license is made each calendar year;
 3. The business has a valid permit and/or license, issued by the responsible governing authority for the particular type of business;
 4. The premises has been inspected and found to be in compliance with the law by health, fire, and building officials;
 5. The applicant or permittee and/or licensee permits the Director, or an appointee, and representatives of the police, health, and/or fire departments, or other governmental departments or agencies involved in code enforcement to inspect the premises for the purpose of ensuring compliance with the law, at any time it is occupied or open for business;
 6. The business has not violated and is in compliance with all provisions of this Unified Development Ordinance;
 7. There is no cause for a revocation of a permit and/or license due to:
 - a. giving false or misleading information in the material submitted to the Department during the application process;
 - b. knowingly allowing possession, use, or sale of controlled substances on the premises;
 - c. knowingly allowing prostitution on the premises;
 - d. knowingly operating the business during a period of time when a permit and/or license was suspended;
 - e. knowingly allowing any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises; or
 - f. being delinquent in payment to the city, county, or state for any taxes or fees past due.

Sec. 1-2.8.4 Commercial Use Standards

The standards of this Section apply to commercial uses that are specified in *Table 1-2.7.4, Commercial Uses* as conditional (C) or permitted special exception (SE).

A. Alcoholic Beverage Sales (Onsite Consumption) is permitted if it is demonstrated that:

1. In the AC (Activity Center) district on properties located immediately abutting, or across street rights-of-way from, a residential district or use:
 - a. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 - b. Patron seating must:
 1. Have speakers that are not audible beyond the property line;
 2. Have a defined space that is limited to a maximum height of 15 feet;
 3. Be located indoors or if it is outdoors it must be located a minimum of 150 feet

from the nearest residential unit;

- c. The use is located within a retail center that contains tenant spaces devoted to at least two businesses other than the alcoholic beverage sales business; and
 - d. The use occupies a maximum of 2,000 square feet (including any outdoor seating area).
2. In the AC district on properties that are not located immediately abutting, or across street right-of-way from, a residential district or use:
- a. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption;
 - b. Speakers are not audible beyond the property line; and
 - c. The use occupies a maximum of 3,000 square feet (including any outdoor seating area).
3. In the CG (Commercial General) district:
- a. The use shall be located a minimum distance of 500 feet from another alcoholic beverage sales business with onsite consumption; and
 - b. Patron seating is indoor only; or
 - c. Outdoor patron seating is located a minimum of 700 feet from the nearest property line of a residential unit and is not visible from any single family property.
4. In the CBD (Central Business District):
- a. There shall be a minimum distance of 150 feet or two lots of record or developed leasehold space, whichever is the more restrictive, between the proposed establishment and any other establishment that is permitted for the land use of Alcohol Beverage Sales (on-site consumption). This distance is determined by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfares from the nearest point of the grounds or buildings in use; and
 - b. When establishments permitted for Alcohol Beverage Sales (on-site consumption) are located adjacent to established residential uses (adjacency is established through lots of record, developed space, or permitted uses):
 1. Weekend hours of operation are limited to 10:00 a.m. to 2:00 a.m. on Friday and Saturday nights, and Sunday to Thursday hours are limited to 10:00 a.m. to 10:00 p.m.;
 2. Establishments may seek a permitted exception from subsection 1 to operate extended hours in the event of special televised events or other special events. For special televised events, extended hours of operation shall not exceed 30 minutes after the official end of the special televised event (in no event can it be any later than 2:00 a.m.), and other special events may be permitted for one additional hour (until 11:00 p.m.) Sunday to Thursday. Application for these extended hours of operation must be made to the Department of Planning, Research, and Development at least 48 hours prior to the event and approved by the Director; however, establishments shall only be allowed to extend hours of operation a maximum of 24 times during a calendar year for any combination of the aforementioned special events. The special event permit must be posted in a manner visible from the outside of the main entrance;
 - c. When establishments permitted for Alcohol Beverage Sales (on-site consumption) are not located adjacent to established residential uses (adjacency is established through lots of record, developed space, or permitted uses) hours of operation are limited to those allowed by South Carolina law; and
 - d. Except to allow ingress and egress, all exterior doors and windows of the establishment shall be closed at 10:00 p.m.; and
 - e. No outside speaker system shall be allowed unless it meets the provisions as set forth in this Ordinance regarding noise and vibration, Section 4.11.2.1, as well as the City of Florence Code of Ordinances Sections 10-9, 10-10, and 10-11 ; and
 - f. The Noise and Vibration provisions of this Ordinance, Section 4.11.2.1, as well as the City of Florence

Code of Ordinances Sections 10-9, 10-10, and 10-11 shall apply to all establishments permitted for the land use of Alcohol Beverage Sales (on-site consumption). Structural features such as a double entrance and soundproofing materials may be used to minimize noise from the establishment. Any exterior modifications are subject to the Design Guidelines for Downtown Florence within the designated Downtown Overlay District; and

- g. At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the conditional use, this Code, and the applicable SC Code of Laws and Regulations; and
- h. Rules consistent with the provisions of this Code shall be posted in conspicuous locations on the building and shall be enforced by the proprietors; loitering and disorderly conduct is prohibited at all times; and
- i. All lights or lighting arrangements used for purposes of advertising or night operations shall be directed away from adjoining or nearby properties; and
- j. Private garbage, recycling, maintenance equipment, and supplies are stored in a manner so as not to be visible at a height of six feet from adjoining properties, public rights-of-way, or other public property; and
- k. Private storage areas for all garbage, recycling, maintenance equipment and supplies are designed to contain odors and prevent the wafting of odors onto adjoining properties, public rights-of-way and other public property; and
- l. The establishment shall include a commercial kitchen and receive a minimum of 30% of its total revenue from food sales; and
- m. Section 13-15 of the City of Florence Code of Ordinances shall apply to all business licenses issued under this conditional use.

B. Animal Boarding Facilities, Small Animal are permitted if it is demonstrated that:

- 1. The facility is co-located with veterinarian uses, but is permitted separately according to the applicable standards of this Unified Development Ordinance as if they were free-standing uses;
- 2. No livestock or large animals will be boarded, treated, or kept on the premises; and
- 3. The use is conducted within a fully enclosed building, which is designed with noise resistant materials and for which the plans and specifications for noise reduction materials are approved by the Plan Commission;
- 4. There will be no outdoor dog runs and/or animal exercise areas;
- 5. In the CG district:
 - a. The building has appropriate soundproofing, such that animal noises are not audible from outside of the building or adjacent tenant spaces in the same building;
 - b. Dog runs and outdoor animal exercise areas are allowed only to the rear of the use, provided that the abutting property is not zoned RE, RS, RG, RU, NC, or CR; and
 - c. The facility will not be located within 500 feet of any type of school, child care facility, or public park (except a dog park).

C. Animal Grooming Facilities are permitted if it is demonstrated that:

- 1. Grooming shall be for small animals and shall not include large animals or livestock;
- 2. The use is conducted within a fully enclosed building, which is designed with noise resistant materials and for which the plans and specifications for noise reduction materials are approved by the Plan Commission;
- 3. There will be no outdoor dog runs and/or animal exercise areas;
- 4. The use shall not be located in a mixed use building that contains dwelling units; and

5. If the use is located in a multi-tenant building, ventilation systems shall be designed to control odors and allergens and prevent their circulation into other parts of the building.

D. Animal Veterinary Services, Small Animal are permitted if it is demonstrated that:

1. The standards of Subsection B., above are met;
2. The facility may be co-located with animal boarding facilities, but shall be permitted separately according to the applicable standards of this Unified Development Ordinance as if they were free-standing uses;
3. No animal boarding will occur unless it is associated with veterinary care;
4. Outdoor keeping of animals is limited to accompanied walking; and
5. In the CBD the use is located within a building that contains spaces devoted to at least two businesses other than the veterinary care business.

E. Automobile Repairs, Heavy are permitted if it is demonstrated that:

1. Outdoor storage of vehicles will be on an improved hard surface and shall be screened with a three foot high masonry wall, measured from the surface of the parking lot in the area that is closest to the wall or shrubs planted to form a continuous buffer that is at least four feet in height;
2. No more than five vehicles awaiting repair are stored for a period exceeding six days;
3. Service bays are oriented such that the activity is not visible from any public rights-of-way; and
4. The use is separated from all residential districts and uses by a Type C bufferyard.

F. Automobile Sales, Rental, and Service Establishments are permitted if it is demonstrated that:

1. No vehicles will be parked on the public right-of-way. Violating vehicles will be towed by the City without notice at the owner's expense, and shall constitute a zoning violation; and
2. In the AC district:
 - a. Repair bays do not front adjacent public rights-of-way or toward a residential district or use;
 - b. No more than one elevated display is used, and the display raises the vehicle no more than three feet off the ground;
 - c. Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors) are set back a minimum distance of 50 feet from all rear and side yards of residential districts or uses and public rights-of-way;
 - d. No existing buildings shall be re-used for vehicle sales, rental and service unless:
 1. All lighting is brought into compliance with [Division 4-11.1, Lighting](#);
 2. All outdoor vehicle display areas / lots are screened in accordance with [Article 10, Landscaping and Buffering](#).

G. Commercial Retail, Business Services, Personal Services, and Shopping Centers are permitted if it is demonstrated that:

1. In the IL and IH districts:
 - a. The use is subordinate to an institutional, office, light industrial, or industrial use in the same building, building complex, or campus, and is principally intended to serve the needs of the employees of the building, building complex, or campus (e.g., copy shop, professional plumbing or electrical supply store, etc.);
 - b. The use principally sells items that are manufactured on-site (e.g., furniture maker selling furniture); or
 - c. The use is incidental and accessory to another permitted use (e.g., convenience store associated with fueling station).

2. In the CR district, no individual commercial space exceeds 10,000 square feet of gross floor area.

H. **Event Facilities, Banquet Halls, Dance Halls, or Lodges** are permitted if it is demonstrated that they are not located within 500 feet from a residential district or use.

I. **Fueling Stations and Car Washes** are permitted if it is demonstrated that:

1. All standards, specifications, and requirements of the U.S. EPA and DHEC are met;
2. The site has a minimum landscape surface area of 20 percent;
3. Fueling stations that dispense fossil fuels or biofuels shall not be located within 200 feet of a wetland, water body (except detention or retention with treatment), or permitted potable water well;
4. The perimeter of the parcel shall be buffered with a Type B bufferyard, except that property lines that are also district boundary lines shall have a bufferyard that is one level higher than the district bufferyard requirement, and if the abutting zoning district is RE, RS, RG, RU, NC, or CR, the use shall be screened with a three foot high masonry wall, measured from the surface of the parking lot in the area that is closest to the wall or shrubs planted to form a continuous buffer that is at least four feet in height; and
5. Fueling stations that dispense fossil fuels or biofuels shall not be located within the 100-year or 500-year floodplain including, but not limited to:
 - a. All areas within 20 feet of a gasoline pump;
 - b. All underground tank fill points; and
 - c. All service areas where fossil fuels, lubricants, solvents, or other hazardous materials are used.

J. **Heavy Retail** is permitted if it is demonstrated that:

1. In the IL and IH districts:

- a. The use involves the sale of a single category of merchandise and is characterized by one or more of the following:
 1. Outdoor displays are larger in area than the footprint of the principal building;
 2. The lease or sale of goods or equipment to businesses that are permitted in the district; or
 3. The sale of goods that are manufactured on-site.
- b. The use will involve one or more of the following:
 1. Lumber and other building materials;
 2. Lawn and garden equipment and related supplies stores;
 3. Heavy truck or recreational vehicle leasing or sales;
 4. Manufactured home sales; and/or
 5. Industrial or construction equipment leasing or sales.
- c. The use will not involve any of the following:
 1. Warehouse clubs;
 2. Super stores; and
 3. Home centers.

2. In the CG district:

- a. The premises abuts and draws access from an arterial or collector street;
- b. The use is located so that truck traffic can access an arterial street without traveling on a public street

within or adjacent to any residential district, or along thoroughfares adjacent to any public park or public recreational area or facility;

c. A truck routing plan is submitted, reviewed, and approved by the Planning Commission;

d. The use will not involve any of the following:

1. Heavy truck or recreational vehicle leasing or sales;
2. Manufactured home sales;
3. Industrial equipment leasing or sales; and
4. Lumber and other building materials sales if the outdoor storage or display area is larger than 30 percent of the footprint of the principal building.

K. Overnight Accommodations are permitted if it is demonstrated that:

1. The use occurs as a conversion within the square footage of an existing unit; or

2. Any expansion that increases the square footage of the existing building meets the following standards:

- a. The square footage of the expanded multiplex is no greater than 120 percent of the largest residence within 300 feet in any direction;
- b. Exterior building materials are of similar type, quality, and durability as the existing building materials;
- c. The structure retains the appearance of a single family dwelling; and
- d. Only one entrance is visible from the front property line.

L. Mobile food vendors are permitted to operate within the CG, CBD, AC, CA, DS, OSR, IL, and IH zoning districts if it is demonstrated that:

1. The mobile food vendor shall have the written approval of the property owner or authorized lease holder of the property upon which the food truck/cart is located. The vendor must maintain within the food truck/cart proof of written permission to occupy each vending location.

2. The mobile food vendor shall not locate on a property with a residential use.

3. A mobile food vendor shall not operate within a 500 ft distance of the H-1, Historic Overlay District (measured from the perimeter of the district). Exceptions to this include:

- a. Food carts as defined by this ordinance
- b. Operating within the W-1, Food, Artisan, and Warehouse District if the vendor maintains a permanent eating establishment, commissary, certified kitchen, or other physical location or base of operation within the W-1 District. This exception does not apply to a lease agreement solely for the purpose of parking and/or vending from a mobile food truck, cart, etc.

4. The food truck/cart shall be positioned at least 500 feet from the primary customer entrance of an eating establishment during its hours of operation measured by pedestrian travel path, unless the mobile food vendor provides documentation that the restaurant owner supports a closer proximity.

Exceptions to this include: Operating within the W-1, Food, Artisan, and Warehouse District if the vendor maintains a permanent eating establishment, commissary, certified kitchen, or other physical location or base of operation within the W-1 District. This exception does not apply to a lease agreement solely for the purpose of parking and/or vending from a mobile food truck, cart, etc.

5. No mobile food vendor shall operate between the hours of 9:00 p.m. and 9:00 a.m. if the parcel upon which the vendor is located is within 400 feet of any residential district or use (measured from the shortest distance between parcel lines).

6. No mobile food vendor shall operate within 200 feet of a private or public school during school hours (measured from the shortest distance between parcel lines) with the exception of a recognized special

event with written permission from the school district. A mobile food vendor may operate on school grounds during non-instructional hours with the written permission of the school district.

7. The mobile food vendor shall be positioned within developed and designated parking spaces or driveways only and shall accommodate necessary customer parking per Article 9 of this ordinance. The vending location shall not interfere with the movement of motor vehicles. Alternative parking may be approved by the Planning Director for special events or a non-reoccurring vending location.
8. Mobile food vendors are prohibited from operating on any public right-of-way to include but not limited to streets, sidewalks, alleys, or trails.
9. In certain cases to include but not limited to publicly sanctioned events and festivals, mobile food vendors may be allowed, with written permission, to operate within the prohibited areas.
10. A mobile food vendor shall only operate as a walk-up vendor. It is expressly prohibited to operate as a drive-in window. The vendor is not required to provide tables and/or seating for customers.
11. If the mobile food vendor operates after dark, the vendor shall provide appropriate lighting limited to the parcel on which the vendor is located.
12. No signage shall be allowed other than signs permanently attached to the motor vehicle or cart and a portable menu sign no more than six (6) square feet in a display area on the ground in the customer waiting area. Animated or scrolling signs shall not be allowed. Illuminated signs shall be subject to the following provisions:
 - a. Illuminated signs shall not directly shine on abutting properties.
 - b. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.
 - c. No flood lights shall be utilized nor shall any sign otherwise reflect or emit a glaring light so as to impair driver vision.
 - d. In no case shall an illuminated sign be located closer than 60 feet from the property line of an adjacent residential property.
13. The vendor may operate in any zoning district or land use when operating in a catering capacity for the property owner and not selling to the general public.
14. Upon leaving the site, all materials associated with the business must be removed from the parcel to include but not limited to signage, trash, trash receptacles, equipment, etc.
15. The vendor must comply with all applicable municipal utility requirements per Chapter 12 of the City of Florence Code of Ordinances
16. The Noise and Vibration provisions of this Ordinance, Section 4.11.2.1, as well as the City of Florence Code of Ordinances Sections 10-9, 10-10, and 10-11 shall apply to all permitted mobile food vendors. No mobile food vendor shall sound any device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products.
17. The Mobile Food Vendor will be operated in accordance with all other applicable provisions of this Unified Development Ordinance, the City's Code of Ordinances, the City's Fire Code and Policies, as well as applicable Federal and State requirements.

M. Restaurants, Drive-Ins or Drive-Throughs are permitted if it is demonstrated that:

1. Where the use abuts or is within 50 feet of any residential district or use the ordering/communications station(s) are screened with a Type C bufferyard, including a fence or wall to reduce noise transmission;
2. Access is taken from a collector or arterial street or, in the case of a multi-tenant center, from an internal access drive.

N. Restaurants, No Drive-Ins or Drive-Throughs are permitted if it is demonstrated that:

1. In the CR (Commercial Re-Use) district:
 - a. Parking will be accommodated on-site or by an alternate parking plan, such as valet parking, and/or parking easements;
 - b. The building is either:
 1. An adaptive reuse of an existing residential building; or
 2. A new building that is of a residential character and a floor area ratio (FAR) of not more than 0.20.

2. In the IL (Light Industrial) and IH (Heavy Industrial) districts:
 - a. The use is intended to serve the employees of and visitors to the district;
 - b. Its signage is not visible outside of the district; and
 - c. Its floor area is not more than 2,500 square feet.

O. Specialty Uses are permitted if it is demonstrated that:

1. In the CBD district:
 - a. The use is located within a building that contains spaces devoted to at least two businesses other than the specialty use;
 - b. There is no more than one specialty use located within a radius of 300 feet;
 - c. Security measures associated with the use do not include metal bars or roll-down shutters over doors and windows.
2. In the CG, (Commercial General), AC (Activity Center), and DS (Destination / Select Use) districts:
 - a. There is no more than one specialty use located within a radius of 750 feet; and
 - b. The use is located within a retail center that contains spaces devoted to at least two businesses other than the specialty use; and
 - c. Security measures associated with the use do not include metal bars or roll-down shutters over doors and windows.

P. Tattoo Facilities are permitted if it is demonstrated that:

1. The location of a tattoo facility complies with this Unified Development Ordinance and Section 44-34-110 of the South Carolina Code of Laws, which requires the facility to be a minimum distance of 1,000 feet from a church, school, or playground. The distance must be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground;
2. It will be located a minimum distance of 500 feet from the outer wall of the occupied space of the tattoo business to the nearest property line of a residential district or use (measured in a straight line);
3. It will be located a minimum distance of 200 feet from the outer wall of the occupied space of the tattoo business to the nearest boundary line of a residential district or property line of a residential use (measured in a straight line), provided the following conditions are met:
 - a. The tattoo business is separated from a residential district by an arterial or collector street of at least four lanes and commercial development; or
 - b. The tattoo business is buffered with a Type C bufferyard from a residential district;
4. Signage complies with the standards and requirements in Part 5, subject to the added restrictions of no window signage; flashing, neon, LED, or reader board signage; or signs containing animation within the direct line of sight of any adjacent residential district or use; and

5. The hours of the tattoo facility will be between 8:00 a.m. and 9:00 p.m.

Q. Truck Stops and Truck Washes are permitted if it is demonstrated that:

1. The use is located within 1,320 feet of an interchange of Interstate 95;
2. The use is located at least 600 feet from any residential district or use;
3. Property lines that are not also right-of-way lines are landscaped with a Type C bufferyard that includes a six foot masonry wall; and
4. Property lines that are also right-of-way lines are landscaped with a Type B bufferyard.

Sec. 1-2.8.5 Industrial, Logistics, and Storage Use Standards

The standards of this Section apply to industrial, logistics, and storage uses that are specified in *Table 1-2.7.5, Industrial, Logistics, and Storage Uses* as conditional (C) or permitted special exception (SE).

A. Composting Facilities are permitted if they are designed and operated in accordance with the requirements of S.C. Code of Regulations. 61-107.4, and any state or federal permit requirements, and it is demonstrated that:

1. All required state and federal permits are obtained, as applicable, and copies of permit applications and approval documents are provided to the Director.
2. The composting facility will be set back a minimum of 200 feet from all property lines and a minimum of 100 feet from:
 - a. A 100-year floodplain; and
 - b. Any wetland as delineated and defined specifically as a wetland according to the methodology accepted by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency;
3. Composting and storage of compostable materials shall be located in an enclosed building with an odor control system;
4. The perimeter of the parcel shall be buffered with a Type C bufferyard, except that property lines that are also district boundary lines shall have a bufferyard that is one level higher than the district bufferyard requirement;
5. The site is a minimum of 10 acres; and
6. The use is spaced a minimum distance of 1,320 feet from any residential district or use.

B. Heavy Industry is permitted if it is demonstrated that:

1. All required state and federal permits are obtained, and copies of permit applications, approval documents, and an emergency response plan are provided to the Director.
2. There will be no disposal of hazardous wastes on-site.
3. If hazardous wastes or explosive materials are used, stored, or processed on-site, they are used and stored in locations that are a minimum of 200 feet away from any:
 - a. Zoning district boundary;
 - b. Drinking or ground water well;
 - c. Wetland as delineated and defined specifically as wetlands according to the methodology accepted by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency;
 - d. 100-year floodplain;
 - e. Surface water, except drainage ditches or sedimentation ponds; and
 - f. Residence, school, hospital, or park.

4. Storage and outdoor activity areas are enclosed by a Type D bufferyard that includes an eight foot fence, interrupted only by necessary access and maintenance gates. Fencing shall be constructed of brick, finished concrete block (e.g., stucco finish or split face concrete masonry units), stone, or other materials that the Director finds have comparable aesthetic and durability characteristics. The use of wood, chain link, or barbed wire fencing within the facility shall be limited to areas that are not visible from any public right-of-way or district boundary.
5. Gates shall be made of powder-coated metal or wrought iron, and shall substantially reduce public views into areas of activity or storage. Use of chain link materials for gates is prohibited unless the access to the site is configured in a manner such that the gates are not visible from public rights-of-way or a district boundary.
6. Trucks will be routed such that they have access between the parcel proposed for development and an arterial without passing through or adjacent to a residential district. Compliance with this requirement shall be demonstrated with a truck routing plan.

C. Landfills, Inert are permitted if it is demonstrated that:

1. It will be located a minimum distance of 100 feet from any property line and 300 feet from any residential district or use, recreational, assembly, educational, medical, day care, or public use (measured in a straight line);
2. No material will be placed in open storage in a manner that it is capable of being removed off-site by wind, water, or other causes;
3. The perimeter of the parcel shall be buffered with a Type C bufferyard, except that property lines that are also district boundary lines shall have a bufferyard that is one level higher than the district bufferyard requirement. The provisions of this subsection may be waived by the Director where such facility will be utilized for a period not to exceed 90 days; and
4. A plan showing restoration of the site on completion of use as a landfill will accompany the request.

D. Landfills, Sanitary are permitted if it is demonstrated that:

1. It will be located a minimum distance of 1,000 feet to any residential district or use, recreational, assembly, educational, medical, day care, or public use (measured in a straight line);
2. A geotechnical engineering firm approved by the Director, or an appointee, will render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated;
3. A drainage and sedimentation plan will accompany the request, showing all off-site run off.
4. Landfill activity areas are enclosed by a Type D bufferyard that includes an eight foot fence, interrupted only by necessary access and maintenance gates. Fencing shall be constructed of brick, finished concrete block (e.g., stucco finish or split face concrete masonry units), stone, or other materials that the Director finds have comparable aesthetic and durability characteristics. The use of wood, chain link, or barbed wire fencing within the facility shall be limited to areas that are not visible from any public right-of-way or district boundary.
5. Gates shall be made of powder-coated metal or wrought iron, and shall substantially reduce public views into areas of activity or storage. Use of chain link materials for gates is prohibited unless the access to the site is configured in a manner such that the gates are not visible from public rights-of-way or a district boundary.
6. A plan showing restoration of the site on completion of use as a landfill will accompany the request.

E. Light Industry is permitted if it is demonstrated that:

1. The use is a minimum distance of 500 feet from any residential district or use;
2. Outside storage areas, if any:

- a. Do not exceed the gross floor area of the building;
 - b. Are not used for storage of solid or liquid waste, inoperable machinery or vehicles, or materials that generate dust or attract rodents or pests;
 - c. Are enclosed by a Type C bufferyard that includes a six-foot tall fence or wall; and
 - d. Access to outdoor storage areas is designed to minimize ground level views into the storage areas from abutting properties and public rights-of-way; and
3. The use will not interfere with the use of adjoining property for professional office, research and development, or hospital purposes due to noise, dust, vibration, glare, electromagnetic interference, or odors, if the abutting property is vacant, approved, or in use for one or more of these purposes.

F. Railyards are permitted if it is demonstrated that:

1. They are surrounded by a Type D bufferyard that includes security fencing;
2. Wastes are not stored on-site for more than four days; and
3. Hazardous materials are not stored outside.

G. Recycling Collection Facilities are permitted if it is demonstrated that:

1. The use is a minimum distance of 500 feet from any residential district or use, church, school, historical place, or public park;
2. Storage or materials and outdoor activity areas are enclosed by a Type D bufferyard that includes an eight foot fence, interrupted only by necessary access and maintenance gates. Fencing shall be constructed of brick, finished concrete block (e.g., stucco finish or split face concrete masonry units), stone, or other materials that the Director finds have comparable aesthetic and durability characteristics. The use of wood, chain link, or barbed wire fencing within the facility shall be limited to areas that are not visible from any public rights-of-way or district boundary;
3. All materials (including, but not limited to, paper, rags, cloth, and other fibers) will be stored in enclosed bins or other appropriate containers that are sturdy, weather resistant, rust-proof, maintained in good condition, and secured at the end of each business day. Such bins shall be protected from weather by roofed structures;
4. Materials that are not stored in enclosed, covered, and secured bins will be baled or pelletized;
5. No material will be placed in open storage in a manner that it is capable of being removed off-site by wind, water, or other causes;
6. The facility will be kept in a clean and orderly condition and maintained free of litter, dust, loose debris, and any other undesirable materials;
7. Donation areas will be kept free of litter and debris with containers clearly marked to identify the type of material that may be deposited and displaying a notice stating that no material shall be left outside the recycling containers;
8. Space will be provided on-site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the Director determines that allowing overflow traffic is compatible with surrounding business and public safety;
9. The facility and grounds will be secured from unauthorized entry and removal of materials when attendants are not present;
10. The facility will not accept nor place in open storage any materials that are not recyclable;
11. If the facility accepts recyclable materials for which registration of permits are required, then a copy of the registration or permit will be submitted to the Director;
12. Junked or inoperable vehicles will not be stored at the recycling collection facility; and

13. Operable vehicles may be stored at the waste transfer station overnight, provided they are screened from view from adjacent property and public rights-of-way by the required bufferyard.

H. Research/Testing Laboratories are permitted if all business activities (including storage of materials) are conducted entirely within an enclosed building. Nonpolluting greenhouses and vegetated gardens are permitted as accessory uses.

I. Salvage Yards are permitted if it is demonstrated that:

1. Storage or materials and outdoor activity areas are enclosed by a Type D bufferyard that includes an eight foot fence, interrupted only by necessary access and maintenance gates. Fencing shall be constructed of brick, finished concrete block (e.g., stucco finish or split face concrete masonry units), stone, or other materials that the Director finds have comparable aesthetic and durability characteristics. The use of wood, chain link, or barbed wire fencing within the facility shall be limited to areas that are not visible from any public rights-of-way or district boundary.
2. All power-driven processing will meet all performance standards in [Article 11, Environmental and Safety Standards](#);
3. Mechanized equipment will operate only between the hours of 7:00 a.m. and 8:00 p.m.;
4. Salvaged vehicles and machinery will be drained of liquids and such liquids will be disposed of or recycled according to applicable state and federal laws;
5. It will be located a minimum distance of 500 feet from any residential district or use, and a minimum distance of 150 feet from the CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), and OSR (Open Space and Recreation) districts;
6. No hazardous wastes or materials will be accepted or deposited, except as permitted by local, county, state and federal law; and
7. Trucks will be routed such that they have access between the parcel proposed for development and an arterial without passing through or adjacent to a residential district. Compliance with this requirement shall be demonstrated with a truck routing plan.

J. Self-Storage and Moving Truck Rental Establishments are permitted if it is demonstrated that:

1. The use is surrounded by a Type C bufferyard that includes a six foot masonry wall;
2. Building facades that are visible from the street are finished with brick, thin brick, stone, or stucco-finished concrete block;
3. The units are arranged so that bay doors are not visible from abutting streets or residential districts or uses, except at points of ingress and egress;
4. Chain link fencing, if used, is not visible from any property line;
5. Include adequate maneuvering areas and circulation aisles that accommodate both customer and emergency vehicle use; and
6. Parking areas designated for customer parking are kept clear of vehicle storage, except that customers may make temporary use of these parking areas when returning a vehicle to or retrieving a vehicle from the site.

K. Storage Yards are permitted if it is demonstrated that:

1. No material will be placed in open storage in a manner that it is capable of being removed off-site by wind, water, or other causes;
2. The perimeter of the parcel shall be buffered with a Type C bufferyard, except that property lines that are also district boundary lines shall have a bufferyard that is one level higher than the district bufferyard requirement;
3. The facility will be kept in a clean and orderly condition and maintained free of litter, dust, loose debris, and

- any other undesirable materials;
- 4. It is not used for storage of solid or liquid waste, inoperable machinery or vehicles, or materials that generate dust or attract rodents or pests;
- 5. Hazardous materials are not stored outside.

Sec. 1-2.8.6 Communications, Utility, and Transportation Use Standards

The standards of this Section apply to communications, utility, and transportation uses that are specified in *Table 1-2.7.6, Communications, Utility, and Transportation Uses* as conditional (C) or permitted special exception (SE).

- A. Communication Towers and Antennas** are permitted if they are designed and operated in accordance with all requirements of the Federal Communications Commission (FCC), as well as any state permit requirements, and it is demonstrated that:
1. A communications facility report will be submitted to the City describing the type of proposed communications facility, its effective range, and the technical reasons for its design and placement. If the proposed communications facility cannot be accommodated on an existing or approved facility within a one mile search radius of the proposed site, the report will specify the reasons and conditions along with supporting proof. And in an effort to promote long-range planning to minimize the number of towers and their impact on the community, providers of commercial wireless communications service will include a plan delineating existing and any proposed and/or anticipated facilities within Florence County;
 2. A proposal for a new communications tower will be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is 100 feet or more in height and for at least one additional user if the tower is over 60 feet in height, but less than 100 feet in height. The tower owner will allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use. The conditions and terms for shared use will be submitted to the City. If the land for the tower is leased, a copy of the relevant portions of a signed lease allowing the tower owner to add additional users and associated facilities on the tower will be submitted at the time of application to the City for tower erection;
 3. No tower or antenna will be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained;
 4. All applicable safety code requirements will be met;
 5. Towers or antennas will not be painted unless otherwise required by state or federal regulations;
 6. Tower or antenna structures are separated from a boundary line of a residential district or a property line of a residential use by a distance equal to one foot for each one foot in height, measured from the property line;
 7. Towers will not be illuminated by artificial means and will not display strobe lights unless such is specifically required by the Federal Aviation Administration (FAA) or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower;
 8. There will be no use of any portion of a communications facility for signs other than warning or equipment information signs;
 9. Abandoned or unused communications facilities will be removed within 120 days from the date of ceasing operations. A copy of the notice to the Federal Communications Commission (FCC) of intent to cease operations of subject facility will be submitted to the City. If the lot or parcel for the facility is leased, a copy of the relevant portions of a signed lease which requires the removal of the communications facility upon cessation of operations at the site will be submitted at the time of application for a building permit;
 10. Communications facilities will be certified by a qualified and licensed professional engineer in the State of South Carolina to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronic Industry Association;

11. Documentation that the proposed communications facility will comply with the latest health and safety standards established by the Federal Communications Commission (FCC) on RF emissions and exposures;
12. All applicants will furnish a surety bond or make an equivalent cash deposit in an amount to be determined by the City to be necessary to remove an abandoned facility in the event the persons responsible for such removal default;
13. Ground ancillary buildings and towers shall have a security fence erected within the visually screened area. The security fence shall be not less than eight feet in height.

B. Communication Antennas, Attached are permitted if they are designed and operated in accordance with all requirements of the Federal Communications Commission (FCC), as well as any state permit requirements, and it is demonstrated that:

1. All façade-mounted wireless telecommunications facilities will be positioned and designed to appear as an integral part of the structure;
2. Facade-mounted antennas will be integrated architecturally with the style and character of the structure or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view.
3. To the extent feasible, facade-mounted antennas should not be located on the front or most prominent facade of a structure and should be located out of the pedestrian line-of-sight, unless stealth techniques reasonably eliminate visual impacts;
4. Whenever possible, equipment structures, back-up generators, and other equipment associated with building-mounted antennas will be installed within the existing building compound. If this is not feasible, the equipment will be screened, fenced, or landscaped to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environment. Equipment buildings should be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding development and/or land use setting (if applicable); and
5. Roof-mounted antennas and associated equipment will be located as far back from the edge of the roof as technically possible to minimize visibility from street level locations. Where appropriate, construction of a rooftop parapet wall or other appropriate screening may be required to hide the facility.

C. Disposal Facilities are permitted if they are designed and operated in accordance with all requirements of S.C. Code of Regulations 61-107, that are applicable to the type of disposal facility proposed, as well as any state or federal permit requirements, and it is demonstrated that:

1. The applicant demonstrates that the use implements the Florence County Solid Waste Management Plan;
2. A complete copy of the applications submitted to other agencies and all approval documentation will be provided to the Director;
3. The facility will be set back the greater of the requirements of the S.C. Code of Regulations 61-107 or a distance of 200 feet from the following:
 - a. All property lines;
 - b. Any 100-year floodplain; and
 - c. Any wetland, as delineated and defined specifically as wetland according to the methodology accepted by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency
4. The use is spaced a minimum distance of 1,320 feet from any residential district or use.
5. Disposal materials and outdoor activity areas are enclosed by a Type D bufferyard that includes an eight foot fence, interrupted only by necessary access and maintenance gates. Fencing shall be constructed of brick, finished concrete block (e.g., stucco finish or split face concrete masonry units), stone, or other materials that the Director finds have comparable aesthetic and durability characteristics. The use of wood, chain link, or barbed wire fencing within the facility shall be limited to areas that are not visible from any public rights-of-way or district boundary; and

6. Trucks will be routed such that they have access between the parcel proposed for development and an arterial without passing through or adjacent to a residential district. Compliance with this requirement shall be demonstrated with a truck routing plan.

D. Electrical Substations are permitted if it is demonstrated that:

1. In the RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU Urban Residential), NC (Neighborhood Conservation), and CR (Commercial Re-use) districts they will be limited to distribution or collector substation facilities only, excluding transmission substations; and
2. In all other districts, they will be maintained in strict compliance with all conditions placed on them during the permitted special exception use permit review process.

E. Helistops are permitted if it is demonstrated that:

1. No residential districts or uses are located within an area that will experience helistop noise at levels above 55 DNL (Day-Night average sound Level);
2. No office uses are located within areas that will experience helistop noise at levels above 60 DNL, unless the office uses are on the same property as the helistop;
3. They are for the purpose of public safety or to be used in conjunction with and as an accessory use to police stations, fire stations, hospitals, and/or trauma centers;
4. No helistop will be located or operated in a manner that will interfere with the aviation operations of the Florence Regional Airport; and
5. The applicant will demonstrate compliance with all federal regulations pertaining to heliport development.

F. Power Generation, Renewable Fuel Facilities are permitted if it is demonstrated that the use is intended to generate wind or solar energy for the residents and businesses located within the same neighborhood or area of the site on which the system is located.

G. Waste Transfer Stations are permitted if it is demonstrated that:

1. The use implements the Florence County Solid Waste Management Plan. A complete copy of the applications submitted to other agencies (e.g., pursuant to S.C. Code Regulations 61-107.7.D.) and all approval documentation shall be provided to the Director;
2. Waste transfer stations shall be operated as required by *S.C. Code Regulations 61-107.7., Solid Waste Management: Transfer of Solid Waste*, and permits issued there under, and any applicable federal law. In addition to said requirements:
 - a. Any vehicle maintenance services shall be a secondary and subordinate use of the site, and shall be limited to maintenance of vehicles associated with hauling materials to and from the waste transfer station.
 - b. Junked or inoperable vehicles shall not be stored at the waste transfer station.
 - c. Operable vehicles may be stored at the waste transfer station overnight, provided that they are screened from view from adjacent property and public rights-of-way by the required bufferyard.
3. The standards and requirements for Collection Recycling Facilities are met.

Sec. 1-2.8.7 Agriculture Use Standards

The standards of this Section apply to agricultural uses that are specified in *Table 1-2.7.7, Agricultural Uses* as conditional (C) or permitted special exception (SE).

A. Crops or Silviculture are permitted as a use of common open space in a single-family cluster or mixed-housing cluster and the use or uses are either:

1. Established by the plat or covenants, conditions, and restrictions that apply to the development; or

2. Established by the property owners' association.

B. Community Gardens, Greenhouses, Hoophouses, Nurseries are allowed as a principal or accessory use if it is demonstrated that:

1. The use is the principal use of a vacant lot or parcel;
2. Where the use is an accessory to the principal use, it is located in the rear or interior side yards only;
3. As a principal use, it is set back a minimum of 25 feet from front and rear property lines and 10 feet from interior side property lines.
4. As an accessory use, it is set back five feet from rear and interior side yard property lines;
5. Structures that have a gross floor area of 120 square feet or less are permitted as an accessory building to a community garden, greenhouse, hoop house, or nursery;
6. One on-premise sign is permitted for community gardens, greenhouses, hoop houses, or nurseries that are the principal use of a property as well as for those that are an accessory use provided the principal use is not a residential dwelling;
7. Permitted on-premise signs do not exceed 20 square feet in sign area or exceed 12 feet in height in residential zoning districts;
8. Permitted on-premise signs do not exceed the standards applicable in other zoning districts;
9. On-site sales are not conducted in residential zoning districts and are limited to products or crops produced on the premises in other applicable districts;
10. Maintenance complies with all applicable standards of the City Code, including but not limited to, nuisance abatement, as well as stormwater, soil erosion, and sedimentation control;
11. Refuse and/or compost bins are rodent resistant and set back 10 feet from all property lines; and
12. No structure is greater than 25 feet in height.

C. Private Gardens are allowed as a principal or accessory use if it is demonstrated that:

1. In residential zoning districts, they include the growth and harvesting of food or non-food crops for personal consumption only;
2. They are appropriately located in an interior side or rear yard, which may extend to the property line, or may be located in the front yard provided the garden:
 - a. Does not exceed 50 percent of the area of the front yard;
 - b. Is no less than five feet from any property line;
 - c. Is not located within a sight distance triangle or in any way obstruct the vision of automobiles;
 - d. Is integrated into the overall site landscape that includes perennial non-food landscape plantings together with food crops;
 - e. Does not overgrow sidewalks or driveways; and
 - f. Does not encroach into public rights-of-way.
3. Maintenance complies with all applicable standards of the City Code, including but not limited to nuisance abatement, so as to not permit dense growth of weeds, vines, and/or grass; crops spilling over any property line or into the public rights-of-way; or interference with the sight distance triangle.

D. Farmers Markets and Farm Stands are allowed as a principal or accessory use if it is demonstrated that:

1. A temporary use permit issued by the Zoning Administrator must be obtained prior to operating.
2. Operations are limited to two temporary use permits per site, per year, not to exceed a period of 90 days for each permit.

3. Permit issuance will be determined based on the availability of off-street or on-street parking.
4. Structures shall be setback 10 feet from all property lines.
5. Items sold must have been grown or produced on a property within 1,000 feet of the subject property.
6. Food prepared on or off-site may be sold if the principal ingredients are grown or produced on the subject property or within 1,000 feet of the subject property.
7. A minimum of 50 percent of the sales area shall include the sale of fruit and/or vegetables.
8. One on-premise sign may be permitted. Shall not exceed 20 square feet or 12 feet in height in residential zoning districts.

E. Apiaries (Beekeeping) are allowed as a principal or accessory use if it is demonstrated that:

1. There is a minimum lot size of 10,000 square feet for apiaries as an accessory use on single-family detached lots;
2. Hives shall be no closer than 15 feet to any property line, measured from the nearest point of the hive to the property line;
3. Africanized bees are prohibited; and
4. Standards for hive density and the number of permissible hives are as follows:
 - a. One-half acre (21,780 sf.) or less – two colonies;
 - b. One-half (21,780 sf.) to three-quarter acre (32,670 sf.) – four colonies;
 - c. Three-quarter (32,670 sf.) to one acre (43,560 sf.) – six colonies; and
 - d. One acre (43,560 sf.) or more – maximum of eight colonies

F. Animal Keeping is allowed as a principal or accessory use if it is demonstrated that:

1. In residential zoning districts, animals are limited only to chickens, ducks, rabbits, or other similar animals, subject to the following:
 - a. No more than one animal is permitted per 1,000 square feet of lot area, in no case exceeding six such animals on any single lot;
 - b. Specifically, roosters, geese and turkeys are prohibited;
 - c. Coops, cages or enclosures shall be limited to the interior side or rear yard and shall be setback at least five feet from property lines; and
 - d. No animals shall be kept in street side yards.
2. Goats, pigs, sheep, and other similar animals are permitted only on lots of at least 21,780 square feet (one-half acre), and are subject to the following:
 - a. A maximum of two animals are permitted per lot, with one additional animal permitted for each additional 2,000 square feet in lot area;
 - b. Enclosures are limited to interior side and rear yards and shall be set back 25 feet from property lines; and
 - c. No animals shall be kept in street side yards.
3. Maintenance shall comply with all applicable standards of the City Code, including but not limited to nuisance abatement, storm water, soil erosion and sedimentation control; and
4. No outdoor work activity that involves power equipment or generators occurs between sunset and sunrise.

Division 1-2.9 Temporary Uses

Sec. 1-2.9.1 Classification of Temporary Uses

A. **Exemptions.** Temporary uses are classified according to the standards of this Section. This Section does not apply to:

1. *Use of Public Parks or Rights-of-Way.* The use of public parks and rights of way is subject to the Code of Ordinances and not this Division.
2. *Pre-Approved Temporary Uses.* Pre-approved temporary uses are subject to the standards set out in the site plan approval and not the standards of this Division. Pre-approved temporary uses are recurring temporary uses that are approved as accessory uses of a development during the site plan approval process. For example, during approval of a mixed-use development, a central plaza could be approved for events programming, such as weekend farmers' markets. Parking, circulation, and operational issues are considered during the approval process.
3. *Garage Sales.* Individual garage sales are subject to the Code of Ordinances, and not this Division.

B. **Temporary Special Events.** Temporary special events include cultural, religious, entertainment, or charitable events, but also include temporary sales events that have a short duration, such as farmers' markets, outdoor bazaars, and comparable events, which may be hosted by noncommercial entities. Temporary special events may be located on property with another principal use or on vacant property. There are classes of temporary special events:

1. *Class "A" Temporary Special Events* are events with an expected peak daily attendance of up to 1,500 people, which may include, but are not limited to:
 - a. Farmers' market;
 - b. Outdoor bazaar / auction / flea market;
 - c. Craft fair or art fair;
 - d. Outdoor cultural festival or religious assembly;
 - e. Outdoor theater festival;
 - f. Renaissance fair;
 - g. Staging and parking areas on private property for events within the public right-of-way, such as parades, bicycle races, and charity walks or runs.
 - h. Temporary special events that involve:
 1. Motorized amusement rides;
 2. Inflatables that are 16 feet or more in height;
 3. Outdoor music, speeches, or performances with amplification that will produce more than 50 db (Decibels) of noise level at the property line; or
 4. More than five livestock animals.
2. *Class "B" Temporary Special Events* are events with an expected peak daily attendance of more than 1,500 people, which may include, but are not limited to the following:
 - a. Class "A" temporary special events;
 - b. Outdoor music, speeches, or performances with amplification after 8:00 p.m.; or
 - c. Events that require the closing of streets or traffic controls.

C. **Temporary Commercial Sales Uses** are outdoor sales of retail and seasonal products on a temporary basis.

There are three classes of temporary commercial sales:

1. *Class "A" Temporary Commercial Sales Uses* are:

- a. Outdoor sales of merchandise by businesses that are located in another permanent location in the City; and
- b. Outdoor sales of merchandise by itinerant vendors.

2. *Class "B" Temporary Commercial Sales Uses* are:

- a. Temporary outdoor sales of merchandise by vendors who own or lease space on the site of the sale (such temporary uses may also be pre-approved as set out in Subsection A.2., above); and
- b. Outdoor sales of seasonal holiday-related merchandise.

3. *Class "C" Temporary Commercial Sales Uses* are temporary food and beverage vendors.

D. **Temporary Construction Uses and Buildings** are those uses that relate to construction activities or the temporary expansion of an existing permanent use into a portable building. There are three classes of temporary construction uses and buildings:

1. *Class "A" Temporary Construction/Building Uses* are temporary heavy construction uses, such as batch plants for lime, concrete, asphalt, or other materials, or areas for the bulk storage of construction materials.
2. *Class "B" Temporary Construction/Building Uses* are temporary buildings that are used on construction sites as contractor offices, sales offices, security buildings, sanitary facilities, or storage buildings.
3. *Class "C" Temporary Construction/Building Uses* are temporary manufactured buildings that are used to temporarily expand the capacity of an existing use, including portable classrooms on school or college campuses.

Sec. 1-2.9.2 Temporary Special Events

A. **Standards.** Temporary special events shall meet the applicable standards in **Table 1-2.9.2, Standards for Temporary Special Events.** Approval of such uses may be subject to conditions as set out in Subsection B, below.

Table 1-2.9.2 Standards for Temporary Special Events		
Performance Standard	Class of Temporary Special Event Use	
	Class B	Class A
Location and General Site Requirements		
Locations where event is allowed	Sites with nonresidential principal uses	Sites with nonresidential or mixed-use principal uses
General site requirements	As approved with the temporary use permit.	
Frequency and Duration of Event		
Frequency and duration of event	No more than four times per year. Duration shall not be longer than 10 days.	No more than 26 times per year. Duration shall not be longer than 3 days.
Buildings and Structures		
Temporary buildings and structures	Building heights shall not exceed the standards of the underlying zoning district; however, taller structures are permitted, provided that they are set back from all property lines a distance of two feet for every additional foot in height.	The same as the height limitations of the underlying zoning district
Spacing and setbacks	The greater of: 20 feet or the width of required buffers from all property lines; or 30 feet from the back of the curb (or, if no curb is present, the edge of pavement).	
Access, Circulation, and Parking		
Required access	Sight distance pursuant to Division 4-11.3 , Sight Clearance is required.	
Traffic control	The street from which access is taken must have capacity to serve the event.	
Circulation	Safe on-site vehicular and pedestrian circulation shall be provided, including: (1) minimizing vehicular-pedestrian conflicts; (2) providing appropriate directional signage; (3) ensuring efficient access by emergency vehicles; and (4) maintaining full access to permanent uses on-site if they are operating during the temporary event, or emergency access to permanent uses on site if they are not operating during the temporary event.	
Motor vehicle parking spaces	The number of parking spaces available for the temporary use shall be sufficient to meet the peak demands of the use, based on 2.25 persons per vehicle. If a permanent use of the property will be in operation during the time that the temporary use is present, then parking for the permanent use shall be provided in compliance with Article 9 , Parking and Loading, unless the Director of Public Works finds a reduction is justified based on different hours of peak use, or based on likely shared use (i.e., a parking space taken up by a person who visits both the temporary event and the permanent use).	
Motor vehicle parking design and location	On-site or within 300 feet of the boundaries of the site, except that parking is not allowed in or within 100 feet of an existing single-family or multiplex residential use. Generally, parking shall be in striped, hard-surfaced spaces, either in a parking lot or on-street. However, parking in grass / unpaved parking areas is permitted only if: (1) The applicant has a legal right to use the land proposed for the parking area; (2) The surface is reasonably level and compact; (3) The parking area is located at least 100 feet from abutting residential property lines and 20 feet from public rights-of-way; (4) The area is used for not more than two weeks per year, and not more than four consecutive days at a time; and (5) The applicant provides a guarantee that the parking area will be restored to its pre-event condition after the event.	
Bicycle parking spaces	Optional: One bicycle parking space should be provided on-site for each 10 vehicular parking spaces that are required for the event.	

**Table 1-2.9.2
Standards for Temporary Special Events**

Performance Standard	Class of Temporary Special Event Use	
	Class B	Class A
Bicycle parking space location	Optional: Bicycle parking should be provided within 150 feet of an entrance to the temporary event.	
Truck parking spaces	Truck parking areas shall be provided as necessary to service the event and provide for storage of trucks and trailers that will remain on-site.	
Truck parking space design and location	Truck parking spaces shall be hard-surfaced and off-street. Truck parking areas shall be located at least 300 feet from lot lines of single-family and multiplex uses and at least 150 feet from all other residential uses. Trucks shall be routed away from local residential streets.	
Lighting and Signage		
Lighting	All lighting shall be designed to ensure safe operation of the temporary use and safe traffic movements on nearby streets. All lighting, except decorative lighting, shall be shielded from abutting streets and residential buildings that are located within 300 feet. In addition, if the event is located within 1,000 feet of residential uses, then lighting shall be turned off by 10:00 PM. These requirements supersede the requirements of Division 4-11.1, Lighting .	Lighting shall be designed in accordance with the requirements of Division 4-11.1, Lighting
Signage	Signage shall comply with the requirements of Part 5, Signs .	
Operations		
Noise controls	Noise shall be controlled so that: (1) The noise level at the nearest residential property line does not exceed 50 db after 10:00 PM; (2) The noise level at the property line of the temporary use does not exceed 75 db for more than two hours per day; and (3) The noise level at the property line of the temporary use does not exceed 85 db at any time. Generators, if used, shall be secured and set back at least 50 feet from all property lines.	Noise shall be controlled so that: (1) The noise level at the nearest residential property line does not exceed 50 db after 10:00 PM; and (2) The noise level at the property line of the temporary use does not exceed 65 db at any time. Generators, if used, shall be secured and set back at least 50 feet from all property lines.
Sanitation	Restrooms shall be provided at a rate of one toilet and one urinal per 50 expected attendees (including event staff); trash containers and recycling bins shall be placed in convenient areas including principal places of assembly, near food and beverage vendors, near restrooms, and at entry and exit points. A recycling bin shall be placed next to each trash container. All litter generated by the event shall be removed at no expense to the City. Litter cleanup shall extend into adjoining public rights-of-way and occur not more than one day after the last day of the event. The City may require the installation of a grease trap to prevent disposal into the sanitary sewer system. All waste oil and grease shall be collected in an appropriate, sealed container and stored only on an impervious surface. The waste oil and grease shall be removed from the site by an authorized hauler. The City may enter the premises at any time to inspect for compliance.	
Security	The applicant shall demonstrate that adequate security is provided for the proposed temporary use.	
Insurance / Site Restoration		
Insurance	A Certificate of Insurance shall be provided to the City demonstrating that the applicant has a commercial general liability insurance policy, written on an occurrence basis for bodily injury, personal injury, property damage, and product liability, with a minimum limit of liability of \$1,000,000 per occurrence and with a \$2,000,000 aggregate. The event producer must list the City of Florence as an additional insured. Additional endorsements may be required for events with amusement rides or alcoholic beverages.	A Certificate of Insurance shall be provided to the City demonstrating that the applicant has a commercial general liability insurance policy, written on an occurrence basis for bodily injury, personal injury, property damage, and product liability, with a minimum limit of liability of \$1,000,000 per occurrence and with a \$2,000,000 aggregate. Additional endorsements may be required for events with alcoholic beverages.

B. Conditions of Approval. Additional conditions may be imposed if deemed necessary to ensure land use compatibility or to minimize potential adverse impacts on neighboring properties, public streets, or the City. These may include, but are not limited to, the following:

1. Modification or restrictions on the hours of operation or duration of the event;
2. Arrangements satisfactory to the City for the provision of special or extraordinary services or equipment, such as traffic control or security personnel, or equipment that is needed to ensure safe operation of the use or event, including insurance;
3. Refusal to issue a permit if the proposed event is too large to be safely conducted at the proposed site.

Sec. 1-2.9.3 Temporary Commercial Sales Events

A. **Generally.** Temporary commercial events are subject to the standards of **Table 1-2.9.3, Standards for Temporary Commercial Sales Events**. Approval of such uses may be subject to conditions as set out in *Section 1-2.9.2, Temporary Special Events*, Subsection B, Conditions of Approval.

B. **Licensing.** Vendors may be subject to licensing requirements in the Code of Ordinances.

Table 1-2.9.3 Standards for Temporary Commercial Sales Events			
Performance Standard	Class of Temporary Commercial Sales Use		
	Class A	Class B	Class C
Location and General Site Requirements			
Locations where event is allowed	Only in the CR, CA, CG, CBD, AC, and DS zoning districts	On all parcels developed with nonresidential uses that meet the requirements of this table.	Only in the CR, CA, CG, CBD, AC, DS, IL, and IH zoning districts
General site requirements	No site shall be used for a temporary commercial sale if it does not comply with the requirements set out in Division 4-11.3, Sight Clearance .		
Frequency and Duration of Event			
Frequency and duration of event	No more than 10 days in any 30 day period.	No more than 30 days in any 60 day period.	N/A
Buildings and Structures			
Height and design	No higher than 25 feet. Tents and canopies shall not be used as signs.		No more than 12 feet in height or 100 feet in floor area.
Spacing and setbacks	Set back the greater of: 15 feet or the width of required buffers from all property lines; or 25 feet from the back of the curb (or, if no curb is present, the edge of pavement). Spaced from permanent buildings by at least 10 feet.		
Access, Circulation, and Parking			
Required access	From a collector or arterial street.	From a collector or arterial street, except that access to seasonal holiday-related sales may also be from a minor street.	N/A
Traffic control	The street from which access is taken must have capacity to serve the event.		
Circulation	Safe on-site vehicular and pedestrian circulation shall be provided, including: (1) minimizing vehicular-pedestrian conflicts; (2) providing appropriate directional signage; (3) ensuring efficient access by emergency vehicles; and (4) maintaining full access to permanent uses on-site if they are operating during the temporary event, or emergency access to permanent uses on site if they are not operating during the temporary event.		
Motor vehicle parking spaces	Four parking spaces shall be provided for each 1,000 sf. of area allocated to the temporary commercial sales use. Shall not be allowed if the available parking does not meet the requirements for the operational permanent uses on the site, plus the proposed temporary commercial sales use.	Shall not occupy or block parking spaces that are necessary to achieve compliance with this requirement.	N/A
Motor vehicle parking design and location	All parking shall be provided on-site.		N/A
Operations			
Noise controls	Noise shall be controlled so that the noise level at the nearest residential property line does not exceed 50 db after 10:00 p.m.		
Sanitation	Employees of the use shall have access to sanitary facilities.		Restrooms shall be provided on-site for employees and customers. Waste containers shall be provided for customers.
Security	The applicant shall demonstrate that adequate security is provided for the proposed temporary use.		
Site Restoration / Cleanup			
Site restoration / cleanup	The site of the temporary event and the abutting right-of-way shall be cleared of all litter and debris from the event, including temporary signage, not more than one day after the last day of the event.		Food wastes, including grease, shall not be disposed of on the ground or into storm drains.
TABLE NOTES:			
CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial)			

Sec. 1-2.9.4 Temporary Construction, Storage, and Refuse Containers

A. Location and Operations. The location, hours of use, operational limitations, and duration of temporary construction and building uses are set out in **Table 1-2.9.4, Temporary Construction and Building Uses.**

Table 1-2.9.4 Temporary Construction and Building Uses				
Temporary Use	Location of Use	Hours of Use	Operational Limitations	Duration of Use
Manufactured Buildings, Model Homes, and On-Site Real Estate Offices				
Manufactured Buildings	On lot or parcel proposed for development, set back according to the requirements of the underlying zoning district.	N/A	May be used by construction superintendent, construction workers, contractors, and other personnel on a construction team; a security office; or as temporary office or classroom space for public schools.	No limit for public schools; construction-related facilities shall be removed prior to certificate of occupancy for last building; other buildings shall be removed within two years from date of permit.
Model Homes and On-Site Real Estate Offices	On lot or parcel proposed for development	N/A	Sales limited to units located on the lot or parcel proposed for development; sales offices within model homes shall meet applicable building code criteria.	On-site real estate offices shall be removed upon completion of model home or suitable permanent floor area on-site; must be removed by issuance of last certificate of occupancy for development.
Other Construction-Related Uses				
Concrete, Mortar, and Asphalt Batching Operations	At least 500 feet from residential districts and uses.	8:00 AM to 8:00 PM if any residential use is located within 1,000 feet; 6:00 AM to 10:00 PM in all other locations	The facility shall be used only for a project within the City of Florence.	Established by approval; to coincide with the use of the facility for a specified construction project.
Temporary Offsite Construction/Storage Yard	Within a 500 foot radius of the construction to which the construction yard relates within residentially zoned districts, and within a 1500 foot radius of the construction to which the construction yard relates within all other zoning districts.	8:00 AM to 6:00 PM if any residential use is located within 500 feet; 7:00 AM to 6:00 PM in all other locations.	The facility shall be used only for a construction site in the City of Florence; or an infrastructure project that is wholly or partially located in the City of Florence. Offsite construction/storage yards related to a permitted project in a commercial or industrial zoning district shall not locate in a residential zoning district. Offsite construction/storage yards related to a permitted project within a residential zoning district shall be located in an adjacent commercial or industrial zoning district. A special exception may be granted by the Board of Zoning Appeals for project sites limited by size, configuration, or a combination of factors based upon recommendation by the Planning Director and guided by the Decision Criteria in Section 1-2.7.8(B).	Established by approval; used only for a specified construction or infrastructure project.

B. Setbacks.

- 1. Manufactured Buildings, Model Homes, and On-Site Real Estate Offices.* Temporary manufactured buildings shall be set back according to the requirements of the underlying zoning district. Alternative locations for administrative and security offices on construction sites may be approved as part of a construction staging plan if there is no feasible alternative location that complies with the required setbacks.
- 2. Other Construction-Related Uses.* Other construction-related uses that are set out in *Table 1-2.9.4, Temporary Construction and Building Uses*, shall be set back at least 40 feet from the right-of-way line and 25 feet from all other property lines.

C. Site Restoration. The laydown site must be restored to its original condition at the end of the pre-approved period of use.

- D. **Noise and Vibration.** The Noise and Vibration provisions of this Ordinance, Section 4-11.2.1, as well as the City of Florence Code of Ordinances Sections 10-9, 10-10, and 10-11 shall apply to all temporary construction and building uses.
- E. **Other Provisions.** The temporary use will be operated in accordance with all other applicable provisions of this Unified Development Ordinance and the City's Code of Ordinances.
- F. **Sanitary Facilities.** Public restroom facilities shall be provided for operators of concrete, mortar, and asphalt batching operations and for users of manufactured buildings (except when used exclusively for storage), model homes, and on-site real estate offices.
- G. **Additional Standards Applicable to Concrete, Mortar, and Asphalt Batching Operations.** The Director of Public Works shall review all applications for concrete, mortar, and asphalt batching operations for compliance with the following standards and shall make a recommendation to the Director.
1. *Surety.* The applicant shall provide a written agreement and advance surety in the amount of 125 percent of the estimated site restoration cost to ensure complete site restoration upon the facility's dismantling or revocation of the permit, plus the estimated road restoration/replacement costs along anticipated principal truck routes. This amount shall be approved by the Director of Public Works.
 2. *Access.* If deemed necessary by the Director of Public Works, the property access shall be controlled by special traffic markings and/or signalization at the applicant's expense. Instances warranting such traffic improvements may include locations at busy intersections or other areas where interference with primary traffic from trucks would be extensive.
 3. *Power and Lighting.* All electric and lighting facilities are subject to review and approval by the Director of Utilities.
- H. **Extension of Approvals.** Approvals may be extended upon demonstration of good cause, appropriate maintenance, extension of any surety, and diligent pursuit of the purposes for which the temporary construction or storage uses were established. All applications for renewal of a temporary use permit issued pursuant to this Section shall be submitted to the Director at least 10 working days before the expiration date of the permit.

Division 1-2.10 Accessory Uses

Sec. 1-2.10.1 Residential Accessory Uses

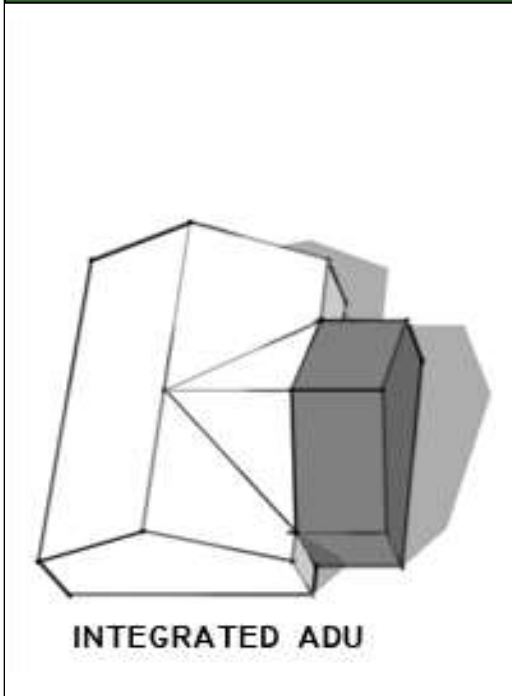
- A. **Home Occupations.** Home occupations shall not be established unless the Director has found that the use complies with all of the standards of this Section.
1. The home occupation shall be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.
 2. The occupation is carried on wholly within the principal building or the management and administration of the occupation is carried on wholly within the principal building and the storage, delivery, and distribution of goods, materials, equipment, and vehicles occurs off-site and in a district where they are a permitted or permitted special exception use;
 3. The floor area dedicated to the occupation does not exceed 10 percent of the floor area of the principal building, up to 400 square feet;
 4. No activity is conducted outside, nor is there any outdoor storage, merchandise display, or refuse area in the yard;
 5. There is no signage recognizing or acknowledging the home occupation;
 6. The occupation will not involve vehicles or trailers parked on the premise in a place that is visible from adjoining property or public rights-of-way, which identifies by sign, logo, or emblem the occupation, business, or activity

7. No merchandise or articles are displayed so as to be visible from outside the building.
8. Home occupations shall be managed and owned by a person residing in the dwelling unit.
9. The occupation will not employ on-site any person other than a member of the immediate family living in the structure;
10. No traffic is generated in an amount above that normally expected in a residential neighborhood;
11. The occupation will not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles, one ton step-up vans, or similar-sized trucks;
12. No parking is needed above that required by the principal residential use;
13. No alteration will be made to the building that changes the residential character or appearance of the dwelling to accommodate the home occupation;
14. No entrance shall be specifically dedicated for the home occupation.
15. The occupation, profession, or trade is properly licensed, and generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses;
16. The occupation will not be more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling unit used solely for residential purposes;
17. The occupation is not involved in the retail sale of merchandise manufactured off the premises; and
18. The occupation will be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.
19. The following uses are prohibited as home occupations:
 - a. Barber, beauty, and other personal service shop;
 - b. Animal care facility, such as hospitals, stables, or kennels;
 - c. Dance studio or school;
 - d. Repair shop for large appliances and vehicles);
 - e. Rooming/boardinghouse;
 - f. Commercial day care facility; and
 - g. Sale of ammunition and weapons (unless specifically approved by the Chief of Police).
20. In-Home Child Care.
 - a. Small in-home child care facilities are a permitted home occupation, provided that they are duly licensed by the State of South Carolina, and provided that they meet all of the standards of this Subsection.
 - b. Large in-home child care facilities may be permitted pursuant to Permitted Special Exception Use Permit, provided that they meet all standards of this Subsection and any special conditions as applied by the Planning Commission.

B. Accessory Dwelling Units (ADU).

1. *Generally.* Accessory dwelling units are permitted only according to the standards of this Section.
2. *ADU Types.* For the purposes of this Unified Development Ordinance, only integrated ADUs shall be permitted. Integrated Units are units that are created within an existing building or attached to an existing building such that they appear to be an integrated part of it (see Figure 1-2.10.1, Illustrative ADU Type). Any detached ADU shall not be permitted within any zoning district.

**Figure 1-2.10.1
Integrated ADU**



3. *Permitted Locations.* Integrated accessory dwelling units are allowed as provided in **Table 1-2.10.1, Districts and ADU Types**. ADUs are not allowed in districts that are not listed in the table. ADUs are only allowed as an accessory to owner occupied, single-family detached principal buildings.

**Table 1-2.10.1
Districts and ADU Types**

District	Subdistrict	Integrated Unit
AR	N/A	Allowed
RE	N/A	Allowed
RS	N/A	Allowed
RG	N/A	Allowed
RU	N/A	Allowed
NC	NC-15	Allowed, subject to Subsection 7 below.
	NC-10	Allowed, subject to Subsection 7 below.
	NC-6.1	Not Allowed
	NC-6.2	Not Allowed
	NC-6.3	Not Allowed
	NC-4	Not Allowed
CR	N/A	Allowed

Table Notes:

AR (Agricultural District), RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Reuse)

4. *Number of ADUs.* No lot shall contain more than one ADU (Accessory Dwelling Units).

5. *Bulk and Design Standards.*

a. *Integrated Units.*

1. Integrated units shall not occupy more than 25 percent of the total floor area of the principal building.
2. Integrated units shall not involve design modifications to the exterior of the principal building that

make their presence obvious. Where the principal building is expanded to accommodate the integrated unit, the expansion shall be designed, clad, painted, and roofed in a manner that is comparable to the principal building.

3. Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a single-family building.
4. Setbacks for integrated units are the same as for the principal building.

6. *Parking.*

- a. In addition to the parking requirements for the principal building, one off-street parking space per bedroom shall be provided for the ADU.
- b. Use of tandem parking to meet this requirement is allowed; however, only one tandem space is allowed per lot.

7. *Required Outdoor Area.* Lots that are developed with ADUs shall include a usable outdoor area of at least 1,100 sf., located behind the principal dwelling unit.

8. *Additional Requirements in the NC (Neighborhood Conservation) districts.*

a. Integrated units shall demonstrate the following:

1. There is either adequate parking already on-site or sufficient room on-site to accommodate two additional vehicles without encroaching into the required yards;
2. There will be no parking within the front or corner side yards other than on a driveway with a maximum width of 14 feet; and
3. There will be a single address and utility meter.

9. *Utilities.* ADUs shall not be provided with utilities that are metered or billed separately from the principal building.

C. Animals.

1. *Household Pets.* Animals commonly considered as household pets may be kept incidental to the use of residential property, subject to any limitations contained in this Unified Development Ordinance and provided the animals are kept in a humane and non-nuisance producing manner and in conformance with the provisions of Title 6 of the City of Florence Code of Ordinances.
2. *Number of Dogs per Parcel.* No parcel may house more than three dogs over the age of four months at a time.
3. *Swine, Horses, Cattle, Sheep, and Goats.* The keeping of swine, horses, cattle, sheep, goats, or similar animals is permitted as an accessory use in the R-E and AR districts subject to the following setbacks for the structures that house them:
 - a. 500' from all public rights-of-way.
 - b. 200' from other residential district boundaries; and
 - c. 25' from all property lines;

Sec. 1-2.10.2 Nonresidential Accessory Use

Nonresidential accessory uses are allowed with permitted, established primary structures and uses subject to the following:

A. Subordinate to Primary Use. The use or structure is subordinate to and serves a primary use or principal structure;

B. Subordinate in Area. The accessory use shall be subordinate in area, extent, and purpose to the primary

use served;

C. **Contribution.** The accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served;

D. **Location.** The accessory use shall be located within the same zoning district as the primary use is permitted.

PART 2 DEVELOPMENT YIELD AND LOT STANDARDS

ARTICLE 3 STANDARDS OF DEVELOPMENT

Division 2-3.1 Purpose and Application

Sec. 2-3.1.1 Purpose

- A. **Generally.** The purpose of this Part is to establish the standards for the character, scale, and density/intensity of development that is allowed within each zoning district set out in [Article 2](#), Zoning Districts and Land Uses.
- B. **Standards Applicable to New Development.** This Part establishes regulations for the type, scale, and character of parcels that are proposed for development. It is organized for new and existing residential neighborhoods and for nonresidential and mixed use developments. The requirements and allowances within each zoning district are determined as follows:
1. Step One: Set out in [Table 2-4.1.1](#), Residential Development Standards, and [Table 2-6.1.1](#), Nonresidential and Mixed Use Lot and Building Standards, the required development standards are established for each zoning district. For the residential districts, there are also standards for each neighborhood type. These standards include:
 - a. Residential:
 1. minimum (or average) lot size;
 2. minimum open space;
 3. maximum gross; and
 4. minimum area of development.
 - b. Nonresidential and Mixed Use:
 1. minimum landscape surface ratio;
 2. maximum floor area ratio;
 3. minimum area of development;
 4. minimum frontage; and
 5. maximum building height.
 2. Step Two: Set out in [Table 2-4.1.1](#), Residential Development Standards, is the required lot dimensions, minimum setbacks, and maximum building height and building coverage that is allowed within each zoning district and for each neighborhood type.
- C. **Supplemental Standards.** Set out in [Part 3](#), Buildings and Structures, is supplemental standards for residential (see [Division 3-7.1](#), Supplemental Residential Standards) and nonresidential (see [Division 3-7.2](#), Supplemental Nonresidential Standards) uses, which may apply to particular uses or buildings in any zoning district.
- D. **Standards for Existing Neighborhoods.** All buildings that lawfully existed or were the subject of an active building permit on the effective date of this Unified Development Ordinance are "conforming" buildings with respect to the height and setback requirements set out in this Part if they are located in a Neighborhood Conservation District, including Subdistricts NC-15, NC-10, NC-6.1, NC-6.2, NC-6.3, and NC-4.
1. Limitation. This Section does not make the following buildings conforming:

- a. Buildings that were constructed without the required permits; and
 - b. Buildings that were constructed in violation of the permit requirements in effect at the time of construction.
2. Applicability. The lot width and lot area requirements set out in Table 1-2.2.1B, Neighborhood Conservation Subdistricts, apply only to the subdivision or combination of existing lots or parcels within the Neighborhood Conservation District after the effective date of this Unified Development Ordinance.

ARTICLE 4 RESIDENTIAL DEVELOPMENT

Division 2-4.1 Standards for New Neighborhoods

Sec. 2-4.1.1 Development Yields

- A. **Generally.** The minimum (average) lot size, minimum open space ratio, maximum gross density, minimum area of development, and minimum percent single-family detached in each zoning district and for each neighborhood type is as set out in Table 2-4.1.1, Residential Development Standards. Refer to Table 1-2.2.1B, Neighborhood Conservation Subdistricts, for the lot area and width standards for existing neighborhoods.
- B. **Applicability.** These development standards apply to new subdivisions or re-subdivisions of property that create at least two buildable lots or at least two dwelling units on a single parcel proposed for development.
- C. The standards of **Table 2-4.1.1, Residential Development Standards** are to be interpreted as follows:
1. District and Neighborhood Type. For each zoning district (shaded in light green) there are different neighborhood types that are allowed in the district. Each neighborhood type is permitted by-right within the district subject to the applicable standards.
 2. Minimum (or Average) Lot Size. For each neighborhood type there is a minimum lot size requirement. The minimum lot size and open space ratio establish the maximum allowable density for each neighborhood type. Cluster and planned neighborhoods allow an option to use an average rather than a minimum lot size, as set out in Section 2-4.1.4, Lot Averaging.
 3. Minimum Open Space Ratio (OSR). For each neighborhood type there is a minimum open space ratio. The minimum open space ratio (as a % of lot size) and lot size establish the maximum allowable density for each neighborhood type.
 4. Maximum Gross Density. Based on the minimum lot size and open space ratio, there is a maximum allowable density for each neighborhood type. The gross density number multiplied by the total site or property acreage established the total number of dwelling units allowed. (Units per Acre)
 5. Minimum Area of Development. The acres set out in this column are the minimum required acres to develop the cluster and planned neighborhood types. There is no required minimum acreage for conventional neighborhoods.
 6. Minimum Single-Family Detached (%). For each neighborhood type there is a minimum percentage of land that is required to be developed as single-family detached. This minimum percentage of land shall be calculated as a percentage of the land area eligible for development (after removal of open space requirement).

**Table 2-4.1.1 Residential
Development Standards**

District and Neighborhood Type	Development Standards				
	Average Lot Size	Minimum Open Space Ratio ("OSR") ¹	Maximum Gross Density	Minimum Area of Development	Minimum Single-Family Detached
Estate Residential (RE)					
Conventional, Single-Family	15 ac.	n/a	n/a	n/a	100%
Cluster, Single-Family	8 ac.	15%	0.10	20 acres	100%
Planned, Single-Family	2 ac.	60%	0.18	20 acres	100%
Suburban Residential (RS)					
Conventional, Single-Family	2.0 ac.	n/a	n/a	n/a	100%
Cluster, Single-Family	28,000 sf.	25%	1.17	15 acres	100%
Planned, Mixed Residential ²	12,000 sf.	60%	2.61	10 acres	80%
General Residential (RG)					
RG-1					
Conventional, Single-Family	15,000 sf.	n/a	2.90	n/a	100%
Cluster, Single-Family	10,000 sf.	30%	3.05	15 acres	100%
Planned, Mixed Residential ²	6,000 sf.	60%	3.99	15 acres	75%
RG-2					
Conventional	10,000 sf.	n/a	4.36	n/a	100%
Cluster, Single-Family	6,500 sf.	30%	4.69	15 acres	100%
Planned, Mixed Residential ²	4,500 sf.	60%	5.06	15 acres	65%
RG-3					
Conventional	6,000 sf.	n/a	7.26	n/a	100%
Cluster, Mixed Residential ²	4,500 sf.	30%	9.44	15 acres	55%
Planned, Mixed Residential ³	3,500 sf.	60%	15.29	15 acres	40%
Urban Residential (RU)					
Conventional, Single-Family	5,000 sf.	10%	7.84	n/a	100%
Cluster, Mixed Residential ³	4,000 sf.	20%	8.71	n/a	0%
Planned, Mixed Residential ^{3,4}	1,550 sf.	30%	19.67	n/a	0%

¹ A greater open space ratio may be required in floodplains. See [Division 4-12.6](#), Flood Prevention.

² Permits single-family detached and single-family attached weak-link townhouse and townhouse.

³ Permits single-family detached, single-family attached and multi-family dwelling units.

⁴ Where permitted in nonresidential districts, this standard is used for single use (all residential) multifamily buildings.

Sec. 2-4.1.2 Preservation of Open Space

A. Open Space Securely Held. Open space that is required by Table 2-4.1.1, Residential Development Standards, shall not be developed or redeveloped once established.

B. Responsible Parties. Required open space shall be placed in an easement, and may be owned in the following ways:

1. As common land by homeowners', condominium, or property owners' associations, with an easement dedicated to all property owners within the association;
2. By a public agency (by dedication), provided such agency shall have the final decision to accept and the right to refuse such offers of dedication;

3. By a City-approved private, non-profit organization that is capable of managing the open space with a conservation easement dedicated to the non-profit organization and to the owners of rest of the property in the development; or
4. By a duly recorded covenant of easement whereby the City is a party to the easement.

C. **Location on Private Lots.** Required open space may be located on private lots if all of the following are demonstrated:

1. The proposed development has fewer than 20 dwelling units and is not a single-family cluster neighborhood.
2. Bufferyards and other open space areas are identified on the plat as landscape easements that must be maintained by either a homeowners' association or the owner of the lot that is subject to the easement.
3. The maintenance requirement is included in the covenants, conditions, and restrictions ("CCRs") that apply to the property. The CCRs shall provide that the maintenance requirement is enforceable by the City and may not be amended without the consent of the City Council. A copy of the CCR's shall be submitted to the Department for review and approval prior to final approval.
4. Adoption of an approved stormwater drainage plan.

Sec. 2-4.1.3 Lot and Building Standards

A. **Generally.** The buildable area and the number of dwelling units that is allowed within each neighborhood type is determined by applying the open space ratio and gross density spelled out in Table 2-4.1.1, Residential Development Standards. This is accomplished by multiplying the acreage of the parcel proposed for development by the minimum open space ratio and the maximum gross density. Once the buildable area and dwelling unit count are determined, Table 2-4.1.3, Lot and Building Standards by Housing Type, sets out the lot area and width, building setbacks, and building height and coverage standards for each neighborhood type and housing type. The conventional neighborhood permits only single-family detached dwelling units. Mixed housing types are allowed in cluster and planned neighborhoods where noted as "Mixed Residential" in Table 2-4.1.1, Residential Development Standards. This is to allow for the preservation of open space and protection of natural resources without a material loss of development yield.

B. **Mixed Housing Types.** In the conventional neighborhoods, the lot area and width, building setbacks, and building height and cover standards are established for each zoning district and neighborhood type. The lot areas are equal to those set out in Table 2-4.1.1, Residential Development Standards. Where noted as "Mixed Residential", the cluster and planned neighborhoods allow a mixture of detached, attached, and multi-family housing types, subject to the gross density allowed for the respective zoning district and neighborhood type. Set out in **Table 2-4.1.3, Lot and Building Standards by Housing Type**, is the lot area and width, building setbacks, and building height and cover standards for each zoning district and housing type.

**Table 2-4.1.3
Lot and Building Standards by Housing Type**

Zoning District and Housing Types	Minimum						Maximum	
	Lot Dimension		Setbacks				Building	
	Area ¹	Width ²	Front ²	Interior Side ^{3,4}	Street Side	Rear	Height	Cover
Estate Residential (RE)								
Single-Family Detached	15 ac.	500'	50'	15'	25'	25'	45'	5%
	8 ac.	300'	50'	15'	25'	25'	35'	5%
	2 ac.	200'	50'	15'	25'	25'	35'	10%
Suburban Residential (RS)								
Single-Family Detached	2.0 ac.	220'	50'	20'	25'	75'	45'	10%
	28,000 sf.	110'	50'	10'	20'	50'	35'	25%
Planned, Mixed Residential	12,000 sf.	75'	25'	10'	20'	25'	35'	30%
	Permits Single-Family Detached (above) and Attached and Multi-Family Dwelling Units (below)							
General Residential (RG)								
RG-1	15,000 sf.	85'	30'	15'	25'	35'	38'	30%
	10,000 sf.	80'	25'	8'	12'	25'	38'	35%
	6,000 sf.	60'	20'	5'	10'	20'	38'	45%
RG-2	10,000 sf.	80'	25'	8'	12'	25'	38'	35%
	6,500 sf.	60'	20'	5'	10'	20'	38'	45%
	4,500 sf.	50'	15'	5'	10'	15'	38'	50%
RG-3	6,000 sf.	60'	20'	5'	10'	20'	38'	45%
	4,500 sf.	50'	15'	5'	10'	15'	38'	50%
	3,500 sf.	40'	10'	5'	8'	15'	38'	60%
See Table 2-4.1.1 for permitted Attached Single Family and Multi-Family Dwelling Units (below)								
Urban Residential (RU)								
Single-Family Detached	5,000 sf.	50'	15'	5'	10'	20'	35'	50%
Patio / Lot Line House	4,000 sf.	40'	15'	5'	5'	15'	35'	60%
Planned, Mixed Residential	Permits Single-Family Detached (above) and Attached and Multi-Family Dwelling Units (below)							
Attached and Multi-Family Dwelling Units								
Duplex	9,000 sf.	90'	15'	5'	10'	15'	35'	35%
Over-Under Duplex	8,000 sf.	80'	15'	5'	10'	15'	35'	35%
Multiplex	9,000 sf.	90'	15'	5'	10'	20'	40'	50%
Weak-Link Townhouse	3,750 sf.	44'	10'	0'	6'	20'	35'	60%
Duplex Townhouse	3,200 sf.	40'	10'	0'	10'	10'	40'	75%
Townhouse ⁵	2,400 sf.	16'	10'	0'	6'	20'	35'	65%
Apartment, Single Use Building(s)	1,550 sf.	100'	10'	0'	5'	10'	45'	80%
Apartment, Mixed-use Building(s)	See Section 2-6.1.1, General Development Standards.							
TABLE NOTES:								
¹ Measured per building for single-family detached, lot-line, duplex and multiplex housing types and measured per unit for townhouse and multifamily housing types.								
² A setback of 25 feet is required from the property line to the face of garage doors								
³ The patio / lot line and duplex housing types are set on one property line with a zero setback. This setback applies to the other side property line.								
⁴ Lot-line houses are roughly L-shaped. The interior side setback is a small side yard along the side of the building towards the front of the lot, which may extend for up to 40 percent of the depth of the lot. The remainder of the building must be set back at least 25 ft. or 50 percent of the lot width, whichever is less.								
⁵ Within CG and AC zoning designations: townhomes are allowed front parking lots (courts) to meet off-street parking requirements if buffered from adjacent streets by a Type B Bufferyard (Table 4-10.3.1) and built to meet the requirements of Section 4-9.3.2 Parking Design for Nonresidential Uses. Additionally, vehicular access must adhere to Section 1-2.8.2H.3 of the Conditional Multifamily Standards.								

C. Illustrative Housing Standards. Set out in **Figure 2-4.1.3, Housing Standards**, are illustrations of the lot area and width and building setback standards for each housing type that is set out in Table 2-4.1.3, Lot and Building Standards by Housing Type.

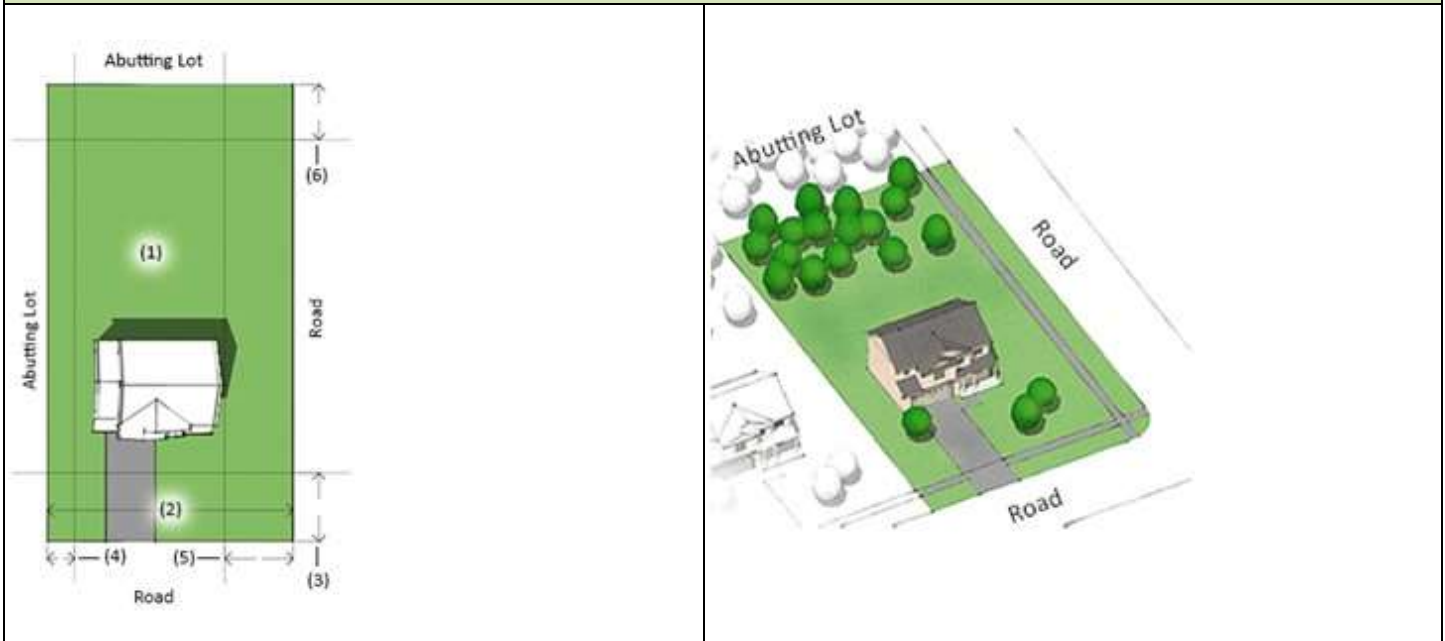
1. Single-Family Detached Home. These residences for one family that is commonly located on a privately-owned lot, with private yards on each side of the unit. Single-family detached units may also be located on

condominium-owned property, surrounded by common open space for use by residents, which serve the same purpose as a private yard. Clustered single-family lots are smaller in size and oriented around common open space.

2. **Patio / Lot Line House.** This is a single-family detached unit that is commonly situated on a smaller lot that orients outdoor activity within rear or side yard patio areas for better use of the site. Only the rear yard is fenced on a patio home, preserving a narrow side yard that is visible from the street. Vehicular access to patio homes may be by way of a street or an alley. The following standards apply:
 - a. The interior side setback shall provide for a usable, combined side and rear yard;
 - b. If the home is configured as a lot line or attached unit, no window shall be permitted on the lot line or attached side of the house unless:
 1. It is framed at a minimum of six feet six inches above the room floor so as not to provide a line of sight into the neighboring yard; or
 2. It is inoperable and composed of glass block or frosted glass.
3. **Duplex Unit.** Duplexes are single-family attached units that include two units that are attached along a common wall (side-by-side) or separated by a floor (over-under) that is not penetrated for the purpose of interior access between the two units. The side-by-side duplex has a common wall (the units may be divided into separate lots along the common lot line for individual fee-simple ownership). The units in an over-under duplex are located on different floors (the units may be accessed via separate outside entrances or through a common foyer area). Vehicular access to duplex units may be by way of a street or an alley.
4. **Townhouses.** Townhouses are three or more single-family attached dwelling units that are commonly arranged in a row with common side walls. Vehicular access to townhomes may be by way of a street or an alley or rear yard parking court. Within CG and AC zoning designations, vehicular access may also be by way of parking lots located in the front yard if buffered from adjacent street(s) by a Type B Bufferyard (Table 4-10.3.1). Townhouses may be arranged in rows of four to no more than eight attached units. Fewer than four townhomes may be permitted in a townhome row if:
 - a. The average number of units per townhouse row in the development is four or more; and
 - b. The smaller rows are necessary for an efficient layout of the parcel proposed for development.
5. **Multiplex.** A multiplex is a three- to four-unit building that is constructed to appear as a large single-family detached unit. Individual units in a multiplex are not necessarily separated by a wall that extends from the foundation to the roof. Entrances and garage units are commonly on separate elevations that are accessed by streets, alleys, and/or parking courts so individual elevations do not have more than one entrance of one set of garage doors.
6. **Multi-Family.** The multifamily housing type is commonly in the form of apartments or condominium units that are two to three stories in height. Multi-Family may also be located in the upper floors of vertically mixed-use buildings, which are subject to the standards for nonresidential and mixed use buildings, and not the standards of this Section. Vehicular access to multifamily buildings is via a public street where parking is provided in surface lots (which may include access to private garages) or a parking structure.
7. **Manufactured Home.** Manufactured homes are allowed only in an existing manufactured home park or existing manufactured home subdivision.

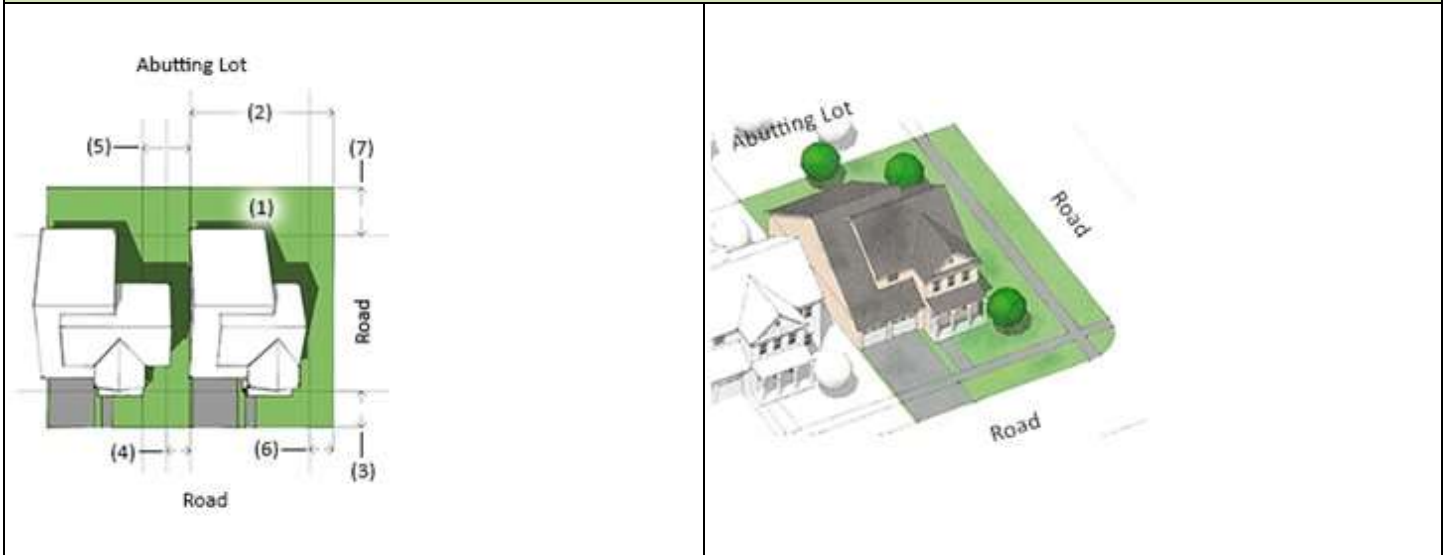
**Figure 2-4.1.3
Housing Standards**

Single-Family Detached Dwelling Unit



Legend: 1. Minimum lot area; 2. Minimum lot width; 3. Front yard; 4. Interior side yard; 5. Street side yard; and 6. Rear yard.

Patio / Lot Line Dwelling Unit



Legend: 1. Minimum lot area; 2. Minimum lot width; 3. Front yard; 4. Interior side yard; 5. Separation; 6. Street side yard; and 7. Rear yard.

Side-by-Side Duplex Dwelling Unit



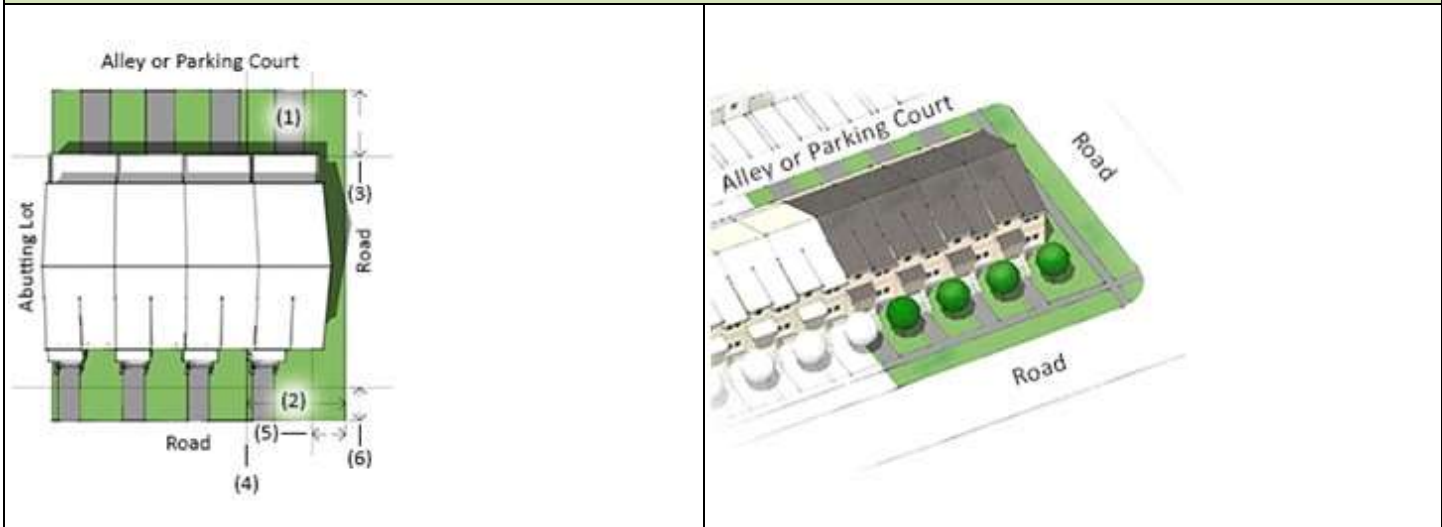
Legend: 1. Minimum lot area; 2. Minimum lot width; 3. Front yard; 4. Interior side yard; 5. Street side yard; and 6. Rear yard.

Over-Under Duplex Dwelling Unit



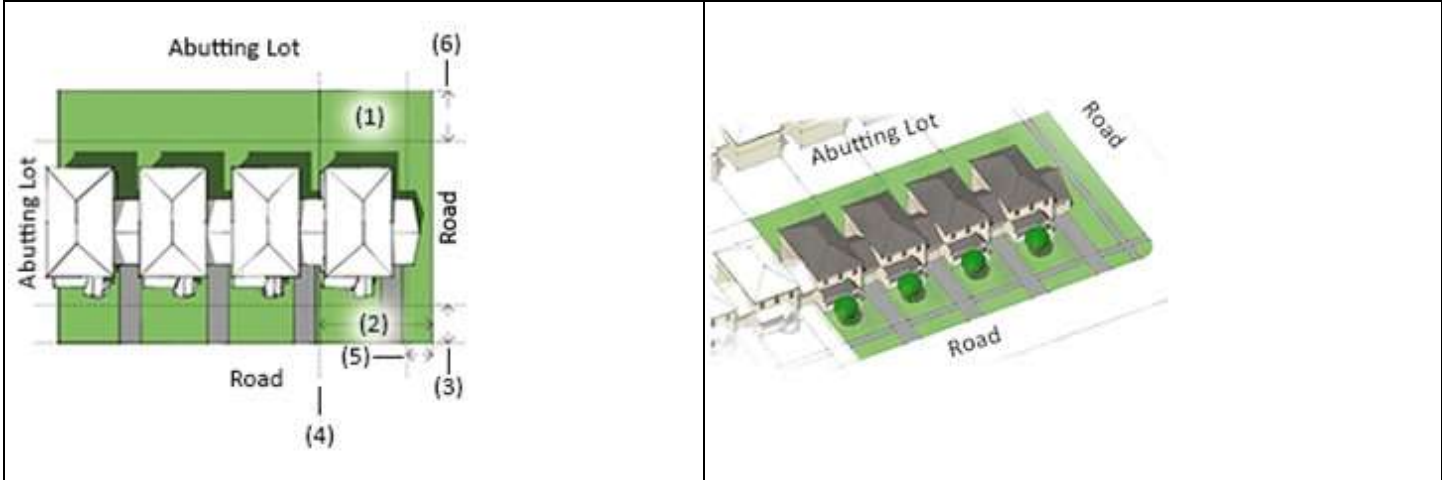
Legend: 1. Minimum lot area; 2. Minimum lot width; 3. Front yard; 4. Interior side yard; 5. Street side yard; and 6. Rear yard.

Townhouse Dwelling Units



Legend: 1. Minimum lot area; 2. Minimum lot width; 3. Rear yard; 4. Interior side yard; 5. Street side yard; and 6. Front yard.

Weak-Link Townhouse Dwelling Units



Legend: 1. Minimum lot area; 2. Minimum lot width; 3. Rear yard; 4. Interior side yard; 5. Street side yard; and 6 Front yard.

Multiplex Dwelling Units

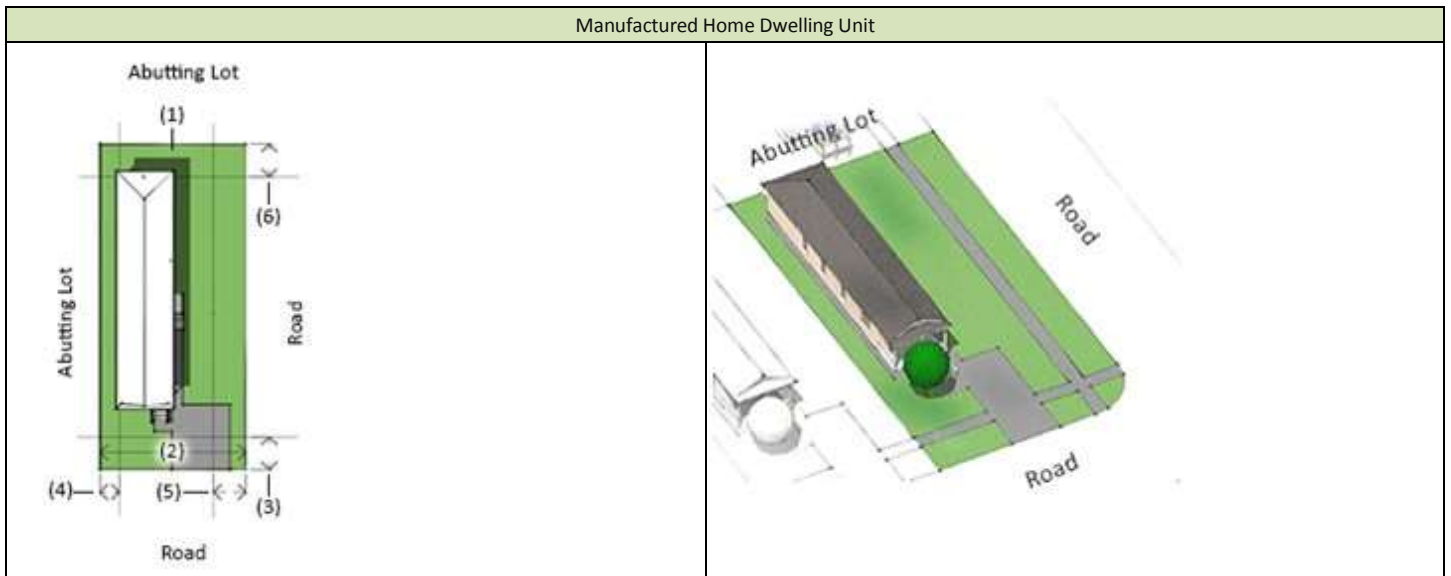
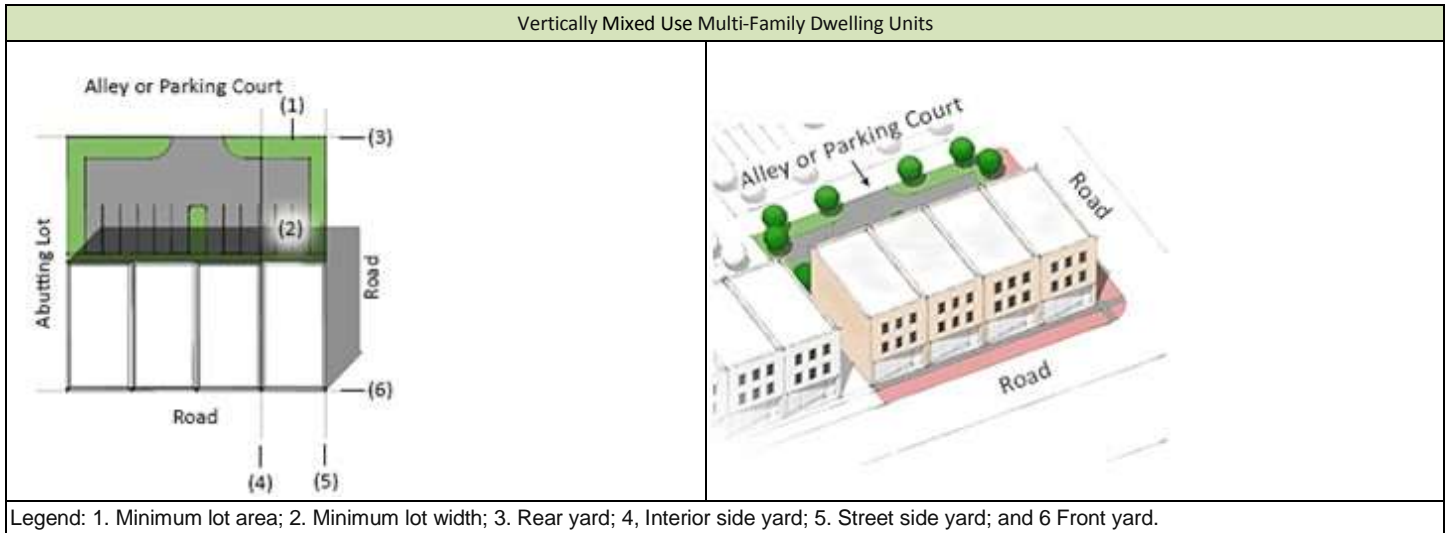


Legend: 1. Minimum lot area; 2. Minimum lot width; 3. Front yard; 4. Interior side yard; 5. Street side yard; and 6 Rear yard.

Single Use Multi-Family Dwelling Units



Legend: 1. Minimum lot area; 2. Minimum lot width; 3. Front yard; 4. Interior side yard; 5. Street side yard; and 6. Rear yard.

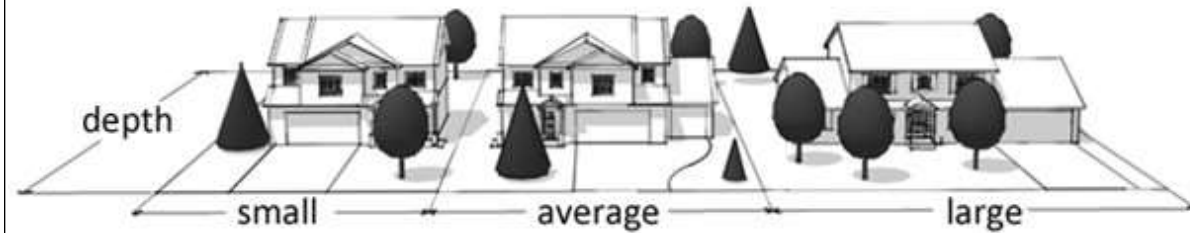


Sec. 2-4.1.4 Lot Averaging

Lot averaging is a design technique that replaces minimum lot dimensions with an average lot width. On an optional basis, the lot area and width dimensions in Table 2-4.1.3, Lot and Building Standards by Housing Type may be used as averages for each neighborhood and housing type. Lot averaging may only be applied where both of the following conditions apply:

- A. **Equal To or Greater.** The average lot area and average lot width for each housing type in the neighborhood are equal to or greater than the lot area and lot width specified for the housing and neighborhood types in Table 2-4.1.3, Lot and Building Standards by Housing Type.
- B. **Greater than 90 Percent.** No lot has a lot area or lot width that is less than 90 percent of the lot area or lot width specified for the housing type in Table 2-4.1.3, Lot and Building Standards by Housing Type. (See **Figure 2-4.1.4, Lot Averaging**)

Figure 2-4.1.4
Lot Averaging



Sec. 2-4.1.5 Phased Development

- A. **Generally.** Projects that are proposed to be phased shall demonstrate compliance with this Part according to the methodology of this Section.
- B. **Density and Open Space.** The maximum residential development capacity of the entire parcel proposed for development shall be used for calculating compliance with the minimum open space ratio and maximum gross density requirements set out in Table 2-4.1.1, Residential Development Standards.

Sec. 2-4.1.6 Condominium and Alternative Land Ownership Arrangements

- A. **Generally.** The standards of Section 2-4.1.3, Lot and Building Standards, pertaining to lot area and width and building setbacks relate to the development of residential buildings on individual lots that are intended to be owned in fee-simple by the owners of the building(s). However, the standards are not intended to preclude other ownership types, such as single-ownership of all units (rentals); condominiums (in which the land is owned in common by the owners of the condominium units); or common maintenance communities (in which fee simple ownership is limited to the land under the building, and, in some cases, a small area around it). The alternative standards of this Section are intended to allow such alternative ownership arrangements, provided that the development could be approved pursuant to this Unified Development Ordinance using conventional fee-simple ownership arrangements.
- B. **Demonstration of Compliance.** The proposed pattern of development will be allowed if it is demonstrated that it would comply with the density, open space, and applicable setback requirements of this Unified Development Ordinance if it were platted with lots that meet the minimum requirements of Article 4, Residential Development, for each of the proposed housing types.

ARTICLE 5 EXISTING NEIGHBORHOODS

Division 2-5.1 Purpose and Applicability

Sec. 2-5.1.1 Purpose

The purpose of this Article is to:

- A. Establish general development standards for residential lots in the NC (Neighborhood Conservation) district (including Subdistricts NC-15, NC-10, NC-6.1, NC-6.2, NC-6.3, and NC-4), which applies to the development of existing vacant lots, redevelopment of existing buildings, or expansion of existing buildings; and
- B. Establish alternative development standards for residential lots in the NC subdistricts, which applies to the expansion or reconfiguration of existing buildings when it would not comply with the general development standards set out in Section 2-5.2.1, General Development Standards.

Sec. 2-5.1.2 Applicability

A. **Generally.** This Article applies to development within Subdistricts NC-15, NC-10, NC-6.1, NC-6.2, NC-6.3, and NC-4.

B. General and Alternative Standards.

1. New development, redevelopment, and building modifications or expansions that comply with the general development standards of Section 2-5.2.1, General Development Standards, for the applicable subdistrict are allowed in that subdistrict.
2. If a proposed building modification or expansion beyond the existing foundation is proposed in a subdistrict, and it does not comply with the general development standards of Section 2-5.2.1, General Development Standards, then the application shall be evaluated according to the alternative standards in Section 2-5.2.2, Alternative Setback Standards.
3. New development and redevelopment may be allowed to use the alternative setbacks according to the conditions on the street and within the block with respect to the setbacks of other buildings.

Division 2-5.2 Development Standards

Sec. 2-5.2.1 General Development Standards

A. **Generally.** The standards of this Section are applied as a matter of right in the NC district subdistricts. If an application does not comply with these standards, then the parts of the application that do not comply are evaluated according to the alternative development standards that are set out in Section 2-5.2.2, Alternative Setback Standards.

B. **Lot and Building Standards.** The minimum setbacks, and building height and floor area standards for each subdistrict are set out in **Table 2-5.2.1, General Lot and Building Standards**. Where different setback standards are specifically shown on the most current approved, recorded final plat, then standards that are specifically shown on the plat shall supersede the corresponding setback standards in this Section. General lot standards are set out in **Table 1-2.2.1B, Neighborhood Conservation Subdistricts**.

Table 2-5.2.1 General Lot and Building Standards								
Subdistrict	Minimum Setback					Maximum Building		
	Front	Street Side	Side	Total Side	Rear	Height ¹	Impervious Surface Ratio	Floor Area
NC-15	25'	15'	10'	20'	30'	38'	40%	See Note 2
NC-10	25'	12'	8'	16'	25'	38'	45%	
NC-6.1	25'	10'	5'	12'	25'	38'	45%	
NC-6.2	25'	10'	5'	12'	20'	38'	45%	
NC-6.3	25'	10'	5'	12'	20'	55'	70%	
NC-4	20'	8'	5'	10'	20'	38'	60%	

Table Notes:

¹ The maximum height of a residence may be 38 feet; provided however, that a new or redeveloped residence or an expansion of an existing residence shall be of no greater height than the residences situated to either side within the same subdistrict. If the new or redeveloped residence or expanded existing residence is situated adjacent to another district, the new or redeveloped residence or expanded existing residence shall be of no greater height than the adjacent residence within the same subdistrict.

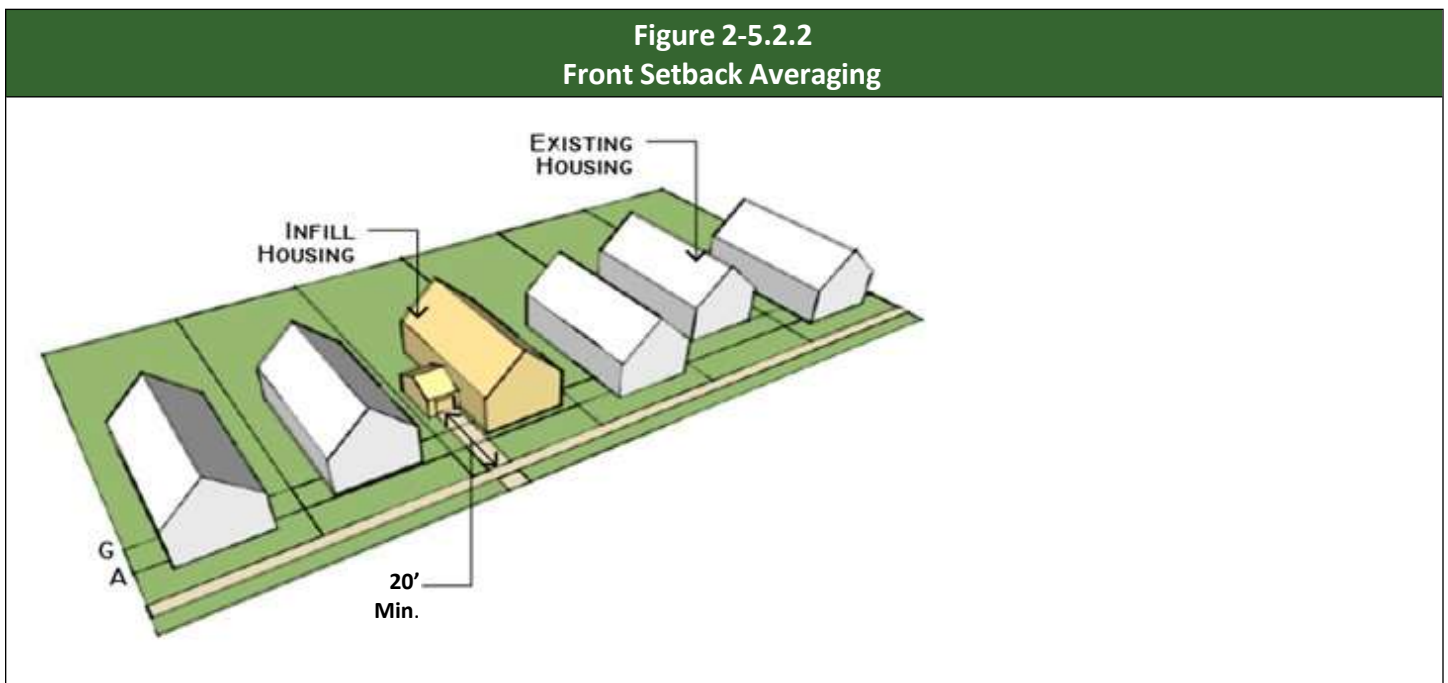
² The gross floor area of a new or redeveloped residence or expanded existing residence shall be comparable to the residences on the same side of the block and within 300' as follows:

- a. Equal to or no greater than 120 percent for residences up to 2,500 square feet of gross floor area; or
- b. Equal to or no greater than 115 percent for residences greater than 2,501 square feet of gross floor area.

Sec. 2-5.2.2 Alternative Setback Standards

- A. **Generally.** This Section applies to modifications of existing buildings as well as new home development within the NC subdistricts where the proposed modification or structure involves an encroachment into a setback that is required by Section 2-5.2.1, General Development Standards. Any specific front, street side, interior side, or rear setback that complies with Section 2-5.2.1, General Development Standards is not subject to the standards of this Section. This Section does not provide alternatives to the required building height, impervious surface ratio, or floor area limitations.
- B. **Relationship to Variances.** Compliance with the standards of this Section is equivalent to compliance with the standards of Section 2-5.2.1, General Development Standards. Therefore, approvals granted according to the standards of this Section do not require a variance. Variances shall not be granted to allow encroachments if the encroachments are permitted pursuant to the standards of this Section.
- C. **Relationship to Easements and Rights-of-Way.** The standards of this Section shall not be construed to authorize the construction of buildings or portions of buildings in utility, drainage, or easements or public rights-of-way for any other purposes.
- D. **Administrative Approval.** The Director shall approve alternative setbacks if the following general standards are met, in addition to the applicable standards of this Section, which apply to the affected setback:
1. The proposed modification does not interfere with planned expansion of right-of-way, and if right-of-way expansion is planned, the encroachment is evaluated as if the right-of-way has been expanded;
 2. The proposed modification does not encroach into a utility or access easement;
 3. The proposed modification does not materially impede emergency access to the building;
 4. Drainage onto abutting properties, rights-of-way, and surface waters is not significantly altered, and drainage patterns are not substantially changed (when compared to the condition before the proposed modification); or drainage is improved through the use of upgraded and/or new BMPs (Best Management Practice) which, at a minimum, reduce the concentration and velocity of stormwater discharges.
 5. The proposed modification does not result in a nonconformity with respect to the building code (e.g., required fire ratings for exterior walls due to building spacing) on either the lot proposed for development or abutting properties;
 6. If the parcel that abuts the improvement is used for residential purposes, the proposed modification is built to building code standards that would allow construction of the abutting lot to be built to the same building code standard along the same setback line;
 7. The proposed modification would not result in noncompliance with impervious surface ratio set out in Section 2-5.2.1, General Development Standards;
 8. The proposed modification does not reduce the area provided for parking to fewer spaces than are required by Article 9, Parking and Loading;
 9. The proposed modification within the area between the setback set out in Table 2-5.2.1, General Lot and Building Standards and the alternative setback will not result in an unsafe condition on any abutting public or private road or shared driveway (e.g., by creating a visual obstruction); and
 10. Sight lines along the abutting roads will be unchanged or will be adequate to allow for safe traffic flow during vehicular movements into and out of the lot.
- E. **Alternative Front Setback.** The following standards may be applied to front setbacks as an alternative to the front setbacks set out in Section 2-5.2.1, General Development Standards.
1. Enclosure of Front Porches. Front setbacks may be reduced by up to one foot from their existing location in order to enclose an existing front porch.
 2. Addition of Front Porch. Front setbacks may be reduced by up to six feet from the standards set out in Table 2-5.2.1, General Lot and Building Standards in order to allow for the construction of a front porch, provided that:

- a. The added front porch would not be located closer than 15 feet to the front property line;
 - b. The area of the front porch (including areas under roof overhangs) that is in the reduced setback area is not more than 60 sf; and
 - c. The porch may be enclosed with a screened enclosure, but shall not be fully enclosed with walls and windows.
3. Front Setback Averaging. Front setbacks may be reduced to the average front setback along the same side of the same street segment in the same zoning district, provided that:
- a. The lot proposed for modification is not counted in the calculation; and
 - b. If the lot takes vehicular access from the front, the driveway must be at least:
 1. 20 feet long, measured from the property line at the right-of-way to a building wall or garage door; and
 2. The width of the garage door(s) are not more than 18 feet in width. (See **Figure 2-5.2.2, Front Setback Averaging**)



F. Alternative Street Side Setbacks. The following standards may be applied to street side setbacks as an alternative to the street side setback standards set out in Table 2-5.2.1, General Lot and Building Standards.

1. Wide Planting Strip. The street side setback may be reduced by up to two and one-half feet from the standards set out in Table 2-5.2.1, General Lot and Building Standards, if:
 - a. There is an existing sidewalk along the side street that is at least four feet wide;
 - b. A minimum five foot planting strip is located within the public right-of-way between the edge of the sidewalk and the property line;
 - c. The street is classified as a local residential street and there are no plans for expansion of the paved width of the street.
2. Subdivision Fencing Along Arterial or Collector Street. The street side setback may be reduced to eight feet if:

- a. The street side yard abuts a bufferyard that screens the development from an arterial or collector street;
- b. The bufferyard includes an opaque fence that complies with the standards of Section 3-8.1.2, Fences, Walls, and Hedges, with respect to the continuity of subdivision fencing, and separates the side yard from the street;
- c. There is at least four feet of clearance between the building wall of the dwelling unit and the fence at all points;
- d. The setback reduction applies to not more than 40 percent of the length of the side building wall of the dwelling unit; and
- e. The portion of the building to which the reduced setback applies is not more than one story in height.

G. Alternative Side Setbacks.

1. Interior Side Setback Reduction. One interior side setback may be reduced by a distance of up to 20 percent of the interior side setback set out in Table 2-5.2.1, General Lot and Building Standards if it is demonstrated that:
 - a. If the option is applied to new development or redevelopment, the other side setback (interior or street side) is increased by the same distance;
 - b. If the option is applied to expansions or reconfigurations of an existing building:
 1. The other interior side setback is increased by the same distance; or
 2. The floor area to be constructed between the interior side setback set out in Table 2-5.2.1, General Lot and Building Standards and the alternative setback is not more than 10 percent of the floor area of the building or 120 square feet, whichever is greater.
 - c. The modification allows for an improvement to the design of a site in terms of stormwater best management practices and protecting natural resources.
2. Average Interior Side Setbacks. Interior side setbacks may be established at a distance that is equal to the average actual interior side setbacks of all other developed residential lots with 600 feet along the same side of the same street segment (or to the first intersection if it is a shorter distance), measured outward from the side lot lines of the lot upon which the application is proposed.
3. Abutting Permanent Open Space. Interior side setbacks may be reduced to three feet along lot lines that abut tracts that are designated as permanent open space or an easement, provided that the tracts are at least 50 feet wide along the entire length of the lot line.

H. Alternative Rear Setbacks. The following standards may be applied to rear setbacks as an alternative to the rear setback standards set out in Table 2-5.2.1, General Lot and Building Standards.

1. Average Rear Setback. The rear setback may be reduced on any lot if it is demonstrated that the proposed rear building setback is equal to not more than 10 percent less than the average actual setback of other developed residential lots within 600 feet along the same side of the same street segment (or to the first intersection if it is a shorter distance), measured outward from the side lot lines of the lot upon which the application is proposed.
2. Abutting an Alley. The rear setback may be reduced if the rear property line abuts an alley. In such cases, the rear setback may be reduced by the distance between the lot line and the alley centerline, provided that:
 - a. The alternative setback is not less than three feet; and
 - b. The building does not interfere with safe movement of passenger vehicles and service vehicles (including vehicles which may be necessary to repair utilities) in the alley.
3. Abutting Permanent Open Space. Rear setbacks that abut lots or parcels that are designated as permanent open space or easements that are at least 50 feet wide along the distance of the lot proposed for

development may be reduced to 15 feet.

4. Subdivision Fencing Along Arterial or Collector Street. The rear setback may be reduced to 15 feet if:
 - a. The rear yard abuts the right-of-way for an arterial or collector street;
 - b. An opaque fence that complies with the standards of Section 3-8.1.2, Fences, Walls, and Hedges, with respect to the continuity of subdivision fencing, separates the rear yard from the street;
 - c. The setback reduction applies to not more than 40 percent of the length of the rear building wall of the dwelling unit; and
 - d. The portion of the building to which the reduced setback applies is not more than one story in height.

I. Alternative Impervious Surface Standards.

1. Generally. This Section applies only to modifications to existing buildings, where the proposed modification involves an increase in the impervious surface compared to the limits set out in Table 2-5.2.1, General Lot and Building Standards.
2. Impervious Surface Ratio. The City may approve up to five percentage points of additional impervious surface if it is demonstrated that:
 - a. The standards of this Section are met; and
 - b. The rate and quantity of storm water runoff onto abutting properties or rights-of-way is no greater than it was before the construction of the additional building or impervious area.

ARTICLE 6 NONRESIDENTIAL AND MIXED USE DEVELOPMENT

Division 2-6.1 Development Standards

Sec. 2-6.1.1 General Development Standards

- A. **Generally.** The standards that are applicable to nonresidential and mixed-use development are provided in **Table 2-6.1.1, Nonresidential and Mixed Use Lot and Building Standards.** The table includes provisions for the minimum lot width, minimum building setbacks, maximum building height, and minimum landscape surface ratio for each district and general use type. Where **Division 1-2.8, Conditional and Permitted Special Exception Use Standards** sets out standards for lot or site area or width, setbacks, separation, or other regulatory provisions, the standards of that Division supersede the standards of this Section.
- B. **Standards.** The lot width, building setbacks and heights, and minimum landscape surface ratio shall be as set out in Table 2-6.1.1, Nonresidential and Mixed Use Lot and Building Standards.

**Table 2-6.1.1
Nonresidential and Mixed Use Lot and Building Standards**

District / General Use Type	Lot Width 1	Minimum Setback ²				Minimum Landscape Surface Ratio	Maximum Building Height
		Build-to Line	Front	Side (Min./Total)	Rear		
Estate Residential (RE)							
Public Assembly	300'	N/A	100'	50' / 100'	75'	40%	38'; 100 non-habitable building extensions
All Other Uses	600'	N/A	150'	25' / 60'	100'	60%	27'
Suburban Residential (RS)							
Institutional Residential	150'	N/A	30'	10' / 20'	35'	35%	27'
Public Assembly	300'	N/A	50'	25' / 60'	75'	40%	38'
All Other Uses	85'	N/A	30'	10' / 20'	35'	50%	27'
General Residential (RG)							
Institutional Residential	150'	N/A	25'	5' / 10'	20'	20%	27'
Public Assembly	300'	N/A	50'	25' / 60'	75'	40%	38'
All Other Uses	85'	N/A	25'	5' / 10'	20'	40%	27'
Urban Residential (RU)							
Institutional Residential	N/A	15'	N/A	3.5' / 7'	5'; 20' to alley	15%	Min. 2 story or 38'
Public Assembly	100'	5'; N/A with courtyard or plaza	30' for front entrance; 0 other building sections	N/A	N/A	20%	Min. 2 story or 38'
Neighborhood Conservation (NC)							
Public Assembly	150'	N/A	25'	25' / 60'	75'	55%	38'
All uses	2 X yards for single-family in the applicable subdistrict					40%	27'
Commercial Re-Use (CR)							
Retail	50'	25'	N/A	5' / 10'	20'	35%	27'
Office / Service	50'	25'	N/A	5' / 10'	20'	35%	27'
All other uses	50'	25'	N/A	10' / 20'	20'	35%	27'
Activity Center (AC)							
Retail	200'	15'	See C., Below.	10' / 20'	40'	20%	38' -See F., Below.
Office / Overnight Accommodations	200'	15'		10' / 20'	40'	20%	
Services	150'	15'		10' / 20'	40'	20%	
All Other Uses	100'	15'		10' / 20'	40'	20%	
General Commercial (CG)							
Retail	200'	N/A	50'	20' / 50'	40'	15%	38' -See F., Below.
Office / Overnight Accommodations	200'	N/A	50'	20' / 50'	40'	15%	
All Other Uses	100'	N/A	50'	20' / 50'	40'	15%	
Central Business District (CBD)							
Mixed Use	25'	0.5'	See D. and E., Below.			N/A	See Design Guidelines for Downtown Florence
All Other Uses	25'	0.5'				N/A	
Campus (CA)							
Office	200'	N/A	50'	25' / 50'	40'	30%	38' -See F., Below.
All Other Uses	100'	N/A	50'	15' / 30'	40'	30%	
Destination / Select Use (DS)							
Commercial Amusements	NA	NA	50'	50'	50'		100'
All Other Uses	NA	NA	25'	25'	25'		50'
Light Industrial (IL)							
All Uses	125'	N/A	35'	15' / 30'	30'	20%	50' See F., Below.

Heavy Industrial (IH)							
All Uses	200'	N/A	50'	25'	5'	15%	75' - See F., Below.
Open Space and Recreation (OSR)							
All uses	N/A	N/A	50'	50'	50'	98%	N/A
Agricultural / Rural (AR)							
Grain Elevators	N/A	N/A	100'	100' / 200'	100'	80%	90' - See F., Below.
All Other Uses	500'	N/A	50'	25' / 50'	50'	80%	
TABLE NOTES:							
¹ Along collector and arterial roadways, frontages in excess of the minimum lot width may be required to meet all other access and development requirements.							
² If the required bufferyard width is greater than that specified, the setback or build-to line shall be the width of the required bufferyard. All build-to lines shall apply to any public street frontage whether they are front or side property lines.							
⁵ Buildings shall be constructed to a build-to line that allows sufficient room for a 10' wide sidewalk. If a 10' wide sidewalk can be constructed entirely within the right-of-way, then the build-to line shall be the property line.							

C. Special Yard Restrictions in the AC district. The following standards apply in the AC (Activity Center) district:

1. Driveway Access.

- a. No driveway aisles shall be installed between the front or side street wall of the building(s) and the front or side street property lines;
- b. Driveways to interior parking areas may traverse through the area described above in order to reach interior parking areas.
- c. No other paving is permitted in the area described in a., or b., above, which is reserved for landscaping.

2. Parking areas. Parking areas shall be located at least 10' farther from the front or side street property line than the actual front or side street wall of the building(s).

D. CBD Setbacks.

1. Generally. Building setbacks in the CBD (Central Business District) shall be subject to the Design Guidelines for Downtown Florence.
2. Build-to Line. For all development in the CBD district, primary structures shall be built on the front property line (the "build-to line"). Portions of the façade that are recessed for recessed front entrances are permitted to be set back from the build-to line by up to three feet. All buildings shall meet these requirements, except under the following conditions:
 - a. Where there is an existing public sidewalk, adjacent to the development, the building must be set back in order to provide the additional space to extend the sidewalk onto the private lot to construct a sidewalk of the same width as existing and in no case less than eight feet in width. In this case, the building shall be constructed to a build-to line that is coterminous with the edge of the sidewalk that is provided on the private lot.
 - b. Where the use is established in an existing building that exceeds the build-to line as of the effective date of this Unified Development Ordinance. In this case, the existing building may:
 1. Remain in its current location, utilizing the front setback as:
 - a. A yard or courtyard;
 - b. Public plaza or outdoor service area (e.g., outdoor seating for a restaurant, outdoor display area for a retail store, etc.); or
 - c. Off-street parking provided it was used for parking as of the effective date of this Unified Development Ordinance.
 2. Be extended to the build-to line provided it:
 - a. Meets all other requirements and standards of this Unified Development Ordinance;

- b. Is a conforming use; and
- c. Complies with a. above (e.g., provision for a public sidewalk).

c. Where the average setback of buildings along the block front or, in the instance of a corner lot, along one or both block fronts, exceeds the build-to line. In this case, the building may be:

- 1. Constructed at the build-to line; or
- 2. Set back to match the average front setback along the same side of the same street segment in the same zoning district, provided that the lot proposed for development or redevelopment is not counted in the calculation.

d. Buildings may be set back up to a distance of 20 feet from the build-to line in order to provide a designated public plaza or outdoor service area according to the following standards:

- 1. The public plaza or outdoor service area shall be designated upon development approval and maintained as a publically accessible space.
- 2. Any service uses that take place in the designated setback area must directly relate to the activity of the primary ground floor use (e.g., outdoor seating for a restaurant, outdoor display area for a retail store, etc.)
- 3. When the area is not being used as an outdoor service area, it shall remain generally accessible to the public and function as an extension of the public sidewalk environment.

E. CBD, AC, or DS District Encroachments. In the CBD (Central Business District), AC (Activity Center), or DS districts (Destination / Select Use) the City may permit, by recorded license agreement, encroachments into the public right-of-way if the encroachments meet all of the following standards (see **Figure 2-6.1.1A, Permitted Encroachments**):

1. Encroachments up to 18 inches into the right-of-way are permitted, subject to public agency approval, below an elevation of eight feet above grade if it is demonstrated that:

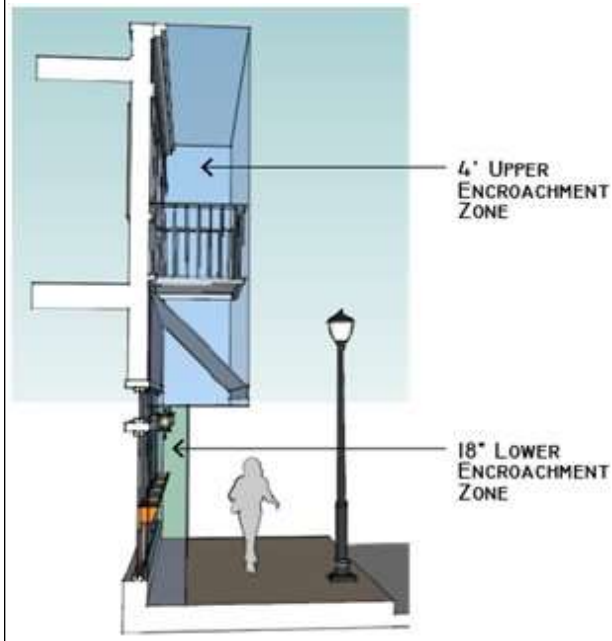
- a. The encroachment does not impact the general functionality of the public sidewalk; and
- b. The encroachment does not make the sidewalk noncompliant with the requirements of the South Carolina Standards of Accessibility or the Americans with Disabilities Act.

2. Encroachments up to four feet are permitted, subject to public agency approval, above an elevation of eight feet above grade if it is demonstrated that:

- a. The encroachment does not impact the general functionality of the public sidewalk;
- b. The encroachment is set back at least one foot from the face of the curb; and
- c. The encroachment does not create unsafe clearances from other elements of the right-of-way (e.g., street lighting, landscaping, vehicular movement, etc.).

F. AC, CG, CA, IL, IH, and AR District Height. In the AC (Activity Center), CG (General Commercial), CA (Campus), IL (Light Industrial), IH (Heavy Industrial), and AR (Agricultural/Rural) districts the maximum building height as listed in Table 2-6.1.1 may be exceeded provided that side and rear setbacks shall increase by one (1) foot for each two (2) feet in height in excess of the listed maximum building height.

Figure 2-6.1.1A
Permitted Encroachments



ARTICLE 7 BONUSES

Division 2-7.1 Development Bonuses

Sec. 2-7.1.1 Density Bonuses for Open Space Preservation and Resource Protection

Set out in Table 2-4.1.1, Residential Development Standards, is the maximum gross densities that are permitted for each district and neighborhood type. In each district, there are three or four development options that are permitted by-right. The conventional single family neighborhood type provides for the largest lot size, smallest required minimum open space, and hence, the lowest maximum gross density of the options available within the district. The cluster single family, cluster mixed residential (available only in the RG and RU districts), planned single family (available only in the RE district), and planned mixed residential neighborhood types each provide relative increases in gross density. To achieve these increased densities, the lot sizes are decreased and the minimum open space ratio is increased. Effectively, these other allowable neighborhood types provide options for preserving increased percentages of open space for the purpose of protecting natural resources (e.g. floodplain, wetlands, riparian areas, woodlands, steep slopes, drainage ways, rivers and streams, etc.). Refer to Table 2-4.1.1, Residential Development Standards as to the relative lot sizes, open space ratios, and gross densities of each district and neighborhood type.

Sec. 2-7.1.2 Residential Green Building Bonuses

The City encourages the development of high-performance "green" residential buildings, which use less energy, water and natural resources; create less waste; and are healthier and more comfortable for the occupants. As such, a density bonus is available to applicants who construct homes to Green Building principles for Homes Certification standard.

A. **Green Building Bonus.** The permitted density of development may be increased by 10 percent if the applicant demonstrates compliance with this Section. Such increase in density may be achieved by:

1. Utilizing the provisions set out in Section 2-4.1.4, Lot Averaging, with a reduction in the width of narrow lots to 85 percent (vs. 90 percent) of the lot area or lot width specified for the housing type, as set out in

Table 2-4.1.3, Lot and Building Standards by Housing Type; and/or

2. Altering the mix of housing types as set out in Section 2-4.1.3, Lot and Building Standards.

B. Homes Certification Requirements. The residential green building bonus is available to applicants who demonstrate commitment to the principles for Home Certification for all residential buildings in their proposed residential or mixed-use developments, as follows:

1. During a pre-application meeting, the Director, or an appointee, will meet with the applicant to discuss the proposed building design and anticipated principles for Home Certification credits.
2. Concurrent with the application for site plan or plat review, the applicant shall submit:
 - a. A written letter of intent that indicates their commitment to achieve the principles for Homes Certification on all homes and associated infrastructure that is subject to for Homes Certification rating that will be constructed in the proposed development; and
 - b. Homes Certification checklists that show how the applicant intends to obtain the required acceptance for Homes Certification.
3. The density bonus will be granted by the Plan Commission upon approval of the site plan or plat.
4. Building permits for the development will be issued only upon demonstrated compliance with the approved LEED for Homes Certification checklist.
5. Within 180 days of receiving the final Certificate of Occupancy, the applicant must submit documentation that demonstrates achievement for Homes Certification.

Sec. 2-7.1.3 Nonresidential Green Building Bonuses

The nonresidential bonus rewards developments that achieve a rating of "Certified" or higher. The standards for receiving the bonus are different for large-scale development than small-scale or individual developments. Developments that meet the following standards shall receive a bonus.

A. Green Building Bonuses. Bonuses are available for projects that demonstrate a commitment to "green" certification. These bonuses increase the development potential of a parcel proposed for development by reducing open space requirements, bufferyard requirements, and parking requirements.

1. LEED Certified buildings with green roofs shall be entitled to an offset of open space for the area of the green roof, up to 15 percent of the landscape surface area required by Table 2-6.1.1, Nonresidential and Mixed Use Lot and Building Standards.
2. All nonresidential and mixed-use development (except industrial development) that meets the criteria of this Section shall be allowed to install constrained bufferyards, regardless of the geometry of the parcel proposed for development. (See Section 4-10.3.6, Constrained Bufferyards)

B. Certification Requirements. The applicant is eligible for the bonuses set out in Subsection 1., above, if it is demonstrated that:

1. During a pre-application meeting, the Director, or an appointee, will meet with the applicant to discuss the proposed project design and anticipated Certification credits.
2. Concurrent with the application for site plan or plat review, the applicant shall submit:
 - a. A written letter of intent that indicates their commitment to achieve a particular Certification on all buildings and associated infrastructure that is subject to the Rating System that will be constructed in the proposed development; and
 - b. LEED checklists that show how the applicant intends to obtain the required LEED Certifications.
3. Building permits for the development will be issued only upon demonstrated compliance with the approved LEED checklist.

4. Within 180 days of receiving the final Certificate of Occupancy, the applicant must submit documentation that demonstrates achievement of LEED Certification.



UNIFIED DEVELOPMENT ORDINANCE

PART 3 BUILDINGS AND STRUCTURES

ARTICLE 8 SUPPLEMENTAL STANDARDS

Division 3-8.1 Supplemental Residential Standards

Sec. 3-8.1.1 Permitted Encroachments

A. **Generally.** Set out in Table 3-8.1.1, Permitted Encroachments, is the projections that may be located within required setback areas (between the required setback lines and the lot lines). Measurements in the table are taken from the setback line to the lot line (Into Required Yard) or from the lot line into the lot (From Lot Line).

B. **Limitation.** These permitted encroachments shall not be interpreted to allow obstruction of a required sight triangle or line of sight in the right-of-way.

C. Interpretation.

1. Measurements in *Table 3-8.1.1, Permitted Encroachments* are taken from the applicable setback line or from the lot line. The applicable setback line in an NC district may be as established by *Section 2-5.2.1, General Development Standards*, or *Section 2-5.2.2, Alternative Setback Standards*.
2. If a measurement is indicated for "Into Required Yard" and "From Lot Line," then the measurement that results in the larger distance from the lot line to the encroachment controls.
3. An indication of (N/A) means "not applicable," in that the limit of the other column is sufficient to control the location of the encroachment.

Table 3-8.1.1 Permitted Encroachments		
Structure or Projection	Permitted Encroachments ¹	
	Into Required Yard	From Lot Line
All Setbacks		
Overhanging eaves and gutters	North and South exposures: 1.5' East and West exposures: 3'	1' ^{1,2}
Awnings and structurally supported canopies without supports that extend to the ground	N/A	2' ^{1,2}
Steps, 4 feet or less above the point of measurement for the building, which are necessary for access to the building	5'	1.5'
Chimneys	2'	N/A
Arbors and trellises	N/A	2'
Flagpoles	N/A	2'
Fences, walls, and hedges	See Section 3-8.1.2	
Ground-supported Communication and Reception Antennae	5'	
Structures and projections not listed in this Table.	3'	
Front or Street Side Setback		
First floor bay windows	3'	N/A
Patios	10 ft., subject to Section 3-8.1.3	2.5'

Open porches	4 ft., subject to Section 3-8.1.3	2.5'
Balconies, subject to Section 3-8.1.3	Generally: 4' CBD, AC, and DS Districts: 6'	N/A
Side-load garages (attached or detached)	On lots 75' or more in width: 10 ft. On lots less than 75' in width: prohibited	
Interior Side Setback or Street Side Setback		
Accessory building (except detached garages)	N/A	Shall comply with the principal building setback for the district.
Air conditioning unit	3' without screening; 5' if screened by a garden wall or hedge that is 1' taller than the unit	3'
Driveways	N/A	Generally: 2'; Shared Driveways: 0'
Decks	N/A	3', subject to Section 3-8.1.3; 1' if the adjacent parcel is permanent open space
Rear Setback		
Accessory building (except detached garages)	N/A	5' for buildings that are less than 10 ft. in height; 10' for all other accessory buildings
Paved off-street parking spaces	N/A	3', except individual driveways that are accessed from an alley
Rear-load detached garage	N/A	0', or as required by Director for safe alley passage
Side-load detached garage	N/A	5'
One-story bay window	3'	N/A
Air conditioning unit	3' without screening; 5' if screened by a garden wall or hedge that is 1' taller than the unit	N/A
Decks, less than 4' above grade	N/A	3', subject to Section 3-8.1.3
Decks and balconies, 4 feet or more above grade	12'	5', subject to Section 3-8.1.3
Animal pens and shelters; dog runs ³	N/A	5'.
TABLE NOTES:		
¹ Structures or projections shall not encroach into easements or onto abutting property that is not owned by the applicant. See Subsection C. of this Section.		
² Encroachment may be allowed subject to Subsection D., of this Section.		
³ The keeping of animals is regulated by the Code of Ordinances.		

D. Encroachments onto Other Abutting Properties or Easements. No projection shall encroach:

1. Onto or over separately owned property, unless a recorded document provides for access to and maintenance of the improvement; or
2. Into utility easements, unless:
 - a. The design of the improvement does not interfere with access to or operation of the utility;
 - b. The improvement is designed and constructed so that it may be promptly removed or relocated;
 - c. The easement provides for the utility provider or the City to remove the encroachment, in their sole discretion and at the property owner's expense; and
 - d. A copy of the easement, with evidence of recording, is provided to the Director prior to the issuance of permits or clearances for such structures or projections.

E. Right-of-Way Encroachments. Encroachment into the public right-of-way is generally not allowed, but may be permitted, subject to public agency approval, if the applicant complies with all applicable standards of Chapter 17, *Article 4 of the Code of Ordinances* and all of the following are demonstrated with respect to the improvement in the area of encroachment:

1. The improvement is attached to a building that is located in the CBD, AC, or DS districts (*see Section 2-5.1.1, General Development Standards*);
2. The improvement is constructed and situated in a manner that does not obstruct pedestrian or vehicular

traffic or otherwise constitute a safety hazard (e.g., by blocking a sight triangle or line of sight in the right-of-way);

3. The improvement is subject to a revocable license to encroach upon the public right-of-way;
4. The encroachment, other than in the CBD, AC, or DS districts, is limited to not more than the lesser distance of:
 - a. Two feet to the back of the street curb; or
 - b. The inside edge of a landscaped area on the street-side edge of a sidewalk; or
 - c. A distance necessary for the growth of planned or existing street trees.

Sec. 3-8.1.2 Fences, Walls, and Hedges

A. Generally. The requirements of this Section apply to fences, walls, and hedges on residential lots, except multifamily lots or parcels.

B. Heights and Setbacks. Set out in **Table 3-8.1.2, Heights and Setbacks for Fences, Walls, and Hedges** are the allowable heights and setbacks for fences, walls, and hedges.

Table 3-8.1.2 Heights and Setbacks for Fences, Walls, and Hedges				
Standard	Front Yard	Side Yard	Street Side Yard	Rear Yard ¹
Maximum Height ³	Up to 4', subject to this Section.	6'	6'	6' ^{1,2}
Minimum Setback	N/A; 0', subject to this Section.	0'	0', but at least 1' from sidewalk and/or 5' from street	0' ¹
Transparency	50%	0%	50%	0%

TABLE NOTES:
¹ A lower fence height, increased setback, or minimum transparency may be required to assure safe alley passage.
² Fences or walls in rear yards abutting CG, CBD, AC, DS, IL, or IH districts may be a maximum of 8' in height
³ Fences or walls in excess of maximum allowed height shall require a variance from the Board of Zoning Appeals.

C. Materials.

1. *Allowed Materials.* Materials used for fences and walls shall be durable, and of a character commonly used in residential applications, including:

- a. Wood, provided that it is:
 1. a weather resistant species;
 2. treated with U.S. Environmental Protection Agency approved preservatives; or
 3. finished (painted or stained and sealed);
- b. Ornamental wrought iron or powder-coated aluminum (except those used for screening purposes);
- c. Cement fiberboard;
- d. Composite materials;
- e. Masonry (brick, stucco-finished concrete, split face concrete masonry units, or stone), but not unfinished concrete block; or
- f. Combinations of these materials.

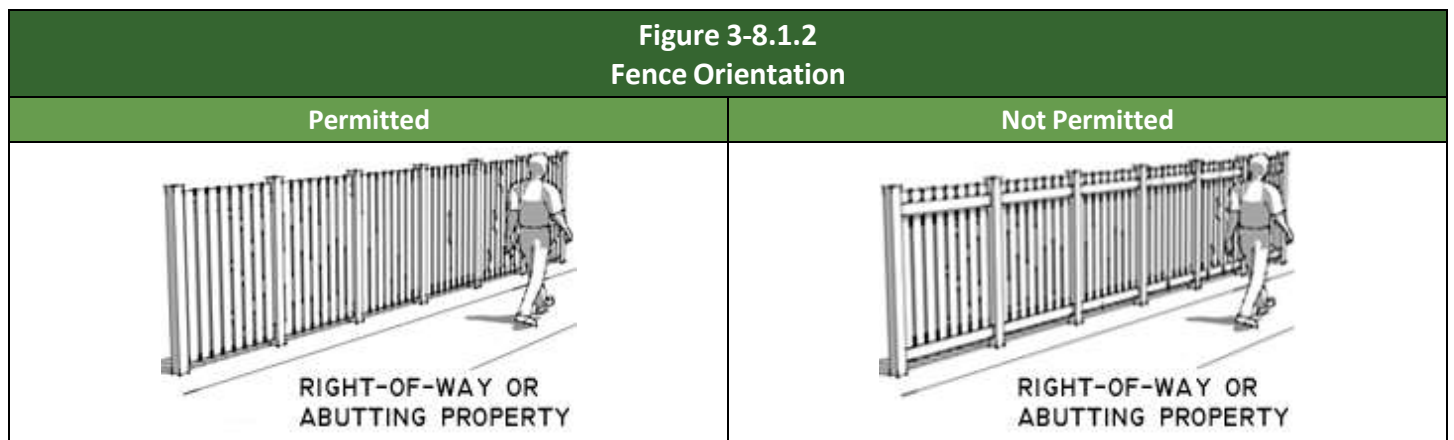
2. *Limited Materials.*

- a. Chain link fences are permitted only:

1. In interior side yards and rear yards that are not also street yards; and
 2. In street side yards where a hedge is planted outside of the fence and maintained at the height of the fence.
- b. Barbed wire and razor wire are not permitted outside of AR and IH districts, except where the Planning Commission finds that such measures are necessary to address a demonstrated security need that is specific to the parcel upon which it is proposed.
 - c. Welded wire, agricultural fencing, and chicken wire fences are allowed only in the AR and OSR districts on lots where such fences exist on the effective date; or on the inside of split rail fencing in interior side and/or rear yards that are not also street yards, provided that it does not exceed the height of the fence.
3. *Prohibited Materials.* The following materials are not allowed as fence or wall components:
- a. scrap lumber;
 - b. plywood;
 - c. sheet metal;
 - d. plastic or fiberglass sheets;
 - e. barbed wire or razor wire (except as provided in Subsection 2.b., above); and
 - f. spikes, nails, or other comparable sharp points.

D. Orientation.

1. The finished side of all fences shall face outward toward any adjacent rights-of-way. See **Figure 3-8.1.2, Fence Orientation.**



E. Fence and Wall Design.

1. No new fence or wall that is installed in a bufferyard along a collector or arterial street shall run for a distance of more than 100 feet without an offset of at least 10 feet in width and three feet in depth, which may be used in one of the following ways:
 - a. To provide a location for a gate;
 - b. To provide a location for landscaping; or
 - c. To provide a location for a change in materials to enhance the appearance of the fence.
2. Line posts for wood picket or chain link fences shall be spaced at intervals of not more than eight feet on-center.
3. Masonry walls shall include pilasters or comparable architectural treatments at regular intervals of not

more than 20 feet on-center.

F. Continuity of Fences and Walls Along Collector and Arterial Streets

1. The continuity of fences and walls along collector and arterials shall be maintained between street intersections on the same side of the street in terms of design, color, materials, and height. Where fences and walls along the same side of the street vary in design, color, materials, or height, then new or replacement fences or walls shall be matched to existing structures in the following order of priority:
 - a. Existing masonry walls, if such walls occupy more than 20 percent of the distance between street intersections; or
 - b. The existing privacy fence that is in the best condition.
2. The side of any fence that faces an arterial street right-of-way shall be the finished side. All support posts and stringers shall face inward toward the property upon which the fence is located, or the subdivision that it screens (if located on commonly owned property).

G. Hedge Maintenance. Hedges shall be planted and maintained so that they do not extend over public rights-of-way. Hedges that are within five feet of a front lot line shall not exceed four feet in height unless they are part of a required bufferyard.

H. Relationship to Sight Triangles and Sight Distances. Nothing in this Section supersedes the requirements of [Division 4-11.3](#), Sight Clearance.

Sec. 3-8.1.3 Decks, Balconies, and Porches

A. Decks and Balconies.

1. Decks and balconies are allowed to project into required yards to the extent permitted by [Section 3-8.1.1 Permitted Encroachments](#).
2. The surface of a deck in a side setback area shall be not more than two feet above grade.
3. No deck shall have a surface that is elevated higher than the level of the second floor of the principal building. Balconies may be located above the second floor.
4. Balconies and decks that are accessed from upper floors shall not be located on the sides of buildings if the outer edge of the balcony or deck is closer than 15 feet to a side lot line.

B. Enclosed Porches. Enclosed porches are subject to the same requirements as the building to which they are attached.

C. Open Porches.

1. Generally, an open porch is allowed to project into required yards to the extent permitted by [Section 3-8.1.1 Permitted Encroachments](#), provided that the encroachment involves not more than 60 square feet of the porch's floor area.
2. In NC districts, additional encroachment is allowed if it is demonstrated that the open porch will have at least the same front setback as the average front setback of similar existing open porches on the same side of the street.

Sec. 3-8.1.4 Swimming Pools and Spas

A. Generally. Swimming pools shall be constructed on the same lot as the principal building to which they are accessory. Swimming pools that are intended to serve the occupants of all lots in a development shall be constructed on a tract that is owned and maintained by a property owners' association.

B. Timing of Construction. No residential swimming pool or spa shall be constructed unless:

1. The principal building has already been constructed, or the principal building is under construction simultaneously with the swimming pool or spa; or

2. The structure is an amenity that is provided for a development as a whole, and the development phasing plan allows its construction before the construction of dwelling units.

C. **Setbacks.** Set out in **Table 3-8.1.4, Setbacks for Swimming Pools and Spas**, is the setbacks for swimming pools and spas, which shall be measured from the outside walls of the pool or spa.

Table 3-8.1.4 Setbacks for Swimming Pools and Spas		
Setback or Spacing	Private On-Lot	Community ¹
Front	Behind the front building line of the principal building	Behind the front building line of the existing or proposed pool house building
Side	10'	10' clearance to fence enclosure
Rear	10'	
Building Spacing	6'2	10'
Utility Easement	2.	
Overhead Utility Line	10'	

TABLE NOTES:
¹ Owned by a Property Owners' Association for the benefit of owners or as an amenity to the renters of a multifamily development. ² Portable spas are not subject to this requirement.

D. **Access Restrictions.** Swimming pools, spas, and associated deck area shall be enclosed to restrict access as required by applicable building codes. See *Code of Ordinances, Chapter 4, Buildings; Construction and Related Activities*.

E. **Lighting.** All lighting shall be directed away from adjoining residences and comply with the standards and requirements of [Division 4-11.1, Lighting](#).

Sec. 3-8.1.5 Satellite Dishes and Antennae

A. **Generally.** The standards of this Section apply to satellite dishes and antennae that are typically associated with residential uses. They are not applicable to facilities that are used for commercial purposes or the provision of personal wireless telecommunications services to people who do not reside on the lot on which the dish or antenna is located.

B. TV Antennae, DTV Antennae, Wireless Cable Antennae, and Satellite Dishes.

1. The location of ground-supported communication and reception antennae shall comply with the setbacks set out in [Table 3-8.1.1, Permitted Encroachments](#).
2. The following are permitted if they are attached to a building or located within the buildable area of a principal structure. They may not be located in the front yard or on the front wall of the principal structure and may not extend more than 12 feet above the highest peak of the roof (lattice towers are not allowed on roofs).
 - a. TV antennae;
 - b. DTV antennae;
 - c. Wireless cable antennae; and
 - d. Satellite dishes that are three feet, four inches or less in diameter.
3. All cabling must be run internally when feasible, securely attached, and as inconspicuous as practicable.
4. Masts that are greater than 12 feet above the peak of the roof are permitted if it is demonstrated that:
 - a. An adequate signal cannot be obtained at a lower height; and
 - b. The mast and antenna are lower than overhead power lines, or set back from overhead power lines

such that a collapse of the mast will not result in contact with the lines.

5. Satellite dishes that are more than three feet, four inches in diameter are permitted if:
 - a. They are located on the ground in the rear yard and not visible from ground-level views from public rights-of-way or abutting properties; or
 - b. If the dish cannot be located in the rear yard, it is located on the ground within the buildable area on the side of the building and the dish or antenna is fully screened from view from public rights-of-way with:
 1. a masonry wall; and / or
 2. an evergreen hedge or shrub and understory trees.

C. Amateur Radio Antennae. Amateur radio antennae are permitted if the following standards are met:

1. Height, setbacks, and screening for the antenna structure shall be as provided in **Table 3-8.1.5, Amateur Radio Antennae.**
2. Support structures that are not attached to the antenna structure shall be treated as accessory structures for the purposes of height, setbacks, and screening.

Table 3-8.1.5 Amateur Radio Antennae				
Minimum Lot Area	Max. Height	Minimum Front Setback	Min. Other Setbacks	Required Screening
2 acres	120'	100 ft.; or, alternatively, 20 ft. behind back wall of principal building	70'	Continuous evergreen hedge around sides of base that face lot lines; two understory trees, located to maximize interruption of views from adjacent property and public rights-of-way. Existing vegetation that provides comparable screening may be substituted for this requirement.
9,000 sf.	75'	75 ft.; or alternatively, 15 ft. behind back wall of principal building	25'	
Any residential lot	40'	Same as required for principal building.		None.

Sec. 3-8.1.6 Renewable Energy Systems

- A. Generally.** Renewable energy systems include photovoltaic arrays (solar electric panels), solar water heaters, and geothermal heating and cooling systems. They do not include the manufacture of renewable combustible fuels (e.g., ethanol or biodiesel).
- B. Interconnect Agreements Required.** If a photovoltaic array is to be interconnected to the electric utility grid, proof of an executed interconnect agreement shall be provided before the system is interconnected. Systems approved pursuant to this Section shall not generate power as a commercial enterprise.
- C. Photovoltaic Arrays.** The following standards apply to photovoltaic arrays:
 1. *Roof-Mounts.* Photovoltaic arrays may be roof-mounted on principal and accessory buildings in all districts. Systems that are designed to be incorporated into the roof, such as solar shingles, are permitted anywhere on the building.
 2. *Ground-Mounts.* Ground or structure-mounted photovoltaic arrays (not mounted on buildings) shall be setback as if they were detached accessory buildings if the highest point on the panels is more than six feet above grade. (see Section 3-8.1.9, Accessory Buildings and Structures)
 3. *Carports and Covered Walkways.* Carports and walkways in multifamily developments may be covered with photovoltaic arrays, provided that:

- a. There is not less than eight feet of clearance under the carport or covered walkway; and
- b. In residential zoning districts, PV panels that cover carports and covered walkways are set back from the front property line as required for principal buildings. Additional setbacks may be required in other areas in order to comply with building setback requirements or accessory structure requirements for the underlying structures.

D. Community Photovoltaic Facility. A facility that serves more than an individual home or business, such as a neighborhood facility or community solar garden shall be permitted in any district.

E. Geothermal Heating and Cooling Systems.

- 1. Closed loop systems (horizontal loop systems and vertical loop systems) are permitted, provided that the loops are set back at least two feet from property lines and outside of utility easements.
- 2. Lake loop systems are permitted if the water body is entirely within the property lines of the parcel proposed for development.
- 3. Open loop systems are not permitted.

F. Community Geothermal Facility. A facility that serves more than an individual home or business shall be permitted in any district if a subdivision or portion of a subdivision:

- 1. Has land in common ownership where certain components of the system are located; and
- 2. Has a homeowners' association to maintain any off-site components.

Sec.3-8.1.7 Solid Waste Storage and Collection

A. Individual Garbage Containers. The storage and placement of individual garbage containers is regulated by the *Code of Ordinances, Chapter 9, Article IV, Preparation, Collection, and Disposal Practices*.

B. Bulk Containers. Bulk containers are regulated by the *Code of Ordinances, Chapter 9 - Garbage, Trash, Junk, Hazardous Waste, and Weeds*, and the standards of this Section.

- 1. *Screening.* The screening that is required by *Section 3-8.2.4. Solid Waste Storage and Collection*, shall be provided as follows:
 - a. The areas where dumpsters and/or garbage bins are stored shall be fully enclosed by an opaque wall constructed of brick, stone, or stucco-finished concrete block, and/or earthen berms, to a height of one foot above the top of the dumpster;
 - b. The enclosures shall provide the following types of access:
 - 1. Service gates which remain closed at all times except when the dumpster or garbage bins are being serviced; and
 - 2. Separate pedestrian access gates or a pedestrian access opening that screens the dumpster from view.

2. Location.

- a. Bulk containers shall be located no more than 300 feet from the individual residential units or tenant spaces that they are intended to serve;
- b. Bulk container enclosures shall be located in a side or rear yard of the parcel proposed for development, unless it is has been determined by the Director of Public Works, in coordination with the Director, that another location is necessary to provide service access;
- c. If a bulk container enclosure must be located in a front yard to meet the requirements of the refuse service provider, it shall be designed and constructed to be consistent and compatible with principal building in terms of materials, colors, and architecture; and
- d. The permanent location of the container is subject to approval by the Director of Public Works, in

coordination with the Director.

Sec. 3-8.1.8 Animal Pens and Dog Runs

- A. **Location.** Animal pens and shelters for animals, including dog runs, are not allowed in the area between building walls and abutting streets.
- B. **Use.** The keeping of animals is further regulated by the *Code of Ordinances, Chapter 3, Animals and Fowl*.

Sec. 3-8.1.9 Accessory Buildings and Structures

- A. **Generally.** The standards of this Section apply to accessory buildings and structures that are not specifically addressed elsewhere in this Unified Development Ordinance.
- B. **Building Coverage.** Accessory buildings are counted in the calculation of building coverage.
- C. **Timing of Construction.** No accessory building shall be constructed unless the principal building has already been constructed, or the principal building is simultaneously under construction, unless:
1. The accessory building or accessory structure is necessary for the construction of the principal building; or
 2. No principal building is planned, and the accessory building is necessary for the proposed use of the property (e.g., restroom facilities at a park).
- D. **Location.**
1. No accessory building or structure of any type shall be located in a front yard, side yard (extended to the rear plane of the principal building), or street side yard (extended to the rear plane of the principal building), except as may be specifically allowed by this Division.
 2. Accessory buildings shall not be located in a required bufferyard area.
 3. Accessory buildings must be located on the same lot as the principal building or use to which they relate.
- E. **Residential Occupancy.** Accessory buildings shall not be occupied for residential purposes unless they comply with standards of *Section 1-2.10.1, Residential Accessory Uses*. A mobile home or manufactured home shall not be used as an accessory building.
- F. **Attached Accessory Buildings.** Accessory buildings, including storage sheds, supplemental living spaces, and garages, that are structurally attached to a principal building shall conform to all standards that are applicable to the principal building, except as provided in *Section 3-8.1.1, Permitted Encroachments*. Covered (but otherwise unenclosed) walkways that do not have wall connections between buildings shall not be considered attachments for the purposes of this Subsection.
- G. **Detached Garages.** Detached garages are permitted only for the following housing types:
1. *Single-Family Detached.* Detached garages on single-family detached lots may be single-story buildings or two-story buildings that include second floor workshop or storage space (subject to *Section 1-2.10.1, Residential Accessory Uses*).
 - a. One-story detached garages may be set back as allowed by *Section 3-8.1.1, Permitted Encroachments*.
 - b. Two-story detached garage buildings shall be set back according to the requirements that apply to the principal building. For the purposes of this Subsection, garages with doors that are taller than eight feet are considered two-story.
 2. *Duplexes.* Detached garages on duplex lots are permitted, provided that the garages are one-story and located behind the principal building. In the locations where they are allowed, the garages may be set back as allowed by *Section 3-8.1.1, Permitted Encroachments*.
 3. *Townhomes and Multifamily.* Detached garages that serve townhomes and multifamily developments shall be one-story buildings. They may be:

- a. Located on the same lot as the townhome; or
- b. In the interior of a multifamily development, such that the garage doors are screened from view from rights-of-way by buildings and landscaping; and/or
- c. Along the perimeter of the development, integrated into a perimeter bufferyard (as a wall), provided that:
 - 1. The development is located in either the RS, RG, or RU district;
 - 2. The wall of the garages that faces abutting property or rights-of-way is clad with masonry;
 - 3. The landscaped portion of the bufferyard is located between the garages and the property line;
 - 4. No garage building is wider than 80 feet; and
 - 5. Garage buildings are separated from each other by at least 10 feet (fencing may be used to span the area between garage buildings).

H. Carports, Car Covers, and Porte-Cocheres.

1. *Where Allowed.*

a. Generally. Carports, car covers, and porte-cocheres are allowed:

- 1. Within the areas available for construction of principal and accessory buildings on all properties that are developed with detached or attached dwelling units (except multi-family dwelling units).
- 2. Within parking areas (and in the case of porte-cocheres, passenger loading areas) of multi-family, nonresidential, and mixed-use development.

2. *Additional Alternatives in the NC Districts.* Carports and car covers may be constructed outside of the building envelope, as follows:

a. Support posts shall not be closer than:

- 1. Three feet to any side property line; or
- 2. 10 feet from a rear property line; and
- 3. 10 feet from a front or street side property line;

b. They shall not encroach upon or extend over a public sidewalk or sidewalk adjacent to a private roadway easement;

c. The canopy or roof structure (including overhang) shall not extend past the support posts by more than two feet;

d. Carports, car covers, trellises, arbors, porte-cocheres, and similar structures shall be open on all sides unless backing and/or siding to the primary structure. Under no situation or condition may a structure side, front, or back be enclosed or covered in whole or in part in any way; and

e. Carports and car covers shall not be used for storage of any items that can be viewed from a public street, except motor vehicles. Storage of any items within a carport shall be within a fully enclosed cabinet or closet that is located adjacent to the principal structure and with a depth of no greater than 30 inches.

3. *Encroachment.* Carports, car covers, and porte-cocheres shall not encroach into easements unless written permission is granted from the owner or lessee of the easement and proof of such permission is provided to the City prior to the issuance of permits or clearances for such structures.

4. *Survey Required.* A copy of the most recent plat of the property along with a survey or scaled drawing showing all existing buildings on the lot or parcel of land where the carport, car cover, or porte-cochere is proposed to be located shall be submitted with the required zoning compliance application.

5. *Height.* Carports, car covers, and porte-cocheres shall not exceed one story or 16 feet in height, whichever is less.
6. *Construction Methods.* Carports, car covers, porte-cocheres, and their support structures shall be firmly anchored to the ground and shall meet applicable building codes, including wind loading requirements. Drainage runoff from the structure shall not impact adjacent properties.
7. *Design and Appearance.* All structures shall be permanent structures that are built on-site. Structures that can be viewed from a public street shall be constructed so that supporting posts, fascia, soffits, and roof and roof slope are of the same materials and color and resemble the principal structure. Exceptions to this requirement are allowed if the roof portion is approved as a trellis, arbor, or similar open-roof structure.
8. *Applicable Building Standards.* Carports, car covers, and porte-cocheres are subject to all applicable building codes, as amended from time to time.
9. *Building Permit Required.* As permanent structures, carports, car covers, and porte-cocheres shall make application for a building permit.

I. Other Detached Accessory Buildings (Excluding Accessory Dwelling Units).

1. *Maximum Size.* Detached accessory buildings shall not cover an area that is larger than 25 percent of the gross floor area of the principal building, or 1,500 square feet, whichever is smaller, except that:
 - a. In the OSR or AR districts, accessory buildings and structures are permitted as needed to support recreational or agricultural uses;
 - b. Buildings that are accessory to individual townhome, duplex, and multiplex units (except garages) are limited to 120 square feet per unit.
 - c. Accessory buildings in the RE (Residential Estate) and the NC-15 subdistrict shall not cover an area that is more than 15 percent of the lot area.
2. *Height.* Detached accessory buildings shall not exceed the height of the primary structure or 20' in height, whichever is less.
3. *Number of Accessory Buildings.* The number of accessory buildings is limited by the more restrictive of:
 - a. Any applicable building coverage or floor area ratio limitation for the lot or parcel proposed for development;
 - b. The floor area limitation of Subsection I.1., above; or
 - c. One accessory buildings (other than a detached garage) per single-family residential lot; or
 - d. One accessory building (other than a detached garage) per individual townhome, duplex, or multiplex unit.
4. *Building Spacing.* Accessory buildings shall be separated from principal buildings and other accessory buildings by no less than six feet.
5. *Compatibility.* Accessory buildings shall be designed to be compatible with the principal building in terms of:
 - a. Color, which shall be the same as or compliment the principal building;
 - b. Materials, which shall be the same as those used on the principal building, and in the case of siding or brick, shall be installed with the same patterns as on the principal building;
 - c. Roof pitch, materials, and color, which shall be the same as the principal building; and
 - d. Fenestration, if windows are provided, they should be of a type and aspect ratio that is similar to those on the principal building.
6. *Small Shed Exemption.* Small sheds are exempt from the compatibility requirements of Subsection I.5., if they are:

- a. Located in a residential zoning district;
- b. Not installed over a utility or access easement;
- c. 120 square feet or less in floor area; and
- d. 10 feet or less in height, measured from the base of the shed to the peak of the roof.

Sec. 3-8.1.10 Height Exceptions

The height limitations of this Unified Development Ordinance shall not apply to the following, except in the Airport Compatibility (AC) district: belfries, chimneys, church spires, conveyors, cooling towers, cupolas, domes, elevator bulkheads, fire towers, flag poles, ornamental towers and spires, public monuments, public utility poles, silos, skylights, smoke stacks, and stage towers or scenery lofts. Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve. No height extension shall serve as a place for human habitation.

Division 3-8.2 Supplemental Nonresidential Standards

Sec. 3-8.2.1 Permitted Encroachments

- A. **Generally.** Set out in **Table 3-8.2.1, Permitted Encroachments**, is the projections that may be located within required yards (between the required setback lines and the lot lines). Measurements in the table are taken from the setback line to the lot line (Into Required Yard), from the lot line into the lot (From Lot Line), and from the lot line into the right-of-way (Into Right-of-Way), subject to public agency approval.
- B. **Limitation.** These permitted encroachments shall not be interpreted to allow obstruction of a required sight triangle or line of sight in the right-of-way.
- C. **Interpretation.**
 - 1. If a measurement is indicated for “Into Required Yard” and “From Lot Line”, then the measurement that results in the larger distance from the lot line to the encroachment controls.
 - 2. If a measurement is indicated for “From Lot Line” and “Into Right-of-Way”, then the measurement that allows the smallest encroachment into the right-of-way controls.
 - 3. An indication of N/A means “not applicable” in that the limitation of another column is sufficient to control the location of the encroachment.
- D. **Right-of-Way Encroachment Permit Required.** No structure or portion of a structure is permitted to project into the right-of-way until a right-of-way encroachment permit has been issued prior to installation of the projection, as provided in the *Code of Ordinances, Chapter 17, Article IV, Encroachments and Excavations*.

Table 3-8.2.1 Permitted Encroachments			
Structure / Projection	Permitted Encroachments		
	Into Required Yard	From Lot Line	Into Right-of-Way
All Yards			
Awnings without supports that extend to the ground, not less than 8' above the sidewalk, and no interference with traffic flow.	To the lot line.	Generally 2'; 0' in CBD.	Generally not permitted; 10' in CBD over a sidewalk or pedestrian area, but not closer than 5' from back of curb.
Steps, 4 feet or less above grade, which are necessary for access to a building, or for access to a lot from a street or alley	Permitted as necessary for pedestrian access..	Permitted as necessary for pedestrian access; shall not interfere with vehicular traffic.	
Chimneys	2'	N/A	Not permitted.
Arbors and trellises	N/A	5'	Not permitted.
Flagpoles	N/A	5'	Not permitted.
Ground-supported communication and reception antennae	5'	Not permitted.	
Structures and projections not listed in this Table.	5'	Not permitted.	
Front Yard			
Overhanging eaves and gutters.	2.5'	N/A	Generally not permitted; permitted in CBD but shall not interfere with vehicular or pedestrian traffic.
Outdoor dining area in conjunction with an existing restaurant.	To the lot line in CBD	0' in CBD	Generally not permitted; 10' in CBD over a sidewalk or pedestrian area, but not closer than 5' from back of curb.
Patios or decks, provided that decks are not more than 6' above grade.	15'	5' or width of bufferyard, whichever is greater	Not permitted.
Side Yard			
Overhanging eaves and gutters.	2'	1'	Generally not permitted; 5' in CBD over a sidewalk or pedestrian area, but not closer than 5' from back of curb.
Air conditioning units	6' if screened from view by a fence, wall, or hedge that is 1' taller than the unit	2.5'	Not permitted.
Decks, less than six feet above grade.	N/A	3'; 0' if located adjacent to permanent open space.	Not permitted.
Decks, six feet or more above grade.	Generally 6'; 0' in CBD	Generally 2'; 0' in CBD	Not permitted.
Rear Yard			
Overhanging eaves and gutters	2.5'	1'	Generally not permitted; 5' in CBD over a sidewalk or pedestrian area, but not closer than 5' from back of curb.
Air conditioning units	6' if screened from view by a fence, wall, or hedge that is 1' taller than the unit	5'	Not permitted.
Decks, less than six feet above grade	N/A	10'	Not permitted.
Decks, six feet or more above grade	15'	5'; 0' if located adjacent to permanent open space	Not permitted.

Sec. 3-8.2.2 Fences, Walls, and Hedges

- A. **Generally.** The requirements of this Section apply to fences, walls, and hedges on nonresidential and multifamily lots or parcels.
- B. **Heights and Setbacks.** Set out in Table 3-8.2.2, Heights and Setbacks for Fences, Walls, and Hedges, is the allowable heights and setbacks for fences, walls, and hedges.

**Table 3-8.2.2
Heights and Setbacks for Fences, Walls, and Hedges**

Standard	Front Yard	Side Yard	Street Side Yard	Rear Yard ¹	Abutting RE, RS, RG, RU, NC, or CR districts or a Collector or Arterial Street
Maximum Height	Up to 3', subject to this Section.	6'	4'	6'	10' ²
Minimum Setback	5' from street and 1' from sidewalk	0'	5' from street and 1' from sidewalk; 20' from intersections of street and alley lot lines	0'; 3' from alley	0'
Transparency	50%	0%	50%	0%	0%

TABLE NOTES:

¹ A lower fence height, increased setback, or minimum transparency may be required to assure safe alley passage.

² May be required by the Plan Commission as a condition of approval of a sketch plan.

C. Materials.

1. Allowed Materials. Materials used for fences and walls shall be durable, and of a character commonly used in commercial applications, including:

a. Wood, provided that it is:

1. a weather resistant species;
2. treated with U.S. Environmental Protection Agency approved preservatives; or
3. finished (painted or stained and sealed);

b. Ornamental wrought iron or powder-coated aluminum (except those used for screening purposes);

c. Masonry (brick, stucco-finished concrete, split face concrete masonry units, or stone), but not unfinished concrete block; or

d. Combinations of these materials.

2. Limited Materials.

a. Chain link fences are permitted only:

1. In interior side yards and rear yards that are not also street yards; and
2. In street side yards where a hedge is planted outside of the fence and maintained at the height of the fence.

b. Chain link fences with slats are permitted only when screening is required.

c. Barbed wire and razor wire are not permitted outside of AR and IH districts, except where the Planning Commission finds that such measures are necessary to address a demonstrated security need that is specific to the parcel upon which it is proposed.

d. Electrified, barbed wire, razor wire and fences with spikes, nails, or other comparable sharp points are permitted only in the AR and IH districts.

e. Welded wire, agricultural fencing, and chicken wire fences are allowed only in the AR and OSR districts on lots where such fences exist on the effective date; or on the inside of split rail fencing in interior side and/or rear yards that are not also street yards, provided that it does not exceed the height of the fence.

3. Prohibited Materials. The following materials are not allowed as fence or wall components:

- a. scrap lumber;
- b. plywood;
- c. sheet metal; and
- d. plastic or fiberglass sheets.

D. Fence Required. Fences shall be installed at a minimum height of six feet and a maximum height of eight feet, that obscure the view of the operations and storage areas for the following uses:

1. Auto dismantling operations;
2. Auto wrecking yards;
3. Scrap metal yards;
4. Waste resource and waste recycling operations;
5. Salvage and storage yards;
6. Lumber yards;
7. Equipment storage yards;
8. Building material supply yards; and
9. Uses with similar outside storage.

E. Operations and Storage within Fenced Areas. All materials and equipment including trucks, trailers, and storage containers, used or stored by the uses must be stored within the fenced area of the property. Such materials and equipment shall not be stored, maintained, or used so as to be above the height of the sight-obscuring fence except as follows:

1. Mechanical equipment such as cranes, loaders, and crushers, may be of such a height as to be visible beyond the limits of the property; and
2. Except for equipment designed to move under its own power, all mechanical equipment with a height exceeding that of the sight-obscuring fence shall be located a minimum distance of 40' from any exterior property line; and
3. Except for lumber yards and building material supply yards, all of the uses specified in this Section and not conforming to the provisions of this Section shall have one year subsequent to the effective date to comply. In the case of annexation of properties with uses not conforming to the provisions of this Section, the uses shall have one year from the effective date of the annexation to comply.

F. Tilt and Orientation. See Section 3-8.1.2, *Fences, Garden Walls, and Hedges*.

G. Fence and Wall Design. See Section 3-8.1.2, *Fences, Garden Walls, and Hedges*.

H. Hedge Maintenance. See Section 3-8.1.2, *Fences, Garden Walls, and Hedges*.

I. Relationship to Sight Triangles and Sight Distances. See Section 3-8.1.2, *Fences, Garden Walls, and Hedges*.

Sec. 3-8.2.3 Satellite Dishes and Antennae

A. Generally. The standards of this Section apply to satellite dishes and antennae that are typically associated with nonresidential uses.

B. TV Antennae, DTV Antennae, Wireless Cable Antennae, and Satellite Dishes.

1. The location of ground-supported communication and reception antennae shall comply with the setbacks set out in *Table 3-8.2.1, Permitted Encroachments*.
2. The following are permitted if they are attached to a building or located within the buildable area of a principal structure. They may not be located in the front yard or on the front wall of the principal structure and may not extend more than 12 feet above the highest peak of the roof (lattice towers are not allowed on roofs):
 - a. TV antennae;
 - b. DTV antennae;
 - c. Wireless cable antennae; and

- d. Satellite dishes that are three feet, four inches or less in diameter.
- 3. All cabling must be run internally when feasible, securely attached, and as inconspicuous as practicable.
- 4. Masts that are greater than 12 feet above the peak of the roof are permitted if it is demonstrated that:
 - a. An adequate signal cannot be obtained at a lower height; and
 - b. The mast and antenna are lower than overhead power lines, or set back from overhead power lines such that a collapse of the mast will not result in contact with the lines.
- 5. Satellite dishes that are more than three feet, four inches in diameter are permitted if:
 - a. They are located on the ground in the rear yard and not visible from ground-level views from public rights-of-way or abutting properties; or
 - b. If the dish cannot be located in the rear yard, it is located on the ground within the buildable area on the side of the building and the dish or antenna is fully screened from view from public rights-of-way with:
 - 1. a masonry wall; and / or
 - 2. an evergreen hedge or shrub and understory trees; or
 - 3. The dish:
 - a. Is located in an IL (Light Industrial) or IH (Heavy Industrial) district, or in a OSR (Open Space and Recreation) district as part of a satellite farm or broadcasting center;
 - b. Is not visible from outside of the district;
 - c. Is not visible from any collector or arterial street; and
 - d. Is secured by a fence enclosure or rooftop installation.

Sec.3-8.2.4 Solid Waste Storage and Collection

- A. **New Development Projects.** All new development nonresidential projects shall provide containers for solid waste that are adequate to serve the development. At least one, eight yard container shall be provided per building plot.
- B. **Source Reduction / Recycling Plan Required.** All new development, new occupancies requiring approval, or expansions of buildings or uses where such development or use exceeds 10,000 square feet shall submit a Source Reduction / Recycling Plan for review and approval by the City. The plan shall incorporate provisions for recycling white paper, computer paper, glass, cans, cardboard, polystyrene, paper products, and other recoverable materials.
- C. **Recycling Access.** New development projects shall include a recycling area or areas that meet the following standards:
 - 1. Bins or containers placed in recycling areas shall be provided with lids, roofs, or other protective means against adverse environmental conditions such as rain, which might render the recyclable materials unusable;
 - 2. Areas shall be sufficient in capacity, size, number, and distribution to serve the development, or, for multiple commercial or residential tenant or user situations, that portion of the development project used by the tenant or user seeking approval or a permit;
 - 3. Areas shall be adjacent to the solid waste collection areas:
 - 4. Areas shall provide a separated pedestrian access gate; and
 - 5. Areas shall be within 25 feet of a hose bib.

D. Standards.

1. The facilities shall be located no more than 200 feet (walking distance) from the individual uses that they are intended to serve;
2. Access to the facilities shall be configured to meet the requirements of the refuse hauler, access shall be provided from the alley if an alley is present and used for service to other properties;
3. The areas where dumpsters are stored shall be fully enclosed by an opaque wall constructed of brick, stone, or stucco-finished concrete block, to a height of eight feet;
4. As displayed in *Figure 3-8.2.4, Example of Trash/Recycling Enclosure*, the enclosures shall:
 - a. Have opaque metal service gates which remain closed at all times except when the dumpster is being serviced;
 - b. Include separate, opaque metal pedestrian access gates or a pedestrian access opening that screens the dumpster from view;
 - c. Be large enough to accommodate:
 1. One or more dumpsters that are sufficient size to serve the development, based on the frequency of solid waste collection; and
 2. One or more recycling bins (whether provided at the time of development or not), based on the anticipated generation of recyclable materials and the frequency of collection.
 - d. Meet City engineering design standards, including those that pertain to maneuvering space.

Figure 3-8.2.4 Example of Trash/Recycling Enclosure



5. The facilities shall be located in a side or rear yard of the parcel proposed for development, unless it is not possible to provide service access in such locations;
6. If an enclosure must be located in a front yard to meet the requirements of the refuse service provider, it shall be designed and constructed with the same cladding materials used for the principal building walls; and
7. Unless such a location would cause the facilities to fail to comply with other standards in this Section, the facilities shall be spaced at least 35 feet from residential lot lines.

Sec. 3-8.2.5 Accessory Buildings and Structures (Non-residential/Multi-Family)

- A. **Timing of Construction.** No accessory building or structure shall be constructed unless the principal building is constructed or under construction simultaneously with the accessory building.
- B. **Attached Accessory Buildings or Structures.** Accessory buildings or structures that are structurally attached to a principal building shall conform to all standards that are applicable to principal buildings.
- C. **Storage Buildings.** Storage buildings are permitted as accessory structures on nonresidential sites if the Director finds that:
 1. The cumulative floor area of storage and utility buildings does not exceed 25 percent of the gross floor area of the principal building.
 2. They are located behind the principal building(s) and at least 150 feet from street rights-of-way.
 3. They are completely screened from view from adjacent properties and public rights of way by buildings, fences, walls, or hedges.
 4. They will not include converted semi-trailers, manufactured homes, modular shipping containers, dumpsters, or similar structures or equipment used for storage. These are permitted in the IH district subject to all regulations of this Section.
 5. If they are larger than 200 square feet, they are located within the building envelope.
 6. If they are 200 square feet or less, they are situated behind the principal building and set back at least 10 feet from all side and rear property lines.
- D. **Other Detached Accessory Buildings or Structures.**
 1. *Footprint.* In the CR (Commercial Re-Use), CG (General Commercial), CBD (Central Business District), AC (Activity Center), and DS (Destination / Select Use) districts, no detached accessory building or buildings shall cover an area that is larger than 25 percent of the gross floor area of the principal building.
 2. *Exemption for Certain Districts.* In the CA, IL, IH, and AR districts, accessory buildings are not subject to a specific maximum footprint. However:
 - a. If they are larger than 200 square feet, they shall be located within the building envelope; or
 - b. If they are 200 square feet or less, they shall be situated behind the principal building and set back at least 10 feet from all side and rear property lines.
 3. *Location and Setbacks:* No detached accessory building shall be located in a required front yard.
 4. *Easements.* Accessory structures shall not be located in an easement unless express written permission has been granted by all easement grantees. A copy of such written permission shall be submitted to the City prior to the issuance of permits for such structures.
 5. *Building Separation.* No detached accessory building or structure shall be located closer than six feet to any other building.
 6. *Height.* No detached accessory building shall be more than one story nor exceed 17 feet in height, unless located within the building envelope and permitted as an accessory to business or manufacturing uses.

Sec. 3-8.2.6 Outdoor Display of Merchandise

- A. **Generally.** This Section sets out the standards that are applicable to permanent or seasonal (longer than 30 days) outdoor merchandise display areas.
- B. **Display Areas Attached to Principal Buildings.** Outdoor display areas that are attached to a principal building are permitted if it is demonstrated that the display areas are:
1. Adjacent to a wall of a principal structure, and configured as a walled or decoratively fenced area;
 2. Within the buildable area of the parcel proposed for development;
 3. Not located in areas that are required or used for parking or vehicular circulation; and
 4. Not larger than the area set out in **Table 3-8.2.6, Area of Outdoor Display of Merchandise.**

Table 3-8.2.6 Area of Outdoor Display of Merchandise	
Use	Maximum Outdoor Display Area
Commercial Retail	15% of gross floor area of the principal building
Heavy Retail – Home Centers, Warehouse Clubs, and Superstores	33% of gross floor area of the principal building
Heavy Retail – All Others	50% of lot area
Nurseries and Greenhouses	Area within the building envelope

- C. **Sidewalk Displays.** Displays are permitted on sidewalks that abut the principal building if it is demonstrated that:
1. Merchandise is displayed to a height of eight feet or less;
 2. There is at least five feet of clear width on the sidewalk for use by pedestrian traffic;
 3. All sidewalk merchandise displays are within 40’ of an entrance to the principal use, or located in the area defined by the forward projection of the side walls of the use, whichever is a smaller display area; and
 4. The sidewalk is not within a public right-of-way, or the sidewalk is located within the CBD or AC district and the location of the display is approved by a revocable license agreement.
- D. **Passenger Motor Vehicle Sales or Rental and Heavy Vehicle, Watercraft, or Aircraft Sales or Rental.** Where outdoor display of vehicles or construction / heavy equipment is allowed and provided, vehicles and equipment may only be displayed on paved areas of the parcel proposed for development. Such merchandise shall not occupy or obstruct required parking spaces.
- E. **Other Displays.** Heavy retail (except home centers, warehouse clubs, and superstores), nurseries, and greenhouses, may display merchandise outside within the building envelope of the lot. Display areas shall be indicated on the site plan, shall not interfere with parking and vehicular circulation areas, and shall not occupy landscape areas that are used to meet landscaping requirements.

Sec. 3-8.2.7 Height Exceptions

The height limitations of this Unified Development Ordinance shall not apply to the following, except in the Airport Compatibility (AC) district: belfries, chimneys, church spires, conveyors, cooling towers, cupolas, domes, elevator bulkheads, fire towers, flag poles, ornamental towers and spires, public monuments, public utility poles, silos, skylights, smoke stacks, and stage towers or scenery lofts. Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve. No height extension shall serve as a place for human habitation.

Division 3-8.3 Special Building Standards

Sec. 3-8.3.1 Single Family Attached and Multiplex Building Standards

It is the intent of design standards to cause development to be compatible with the existing built environment. Good design ensures neighborhood compatibility by appropriate scale and massing adjacent to existing houses. The provisions of this section shall apply to all duplex, triplex, quadraplex, and townhouse developments throughout the City. These standards shall supersede existing regulations elsewhere in the Unified Development Ordinance when in conflict with this section. In all cases, compatibility with the neighborhood shall govern. The provisions of this section shall apply to all new duplex, triplex, quadraplex, and townhouse construction and; additions or alterations to an existing duplex, triplex, quadraplex, or townhouse, totaling 25 percent or more of the gross floor area of the existing building. Interior improvements that do not affect the footprint or façade of the building are excluded. Only the portions of the building or site being altered or added to shall be required to integrate design standards into the design of the alteration or addition. The provisions of this section shall apply to all use conversions to duplex, triplex, quadraplex, and townhouse where conditionally permitted.

In order to provide flexibility and creativity of project designs and to promote development that is more compatible with the existing built environment, departures from these standards may be permitted subject to the approval of the Director of Planning, Research, and Development. In making this determination the director shall find that the departure creates a project design that meets or exceeds the overall purpose and intent of the design standards and replicates the design features existing within the surrounding area. The Director may require such plans as necessary to render such a decision. The applicant may request to have their request for departure from these standards reviewed by the Planning Commission. In such cases, the Director shall determine whether the application is sufficient and therefore complete. In the event the Director makes the determination that the application is incomplete; the applicant may request that the Chairman of the Planning Commission review the application for sufficiency and completeness. In those cases, the decision of the Planning Commission Chairman shall govern. In all cases the Director may, at his discretion, refer the request from departure from these standards to the Planning Commission for review and approval.

The following design standards are intended to implement the City's vision for housing as set forth in the Comprehensive Plan.

A. Duplex.

1. *Generally.* A duplex is a structure that contains two dwelling units constructed on a single lot.
2. *Site Standards.* See *Section 1-2.8.2, Residential and Commercial Use of the Home Standards.*

Duplexes that have vehicular access from the street may provide a separate hard surface driveway for each unit, each of which shall be no more than 20 feet wide, or may provide a shared hard surface driveway for both units that is no greater than 27 feet wide for both units.

Parking shall only be allowed in designated areas, which may be inclusive of the driveways.

Landscaping shall be provided in a manner that protects the single family character of the surrounding area. For the purposes of this Section, the term "surrounding area" is defined as the area within the shorter distance of the block or 500 feet in each direction on the same side of the street, as measured from the corners of the front property line and including properties that are, in whole or in part, within the aforementioned distance.

The schedule of lot requirements follow that of *Table 2-4.1.3, Lot and Building Standards by Housing Type.*

3. Building Development Standards.

Front-facing garage doors shall not be greater than 16 feet wide and shall be separated by at least 18 inches. Garages accessed from an alley or if oriented perpendicular to the street are exempt from these width and separation requirements.

Primary entrance(s) into the building shall be oriented to a street. Duplexes may share a primary building entrance with interior access to each unit.

Primary building entrances shall be separated by at least three feet.

Primary entrance(s) shall be sheltered by a covered front porch.

The roof of the covered porch shall be attached to and compatible with the architecture of the building.

Each entry door shall be lit by an external light fixture securely affixed to the building.

The architecture of the buildings shall include features that are repetitive or similar to the architectural features of the existing buildings of the surrounding area.

Building facades, herein defined as the street front face of the building, shall be articulated for the purpose of creating visual interest. The following are examples of features that may be used to accomplish the required articulation:

1. Building offsets;
2. Interesting fenestration and roof lines; and/or
3. Front porches to encourage "eyes on the street."

If more than 50 percent of the existing principal structures in the surrounding area have an elevated first floor, then the first floor of the duplex shall be elevated above the finished grade across the front building line to an average of the principal structures in the surrounding area. Provided, however, in no event shall the first floor be elevated less than eight inches. The foundation shall be skirted with brick, split-faced block, rock or a like material, or stucco or a similarly applied cementuous treatment.

Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of doors and windows which shall include associated shutters, and decorative framing. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of doors and windows as described above.

The front façade shall incorporate wall finish materials that are compatible, in all cases, with the surrounding area. It is recommended that one or more of the following wall finish materials be used:

1. cementous siding (e.g. hardi-plank, permastone, etc.);
2. brick;
3. external woods (pressure treated);
4. stucco;
5. vinyl; or
6. another material as may become available

Roofing materials shall be constructed of the following; provided, however, that if the existing principal structures in the surrounding area have alternate roofing materials, then the alternate roofing materials may be used:

1. architectural shingles;
2. three-tab flat shingles;
3. concrete tile;
4. slate; or
5. building integrated photovoltaics.

4. Sidewalks.

Sidewalks that are fully compliant with standards set out in the current regulations of the Americans with Disabilities Act (ADA) and current requirements of SCDOT, shall be provided along the front property

line of each building where at least 40 percent of the surrounding area has front sidewalks or either adjacent lot has a sidewalk.

A sidewalk shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

B. Tri-plex and Quadraplex. The principle design for a tri-plex and quadraplex is a single family detached dwelling. For the purposes of these regulations, a tri-plex is a building that contains three separate dwelling units that share a primary front building entrance. A quadraplex is a building that contains four separate dwelling units that share a primary front building entrance. Alternate entrances to each unit may be located on the side or rear of the building. These standards for triplexes and quadraplexes shall only apply for infill developments. For the purposes of this Section, infill development shall be defined as development on lots containing less than two acres and not fronting a private street or existing parking lot. However, in cases where lots are in excess of two acres, the Director shall only approve development applications if, in his determination, the development maintains the character of the surrounding area.

1. *Site Standards. See Section 1-2.8.2, Residential and Commercial Use of the Home Standards.*

2. *Building and Development Standards.*

Front facing garage doors shall not be greater than 16 feet wide and shall be separated by at least 18 inches. Garages accessed from an alley or oriented perpendicular to the street are exempt from these width and dimensional requirements.

The primary entrance into the building shall be oriented to face a street.

A garage, including the frame, shall not be greater than 50 percent of the horizontal plane of the front building façade.

If more than 50 percent of the existing principal structures in the surrounding area have an elevated first floor, then the first floor of the triplex or quadraplex shall be elevated above the finished grade across the front building line to an average of the principal structures in the surrounding areas. Provided, however, in no event shall the first floor be elevated less than eight inches. The foundation shall be skirted with brick, split-faced block, rock or a like material, or stucco or a similarly applied cementuous treatment.

Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of doors and windows, which shall include associated shutters and decorative framing. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of doors and windows as described above.

The front façade shall incorporate wall finish materials that are compatible, in all cases, with the surrounding area. It is recommended that one or more of the following wall finish materials be used:

1. cementous siding (e.g. hardi-plank or permastone);
2. brick;
3. external woods (pressure treated);
4. stucco;
5. vinyl; or
6. another material as may become available, if approved by the Planning Commission (*see footnote two*).

Roofing materials shall be constructed of the following; provided, however, that if the existing principal structures in the surrounding area have alternate roofing materials, then the alternate roofing materials may be used:

1. architectural shingles;

2. three-tab flat shingles;
3. concrete tile;
4. slate; or
5. building integrated photovoltaics.

3. Sidewalks

Sidewalks, fully compliant with the standards set out in the current regulations of the Americans with Disabilities Act (ADA) and current requirements of SCDOT, shall be provided along the front property line of each project where at least 40 percent of the surrounding area has front sidewalks or either adjacent lot has a sidewalk.

A sidewalk shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

C. Townhouse. Townhouse design is a single-family attached dwelling unit in a building containing two or more units, contiguous to each other only by the sharing of one common bearing wall; such buildings are of the townhouse or row house type as contrasted to multiple dwelling apartment structures.. All townhouses in the City must comply with the requirements of this Code, unless altered by the applicable provisions set out below. No single building shall contain more than eight units, and each unit shall have separate and individual front and rear entrances. These standards for townhouses shall only apply for infill developments. For the purposes of this Section, infill development shall be defined as development on lots less than two acres and not fronting on a private street or existing parking lot. However, in cases where lots are in excess of two acres, the Director shall only approve development applications if, in his determination, the development maintains the character of the surrounding area.

1. *Site Standards. See Section 1-2.8.2, Residential and Commercial Use of the Home Standards.*
2. *Building Design Standards.*

Building Development Standards:

1. Built-in first floor garages for each unit shall not be greater than 12 feet wide and shall be separated by at least 18 inches. Garages accessed from an alley are exempt from these width and dimensional requirements.
2. The primary entrance into the building shall be oriented to face a street.
3. All primary entrances shall be sheltered by a covered front porch.
4. Primary unit entrances shall be separated by at least three feet.
5. Each unit door shall be lit by an external light fixture securely affixed to the building.
6. Parking shall only be allowed in designated areas, which may be inclusive of the driveways.
7. A continuous landscape screen that is a minimum height of three feet at the time of planting, or approved fencing, shall be required along the perimeter of the parking area or that area that is affected by parking when adjoining existing residential uses or a publicly maintained street.
8. Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of doors and windows, which shall include the associated shutters and decorative framing. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of doors and windows as described above.
9. The front façade shall incorporate wall finish materials that are, in all cases, compatible with the surrounding area. It is recommended that one or more of the following wall finish materials be used:
 - a. cementitious siding (e.g. hardi-plank or permastone);

- b. brick;
- c. external woods (pressure treated);
- d. stucco;
- e. vinyl; or
- f. another material as may become available, if approved by the Planning Commission.

Sidewalks

1. A sidewalk, fully compliant with the standards set out in the current regulations of the Americans with Disabilities Act (ADA) and current requirements of the SCDOT, shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

Footnotes

¹ *The term surrounding area is defined as the area within the shorter distance of the block or five hundred (500) feet in each direction on the same side of the street, as measured from the corners of the front property line and including properties that are whole or in part within the aforementioned distance.*

² *Other material as may become available must be approved by the Planning Commission.*

Sec. 3-8.3.2 Fueling Stations, Light Automobile Service, and Car Wash Building Standards

- A. **Generally.** Fueling stations, light automobile service, and car wash buildings shall be designed in accordance with the standards of this Section.
- B. **Bay orientation.** All bays shall be oriented away from any residential district or use.
- C. **Building Materials.** On any site that abuts a residential district or use:
 1. No materials on the exterior wall of the building or canopy may be made of, or appear to be made of, painted metal, vinyl, or plastic; and
 2. Colors of the exterior walls of buildings and canopies shall be integral to the building materials and may not be painted. Metal that is found to be "decorative" and weather-resistant by the Director may be permitted.

Sec. 3-8.3.3 Sexually Oriented Business Building Standards

- A. **Exterior Walls.** It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the sexually oriented business to be painted any color other than shades of brown, beige, tan, or grey. Substitutes may be proposed by the owner or operator, which may be accepted by the City upon a determination that such substitute color is compatible with and similar to other neighboring buildings' colors; provided however, the use of high intensity colors, primary colors, metallic colors, black or fluorescent colors is prohibited. This provision shall not apply to any sexually oriented business if the following conditions are met:
 1. The sexually oriented business is a part of a multi-unit center; and
 2. The exterior portions of each individual unit in the multi-unit center, including the exterior portions of the sexually oriented business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the center.
- B. **Displays on Buildings.** No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the exterior of the building.

Sec. 3-8.3.4 Self-Storage Building Standards

- A. **Utilities.** Storage units shall not have separate sewer, water, or electrical services except for needed lighting

purposes.

B. Uniform Design. The facility, including the caretakers/managers residence, storage units, and office shall be designed using roof and building materials and colors that are compatible with adjacent developments within a distance of 300 feet.

C. Lighting. All wall-mounted lights shall be located on the building below the roofline of the storage facility and shall be directed downward. Freestanding lighting shall not exceed 16 feet in height, and shall be setback a minimum of 50 feet from the property line adjacent to residential districts and uses.

D. Cladding.

1. *Cladding Color.* Colors of cladding on the front, side, and street side facades shall be integral to the cladding.

2. *Cladding Materials.* Cladding materials for the front, side, and street side facades shall be limited to:

a. Masonry (including brick and split-face concrete blocks);

b. Stucco;

c. Cementous siding; and/or

d. Combinations of these materials; or

e. Other similar materials approved by the Plan Commission.

3. *Prohibited Cladding Materials.* The following materials are prohibited materials on the front, side, and street side facades:

a. Metal;

b. Vinyl;

c. Smooth concrete block (painted and unpainted); and

d. Plastic.

PART 4 SITE DESIGN AND DEVELOPMENT

ARTICLE 9 PARKING AND LOADING

Division 4-9.1 Purpose and Applicability

Sec. 4-9.1.1 Purpose

A. Purpose. The purpose of this Article is to ensure that:

1. Adequate off-street parking is provided for uses that are permitted by this Unified Development Ordinance;
2. Sufficient parking is provided in nonresidential areas that are near residential neighborhoods, so that the character and quality of life in the residential neighborhoods are protected from overflow parking;
3. The sharing of off-street parking spaces among uses that have different peak parking demands allows for a reduction in the number of parking spaces that are required to serve mixed-use development;
4. Adequate loading areas and (where appropriate) stacking areas are provided that do not interfere with the function of other vehicular use areas; and
5. Vehicular use areas and sites are designed to maintain the function and safety of the adjacent street(s).

B. Additional Purposes. In addition to parking requirements that provide for convenience, neighborhood protection, and mobility, this Article provides ways to reduce the number of parking spaces that are required for development in order to promote the efficient use of land and reduce the expanse of paved areas.

Sec. 4-9.1.2 Applicability

A. Applicability.

1. All new development shall provide the quantity of parking spaces required by [Division 4-9.2](#), Required Parking and Loading, and shall comply with all other provisions of this Article.
2. Whenever a building or use constructed or established after the effective date of this Code is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise creates a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
3. Off-street parking areas provided to comply with the provisions of this Division shall not be reduced below the requirements set out in [Division 4-9.2](#), Required Parking and Loading except in conformance with [Section 4-9.2.5](#), Credits and Reductions for Alternative Parking.
4. Major redevelopment of existing sites shall provide the quantity of parking spaces required by [Division 4-9.2](#), Required Parking and Loading, as follows:
 - a. Proposed redevelopment that abuts or is adjacent to a collector or arterial street shall demonstrate the capacity of the site to accommodate the total required quantity of parking spaces for the parking floor area of the existing and/or proposed use(s). As applicable, credits may be available for off-site or shared parking or a reduction may be warranted by a parking study, as set out in [Section 4-9.2.5](#), Credits and Reductions for Alternative Parking.
 - b. Proposed redevelopment that does not abut nor is adjacent to a collector or arterial street shall demonstrate the means for accommodating either on-site or off-site (*see Section 4-9.2.5.D, Off-Site*

Parking) the total required quantity of parking spaces for the parking floor area of the existing and/or proposed uses(s).

5. Minor redevelopment of existing sites shall provide the quantity of parking spaces required by [Division 4-9.2](#), Required Parking and Loading to the extent of the new demand created by the redevelopment.
- B. Timing of Compliance.** No certificate of occupancy shall be issued unless and until off-street vehicular parking is provided in accordance with this Article.
- C. Uses Not Listed.** The Director shall determine the parking requirements for uses that are not listed in [Division 4-9.2](#), Required Parking and Loading based on:
1. The determination as to whether the use is either a subcategory of or functionally similar to a permitted, conditional, or permitted special exception use, as set out in [Section 1-2.7.8](#), Unlisted and Functionally Similar Uses; or
 2. Parking studies of similar uses that are provided by the applicant, certified by a registered professional engineer, and approved by the Director (See [Section 4-9.2.4](#), Special Studies); or
 3. As forwarded by the Director to and determined by the Planning Commission.

Division 4-9.2 Required Parking and Loading

Sec. 4-9.2.1 Calculations and Special Provisions

- A. Generally.** The standards of this Section set out the means for calculating the minimum number of parking spaces that are required for each land use that is listed in the following:
1. [Table 4-9.2.2A](#), Parking for Residential and Commercial Uses of the Home;
 2. [Table 4-9.2.2B](#), Parking for Institutional, Recreation, and Amusement Uses;
 3. [Table 4-9.2.2C](#), Parking for Commercial Uses;
 4. [Table 4-9.2.2D](#), Parking for Industrial, Logistics, and Storage Uses;
 5. [Table 4-9.2.2E](#), Parking for Communications, Utility, and Transportation Uses; and
 6. [Table 4-9.2.2F](#), Parking for Agricultural Uses.
- B. Minimum vs. Maximum Parking.** The standards for required parking set out in this Division are the minimum quantity of parking spaces that are required for each of the listed uses. The total number of parking spaces shall not exceed 125 percent of the minimum required quantity of parking spaces unless the applicant:
1. Justifies in writing the purposes and reasons for exceeding the minimum required parking spaces, citing industry standards and/or special studies for this or similar uses;
 2. States in writing whether the area of impervious surface (including parking and drive aisle spaces) that exceeds the minimum parking requirements may be deferred for construction at a later date, as warranted, and remain in the near term as landscape surface area. If so, this area does not count toward the required landscape surface area as set out in [Table 2-6.1.1](#), Nonresidential and Mixed Use Lot and Building Standards. If not, the statement shall justify the reasons why the additional parking may not be deferred.
 3. Demonstrates the site design techniques that will be employed to mitigate the impacts of the increased impervious surface area including storm water runoff and the heat island effect.
 4. Increases the amount of landscape surface area above that required by [Table 2-6.1.1](#), Nonresidential and Mixed Use Lot and Building Standards for an area that is at least 50 percent of the area of impervious surface (including parking and drive aisle spaces) that exceeds the minimum parking requirements. Such landscape surface area shall be landscaped as set out in [Article 10](#), Landscaping and Buffering.
- C. Calculations.** The number of required parking spaces is calculated according to the formulas set out in this Division, and then adjusted according to the standards of [Section 4-9.2.5](#), Credits and Reductions for

Alternative Parking, if applicable.

D. Rounding. If the final calculated number of required parking spaces includes a fractional space, the number of required parking spaces is rounded up to the nearest whole number, regardless of the fraction.

E. Abbreviations. The abbreviations in the tables are as follows:

1. Acre - AC
2. Bedroom – BR
3. Dwelling Unit – DU
4. Recreational Vehicle - RV
5. Square Feet - SF

F. Special Parking Provisions.

1. Recreational Vehicles.

a. Private Lots in Residential Districts. In residential districts, no recreational vehicle, ATV, or boat that is longer than 17 feet (not including the trailer on which the boat is mounted) shall be parked or stored in any required front or side yard setback area, nor within five feet of the rear property line; except that:

1. Outside of Manufactured Home Parks:

- a. Recreational vehicles may be parked anywhere on a residential lot for a period not to exceed 24 hours, for loading or unloading purposes; and
- b. Recreational vehicles may be used for temporary lodging for not more than seven days.

2. In Manufactured Home Parks and Manufactured Home Subdivisions. Recreational vehicles may be parked in spaces that are designated for temporary use, as described in 1(b) above, or unoccupied storage by recreational vehicles on the site plan or plat.

b. Common Storage Areas in Residential Districts. Residential development may include a common area for the storage of recreational vehicles and boats, provided that:

1. The storage area is surrounded by a Type B bufferyard; and
2. Use of the storage area is limited to recreational vehicles and boats that are owned by the residents of the development.

c. Nonresidential Districts. Overnight parking of recreational vehicles, ATVs, or boats is prohibited other than for those uses that sell, lease, or service such vehicles., provided that:

1. These vehicles do not occupy or reduce the number of required parking spaces on the premises; and
2. Any connection of a recreational vehicle to utilities, including, but not limited to, water, sewer, and/or electricity, is prohibited, except:
 - a. To perform routine maintenance or repairs for a period not to exceed three days; or
 - b. Electricity may be connected to recreational vehicles that are displayed for-sale or for-rent at a use for which they are permitted.

2. Inoperable Vehicles and Construction Equipment. No automobile, truck, or trailer of any kind, without current license plates, shall be parked and construction equipment shall not be stored on any lot in a residential zoning district, other than in a completely enclosed building, or physically removed from public view.

3. Commercial Vehicles. Generally, commercial vehicles shall not be parked overnight on residential property unless they are located within carports or garage enclosures. However, one commercial vehicle is allowed in a driveway, provided that it is a van (with or without equipment racks), pickup truck (with or without equipment racks, and including 6-wheeled pickup trucks), or flatbed truck with a capacity that is no greater than two tons. Vehicles with a capacity that is greater than two tons are prohibited in all residential zoning districts.

4. Trailers.

- a. Commercial trailer storage is prohibited in residential districts.
- b. Commercial trailer storage is restricted in nonresidential districts to areas that are designated on an approved site plan and which do not occupy or reduce the number of required parking spaces on the premises.
- c. Residential trailers shall not be parked or stored in any required front, side, or street side yard, nor within five feet of the rear property line.

5. Transportation Uses.

- a. Parking and loading requirements for transit centers or hubs shall be determined by a parking study.
- b. Parking and loading for other transportation uses, where the Director has determined that the use will not create a parking demand, are exempt these parking requirements.
- c. Cellular communication towers shall provide on- site parking for one service vehicle, which may be a natural or crushed rock surface.

Sec. 4-9.2.2 Required Parking and Loading by Land Use Type

Set out in **Table 4-9.2.2A, Parking for Residential and Commercial Uses of the Home**, is the parking and loading requirements for residential and commercial uses of the home where they are permitted as set out in [Division 1-2.7, Land Uses](#).

Table 4-9.2.2A Parking for Residential and Commercial Uses of the Home		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Residential Uses		
Accessory Dwelling Unit	See Section 1-2.10.1, Residential Accessory Uses	N/A
Cottage	2 spaces per DU+ 1 guest space per 4 DUs	N/A
Duplex	2 spaces / DU	N/A
Live-Work Units ²	3 spaces per DU	N/A
Lot Line Home	2 spaces / DU	N/A
Manufactured Home ¹	Subdivision: 2 spaces per DU Park: 2 spaces per DU, plus 1 guest space per 4 DUs	N/A
Multifamily	Studio / 1 BR units: 1 space per DU; 2+ BR units: 1.2 spaces per BR; and All: 1 guest space per 4 DUs	1 space per 20 dwelling units in a vertically mixed-use building; not required in other configurations
Multiplex (triplex or quadraplex)		
Patio Home	2 spaces / DU	N/A
Single-Family Detached	2 spaces / DU	N/A
Townhome	2 spaces / DU	N/A
Commercial Uses of the Home		
Bed and Breakfast Inn	1 space per BR (including those used by residents and guests; additional spaces for the du. are not required)	N/A
Child Care Services	2 spaces per du., plus one additional space	N/A
Group Home	2 spaces per DU, plus two additional spaces	N/A
Home Occupation	2 spaces per DU, plus one additional space	N/A
¹ Permitted only in a manufactured home park or manufactured home subdivision. ² Parking is exempted in the Central Business District (CBD)		

Set out in **Table 4-9.2.2B, Parking for Institutional, Recreation, and Amusement Uses**, is the parking and loading requirements for institutional, recreation, and amusement uses where they are permitted as set out in [Division 1-2.7, Land Uses](#).

**Table 4-9.2.B
Parking for Institutional, Recreation, and Amusement Uses**

Use	Standard Development	
	Required Parking Spaces	Required Loading Spaces
Institutional Uses		
Assisted Living / Congregate Care Facilities	1 space per DU, plus 1 space per 3 beds in shared living facilities	1 space per building with a floor area of 50,000 SF or greater
College / University / Vo-Tech	1 space per 200 sf. of floor area (except auditoriums, theaters, gymnasiums, and stadiums), plus 1/3 space per person times the capacity (persons) of auditoriums, theaters, gymnasiums, and stadiums	1 space per building with a floor area of 50,000 SF or greater
Hospital / Walk-In Clinic / Birthing Center / Surgical Facility	1 space per 2 beds, plus parking required for out-patient serving areas (See General Professional/ Medical Office in Table 4-9.2.2C, Parking for Commercial Uses)	1 space per building with a floor area of 50,000 SF or greater
Nursing Homes	1 space per 3 beds	1 space per 20 sleeping rooms
Prison / Protective Custody		
- Jail or Prison	1 per 5 cells	1 per 30 cells
- All Other	1 space per 4 beds	1 space per 20 sleeping rooms
Private Club		
- No Food Service	1 space per 250 SF of floor area used for assembly	Over-the-curb loading allowed during off-peak hours, otherwise 1 space per building
- With Food Service	1 space per 100 SF of floor area used for assembly	1 space per 25,000 SF
Public Assembly (places of worship; preschools; elementary, middle, and high schools; libraries; community centers; child or adult day care)		
- Adult Day Care	1 space per 300 SF	N/A
- Day Care / Preschool	1 space per 100 SF	N/A
- Elementary School	3 spaces per classroom	1 space per 40,000 SF
- Middle School	4 spaces per classroom	1 space per 40,000 SF
- High School	See Section 4-9.2.4, Special Studies	1 space per building with a floor area of 50,000 SF or greater
- Library or Museum	1/3 space per person times building capacity (in persons)	1 space per 75,000 SF of floor area
- All Other	Greater of: 1 space per 6 seats in auditorium; or 1 space per 250 SF of floor area	N/A
Public Service		
- Post Office	1 space per 200 sf. + 1 space per postal vehicle stored on-site	1 space per 10,000 SF
- Fire Station	4 spaces per emergency vehicle bay	N/A
- Police Station	1 space per 250 SF	1 space per 60,000 SF if the building is larger than 40,000 SF
-All Other	1 space per 300 SF	N/A
Recreation and Amusement Uses		
Indoor Commercial Amusement		
- Bowling Alley	5 spaces per lane	1 space
- Movie Theater	1 space per 3 seats, plus 3 spaces per screen	1 space
- Skating Rink	1 space per 100 SF of rink surface	1 space
- All Other	6 spaces per 1,000 SF	1 space
Indoor Recreation		
- Swimming Pool	1 space per 2 person capacity	1 space
- Tennis, Racquetball; Handball	2 spaces, plus 1 space per court, plus 1 space per 5 courts	1 space
- Community Recreation Center	1 space per 400 SF	1 space per 50,000 SF
- All Other	1 space per 400 SF	1 space
Outdoor Commercial Amusement (amphitheaters, arenas, outdoor performing facilities)		
- Outdoor Arenas	1 space per 3 seats	1 space per 500 seats
- All Other	See Section 4-9.2.4, Special Studies	
Outdoor Recreation		
- Athletic Field	Greater of: 1 space per 4 seats (spectator); or 30 spaces per athletic field	N/A
- Campground	1 space per camp site, plus 1 space per 20 camp sites	N/A
- Day Camp	1 space per 4 campers	N/A

- Driving Range	3 spaces per 4 stations	N/A
- Mini Golf	4 spaces per hole	N/A
- Golf Course	4 spaces per hole	N/A
- Playgrounds	12 spaces per AC	N/A
- Shooting or Archery Range	5 spaces per 4 stations	N/A
- Swimming Pool	1 space per 250 SF of water surface area	N/A
- Tennis Courts	2 spaces per court, plus 1 space per 250 SF of clubhouse or pro shop	N/A
- Other Active Recreation	12 spaces per AC	N/A
- Passive Recreation	2 spaces per AC	N/A
- Recreational Vehicle Parks and Camps	1 space per RV, plus 1 guest space per 4 RVs	N/A
Sexually Oriented Business	Greater of: 4 spaces per 5 seats; or 1 space per 150 SF of floor area	1 space

Set out in **Table 4-9.2.2C, Parking for Commercial Uses**, is the parking and loading requirements for commercial uses where they are permitted as set out in [Division 1-2.7, Land Uses](#).

Table 4-9.2.2C Parking for Commercial Uses		
Use	Standard Development	
	Required Parking Spaces	Required Loading Spaces
Commercial Uses		
Alcoholic Beverage Sales (Offsite Consumption)	1 space per 200 SF	1 space per 15,000 SF
Alcoholic Beverage Sales (Onsite Consumption)	1 space per 60 SF of dining space, plus 1 space per 100 SF of kitchen space, plus 1 space per 100 SF of outdoor dining	1 space
Animal Boarding Facilities, Small Animal	1 space per 250 SF	1 space if the use is larger than 10,000 SF
Animal Grooming Facilities		N/A
Animal Veterinary, Small Animal		N/A
Animal Veterinary, Large Animal		1 space per dock
Automobile Sales, Rental and Service Establishments	1 space per 300 SF of office, plus 1 space per 600 SF of showroom, plus 1 space per 500 SF of service area	1 space, plus 1 space per 25,000 SF of service area
Automobile Repairs, Heavy	4 spaces per service bay	1 space
Automobile Repairs, Light	4 spaces + 1 space per service bay (pump stations are not counted)	
Commercial Retail (Business Services; Personal Services; Shopping Centers) ¹		
- Grocery	1 spaces per 200 SF	1 space per 25,000 SF
- All Other	1 space per 250 SF	
Event Facility / Banquet Hall / Dance Hall / Lodge	1 space per 75 SF	1 space per 50,000 SF
Fueling Station / Car Wash	3 spaces + 2 spaces per bay or stall	N/A
General Professional/ Medical Office		
- Financial Institutions	1 space per 250 SF	1 space per 33,000 SF
- Medical	1 space per 200 SF	
- Call Center	1 space per 150 SF	
- All Other	1 space per 300 SF	

Heavy Retail/Home Center		
- Home Center	1 space per 500 SF of floor area	1 space per 50,000 SF
- Lumberyard	1 space per 500 SF of office, plus 1 space per 1,000 SF yard space	1 space per 50,000 SF of area put to the heavy retail use
Nursery, Retail	1 space per 250 SF of office or sales floor area, plus 1 space per 3,000 SF of outdoor nursery area	0 to 49,999 SF: 1 space 50,000+ SF: 1 space for first 50,000 SF, plus 1 space per 75,000 SF of additional floor area
Overnight Accommodations (hotels, motels, commercial inns)		
- Hotels and motels, full service	1 space per guest room, plus 2 spaces per 10 guest rooms, plus 1 space per 100 SF of meeting space, plus 1/2 of required parking for accessory retail, restaurant, and alcoholic beverage sales uses	1 space, plus 1 space per 50,000 SF meeting rooms, restaurants, and shops
- All Other	1 space per guest room, plus 2 spaces per 10 guest rooms	1 space per 75 rooms
Restaurant; Drive-In or Drive Through	1 space per 60 SF	1 space
Restaurant; No Drive-In or Drive-Through	1 space per 60 SF of dining space, plus 1 space per 100 SF of kitchen space, plus 1 space per 100 SF of outdoor dining	1 space
Services		
- Beauty or Nail Salon, Barber Shop, Spa	4 spaces per 1,000 SF	N/A
- Dry Cleaner	3 spaces per 1,000 SF	1 space if dry cleaning is done off-site
- All Other	3 spaces per 1,000 SF, plus 1 space per stored company vehicle	1 space per 75,000 SF
Tattoo Facilities	1 space per 250 SF	N/A
Truck Stops and Truck Washes	1 space per 4 pump stations, plus 3 spaces per service bay, plus 1 space per 200 SF for the convenience store	1 space per 15,000 SF, plus spaces for truck parking
Wholesale	1 space per 500 SF	1 space per 50,000+ SF above 10,000 SF
TABLE NOTES:		
¹ Grocery areas of supercenter stores (combinations of general retail and grocery in one store) are not counted separately if the floor area used for groceries is less than 40 percent of the total floor area.		

Set out in **Table 4-9.2.2D, Parking for Industrial, Logistics, and Storage Uses**, is the parking and loading requirements for industrial, logistics, and storage uses where they are permitted as set out in [Division 1-2.7, Land Uses](#).

Table 4-9.2.2D Parking for Industrial, Logistics, and Storage Uses		
Use	Standard Development	
	Required Parking Spaces	Required Loading Spaces
Industrial and Logistics Uses		
Composting Facility	See Section 4-9.2.4, Special Studies	
Heavy Industry	See Section 4-9.2.4, Special Studies	
Light Industry		
- Laboratories, Research and Development, Testing	1 space per 300 SF	1 space per 20,000 sf.
- Manufacturing, Processing, Assembly	1 space per 750 SF	
- All Other	1 space per 500 SF	
Recycling Collection Facility	See Section 4-9.2.4, Special Studies	
Research / Testing Laboratory	1 space per 300 SF of office, plus 1 space per 1,000 SF of testing area	1 space, plus 1 space per 25,000 SF of service area
Salvage Yard	1 space per 2,000 SF of storage, plus 1 space per 500 SF of indoor office or facility	2 spaces
Warehousing and Logistics / Distribution Centers	1 space per 300 sf. of office + 1 space per 1,000 sf. of warehouse + 1 space per loading dock	Greater of: 1 space per 20,000 sf.; or 1 space per loading bay
Storage Uses		
Self-Storage / Moving Vehicle Rental	3 spaces + 1 space per on-site caretaker residence + required spaces for any vehicle rental	N/A
Rail Yard	See Section 4-9.2.4, Special Studies	
Storage Yard	1 space per 8,000 SF of storage yard	1 space

Set out in **Table 4-9.2.2E, Parking for Communications, Utility, and Transportation Uses**, is the parking and loading requirements for communications, utility, and transportation uses where they are permitted as set out in **Division 1-2.7, Land Uses**.

Table 4-9.2.2E Parking for Communications, Utility, and Transportation Uses		
Use	Standard Development	
	Required Parking Spaces	Required Loading Spaces
Utility Uses		
Broadcasting Center / Satellite Farm / Server Farm / Switching Facility	See Section 4-9.2.4, Special Studies	
Community-Scale Water or Wastewater Treatment	1 space per 1,000 SF	See Section 4-9.2.4, Special Studies
Disposal	5 spaces per 4 disposal vehicles	1 space per disposal vehicle
Electrical Substation	3 spaces	N/A
Power Generation, Renewable Fuel	See Section 4-9.2.4, Special Studies	
Waste Transfer Station	1.25 spaces per disposal vehicle	1 space per disposal vehicle
Transportation Uses		
Helistop	See Section 4-9.2.4, Special Studies	
Wireless Telecommunications Facilities		
Attached Facilities	N/A	N/A
Communication Towers and Antennas	See Section 4-9.2.1, Calculations and Special Provisions	

Set out in **Table 4-9.2.2F, Parking for Agriculture Uses**, is the parking and loading requirements for agriculture uses where they are permitted as set out in **Division 1-2.7, Land Uses**.

Table 4-9.2.2F Parking for Agriculture Uses		
Use	Standard Development	
	Required Parking Spaces	Required Loading Spaces
Agriculture Uses		
Agricultural Support / Rural Services		
- Crop Storage / Packing	1 space per 500 sf. of floor area	1 space per 15,000 sf.
- Equipment Dealers and Feed Stores	1 space per 300 sf. of office + 1 space per 750 sf. of other floor area	1 space per 75,000 sf.
Commercial Stables	1 space per 6 stalls	1 space per 24 stalls
Crops or Silviculture	2 spaces per dwelling unit used as a farm residence	N/A
Livestock, CAFO / Aquaculture	See Section 4-9.2.4, Special Studies	
Livestock (non-CAFO)		
Nursery or Greenhouse, Wholesale		
- Retail	1 space per 250 sf. of enclosed floor area + 15 spaces per acre of outdoor nursery area	3 spaces per 5 acres
- Wholesale	3 spaces per 1,000 sf. of office or sales floor area + 10 spaces per acre of outdoor nursery area	2 spaces per 5 acres

Sec. 4-9.2.3 Required Parking for Disabled Persons

A. **Generally.** Parking lots must designate parking spaces for the use of persons with disabilities as set out in **Table 4-9.2.3, Disable Parking Requirements**.

**Table 4-9.2.3 Disabled
Parking Requirements**

Number of Required Parking Spaces	Number of Disabled Spaces	Number of Disabled Spaces that Must be Van Accessible ¹
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2 percent of total	1 out of 8 disabled parking spaces, rounded up
1001 and over	20 plus 1 for each 100 over 1,000	1 out of 8 disabled parking spaces, rounded up

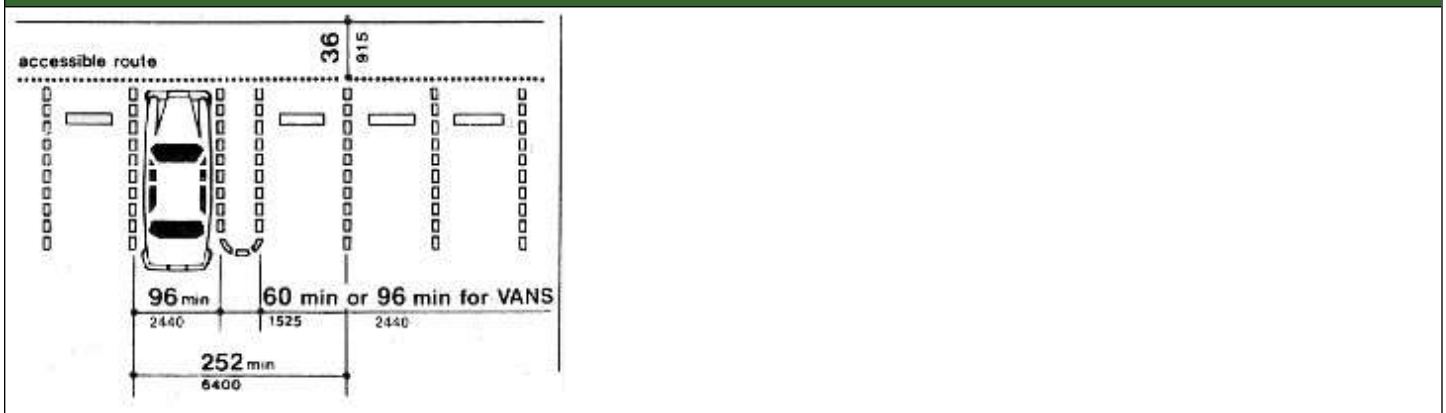
TABLE NOTES:

¹ Van accessible spaces are counted as disabled parking spaces and are not an additional requirement. ADAAG requirements also provide for "universal spaces" which eliminate the need for designated van accessible spaces.

B. Accessible Parking Standards. In accordance with the American's with Disabilities Act (ADA), the following standards shall be met:

1. Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
2. Parking Spaces. Accessible parking spaces shall be at least 96 inches wide. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with ADA, Accessible Routes. Two accessible parking spaces may share a common access aisle (See **Figure 4-9.2.3, Dimensions for ADA Accessible Spaces**). Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2 percent) in all directions.

**Figure 4-9.2.3
Dimensions for ADA Accessible Spaces**



3. Signage. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with B.2., above shall have an additional "Van-Accessible" sign mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle

parked in the space.

4. Vertical Clearance. Provide minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with B.2., above, provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
5. Passenger Loading Zones. Passenger loading zones shall provide an access aisle at least 60 inches wide and 20 feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2 percent) in all directions.

Sec. 4-9.2.4 Special Studies

A. **Generally.** Some of the uses that are listed in the tables set out in [Division 1-2.7](#), Land Uses have nonlinear or widely varying parking demand characteristics. Accordingly, their parking requirements are listed in the table as "See Section 4-9.2.4, Special Studies." Required parking for these uses shall be established according to the standards of this Section.

B. Requirements.

1. Special Study. A special study shall be conducted by a qualified traffic engineer at the applicant's expense.
2. Contents. The special study shall provide:
 - a. A peak parking analysis of at least five functionally comparable uses.
 - b. Documentation regarding the comparability of the referenced uses, including: name, function, location, floor area, parking availability, access to transportation network (including vehicular, bicycle, pedestrian, and transit, as applicable), use restrictions, and other factors that could affect the parking demand.

C. Approval of Special Study.

1. Additional Information. The City may rely upon the special study or may request one round of additional information or analysis, including, but not limited to: alternative or new data points, or consideration of additional or alternative factors related to comparability or peak demand, as supported by sound engineering principles.
2. Condition of Approval. As a condition of approval of a special study, the City may require that land be reserved or land-banked for additional parking if:
 - a. There is a demonstrably high probability the use could change, resulting in a higher demand for parking;
or
 - b. The variability in the special study justifies the reservation of additional land to mitigate a material risk that the use may be insufficiently parked.
3. Appropriate Location and Dimension. Areas that are reserved or land-banked shall be of appropriate location and dimension to provide for the additional parking by connection to existing parking lots.

Sec. 4-9.2.5 Credits and Reductions for Alternative Parking

A. **Generally.** This Section sets out credits and permissible reductions in the number of off-street parking spaces that is required to be provided. These credits or reductions are based on the provision of alternative parking or transportation demand management programs that tend to reduce the demand for parking spaces. If used in conjunction with Section 4-9.2.6, Shared Parking, these reductions may be applied to one type of use to reduce the parking requirement for the use prior to calculating the shared parking reduction.

B. **Applicability to Special Studies.** The credits and reductions set out in this Section are not available to uses

that base their parking on a special study, as set out in Section 4-9.2.4, Special Studies, unless the special study's methodology specifically addresses these credits and reductions and determines that they are appropriate.

C. Reduction of Parking or Loading Requirements by Demonstration of Lesser Demand Management.

1. Warrant by Demonstration. The City may approve a reduction in the number of required parking or loading spaces if the applicant demonstrates that such a reduction is appropriate based on specific parking demand forecasts for the proposed use, provided that:
 - a. Such forecasts are made by a qualified traffic engineer, and are based upon a peak parking analysis of at least five comparable uses; and
 - b. The comparability of the uses shall be documented in detail, which includes their location, size, transportation system access, use restrictions, and all other factors that were considered by the traffic engineer that could affect parking demand.
2. Objective Review. The City may retain a qualified traffic engineer, at the applicant's expense, to review the parking demand forecast and provide recommendations to the City.
3. Decision. The City may rely on the applicant's special study or the special study conducted by the City's consultant.
4. Future Changes. The Plan Commission may require that space be reserved or land-banked for additional parking upon a determination that there is a reasonable likelihood that the nature of the use could change in a manner that increases its parking demand.

D. Off-Site Parking. Generally, off-street parking shall be provided on the same lot or parcel as the principal use for which it is required. However, required parking may be located off-site if the following conditions are met:

1. Location. The nearest point of the off-site parking lot is located not more than 500 feet from the principal building or structure it serves;
2. Site Limitations. The Director has found that the provision of required off-street parking on the same parcel with the principal building is impossible or impractical due to site conditions, or that utilization of parking spaces on another parcel will accomplish a desirable design objective, and that an acceptable alternative is available.
3. Restrictions and Covenants. The owner(s) of the same lot(s) with the principal building (s), and the owner(s) of the parking space on the separate parcel(s) have executed a declaration of restrictions and covenants, in a form and of content to the satisfaction of the City Attorney, covering said lot(s) and parking space.

E. Motorcycle and Bicycle Parking.

1. Additional Requirements. Motorcycle and bicycle parking may be provided in addition to other off-street parking requirements.
2. Reductions. Required parking spaces may be reduced at a rate of one space for every 10 spaces in a permanent bicycle rack or for every five motorcycle spaces.

Sec. 4-9.2.6 Shared Parking

A. Shared Parking. Parking requirements for two or more uses may be satisfied with shared parking. Shared parking may be approved if the Planning Commission has approved a parking study that demonstrates that the subject uses have inherent differences in parking activity patterns and that the combined parking requirements will not exceed the available parking supply. The right of joint use of a parking facility must be executed by a declaration of restrictions and covenants, in a form and of content to the satisfaction of the City Attorney, covering said parking lot(s) and/or parking spaces. Shared parking shall conform to the following standards:

1. Location.

- a. Parking shall be provided on the same or a contiguous lot; or
- b. Parking may be provided off-site if the parking study demonstrates that the proximity of the parking is acceptable.
- c. In cases where parking for a project is to be provided on more than one lot, a parking association shall be formed by the owners of the affected parcels prior to issuance of a permit. Documentation of the association shall be provided to the Director, in a form and of content to the satisfaction of the City Attorney, prior to issuance of a zoning permit.

2. Shared Parking Table. Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak use of parking areas at the same time. When any land or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:

- a. Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals (e.g., spaces that are either posted "reserved," or secured behind a gate), by the appropriate percentage listed in **Table 4-9.2.6A, Shared Parking**, for each of the designated time periods.
- b. Calculate a sum for all uses for each of the five time periods (columns). The minimum parking requirement is the highest of these sums. Set out in **Table 4-9.2.6B, Illustrative Shared Parking Credit Calculation**, is an example of how to use *Table 4-9.2.6A, Shared Parking* to calculate required parking.
- c. In general, the maximum reduction allowed by *Table 4-9.2.6A, Shared Parking*, shall be 25 percent. However, a greater reduction is permitted, provided that:
 - 1. Sufficient land is set aside for each parking space in excess of the 25 percent reduction that is not constructed, so that the spaces may be constructed at a later date should the Planning Commission determine that they are necessary; and
 - 2. The property owner executes and records a document that guarantees that the spaces will be constructed upon written order of the Director.

Table 4-9.2.6A Shared Parking					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail / Commercial	5%	70%	90%	100%	70%
Overnight Accommodations	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

**Table 4-9.2.6B
Illustrative Shared Parking Credit Calculation**

EXAMPLE: A mixed-use building in a standard development has 50 2-bedroom residences, 50,000 square feet of general office space, and 50,000 square feet of retail space. Separately, these uses would require 450 parking spaces ((50 sp. x 2 sp. / unit) + (50,000 sf. x (3 sp. / 1,000 sf.)) + (50,000 sf. x (1 sp. / 250 sf.)) = 450). However, combined, they could share 350 parking spaces.

Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential 100 spaces	100% x 100 = 100	60% x 100 = 60	90% x 100 = 90	80% x 100 = 80	90% x 100 = 90
Office 150 spaces	5% x 150 = 8	100% x 150 = 150	10% x 150 = 15	10% x 150 = 15	5% x 150 = 8
Retail / Commercial 200 spaces	5% x 200 = 10	70% x 200 = 140	90% x 200 = 180	100% x 200 = 200	70% x 200 = 140
Overnight Accommodations	80% x 0 = 0	80% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Restaurant	10% x 0 = 0	50% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Entertainment	10% x 0 = 0	40% x 0 = 0	100% x 0 = 0	80% x 0 = 0	100% x 0 = 0
All Others	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0
COLUMN TOTALS	118	350	285	295	238

TABLE NOTE: The largest number, 350, is the number of parking spaces that are required. This example is a 22 percent reduction compared to individual calculations.

3. Implementation. The Director may require the owner or manager of a project approved under the shared parking demand alternative, once built, to maintain an accurate, up-to-date record of the usage of the net floor area for the project, both occupied and vacant, according to type of use. The Director may require this record be provided when the owner or manager applies for a new land use or development approval for the subject parcel.

4. Special Shared Parking Study.

a. As an alternative to the methodology in Table 4-9.2.6A, Shared Parking, an applicant may submit a special study to demonstrate that the parking required to serve mixed uses is less than the total of the parking requirements for each individual use. The special study shall be undertaken by a qualified traffic engineer, and shall:

1. Review peak parking demand periods for the proposed uses during a 24-hour weekday and each weekend day, and propose a required number of parking spaces based on the combined peak hour demand for parking.

2. Provide data on the following:

- a. The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.
- b. Similar mixes of uses in other areas of the community.
- c. Degree of variability of parking for individual uses (average, range, and standard deviation).

b. The City may require a reserved open area if it believes that the risk of parking needs changing over time so warrants. Once the project is occupied and well established, if there is a surplus of parking, the applicant may petition for additional development capacity and parking using the reserved area.

5. Shared Parking Among Users Under Different Ownership. When a shared parking reduction is to be applied to uses on several lots under different ownership, the following shall be provided:

- a. A plan that provides for interconnected lots;
- b. Recorded easements that provide, at a minimum, for:

1. Cross-access among the parking areas and connections to permit parking by the different

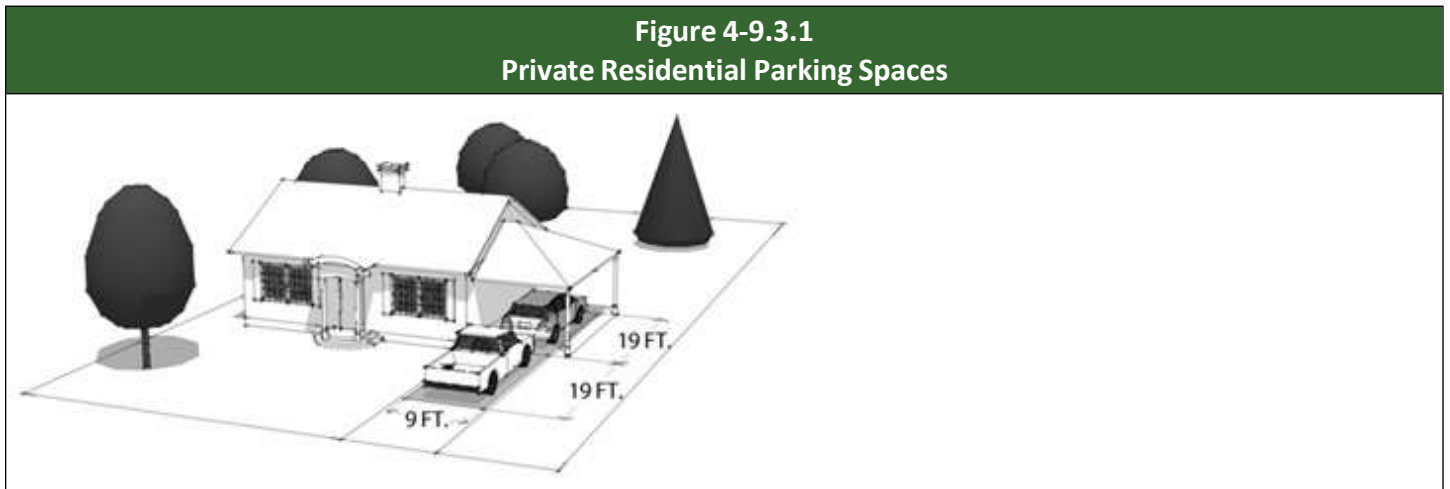
- uses anywhere in the connected properties;
- 2. Allocation of maintenance responsibilities;
- 3. A pedestrian circulation system that connects uses and parking areas, making it easy and convenient to move between uses; and
- 4. A right of enforcement by the City.

Division 4-9.3 Standards for Parking and Loading Areas

Sec. 4-9.3.1 Parking Design for Residential Uses

A. **Parking Space Design for Single-Family Residential Uses.** Parking spaces for single family attached and detached residential uses, live-work units, and manufactured homes within a manufactured home park or subdivision that are located in private garages, carports, or individual driveways are not required to be marked. A person may not park a motor vehicle in the front yard or side yard of a residential property, except in a driveway or on an improved surface as listed below. The total area designated for parking shall not exceed 35% of the front and/or side yard area. An area on a private residential lot is considered a parking space if:

- 1. The area is at least 9 feet by 19 feet in dimension;
- 2. The area does not encroach upon a public sidewalk;
- 3. The area is surfaced with asphalt, concrete, or other material as approved in Section 4-9.3.4; and
- 4. The area is accessible from the street. (See **Figure 4-9.3.1, Private Residential Parking Spaces.**)



B. **Parking Design of Multi-Family Residential Uses.** Parking spaces for townhomes and multi-family and multiplex dwellings shall meet the requirements of Section 4-9.3.2, Parking Design for Nonresidential Uses.

C. **Guest Parking.** In residential districts, guest parking in excess of the minimum parking requirements may be permitted in platted guest parking islands within enlarged cul-de-sacs. However, in no case shall the required parking be located within a guest parking island.

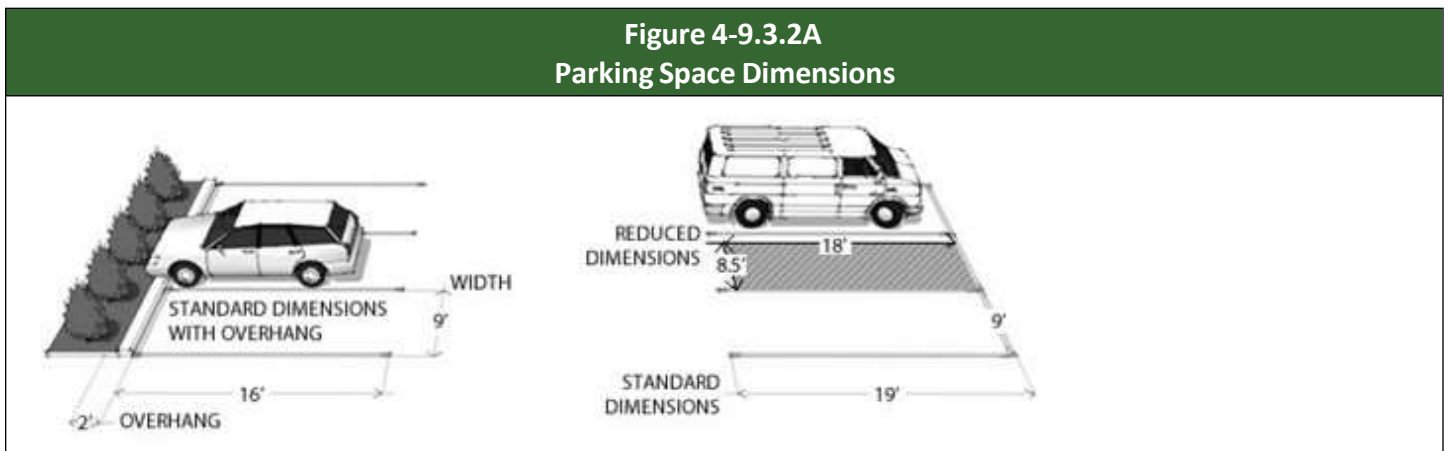
Sec. 4-9.3.2 Parking Design for Nonresidential Uses

A. **Access to Street.** Parking lots shall be designed so that vehicles will exit onto a public street in a forward direction. Parking spaces shall not back directly onto a public street.

B. **Maneuvering Space.** Parking lots shall be designed so that vehicles may exit a parking space with no more than two maneuvers. A maneuver is defined as each motion in either a forward or backward direction. Unless approved by the Director, no space may be allowed that requires a vehicle to be maneuvered on the

public sidewalk in order to exit. All spaces must be designed to be entered in one maneuver.

- C. **Parking Lot Design.** Expansive surface parking lots shall be avoided through design of smaller parking modules that are separated by landscaped medians, vegetated swales, bio-swales, rain gardens, earthen berms, pedestrian walkways, and other landscape surfaces that are integrated as part of the site drainage system.
- D. **Ingress and Egress.** Landscaping, curbing, and other approved barrier shall be provided along the boundaries of parking lots to manage site ingress and egress. All off-street parking areas shall be designed so that all movement onto a public street is in a forward motion.
- E. **Drainage.** Parking lots shall be designed so as not to drain into or across public sidewalks or onto adjacent property, except into a natural watercourse or drainage easement. In developed areas where this requirement may be impractical, the City Engineer may exempt this requirement in favor of an acceptable alternative, provided adequate provision is made for site drainage.
- F. **Lighting.** Adequate lighting shall be provided as set out in [Division 4-11.1, Lighting](#). Equipment for lighting off-street parking lots shall be arranged and located so as not to interfere with traffic or adjoining residential districts or uses, as applicable.
- G. **Landscaping.** Landscaping of off-street parking lots shall be provided as set out in [Article 10, Landscaping and Buffering](#).
- H. **Temporary Parking Lots.** Parking lots that are approved and installed on a temporary basis, for a maximum period of six months, in order to accommodate the parking generated by a temporary use shall meet the parking space, access, and maneuvering dimensional requirements of this Section. Such temporary parking lots shall have an all-weather, dust-free surface.
- I. **Dimensions of Standard Parking Spaces.** Parking spaces shall have the following dimensions.
 - 1. Standard. Generally: 9' width x 19' depth standard, provided that up to a maximum of 10 percent of the required parking spaces may be reduced to 8.5' x 18'. Any spaced in excess of the required spaces shall be the standard dimensions.
 - 2. 90-degree. 90-degree parking spaces that abut a curb or the edge of pavement (allowing for a minimum two foot overhang): 9' width x 16' depth. (See [Figure 4-9.3.2A, Parking Space Dimensions](#).)
 - 3. Parallel. Parallel (0 degree) parking spaces: 9' width x 24' depth



- J. **Parking Space Markings.** All standard and disabled parking spaces that are located in parking lots with 10 or more spaces or provided on a street provided by the developer shall be clearly marked by painted lines, curbs, or other means to indicate individual spaces, drive aisles, and fire or loading zones.
- K. **Traffic Control Devices.** All traffic control devices (signs, marking, and signals) shall conform to the Manual on Uniform Traffic Control Devices, latest edition.

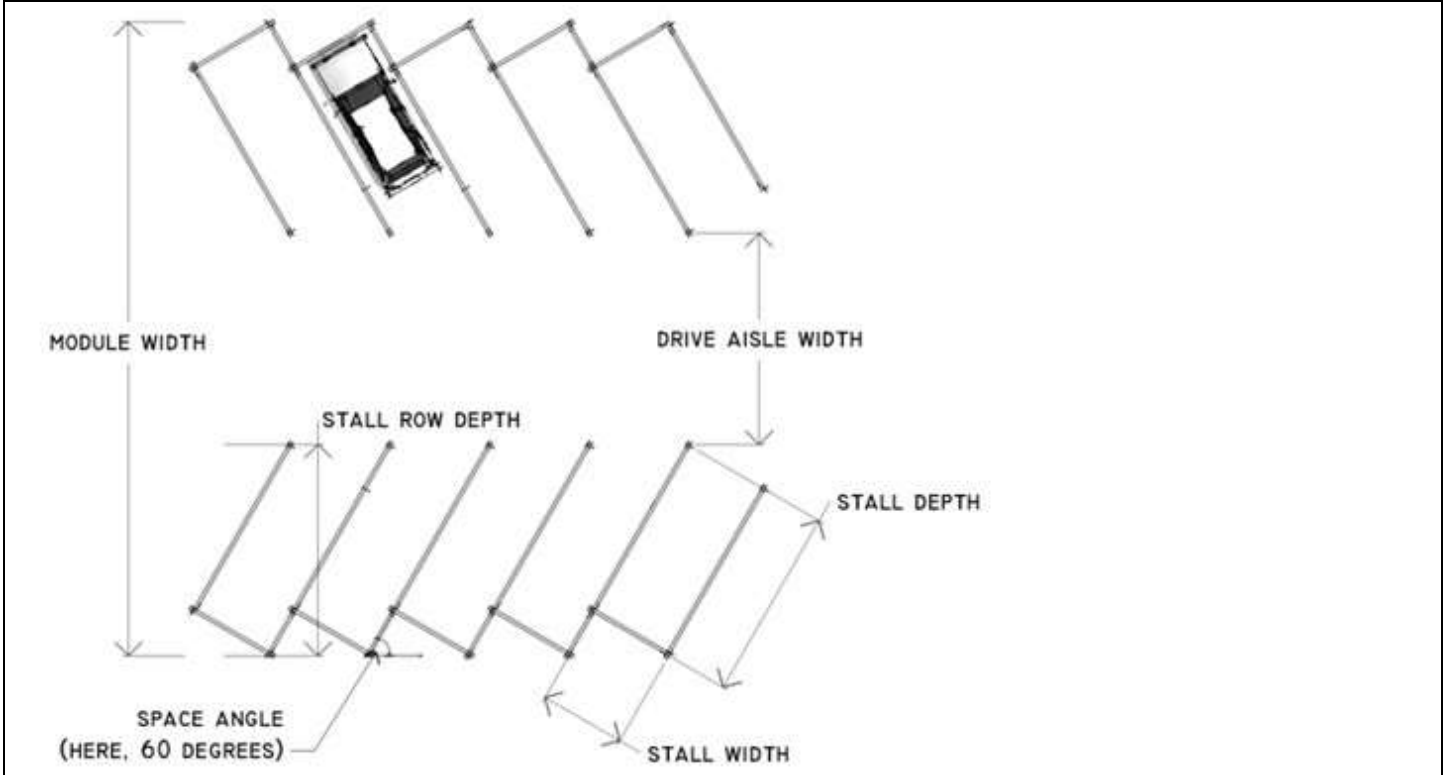
L. **Vertical Clearance.** A vertical clearance of not less than eight feet shall be provided over all parking spaces. Additional clearance shall be provided for larger vans, sports utility vehicles, and light trucks that require such clearance if parking demand from such vehicles is anticipated. All parking garage entrances shall include an overhead bar to alert oversized vehicles regarding clearance.

M. **Parking Module Dimensions.** Parking modules shall be dimensioned as shown in **Table 4-9.3.2, Parking Module Dimensions**. The dimensions that are set out in the table are illustrated in **Figure 4-9.3.2B, Parking Module Measurements**.

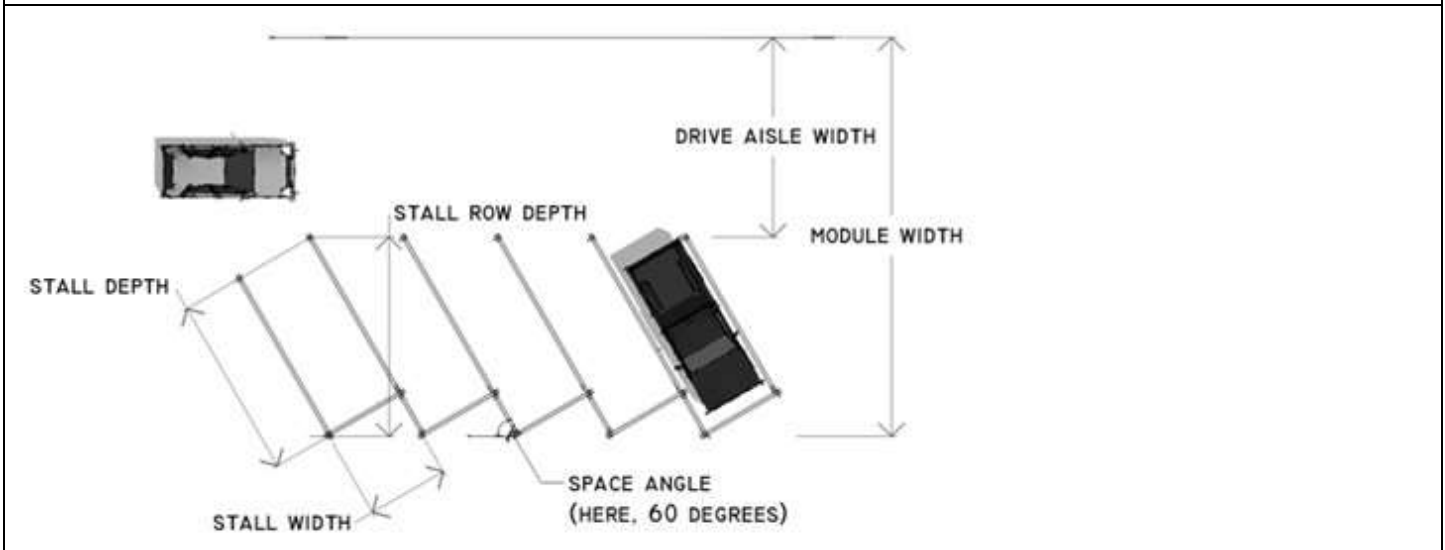
Table 4-9.3.2 Parking Module Dimensions				
Measurement	Parking Space Angle			
	0° / Parallel Parking	45°	60°	90°
One Stall Row, One-Way Aisle				
Stall Row Depth	8'	20' 7"	20' 1"	19'
Drive Aisle Width	13' 2"	13' 10"	14' 5"	22'
Minimum Module Width (row & aisle)	21' 2"	34' 5"	34' 6"	41'
Two Stall Rows, One-Way Aisle				
Stall Row Depth	16'	41' 1"	40' 2"	38'
Drive Aisle Width	13' 2"	13' 1"	14' 5"	22'
Minimum Module Width (row & aisle)	29' 2"	54' 2"	54' 7"	60'
One Stall Row, Two-Way Aisle				
Stall Row Depth	8'	20' 7"	20' 1"	19'
Drive Aisle Width	23' 3"	20'	22'	25'
Minimum Module Width (row & aisle)	31' 3"	40' 7"	42' 1"	44'
Two Stall Rows, Two-Way Aisle				
Stall Row Depth	16'	41' 1"	40' 2"	38'
Drive Aisle Width	23' 3"	20'	24'	25'
Minimum Module Width (row & aisle)	39' 3"	61' 1"	64' 2"	63'

**Figure 4-9.3.2B
Parking Module Measurements**

Illustrative dimensions for two stall row parking module (below)

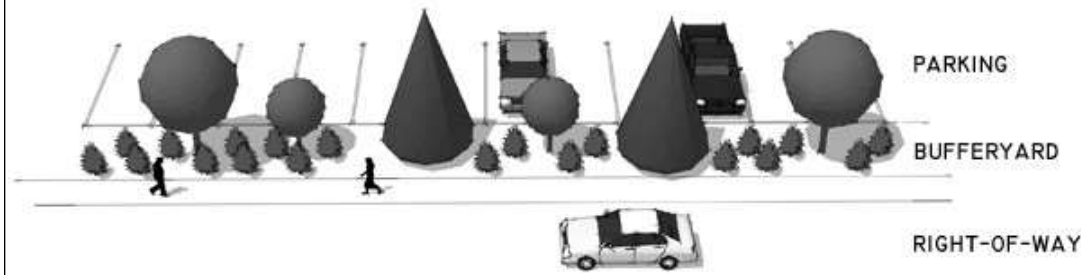


Illustrative dimensions for one stall row parking module (below)



N. Parking Lot Setbacks. Off-street parking lots shall be set back from the street right-of-way to accommodate required bufferyards as set out in Section 4-10.3.2, District Bufferyard Standards. (See **Figure 4-9.3.2C, Parking Lot Setback**). Parking and loading spaces, drive aisles, and vehicular maneuvering areas shall not encroach upon or overhang any public street right-of-way, private street easement, access easement, or site ingress or egress.

Figure 4-9.3.2C
Parking Lot Setback



O. **Central Business District Parking.** Within the Central Business District, off-street parking is not required. On-street parking is to be shared and may not be allocated to individual owners or businesses unless a valet parking agreement, in a form and of content to the satisfaction of the City Attorney, is approved by the Planning Commission. Parking in the CBD shall conform to the Design Guidelines for Downtown Florence, as amended from time to time.

Sec. 4-9.3.3 Off-Street Loading

A. **Generally.** All uses shall provide off-street loading as required by [Division 4-9.2](#), Required Parking and Loading. Loading spaces shall be designed as provided in this Section.

B. **Design of Loading Spaces.** Loading spaces shall be designed as follows:

1. The dimensions of required loading spaces shall depend upon whether the use will be served by semi-trailers. Commercial retail, heavy retail, and industrial uses that are larger than 40,000 square feet shall be presumed to require semi-trailer loading unless the applicant demonstrates otherwise.
2. Minimum width of loading bay (side to side): 12 feet.
3. Minimum length of loading bay (front to back):
 - a. For semi-trailers: 60 feet.
 - b. All other loading spaces: 35 feet.
4. Minimum vertical clearance: 14 feet.

C. **Use of Right-of-Way.** Where off-street loading areas are required, at no time shall any part of a truck or van be allowed to extend into a public street or alley right-of-way, private access easement, or sidewalk while the truck or van is being loaded or unloaded. This Subsection does not apply in the Central Business District (CBD) of the Activity Center (AC) District.

D. **Maneuvering Space.** Adequate off-street truck maneuvering space shall be provided on lot (and not within any public street right-of-way or other public property), so that trucks can maneuver to the docking area.

E. **Location.** All loading areas shall be located on the same lot as the building or lot served by the loading area, except in the Central Business District (CBD) and Activity Center (AC) District.

F. **Buffering.** Semi-trailer loading spaces and loading docks shall be located behind buildings and screened from view from adjacent properties and public rights-of-way. Truck access and loading areas that are located between a principal building and property that is used or zoned for residential purposes shall comply with the following additional standards:

1. The length of the loading area shall be screened by a bufferyard that has one level more opacity (e.g., from a "Type B" bufferyard to a "Type C" bufferyard) than required by the district boundary and contains an eight-foot tall masonry wall; or
2. The loading area is enclosed by a roof and a wall between the building and the district boundary line (a

"loading shed"). The buffer between the loading shed and the district boundary line may be reduced by one level of opacity adjoining the loading shed, and may be the district standard elsewhere.

G. Fire Exit or Emergency Access. Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

Sec. 4-9.3.4 Surfacing and Maintenance of Off-Street Parking Areas

A. Surfacing. Off-street parking areas shall be surfaced as follows:

1. In general, off-street parking areas that are required to have more than five parking spaces shall be graded and surfaced with a material approved by the City Engineer that will protect against potholes, erosion, and dust.
2. The City Engineer may permit the use of less durable, permeable surfaces (such as grass pavers, pervious asphalt or concrete, paving blocks, crushed stone, gravel, or another approved surface material) for surface areas that serve as storage and display areas, where permitted, as well as approved areas of off-street parking lots that are designed for low-turnover uses or overflow parking, provided that:
 - a. Permeable pavement systems cannot be used on sites where there is or may be a likelihood for high oil and grease concentrations, including but not limited to the following uses: automotive sales, rental and service establishments; automotive repairs, heavy or light; and parking lots with greater than 1,000 average daily trips.
 - b. If the surface is intended to support vehicles, permeable pavement areas must be designed and constructed in accordance with the industry standard of the proposed use;
 - c. The perimeter of such parking areas is defined by bricks, stones, curbs, or other similar materials;
 - d. Surfaces with loose materials are set back at least 25 feet from a public street; and
 - e. The material does not generate inordinate amounts of dust.

B. Credit for Permeable Pavement. For each one percent of the total required parking surface that is constructed of permeable pavement, in approved locations, the ratio of parking lot landscape islands to parking spaces set out in Section 4-10.2.3, Parking Lot Landscaping will be reduced by one space per island. Set out in **Table 4-9.3.4, Credit for Use of Permeable Pavement**, is an example of how the credit may be applied. The maximum ratio that may be achieved is 1:20.

Table 4-9.3.4 Credit for Use of Permeable Pavement	
Percent of Permeable Pavement	Ratio of Landscape Islands per Parking Spaces
0%	1:10
1%	1:11
2%	1:12
3%	1:13
4%	1:14
5%	1:15
6%	1:16
7%	1:17
8%	1:18
9%	1:19
10%	1:20

C. Maintenance. Off-street parking surfaces and traffic control devices shall be kept in good condition (e.g., clean, orderly, dust-free and weed-free) and parking space lines or markings on hard-surfaced lots shall be kept clearly visible and distinct.

Sec. 4-9.3.5 Use of Parking and Loading Areas

A. Storage Prohibited.

1. Required off-street parking spaces shall be available for operable passenger vehicles of the residents, customers, patrons, and employees of the use to which they relate.
2. Storing or displaying materials, boats, campers, recreational vehicles, or inoperable vehicles, or parking trucks or trailers is prohibited in parking areas, unless:
 - a. The outdoor storage or display use is permitted in the applicable zoning district and approved for the subject property;
 - b. The areas that are set aside for such parking are not counted towards the parking requirements for the use, as set out in [Division 4-9.2](#), Required Parking and Loading; and
 - c. The areas that are set aside for such parking comply with the requirements for outdoor storage and display (e.g., buffering or screening, location, size of area, etc.).
3. The long-term storage of trailers in loading spaces is prohibited. Such spaces shall be available for routine use by delivery vehicles.
4. Trash enclosures, dumpsters, and transformers shall not be located in parking areas in locations that interfere with circulation or use of parking spaces.

B. Vehicle Work Prohibited. No vehicle work of any kind or nature is permitted within off-street parking lots or parking garages.

C. Blocking Access Prohibited.

1. Blocking loading or parking spaces is prohibited.
2. Loading or parking spaces shall not be designed or located in a manner that blocks access to other loading spaces, parking spaces, drive aisles, fire lanes, ingress or egress points, or building entrances. However, tandem parking spaces may be used in valet lots.
3. Parking within a driveway approach or across public sidewalks is prohibited.

D. Sales. The sale of goods in a parking lot is prohibited, except when the applicable requirements for temporary sales, as set out in [Division 1-2.9](#), Temporary Uses, are met

ARTICLE 10 LANDSCAPING AND BUFFERING

Division 4-10.1 Purpose and Application

Sec. 4-10.1.1 Purpose and Intent

A. Purpose. The City recognizes that landscaping and trees enhance the appearance of vehicular use areas and development abutting rights-of-way, promote aesthetic quality, moderate the heat island effect, and reduce storm water runoff. Landscaping also safeguards property values, protects public and private investments, and promotes quality development. In bufferyards, landscaping mitigates conflicts between uses and minimizes the effects on the surrounding environment due to noise, dust, debris, artificial light intrusions, and other impacts on an adjoining or nearby use. The purpose of this Article is to provide the detailed landscaping standards for all development, including landscaping for lots and buildings, open spaces, parking lots, and along streets, as well as bufferyards within and between developments. It also contains standards for installing and maintaining landscaping materials.

B. Intent. In establishing these standards and requirements, it is the City's intent to promote and preserve the

appearance and character of the community, increase the compatibility between land uses, and improve the health and quality of life of the residents of the City through the protection of specified trees located on property within the City and the public rights-of-way.

Sec. 4-10.1.2 Applicability

A. **Generally.** This Section requires two general types of landscaping: development landscaping, which is the subject of [Division 4-10.2](#), Development Landscaping; and bufferyards, which are the subject of [Division 4-10.3](#), Bufferyards, as follows:

1. Development Landscaping. There are four types of development landscaping including:

- a. Lot and building landscaping;
- b. Open space landscaping;
- c. Parking lot landscaping; and
- d. Street trees.

2. Bufferyard Landscaping. Bufferyards are required based on the zoning, development type, or right-of-way type that abuts proposed development. Generally, bufferyards must be provided as required by [Division 4-10.3](#), Bufferyards although other sections of this Unified Development Ordinance may require additional buffering, e.g., [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards. Bufferyards may be required along:

- a. District boundaries;
- b. Street and railroad rights-of-way;
- c. Boundaries of parking lots.

B. **Applicability of Standards.** Except as provided in Subsection C., below, the standards of this Article apply to all new development, major redevelopment, or substantial improvements, and where specifically indicated, to existing sites or buildings. The application of this Article may be limited by [Article 23](#), Nonconformities.

C. **Exceptions.** The following are exceptions to the standards of this Article:

1. Individual lots of record that are used for existing single-family or two-family dwellings.
2. Modifications to nonresidential buildings where the redevelopment does not expand the use by more than 35 percent.

D. **Calculations.** No area of a parcel proposed for development shall be counted more than once for the purposes of applying landscaping requirements.

Division 4-10.2 Development Landscaping

Sec. 4-10.2.1 Lot and Building Landscaping

A. **General.**

1. Lot landscaping is required on lots within new residential subdivisions. This Section does not apply to existing single-family detached or duplex lots.
2. Building landscaping or hardscaping is required around nonresidential, mixed-use, and multi-family buildings, except in the Central Business District (CBD).
3. Required bufferyards, parking lots, designated open space tracts, and parkways used for street tree planting are not counted as areas where lot or building landscaping is required.

B. Lot Landscaping.

1. Generally. Lot landscaping is required as set out in **Table 4-10.2.1A, Lot Landscaping Requirements.** Plant material shall conform to American Standard for Nursery Stock (ANSI Z60.1-2004)

Table 4-10.2.1A Lot Landscaping Requirements		
Lot Width		
Less than 50'	50' to 80'	80' +
1 canopy tree per lot	2 canopy trees	3 canopy trees, at least one must be in front yard

2. Substitution of Trees. Understory trees may be substituted for canopy trees if the dimensions of the lot are such that the canopy trees would not have room to grow to a full canopy without conflicting with buildings or each other. For the purposes of this substitution, one canopy tree equals two understory trees.
3. Ground Covers and Sod. Areas of residential lots that are not covered by buildings, driveways, swimming pools, or other impervious surfaces shall be sodded or planted with permitted groundcovers, unless they are covered by woodlands or other natural areas.

C. Building Landscaping

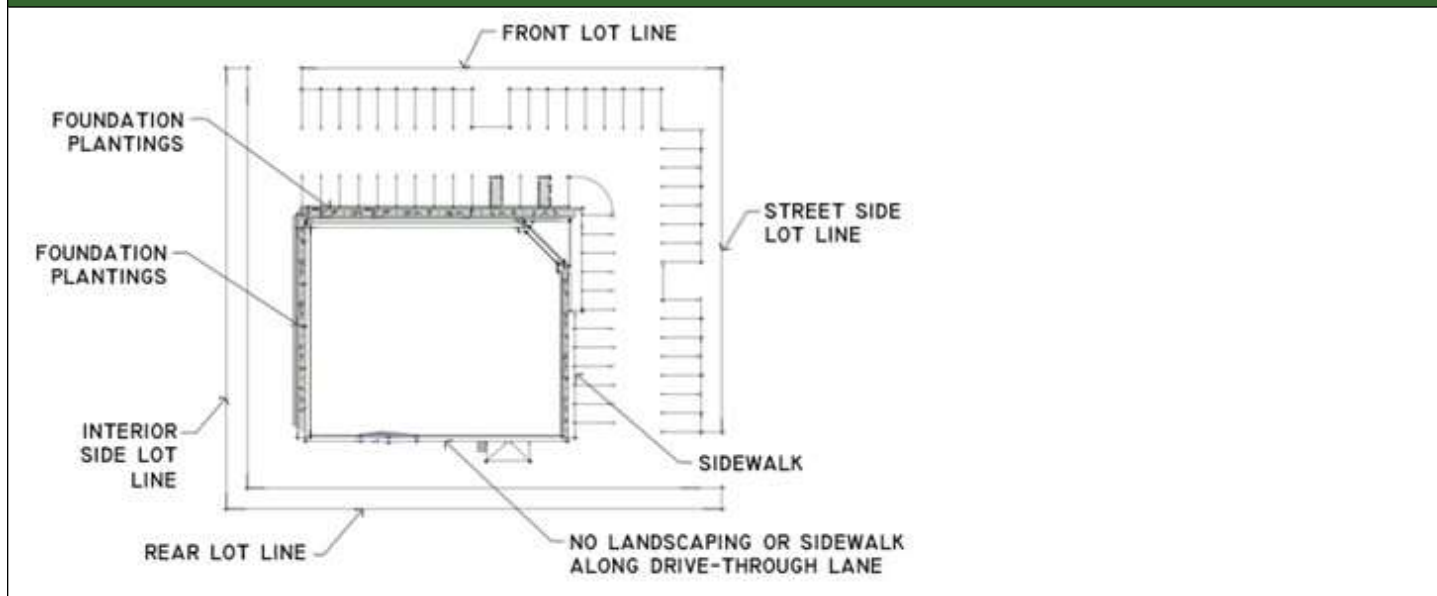
1. Generally. Multifamily and nonresidential buildings shall be surrounded by planting areas or sidewalks with a minimum width as set out in **Table 4-10.2.1B, Building Landscaping Requirements.** Planting areas count towards the landscape surface ratio set out in Table 2-6.1.1, Nonresidential and Mixed Use Lot and Building Standards.

Table 4-10.2.1B Building Landscaping Requirements			
District	Minimum Radius Around Building		
	Front and Street Side	Side	Rear
CR, CA, CG, AC, DS, IL, IH	6'1	5'	3'
RE, RS, RG, RU, NC	5'	5'	
CBD, AC	3'2	0'	

TABLE NOTES:
 Where planting areas are required, they may be crossed by sidewalks or sidewalks may be placed on either side of the planting area to provide access to the building.
¹ This also applies to public, institutional, and nonresidential buildings in the Residential Districts (RE, RS, RG, RU, and NC).
² In these districts, the required front or street side yard landscaping may be met with tree wells, planters, and landscaped plazas.
 RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial)

2. Awnings and Roof Overhangs. Awnings and roof overhangs may extend over building landscaping provided sufficient irrigation is provided to the planting area.
3. Location. The planting areas are not required in areas that are designed for direct vehicular access to the building, such as loading bays, service bays, and drive-through lanes on the side of the building with the service window, but shall be installed adjacent to the building foundation and between parking and vehicular use areas and the building. See **Figure 4-10.2.1, Building Landscape Planting Areas.**

Figure 4-10.2.1
Building Landscape Planting Areas



4. Required Planting.

- a. Front and Street Side. For each 50 linear feet, one (1) understory tree and ten (10) shrubs shall be planted within the front and street side planting areas. Shrubs shall be planted in a continuous row or at intervals of not more than five feet on center (o.c.) or they may be designed in groupings, if equal or greater numbers of plants are used. All plant material shall conform to American Standard for Nursery Stock (ANSI Z60.1-2004). All remaining areas shall be in groundcover, which may include sod, mulch, or perennial or seasonal plantings. Wet ponds with fountains, vegetated rain gardens, naturalized wetlands, and/or xeriscape gardens may be used in lieu of or together with the required shrubbery and groundcover. Sculptures, monuments, and other public art installations are encouraged, subject to a recommendation of the Director and approval of the Planning Commission.
- b. Side. For each 25 linear feet, one (1) understory tree and four (4) shrubs shall be planted with a minimum spacing of ten feet on center for trees and five feet on center for shrubs, which may be designed in groupings if equal or greater numbers of trees or shrubs are used. All remaining areas shall be in groundcover, which may include sod, mulch, or perennial or seasonal plantings.
- c. Rear. A rear planting area that is adjacent to a drive-through lane or a parking lot shall meet the requirements of 4.b. above. All other rear planting areas shall be in groundcover, which may include sod, ornamental grasses, mulch, or perennial or seasonal plantings.

5. Substitution. Trees may be substituted for shrubs in areas where there is sufficient room for the healthy growth and stability of the tree. Substitution of trees for shrubs shall be at a rate of one understory or evergreen tree per four shrubs.

6. Alternate Plans.. The Planning Director, or its designee, may consider alternate locations for the front, side and rear plantings as required within the above section 4.a., 4.b. and 4.c. at the request of the applicant. Upon approval, the required plantings may be placed within the Parking Lot Landscaping and/or Open Space Landscaping requirements. The Building Landscape planting requirements do not substitute or replace the requirements for the Parking Lot or Open Space planting requirements.

Sec. 4-10.2.2 Open Space Landscaping

A. Generally. Open space landscaping shall be installed on designated open space tracts. Open space tracts include all areas that are set aside pursuant to the required open space ratio, or otherwise designated as commonly-owned open space even if not required by this Unified Development Ordinance.

B. Exceptions.

1. General Exceptions. The area to which open space landscaping requirements applies does not include any open spaces that are in the following categories:
 - a. Areas that are not dedicated as open space tracts or under common ownership by a property owners' association.
 - b. Areas within required bufferyards, even if commonly-owned, that meets the requirements of [Division 4- 10.3, Bufferyards](#).
 - c. Areas within 15 feet of ball fields, playing courts, and similar play areas (including bleachers or seating areas for spectators), which are designed to be free of trees and landscaping. However, where the perimeter of an active recreation area is within 30 feet of one or more residential lots, the perimeter shall be planted with a Type C Bufferyard. (See Section [4-10.3.1, Standard Bufferyards](#).)
 - d. Parking areas for recreation facilities in the open space.
 - e. Waterbodies and wet detention basins.
 - f. Wooded areas that are designated as open space tracts. For the purposes of identification, the boundaries of the wooded areas follow the canopy line.
2. Limited Exceptions. The area within wetlands dedicated as open space is not required to be landscaped. Landscaping installed near wetlands shall be composed of species that are tolerant of a high water table.

C. Planting Requirements.

1. Generally. It is preferred that open space be landscaped with five canopy trees per acre. Plant material shall conform to American Standard for Nursery Stock (ANSI Z60.1-2004).
2. Substitution. Understory or evergreen trees may be substituted for canopy trees if the dimensions of the open space tract are such that the canopy trees would not have room to grow to a full canopy without conflicting with buildings or each other. For the purposes of this substitution, one canopy tree equals two understory trees or 1.5 evergreen trees.
3. Ground Cover. At a minimum, open space areas shall be planted with ground covers to prevent erosion and windblown dust. Mulch may be used in areas under the canopy of trees and in beds in which shrubs are planted.
4. Distribution. Open space landscaping shall be distributed around the area of open space to serve the following priorities, in order to:
 - a. Give trees adequate room for healthy growth and stability;
 - b. Enhance the landscaping's contribution to the ecological or buffering function of the open space tract (e.g., prevent erosion, buffer streams, or buffer land uses from each other); and
 - c. Contribute to the aesthetics of the parcel proposed for development and adjacent streets.

Sec. 4-10.2.3 Parking Lot Landscaping

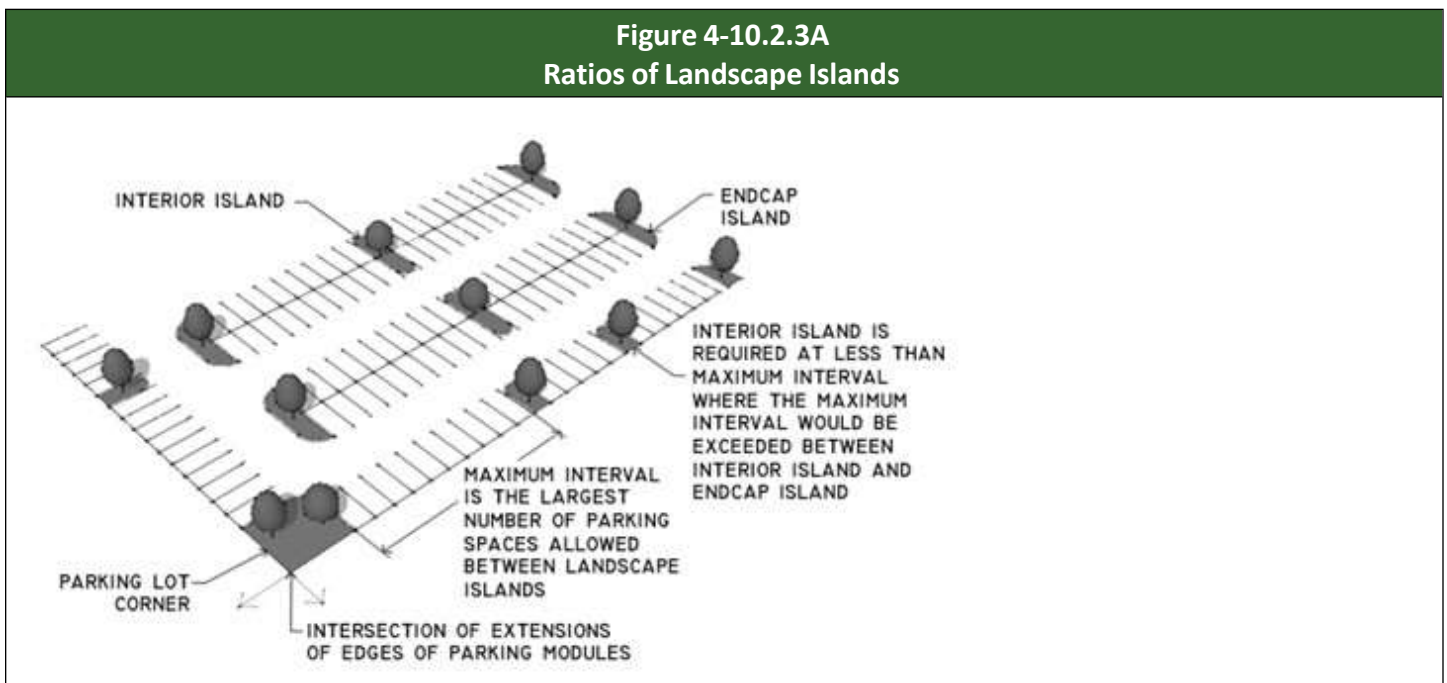
A. Generally. Parking lot landscaping is required within and around parking lots that contain 10 or more parking spaces for all multi-family, nonresidential, and public and institutional development. Plant material shall conform to American Standard for Nursery Stock (ANSI Z60.1-2004).

B. Parking Lot Landscape Areas. As illustrated by **Figure 4-10.2.3A, Ratios of Landscape Islands**, landscaping is required in all of the following areas:

1. At the ends of parking aisles, planted in islands that are not less than nine feet wide by 38 feet long, with a curb radii on the side that faces outward from the parking aisle equal to the width of the island.
2. In the middle of single and double parking rows, planted in interior landscape islands that are not less than nine feet wide by 19 feet long (single row) or 38 feet long (double row), with five foot curb radii, at the ratios set out in **Table 4-10.2.3, Ratio of Landscape Islands**. Refer to [Appendix C, Planting Details](#)
3. At the corners of parking lots, planted in corner islands, which is the area defined by the extension of the edges of intersecting parking modules.

Table 4-10.2.3 Ratio of Landscape Islands	
District	Ratio of Landscape Islands per Parking Spaces
CR, CA, CG, AC, CBD, AC, DS, IL, IH	1:20 ¹
RE, RS, RG, RU, NC	1:8

TABLE NOTE:
¹See Table 4-9.3.4, Credit for Use of Permeable Pavement
 RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial)



C. Planting Requirements. Parking lot landscape islands shall be provided at the maximum ratios described in Table 4-10.2.3, Ratio of Landscape Islands, and planted as follows:

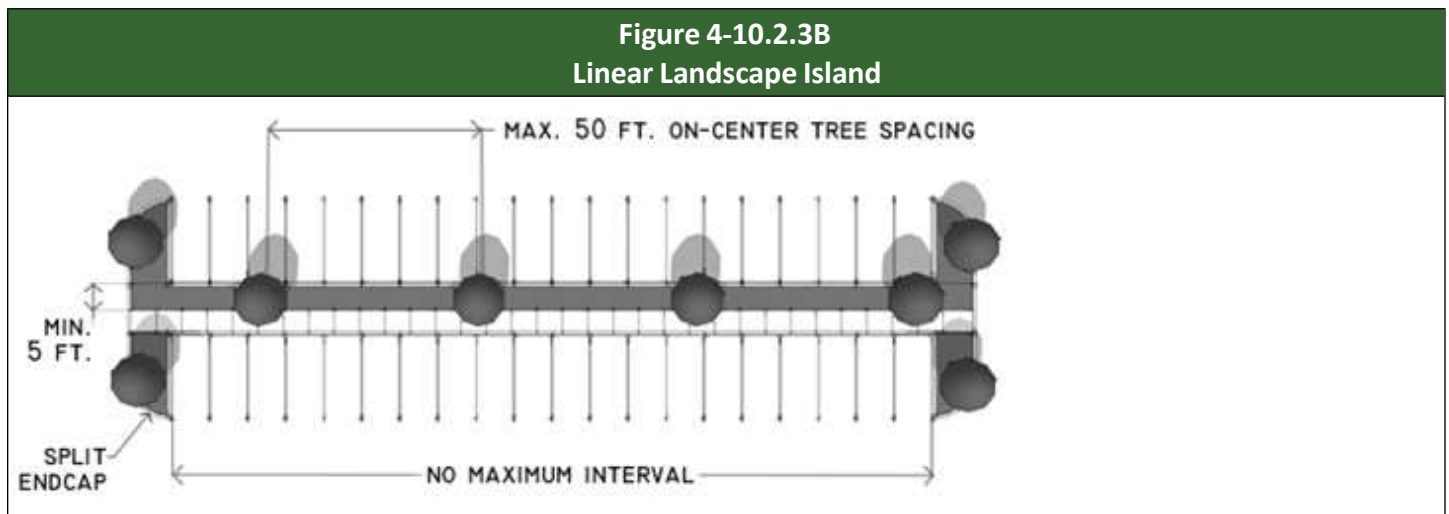
1. Each interior and endcap island shall be planted with a minimum of:
 - a. One canopy tree or two understory or evergreen trees; and
 - b. Groundcover, which may be sod or shrubs, ornamental grasses, or perennials that are planted at intervals of not less than three feet in a bed of mulch (e.g. pine straw or bark, shredded hardwood, etc.).
2. Each parking lot corner shall be planted with two canopy trees or three understory or evergreen trees,

unless such plantings would interfere with sight distances that are required for safe ingress to and egress from the parking lot.

3. Decorative pavers or stamped and dyed concrete may be used as an alternative to the required groundcover for up to 20 percent of the required landscape islands. The color of tinted or dyed concrete shall be integrally mixed into and not spread on top of the materials. If pavers or stamped, dyed concrete is used, it shall provide a natural area that is no less than 12 square feet around the base of required trees.
4. Planted landscape islands shall have soil that is contiguous with the natural ground and shall not be filled with concrete, asphalt, or other impervious surfaces.

D. **Alternative Ratio.** The maximum ratio may be modified as follows:

1. The maximum ratio may be increased up to 25 percent (e.g., one island per 20 spaces may be increased to one island per 25 spaces) to accommodate landscape islands that preserve existing trees, provided that:
 - a. The trees are healthy, non-invasive, and at least five years old; and
 - b. The landscape island is large enough to maintain the health of the tree.
2. The maximum ratio may be waived where parking modules are separated by a linear landscape island with a minimum width of eight feet, provided that at least five feet of the width of the linear island is landscaped (other areas may be curb or sidewalk) with trees that are appropriate for street tree use, planted at intervals of not less than 50 feet on center. To protect trees, wheelstops shall be added to parking places that are near or adjacent to trees. Endcap islands that are divided by landscape strips shall be planted with two canopy trees or four understory or evergreen trees. (See **Figure 4-10.2.3B, Linear Landscape Island.**)



E. **Use of Islands for Stormwater Treatment.** To the maximum extent practicable, landscape islands shall be designed to incorporate storm water runoff best management practices (BMPs), by incorporating vegetated swales, bio-infiltration, bio-retention cells (rain gardens), porous materials, and other types of water quality measures, as approved by the Director. These areas may be required to exceed the minimum areas required by this Section in order to function properly.

F. **Infiltration Areas.** Parking lots shall be set back from property lines the distance required to meet the bufferyard standards set out in [Division 4-10.3, Bufferyards](#) or 10 feet, whichever is greater. Parking lots that are adjacent to street rights-of-way shall be set back as set out in [Table 4-10.3.4, Bufferyard Requirements for Streets and Railroads](#). These parking lot setbacks contribute to the required minimum landscape surface areas set out in [Table 2-6.1.1, Nonresidential and Mixed Use Lot and Building Standards](#). However, these setbacks may be reduced by 20 percent as an incentive for incorporating storm water runoff BMPs, such as those listed in E., above. Provided BMPs are integrated and approved, these reduced setbacks shall be approved without affecting the required minimum landscape surface calculations.

Sec. 4-10.2.4 Street Trees

A. **Generally.** Plant materials shall conform to American Standard for Nursery Stock (ANSI Z60.1-2004). Street trees shall be planted in the following circumstances:

1. Along both sides of all streets in the Commercial Re-use (CR), Campus (CA), Commercial General (CG), Central Business District (CBD), Activity Center, (AC), Destination/Select Use (DS) districts, Light Industrial (IL), and Heavy Industrial (IH) (except where the street is an existing street without room for the installation of street trees);
2. Along both sides of new streets in other districts where there is sufficient right-of-way width to accommodate the street tree lawn; and
3. Along existing rights-of-way where a street tree lawn is present and the entity responsible for the right-of-way authorizes the improvement.

B. **Street Tree Requirements.** Street trees shall be provided in street tree lawns or tree grates in sidewalks as follows:

1. Along new streets that are created on a parcel proposed for development;
2. In medians that are created on a parcel proposed for development;
3. In medians that are constructed near a parcel proposed for development in order to manage the traffic impacts of the development, provided that the medians:
 - a. Are of sufficient width to accommodate the root system;
 - b. Are backfilled with planting soil or other materials approved by the Director, as detailed in [Appendix C, Planting Details](#).
 - c. Are maintained by the property owners' association of the development that provides the median; and
 - d. The installation of street trees in the median would not be detrimental to public safety.
4. Along existing rights-of-way where a street tree lawn is present and the entity responsible for the right-of-way authorizes the improvement.

C. Planting Requirements.

1. Calculating the requirement. Street tree requirements are as follows:
 - Overhead utilities present — One small maturing tree (less than 35 feet in height at maturity) for every 30 linear feet of property abutting a street.
 - All other conditions — One large maturing tree (greater than 35 feet in height at maturity) for every 40 linear feet of property abutting a street.
2. At least one canopy tree is required in landscaped islands that are in the center of cul-de-sacs;
3. Only approved species of trees shall be planted. A list of approved tree species is within [Appendix C, Planting Details](#).
4. The minimum tree size shall be two and one-half (2½) inches in caliper upon planting;
5. Trees for an entire block shall be planted at one time;
6. Street trees shall be located in such a manner to minimize damage to streets, sidewalks, drainage installations, and utility installations;
7. Trees shall be planted in accordance with recognized horticultural guidelines, which shall have the following minimum soil volumes:
 - a. Canopy or evergreen tree: 1,000 cubic feet; or

b. Understory tree: 600 cubic feet.

8. Street trees shall be maintained in a healthy manner through the first growing season following planting.
9. Before development approval and planting, the applicant shall provide a written guarantee for replacing street trees that are no longer in good health after the first growing season. A written guarantee provided by the developer /applicant shall provide for replacement of diseased or dead trees, and shall include escrow for 125 percent of the cost of replacement trees and installation. Escrow which remains after the first growing season and after inspection and acceptance will be refunded to the applicant.

D. Alternatives. In lieu of street trees, one of the following alternatives may be used to comply with the street tree requirements, provided they meet the standards of this Section. If the standards of this Section are not met or only partially met, street tree plantings necessary to meet the full requirements shall be planted. The acceptable alternatives are as follows:

1. Acceptable pre-existing trees fronting or within no more than 20 feet of proposed streets may be maintained in lieu of planting street trees. While such pre-existing trees are not required to meet all of the standards of newly planted street trees, the following minimum criteria apply:
 - a. The spacing and species of trees must be acceptable to the Director;
 - b. The number of pre-existing street trees shall equal or exceed the number of trees required by this Section; and
 - c. Trees must exhibit good health and must be adequately protected with barricades that are under the drip line of each tree during construction in accordance with recognized horticultural guidelines and as set out in [Division 4-10.4](#), Tree Preservation, Credit, and Replacement. See [Appendix C](#), *Planting Details*.
2. In residential subdivisions, pre-existing stands of trees (at least 2.5" in caliper) that are maintained on 75 percent of the lots or the area of the proposed development may be maintained in lieu of planting street trees.
3. Landscaping provided as part of site plan or subdivision design that meets the other development and bufferyard landscaping requirements (e.g., lots and buildings, open spaces, and parking lots) set out in this Article and which also meet the requirements of this Section may be used in lieu of planting street trees.

E. Guarantees and Timing. The applicant shall cause street trees to be provided as shown on approved plans.

1. If the required street trees are not present at the time of final plat recordation, the applicant must provide financial guarantees to ensure installation as outlined in [Section 4-10.6.3](#), Deferred Installation and Surety; and
2. All required street trees shall be planted within two years of the final plat recordation.

Division 4-10.3 Bufferyards

Sec. 4-10.3.1 Bufferyard Standards

- A. Generally.** The bufferyards that are required by this Division are based on the amount of screening they provide. Bufferyards are classified from less screening (Type A) to more screening (Type E).
- B. Bufferyard Types.** There are five types of bufferyards, each of which vary in width and the numbers and types of plants required per 100 linear feet. The minimum planting requirements for each type and composition of bufferyard are set out in **Table 4-10.3.1, Bufferyard Classifications**, except that parking bufferyards are set out in [Section 4-10.3.5](#), Bufferyards for Parking Lots and Vehicular Use Areas.

**Table 4-10.3.1
Bufferyard Classifications**

Type	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall, or Fence
		Canopy Trees	Understory Trees	Evergreen Trees	Shrubs	
Type A	5'	1	1	1	10	-
Type B	10'	2	2	2	20	-
Type C	25'	3	3	3	30	3'
Type D	40'	3	3	3	30	6'
Type E	50'	4	4	4	40	6'

C. Reduction of Width. The width of a bufferyard may be reduced if the requirements of this Division results in an area of bufferyards that occupies more than 20 percent of the parcel proposed for development. In this circumstance, the bufferyard width may be reduced to a width that results in a maximum bufferyard area of no more than 20 percent of the development. (See also Infiltration Areas in Section 4-10.2.3, Parking Lot Landscaping.)

D. Minimum Width. No part of a required bufferyard shall be reduced to a width of less than three feet.

E. Bufferyard Locations. Bufferyards are required in two locations, as follows:

1. Between districts and mixed uses; and
2. Around parking and vehicular use areas.

Sec. 4-10.3.2 District Bufferyard Standards

A. Generally. Set out in **Table 4-10.3.2, District Bufferyard Standards**, is the classification of bufferyard that is required between zoning districts that are not separated by a public street.

B. Interpretation of Table. The table is a matrix in which all districts are shown. Rows show the zoning of the parcel proposed for development, and columns show the zoning of the adjoining land. Two letters are shown for each condition. The bufferyard required for the proposed use is listed first. The letter listed second is the buffer that is required on the adjoining property. Where “-” is found there is no bufferyard required.

**Table 4-10.3.2 District
Bufferyard Standards**

Zoning of Proposed Development	Adjoining District													
	AR/OSR	RE	RS	RG	RU	NC	CR	CA	CG	CBD	AC	DS	IL	IH
AR /OSR	- / -	-/A	-/A	-/A	-/B	-/A	-/A	-/A	-/B	-/-	-/B	-/B	-/B	-/C
RE	A/-	- / -	-/A	-/B	-/C	-/B	-/B	-/B	-/C	-/-	-/C	-/C	-/D	-/E
RS	A/-	A/-	- / -	A/A	A/B	A/A	A/B	A/C	A/C	A/B	A/C	A/C	A/D	A/E
RG	A/-	B/-	A/A	- / -	A/B	A/A	A/B	A/C	A/C	A/B	A/C	A/C	A/D	A/E
RU	B/-	C/-	B/A	B/A	- / -	C/A	-/-	-/A	-/A	-/-	A/B	A/B	A/C	A/D
NC	A/-	B/-	A/A	A/A	A/C	- / -	A/B	A/C	A/C	A/B	A/C	A/C	A/D	A/E
CR	A/-	B/-	B/A	B/A	-/-	B/A	- / -	A/B	A/B	A/A	A/B	A/B	A/C	A/D
CA	A/-	B/-	C/A	C/A	A/-	C/A	B/A	- / -	A/B	-/-	-/-	-/-	A/D	A/E
CG	B/-	C/-	C/A	C/A	A/-	C/A	B/A	B/A	- / -	-/-	-/-	-/-	A/C	A/D
CBD	-/-	-/-	B/A	B/A	-/-	B/A	A/A	-/-	-/-	- / -	-/-	-/-	A/C	A/D
AC	B/-	C/-	C/A	C/A	B/A	C/A	B/A	-/-	-/-	-/-	- / -	-/-	A/C	A/D
DS	B/-	C/-	C/A	C/A	B/A	C/A	B/A	-/-	-/-	-/-	-/-	- / -	B/D	B/E
IL	B/-	D/-	D/A	D/A	C/A	D/A	C/A	D/A	C/A	C/A	C/A	D/B	- / -	A/B
IH	C/	E/-	E/A	E/A	D/A	E/A	D/A	E/A	D/A	D/A	D/A	E/B	B/A	- / -

RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial)

- C. **Existing Adjacent Development without Bufferyards.** Where the adjoining property is already developed and does not have the required bufferyard, it is recommended that the proposed development shall provide a bufferyard of the next higher classification than the greater screening of the two bufferyards required (e.g., if the requirement is C / A, and the adjoining property is already developed and does not have a bufferyard, then the developer must install a Type D bufferyard).
- D. **Relationship to Other Bufferyard Requirements.** Some Conditional or Permitted Special Exception Uses have different requirements for bufferyards, as specified in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards. If bufferyards are required by another section of this Unified Development Ordinance along property boundaries that are also district boundaries, then the greater bufferyard requirement shall supersede the lesser one (only one bufferyard is required).
- E. **Buffering Existing Residential Development.** The City may require buffering of an existing residential lot development in the following circumstances:
1. Bufferyards may be required upon major redevelopment or substantial improvement of an existing residential lot, building, structure, or development; and
 2. An increase in the level of screening of a bufferyard (e.g., from Type A to Type B) between new residential development and existing residential development may be required if:
 - a. The lot widths of the new development are less than 80 percent of the lot widths of the nearest lots of the existing development;
 - b. The building height of the new development is more than eight feet taller than the building height of the existing development; or
 - c. The housing types that are located on the lots that abut existing development are different from the housing types of the existing development (e.g., new townhome lots abutting existing single family detached lots).

Sec. 4-10.3.3 Existing Trees, Fences, and Walls on Development Property

- A. **Generally.** Existing trees, fences, and walls may be counted towards the bufferyard requirements, provided they are in good health and the fences or walls are in good repair.
- B. **Existing Landscaping Credit.** Credit shall be given for existing trees according to the standards of Section [4- 10.4.1](#), Preservation of Significant Stands and Protected Trees.
- C. **Existing Fences and Walls.** If a fence or wall is required and there is already a fence or wall on the property line, then the City may waive the fence or wall requirement, provided:
1. The Director, or an appointee, verifies that the existing fence or wall is sturdy and in good condition;
 2. The height, opacity, and extent of the fence or wall meets the intent of this Article with regard to buffering;
 3. The applicant records an agreement with the City that includes appropriate assurances that if the fence or wall deteriorates, or is damaged, destroyed, or removed, the applicant will have it repaired or replaced with a fence or wall that meets the standards of this Article; and
 4. The applicant's final plat or, if no plat is required, development approval, includes an annotation regarding the applicant's responsibilities under the agreement required by Subsection C.3., above.

Sec. 4-10.3.4 Bufferyards for Parking Lots and Vehicular Use Areas

- A. **Requirements.** Vehicular use areas, including parking lots, drive-through lanes, drive-in lanes, stacking areas, and common driveways in multi-use and mixed use developments shall be buffered as set out in this Section. Their purpose is to mitigate the impact of headlights on streets and abutting residential property, and to reduce the aesthetic impact of parked cars on the character of the street.
- B. **Relationship to Other Bufferyard Requirements.** If a bufferyard is required by this Unified Development Ordinance in a location that would serve the purpose of this Section, then the requirements of this Section may

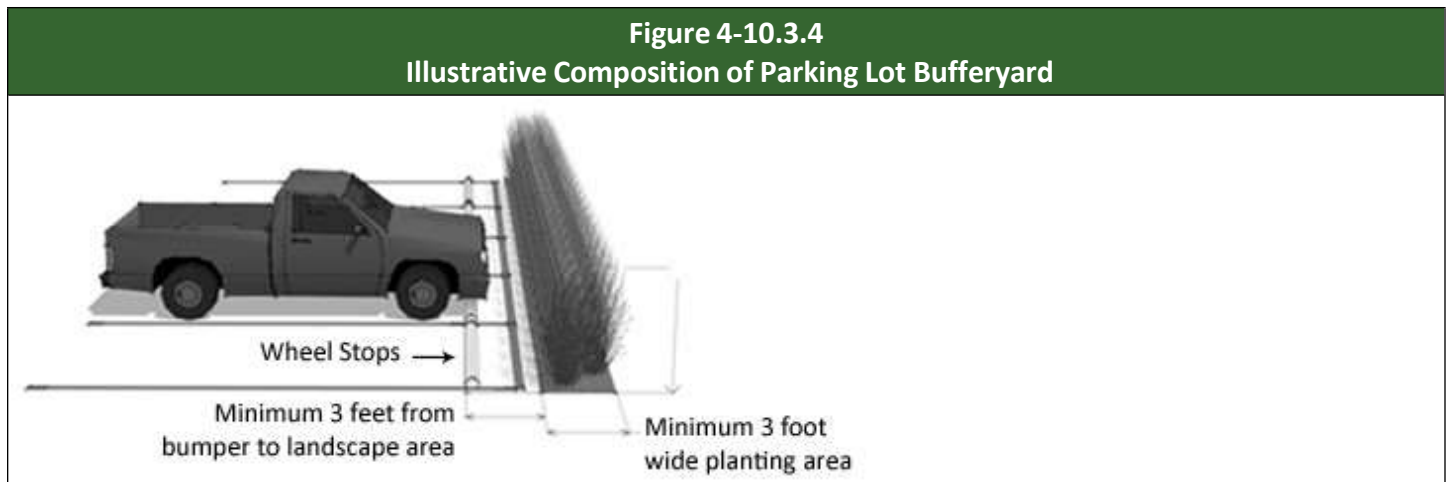
be counted towards the requirements of the other bufferyard, and the bufferyards may overlap. This Section does not allow for a reduction in the width or density of other bufferyards.

C. **Where Required.** Bufferyards are required around the perimeter of parking lots when adjacent to the following:

1. Public street rights-of-way
2. Private street or access easements;
3. Ingress and egress ways; and
4. Parking lots of abutting land uses.

D. **Composition.** Parking lot bufferyards shall be composed of any of the following, set in a bufferyard area that is at least three feet wide:

1. A three-foot high masonry wall, measured from the surface of the parking lot in the area that is closest to the wall; and/or
2. Shrubs planted to form a continuous buffer that is at least three feet in height if the plants form a hedge with comparable opacity from the ground to three feet in height.
 - a. Three feet from the edge of pavement if there are no curbs or wheel stops; or
 - b. Three feet from the face of the curb or parking bumper that faces the parking space. See **Figure 4- 10.3.4, Illustrative Composition of Parking Lot Bufferyard.**



Sec. 4-10.3.5 Constrained Bufferyards

A. **General.** Reduced bufferyard widths are permitted on sites that are constrained, in that compliance with all bufferyard requirements would result in more than 15 percent of the site being used for bufferyards.

B. **Reduction of Width Permitted.** Bufferyard widths may be reduced during development approval so that no more than 15 percent of the site is used for bufferyards. Bufferyards shall be reduced in the following order of priority:

1. Class B bufferyards may be reduced to five feet in width, provided that a six foot high opaque wall is provided with a three foot high hedge (at planting) installed along its outer face, and understory trees are planted (on either side of the wall) along the bufferyard, regularly spaced 10 feet on-center. Notwithstanding the permitted reduction, understory trees shall be planted so that they have a four-foot radius of permeable soil at their base.
2. Class C, D, and E bufferyards may be reduced by up to 25 percent in width, provided that they include all

of the plantings that are required of the respective bufferyard.

C. **Variance.** All other reductions in bufferyard width shall require a variance.

Division 4-10.4 Tree Preservation, Credit, and Replacement

Sec. 4-10.4.1 Preservation of Significant Stands and Protected Trees

A. **Generally.** Tree preservation can provide environmental and aesthetic benefits to the community and is thus, preferred to that of tree replacement. Through tree preservation and protection, it is possible to attain credits toward the landscaping requirements, as set out in *Section 4-10.4.2, Credit for Existing Trees*. To attain these credits, development shall be designed, where practical and feasible, so that significant stands of trees and single protected trees, when preserved, are preserved and located in designated open spaces or landscape surface areas. For the purposes of this requirement, a "significant stand" is a stand of trees with interconnected canopies that cover an area of at least 5,000 square feet. The preservation of trees shall be executed by a declaration of restrictions and covenants, in a form and of content to the satisfaction of the City Attorney, as set out in *Division 4-14.3, Covenants, Conditions, and Restrictions*.

B. **Protected Trees.** A "protected tree" includes those listed in **Table 4-10.4.1, Protected Trees**. Pursuant to the allowable credit for the preservation and protection of existing trees, protected trees shall not be removed from any multi-family, nonresidential, mixed use, or public or institutional property unless the Director has issued an individual tree removal permit.

Table 4-10.4.1 Protected Trees		
Scientific Name	Common Name	Diameter at Breast Height (DBH)
<i>Juniperus virginiana</i>	Eastern Red Cedar	24"
<i>Magnolia grandiflora</i>	Southern Magnolia	24"
<i>Quercus virginiana</i>	Live Oak	24"
<i>Quercus laurifolia</i>	Laurel Oak	24"
<i>Quercus phellos</i>	Willow Oak	24"
<i>Acer rubrum</i>	Red Maple	24"
<i>Taxodium distichum</i>	Bald Cypress	24"
<i>Ilex opaca</i>	American Holly	10"
<i>Cornus florida</i>	Flowering Dogwood	8"
<i>Carya</i>	Hickory (except Pecan)	24"
All Other Canopy Trees (unless they are on the prohibited plant list)	--	36"

Sec. 4-10.4.2 Credit for Existing Trees

A. **Generally.** To be eligible for credits where there is significant existing vegetation on a site, the Director, or an appointee, may require a tree survey. Existing healthy trees shall not be removed from any multi-family, nonresidential, mixed use, or public or institutional property unless the Director determines that no other option is available. Existing trees qualify for credit against the requirements of this Article.

B. **Tree Survey.** A tree survey (including caliper size, type, and location of trees) performed by a certified arborist or registered landscape architect, is required for parcels proposed for development when:

1. The applicant seeks credit for existing trees pursuant to Section 4-10.4.2, Credit for Existing Trees.

C. **Quality of Existing Trees.** Existing trees that are protected according to Table 4-10.4.1, Protected Trees and eligible as set out in Subsection D., below, count towards the planting requirements of this Article.

D. **Eligibility.** Existing trees are eligible for credit if:

1. They are healthy and in good structural condition;

2. They are not on the prohibited plants list; and
3. Except with respect to street trees (which are regulated by Section 4-10.2.4, Street Trees), they are located within:
 - a. 15 feet of the area where the credit will be applied; or
 - b. Situated such that they will contribute to the purpose of the landscape area to which it is credited.

E. Application of Tree Preservation Credit. The tree preservation credit is applied towards the requirements for the area in which the tree is planted. If there are no requirements for that area, the credit applies in the following order of descending priority:

1. Lot and building requirements;
2. Parking lot and vehicular use area requirements;
3. Street tree requirements, provided that the tree is located within the street bufferyard set out in Table 4- 10.3.4, Bufferyard Requirements for Streets and Railroads; and
4. Bufferyard requirements, provided that the tree is located between the bufferyard to which the credit applies and the building or use that is being buffered.

F. Credit for Preservation of Trees. It is the policy of the City to promote the preservation of its healthy mature tree canopy. Healthy, mature trees that are preserved on-site shall count as more than one tree for the purposes of landscaping requirements, as set out in **Table 4-10.4.2, Credit for Preservation of Trees.**

G. Calculation of Other Landscaping Credit. Existing healthy non-canopy trees and shrubs shall be credited against planting requirements on a one to one basis in the same category of plant material.

Table 4-10.4.2 Credit for Preservation of Trees		
Diameter at Breast Height (DBH) of Preserved Canopy Tree		Credit Per Preserved Tree
More Than	Up to and Including	
32 inches	Any	5 canopy trees
24 inches	32 inches	4 canopy trees
16 inches	24 inches	3 canopy trees
8 inches	16 inches	2 canopy trees

Sec. 4-10.4.3 Tree Replacement

In certain cases, by reason of the size of the site, location of significant stands of trees or protected trees, or the placement of the building on a site, tree preservation will not be feasible. In these cases, the following standards apply.

- A. Replacement of Removed Trees.** Trees that must be removed to accommodate development shall be replaced with new trees equal to the credit applied in Table 4-10.4.2, Credit for Preservation of Trees.
- B. Change of Species.** Any tree that is required by a development approval and subsequently proposed to change shall be replaced with a tree that has a comparable canopy at maturity, except that change is optional if a new landscape plan is approved.

Division 4-10.5 Tree Protection

Sec. 4-10.5.1 Construction Procedures

A. Generally. As living organisms, trees have much different requirements than other infrastructure improvements. As such, trees are sensitive to construction activities, which may cause tree death during the

project or may initiate tree-decline that may not be apparent for a period of time after construction. The best method for protecting trees during construction is by physically separating them from all construction activities. Existing trees that are approved for credit shall be protected during construction as follows:

1. Parking areas and building sites shall be located to preserve existing trees.
2. The larger of the drip-line or critical root zone of all protected trees shall be secured during construction to prevent damage to the trees and their roots by construction equipment.
3. The construction tree guard shall be not less than four feet high and eight feet square, or at a distance in feet from the tree trunk equal to the diameter at breast height (DBH) in inches, whichever is greater. All building material, dirt, or other debris shall be kept outside the construction tree guard. Refer to [Appendix C, Planting Details](#)
4. No person shall change natural drainage, excavate any ditches, tunnels, trenches, or lay any drive within a radius of 10 feet from the trunk of any protected tree without first obtaining written permission from the Director.

Division 4-10.6 Landscape Plan, Installation, and Maintenance

Sec. 4-10.6.1 Landscape Plan Approval

A. Generally.

1. Compliance with the standards of this Article shall be demonstrated by a schematic landscape plan and a landscape installation and maintenance specifications. Collectively, these documents shall be referred to as the "landscape plan."
2. Landscape plans for nonresidential, mixed-use, and multi-family development shall be prepared by a registered landscape architect who is licensed to practice in the State of South Carolina or as a landscape professional.

B. Contents of Schematic Landscape Plan. The landscape plan shall include the elements that are set out in this Section. The Director may waive elements of the landscape plan if it is found that they are unnecessary due to the type of development approval sought, or the conditions of the site being developed, or both. The Director is authorized to require additional information on the landscape plan as needed to administer the requirements of this UDC. The schematic landscape plan shall include all of the following information:

1. Plan Drawing. The landscape plan drawing shall include all of the following information:
 - a. A plan view drawing prepared at a standard scale that ensures clarity of the proposal (scale shall be approved by the Director), which shall indicate:
 1. Dimensions, surface area, and type of planting area (e.g., bufferyard, parking lot landscaping, etc.) for each planting area;
 2. The location and quantity of trees and shrubs to be installed, which shall be drawn at three-fourths (3/4) of mature size and annotated with genus, species, common name, on center (o.c.) spacing, drought tolerance, and size at planting;
 3. The location, quality, size (DBH), and protected root zone of trees that are to be preserved on the site;
 4. The location and extent of areas of groundcover; the groundcovers, turf, seed, or inorganic materials to be installed or planted; and the type of underlayment proposed to be used (if any);
 5. Existing and proposed topography of the site, shown at one-foot contours;
 6. Dimensions of all landscape elements, including fences, walls, border edge treatments, berms, water features, trash enclosures, street furniture, public art, and recreational facilities, as applicable (Staff may require details or specifications for landscape features or structures to be attached to the landscape plan in order to facilitate subsequent inspection);

7. General layout and specifications of irrigation systems;
 8. Dimensions and surfacing of all easements, pedestrian walkways, and pedestrian-oriented areas (existing and proposed);
 9. Location and dimensions of maintenance easements for drainage facilities;
 10. Location of existing and proposed overhead and underground utilities;
 11. Location and base flood elevation of floodplains;
 12. Dimensions and slopes of storm water detention areas;
 13. Special landscape features for storm water detention and treatment, such as green roofs, rain gardens, or bioswales;
 14. Dimensions and locations of sight distance triangles; and
 15. Location, genus, species, and spacing of street trees.
 16. Any credits that are requested for preserving existing trees pursuant to Section 4-10.3.3, Existing Trees, Fences, and Walls on Development Property or Section 4-10.4.2, Credit for Existing Trees.
- b. Information regarding specific design techniques that will be used to prevent water infiltration or damage at the street section may be required by the Director if it is found that there is good cause to believe that such damage could occur.

C. Landscape Installation and Maintenance Specifications. A landscape installation and maintenance specifications shall identify the proposed plant installation methods and both short and long-term landscape maintenance programs for all landscaped areas except landscaping of private lots (unless a property owners' association is to maintain the landscaping on private lots). The maintenance specifications shall provide a detailed explanation of the work to be done, the reason it is needed, the frequency of the work, and the estimated annual cost of the work. This is intended to be a guide to the property owners' association on the needed maintenance, and an aid to budgeting and contracting. It also informs the developer of work that needs to be accomplished prior to turning the project over to the property owners' association, and ensures continuing compliance with the City's landscape and open space standards.

D. Approval and Timing of Approval.

1. Plans meeting the standards of this Code shall be approved. However, in reviewing the plans, adjustments in the location of plants may be required where the City finds such alterations would better serve the purposes for which they are intended.
2. Landscape plans containing street trees and open spaces shall be submitted for approval at the development plat application stage.
3. Landscape plans containing site features, bufferyards and required landscaping shall be submitted for approval at the zoning compliance stage.

Sec. 4-10.6.2 Installation Standards

A. Generally. Plant material that is used to demonstrate compliance with this Article shall be selected as provided in this Section.

B. Approved Plant List. A list of approved plants is set out in [Appendix B](#), Plant Lists. The list separates plants into canopy trees, understory trees, evergreen trees, and shrubs. The Director is delegated the authority to modify the approved plant list according to the following criteria:

1. Plants may be added to the list if the Director finds a preponderance of credible evidence that the species:
 - a. Has not been listed as an invasive or noxious weed;
 - b. Is appropriate for the planting environment;

- c. Is native to the region; and
- d. Has one or more of the following characteristics:
 - 1. Drought-tolerance (low or medium water consumption);
 - 2. Produces a food crop; or
 - 3. Provides habitat for native wildlife or migratory birds.

- 2. Plants may be annotated as limited to locations that are more than 10 feet from street rights-of-way if the Director finds that the trees are already present in such numbers along City rights-of-way that further installation of the species would likely violate Subsection D.3., below.
- 3. Plants may be removed from the list if the species is on any of the lists identified in Subsection B.1.a., above.

C. Prohibited Plant List. A list of prohibited plants is set out in Appendix B, Plant Lists. The Director is delegated the authority to add species to the prohibited plant list to make it consistent with the lists identified in Subsection B.1.a., above.

D. Required Biodiversity. Diversity of the genera and species of trees and shrubs is required in order to prevent monocultures which could result in large-scale losses in the event of disease or blight. Therefore:

- 1. Within each category of required landscaping (i.e., large trees, small trees, and shrubs):
 - a. Not more than 40 percent shall be of any one genera; and
 - b. Not more than 20 percent shall be of any one species.
- 2. Each street block shall have at least three genera of street trees. For the purpose of this paragraph only, street trees shall include all trees that are planted within 10 feet of the public street right-of-way.
- 3. Not more than 40 percent of the street trees in the City shall be of the same genus.
- 4. The Director may approve alterations to the requirements of this subsection if circumstances require.

E. Minimum Size of Plants at Installation. Plant material shall be installed as set out in **Table 4-10.6.2, Minimum Size of Plants at Installation.**

Table 4-10.6.2 Minimum Size of Plants at Installation		
Type of Plant	Distance from Public Right-of-Way	
	10 feet or less, or in tree lawns or medians	More than 10 feet
Canopy Tree	2 inch caliper	2 inch caliper
Understory Tree	1.5 inch caliper	1.5 inch caliper
Evergreen Tree	8 feet in height	6 feet in height
Shrub	5 gallon container	5 gallon container

F. Quality of New Plantings.

- 1. All landscape material shall be in compliance with the standards of the American Nursery & Landscape Association’s American Standard for Nursery Stock ANSI Z60.1-2004.
- 2. Single trunk species with co-dominant trunks (multiple trunks of equal size) shall not be used. Single trunk trees shall have one trunk to the top, and all branches shall be less than half of the diameter of the adjacent trunk.
- 3. All plant material shall have a habit of growth that is normal for the species and shall be of sound health, vigorous growth, and free from insect pests, diseases and injuries.

Sec. 4-10.6.3 Deferred Installation and Surety

- A. **Surety Required.** The applicant shall submit the bid for the landscape plan for review by the City. A bond, landscape contractor guarantee, or other acceptable surety equal to 125 percent of the cost of implementing the landscape plan shall be provided to ensure proper installation and maintenance of the landscaping for a period of two years from the date of installation.
- B. **Replacement Required.** The applicant shall warrant all landscaping materials for a period of two years after installation. All plant materials that die within two years from the date of installation shall be replaced by the applicant. If the applicant fails to replace the plant materials, the City may use the performance guarantee to replace dead materials. For all required landscaping on individual residential lots, the developer shall convey a two-year warranty to the purchaser at the time of closing.
- C. **Return or Release of Surety.** The City shall return or release the surety after the two year period is expired upon request of the applicant and demonstration that the landscaping that is protected by the guarantee is established and in good condition.

ARTICLE 11 ENVIRONMENTAL AND SAFETY STANDARDS

Division 4-11.1 Lighting

Sec. 4-11.1.1 Purpose

The purposes of this Division are to:

- A. **Outdoor Lighting.** Allow for the reasonable use of outdoor lighting;
- B. **Minimize Impacts.** Minimize adverse off-site impacts, including light trespass and glare;
- C. **Security.** Improve both security and views of the night sky.

Sec. 4-11.1.2 Nonresidential Lighting Standards

- A. **Generally.** The maximum permitted illumination and the maximum permitted luminaire height shall conform to the standards of this Section.
- B. **Fixture Type.**
 - 1. Generally, light fixtures shall be "cut-off" fixtures that limit lighting that is visible or measurable at the property line.
 - 2. "No cut-off" fixtures may be used only for decorative purposes, provided:
 - a. They have luminaires that produce no more than 1,500 lumens (approximately equal to a 100W incandescent bulb);
 - b. They have a maximum height of 15 feet;
 - c. They use energy-efficient bulbs, such as compact fluorescent (CF).
- C. **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 25 feet in height.
- D. **Maximum Illumination.**
 - 1. Outdoor lighting shall be deflected, shaded, and focused away from adjacent properties and shall not be a nuisance to such adjacent properties.
 - 2. Outdoor lighting shall be designed so that any overspill of light onto adjacent properties shall not exceed three-tenths foot-candle over ambient light conditions, measured vertically and horizontally, respectively, on adjacent properties.

- E. **Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas, such as gas stations, shall meet the standards of this Section. All luminaires shall be recessed into the canopy so that they cannot be viewed off-site from an eye height of four feet (to protect automobile drivers from glare).
- F. **Outside Wall-Mounted Lighting.** Outside wall-mounted lighting shall also comply with the standards of this Section except that lighting that is required by the Federal Aviation Administration (FAA) shall comply with Federal standards.
- G. **Lighting in the Airport Environs.** See Section 4-13.5.8, *Lighting Restrictions*.

Sec. 4-11.1.3 Exterior Lighting for Outdoor Recreation

- A. **Generally.** Ball diamonds, playing fields, driving ranges, tennis courts, and similar amusement or recreation uses have unique requirements for nighttime visibility and, generally, have limited hours of operation. The standards of this Section, and not Section 4-11.1.2, *Nonresidential Lighting Standards*, apply to outdoor recreation uses.
- B. **Fixture Type.** Light fixtures for illumination of playing courts and athletic fields shall be "cut-off" fixtures that limit lighting that is visible or measurable at the property line.
- C. **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 80 feet in height.
- D. **Maximum Illumination.**
1. Field and court lighting shall be deflected, shaded, and focused away from adjacent properties and shall not be a nuisance to such adjacent properties.
 2. Field and court lighting shall be designed so that any overspill of light onto adjacent properties shall not exceed one-half foot-candle, measured vertically and horizontally, respectively, on adjacent properties.
 3. A landscaped bufferyard may be used to block light spillover onto adjacent property. The Director may require more opaque bufferyards than those in Division 4-10.3, *Bufferyards*, to achieve this objective.

Sec. 4-11.1.4 Public Safety and Nuisance

- A. **Generally.** The City may require the modification or removal or limited operation of existing or new lighting fixtures found to be a public hazard or public nuisance according to the criteria of this Section.
- B. **Hazards.** Criteria for finding illumination to be a public hazard are as follows:
1. Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle.
 2. Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in their path.
- C. **Nuisance.** Criteria for finding illumination to be a public nuisance are as follows:
1. Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of their property.
 2. A high frequency and/or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property.
 3. Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties of the City.

Sec. 4-11.1.5 Glare

- A. **Glare from Use.** Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, or from any point that would create a hazard for other occupants of visitors to the property

on which the activity is taking place.

B. Glare from Buildings and Structures. Buildings and structures shall be designed and oriented to avoid glare that materially interferes with the safe operation of streets.

Sec. 4-11.1.6 Single Family and Duplex Lighting Standards

Outdoor lighting on single-family and duplex lots shall be designed so that:

1. Fixtures are shielded so that the light source is not visible from abutting properties; and that the light cast on abutting properties does not exceed one-tenth footcandle on the ground at the property line or on any window plane; and
2. Motion sensor security lighting shall be pointed away from windows on abutting properties.

Division 4-11.2 Noise and Vibration

Sec. 4-11.2.1 Maximum Noise; Exceptions

- A. Generally.** Section 10-9, Noise - Prohibited and Section 10-10, Same- Enumeration of Chapter 10, Health and Sanitation of the Code of Ordinances sets out the general provisions and prohibitions of noise within the City. The standards of this Section are applicable to the zoning districts and their permitted, conditional, and permitted special exception uses, as established by this Unified Development Ordinance.
- B. Maximum Noise Level.** No use shall exceed the noise level indicated in **Table 4-11.2.1A, Maximum Noise Levels**, measured at any property line. dbA = decibel A weighting

Table 4-11.2.1A Maximum Noise Levels								
Adjoining Use or District							Max. dbA from 7 AM to 10 PM	Max. dbA from 10 PM to 7 AM
AR	CR	RE	RS	RG	RU	NC	55	55
AC		CBD	DS	CG			75	70
CA		IL	IH				80	60

AR (Agricultural/Rural), RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial)

C. Illustrative Noise Levels. For illustrative purposes only, **Table 4-11.2.1B, Illustrative Noise Levels**, shows how the limitations relate to common noises.

Table 4-11.2.1B Illustrative Noise Levels	
Noise	Typical Noise Level (dbA) ¹
Typical threshold of pain	140 dbA
Chainsaw	100 dbA
Diesel truck, listener 50 feet away	90 dbA
Shouting, listener 10 feet away	75 dbA
Typical threshold of discomfort	70 to 80 dbA
Car driving at 50 MPH, listener 50 feet away	65 dbA
Conversation	55 dbA
Quiet room	45 dbA
Threshold of human perception	0 dbA

NOTE:
¹ Note that increases in noise levels are not linear. That is, 70 dbA is perceived as twice as loud as 60 dbA, and 80 dbA is perceived as twice as loud as 70 dbA.

- D. Sound Levels by Recreational Motorized Vehicles.** No person shall operate or cause to operate any recreational motorized vehicle on a public right-of-way or on private property in a manner that the emitted sound level exceeds 40 dbA at or across the boundary of any private property receiving the noise. This Section shall apply to all recreational motorized vehicles, whether or not fully licensed and registered including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, and mini-bikes.
- E. Noise Sensitive School Zones.** It shall be unlawful for any person to create any noise which exceeds the sound level of 50 dbA as measured within 20 feet from the exterior wall of a public or private school between the hours of 7:00 a.m. and 4:00 p.m. on weekdays when school is in session.
- F. Most Restrictive Standards Apply.** Where different uses or zoning districts adjoin a subject property, the most restrictive noise level standard shall apply. The standard must be met not only on the subject and abutting properties, but also where a district boundary is not also a property boundary.
- G. Barriers and Structures.** Barriers or structures may be used to meet noise reduction. If used to meet the standards of this Section, the plans for a barrier or structure shall be certified as meeting the standards pursuant to the Federal Highway Administration’s Highway Traffic Noise Prediction Model (FHWA-RD-108), as amended).
- H. Exceptions.** The following are excepted from the standards of this Section:
1. Noises emanating from construction activities between the hours of 7:00 AM and 7:00 PM that are temporary in nature.
 2. Noise emanating from a site that is occasional and/or temporary in nature, such as lawn and landscaping maintenance, and loading and unloading, that takes place between the hours of 7:00 AM and 7:00 PM.
 3. Agricultural equipment and operations in the AR District.
 4. Emergency warning devices and equipment operated in conjunction with emergency situations, including the routine testing of such warning devices during daytime hours.
 5. Downtown events and other events that are pre-approved by the Director or otherwise properly permitted.

Sec. 4-11.2.2 Vibration; Exceptions

- A. Generally.** No land use shall produce a perceptible vibration at the property line.
- B. Exceptions.** This Subsection does not apply to:
1. Those emanating from temporary construction activities between the hours of 7:00 AM and 7:00 PM that are temporary in nature;
 2. Agricultural equipment and/or operations;
 3. Vehicles on public streets; or
 4. Trains.

Division 4-11.3 Sight Clearance

Sec. 4-11.3.1 Intersection Sight Clearance

- A. Generally.** For at-grade intersections to operate properly, adequate sight distance must be available. A sufficient sight distance must be provided for a driver to perceive potential conflicts and to perform the actions needed to negotiate the intersection safely. In general, a sight distance triangle refers to the corner sight distance available in intersection quadrants that allows a driver approaching an intersection to observe the actions of vehicles on the intersecting street(s). Sight distance standards are for the purpose of establishing the needed sight distance triangle in each quadrant by determining the appropriate dimensions of the triangle on the two intersecting street right-of-way lines (or a right-of-way line and the curb or edge of a

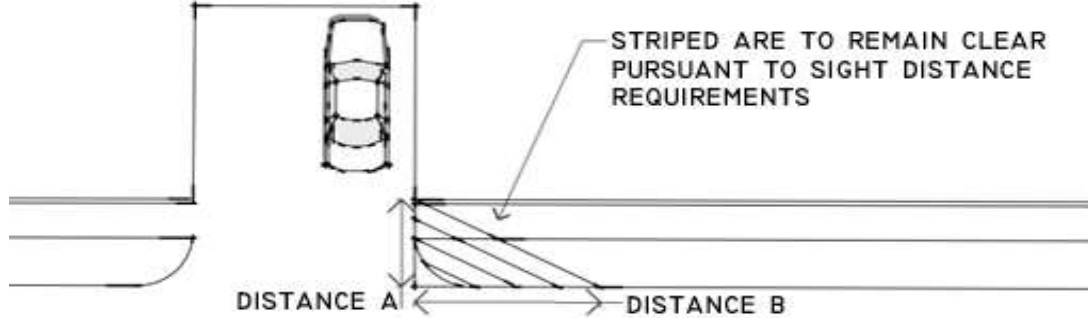
driveway).

- B. **Requirements for State-Maintained Roads.** For at-grade intersections with roads that are state-maintained, the required standards shall be in accordance with the South Carolina Department of Transportation (SCDOT) Access and Roadside Management Standards (ARMS Manual), latest edition.
- C. **Requirements for Local Streets.** For at-grade intersections of streets that are not state-maintained, the standards are as follows:
 - 1. No planting shall be placed and no fence, wall, building, or other structure shall be constructed that may obstruct the view:
 - a. Between the elevations of two and one-half feet and eight feet above the average street grade; and
 - b. Within the triangular area bounded on two sides by the street right-of-way lines (or a right-of-way line and the curb or edge of a driveway), and on the third side by a straight line connecting points on the two street right-of-way or driveway lines, as set out in **Figure 4-11.3.1, Sight Distance Requirements, Driveways and Intersecting Streets.**

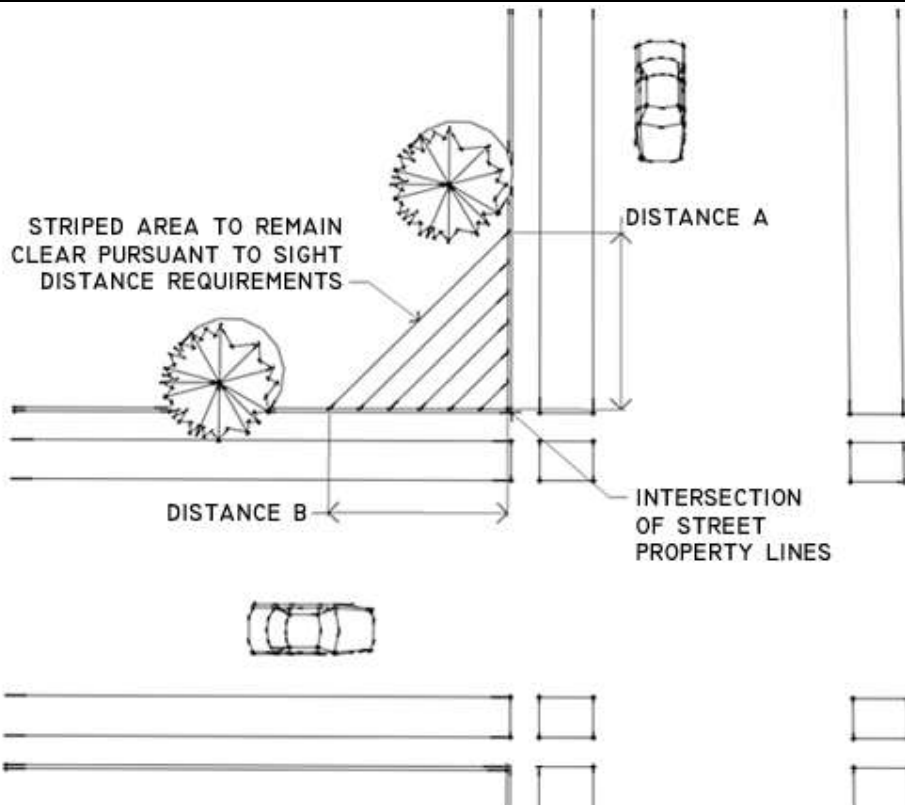
Figure 4-11.3.1

Sight Distance Requirements, Driveways and Intersecting Streets

Sight Distance Requirements for Driveways (only one side shown, both sides shall be clear)



Sight Distance Requirements for Intersecting Streets.



2. The minimum dimensions set out in **Table 4-11.3.1, Sight Distance Triangle Dimensions** shall be provided along each functionally classified street and/or driveway. Distance A refers to the street of lower functional classification and Distance B refers to the street of higher functional classification. The ascending order of functional classification is as follows: driveway, local street, collector street, and arterial (minor or principal) street.

**Table 4-11.3.1
Sight Distance Triangle Dimensions**

Distance A (lower classification)	Distance B (higher classification)			
	Driveway	Local	Collector	Arterial (Minor or Principal)
Driveway	n/a	10'	15'	15'
Local	20'	20'	20'	20'
Collector	35'	35'	35'	35'
Arterial (Minor or Principal)	45'	45'	45'	45'

3. The distances are measured as follows:

- a. From the point of intersection or the extension of street lot lines away from the intersection along the street lot lines; or
- b. From the intersection of the street-ward projection of the driveway line and the curb or edge of the street pavement, along the driveway line in the direction of the lot interior and along the curb or edge of the street pavement away from the driveway line.

D. Exceptions.

1. Shade trees are permitted to overhang the specified triangles, provided that all branches are not less than eight feet above the average street grade.
2. Trees that existed within a required sight distance triangle as of the effective date of this Unified Development Ordinance shall be pruned to clear the area between two and one-half feet and eight feet above the average ground level.
3. Poles and support structures with a diameter of less than 12 inches are permitted provided that they are not located within the public right-of-way or within 50 feet of the centerlines of intersecting streets.
4. No portion of a fence or wall exceeding two and one-half feet in height above the average grade shall exceed 25 percent opacity when located in a required yard that either:
 - a. Has vehicular access to a street; or
 - b. Abuts such access.

E. Exemptions. Where their placement within a sight distance triangle is required, certain objects shall be exempted from the restrictions of this Section. These objects include:

1. Traffic control features such as poles, signs, and signals;
2. Fire hydrants; and
3. Utility structures.

ARTICLE 12 STORM WATER MANAGEMENT, DRAINAGE, AND FLOOD PREVENTION

Division 4-12.1 Purpose and Applicability

Sec. 4-12.1.1 Purpose

The purpose of this Article is to encourage the promotion, protection, and improvement of the general health, safety, and welfare of the people and to encourage the conservation of natural resources within the City. These regulations are enacted for the following purposes:

1. To minimize the erosion of soils;
2. Reduce the sedimentation of streams;
3. Regulate stormwater runoff from developing areas;
4. Reduce the damage potential of flood water;
5. Protect properties near land disturbing activities;
6. Minimize the clogging of ditches;
7. Reduce the silting of water bodies;
8. Strive to provide unobstructed and sanitary channels for stormwater runoff;
9. Reduce flooding caused by the encroachment of buildings or other structures on natural waterways and drainage channels;
10. Minimize the pollution of surface and ground waters; and
11. Promote groundwater recharge.

Sec. 4-12.1.2 Sediment and Erosion Control

A. Authority and Jurisdiction

1. *Authority.* The regulations of this Article are adopted under the authority and powers granted by the General Assembly of South Carolina in Chapter 14, Title 48, Code of Laws of South Carolina, 1976, and by other powers.
2. *Jurisdiction.* The sediment and erosion control regulations contained in this Article apply to all lands within the City, as well as those incorporated and unincorporated areas of Florence County which, by approval of the Department of Health and Environmental Control (DHEC) and by written agreement executed with the City, contract to have these provisions administered within their respective jurisdiction(s).
3. *Compliance with Regulatory Requirements.* As a regulated by the Municipal Separate Storm Sewer System (MS4), within its jurisdictional boundaries, the City must ensure compliance with the most up-to-date regulatory requirements associated with the South Carolina Pollution Control Act (S.C. Code Sections 48-1-10 et seq., 1976) and with the provisions of the Clean Water Act (33 U.S.C. §1251 et. seq.), hereafter referred to as “CWA” or “the Act”, as amended by the Water Quality Act of 1987 (P.L. 100-4), and all applicable subsequent regulations governing stormwater and pollution control within the City.

B. Requirements.

1. *Permit Required.* The surface of land in the City shall not be disturbed or altered for any purpose whatsoever, except in accordance with this Article and other applicable regulations of the City. The subdivider/developer shall be required to obtain a permit for land disturbance prior to any construction, grading, or land disturbance of any nature. Prior to any construction, grading, or land disturbance of any nature, the subdivider/developer shall also be required to obtain coverage from DHEC under the National Pollutant Discharge Elimination System (NPDES) general permit (permit) for stormwater discharges from construction activities and the NPDES general permit for stormwater discharges from regulated small municipal separate storm sewer systems (SMS4), as outlined in this Article and set out in Appendix C, NPDES Requirements. Where DHEC permit requirements conflict with the City’s design guidelines and this Article, the most restrictive requirement shall apply.
2. *Application.* The person responsible for the land disturbing activity shall apply, in writing, to the Engineering Division. Upon approval, the applicant will be issued a NPDES permit for construction activities, as set out in this Article. (See Section 6-21.3.1, Submittal Requirements, Subsection D, Environmental Permits)
3. *Modifications.* Where the subdivider/developer or engineer requests modifications or exceptions to this Article, the modification request shall be provided in writing to the Engineering Division of the City of Florence with appropriate calculations and justification for alterations to the requirements of this Article.

C. **Exemptions.** The provisions requiring the preparation and approval of a stormwater pollution prevention permit (SWPPP) shall not apply to the following:

1. Land disturbing activities on agricultural land for the production of plants and animals useful to man, including, but not limited to: forages and sod crops, grains and feed crops, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture; except that the construction of an agricultural structure or structures which, singularly or collectively, total one acre or more, such as broiler houses, machine sheds, repair shops and other major buildings and which require the issuance of a building permit shall require the submittal and approval of a stormwater management and sediment control plan prior to the start of the land disturbing activity.
2. Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products provided these activities are in compliance with South Carolina Code Section 48-23-205.
3. Activities undertaken by persons who are otherwise regulated by the provisions of South Carolina Code, Title 48, Chapter 20, South Carolina Mining Act.
4. Construction or improvement of single-family residences or their separately-built accessory buildings disturbing an area less than one acre, which is not part of multiple construction in a subdivision development and which does not drain to an impaired waterway with an approved Total Maximum Daily Load (TMDL) requirement.
5. Land disturbing activities that are conducted under another state or federal environmental permitting, licensing, or certification program where the state or federal environmental permit, license, or certification is conditioned on compliance with the minimum standards and criteria developed under South Carolina Code, Title 48, Chapter 18, Erosion and Sediment Reduction Act.
6. Any land disturbing activities undertaken by any person who provides gas, electrification, or communications services, subject to the jurisdiction of the South Carolina Public Service Commission, or corporations organized and operating pursuant to Section 33-49-10 et seq.
7. Activities relating to the routine maintenance and/or repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.
8. Activities undertaken on state-owned or managed lands that are otherwise regulated by the provisions of South Carolina Code, Title 48, Chapter 18, Erosion and Sediment Reduction Act.
9. Activities undertaken by local governments or special purpose or public service districts relating to the repair and maintenance of existing facilities and structures.
10. Where the exemptions listed above apply, the City encourages those persons engaged in the land disturbing activities to carry out such activities in a manner to achieve the objectives of erosion and sediment reduction and stormwater management through the use of applicable best management practices (BMPs), as set out in *Section 4-12.4.3, Construction BMP Design Standards* and *Section 4-12.4.5, Post-Construction BMP Design Standards*.

D. **Waivers.** Waivers may be granted from the stormwater management requirements of these regulations for individual land disturbing activities provided that a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request is required if there are subsequent additions, extensions, or modifications which would alter the approved stormwater runoff characteristics to a land disturbing activity receiving a waiver.

1. A project may be eligible for a waiver of stormwater management, for both quantitative and qualitative control, if the applicant can demonstrate that there will be no adverse impact and that the proposed project will return the disturbed area to a pre-development runoff condition and the pre-development land use is unchanged at the conclusion of the project.
2. A project may be eligible for a waiver of stormwater management for water quantity control if the applicant

can demonstrate that:

- a. The proposed project will have no adverse impact on the receiving natural waterway or downstream properties; or
 - b. The imposition of peak control requirements for rates of stormwater runoff would aggravate downstream flooding.
3. A project may be eligible for a waiver from the stormwater management requirements if the land disturbing activities are associated with gas or electric services provided these activities have been permitted through DHEC.
 4. The City will conduct its review of the request for waiver within 10 working days, after which time it will be approved or disapproved by the City.

E. Operator Requirements. Construction site operators must complete, and submit to the City, the appropriate NOI form, as set out in Subsection J., below, to receive coverage under the NPDES General Permit for stormwater discharges from construction activities as regulated by DHEC. "Operator" means any person associated with a construction project who meets one of the following two criteria:

1. The person has operational control over construction plans, SWPPPs, and specifications, including the ability to request modifications to those plans, SWPPPs, and specifications by a qualified individual set out in Section 4-12.2.2, Design and Development, Subsection B., Preparation and Certification. This person is typically the owner or developer of the project or a portion of the project (subsequent builders), and is considered the Primary Permittee; or
2. The person has day-to-day operational control of those activities at a construction site, which are necessary to ensure compliance with a SWPPP for the construction site or other Permit conditions. This person is often referred to as the Operator of Day-to-Day Site Activities (ODSA) and is typically a contractor or a residential builder who is hired by the Primary Permittee. This person is considered a Secondary Permittee for a residential development.

F. Operator Categories

1. Primary Permittee.

- a. An owner, developer(s), or operator of a project is a Primary Permittee. This person may include, but is not limited to, a developer, landowner, realtor, builder, utility provider, or public or private entity. The Primary Permittee's responsibility to comply with requirements of the permit extends until coverage is terminated in accordance with the requirements of [Division 4-12.8](#), Termination of Coverage. The Primary Permittee must submit a complete and accurate NOI, as set out in Subsection J., below. The Primary Permittee may rely on, or require, Secondary Permittees and/or contractors to assist with project activities necessary to ensure compliance with the permit and implementation of the On-Site - Storm Water Pollution Prevention Plan(OS-SWPPP).
- b. The Primary Permittee on any construction site subject to the permit is responsible for preparation of the site-specific Comprehensive – Storm Water Pollution Prevention Plan (C-SWPPP), as described in [Division 4-12.2](#), Stormwater Pollution Prevention Plans (SWPPPs).
- c. The Primary Permittee on any construction site shall either enforce compliance with the approved, site specific OS-SWPPP or report activities, which are not in compliance with the OS-SWPPP, to the City when a Secondary Permittee fails to implement the appropriate BMPs or other measures as outlined by the OS-SWPPP or alternate permit conditions.

2. Secondary Permittees.

- a. A Secondary Permittee is an individual lot owner or residential builder that conducts land disturbing activity at a construction site that is limited to an individual lot or a group of lots that are part of a Larger Common Plan (LCP) previously approved by the City.
- b. Residential Subdivisions, Individual and/or Multiple Lots:

1. Individual lots or a collection of individual lots within a residential subdivision that are part of a Larger Common Plan (LCP) are regulated regardless of lot size or ownership. If the Primary Permittee obtains coverage under the permit for the development and then sells lots within the development, then coverage under the permit may either continue with the Primary Permittee or the Primary Permittee may require that the new lot owner (or new lot owner may choose to) obtain their own coverage under the permit as a Secondary Permittee. The Primary Permittee must inform the new owner of the Individual Lot Notice of Intent (IL-NOI) requirements and make the OS-SWPPP (see Section 4-12.2.1H) and a copy of the Construction General Permit (CGP) available to the new owner who would be seeking individual lot(s) coverage under the permit. When a Secondary Permittee elects not to follow the drainage provisions in the Primary Permittee's approved OS- SWPPP, the City may require the Secondary Permittee to request coverage under the permit as a Primary Permittee.
 2. Each individual lot owner or residential builder obtaining their own coverage under the permit will be issued a new National Pollutant Discharge Elimination System (NPDES) permit coverage number and assigned a state file number linked to the LCP by DHEC.
 3. For projects covered under the 2006 CGP and where an individual lot owner or residential builder has signed a Co-Permittee Agreement, those individual lot owners or residential builders may continue to work under that agreement as a Co-Permittee as long as the project's coverage remains active and under the control of the operator to whom coverage was originally granted.
- c. Lot owners obtaining their own coverage under the permit shall:
1. Complete and submit to the Engineering Division of the City of Florence an IL-NOI meeting the requirements set forth in Subsection J., below, at least seven business days prior to the commencement of construction activities at the site by the Secondary Permittee.
 2. Indicate on the NOI that the new lot owner will follow the approved OS-SWPPP and individual lot controls developed for the LCP or develop a sediment and erosion control plan meeting the requirements set forth for a Comprehensive SWPPP in Section 4-12.2.1, General Information, Subsection G., Comprehensive SWPPPs (C-SWPPPs).
 3. Individual lot owners and residential builders with multiple lots within a Larger Common Plan (LCP) may submit only one Individual Lot Notice of Intent (IL-NOI) for coverage under the permit.
- d. Contractors employed by the Primary or Secondary Permittee, whose work at a construction site may disturb soils or whose work may otherwise be necessary to implement the approved OS-SWPPP must complete a project specific Contractor Certification Form (CCF) meeting the requirements set forth in Subsection J., below. Each contractor must also attend and document attendance at a pre-construction conference as defined in Section 4-12.4.1, Pre-Construction Conference. This form is to be submitted to the Primary Permittee or Secondary Permittee prior to commencement of construction activities and is to be retained with the approved OS-SWPPP at the site. Contractors are responsible for ensuring that their activity is in compliance with the approved OS-SWPPP and other permit conditions.
- e. Utility providers and utility contractors that are responsible, either directly or indirectly, for the construction, installation, and maintenance of conduits, pipes, pipelines, cables, wires, trenches, vaults, manholes, and similar structures or devices for the conveyance of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data, television, etc.), water, or sewage are required to complete a CCF or as an alternative, may submit an Annual Blanket Notice of Intent (AB-NOI) to DHEC. Utility operators shall submit their AB-NOI approved by SCDHEC to the City prior to the commencement of site activities.

G. Previously Permitted Projects. For projects covered under the 2006 CGP and where a contractor has signed a Co-Permittee Agreement as required by that permit, those contractors may continue to work under that agreement as a co-Permittee as long as that project's coverage remains active and under the control of the Permittee to whom coverage was originally granted.

H. Pre-Construction Conference. All contractors and builders, including blanket utility providers or utility

contractors, employed by a Primary or Secondary Permittee to work at a construction site with an approved OS-SWPPP must attend and document attendance at a pre-construction conference for each specific project or construction site prior to performing construction activities at that site. This documentation must be retained with the OS - SWPPP.

I. Lending or Other Institutions. If a lending institution, government entity, etc. takes operational control of a construction site due to foreclosure, Permittee filing for bankruptcy, abandonment, etc., then that entity is responsible for the construction site's stormwater discharges. Coverage is required under the permit prior to the entity initiating construction activity at the site.

J. Notice of Intent (NOI).

1. Application. Applicants seeking coverage under the permit must use the NOI forms provided by the City.
2. *NOI Requirements for Primary Permittees:* Applicants seeking coverage under the permit as a Primary Permittee must provide the following information on the NOI form to the City:
 - a. Owner/operator name, address, telephone number, and Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
 - b. Project/site name, address, county or similar governmental subdivision, tax map number, and latitude/longitude of the construction project or site;
 - c. Property owner name, address, and telephone number if property owner is different from owner/operator;
 - d. Completed SWPPP (Stormwater Pollution Prevention Plan) in accordance with the provisions of this Article;
 - e. Name and classification of the water(s) of the State into which the site discharges and identification of proposed impacts, if any, to jurisdictional and non-jurisdictional waters, including impacts of construction activities to SC Navigable Waters (SCNW);
 - f. Indication whether the site discharge is consistent with the assumptions and requirements of applicable TMDLs;
 - g. Estimated dates of commencement of construction activity and final stabilization (i.e., project start and completion dates);
 - h. Total acreage of the construction site and total acreage (to the nearest tenth acre) to be disturbed for which the applicant is requesting permit coverage;
 - i. A certification statement, signed and dated by an authorized representative as defined in §122.22 of SC Regulation 61-9, and the name and title of that authorized representative. The signature on the submitted NOI must be original; and
 - j. Any other information, pertinent to the permit that the City requires on the NOI form.
3. Requirements for NOIs for Secondary Permittees and Contractor Certifications: Secondary Permittees seeking coverage under the permit must provide the following information on the NOI Form. Contractor Certifications Forms (CCFs) must contain Items A, B, H, and I at a minimum.
 - a. Secondary Permittee or contractor name, address, telephone number, and Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
 - b. Project/site name, subdivision name and lot number(s) (if applicable), NPDES coverage number for Primary Permittee;
 - c. Property owner name, address, and telephone number if different from the owner/operator;
 - d. The name, address, and telephone number of the individual to whom the Secondary Permittee has assigned the responsibility for the daily operational control of the site;
 - e. Estimated dates of commencement of construction activity and final stabilization (i.e., project start and completion dates);

- f. Total acreage of the construction site and total acreage (to the nearest tenth acre) to be disturbed for which the applicant is requesting permit coverage;
- g. An indication that the provisions of the Primary Permittee's approved OS-SWPPP will be adhered to by the Secondary Permittee while conducting any construction activity at the site, or an indication that the Secondary Permittee will develop a C-SWPPP for their discharges consistent with the provisions of Section 4-12.2.1, General Information, Subsection G., Comprehensive SWPPPs(C-SWPPPs). C-SWPPPs developed by the Secondary Permittee to address their discharges only should be provided to the Primary Permittee for inclusion in the Comprehensive SWPPP when the Secondary Permittee's SWPPP is not consistent with the design provided by the Primary Permittee;
- h. A certification statement, signed and dated by an authorized representative as defined in §122.22 of SC Regulation 61-9, and the name and title of that authorized representative. The signature on the submitted NOI must be original; and
- i. Any other information, pertinent to the permit that the City requires on the NOI form.

K. Other Required Information. The following information and fees must also be submitted with the NOI form for the application to be complete:

- 1. A check or money order made payable to the City of Florence according to the fee schedule promulgated by City Council resolution and as shown on the NOI application form;
- 2. A copy of the Comprehensive SWPPP with the supporting documents and calculations; and
- 3. For Secondary Permittees applying for coverage using the IL-NOI, a plat, plan, or map must be submitted outlining and identifying each lot included in their request for permit coverage.

L. Submission Deadlines. Deadlines for submission of an initial or a modified NOI application and other required information are defined below for "New" and "Ongoing" projects." A "New Project" is defined as one that commenced construction after the effective date of the permit. An "Ongoing Project" is one that commenced construction before the effective date of the Permit.

- 1. New Projects. To obtain coverage under the Permit, the Applicant must submit a complete and accurate NOI and other information required in this Article to the City prior to commencement of construction activities. Land disturbing activities may not commence until written approval is granted by SCDHEC, the City of Florence and after a pre-construction meeting has been held including City of Florence representatives, and all other parties involved.
- 2. Permitted Ongoing Projects.
 - a. If the applicant previously received authorization to discharge for the current phase of their project under the 2006 CGP, they shall be granted coverage under the permit as long as the construction site complies with the SWPPP requirements of this Article. There will be no additional fees associated with an extension of coverage for existing sites under the permit. However, the City may, at its discretion, require an applicant to confirm their intent to be covered under the permit following its effective date.
 - b. For projects covered under the 2006 CGP, any individual or group that has signed a Co-Permittee Agreement may continue to conduct work as a Co-Permittee as long as the project's coverage remains active and under the control of the operator to whom coverage was originally granted.
- 3. New Owner/Operator of Ongoing Projects. Where the operator changes (new owner), after the initial NOI and C-SWPPP have been approved, the City must be notified in writing within seven calendar days. Accompanying this notification, the new operator must submit one of the following:
 - a. A new NOI and C-SWPPP, when the new operator does not agree to comply with the approved C-SWPPP or elects to modify the approved C-SWPPP; or
 - b. A new NOI and compliance statement, when the new operator agrees to comply with the approved C-SWPPP. Note that the C-SWPPP must still be updated, if not already completed, in compliance with Section 4-12.2.1, General Information, Subsection G., Comprehensive SWPPPs (C-SWPPPs).

- c. The new operator may not commence work at the construction site until approved by the City and Department of Health and Environmental Control (DHEC). The new Notice of Intent (NOI) and Comprehensive – Storm Water Pollution Prevention Plan (C-SWPPP) must reference the project’s name and tracking number assigned to the initial operator’s Notice of Intent (NOI) and Comprehensive – Storm Water Pollution Prevention Plan (C-SWPPP).
- d. If the construction site under the control of the new owner is inactive and all areas disturbed have reached stabilization, the NOI may not need to be submitted immediately. Written notification to the City should:
 - 1. Identify both the previous owner and new owner that will obtain operational control at a construction site,
 - 2. Identify the construction site as inactive,
 - 3. Identify each project area and the stabilization status (either as temporary stabilization or final stabilization),
 - 4. Provide a detailed explanation for delayed commencement of construction at the construction site under the direction of the new owner and proposed plans, schedule, dates, etc. for recommencement under the new owner, and;
 - 5. An NOI will need to be submitted before any additional construction activities are to be implemented at the construction site.
 - 6. If the site under the control of the new owner is inactive and all areas disturbed have not reached stabilization, the new owner must obtain permit coverage and provide stabilization as defined in this Article. Stabilization measures may be implemented prior to issuance of new permit coverage.
 - 7. If the new owner or operator has elected to modify the layout of the construction site, thereby altering the approved C-SWPPP, then the new owner or operator must apply for new coverage under the permit.
- e. If upon the sale or transfer of the construction site’s ownership does not change the signatory requirements for the NOI, but the site’s owner or developer’s company name has changed, an updated NOI should be submitted to the City along with written notification defining the proposed sale or transfer of ownership. If the new operator agrees to comply with an existing C-SWPPP already implemented at the site, a SWPPP acceptance and compliance statement should be included in the notification to the City. If the new operator does not agree to comply with an existing C-SWPPP, a new C-SWPPP must be submitted with the NOI to apply for new coverage under the permit.
- f. Each new owner/operator will be subject to the standard NPDES permit coverage fee for construction sites, as set in the fee schedule promulgated by City Council resolution. There will be no additional review fees associated with the sale or transfer of ownership for existing permitted construction sites when no major modifications to a SWPPP occur.
- g. If the transfer of ownership is due to foreclosure or a Permittee filing for bankruptcy proceedings, see Subsection I., above.

M. Late Notifications. NOIs submitted after initiating clearing, grading, filling, and excavation activities (including borrow pits and stockpile material storage areas), or other similar construction activities for projects or sites required to obtain authorization under the permit are considered late. When a late NOI is submitted, authorization for discharges occurs consistent with Subsection O., below. The City or DHEC may take enforcement for any un-permitted discharge or violations of laws or regulations that occur between the time construction activities have commenced and discharge authorization.

N. Where to Submit. The applicant must send a complete and accurate NOI application to the Engineering Division of the City of Florence.

O. Authorization to Discharge

- 1. Authorization to discharge shall be granted by DHEC within seven business days of DHEC receipt of the

NOI, submittal review fees, and written approval from the City.

2. If DHEC does not send a letter authorizing coverage within the specified time outlined within the regulations, denying coverage, providing review comments, or advising that a review of the C-SWPPP will take place, the authorization to discharge will be automatically granted.
3. If a U.S. Army Corps of Engineers' 404 Permit or DHEC 401 Water Quality Certification is required by Section 404 or 401 of the CWA for permanent or temporary stormwater control structures, DHEC may not grant the applicant coverage under the permit until the 404 and 401 permits have been issued and are effective.
4. In situations where the 404 permit decision will not affect the implementation of a SWPPP, DHEC will issue approval of the SWPPP and grant coverage under the permit before the 404 permit decision is effective.
5. In situations where the 404 permit decision will affect only a portion of the "project area", the City may grant the unaffected portion of the "project area" coverage under the permit. The remaining portion of the "project area" will be considered after the 404 permit is issued and effective.
6. In situations where the entire "project area" is affected by the 404 permit decision, DHEC will not grant coverage under this general permit until the 404 permit decision is issued and effective.
7. When permanent or temporary structures will be placed in South Carolina Navigable Waters, DHEC will address any issues related to South Carolina Navigable Waters' Program under SC Regulation 19-450 during the review of the C-SWPPP rather than requiring a separate South Carolina Navigable Waters Permit. This provision will only apply to activities that will not require a 404 permit or a 401 certification.

Division 4-12.2 Stormwater Pollution Prevention Plans (SWPPPs)

Sec. 4-12.2.1 General Information

- A. **Required Plans.** A Stormwater Pollution Prevention Plan (SWPPP) is a requirement for coverage under the NPDES permit. The applicant shall submit a complete Comprehensive SWPPP (C-SWPPP) as set out in Subsection G., below, for City and DHEC review and approval. After C-SWPPP approval, a condensed version of the C-SWPPP labeled as the On-Site SWPPP (OS-SWPPP), as set out in Subsection H., below, must be kept at the construction site until final stabilization is reached and coverage under the permit has been terminated.
- B. **Plan Preparation.** At least one C-SWPPP must be developed for each construction site seeking coverage under the permit. When applicable, a qualified individual, as defined by *Section 4-12.2.2, Design and Development, Subsection B., Preparation and Certification*, and in accordance with Good Engineering Practices (GEP), must prepare the C-SWPPP.
- C. **Deemed Complete.** The C-SWPPP must be submitted with the NOI for the application to be deemed complete.
- D. **Required Consistency or Exemption.** The C-SWPPP is to be consistent, at a minimum, to the standards listed in S.C. Regulation 72-300, unless specifically exempted by S.C. Regulation 72-302.A.
- E. **C-SWPPP Requirements.** The C-SWPPP must:
 1. Be site-specific;
 2. Identify all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site;
 3. Describe practices to be used to reduce pollutants in stormwater discharges from the construction site,
 4. Assure compliance with the terms and conditions of the permit when properly implemented; and
 5. If the C-SWPPP must be prepared by an individual identified in *Section 4-12.2.2, Design and Development, Subsection B., Preparation and Certification*, the C-SWPPP must contain the following certification: "I have placed my signature and seal on the design documents submitted signifying that I accept responsibility for the design of the system. Further, I certify to the best of my knowledge and belief that the design is consistent with the requirements of Title 48, Chapter 14 of the Code of Laws of SC, 1976 as amended,

pursuant to Regulation 72-300 et seq. (if applicable), and in accordance with the terms and conditions of SCR100000.”

F. Required Implementation. The Permittee must implement the approved C-SWPPP at the construction site as written from commencement of construction activities until final stabilization has been reached. The approved C-SWPPP to be implemented will be a condensed version, as defined in Subsection H., below, and will be labeled as the OS-SWPPP.

G. Comprehensive SWPPPs (C-SWPPPs).

1. Each C-SWPPP must be designed, approved, and implemented to meet all applicable requirements outlined by the permit. A C-SWPPP is to accompany the NOI when the Permittee is seeking coverage under the permit. The C-SWPPP is to include all applicable items outlined in Section 4-12.2.8, Submittal Requirements. Once approved, the C-SWPPP will be condensed into the OS-SWPPP, as outlined in Subsection H., below, before undergoing implementation. The construction site plans are referenced as part of the contents of a C-SWPPP but do not have to be bound to the C-SWPPP. The construction site plans should be submitted as a separate document.
2. For non-linear construction sites disturbing more than five acres, the C-SWPPP must be submitted with a phased erosion prevention and sediment control plan in accordance with Section 4-12.2.8, *Submittal Requirements, Subsection I, Construction Site Plans*.
3. For any C-SWPPPs associated with an LCP specifically associated with residential development, the C-SWPPP must be designed in a manner that the entire project site, during construction and through final build out, is in compliance with the requirements of this Article. A C-SWPPP designed to the above conditions will allow Secondary Permittees to apply for individual lot coverage under the NPDES permit by referencing and implementing the approved OS-SWPPP.

H. On-Site SWPPPs (OS-SWPPPs).

1. An OS-SWPPP is a derivative of the C-SWPPP and is created after the C-SWPPP has been submitted to and approved by the City and DHEC. Once the OS-SWPPP is created from the approved C-SWPPP, it is to be stored at the construction site as required by Subsection A., above.
2. The OS-SWPPP must include the same stormwater management and sediment control plan, and the same construction site plans included in the C-SWPPP approved for the site.
3. Each OS-SWPPP will act as the construction site’s living documentation that will be followed as the stormwater pollution prevention plan is implemented, updated as modifications are made, and used as a record log as stages of the approved OS-SWPPP are completed until the construction site has reached final stabilization and coverage under the permit has been terminated.
4. The contents of the OS-SWPPP include all items required for the review and approval of the C-SWPPP under Section 4-12.2.8, Submittal Requirements except for engineering reports, as set out in Section 4-12.2.8, Submittal Requirements, Subsection H., Engineering Reports.
5. The contents of the OS-SWPPP must also include the following additional documents which may not be required to be a part of the C-SWPPP prior to approval:
 - a. One copy of the permit, excluding the appendices. Provisions may be made for the copy of the general permit to be accessed electronically as long as a hard copy can be made available by the end of the working day when required.
 - b. A stamped and approved copy of the NOI.
 - c. The letter generated once the C-SWPPP is determined to be in compliance with the permit.
 - d. Any additional letters, approvals, or certifications necessary to implement the OS-SWPPP, when necessary.
 - e. Certifications necessary to allow impacts to Waters of the State or jurisdictional wetlands, when necessary.

- f. Certifications necessary to allow contractors to conduct construction activities within the construction site.
- g. Any logs necessary to track the progress, compliance, modifications, and those associated with the construction site. These logs may include, but are not limited to, a pre-construction conference log, inspection log, stabilization log, rain log, contractor log, or any additional record keeping as deemed necessary by the Permittee, contractor, DHEC, or the City.

Sec. 4-12.2.2 Design and Development

- A. **Unique Situations.** Each C-SWPPP must be designed and developed to specifically address the unique situations found on each construction site seeking coverage under the permit. Each C-SWPPP must include a stormwater management and sediment control section as set out in Section 4-12.2.8, Submittal Requirements, Subsection B., Stormwater Management and Sediment Control.
- B. **Preparation and Certification.** For construction sites that disturb more than one acre, each C-SWPPP must be prepared, amended when necessary, certified, and stamped as allowed by their respective act and regulations by a qualified individual who is licensed as follows:
 - 1. Registered professional engineers as set out in Title 40, Chapter 22;
 - 2. Registered professional landscape architects as set out in Title 40, Chapter 28, Section 10, item (b);
 - 3. Tier B land surveyors as set out in Title 40, Chapter 22; or
 - 4. Federal government employees as set out by Title 40, Chapter 22, Section 280(A)(3).

Sec. 4-12.2.3 Signatory Requirements

The C-SWPPP must be signed and certified by SWPPP preparer who meets the requirements in Section 4-12.2.2, Design and Development, Subsection B., Preparation and Certification.

Sec. 4-12.2.4 Applicable Federal, State, and City Regulations

Each C-SWPPP must be consistent with all applicable Federal, State and City requirements for soil and erosion control and stormwater management, including updates to each C-SWPPP as necessary to reflect any revisions to applicable requirements for erosion prevention and sediment control through the management of stormwater runoff.

Sec. 4-12.2.5 Review and Approval

- A. **Required Review and Approval.** The C-SWPPP is required to be submitted for review and approved by the City and DHEC before construction activities may commence.
- B. **Major Modifications.** Any major modification, as set out in Section 4-12.2.7, Modifications, Subsection C., Major Modifications, to any SWPPP is required to be submitted to and approved by the City and DHEC before implementation of any major modifications may commence.
- C. **Minor Modifications.** Minor modifications, as set out in Section 4-12.2.7, Modifications, Subsection D., Minor Modifications, may be made to any SWPPP by the Permittee without approval. However, these modifications must be recorded in the OS-SWPPP and be made available upon request by the City or DHEC.

Sec. 4-12.2.6 Availability

- A. **Plan Availability.** A copy of the OS-SWPPP, as set out in Section 4-12.2.1, General Information, Subsection H., On-Site SWPPPs, must be retained at the construction site or a nearby location that is easily accessible during normal business hours, from the date of commencement of construction activities to the date that final stabilization is reached.
- B. **Notice of Location.** If a location within the construction site is unavailable to store the OS-SWPPP when no

personnel are present, notice of the plan's location, along with any updated contact information, must be posted near the main entrance at the construction site.

- C. **On-Site Availability.** Contractors and/or builders who have day-to-day operational control over OS-SWPPP implementation, must have a copy of this SWPPP available at a central location within the construction site for the use by all those identified as having responsibilities under the OS-SWPPP.
- D. **Available Upon Request.** For linear construction of roads and utilities (i.e., electrical power lines, gas lines, main sewer trunk lines, and water distribution lines), which are not part of an LCP, where it is not practical to have the OS-SWPPP on location, the Permittee and/or operator must, upon request, make the OS-SWPPP available by the end of normal business hours, or by the following business day under extenuating circumstances.
- E. **Available for Inspection.** OS-SWPPPs must be made available upon request and at the time of a construction site inspection by EPA, DHEC, or City representatives.

Sec. 4-12.2.7 Modifications

- A. **Modification of Ineffectiveness.** Each SWPPP must be modified if during inspections or investigations by City, State or Federal officials, it is determined that any SWPPP is ineffective in either eliminating, when reasonably possible, or significantly minimizing pollutants in stormwater discharges from the construction site.
- B. **BMP Modifications.** Each SWPPP must be modified, as necessary, to include additional or modified Best Management Practices (BMPs), which are designed to correct problems identified during the construction site inspection by any qualified inspector, as set out in Section 4-12.4.2, Inspections, Subsection E., Inspector Qualifications, or by City, State, or Federal officials. Revisions to each SWPPP must be completed within seven calendar days following the inspection. Implementation of these additional or modified BMPs must be accomplished as set out in Section 4-12.2.8, Submittal Requirements, Subsection F., Best Management Practices (BMPs).
- C. **Major Modifications.** Each SWPPP must be modified and submitted for review and approval by the City and DHEC if any of the following conditions are met:
 - 1. Whenever there is a significant change in design, construction, operation, or maintenance at the construction site resulting in discharges that will cause, have the reasonable potential to cause, or contribute to violations to S.C.'s Water Quality Standards.
 - 2. Whenever a change in the design, construction, operation, or maintenance calls for a revision of any approved SWPPP based on the following list of modifications:
 - a. Modifications that will affect the hydrology or trapping efficiency calculations including:
 - i. Resizing sediment or detention basins that must be modified due to changes in peak flow or volume resulting from changes in site development plan.
 - ii. Deletion of sediment or detention basin or sediment trap.
 - iii. Relocation of sediment or detention basins resulting in increases/decreases in receiving drainage area and/or resulting in a new/relocated basin outlet location, which is directed towards an outfall that was not approved within the C-SWPPP.
 - iv. Addition/removal of sediment or detention basin.
 - v. Modification of sediment or detention basin outlet structure.
 - vi. Changes in grading that alter drainage patterns that may result in increased or decreased flow to a sediment or detention basin.
 - vii. Amending construction sequence in a fashion that the detention basin is not installed before grubbing operations begin.
 - b. Point discharge or outfall location changes.

- c. Any modification to regulated water quality structural control measures.
- d. Adding a new point discharge.
- e. Addition of impervious area due to revised site development plans.
- f. Addition of the disturbed area.
- g. Changes to a navigable water crossing.
- h. Addition of sediment trap(s) when required to obtain 80 percent trapping efficiencies for disturbed areas not previously permitted or redirected away from an approved water quality BMP.
- i. Site layout changes that require redesigning the stormwater management system.
- j. Any additional modifications as determined by the City or DHEC

D. Minor Modifications. The Permittee must modify the OS-SWPPP and keep a record of each modification within the OS-SWPPP if any of the following conditions are met:

1. *Addition of BMPs.* Addition of silt fence, slope drains, inlet protection, or outlet protection that does not involve additional wetland impacts, or check dams to improve the overall stormwater management and sediment control at the construction site.
2. *BMP Relocations.* Relocation of the construction entrance, pond inlet pipes (within a pond), and any other proposed BMP to improve the overall stormwater management and sediment control at the construction site.
3. *Removal of Disturbed Areas.* Minor modifications are not required as long as the removal of the disturbed area does not also remove any BMPs (ponds, traps, etc.) that are required to meet S.C.'s Water Quality or Quantity Standards. Removal of disturbed area only qualifies for disturbed area that was included in the initial coverage approval and that was never disturbed (i.e., cleared, grubbed or graded).
4. *Modifying Individual Lot Drainage.* Minor modifications are not required unless the changes affect the inflow to a detention structure or analysis point, to which the lot drains, that was not previously approved.

Sec. 4-12.2.8 Submittal Requirements

A. Project Narrative. Each C-SWPPP must include a project narrative that accurately addresses the following requirements for each construction site:

1. Scope of project outlined, including a detailed description of pre- and post-development conditions.
2. Description of existing and potential flooding problems at the site due to pre-construction drainage conditions, and any potential flooding problems within the surrounding area that may be a direct result of current site conditions or the proposed site development. Identify if the site is located within a floodplain.
3. The function of the project (e.g., low density residential, shopping mall, highway, etc.).
4. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas.
5. Information regarding the required on-site support activities (e.g. concrete and asphalt batch plants, etc.).
6. Identification of prior uses of the construction site or potential sources of pollution that may reasonably be expected to cause or contribute to a violation of any applicable water quality standard based upon the existing condition of the construction site.

B. Stormwater Management and Sediment Control. Each C-SWPPP must include a stormwater management and sediment control section that accurately addresses the following requirements for each construction site:

1. *Industrial Stormwater Discharges.* Identify and describe the location of any stormwater discharge associated with industrial activity other than construction activities at the construction site. This includes

stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by the permit.

2. *Water Quality BMPs.* Identify and describe all pollution control measures (i.e., BMPs) that will be implemented as part of the construction activities to control pollutants in stormwater discharges.
3. *Erosion Prevention BMPs.* Identify and describe all temporary and final stabilization practices for the construction site, including a schedule of when the practices will be implemented. Use of impervious surfaces for stabilization should be avoided.
4. *Structural Control Measures and Floodplain Placement.* Identify and describe all structural practices used to divert flows from exposed soils; to retain/detain flows; or to otherwise limit runoff and the discharge of pollutants from exposed areas of the construction site. Placement of structural practices in floodplains must be in accordance with applicable regulations.
5. *Post-Construction Water Quality BMPs.* Identify and describe all post-construction stormwater management measures (LIDs, BMPs, etc.) that will be installed during the construction process to control pollutants in stormwater discharges after construction operations have been completed.
6. *Construction Debris Management.* Identify and describe all measures to prevent the discharge of building or other similar materials to Surface Waters of the State, except as authorized by a permit issued under Section 404 of the CWA.
7. *Construction Entrances and Dust Control.* Identify and describe all measures to minimize off-site vehicle tracking of sediments onto paved surfaces and the generation of dust.
8. *Stock Pile Management.* Identify and describe potential construction and waste materials expected to be stored on-site. The controls, including storage practices such as roll off containers, spill prevention, and response practices used to minimize exposure of these waste materials to stormwater discharges must also be identified and described.
9. *Additional Onsite and Offsite Pollution Identification.* Identify and describe potential pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and controls and measures that will be implemented at those sites to minimize pollutant discharges.

C. Sequence of Construction. The C-SWPPP must include a sequence of construction that accurately describes the nature of the construction activity for each construction site.

1. The sequence of construction must include, at a minimum, the intended sequence and timing of all planned major construction activities that disturb soils, such as clearing and grubbing, installing sediment basins prior to remaining land disturbance, initial and final grading, and cut and fill activities at the construction site.
2. When phased erosion prevention and sediment control plans are required, as set out in Subsection I., below, each phase must include a phase specific sequence of construction that accurately describes the nature of all construction activity for each phase at the construction site.
3. The sequence of construction must be included within the construction site plans, as set out in Subsection I., below. The sequence of construction should begin with the installation of any construction entrances and installation of perimeter controls, and should end with the removal of all temporary sediment and erosion control measures and the conversion of any BMPs required to be converted into permanent control measures, once the site has been finally stabilized. The level of detail will vary based on the nature and complexity of the construction project

D. Site Features and Sensitive Areas

1. **Waters of the State.** The C-SWPPP must identify and delineate all Waters of the State (WoS), including wetlands, located within the disturbed area and/or the total area associated with the construction site. The C-SWPPP must also identify all Waters of the State (WoS), including wetlands, which are located immediately adjacent to or within the surrounding area of the construction site. The C-SWPPP must also identify receiving waters, including wetlands and South Carolina Navigable Waters. The following must be

addressed when a Waters of the State (WoS) is required to be identified.

- a. An additional, separate plan sheet, provided within the construction site plans when necessary that delineates all WoS within the construction site's limits of disturbance, and that identifies all Waters of the State (WoS) within the surrounding or adjacent areas. This plan sheet must identify all impacted areas with a description of the activities, whether permanent or temporary, and any other relevant information.
 - b. If impacts to WoS, outlined areas of impacts and labeled that no work can begin in this area until all necessary U.S. Army Corps of Engineers (USACOE) permits and DHEC 401 certifications have been obtained.
 - c. If structural BMPs are proposed to be installed within a Waters of the State (WoS), the Comprehensive - Storm Water Pollution Prevention Plan (C-SWPPP) must specifically address the requirements set out in Subsection F., below.
2. *Buffer Zone Management.* In order to minimize sediment discharges, during construction, if surface waters are located on or immediately adjacent to the construction site, the C-SWPPP must address any stormwater discharges from the construction site to such waters so that these discharges are treated by an undisturbed buffer zone that is capable of achieving maximum pollutant removal.
- a. The C-SWPPP must identify an undisturbed buffer zone that meets the following criteria when surface waters are located on or immediately adjacent to the construction site (see [Division 4-12.5](#), Riparian Buffers for water body definition):
 1. *30-Foot Natural Buffer around Level III Water Bodies.* Provide and maintain, at a minimum, a 30-foot undisturbed buffer zone during construction around Level III water bodies as defined by the City. This natural buffer should be located between the surface waters and the outermost sediment and erosion controls at the construction site;
 2. *45-Foot Extended Natural Buffer around Level I and II Water Bodies.* Provide and maintain, at a minimum, a 45-foot undisturbed buffer during construction where the surface waters are classified as Level I or Level II water bodies by the City. This extended natural buffer should be located between the surface waters and the outermost sediment and erosion controls at the construction site;
 3. *Velocity Dissipation Requirements.* All discharges into a buffer zone should be non-channelized and non-concentrated to prevent erosion, and must first be treated by the construction site's sediment and erosion controls. Velocity dissipation measures may be implemented within a buffer zone as set out below in c.4;
 4. *Additional City Requirements.* The provided buffer zone should meet the riparian buffer requirements set out in [Section 4-12.5.1](#), Riparian Buffer Requirements. Permanent buffer zone requirements supersede the buffer zone management requirements of this Section for Level I and Level II water bodies. Minimum requirements of this Section and [Section 4-12.5.1](#), Riparian Buffer Requirements shall be implemented along Level III water bodies. The City may allow for temporary encroachment on permanent buffer requirements for Level II and III water bodies on a case-by-case basis in accordance with [Section 4-12.1.2](#), Sediment and Erosion Control, Subsection B., Requirements. Development within construction and permanent riparian buffers must adhere to the most restrictive buffer requirements, unless otherwise directed by the City, and be in compliance with one of the options set out in b below.
 - b. The C-SWPPP must identify and address each applicable buffer zone management requirement through one of the following compliance options.
 1. *Option A, Provide the Entire Buffer Width.* Provide and maintain, at a minimum, the required buffer zone in addition to the required erosion prevention and sediment control BMPs for the construction site. C-SWPPPs pursuing this option must also include:
 - a. A narrative detailing that a buffer zone is to be maintained at a length of the required buffer width; and
 - b. A list of standard notes addressing the maintenance of the buffer zone and supporting BMPs. These notes may be located within the construction site plans.

2. *Option B, Reduction of the Buffer Width.* Provide and maintain an undisturbed buffer that is less than the required buffer width in addition to the required erosion prevention and sediment control BMPs for the construction site. Situations qualifying for this option are set out in c below. Other situations may be approved for this option on a site-to-site basis. C-SWPPPs pursuing this option must include:
 - a. A narrative detailing that a buffer zone is to be maintained at a length less than the required buffer width;
 - b. A detailed sequence of the procedures and/or controls (including the installation of BMPs, maintenance of BMPs, and removal of BMPs) to be implemented to protect the immediately adjacent or on-site surface waters;
 - c. A list of standard notes addressing the maintenance of the buffer zone and supporting BMPs. These notes may be located within the construction site plans.

3. *Option C, Elimination of the Buffer Zone.* Provide and maintain the required erosion prevention and sediment control BMPs for the construction site when circumstances restrict the capability of providing a buffer zone. Situations qualifying for this option are set out in c above. Other situations may be approved for this option on a site-to-site basis. C-SWPPPs pursuing this option must also include the following:
 - a. A narrative justifying why an undisturbed buffer, of any length, will not be provided due to site- specific conditions;
 - b. A detailed sequence of the procedures and/or controls (including the installation of BMPs, maintenance of BMPs, and removal of BMPs) to be implemented to protect the immediately adjacent or on-site surface waters;
 - c. Calculations which support that the proposed sediment control BMPs are capable of meeting the design criteria identified in State Regulation 72-307.C.(5).(a)-(c), Sedimentology, regardless of the disturbed area discharging to the surface water; and
 - d. A list of standard notes addressing the maintenance of all BMPs discharging into surface waters. These notes may be located within the construction site plans.

- c. All or portions of the construction site may not be required to meet the entire 30-foot (45-foot if discharging to Level I or Level II water bodies) buffer widths, if at all, when any of the following circumstances is applicable at the construction site prior to implementation of land disturbing activities and all items in either compliance option B or C are provided:
 1. *Discharges Away from Surface Waters.* Circumstance where construction stormwater runoff will not be discharged into on-site or immediately adjacent surface waters.
 2. *Pre-Existing Development.* Areas within the required buffer zone that have been developed prior to the issuance of the permit.
 3. *Non-jurisdictional Waters.* This includes, but is not limited to, surface waters to be impacted and treatment works.
 4. *Special Circumstances.* Under special circumstances, work may be allowed within the designated buffer zones, but only when any of the following apply and a modification request has been submitted in accordance with Section 4-12.1.2, Sediment and Erosion Control, Subsection B., Requirements:
 - a. Final stabilization measures have been implemented on all disturbed areas discharging to the buffer zone;
 - b. Implementation of velocity dissipation measures within the buffer zone; and
 - c. Work in the buffer zone will not allow stormwater discharges to cause or contribute to violations of water quality standards.
 - d. Buffer requirements and setbacks as set out in *Division 4-12.5, Riparian Buffers* are applicable under all development conditions unless otherwise waived, in writing, by the City. However, disturbances at the

construction site are not required to meet the construction buffer zone management requirements of the permit when the following conditions are met:

1. The C-SWPPP limits the area of disturbance to the minimum needed to complete the construction and to access the site,
2. All appropriate CWA 404 permits and/or authorizations are obtained,
3. The C-SWPPP retains the vegetation outside of the cited disturbed areas and
4. The construction activity consists solely of any of the following circumstances:
 - a. *Linear Projects*. This includes any linear construction projects, that consists solely of either roadways and/or utilities (such as roads that are not part of a development and utility construction including electrical power lines, gas lines, main sewer trunk lines, and water distribution lines that are not part of a development);
 - b. *Construction of Water Dependent Structures and Water Access Areas*. This includes, but is not limited to, piers, boat ramps, and trails
 - c. *Habitat Restoration Projects*. This includes, but is not limited to, mitigation requirements;
 - d. *Routine Maintenance*. This includes, but is not limited to, the maintenance of existing structures located within the required buffer width
- e. The selected compliance option, set out in 2.b above, must be maintained throughout the duration of all land disturbing activities until final stabilization has been reached on all areas discharging to the provided buffer zone. Each erosion prevention, sediment control, and velocity dissipating BMP discharging to a buffer zone must be maintained to ensure that each BMP is capable of achieving maximum pollutant removal.

E. Sources of Pollution

1. The C-SWPPP must identify potential sources of pollution, including sediment and fertilizers, which are likely to affect the quality of stormwater discharges from the construction site. Identified sources of pollution must be addressed in the C-SWPPP, a few examples of sources of pollution are set out in Subsection B., above.
2. Litter, construction debris, oils, fuels, and building products with significant potential for impact (such as stockpiles of freshly treated lumber) and construction chemicals that could be exposed to stormwater must be prevented from becoming a pollutant source in stormwater discharges, as set out in Subsection B., above.

F. Best Management Practices (BMPs)

1. The C-SWPPP must include a Best Management Practices (BMPs) section that accurately and descriptively addresses the use, installation, maintenance, and inspection for each of the following types of pollution control measures (i.e., BMPs) as outlined in the stormwater management and sediment control plan, as set out in Subsection B., above:
 - a. *Erosion Prevention BMPs*. Each erosion prevention BMP must be designed, installed, and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges shall not cause or contribute to violations of water quality standards, as outlined below and by the design criteria identified in State Regulation 72-307 - Specific Design Criteria, Minimum Standards and Specifications, unless specifically exempted by S.C. Regulation 72-302.A. Except as provided below, initiate soil stabilization measures as soon as practicable whenever land disturbing activities have been temporarily or permanently ceased, but in no case more than 14 days after land disturbing activity in that portion of the construction site has temporarily or permanently ceased.
1. Where snow cover or frozen ground conditions preclude stabilization by the 14th day, stabilization measures must be initiated as soon as practicable.

2. Where construction activity on a portion of the construction site is temporarily ceased, and earth disturbing activities will be resumed within 14 days, temporary stabilization measures do not have to be initiated on that portion of the construction site.
- b. *Sediment Control BMPs.* Each sediment control BMP must be designed, installed, and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges shall not cause or contribute to violations of water quality standards, as outlined below and by the design criteria identified in State Regulation 72-307.C.(5).(a), 72-307.C.(5).(b) and 72-307.C.(5).(c), unless specifically exempted by SC Regulation 72-302.A.
 1. *Inlet Protection.* Inlet protection must be provided at all existing and newly installed inlets that receive stormwater runoff from the disturbed areas.
 2. *Outlet Protection.* Outlet protection must be provided at all existing and newly installed outlets, within the construction site's boundary, that discharge stormwater runoff from the disturbed areas. Silt fence may not be used as outlet protection.
 3. *Sediment Basins.* For common drainage outfalls that serve an area with 10 or more disturbed acres, a sediment basin, or equivalent sediment control BMPs, which meet the criteria identified in State Regulations 72-307.C.(5), must be provided where attainable until final stabilization of the construction site is achieved. For common drainage outfalls serving an area of less than 10 acres, sediment basins are still recommended where applicable. In addition the sediment basin must be designed to meet the following requirements:
 - a. When computing the number of acres draining into a common drainage outfall, it is not necessary to include flows from off-site areas and flows from on-site areas that are undisturbed or have undergone final stabilization, and have been diverted around both the disturbed area and the sediment basin.
 - b. In determining whether installing a sediment basin is attainable, the SWPPP preparer may consider factors such as soils, slope, available area on-site, etc. If a sediment basin is determined to be not attainable, sediment traps or equivalent sediment control BMPs should be used (e.g., silt fences, vegetative buffer strips, rock check dams, rock sediment dikes, or a combination of these).
 - c. In any event, the SWPPP preparer must consider public safety as a design factor for the sediment basin, and alternative sediment controls must be used where construction site limitations would preclude a safe design.
 - d. Unless infeasible, properly design, install, and maintain porous baffles, or similar control measures capable of enhancing settling capabilities and restricting the accumulation of sediment around the outlet structure, in all temporary sediment traps and sediment basins to reduce velocity, turbulence, and improve sediment trapping efficiency.
 - e. Unless infeasible, sediment forebays, or similar control measures capable of providing sediment trapping at inlets of sediment basins, should be installed as practicable based on sediment storage requirements of each sediment basin.
 - f. Unless infeasible, each sediment basin must be equipped with a cleanout stake indicating when the basin is to be cleaned.
 4. *Sediment Traps.* For drainage outfalls serving greater than two acres but less than five acres, sediment traps, or equivalent sediment control BMPs, which meets the criteria identified in State Regulations 72-307.C, when applicable, must be provided where attainable until final stabilization of the construction site is achieved.
 5. *Water Surface Dewatering.* When discharging from sediment basins and similar impoundments, utilize outlet structures that only withdraw water from near the surface of the basin or impoundment, unless infeasible. This outlet structure should be capable of conveying the flow for the 10-year, 24-hour storm event.
- c. *Runoff Control and Conveyance Measures BMPs.* Each runoff control and conveyance measure BMP must be designed, installed, and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges that shall not cause or contribute to violations of water quality standards, as outlined below and by the design criteria identified in State Regulation 72-307 - Specific Design Criteria, Minimum Standards and

Specifications, unless specifically exempted by S.C. Regulation 72-302.A.

1. *Permanent Conveyance Measures.* Each conveyance measure must be stabilized and capable of handling the 25-year, 24-hour storm event with non-erosive flow conditions during construction and post-construction. If the velocity exceeds four ft/s, then permanent velocity dissipation measures, devices, and/or erosion prevention BMPs must be installed to provide non-erosive flow conditions.
 2. *Temporary Conveyance Channels.* Design channels to avoid disturbed areas and to reduce erosion. Divert concentrated flows of stormwater running onto the site and within the construction site to avoid contact with soils exposed during construction, unless infeasible. Prevent erosion of channel embankments, outlets, adjacent stream banks, slopes, and downstream waters during discharge conditions through the use of velocity dissipation devices (e.g., check dams, sediment traps, riprap, or grouted riprap at outlets) within and along the length of any constructed stormwater conveyance channel, and at any outlets to provide a non-erosive flow velocity.
 3. *Stabilization of Conveyance Channels.* Complete stabilization of stormwater conveyance channels (within seven days of channel construction). Examples of vegetative and non-vegetative stabilization techniques include channel liners, rolled erosion control products (e.g., erosion control blankets and turf reinforcement mats), riprap, geotextiles, or other armoring materials that are suitable for use in areas with concentrated or channelized flow. Application of mulch, hydromulch, tackifier, or similar erosion prevention practices that are erodible, conveyable, or that obstruct flow when used in areas with concentrated or channelized flow in stormwater conveyance channels is prohibited.
 4. *Storm Drainage Systems.* No new point discharges onto adjacent property where there was not a point discharge previously, unless written permission from the adjacent property owner is provided. A twenty foot minimum buffer should be provided, where feasible, between the property line and the discharge point. Level spreaders, plunge pools, etc. shall be provided when the proposed outlet is near the property line and not directed to an existing outfall, such as a creek or ditch. All outlets from a storm sewer system shall not discharge on fill slopes.
 5. *Velocity Dissipation Devices.* Appropriate velocity dissipation devices and/or erosion prevention BMPs must be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected. Silt fence may not be used as an energy dissipater.
- d. *Post Construction Water Quality Control BMPs.* Each post-construction water quality control BMP, including structural and non-structural BMPs, as mentioned below, must be designed, installed, and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges that shall not cause or contribute to violations of water quality standards, as outlined below and by the design criteria identified in State Regulation 72-307.C.(5).(d), 72-307.C.(5).(e), 72-307.C.(5).(f), 72-307.C.(5).(g) and 72-307.C.(11), as applicable, unless specifically exempted by S.C. Regulation 72-302.A. Design Criteria may be modified for a specific project or type of project.
- e. *Structural BMPs.* All structural BMPs should be placed on upland soils to the best degree practicable. Such control measures must be designed and installed in compliance with applicable Federal, State, and City requirements. The following requirements for structural BMPs proposed to be installed in jurisdictional Waters of the State:
1. *Permanent Structural BMPs* can only be placed in jurisdictional Waters of the United States if the U.S. Army Corps of Engineers (USACE) issues a permit for the activity under Section 404 of the CWA. When South Carolina Navigable Waters may be affected, the C-SWPPP must include appropriate requirements applicable to South Carolina Navigable Waters under S.C. Regulation 19-450.
 2. *Temporary Structural BMPs* can only be placed in jurisdictional Waters of the United States if the U.S. Army Corps of Engineers (USACE) issues a permit for the activity under Section 404 of the CWA. When South Carolina Navigable Waters may be affected, the C-SWPPP must include appropriate requirements applicable to South Carolina Navigable Waters under S.C. Regulation 19-450. All temporary structural BMPs placed in perennial streams must be removed after final stabilization has been accomplished.

3. *Temporary Structural BMPs* may only be placed in Waters of the State when there is no other feasible alternative. All temporary structural BMPs placed in ephemeral and intermittent streams must be removed after final stabilization has been accomplished. After removal of the temporary structural BMPs, the ephemeral or intermittent stream must be restored to its original condition.
 4. *Detention/Retention Ponds*. When the C-SWPPP requires the use of detention/retention ponds, the ponds should be designed, constructed, and maintained in accordance to S.C. Reg. 72.307.
 - f. *Non-structural BMPs*. All non-structural BMPs must be designed, installed, and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges that shall not cause or contribute to violations of water quality standards, as outlined by the design criteria identified in State Regulation 72-307 - Specific Design Criteria, Minimum Standards and Specifications, unless specifically exempted by S.C. Regulation 72-302.A.
 - g. *Low Impact Development BMPs*. The C-SWPPP should identify all Low Impact Development (LID) techniques when these measures are proposed to treat post-development runoff in order to meet permanent water quality and/or post-development quantity requirements. LIDs and other infiltration practices for post-construction stormwater management should be constructed only after the drainage area to these practices has been stabilized.
 - h. *Additional BMPs*. Any additional BMPs, not listed above, must be designed, installed, and maintained to achieve maximum pollutant removal, to the extent that the Permittee's discharges that shall not cause or contribute to violations of water quality standards, as outlined by the design criteria identified in State Regulation 72-307 - Specific Design Criteria, Minimum Standards and Specifications, unless specifically exempted by S.C. Regulation 72-302.A.
2. The design, inspection, and maintenance of Best Management Practices (BMPs) described in the C-SWPPP must be prepared in accordance with good engineering practices and at a minimum should be consistent with the requirements and recommendations contained in the current edition of the DHEC Stormwater BMP handbook or applicable appendices of this Article. The DHEC Stormwater BMP handbook is designed to provide guidance to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs.

G. Maps

1. The C-SWPPP must include the following maps for the site:
 - a. *Topographic Map*. This map must contain the project boundary outline, route of stormwater runoff towards the nearest receiving water body, overlaying contours of the site and the surrounding areas, and names of all roadways adjacent to the construction site.
 - b. *Soils Map*. This map must contain the project boundary outline, the outlines of the predominate soil types found at the construction site, and the names of each soil type.
 - c. *Floodway Map*. This map must contain the project boundary outlined and the boundaries of any floodplains or floodways on or adjacent to the construction site. Each floodplain must be clearly identified.
 - d. *Vicinity Map*. This map must contain the project boundary outline, north arrow, names of all roadways, towns and landmarks on or adjacent to the construction site.
2. The C-SWPPP must include drainage maps for both the pre-development and post-development conditions, including the entire construction site identifying:
 - a. Direction(s) of stormwater runoff and the approximate slopes anticipated after major grading activities;
 - b. Existing and/or proposed contours within the project boundary outline and into the surrounding area;
 - c. Drainage basins and sub-basins in which stormwater runoff collects and drains towards a common outfall location including offsite areas draining onto the site;
 - d. Location of all outfall points where stormwater runoff discharges off the construction site;

- e. Location of all receiving waters, including wetlands and South Carolina Navigable Waters;
 - f. Areas of soil disturbance and areas that will not be disturbed; and
 - g. Each drainage map must be consistent with the information provided in all calculations provided within the engineering report, as set out in Subsection H., below.
3. The C-SWPPP must include additional drainage maps (the pre-development and post-development maps as set out in 2 above may be referenced to achieve this requirement) for each BMP used to meet water quantity and water quality requirements, or as determined by DHEC, a regulated MS4, or an entity delegated under Regulation 72-300, identifying:
- a. An outlined drainage basin of the proposed BMP;
 - b. Existing and proposed contours within and adjacent to the drainage basin;
 - c. The location of the proposed BMP; and
 - d. The area, in acres, associated with the drainage basin.

H. Engineering Reports

1. For sites subject to S.C. Regulation 72-300, the C-SWPPP must include a detailed engineering report that contains, but is not limited to, the following calculations:
- a. *Curve Number Analysis.* Each C-SWPPP must identify all curve numbers used within the engineering report for each condition of the construction site (pre-development, post-development, during construction, etc.) Information on how the curve numbers were obtained, including soil types, land cover and area, must be included. Any weighted curve number calculations must also be included.
 - b. *Pre-/Post-Development Hydrologic Analysis.* Each C-SWPPP must use rainfall data from DHEC's Stormwater Management BMP Handbook (BMP Handbook) or another appropriate source may be used in the hydrologic calculations. All outfalls for comparing runoff rates must be analyzed in a manner that the total area draining to these outfalls does not change from pre- to post-development conditions, although any sub-basin drainage areas contributing to these outfalls may change between pre- and post-development conditions.
 - c. *Detention Analysis.* Each C-SWPPP, when applicable, must provide a full pond routing for each proposed pond/basin. At a minimum, for each pond/basin the following must be reported:
 - 1. A summary table of the peak inflows, peak outflows, and discharge velocities at each construction site outfall for each storm event analyzed.
 - 2. A summary table of the maximum water surface elevations (WSE) in each detention structure during each storm event analyzed.
 - 3. A stage-storage-discharge relationship for the outlet structure of each detention structure analyzed.
 - 4. If a rating curve for the outlet structure must be generated externally from the analysis program, the data and equations used to obtain the rating curve of the outlet structure must be included.
 - d. *Permanent Water Quality Analysis.* Each C-SWPPP, when applicable, must provide detailed calculations for any structural BMP used to meet the water quality requirements listed in S.C. Regulation 72.307.C.(5), specifically (d), (e), (f), and (g). Infiltration practices, when applicable, must meet the design requirements provided in 72.307.C.(11).
 - e. *Sedimentology (Trapping Efficiency Analysis).* Each C-SWPPP, when applicable, must provide detailed calculations for any BMPs used to meet the water quality requirements during construction listed in S.C. Regulation 72.307.C.(5), specifically (a), (b) and (c).
 - f. *As-Built Surveys.* Each C-SWPPP, when proposing to direct construction site runoff into a previously approved detention pond or another structural BMP designed to control water quality or quantity, must include an as-built survey of the existing structure prepared by a qualified individual, per Section 4-12.2.2, Design and Development, Subsection B., Preparation and Certification, unless an as-built survey

has been previously provided and accepted by DHEC or the City. In cases where a qualified individual certified that the previously approved structural BMP was built according to plan and DHEC or City staff conducted a final stormwater inspection, then the as-built survey may not be required in be included in the C-SWPPP. The as-built survey must provide, at a minimum, the following information:

1. All existing grades/contours/depths of the structure.
 2. All elevations and dimensions of all outlet structures, including:
 - a. Pipe and orifice inverts and diameters.
 - b. Weir elevations and dimensions.
 - c. Riser dimensions and elevations.
 - d. Emergency spillway dimensions and elevations.
 - e. Locations and inverts for all pipes discharging into the pond.
 3. Spot elevations along the top of the structural BMP's embankment.
 4. Contours, dimension, and locations of all structural components (e.g., forebays, level spreaders, riprap aprons, inlets structures) of the structural BMPs.
- g. *Stable Channel Analysis*. Each C-SWPPP, when applicable, must submit detailed calculations for proposed drainage channels, temporary or permanent, to ensure non-erosive flow conditions. Velocity dissipation BMPs and/or erosion prevention BMPs must be added to channels where erosive velocities are achieved
- h. *Storm Sewer Analysis*. Each C-SWPPP, when applicable, must submit detailed calculations for any proposed storm sewer systems.
- i. *Riprap Apron Analysis*. Each C-SWPPP, when applicable, must submit detailed calculations for any proposed riprap aprons. These calculations must be based off of the most current edition of the DHEC BMP Handbook or other appropriate design criteria identified by the City.

I. Construction Site Plans

1. The C-SWPPP must include a set of construction site plans that are consistent with the requirements listed in State Regulations 72-307.A.3 and include, but are not limited to, the following requirements:
 - a. The Limits of Disturbed (LOD) area must be outlined on all plan sheets.
 - b. BMPs must be identified on the construction site plans using the symbols identified in the current edition of the DHEC Stormwater BMP Handbook or from a unique legend of symbols provided on the construction site plans. Symbols used for BMPs not identified in the handbook must be included in the legend on each sediment and erosion control plan sheet.
 - c. A construction sequence per Subsection C., above.
 - d. Detailed plan sheets, including grading and drainage plans, and BMP detail sheets.
2. For non-liner construction sites disturbing more than five acres, the construction site plans must include a phased stormwater management plan. This phased plan identifies all BMPs and grading work implemented during a specific portion of a site's construction sequence (e.g., initial grading and perimeter controls, interim land disturbances through final grading, post-construction and final stabilization). Each phase must be addressed and identified on at least one separate plan sheet as indicated in the requirements set out in a. and b. below. One sheet showing all BMPs and grading work for the entire course of the construction project will not be considered a complete phased plan.
 - a. *Sites Less Than 10 Acres*. For site disturbances less than 10 acres, at least two separate plan phases shall be developed. Each plan phase shall be identified and must be addressed separately on at least one single plan sheet, with each sheet reflecting the conditions and the BMPs necessary to manage Stormwater runoff, erosion and sediment during the phases, at a minimum, listed below:

1. *Initial Land Disturbance Phase.* This includes, but is not limited to, the perimeter BMPs, the necessary sediment and erosion control BMPs to be installed prior to initial/mass grading, and any additional BMPs necessary to keep the construction site in compliance with the permit.
 2. *Stabilization Phase.* This includes, but is not limited to, all BMPs required to be installed, maintained, and retrofitted during the time required to begin the majority of all construction and grading activities, and the time required to bring the construction site into compliance with permanent water quality requirements and into final stabilization.
 3. The scope of the land disturbing activities and BMPs to be included in each of the phases identified in this Section should be evaluated on a site-to-site basis and selected based on what the SWPPP preparer and reviewer deems to be the most appropriate for each construction site.
- b. Sites Greater Than 10 Acres. For site disturbances greater than or equal to 10 acres, at least three separate plan phases shall be developed. Each plan phase shall be identified and must be addressed separately on at least one single plan sheet, with each sheet reflecting the conditions and the BMPs necessary to manage stormwater runoff, erosion and sediment during the phases, at a minimum, listed below:
1. *Initial Land Disturbance Phase.* This includes, but is not limited to, the perimeter BMPs, the necessary sediment and erosion control BMPs to be installed prior to initial/mass grading, and any additional BMPs necessary to keep the construction site in compliance with the permit.
 2. *Construction Phase.* This includes, but is not limited to, all sediment and erosion control BMPs necessary to be installed, maintained, and designed to prevent sediment-laden stormwater from discharging off-site during construction. Examples of such BMP control measures to include in this phase are all temporary BMPs used to convey, manage, and treat stormwater runoff including additional sediment traps and sediments basins, rock check dams, silt fence, sediment tubes, inlet protection, temporary conveyance channels and any other sediment control measure.
 3. *Stabilization Phase.* This includes, but is not limited to, all BMP control measures required to be installed, maintained, and retrofitted during the time required to bring a construction site into compliance with permanent water quality requirements and into final stabilization.
 4. The scope of the land disturbing activities and BMPs to be included in each of the phases identified in this Section should be evaluated on a site-to-site basis and chosen based on what the SWPPP preparer and reviewer deems to be the most appropriate for each construction site.

J. Non-Numeric Effluent Limits

1. Minimize Pollutant Discharge. The C-SWPPP must be developed so that the design, installation, and maintenance of all sediment control and erosion prevention BMPs are implemented in a manner to minimize the discharge of pollutants. At a minimum, such BMPs must be designed, installed, and maintained to:
 - a. *Control Volume and Velocity.* Control stormwater volume and velocity within the site to minimize soil erosion during construction activity.
1. Stormwater volume control must be accomplished during construction activities to minimize erosion within the boundaries of the construction site. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:
 - a. Limiting of the amount of disturbed area not stabilized at a time;
 - b. Staging and/or phasing of the construction sequence;
 - c. Sediment basins and sediment traps;
 - d. Diverting off-site flow around the construction site; and
 - e. Controlling the drainage patterns within the construction site.
2. Stormwater velocity control must be accomplished during construction activities to minimize erosion

within the boundaries of the construction site. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:

- a. Surface roughening along slopes;
- b. Sediment basins and traps;
- c. Level spreaders;
- d. Erosion control blankets;
- e. Turf reinforcement mats;
- f. Riprap; and
- g. Staging and/or phasing of the construction sequence.

b. *Control Discharges.* Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion during construction activity.

1. Stormwater Volume Discharge Control must be accomplished during construction activities to minimize erosion at outlets and to minimize downstream channel and stream bank erosion. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:

- a. Surface outlets; and
- b. Water quantity storage within impoundments.

2. Peak Flow Rate Discharge Control must be accomplished during construction activities to minimize erosion at outlets and to minimize downstream channel and stream bank erosion. This can be accomplished through the use of various BMPs and techniques including, but not limited to, the following:

- a. Energy dissipaters;
- b. Level spreaders;
- c. Riprap aprons;
- d. Erosion control blankets; and
- e. Turf reinforcement mats.

c. *Soil Exposure.* Minimize the amount of soil exposed during construction activity.

1. Implement a phased stormwater management plan that limits the amount of exposed soil during construction by outlining the LOD for each phase and by labeling areas that are not to be disturbed throughout the course of construction activities or until a later phase of construction activities.

2. Outline the LOD on the construction plans and label areas within the construction site that are not to be disturbed.

3. Stabilize exposed areas as soon as practical to limit the duration of large areas of exposed soil.

4. Implement temporary seeding techniques.

d. *Steep Slopes.* Minimize the disturbance of existing steep slopes (i.e., slopes of 30 percent (~3H:1V) or greater), unless infeasible. If steep slopes must be disturbed, or are created through grading activities, the C-SWPPP must:

1. *Divert flows around steep slope disturbances.* Divert concentrated or channelized flows of stormwater away from and around areas of disturbance having steep slopes;

2. *Use BMP Controls.* Use appropriate erosion prevention and sediment control BMPs such as permanent seeding with soil binders, erosion control blankets, surface roughening, continuous slope length reduction through terracing or diversions, gradient terraces, interceptor dikes and swales, grass-lined channels,

pipe slope drains, subsurface drains, level spreaders, rock ditch checks, seep berms, and sediment dikes; and

3. *Stabilize Promptly*. Initiate stabilization measures on any exposed steep slope area where land disturbing activities have permanently or temporarily ceased, and will not resume for a period of seven calendar days.
 - e. *Sediment Discharges*. Minimize sediment discharges from the site during construction activity. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity, and duration of precipitation, the nature of the resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the construction site, while minimizing sediment discharges to the maximum extent practical;
 - f. *Natural Buffers*. Provide and maintain natural buffers around surface waters and, after stormwater runoff is treated by the construction site's BMPs, direct the construction site discharges into these vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible, as set out in Subsection D., above, during construction activity; and
 - g. Minimize soil compaction and, unless infeasible, preserve topsoil.
2. *Soil Stabilization*. Permittees are required to initiate stabilization measures as soon as practicable whenever any clearing, grading, excavating, or other earth disturbing activities have permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed as soon as practicable. For areas where initiating stabilization measures is infeasible (e.g., where snow cover, frozen ground, or drought conditions preclude stabilization), initiate vegetative or non-vegetative stabilization measures as soon as practicable.
3. *Trenches and Excavations Dewatering*. Permittees are required to minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate BMPs for stormwater and non-stormwater discharges.
4. *Pollutant Discharge Minimization During Construction Activity*. Permittees are required to design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants during construction activity. At a minimum, such measures must be designed, installed, implemented, and maintained to:
 - a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
 - c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
5. *Prohibited Discharges*. The following discharges from sites are prohibited:
 - a. Wastewater from washout of concrete, unless managed by an appropriate control;
 - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - d. Soaps or solvents used in vehicle and equipment washing.

K. Management of Non-Stormwater Discharges.

1. The C-SWPPP must identify all allowable sources of non-stormwater discharges, except for flows from firefighting activities that are combined with stormwater discharges associated with construction activity

at the site. Non-stormwater discharges should be eliminated or reduced to the extent where these discharges shall not cause or contribute to violations of water quality standards.

2. The C-SWPPP must identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge.

L. Documentation of Permit Eligibility Related to Total Maximum Daily Loads (TMDLs). For construction sites with stormwater discharges to a receiving water that is identified as being impaired or has an EPA established or approved TMDL, the following requirements must be addressed by the C-SWPPP.

1. *Receiving Water with TMDLs.* If a TMDL, that is applicable to stormwater construction discharges, has been established and is in effect for any receiving waters downstream of a construction site, then the C-SWPPP must address the following:
 - a. Include documentation supporting a determination of permit eligibility with regard to waters that have a TMDL that is effective and applicable to stormwater construction discharges;
 - b. Include documentation of whether the construction site's stormwater discharge is identified, either specifically or generally, in a TMDL and if there is any associated allocations, requirements, and assumptions identified for the construction site's discharge;
 - c. Identify if a specific Waste Load Allocation (WLA) has been established that would apply to the construction site's stormwater discharges, and incorporate that allocation into the stormwater management plan by implementing any necessary steps and/or BMPs to meet that allocation; and
 - d. Identify measures to be taken by the operator so that the construction site's discharge of pollutants is consistent with the allocations, assumptions, and requirements contained in the TMDL, only the pollutants applicable to stormwater discharges, including any specific WLA that has been established.
2. *Receiving Waters with Impairments.* If the receiving water is listed on the most current South Carolina 303(d) List of Impaired Waters, the C-SWPPP must be developed so that any stormwater discharges from the construction site do not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. For receiving waters listed for a sediment or a sediment-related parameter (i.e., BIO (macro invertebrate), turbidity, total phosphorous and total nitrogen, chlorophyll-a) the C-SWPPP must address the following:
 - a. Carefully evaluate all selected BMPs and their performance such that the construction site's stormwater discharges will not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard.
 - b. For construction sites that disturb 25 acres or more and which have stormwater discharges draining directly to an impaired water body via structures or ditches, the C-SWPPP must contain a written quantitative and qualitative assessment that the BMPs selected will control the construction site's stormwater discharges so that they will not cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard.

Division 4-12.3 Storm Drainage

Sec. 4-12.3.1 General Requirements

A. Requirement for Drainage System. Every development shall have adequate drainage system improvements that are designed by a registered professional engineer and constructed by the subdivider/developer to provide for the proper drainage of surface water of the development and the drainage area of which it is a part, to permit the unimpeded flow of natural watercourses, and to provide positive drainage away from on-site sewage disposal facilities. The subdivider/developer's responsibility includes the drainage facilities necessary to discharge stormwater runoff to an existing facility that is capable of receiving such runoff with no adverse effects.

B. Inspection. Sufficient inspections shall be made to ensure compliance with the specifications set forth in this

Division. A registered professional engineer, employed by the subdivider/developer and approved by the Engineering Division of the City of Florence, shall certify in writing to the Engineering Division of the City of Florence that such engineer has inspected each phase of the construction of the storm drainage improvements required in this Division and the inspection certification shall meet the terms of this Division. The Engineering Division of the City of Florence, however, may make a final inspection of the improvements before accepting the improvements for dedication to the City for permanent maintenance.

C. **Site Runoff.** Drainage systems shall be designed to avoid problems which may arise from concentration of stormwater runoff onto adjacent developed or undeveloped properties.

D. **Anticipated Peak Discharges.** Storm drainage facilities shall be designed to address:

1. The anticipated peak discharge from the property being developed; and
2. The anticipated increase in runoff that will occur when all property at a higher elevation in the same drainage area is fully developed.

E. **Connection to Underground Facilities.** In those instances when underground piped storm drainage facilities are reasonably accessible to the proposed development, the subdivider/developer shall connect the on-site drainage system to the City's system based on standard storm drainage design practices or other special design standards deemed necessary by the Engineering Division of the City of Florence.

F. **Volume Reduction Strategies.** The system shall be designed to prevent the off-site discharge of the first one inch of rainfall from a 24-hour storm preceded by 48 hours of no measureable precipitation. The following volume reduction strategies may be used if they meet the standards of *Section 4-12.4.5, Post-Construction BMP Standards*:

1. Canopy interception;
2. Soil amendments;
3. Evaporation;
4. Rainfall harvesting;
5. Engineered infiltration;
6. Extended infiltration;
7. Evapotranspiration; or
8. Any combination of the above.

G. **Use of Stormwater Detention Vaults.** Sites that meet the following conditions shall be exempt from the provisions of *Section 4-12.4.5, Post Construction BMP Standards*, and therefore, are permitted to have underground stormwater detention vaults:

1. Sites that are located in the CBD or RU districts; and
2. Where the Engineering Division of the City of Florence has determined that the site has insufficient space to infiltrate the runoff or to have a surface detention area.

H. **Flood Damage Prevention** (See [Division 4-12.6, Flood Prevention](#)).

1. An adequate drainage system shall be provided for the proper drainage of all surface water according to the provisions of this Unified Development Ordinance. All subdivision proposals shall be consistent with the need to minimize flood damage and the impact that runoff has on adjacent water bodies.
2. All subdivision proposals shall have public utilities and facilities including, but not limited to, sewer, stormwater, gas, electrical, and water systems located and constructed to minimize flood damage.
3. No subdivision of land shall be approved or variance to these regulations granted by the City or the Planning Commission unless it meets all of the requirements for flood hazard protection.

Sec. 4-12.3.2 Drainage System Standards

A. Basic Drainage System. The basic drainage system consists of streets, which shall be provided with an adequate storm drainage system as approved by the City of Florence.

1. All streets shall be designed to carry the stormwater drainage of the street itself, as well as the adjacent property.
2. Curb drainage inlets, if utilized, shall be provided at appropriate intervals along streets with curb and gutter drainage facilities. These inlets shall connect to storm sewers and a drainage inlet structure with a protective grating, which shall be installed in accordance with standards and specifications of the South Carolina Department of Highways and Public Transportation. Inlet spacing and capacity shall be adequate to limit the spread of water into the street and to maintain pedestrian walks and street crosswalks free of standing water.
3. Where driveways connect to existing streets with ditch drainage facilities, a culvert shall be provided under the driveway as required by the Engineering Division of the City of Florence. The size and construction of the culvert shall conform to the standards and specifications of the South Carolina Department of Highways and Public Transportation.
4. All streets having curb and gutter on which stormwater flows across intersections and/or driveways shall be provided with suitable cross-gutters at these intersections and driveways.

B. Off-Street Drainage. The design of an off-street drainage system shall include the watershed affecting the subdivision or development and shall be extended to a watercourse or ditch adequate to receive the storm drainage. The system shall be designed in accordance with the following requirements:

1. When the drainage system is outside of the street right-of-way, the subdivider/developer shall provide all required easements in accordance with Section 4-12.3.4, Drainage Easements. Open ditch drainage may be used, provided that the ditches are "V-shaped" ditches with side slopes not exceeding a 1:3 ratio (one vertical to three horizontal feet) and a maximum depth of two feet.
2. Where open ditches meeting these requirements are not adequate to provide satisfactory storm drainage, an underground piped system shall be installed and protected from erosion by either sodding or seeding as required by the Engineering Division of the City of Florence.
3. No open storm drainage course shall be permitted within 75 feet of the rear or side of a building, as measured from the nearest building wall to the nearest edge of the drainage facility, unless it is demonstrated to the Engineering Division of the City of Florence that the building and its site improvement will not in any way be jeopardized by flooding or erosion.
4. Off-street drainage from private parking lots or other buildings, sites, or uses shall be channeled to and collected at one or more catch basins located on the property of the development and piped underground to any reasonably accessible storm drainage facility. Surface runoff shall not be allowed to flow over public sidewalks.

Sec. 4-12.3.3 Site Detention

A. Where Required. Generally, detention basins are required for all parcels proposed for development except:

1. Individual single and two-family residential lots;
2. In the CBD district; or
3. Where waived by the Engineering Division of the City of Florence because provisions are committed or already in place that are appropriate for runoff management.

B. General Design Requirements.

1. Detention basins shall be designed with consideration for:

- a. The welfare of the residents who live in the vicinity; and
 - b. The safety of those who might be attracted to the facility.
2. Basins and their appurtenances shall be designed to:
 - a. Require minimum maintenance;
 - b. Include slopes that are flat enough for safe walking and mowing; and
 - c. Accommodate uses other than detention, such as recreation, man-made wetlands, or other similar uses.
 3. The use of fences shall be kept to the minimum necessary to:
 - a. Provide for public safety; or
 - b. Address a demonstrated security need.
 4. The basin shall be attractively designed, to include the following attributes:
 - a. Varying slopes;
 - b. Avoidance of straight lines;
 - c. Avoidance of exposed concrete of more than 12 inches in height or width;
 - d. Avoidance of man-made retaining materials such as rail-road ties or metal;
 - e. Inclusion of long sweeping curves that make the facility appear to be natural and part of the landscape; and
 - f. Landscaping with trees and shrubs appropriate to the location and hydrology.
 5. Forebays shall be included to capture solids before they enter the basin.
 6. The slope of the banks of detention basins shall not exceed one foot of rise to each four feet of run.

C. Storage Volume and Discharge Rate.

1. Detention basins shall provide a storage volume that is adequate to accommodate the runoff from the developed site that results from a storm event that has a 100-year frequency.
2. Discharge control structures shall be designed as a multi-staged facility, reducing the discharges from rainfall ranging from the highest frequency of recurrence to the lowest.
3. The discharge resulting from an event with a 100-year frequency of recurrence shall not exceed the runoff from the undeveloped results from a storm with a two-year frequency.

D. Dry Bottom Basins.

1. Dry bottom basins shall be designed so that the runoff from the rain events with the highest frequency recurrence (first flush) are captured with detention times appropriate for the greatest water benefits.
2. Paved low flow channels are prohibited.

E. Wet Bottom Basins.

1. The following shall be provided:
 - a. Weed control;
 - b. Algae control;
 - c. Erosion control at the shore line; and
 - d. Maintenance of the supplemental water supply equipment.

2. The basins shall be designed to provide a permanent water depth that is adequate to:
 - a. Retard weed growth; and
 - b. Sustain aquatic life.
3. Walkways shall be provided around the perimeter of the basin to allow for recreation and access for weed control and emergency response.
4. The ground slopes below pool level shall be at or near a zero percent slope.
5. Shoreline bank protection shall include one of the following (or a combination of):
 - a. The use of a vegetated buffer at the water's edge that extends into the water; or
 - b. If the Director of Utilities finds that such design is impracticable, hardscape may be permitted.

F. Paved Area Basins.

1. Paved areas such as parking lots may be used for detention basins where the Engineering Division of the City of Florence determines that they contribute to the function of the overall storm water management system for the proposed development, and there is no practicable alternative to their use.
2. The basins shall be designed so that the maximum stored water depth will not cause damage to vehicles or adjacent property.

G. Underground Basins.

1. Underground detention basins, where permitted, shall be designed using vaults, pipe networks, or other means that allow access for inspection, cleaning, and maintenance.
2. Storage of runoff in the voids of aggregate beds is not permitted.

H. Discharge Control Structure and Overflow.

1. Discharge control structures shall be designed to be safe and easily maintained.
2. The design shall:
 - a. Not subject the structure to clogging with debris;
 - b. Provide for the storage from the runoff generated by storm events with the greater frequencies of recurrence, as well as major storms.
 - c. Manual operation of primary valves or gates associated with normal operations is not permitted. Manual gates and valves are permitted to facilitate routine maintenance operations or emergency drawdown.

Sec. 4-12.3.4 Drainage Easements

- A. Easement Sizing.** Drainage easements shall be provided for all drainage facilities in accordance with the following criteria:
1. Where development is traversed by a drainage facility, adequate areas for storm drainage, including ponding, shall be allocated, conforming substantially to the lines of the drainage facility and of sufficient width to convey storm drainage and provide adequate space for proper maintenance and improvement of the drainage facility.
 2. Adequate access for maintenance and equipment shall be provided.
 3. Generally, for underground storm drainage, the minimum width of the easement shall be the greater of 20 feet or the outside diameter of the pipe calculated in feet, plus an additional eight feet on each side of the pipe (e.g. an eight inch pipe is calculated to require an eight foot easement width, plus eight feet on each side of the pipe for a total easement width of 24 feet). Where open, improved (paved or unpaved) drainage channels are permitted, the width of the easement shall be a minimum of three feet on one side of the

channel, plus the width of the channel at ground level, and 15 feet on the opposite side of the channel. This easement width is to allow equipment to enter for maintenance operations. Depending on the design of the paved channel, this requirement may be reduced to not less than 10 feet on one side of the channel.

B. Location Changes. The location of any surface or underground drainage facilities shall not be changed without the approval of the Engineering Division of the City of Florence.

Sec. 4-12.3.5 Natural Primary and / or Major Drainage Channel Requirements

All natural primary and/or major drainage channels that are located within or immediately adjacent to the property line of an improvement, development, or subdivision shall be protected and improved by the subdivider/developer as follows:

A. Capacity. The existing channel lying within or adjacent to the property line of an improvement, development, or subdivision of land proposed for development or redevelopment shall have sufficient capacity to convey the 50-year frequency rainfall event through the site without hydraulic impact to existing development or proposed improvements within the subject property or directly adjacent properties. Additionally, the developer shall provide an engineer's certification that proposed improvements will not adversely impact the 50-year floodplain on the adjacent downstream property.

B. Building Pad Grading. Site improvement shall provide for the grading of all building pads to an elevation where no building pad will be subject to overflow or inundation from a 100-year frequency flood, and in a manner that will provide for a rapid runoff of storm water.

C. Bank Protection. Whenever channel improvements are carried out, sodding, back-sloping, cribbing, and other bank protection methods shall be designed and constructed to control erosion for the anticipated conditions and flow resulting from a 50-year frequency rainfall.

D. Location in Street Right-of-Way. An existing natural drainage channel shall not be located within street right-of-way unless it is placed in an enclosed storm sewer, except under the following conditions:

1. Where at least a two-lane paved street surface is provided on both sides of a paved channel so as to provide access to abutting properties; and
2. When a condition exists as outlined above, adequate right-of-way is dedicated to provide for maintenance of the paved drainage channel.

E. Drainage Structures. Culverts, bridges, and other drainage structures shall be constructed in accordance with the specifications and design criteria of the City when the City will have present or future maintenance responsibility.

F. Separation of Open Drainage from Buildings. No open, natural storm drainage course shall be permitted within 75 feet of the rear or side of a building as measured from the nearest building wall to the nearest edge of the drainage facility, unless it is demonstrated to the Director of Utilities that the building and its site improvement will not in any way be jeopardized by flooding or erosion.

G. Developments.

1. Residential. In single-family residential, duplex, or apartment/townhouse/condominium development, site grading shall be carried out in such a manner that surface water from each dwelling lot will flow directly to a storm sewer, sodded swale, or paved street without crossing more than four adjacent lots in overland flow and with no adverse effects to adjacent property.
2. Nonresidential. In commercial, industrial, and institutional development, roofs, paved area, yards, courts, and courtyards shall be drained into a storm sewer system.

H. Surface Water on Streets. Surface water collected on streets shall be directed to the stormwater conveyance system in such a manner as to prevent runoff detention exceeding the crown of the roadway during a 25-year frequency rain for the area and grades involved. Design frequency may vary with the classification of street, highway, or land use in the area. The drainage area permitted for surface flow on streets at the point of diversion shall not exceed 20 acres, regardless of flow.

I. **Easement Widths.** Drainage easements of a satisfactory width to provide working room for construction and maintenance shall be provided for all storm sewers as set out in Section 4-12.3.4, Drainage Easements.

Sec. 4-12.3.6 Channel Floodplain Requirements

All major channels that are located outside the floodplain area as defined by the Federal Emergency Management Agency's (FEMAs) flood insurance study and maps, or the U.S. Army Corps of Engineers, whichever is most appropriate for the situation, and which are located within or immediately adjacent to an improvement, development, or subdivision shall be protected and improved by the subdivider/developer as follows:

- A. The existing channel shall be cleaned to provide a free flow of water, as well as straightened, widened, levied or diked, or otherwise improved to the extent required to prevent overflow from a 50-year frequency flood; and
- B. Site improvements shall be in accordance with the provisions of this Unified Development Ordinance.

Sec. 4-12.3.7 Bridge and Culvert Standards

- A. **Water Flow Across Roadways.** All flow of water across continuous streets or alleys shall be through culverts or bridges.
- B. **Sizing.** Bridges and culverts shall be sized to accommodate a 50-year frequency rain.
- C. **Design.** Design of bridges and culverts shall conform to construction specifications of the City and South Carolina Department of Highways and Public Transportation, and approved by the City Engineer.

Sec. 4-12.3.8 Closed Storm Sewer Standards

- A. **Materials.** Closed storm sewers shall be constructed of pre-cast, prefabricated pipe, or built in place of closed box design to conform to the construction specifications of the City and the South Carolina Department of Highways and Public Transportation.
- B. **Sizing.** Sizing shall be calculated by the "Manning Formula", as set out in *Section 7-24.2.6, Streamflow and Runoff*. However, storm sewers carrying runoff from streets may be designed to serve the design frequency rainfall for the drainage area involved, provided that overflow from a 100-year frequency rainfall can reach a suitable outlet without inundating any building pad.

Sec. 4-12.3.9 Open Paved Storm Drainage

- A. **City Specifications.** Open paved storm drainage channels shall be constructed in accordance with City specifications.
- B. **Side Slopes.** Side slopes above the paved section shall be shaped and sodded on a slope of 3:1 (three horizontal feet to one vertical foot), or flatter.
- C. **Fences.** Fences shall not be located any more than one foot (measured horizontally) from the right-of-way/easement line as set out in *Section 4-12.3.4, Drainage Easements*.

Sec. 4-12.3.10 Areas Outside of a Subdivision or Development

The City reserves the right to require improvements to preclude the inundation of any off-site areas and those outside of the dedicated drainage easements in a subdivision or development as a result of a 50-year frequency flood.

Sec. 4-12.3.11 Existing Open Ditches

Any existing man-made waterway over two feet in depth shall be piped at the time of development.

Sec. 4-12.3.12 Soil Suitability Analysis

Where questions exist regarding the suitability of soils for a proposed development, the Engineering Division

of the City of Florence reserves the right to require the developer to provide a report and certification of soil suitability from a qualified soils engineer.

Sec. 4-12.3.13 Grading of Land and Transitions to Adjoining Property

A. Maximum Slope. All changes in the natural grade of the land shall be appropriately sloped to make a gradual 10 percent or less slope transition to adjoining property.

B. Retaining Walls.

1. *Structural Retaining Walls.* Structural retaining walls may be constructed no closer to the property line than 75 percent of the required building setback distance. This standard will not apply to the front setback line.
2. *Minor Retaining Walls.* Minor retaining walls (two feet or less) used as landscape elements may be constructed anywhere within the building setback lines.

C. Pollution Prevention. Site grading shall:

1. Facilitate on-site pollution prevention;
2. Facilitate the use of low impact developments;
3. Restrict stormwater volume and velocity; and
4. Restrict disturbance of slopes.

Division 4-12.4 Construction and Post-Construction Standards

Sec. 4-12.4.1 Pre-Construction Conference

A. Conference Required. A pre-construction conference must be held for each construction project or site with an approved On-Site Stormwater Pollution Prevention Plan (OS-SWPPP). Each contractor, subcontractor, blanket utility provider, etc., who will work at a site must attend this conference in person. The primary purpose of this conference is for:

1. The preparer of the SWPPP or someone with a registration equivalent to that of the preparer of the SWPPP; and/or
2. The person with operational control of the plans and specifications (the Primary or Secondary Permittee) or their duly authorized representative (as set out in Section 122.22(b) of S.C. Regulation 61-9).
3. Review and explanation of the OS-SWPPP so that all are aware of the requirements before they start performing construction-related (land disturbing) activities that may affect the implementation of the approved OS-SWPPP. This conference may be held simultaneously with all contractors and builders present or may be conducted separately with one or more contractors, subcontractors, etc. present.

B. Linear Projects. Linear construction of roads or utilities (such as roads and utility construction including electrical power lines, gas lines, main sewer trunk lines, and water distribution lines) that are not part of an LCP (i.e., subdivision or other type of development) are considered to be linear construction projects or linear construction sites under the permit. Linear construction performed as a part of or within an LCP project or site, is considered to be linear construction activities under the permit and not linear construction projects or sites.

C. Location Requirements. Pre-construction conference location requirements are defined below.

1. For non-linear construction projects/sites that disturb 10 acres or more, the pre-construction conference must be held on-site unless it is justified in the SWPPP and approved by DHEC to conduct the conference off-site.
2. For non-linear construction projects/sites that disturb less than 10 acres, conferences may be held off-site

unless specifically required in writing or as a condition of the approved OS-SWPPP by DHEC or the respective MS4 to be conducted on-site.

3. For linear construction projects/sites that are not part of an LCP, subdivision, or other type of development, conferences may be held off-site unless specifically required in writing or as a condition of the approved OS-SWPPP by DHEC or the respective MS4 to be conducted on-site.
 4. For linear construction activities (within an LCP), conferences must be held in accordance with disturbed area (<10 acres or > 10 acres) criterion established for non-linear projects/sites in Items 1 and 2 above.
 5. In addition, person(s) conducting the conference (owner/operator) may choose, at their discretion, to hold a conference normally held off-site, on-site.
- D. Modifications.** Each pre-construction conference must also specifically address *Section 4-12.2.7, Modifications*, detailing how each type of modification, major and minor, will be addressed and processed at the construction site to maintain compliance with the permit.
- E. Documentation.** Persons conducting this conference must document each contractor, subcontractor, blanket utility, etc., attending the conference. This documentation must be maintained with the OS-SWPPP and include dates, locations, times, as well as, identification of those in attendance.

Sec. 4-12.4.2 Inspections

- A. Scope.** Construction site inspections are to be conducted on a routine basis, as outlined in Subsection B., below, and must include all areas disturbed by construction activity, including perimeter BMPs and areas used for storage of materials that are exposed to precipitation. Each inspection must look for the evidence of, or the potential for, inefficiencies within the implemented OS-SWPPP, whether the inefficiencies are a direct result of improper design, installation, or maintenance, by inspecting, at a minimum, the following:
1. All areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation;
 2. All stormwater conveyance systems for any evidence of, or the potential for, pollutants entering these systems;
 3. All BMPs identified in the OS-SWPPP;
 4. All discharge locations to ascertain whether the implemented BMPs are effective in preventing the discharge of sediment from the site. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable; and
 5. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.

If inspection responsibilities are not shared between the Primary and Secondary Permittees, each secondary Permittee must provide their own inspections for the portions of the site for which their coverage includes:

- B. Frequency.** After construction activities begin, inspections must be conducted at a minimum of at least once every calendar week and must be conducted until final stabilization is reached on all areas of the construction site. An inspection is recommended within 24 hours of the end of a storm event of 0.5 inches or greater. On a case-by-case basis, DHEC may require any Permittee who has coverage under this CGP to conduct inspections on a more frequent basis than prescribed in this CGP. Examples include, but are not limited to, Permittees who have compliance problems and Permittees whose construction site's stormwater discharges to Level I or Level II water bodies.

Inspection frequencies for portions of the construction site that have reached temporary or final stabilization may be reduced to at least once every month, as long as the stabilization is maintained and there is no additional disturbance in these areas. Once a definable area has reached final stabilization, the Permittee may mark this on the OS-SWPPP and no further inspection requirements apply to that portion of the site (e.g., land disturbing activities around one of three buildings in a complex are completed and the disturbed area has reached final stabilization, one mile of a roadway or pipeline project is completed and the

disturbed area has reached final stabilization, etc.). Inspection of common BMPs, such as sediment basins, sediment traps, may be required to resume if areas that drain to them become disturbed during future construction.

C. Linear Site Inspection Frequency. Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may limit the access of inspection personnel to the areas described in Subsection A., above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected on the same frequencies as other construction projects, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described above. The conditions of the controls along each inspected 0.25 mile segment may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile segments to either the end of the next 0.25 mile inspected segment, or to the end of the construction site, whichever occurs first. Representative inspections must include any areas where stormwater discharges to Level I or Level II water bodies.

D. Rain Gauge. Permittees shall either maintain an on-site rain gauge or use data from a certified weather record (such as a personal weather station or an airport) located within a reasonable proximity of the construction site, to record rainfall records from any significant rainfall event, 0.5 inches or greater. These recorded rainfall amounts must be maintained in a rain log located in the OS-SWPPP. Rainfall records for the day of an inspection and any significant rainfall events since the last inspection must be reported on each weekly inspection report.

E. Inspector Qualifications. Inspections must be conducted by qualified personnel (provided by the Permittee) as outlined by the following:

1. For projects that disturb more than one acre, "qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any BMPs selected to control the quality of stormwater discharges from the construction site. This person must be either the preparer of the C-SWPPP or an individual who is under the direct supervision of the preparer of the approved C-SWPPP and who meets the requirements in this paragraph or an individual who has been certified through a construction site inspector certification course that has been approved by DHEC. Inspections may also be conducted by a person with a registration equivalent to the registration of the preparer of the C-SWPPP and who meets the qualifications of this paragraph or an individual who is under the direct supervision of the person with an equivalent registration and who meets the requirements in this paragraph.
2. For Projects that disturb one acre or less, and that are not part of an LCP, the Permittee, or a designee, may perform these inspections provided the preparer of the C-SWPPP or someone with a registration equivalent to that of the preparer of the C-SWPPP explains the OS-SWPPP, including implementation along with the inspection requirements to the person who will be conducting the inspections.
3. The City reserves the right to require that inspections be performed by an inspector meeting the requirements of 1 above for construction sites less than one acre in size that drain to Level I or Level II water bodies.

F. Inspection Reports. For each inspection required above, the Permittee must complete an inspection report. At a minimum, the inspection report must include:

1. The inspection date;
2. Names, titles, and, if not previously given in an inspection report, the qualifications of personnel making the inspection, unless those qualifications change;
3. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether the

Permittee knows if any discharges occurred. At the very least, the total rainfall (in inches) since the time of the last inspection must be recorded;

4. Weather information and a description of any discharges occurring at the time of the inspection;
5. Location(s) of discharges of sediment or other pollutants from the site;
6. Location(s) of BMPs that need maintenance;
7. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
8. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
9. Corrective action required including any changes to the OS-SWPPP necessary and implementation dates;
10. Site name, operator name, and permit number; and
11. Verification that all BMPs and stormwater controls identified in the OS-SWPPP have been installed and are operating as designed.

G. Monthly Reports. On a case-by-case basis, DHEC may require that the Permittee submit a monthly report summarizing the inspections at the site and any associated maintenance activity.

H. Inspection Records. A record of each inspection and of any actions taken in accordance with this Section must be retained as part of the OS-SWPPP for at least three years from the date that permit coverage expires or is terminated. The qualified inspector, as identified in Subsection E., above, must sign the inspection report. Inspectors employed by the Primary Permittee retain the authority to inspect, report, and document areas of the construction site that are under direct control of the Secondary Permittee, but only when a lack of compliance by the Secondary Permittee inhibits the Primary Permittee's ability to maintain compliance with the overall OS-SWPPP or the permit.

Sec. 4-12.4.3 Construction BMP Design Standards

A. Performance Requirements. Stormwater discharges from construction activities shall not cause or threaten to cause pollution, contamination, or degradation of the waters of the state. BMPs shall be implemented on construction sites as follows:

1. **BMP Design Criteria.** The selection, design, installation, and maintenance of appropriate construction BMPs must be in accordance with the latest revision of the Stormwater Management BMP Handbook published by DHEC.
2. **Timing of Installation and Removal of Erosion Control Facilities.**
 - a. All temporary and permanent erosion control facilities to be used during construction shall be installed before construction commences.
 - b. Temporary soil erosion control facilities shall be removed and earth disturbance areas graded, tilled to mitigate compaction, and stabilized with permanent erosion control measures pursuant to the standards and specifications prescribed in accordance with the provisions of the latest revision of the Stormwater Management BMP Handbook published by DHEC.
 - c. All temporary stormwater quality control measures shall be removed after work on the site has been completed and the measures are no longer needed.
3. **Erosion Control Standards.**
 - a. Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site.
 - b. All earth disturbances shall be designed, constructed, and completed in such manner as to limit the period of exposure of disturbed land to the shortest possible period of time.
 - c. Any temporary or permanent facility used to convey water around, through or from the earth disturbance area shall slow the water flow to a non-erosive velocity.
 - d. Temporary sediment traps may be required in areas where runoff exits the lot or parcel proposed for

development, and is likely to carry sediment from eroded soils. The temporary traps shall be sized proportionately with the expected flow rate from the site.

- e. Ingress and egress to the lot or parcel proposed for development shall be by way of coarse stone drive(s) of sufficient length to cause soil picked up by the tires of vehicles
to be dropped before the vehicle enters the roadway. For single family and duplex home sites, the stone drive shall coincide with the final location of the drive to the residence.
- f. Drain inlets and entrances to culverts shall be protected with silt fencing or alternative erosion control device as approved by the City.
- g. All disturbed ground left inactive for a period of 21 days shall be seeded, sodded, or stabilized with mulch or an equivalent, approved groundcover.
- h. Storage piles of soil left for longer than three days shall be completely encircled with silt fence. If left inactive or unused for longer than 21 days the storage pile shall be seeded, sodded, or covered with a mulching fabric or tarpaulins.
- i. Stone check dams shall be used in open drainage courses to slow velocities of the runoff and allow sediment to drop out of the runoff.
- j. Silt fence shall be installed along the down slope edges of all disturbed areas on the site. Silt fence shall be installed at the edges of pavements, adjoining properties, and open water courses whenever the adjacent ground slopes toward that street, adjoining property, or watercourse.

4. Water Quality.

- a. Wastes that may cause adverse impacts to water quality shall be controlled. No chemicals may be added to any discharge unless the State grants permission for the use of a specific chemical and documentation of such permission is presented to the City before the discharge. Wastes include, but are not limited to:
 - 1. Discarded building materials;
 - 2. Concrete truck washout;
 - 3. Chemicals;
 - 4. Paint;
 - 5. Oils;
 - 6. Curing compounds;
 - 7. Fuels;
 - 8. Vehicle operation fluids;
 - 9. Concrete;
 - 10. Stucco;
 - 11. Soaps;
 - 12. Solvents;
 - 13. Litter; and
 - 14. Sanitary waste.
- b. Concrete wash water shall not be discharged off site or to waters of the state.
- c. All wash water shall be treated. Methods for treatment shall be submitted to the Department of Public Works and Utilities and shall comply with any conditions imposed by the Director of Public Works.
- d. Vehicle tracking of sediments from land disturbing activities onto paved public roads shall be minimized by utilizing the appropriate BMPs. If vehicle tracking of sediments occurs off-site, it shall be removed from City streets within 24 hours. Vehicle tracking on City streets shall not enter waters of the state.

- e. The bypass of treatment facilities is prohibited.
- f. Bulk storage structures for petroleum products and other chemicals shall have adequate protection so as to contain all spills and prevent any spilled materials off-site and to waters of the state.
- g. Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be properly disposed of in a manner to prevent any pollutants from entering waters of the state.
- h. All wastes composed of building materials must be removed from the site for disposal in licensed disposal facilities. No building material wastes or unused building materials shall be buried, dumped, or discharged at the construction site or on the parcel proposed for development.
- i. All discharges must comply with the lawful requirements of the City, Florence County, and other agencies regarding any discharges of stormwater off-site and to waters of the state.

B. Exempted Discharges. Discharges exempt from prohibitions that are combined with stormwater discharges associated with construction activity are authorized.

C. Soil Compaction and Stabilization. On commercial and industrial sites, the approved site plan shall clearly identify the area to be developed.

- 1. Soil that is compacted within the development area that will be landscaped shall be tilled prior to the installation of landscaping.
- 2. Areas that were used for construction staging that are not to be covered by landscaping or parking shall be returned to natural conditions.
- 3. The development area shall be limited to the building footprint(s), parking, landscaping, and areas needed for construction staging.
- 4. The remainder of the site shall remain undisturbed, and shall not be used for parking of equipment or vehicles. Soil outside of the development area shall not be compacted.
- 5. Disturbed soils shall be stabilized with 14 days after the activity has ceased.

D. Responsibility of Construction Operator. During construction activities, the operator shall:

- 1. Prevent damage to any public utilities or services within the limits of grading activities and along any routes of travel of the grading equipment;
- 2. Ensure that grading does not endanger any adjoining parcel, building, lot, public street, sidewalk, or alley, or any other public or private property, through settling, cracking, or other damage which might result from grading activities that occur too close to property lines without appropriate safeguards in place;
- 3. Carry out the proposed work in accordance with the approved SWPPP and in compliance with all requirements of this Unified Development Ordinance; and
- 4. Within 24 hours of occurrence, remove all soil; miscellaneous debris; materials applied, dumped, or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares, or any other non-authorized offsite location.

E. Responsibilities of the Construction Operator for Related Activities. In addition to the actual construction activities, the following types of activities shall be monitored and mitigated by the operator for potential pollutant run-off:

- 1. Loading and unloading operations;
- 2. Outdoor storage activities;
- 3. Vehicle and equipment maintenance and fueling;
- 4. Significant dust or particulate generating processes; and
- 5. On-site waste disposal practices.

F. Construction Operations Sequencing. The sequence of construction operations may be modified with prior approval by the Director of Public Works. At a minimum, these operations include:

1. Clearing and grubbing those areas necessary for the installation of perimeter controls;
2. Installation of sediment basins and traps;
3. Construction of perimeter controls;
4. Remaining clearing and grubbing;
5. Road grading;
6. Grading for the remainder of the site;
7. Utility installation and whether storm drains will be used or blocked until after completion of construction;
8. Final grading, landscaping, or stabilization; and
9. Removal of sediment controls.

G. Work Involving Live Waterways. When work in a live waterway is performed such as utility or road crossing, the appropriate BMPs shall be utilized to minimize encroachment, protect the riparian buffer, control sediment transport, and stabilize the work area to the greatest extent possible during construction.

Sec. 4-12.4.4 Maintenance

A. Construction Maintenance. All BMPs and other protective measures identified in the OS-SWPPP must be maintained in effective operating condition. If site inspections required by *Section 4-12.4.2, Inspections* identify BMPs that are not operating effectively, maintenance must be performed within seven calendar days, before the next inspection, or as reasonably possible, and before the next storm event whenever practicable to maintain the continued effectiveness of stormwater controls. If periodic inspection or other information indicates that a BMP has been used inappropriately, or incorrectly, the Permittee must address the necessary replacement or modification required to correct the BMP within a time frame of 48 hours of identification. If existing BMPs need to be modified or if additional BMPs are necessary to comply with the requirements of the permit and/or S.C.'s Water Quality Standards, implementation must be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation must be documented in the OS-SWPPP and alternative BMPs must be implemented as soon as reasonably possible. Sediment from sediment traps or sedimentation basins must be removed as indicated in the OS-SWPPP or when the design capacity has been reduced by 50 percent, whichever occurs first. Sediment collected by silt fence, or another sediment control measure, must be removed when the deposited sediment reaches one-third of the height of the above-ground portion of these BMPs, or before it reaches a lower height based on the manufacturer's specifications.

B. Permanent Maintenance. Permanent stormwater management structures must be routinely maintained to operate per design. The City requires inclusion of a permanent stormwater management maintenance agreement and a maintenance plan to ensure proper operation. Provide a detailed proposed maintenance plan for permanent stormwater management structures proposed for the project in the narrative. The maintenance agreement and maintenance plan, when required, must be identified and located in the C-SWPPP.

C. Maintenance Agreements. Permanent stormwater management maintenance agreements must meet the following minimum information:

1. Signed notarized agreement from the responsible party(ies) or individual(s) accepting ownership and maintenance of each permanent stormwater control device/structure, including any permanent LID and/or proprietary control devices (oil-water separators, etc.), underground detention structures, ex-filtration systems and non-traditional stormwater controls (constructed wetlands, bioretention, etc.) incorporated into the construction process.
2. The City must be notified in writing of any changes in maintenance responsibility for the stormwater devices at the site (include this statement in agreement).

D. Maintenance Plans. All maintenance plans must meet the following minimum information:

1. Description of maintenance plan to be used.
2. Make sure that detailed or manufacturer-specific maintenance procedures are included for any permanent LID and/or proprietary control devices (oil-water separators, etc.), underground detention structures, exfiltration systems and non-traditional stormwater controls (constructed wetlands, bioretention, etc.) incorporated into the construction process.
3. Identify each maintenance activity (e.g., inspection, mowing, removing debris, etc.) to be completed. Typical maintenance items to be addressed include but not limited to:
 - a. Grass to be mowed;
 - b. Trees to be removed from within the pond and on the embankment;
 - c. Trash and sediment to be removed from inside of and around the pond outlet structure;
 - d. Orifices to be cleaned and unclogged;
 - e. Outlet pipe to be cleaned, inspected, and repaired;
 - f. Sediment accumulation to be removed from pond;
 - g. Pond bottom to be regraded to provide proper drainage towards the outlet discharge point;
 - h. Energy dissipator to be cleaned and repaired;
 - i. Emergency spillway, if applicable, to be inspected and repaired; and
 - j. Erosion on side slopes, if present, to be addressed.
4. Schedule or frequency for completing each maintenance activity of maintenance procedures (e.g., every six months).

E. Secondary Permittee Common BMP Maintenance Requirement. It shall be the responsibility of the Secondary Permittee to either maintain or coordinate the maintenance of any common stormwater BMPs, accepting stormwater discharges from any area associated with their work, with the Primary Permittee or the party responsible for permanent maintenance.

Sec. 4-12.4.5 Post-Construction BMP Design Standards

- A. Generally.** New development and redevelopment projects for which a drainage study and report is required must address stormwater quality through the use of nonstructural and structural best management practices (BMPs) as set out in this Section.
- B. Design Criteria.** Criteria for water quality protection and the selection and design of appropriate BMPs for specific developments are set out in the latest revision of the Stormwater Management BMP Handbook published by DHEC and in this Article.
1. BMPs selected must be designed and implemented according to specifications and the criteria of this Section and applicable portions of [Division 4-12.2](#), Stormwater Pollution Prevention Plans (SWPPPs).
 2. For purposes of design and selection of BMPs, the following standards apply in addition to those listed in the latest revision of the Stormwater Management BMP Handbook published by DHEC.
 - a. Structural BMPs shall be located on private property when possible. When so located, the BMP shall be owned and operated by the owner of the property on which the facility is located. As a condition of approval of the site plan or subdivision plat, the owner shall agree to operate and maintain the BMP to its design capacity unless or until the City relieves the property owner in writing of that responsibility. The obligation to maintain the BMP shall be noted on the subdivision plat or site plan or in a separate instrument acceptable to the City and shall be recorded in the office of the Florence County Clerk.
 - b. When the BMP must be located within the public right-of-way or within property owned by the City, the City shall own, operate, and maintain the facility. The City may take measures to restrict flows from

properties using the BMP and the owner of the property whose flow is restricted may be required to treat stormwater upon reasonable notice from the City.

C. Permanent Stormwater Management Requirements. Specific requirements for the permanent stormwater management portion of the SWPPP approval process may be modified by the City for a specific project or type of project, which shall contain the following items of information, as applicable:

1. Stormwater Management.

- a. Stormwater management shall be addressed on a watershed basis to provide a cost-effective water quantity and water quality solution to the specific watershed problems. This Article provides general design requirements that must be adhered to in the absence of designated watershed specific criteria.
- b. All hydrologic computations shall be accomplished using a volume based hydrograph method acceptable to the City. The storm duration for computational purposes for this method shall be the 24-hour rainfall event, applicable NRCS distribution with a 0.1 hour burst duration time increment. The rational and/or modified rational methods are acceptable for sizing individual culverts or storm drains that are not part of a pipe network or system and do not have a contributing drainage area greater than 20 acres. The storm duration for computational purposes for this method shall be equal to the time of concentration of the contributing drainage area or a minimum of 0.1 hours, whichever is less.
- c. Stormwater management requirements for a specific project shall be based on the entire area to be developed, or if phased, the initial submittal shall control that area proposed in the initial phase and establish a procedure for total site control, as shown in the approved set of site specific development plans.

2. Water Quantity. Water quantity control is an integral component of overall stormwater management. The following design criteria for flow control are established for water quantity control purposes:

- a. Post-development peak discharge rates shall not exceed pre-development discharge rates for the two-, 10- and 25-year frequency 24-hour duration storm event. The City may utilize a less frequent storm event (e.g. 50- or 100-year, 24-hour) to address existing or future stormwater quantity or quality problems.
- b. Discharge velocities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure or the velocity of the 10-year, 24-hour storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.
- c. Watersheds, including designated watersheds, which have well-documented water quantity problems, may have more stringent or modified design criteria as determined by the City.

3. Water Quality. Water quality control is also an integral component of stormwater management. To provide adequate water quality protection, design must provide 24-hour detention of the first one inch of runoff from the entire site through the implementation of one or a combination of multiple treatment Best Management Practices (BMPs). The following design criteria are established for water quality protection unless a waiver or variance is granted on a case-by-case basis.

- a. When ponds are used for water quality protection, the ponds shall be designed as both quantity and quality control structures. Sediment storage volume shall be calculated considering the clean out and maintenance schedules specified by the designer during the land disturbing activity. Sediment storage volumes may be predicted by the universal soil loss equation or methods acceptable to the City.
- b. Stormwater runoff that drains to a single outlet from land disturbing activities which disturb 10 acres or more shall be controlled during the land disturbing activity by a sediment basin where sufficient space and other factors allow these controls to be used until the final inspection. The sediment basin shall be designed and constructed to accommodate the anticipated activity and meet a removal efficiency of 80 percent suspended solids or 0.5 ML/L peak settleable solids concentration, whichever is less. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area to be served by the basin.

- c. Other practices may be acceptable to the City if they achieve an equivalent removal efficiency of 80 percent for suspended solids or 0.5 ML/L peak settleable solids concentration, whichever is less. The efficiency shall be calculated for disturbed conditions for the 10-year, 24-hour design event.
 - d. Permanent water quality ponds shall be designed to store and release the first inch of runoff from the entire site over a 24-hour period.
 - e. Permanent infiltration practices, when used, shall be designed to accept, at a minimum, the first inch of runoff from all impervious areas.
 - f. Riparian buffers and setbacks requirements to protect receiving water bodies shall be maintained as set out in [Division 4-12.5](#), Riparian Buffers.
 - g. Watersheds, including designated watersheds, which have been documented by the City or DHEC as impaired or have established total maximum daily loads (TMDLs), will have more stringent or modified design criteria as determined by the City.
 - h. For sites with stormwater discharges to receiving water that are listed as impaired in South Carolina's 303(d) List of Impaired Waters the following requirements apply:
 - 1. If a TMDL that is applicable to stormwater construction discharges has been established and is in effect, the requirements set out in [Section 6-21.5.6](#), Staff Review and Referral must be met.
 - 2. If a TMDL has not been established or is not in effect, the requirements outlined in [Section 3.4](#), NPDES Permit for Large and Small Construction Activities set out in [Appendix C](#), NPDES Requirements must be met.
4. Ponds. Where ponds are the proposed method of control, the person responsible for the land disturbing activity shall submit to the City, when required, an analysis of the impacts of stormwater flows downstream in the watershed for the 10- and 100-year frequency storm events. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed land disturbing activity, with and without the pond. The results of the analysis will determine the need to modify the pond design or to eliminate the pond requirement. Lacking a clearly defined downstream point of constriction, the downstream impacts shall be established, with the concurrence of the City.
5. Wetlands. Where existing wetlands are intended as a component of an overall stormwater management system, the approved SWPPP shall not be implemented until all necessary federal and state permits have been obtained. Copies of the federal and state permits shall be furnished to the City.
6. Conformance. Designs shall be in accordance with standards developed or approved by the City.
7. Maintenance. Ease of maintenance must be considered as a site design component. Access to the stormwater management structure must be provided. A clear statement of defined maintenance responsibility shall be established during the plan review and approval process. Prior to any land disturbance activities, signed notarized agreements from the responsible party(ies) or individual(s) accepting ownership and maintenance of each permanent stormwater control device/structure, including any permanent LID and/or proprietary control device, underground detention structures, exfiltration systems and non-traditional stormwater controls must be submitted to and approved by the City.
8. Infiltration. Infiltration practices have certain limitations on their use on certain sites. These limitations include the following items:
- a. Areas draining to these practices must be stabilized and vegetative filters established prior to runoff entering the system. Infiltration practices shall not be used if a suspended solids filter system does not accompany the practice. If vegetation is the intended filter, there shall be, at least a 20 foot length of vegetative filter prior to stormwater runoff entering the infiltration practice;
 - b. The bottom of the infiltration practice shall be at least 0.5 feet above the seasonal high water table, whether perched or regional, determined by direct piezometer measurements, which can be demonstrated to be representative of the maximum height of the water table on an annual basis during years of normal precipitation, or by the depth in the soil at which mottling first occurs;

- c. The infiltration practice shall be designed to completely drain of water within 72 hours;
- d. Soils must have adequate permeability to allow water to infiltrate. Infiltration practices are limited to soils having an infiltration rate of at least 0.30 inches per hour. Initial consideration will be based on a review of the appropriate soil survey, and the survey may serve as a basis for rejection. On-site soil borings and textural classifications must be accomplished to verify the actual site and seasonal high water table conditions when infiltration is to be utilized;
- e. Infiltration practices greater than three feet deep shall be located at least 10 feet from basement walls;
- f. Infiltration practices designed to handle runoff from impervious parking areas shall be a minimum of 150 feet from any public or private water supply well;
- g. The design of an infiltration practice shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall;
- h. The slope of the bottom of the infiltration practice shall not exceed five percent. Also, the practice shall not be installed in fill material as piping along the fill/natural ground interface may cause slope failure;
- i. An infiltration practice shall not be installed on or atop a slope whose natural angle of incline exceeds 20 percent;
- j. Clean outs will be provided at a minimum, every 100 feet along the infiltration practice to allow for access and maintenance.

9. Regional Approach. A regional approach to stormwater management is an acceptable alternative to site-specific requirements and is encouraged.

D. Mosquitoes and Other Vectors. All stormwater management and sediment control practices shall be designed, constructed, and maintained with consideration for the proper control of mosquitoes and other vectors. Practices may include, but are not limited to:

- 1. The bottom of retention and detention ponds shall be graded and have a slope not less than 0.5 percent.
- 2. There shall be no depressions in a normally dry detention facility where water might pocket when the water level is receding.
- 3. Normally dry detention systems and swales shall be designed to drain within three days.
- 4. An aquatic weed control program should be utilized in permanently wet structures to prevent an overgrowth of vegetation in the pond. Manual harvesting is preferred.
- 5. Fish may be stocked in permanently wet retention and detention ponds.
- 6. Normally dry swales and detention pond bottoms shall be constructed with a gravel blanket or other measure to minimize the creation of tire ruts during maintenance activities.

E. Risk Analysis. Risk analysis may be used to justify a design storm event other than prescribed or to show that rate and volume control is detrimental to the hydrologic response of the basin and therefore, should not be required for a particular site. A complete watershed hydrologic/hydraulic analysis must be done using a complete model/procedure acceptable to the City. Based on the results of this type of evaluation, the City shall review and evaluate the proposed regulation waiver or change. The level of detail of data required is as follows:

- 1. Watershed designation on the 7.5 minute topographic map exploded to a minimum of one inch = 400 feet.
- 2. Design and performance data to evaluate the effects of any structures which affect discharge. Examples may be ponds or lakes, road crossings acting as attenuation structures, and others which must be taken into account.
- 3. Land use data taken from the most recent aerial photograph and field checked and updated.
- 4. The water surface profile plotted for the conditions of pre- and post-development for the 10- and 100-year, 24-hour storm.

5. Elevations of any structure potentially damaged by resultant flow shall also be shown.

F. **Inspections.** After construction begins, inspections must be conducted at a minimum in accordance with Section 4-12.4.2, Inspections. These requirements must be included in the stormwater pollution prevention plan (SWPPP).

G. **Maintenance.**

1. Maintenance during Construction. The applicant is responsible for maintenance and the preventive maintenance of all completed stormwater management practices to ensure proper functioning. The responsible inspection agency shall ensure preventive maintenance through inspection of all stormwater management practices.

2. Maintenance Responsibilities after Development. Temporary and permanent erosion, sedimentation, and stormwater management facilities, once installed and after a final inspection has been completed, shall be maintained in one of the following manners:

a. The owner of the property on which work has been done pursuant to this Article, or any other person or agent in control of such property, shall maintain in good condition and shall promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations and maintenance shall be in accordance with the approved plan. These generally include private detention and retention facilities.

The facilities to be maintained by the owner shall provide adequate access to permit City authorities to inspect and, if necessary, to take corrective action. If the owner or any other person or agent in control of such property fails to maintain properly the facilities for which he/she is responsible under the provisions of this Article, the City shall give such owner, person, or agent in control written notice describing specifically the deficiency. If the owner, person, or agent in control fails, within 10 days from the date of receipt of such notice, to take or commence corrective action, such owner, person, or agent shall be subject to the penalties adopted by the City.

b. All facilities to be maintained by the City must be designed and constructed in accordance with the requirements of this Article and design standards as approved by the City. All facilities shall be dedicated to the City by deed with attached record drawings, after the City has accepted the conveyance of such facilities by appropriate action of the governing body. Such deed shall include sufficient ingress- egress easements to permit the City to properly maintain the facilities. These generally include public detention and retention facilities.

H. **Off-Site Damage Correction.** The following criteria shall be used by the City in evaluating and for correcting off-site damages resulting from the land disturbing activity:

1. Determine the extent of damage by sediment resulting from noncompliance with the approved SWPPP;
2. Determine the classification of the impaired water body, if any;
3. For the purposes of administering this Article, off-site damages shall include any restrictions to flow or reduced flow/capacity of stormwater management devices that serve more than a single residential/commercial/industrial lot;
4. Determine the impact and severity of the damage resulting from noncompliance with the approved SWPPP;
5. Develop an agreement with landowners for cleanup and corrections, including a schedule of implementation;
6. Evaluate the alternatives for correction of the damage and prevention of future damage; and
7. Failure to implement the agreement in the required schedule will constitute a violation of these regulations.

I. **Inspection and Enforcement.**

1. The person responsible for the land disturbing activity shall notify the City before initiation of construction.

The City shall also be notified upon project completion, when a final inspection will be conducted to ensure compliance with the approved SWPPP.

2. The person responsible for the land disturbing activity shall, if required by the City during the plan approval process, submit "As Built or Record Document" plans. In addition, the person responsible for Level II and III land disturbing activities shall be required to submit written certification from the professional engineer, landscape architect, or Tier B land surveyor responsible for the filed supervision of the land disturbing activity that the land disturbing activity was accomplished according to the approved SWPPP, or approved changes.
3. During inspection, the City will ensure the following:
 - a. Availability of the approved SWPPPs on the project site;
 - b. Compliance with the approved SWPPPs;
 - c. Documentation that every active site is inspected for compliance with the approved plan by the responsible parties on a regular basis;
 - d. Provision of a written report to the person responsible for the land disturbing activity, if necessary, that describes:
 1. The date and location of the site inspection;
 2. Whether the approved plan has been properly implemented and maintained;
 3. Approved plan or practice deficiencies; and
 4. The action taken.
 - e. Notification of the person responsible for the land disturbing activity in writing when violations are observed, describing the:
 1. Nature of the violation;
 2. Required corrective action; and
 3. Time period for violation correction.
4. The City may require a revision to the approved plans, as necessary, due to differing site conditions. Where changes to the approved plan are necessary those changes shall be in accordance with the following:
 - a. Major changes to approved SWPPPs, such as the addition or deletion of a sediment basin, shall be submitted by the applicant to the City for review.
 - b. Minor changes to SWPPPs may be allowed if approved by the City and documented in the City's inspection report.
5. The City shall inspect stormwater management construction as it deems necessary.
6. The City may, in addition to its enforcement options, refer a site violation to DHEC for review.
7. Referral of a site violation to DHEC may initiate an inspection of the site to verify site conditions. That construction inspection may result in the following actions:
 - a. Notification through appropriate means to the person engaged in a land disturbing activity to comply with the approved plan within a specified time frame; and
 - b. Notification of plan inadequacy, with a timeframe for the person engaged in a land disturbing activity to submit a revised SWPPP to the City and to receive its approval.
8. Failure of the person engaged in the land disturbing activity to comply with DHEC requirements may result in the following actions, in addition to other penalties as provided in Chapter 14, Title 48, Code of Laws of South Carolina, 1976, as amended.
 - a. DHEC may direct the City to order any person violating any provision of Chapter 14 and/or these

regulations to cease and desist from any site work activity other than those actions necessary to achieve compliance with any administrative order.

- b. DHEC may direct the City to refrain from issuing any further building or land disturbance permits to the person having outstanding violations until those violations have been remedied.
 - c. DHEC may recommend fines to be levied by the City.
9. The City may utilize "stop work orders" as a part of its inspection and enforcement program in accordance with the following procedures:
- a. The City may issue a stop work order if it is found that a land disturbing activity is being conducted in violation of this Article or of any regulation adopted or order issued pursuant to, in connection with, or otherwise related to this Article and that either:
 - 1. Off-site sedimentation resulting from noncompliance with the approved SWPPP has eliminated or severely degraded a use in a lake or natural waterway or that such degradation is imminent.
 - 2. Off-site sedimentation resulting from noncompliance with the approved SWPPP has caused severe damage to adjacent land.
 - 3. The land disturbing activity is being conducted without the required approved plan.
 - 4. Sediment leaving a site is entering a "common" stormwater control/conveyance device(s) and is restricting design capacity flow.
 - b. The stop work order shall be in writing and shall state what work is to be stopped and/or what measures are required to abate the violation. The order shall include a statement of the findings made by the City pursuant to Subsection a., above, and shall list the conditions under which work may be resumed. The delivery of equipment and material which does not contribute to the violation may continue while the stop work order is in effect. A copy of this Section shall be attached to the order.
 - c. The stop work order shall be served by a City staff person duly authorized by the City Manager, or another person authorized by law to serve a stop work order. The stop work order shall be served on the permittee and/or any person the City has reason to believe is responsible for the violation. The person serving the order shall post a copy of the stop work order in a conspicuous place at the site of the land disturbing activity.
 - d. The directives of a stop work order become effective upon service of the order. Thereafter, any person notified of the stop work order who violated any of the directives set out in the order may be assessed a civil penalty.
 - e. The City shall designate an employee to monitor compliance with the stop work order. The name of the employee so designated shall be included in the stop work order. The employee so designated shall rescind the stop work order if all the violations for which the stop work order are issued are corrected, no other violations have occurred, and all measures necessary to abate the violations have been taken.
 - f. The issuance of a stop work order shall be a final decision subject to judicial review in the same manner as an order in a contested case pursuant to Title 1, Chapter 23, Section 380, Code of Laws of South Carolina, 1976, as amended. The petition for judicial review shall be filed in the circuit court of the county in which the land disturbing activity is being conducted.

Division 4-12.5 Riparian Buffers

Sec. 4-12.5.1 Riparian Buffer Requirements

A. Application. The requirements for riparian buffers apply in all zoning districts and to all portions of the water bodies within the City as set out in this Section. Riparian buffer requirements do not apply to wet ponds used as structural best management practices. However, ponds which intersect with stream channels shall meet the buffer requirements of this Section.

B. Boundaries and Specifications. The riparian buffer requirements associated with each type of water body are as follows:

1. Level I Water Bodies. Level I water bodies include Black Creek, Jeffries Creek, and Middle Swamp.
 - a. The Jeffries Creek riparian buffer is a non-development overlay district.
 - b. A buffer shall be maintained within the floodway, and 20 feet outside of the floodway, as delineated on the Flood Insurance Rate Map (FIRM), dated December 16, 2014, as amended from time to time.
 - c. Improvements or other activities that are recognized to disturb land or degrade water quality are not permitted.
 - d. Exceptions may be granted for water access (e.g. boardwalks, docks, etc.) or permitted by the Director of Utilities when disturbance is necessary to facilitate drainage in unusual circumstances.
 - e. The riparian buffer for Level I water bodies are divided into the following zones:
 1. Zone 1. A riparian buffer of at least 20 feet is required on each (outer) side of the floodway. This 20-foot offset area shall consist of forest, small trees/shrubs, grassed areas, walking paths, and/or other passive recreational areas.
 2. Zone 2. A riparian buffer of at least 20 feet is also required on each (inner) side of the floodway, if available. Clear-cutting is not permitted within the 20-foot offset area. It shall consist of naturally landscaped areas including canopy trees and small trees/shrubs.
 3. Zone 3. All remaining areas within the established floodway shall be left undisturbed in perpetuity.
2. Level II Water Bodies. Level II water bodies include, but are not limited to, High Hill Creek, Beaver Dam Creek, Alligator Branch, Gully Branch from Cherokee to Jeffries Creek, Forest Lake, and Pyle Branch, which are natural creek or drainage features with permanent flows.
 - a. A buffer of at least 30 feet on each side is required, measured from the edge of bank.
 - b. Improvements or other activities that are recognized to disturb land or degrade water quality are not permitted.
 - c. Exceptions may be permitted by the Director of Utilities when disturbance is necessary to facilitate drainage in unusual circumstances.
 - d. The riparian buffer for Level II water bodies are divided into the following zones:
 1. Zone 1. The outer 20 feet shall consist of forest, small trees/shrubs, walking paths, and/or other passive recreational uses.
 2. The inner 10 feet shall not be clear-cut and shall be left undisturbed in perpetuity.
3. Level III Water Bodies. Level III water bodies include other tributaries, outfalls, and open drainage conveyances.
 - a. A buffer of at least 10 feet is required on each side, measured from the top edge of the existing bank.
 - b. Improvements or other activities that are recognized to disturb land or degrade water quality are not permitted.
 - c. Exceptions may be permitted by the Director of Utilities when disturbance is necessary to facilitate drainage in unusual circumstances.

C. Credits toward Bufferyard and Open Space Requirements. Riparian buffers may count toward the bufferyard and open space requirements of this Unified Development Ordinance.

D. Exemptions. Exemptions may be permitted by the City when disturbance is necessary to facilitate drainage in unusual circumstances or where encroachment is necessary for water access. Exemption requests shall be submitted to the City in accordance with *Section 4-12.1.2, Sediment and Erosion Control, Subsection B,*

Requirements of this Article.

E. **Validity.** The riparian buffer requirements of this Article are not superseded or invalidated by the issuance of any other permit(s).

Division 4-12.6 Flood Prevention

Section 4-12.6.1 Adoption of Flood Hazard Area Maps

1. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Florence as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study, dated December 16, 2014 with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance.
2. Upon annexation, any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of Florence County, with accompanying map and other data are adopted by reference and declared part of this ordinance.

Section 4-12.6.2 Administration

1. Development Permit and Certification Requirements.

- a. **Development Permit:** - Application for a development permit shall be made to the local floodplain administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:
 - i. A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the local floodplain administrator of Section 4-12.6.2.2.k or the Standards for Subdivision Proposals of Section 4-12.6.3.2 and the Standards for streams without Estimated Base Flood Elevations and Floodways of Section 4-12.6.3.3. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of Section 4-12.6.2.2.k or the standards for subdivision proposals of Section 4-12.6.3.2.l and the standards for streams without estimated base flood elevations and floodways of Section 4-12.6.3.3.
 - ii. Where base flood elevation data is provided as set forth in Section 4-12.6.1 or the duties and responsibilities of the local floodplain administrator of Section 4-12.6.2 the application for a development permit within the flood hazard area shall show:
 - (1) the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and

- (2) if the structure will be floodproofed in accordance with the Non-Residential Construction requirements of Section 4-12.6.2.2.b the elevation (in relation to mean sea level) to which the structure will be floodproofed.
- iii. Where base flood elevation data is **not** provided as set forth in Section 4-12.6.1 or the duties and responsibilities of the local floodplain administrator of Section 4-12.6.2.2.k, then the provisions in the standards for streams without estimated base flood elevations and floodways of Section 4-12.6.3.3 must be met.
- iv. **Alteration of Watercourse:** Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood-carrying capacity of the altered or relocated watercourse is maintained and a map showing the location of the proposed watercourse alteration or relocation.

b. Certifications

- i. **Floodproofing Certification** - When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of Section 4-12.6.3.2.b and Section 4-12.6.3.5.b.ii.
- ii. **Certification During Construction** – A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- iii. **As-built Certification** - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of Section 4-12.6.2.b.i and ii that the development is built in accordance with the submitted plans and previous pre-development certifications.

2. Duties and Responsibilities of the Local Floodplain Administrator - shall include, but not be limited to:

- a. **Permit Review** - Review all development permits to assure that the requirements of this ordinance have been satisfied.
- b. **Requirement of Federal and/or state permits** - Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.
- c. **Watercourse alterations** –

- i. Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - ii. In addition to the notifications required watercourse alterations per Section 4-12.6.2.2.c.i, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
 - iii. If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to the start of construction.
 - iv. Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of Section 4-12.6.2.1.b.iv, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.
- d. **Floodway encroachments** - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 4-12.6.3.2.e are met.
- e. **Adjoining Floodplains** - Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- f. **Notifying Adjacent Communities** – Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.
- g. **Certification requirements** –
- i. Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in Section 4-12.6.2.1.b.ii.
 - ii. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in Section 4-12.6.2.1.b.i.
 - iii. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in Section 4-12.6.3.2.b.
- h. **Map Interpretation** - Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person

contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- i. **Prevailing Authority** – Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in Section 4-12.6.3.2.g.ii.
- j. **Use Of Best Available Data** - When base flood elevation data and floodway data has not been provided in accordance with Section 4-12.6.1, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in Section 4-12.6.3.2.l, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
- k. **Special Flood hazard Area/topographic Boundaries Conflict** - When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.
- l. **On-Site inspections** - Make on-site inspections of projects in accordance with the administrative procedures outlined in Section 4-12.6.2.3.
- m. **Administrative Notices** - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in 4-12.6.2.3.
- n. **Records Maintenance** - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
- o. **Annexations and Detachments** - Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas.
- p. **Federally Funded Development** - The President issued *Executive Order 11988, Floodplain Management May 1977*. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
- q. **Substantial Damage Determination** – Perform an assessment of damage from any origin to the structure using FEMA’s Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.
- r. **Substantial Improvement Determination** – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work

counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

The market values shall be determined by one of the following methods:

- i. the current assessed building value as determined by the county’s assessor’s office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.
- ii. one or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, *less the cost of site improvements and depreciation for functionality and obsolescence.*
- iii. Real Estate purchase contract within 6 months prior to the date of the application for a permit.

3. Administrative Procedures

- a. **Inspections of Work in Progress** - As the work pursuant to a permit progresses, the local floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- b. **Stop-Work Orders** - Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- c. **Revocation of Permits** - The local floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- d. **Periodic Inspections** - The local floodplain administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- e. **Violations to be Corrected** - When the local floodplain administrator finds violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

- f. **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
- i. the building or property is in violation of the Flood Damage Prevention Ordinance,
 - ii. a hearing will be held before the local floodplain administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - iii. following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- g. **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe; provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- h. **Appeal:** Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- i. **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
- j. **Denial of Flood Insurance under the NFIP:** If a structure is declared in violation of this ordinance and after all other penalties are exhausted to achieve compliance with this ordinance then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.
- k. The following **documents** are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at www.fema.gov:
- i. All FEMA Technical Bulletins
 - ii. All FEMA Floodplain Management Bulletins
 - iii. FEMA 348 Protecting Building Utilities from Flood Damage

Section 4-12.6.3 Provisions for Flood Hazard Reduction

1. General Standards

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

- a. **Anchoring** - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
- b. **Flood Resistant Materials and Equipment** - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency.
- c. **Minimize Flood Damage** - All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages,
- d. **Critical Development** - shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data,
- e. **Utilities** - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus one foot (freeboard).
- f. **Water Supply Systems** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,
- g. **Sanitary Sewage Systems** - New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,
- h. **Gas Or Liquid Storage Tanks** - All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation and lateral movement resulting from hydrodynamic and hydrostatic loads.
- i. **Alteration, Repair, Reconstruction, Or Improvements** - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.
- j. **Non-Conforming Buildings or Uses** - Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that

such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,

- k. **American with Disabilities Act (ADA)** - A building must meet the specific standards for floodplain construction outlined in Section 4-12.6.3, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

2. Specific Standards

In all areas of special flood hazard (Zones A and AE) where base flood elevation data has been provided, as set forth in Section 4-12.6.1 or outlined in the Duties and Responsibilities of the local floodplain administrator Section 4-12.6.2, the following provisions are required:

- a. **Residential Construction** – All new construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Section 4-12.6.3.2.d.
- b. **Non-Residential Construction**
 - i. All new construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Section 4-12.6.3.2.d. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
 - ii. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in Section 4-12.6.2.1.b.i. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Article 9 of this ordinance. Agricultural structures not meeting the criteria of Article 9 must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.
- c. **Manufactured Homes**
 - i. Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent

foundation such that the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- ii. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in Section 4-12.6.3.2.a of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower one foot than above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
 - iii. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 40-29-10 of the *South Carolina Manufactured Housing Board Regulations*, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
 - iv. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.
- d. **Elevated Buildings** - New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:
 - (1) Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to flooding.
 - (2) The bottom of each opening must be no more than 1 foot above the higher of the interior or exterior grade immediately under the opening,
 - (3) Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
 - (4) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (5) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

- ii. Hazardous Velocities - Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.
- iii. *Enclosures Below Lowest Floor*
 - (1) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - (2) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.
 - (3) One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in Section 4-12.6.3.2.a, b, and c.
 - (4) All construction materials below the required lowest floor elevation specified in the specific standards outlined in Section 4-12.6.3.2.a, b, c, and d should be of flood resistant materials.
- e. **Floodways** - Located within areas of special flood hazard established in Section 1.4, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
 - i. No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:
 - (1) It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.
 - (2) A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.
 - ii. If Section 4-12.6.3.2.e.i is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 4-12.6.3.
 - iii. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Section 4-12.6.3.2.c and the encroachment standards of Section 4-12.6.3.2.e.i are met.
 - iv. Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar

agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

f. Recreational Vehicles

i. A recreational vehicle is ready for highway use if it is:

- (1) on wheels or jacking system
- (2) attached to the site only by quick-disconnect type utilities and security devices; and
- (3) has no permanently attached additions

ii. Recreational vehicles placed on sites shall either be:

- (1) on site for fewer than 180 consecutive days; or
- (2) be fully licensed and ready for highway use, or
- (3) meet the development permit and certification requirements of Section 4-12.6.2.2, general standards outlined in Section 4-12.6.3.1, and manufactured homes standards in Section 4-12.6.2.2.c and d.

g. Map Maintenance Activities – The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in Section 4-12.6.1 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

i. Requirement to Submit New Technical Data

- (1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable, but no later than six months of the date such information becomes available. These development proposals include; but not limited to:
 - (a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - (b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - (c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - (d) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 4-12.6.3.3.a.
- (2) It is the responsibility of the applicant to have technical data, required in accordance with Section 4-12.6.3.2.g, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.

- (3) The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - (a) Proposed floodway encroachments that increase the base flood elevation; and
 - (b) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- (4) Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 4-12.6.3.2.g.

- ii. Right to Submit New Technical Data - The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

h. Accessory Structures

- i. A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements* or be elevated in accordance with Section 4-12.6.3.2.a and d or dry floodproofed in accordance with Section 4-12.6.3.2.b.
- ii. If accessory structures of \$3,000 or less are to be placed in the floodplain, the following criteria shall be met:
 - (1) Accessory structures shall not be used for any uses other than the parking of vehicles and storage,
 - (2) Accessory structures shall be designed to have low flood damage potential,
 - (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
 - (4) Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure,
 - (5) Service facilities such as electrical and heating equipment shall be installed in accordance with Article IV.A.5,
 - (6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Section 4-12.6.3.2.d.i, and
 - (7) Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

- i. **Swimming Pool Utility Equipment Rooms** - If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:
 - i. Meet the requirements for accessory structures in Section 4-12.6.3.2.h.
 - ii. The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.
- j. **Elevators**
 - i. Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
 - ii. All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- k. **Fill** - An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of Section 4-12.6.3.2.a or b and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:
 - a) Fill may not be placed in the floodway unless it is in accordance with the requirements in Section 4-12.6.3.2.e.i.
 - b) Fill may not be placed in wetlands without the required state and federal permits.
 - c) Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
 - d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.
 - e) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
 - f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
 - g) Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built On Fill In or Near Special Flood Hazard Areas Are Reasonable Safe from Flooding*.
- l. **Standards for Subdivision Proposals and other development**

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- d) The applicant shall meet the requirement to submit technical data to FEMA in Section 4-12.6.3.2.g when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

3. Standards for Streams without Established Base Flood Elevations and Floodways - Located within the areas of special flood hazard (Zones A and AE) established in Section 4-12.6.1, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

- a. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- b. No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- c. If Section 4-12.6.3.3.a is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Section 4-12.6.3 and shall be elevated or floodproofed in accordance with elevations established in accordance with Section 4-12.6.2.3.k.
- d. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
- e. When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:
 - i. Contour Interpolation
 - (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
 - (2) Add one-half of the contour interval of the topographic map that is used to the BFE.

- ii. Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.
- iii. Hydrologic and Hydraulic Calculations- Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

4. Standards for Streams with Established Base Flood Elevations but without Floodways - Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS.

- a. No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

5. Standards for Areas of Shallow Flooding (AO Zones) - Located within the areas of special flood hazard established in Section 1.4, are areas designated as shallow flooding. The following provisions shall apply within such areas:

- a. All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.
- b. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,
 - ii. Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Section 4-12.6.2.2.
- c. All structures on slopes must have drainage paths around them to guide water away from the structures.

Sec. 4-12.6.4 Warning and Disclaimer of Liability

The degree of flood protection required by this Unified Development Ordinance is based on scientific and engineering considerations. However, larger floods can and will occur on rare occasions. Therefore, this Unified Development Ordinance shall not create liability on the part of the participating governments or by any officer or employee for any flood damages that result from reliance on this Unified Development Ordinance or any administrative decision lawfully made hereunder.

Division 4-12.7 NPDES Special Conditions

Sec. 4-12.7.1 Continuation of the Expired General Permit

If the Permittee receives coverage under the 2013 issuance of the permit, they will retain coverage and be required to adhere to permit conditions in accordance with the S.C. Administrative Procedures Act and S.C. Regulation 61-9 until the earliest of:

1. Reissuance or replacement of the permit, at which time the Permittee must comply with the conditions of the new permit to maintain authorization to discharge; or
2. The Permittee submits a notice of termination; or
3. Issuance of an individual permit for the project's discharges; or
4. A formal permit decision by DHEC to not reissue this general permit, at which time the applicant must seek coverage under an alternative general permit or an individual permit.

Sec. 4-12.7.2 Requiring an Individual Permit or an Alternative General Permit

- A. In accordance with Section 122.28(b)(3) of S.C. Regulation 61-9, DHEC may require the applicant to apply for and/or obtain an individual NPDES permit. Any interested person may petition DHEC to take action under this paragraph. If DHEC requires the applicant to apply for an individual NPDES permit, DHEC will notify the applicant in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and an application form. In addition, if the applicant is an existing Permittee covered under the permit, the notice will set a deadline to file the application, and will include a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the Permittee, coverage under this general permit will automatically terminate. DHEC may grant additional time to submit the application upon the applicant's request. If the Permittee is covered under the permit and the Permittee fails to submit in a timely manner an individual NPDES permit application as required by DHEC, then the applicability of the permit to the Permittee is automatically terminated at the end of the day specified by DHEC as the deadline for application submittal.
- B. If an alternate general permit that is more appropriate for the applicant's construction activity is available, DHEC may grant the applicant coverage under the alternate general permit in lieu of granting the applicant coverage under the permit. In accordance with applicable state law and regulation, the applicant has a right to appeal DHEC's decision.
- C. An applicant may request to be excluded from the coverage of the permit by applying for an individual permit. In such a case, the applicant must submit an individual application in accordance with the requirements of §122.26(c)(1)(ii) of S.C. Regulation 61-9, with reasons supporting the request, to: Stormwater Permitting Section Bureau of Water, DHEC, 2600 Bull Street, Columbia, SC 29201. The request may be granted by issuance of an individual permit or an alternative general permit if the applicant's reasons are adequate to support the request.
- D. When an individual NPDES permit is issued to an applicant, who is otherwise subject to the permit, or an applicant is authorized to discharge under an alternative NPDES general permit, the applicability of the permit to the Permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. If the Permittee, who is otherwise subject to the permit, is denied an individual NPDES permit or an alternative NPDES general permit, the applicability of the permit to the Permittee is automatically terminated on the date of such denial, unless otherwise specified by DHEC.

Sec. 4-12.7.3 Release in Excess of Reportable Quantities

- A. The Permittee must prevent or minimize the discharge of hazardous substances or oil in stormwater discharges from the construction site in accordance with the C-SWPPP. The permit does not relieve the Permittee of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances.
- B. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-

hour period:

1. The Permittee must notify the City and DHEC's Emergency Response Section and the National Response Center (NRC) in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302, as soon as site staff have knowledge of the discharge; and
2. The Permittee must modify the C-SWPPP as required under *Section 4-12.2.7, Modifications*, within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the Permittee must review the C-SWPPP to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the Permittee must modify the C-SWPPP where appropriate.

Sec. 4-12.7.4 Attainment of Water Quality Standards after Authorization

- A. The Permittee must select, install, implement, and maintain BMPs at the construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general the C-SWPPP developed, implemented, and updated consistent with *Division 4-12.2, Stormwater Pollution Prevention Plans (SWPPPs)* is considered as stringent as necessary to ensure that site discharges do not cause or contribute to a violation of any applicable water quality standard.
- B. All written responses required under this part must include a signed certification consistent with §122.22 of S.C. Regulation 61-9.

Sec. 4-12.7.5 Retention of Records

The permittee shall retain copies of the C-SWPPP/OS-SWPPP and all documentation required by the permit, including records of all data used to complete the NOI for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of DHEC or the City at any time.

Sec. 4-12.7.6 Water Quality Protection

If there is evidence indicating that the stormwater discharges authorized by the permit cause, have the reasonable potential to cause or contribute to a violation of any applicable water quality standard, the Permittee may be required to obtain an individual permit in accordance with this Division, the permit may be modified in accordance with Section 122.62 of S.C. Regulation 61-9 to include different limitations and/or requirements as addressed or the Permittee's coverage may be terminated in accordance with Section 122.64 of S.C. Regulation 61-9.

Division 4-12.8 Termination of Coverage

Sec. 4-12.8.1 Requirements

- A. The Permittee may only submit a Notice of Termination (NOT) after one or more of the following conditions have been met:
 1. Final stabilization has been achieved on all portions of the construction site for which the Permittee is responsible;
 2. Another operator has assumed control, according to §122.41(l)(3) of S.C. Regulation 61-9 (see Appendix C of the permit), over all areas of the construction site that have not reached final stabilization;
 3. Coverage under an individual or alternative general NPDES permit has been obtained;
 4. For residential lots only, either:
 - a. Final stabilization has been achieved on all portions of a residential lot(s), or
 - b. Temporary stabilization including perimeter controls for a residential lot(s) have been achieved prior to occupation of the home by the homeowner and that the homeowner has been informed, by the

Primary/Secondary Permittee, about the need for, and benefits of, final stabilization;

5. For construction activities on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), either:
 - a. Final stabilization has been accomplished by returning the disturbed land to its preconstruction agricultural use, and
 - b. For any areas disturbed that were not previously used for agricultural activities and areas which are not being returned to their preconstruction agricultural use have achieved final stabilization, as defined by the permit; or
 6. Land disturbance activities were never initiated on the construction site and the construction site remains permanently stabilized.
- B. The NOT must be submitted within 30 days of one of the above conditions being met. Authorization to discharge terminates at midnight of the day the NOT is signed.
- C. If an NOT has been submitted and the construction site does not meet the criteria for termination, then the construction site remains subject to the provisions of the permit.
- D. A revised maintenance agreement, consistent with *Section 4-12.4.4, Maintenance, Subsection D, Maintenance Plans*, must be submitted along with the NOT, when the responsible party(ies) or individual(s) accepting ownership or maintenance of permanent stormwater control devices have changed from what was originally approved.
- E. For residential subdivisions, Primary Permittees do not need to terminate permit coverage in areas where Secondary Permittees have received permit coverage to perform work under the permit. Primary Permittees can request to terminate coverage when Secondary Permittees are authorized to conduct construction activities, independent of the Primary Permittee, for the remaining disturbed areas on the construction site and final stabilization has been achieved on all other areas of the construction site.

Sec. 4-12.8.2 Submitting a Notice of Termination

- A. It is the Permittee's responsibility to submit a complete and accurate NOT, using the form (or a photocopy thereof) provided by DHEC or the City.
- B. If DHEC notifies dischargers (either directly, by public notice, or by making information available on the Internet) of other NOT form options (e.g., electronic submission), the Permittee may take advantage of those options to satisfy the requirements of this Division.
- C. The NOT must include the following information:
 1. The Permittee's CGP NPDES coverage number for the stormwater discharge;
 2. The basis for submission of the NOT as outlined in *Section 4-12.8.1, Requirements*;
 3. Operator's name, address, telephone number, and the Permittee's organization's Employer Identification Number (EIN), as established by the U.S. Internal Revenue Service;
 4. The name of the project and address (or a description of location if no street address is available) of the construction site for which the notification is submitted; and
 5. A certification statement, signed and dated by an authorized representative as defined in §122.22 of S.C. Regulation 61-9 and the name and title of that authorized representative.
 6. For projects disturbing more than one acre, a certification statement, signed and dated by the preparer of the C-SWPPP or other person with a registration equivalent to that of the preparer of the C-SWPPP, that to the best of his or her knowledge and belief all work was conducted and completed in accordance with the approved OS-SWPPP and this CGP. This certification must be based on the inspections performed in accordance with *Section 4-12.4.2, Inspections*, and must state that any deficiencies that were noted have

been corrected.

7. A letter or other statement from the City that the site meets the City requirements for project completion.

Sec. 4-12.8.3 Where to Submit

All original NOTs must be submitted to SCDHEC at:

SCDHEC – Bureau of Water

Stormwater Permitting Section

2600 Bull Street Columbia,

SC 29201-1708

ARTICLE 13 PUBLIC FACILITIES

Division 4-13.1 Purpose and Applicability

Sec. 4-13.1.1 Purpose

The City recognizes the necessity and benefit of maintaining public ownership of certain facilities and infrastructure in order to protect the health, safety, and welfare of its citizens.

Sec. 4-13.1.2 Applicability

This Article applies to all subdivision plats, including re-plats, where either this Unified Development Ordinance requires public access and/or utilities, or where the City has determined a need to require dedication of certain facilities and/or infrastructure.

Division 4-13.2 Special Features and Sites

Sec. 4-13.2.1 Public Sites and Open Space Dedication

- A. Official Map Ordinance and Subdivision Development.** The subdivider/developer is required to make land available for the development of all types of public services that will be required to serve future residents and/or businesses within the proposed subdivision. A site for public facility may also serve an area larger than the proposed subdivision. The subdivider/developer is not required to donate land to the City for public facilities; however, the subdivider/developer shall make land available as deemed appropriate by the Planning Commission and City Council. The official map may include, but is not limited to, future public streets, easements, rights-of-way, public utilities, public building site, parks, playgrounds, schools, and other open space areas.
- B. Property Owners' Association (POA).** The public site may be owned and maintained by a property owners' association (POA) for use by the general public rather than dedicating it to the City. The homeowner's association declaration shall be submitted with proposed legal covenants to the Planning Commission for review prior to approval of the final plat.
- C. Location.** Such open spaces shall be located adjacent to areas in adjacent subdivisions, wherever possible, in order to provide for the maximum use of the area, and shall be shown on the sketch plan. The Planning Commission shall not approve a site which is undesirable for the proposed use.

Sec. 4-13.2.2 Natural Features and Historic Sites

- A.** The Planning Commission reserves the right to require the conservation of outstanding natural features, historical landmarks/sites/buildings, scenic spots, water bodies, and significant stands of trees.

- B. Existing riparian buffers shall be maintained and where not pre-existing, riparian buffers shall be provided during development or redevelopment to protect water bodies, as set out in [Division 4-12.5, Riparian Buffers](#).

Division 4-13.3 Streets and Sidewalks

Sec. 4-13.3.1 Compliance with the Thoroughfare Plan

- A. Sketch Plans for Areas Involving Thoroughfares.** All development for which a sketch plan is required, and where the Thoroughfare Plan reflects a future thoroughfare shall include the right-of-way on the sketch plan.
- B. Final Plats for Areas Involving Thoroughfares.**
1. *Rights-of-Way and Thoroughfares Required.* All development for which a final plat is required, and where the Thoroughfare Plan reflects a future thoroughfare shall:
 - a. Include the future rights-of-way on the plat;
 - b. Include verbiage on the plat that dedicates the rights-of-way to the public; and
 - c. Provide for the installation of the pavement and associated required public improvements
 2. *Future Thoroughfares on the Boundary of a Development.* Where the Thoroughfare Plan reflects a thoroughfare that appears to form a boundary for a parcel that is to be subdivided, all of the following standards shall apply:
 - a. For parcels that appear to be bound by a future expressway or freeway, only one-half of the public rights-of-way are required to be dedicated.
 - b. For parcels that appear to be bound by a future arterial street, 100 percent of the rights-of-way shall be dedicated. If a shifting of the thoroughfare location to accommodate the dedication is not feasible due to engineering constraints, then the City may choose to participate in the accumulation of adjacent lands to complete the thoroughfare.
 - c. For parcels that are bound by existing rights-of-way, but the rights-of-way do not meet the minimum standards as set out in *Section 4-13.3.3, Street Standards*, one-half of the additional rights-of-way of the difference between the existing and the required width shall be dedicated on the final plat.
- C. Public Participation in Oversizing Thoroughfares.** In certain developments where a thoroughfare that is reflected on the Thoroughfare Plan has been determined by the City to be clearly serving a larger population than the one that will create the demand for that thoroughfare, the City may elect to reimburse the developer for the portion of the thoroughfare cost. This participation is subject to all of the following provisions:
1. *Cost Differential.* The subdivider/developer has submitted estimates prepared by a registered professional engineer, who has compared the difference in cost of the portion of the thoroughfare that will be used by the patrons or residents of the development, and those of the general public.
 2. *Confirmation of Reasonable Estimates.* The City has confirmed that the estimates are reasonable, and that the public cost is equal to the public benefit of the upgrade.
 3. *Feasible Participation.* The City has determined that the cost participation is feasible relative to other projected public expenditures within the budget years where reimbursement is expected.
 4. *Reimbursement Agreement.* An agreement has been signed by both the City and the subdivider/developer clearly listing the reimbursement totals with thresholds and/or timelines.
 5. *Limitations.* In no case will the City agree to extend thoroughfares through vacant, intervening properties unless:
 - a. The property owner has signed an annexation agreement;
 - b. The City has confirmed that it would be fiscally responsible to participate in the roadway extension; and
 - c. The City has determined that both the area to be developed and the vacant area through which the

thoroughfare will be extended are within a preferred growth area.

D. Private Improvements on a Thoroughfare Public Right-of-Way. No building, structure, or other private improvement shall be shown within future rights-of-way, except that the following may be permitted:

1. *Freeways and Expressways.* If approved by SC DOT, landscaping and associated irrigation may be installed.
2. *Collector Streets.* Pursuant to a right-of-way encroachment permit in compliance with City Code, Chapter 17, Article IV, landscaping, streetscaping, and area identification signage may be installed. Such improvements may be permitted on all collector streets, whether or not they are reflected on the Thoroughfare Plan.

E. Right-of-Way Location. The actual location of the thoroughfares shall be as determined as follows:

1. *Freeways and Expressways.* As determined by SC DOT;
2. *Arterial Streets.* In general alignment with the Thoroughfare Plan;
3. *Collector Streets, Nonresidential.* In approximate alignment with the Thoroughfare Plan, as approved by the Director; and
4. *Collector Streets, Residential.* In approximately alignment with the Thoroughfare Plan, but may be varied subject to the approval of the Director.

F. Right-of-Way and Pavement Width. Rights-of-way and pavements widths for thoroughfares that are reflected on the Thoroughfare Plan shall meet the requirements set out in *Section 4-13.3.3, Street Standards*.

G. Phasing of Development Relative to Thoroughfare Construction. Developments may be phased, subject to the following standards:

1. *Connection to Existing Street System.* The first phase of a development shall connect directly to an existing street system.
2. *Connection to Previous Phases.* Subsequent phases shall connect directly to an existing street system and all previous phases.
3. *Construction of all Thoroughfares in a Phase.* All public streets that are reflected in each phase shall be installed either prior to or with the construction of that phase.
4. *Roadways Built to Standards.* With the exception of temporary turnarounds, all parts of all streets within a phase shall meet the City's engineering design standards as determined by the City Engineer.
5. *Notice to Residents of Phases.* Where streets are built through a phase, and will continue into a subsequent phase, the subdivider/developer shall install a sign at the end of the stubbed street indicating that it will continue with a future phase of development.

Sec.4-13.3.2 Street Design Objectives

A. Generally. This Section contains the objectives and principles that are served by the standards of this Division. The application of standards of this Division shall be guided by these objectives.

B. Integration. New streets shall integrate into the existing street pattern so as to:

1. Address the new development's circulation needs;
2. Provide a pattern of streets that facilitates navigation within and through the City; and
3. Where higher-order functional classifications are involved, facilitate City- and County-wide traffic movements.

C. Continuity. New development shall contribute to the interconnectivity of the local and regional street system.

D. Safety. New streets shall provide a safe and convenient layout and design.

E. Character. New streets and substantially improved existing streets shall correspond to and reinforce the community character of the district(s) in which they are constructed.

F. Natural Resources. New streets shall be located with appropriate regard for wetlands, water bodies, wooded areas, and other features that:

1. Would enhance the attractiveness and enduring value of development; and
2. Are locally or regionally significant for their ecological or natural resource value.

G. Circulation and Through Traffic. Streets within subdivisions shall be designed as a system of circulation routes, so that the use of minor streets by through traffic will be discouraged.

H. Street Plans. The location and width of all proposed streets shall be in conformity with the Thoroughfare Plan, as amended from time to time, and any other plans and maps of the City and the Planning Commission.

I. Half Streets. Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

J. Traffic Study. A traffic study may be required by the Director in order to ensure the project design promotes public safety and adequate traffic flow.

Sec. 4-13.3.3 Street Standards

A. Access.

1. **Minimum Number of Access Points.** All newly constructed residential subdivisions shall have at least one main points of entrance/exit. Subdivisions with 30 or more lots, and multifamily developments with 50 or more dwelling units, shall have at least two points of entrance/exit to/from existing streets. If possible, these points of entrance/exit should be to different streets and shall be located as far apart as practical.
2. **Required Access.** The street layout of a subdivision shall provide access to all building sites and parcels, provided however, that lots intended for single family development shall not take access to collector or arterial streets.
3. **Curb Cuts.** Ingress and egress openings in concrete, asphalt, rock, or other street curbing provisions shall be regulated in accordance with the specifications by the SC DOT.
4. **Traffic Calming.** Street alignments within subdivisions shall utilize horizontal curves, medians, street offsets, controlled intersections, and/or other methods that allow adequate access but discourage cut-through traffic and speeding.

B. Connectivity.

1. **Applicability and Timing.** Street connections shall be shown and provided for at the time a sketch plan or final plat is submitted for approval to the City or at the time a site plan is submitted for a site that involves a thoroughfare reflected on the City or County Thoroughfare Plans if the site is otherwise exempt from subdividing or was subdivided prior to the date of the most recently adopted Thoroughfare Plan(s).
2. **Exemptions.** Street connections are not required in the following instances:
 - a. The site is already built;
 - b. The site is being subdivided or re-subdivided for purposes other than to facilitate redevelopment;
 - c. The construction of a street reflected on the Thoroughfare Plan would necessitate demolition of one or more buildings that are not part of a redevelopment proposal; and
 - d. If only a portion of a site is built but other portions are vacant, the standards of this Section do not apply to the built portion of the site if the construction of a street or thoroughfare reflected on the Thoroughfare Plan would necessitate demolition of one or more buildings that are not part of a redevelopment proposal.
3. **Context.** The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

4. Continuation. Wherever streets have been dedicated or platted on the adjacent properties for extension into or through a proposed subdivision, then those streets shall be incorporated into the street layout of the proposed subdivision. Where topographical or other conditions make continuance or conformance to existing streets impractical, the pattern and alignment of streets shall conform to a plan for area development that is approved by the Planning Commission. Where possible, existing streets shall be extended and the same name continued.
5. Access to Adjacent Properties. Street access shall be extended to adjoining property. Proposed streets shall be extended by dedication to the boundary of such property and in the case of adjacent undeveloped property, a temporary turnaround with a minimum paved radius of 25 feet shall be provided. No street arrangement shall be approved that prevents future access to adjoining undeveloped property.
6. Alignment and Width. New streets shall align with and connect to existing stub-outs and approved streets (e.g., stub-outs on the parcel proposed for development must be provided to meet streets shown on approved preliminary or final plats on abutting parcels) at equal or greater right-of-way width and comparable pavement width, unless:
 - a. Such design would be impractical or would create incompatibility, after traffic calming and diversion techniques have been considered; or
 - b. The functional classification of the street changes as it crosses the boundary of the parcel proposed for development.
7. Pedestrian Connectivity. All newly constructed residential subdivisions shall be connected, or make provision for future connection, to directly adjacent subdivisions (if any) by a pedestrian path .

C. Street Classification and Pavement Widths.

1. Rights-of-Way. Generally, widths of rights-of-way shall conform to the widths specified in **Table 4-13.3.3, Right-of-Way and Pavement Widths**. However, where the adopted Thoroughfare Plan provides a different width of right-of-way for a particular street, the Thoroughfare Plan shall control.

**Table 4-13.3.3
Right-of-Way and Pavement Widths**

Classification	Minimum Right-of-Way Width (feet)	Minimum Pavement Width
Arterial Streets		
Limited Access Highway - Expressway	SC DOT Specifications	
Expressway		
Arterial Streets (Residential & Commercial)	66 feet for first 2 lanes plus 10 feet for each additional lane	36 feet for first 2 lanes plus 12 feet for each additional lane
Collector Streets		
Commercial Collector Streets	66 feet for first 2 lanes plus 10 feet for each additional lane	36 feet for first 2 lanes plus 12 feet for each additional lane
Residential Collector Streets	50 feet	24 feet
Local Streets		
Local Streets: Industrial/Commercial Areas	66 feet	36 feet
Multi-family Area	66 feet	36 feet
Single/Duplex Family Area	50 feet	24 feet
Cul-de-Sac	50 feet	22 feet
Marginal Access Street	40 feet	24 feet
Alley ¹	20 feet	12 feet
TABLE NOTES: ¹ See Section 4-13.3.7, Service Alleys.		

2. Design Details. Details regarding the width of pavement, number of travel lanes, sidewalks, medians or center turn lanes, bicycle lanes, parkways or planting strips, sidewalks, and other street elements are provided in the design manual, which may be promulgated (made known) by the City in the future.
3. Warranted Adjustments. Upon the recommendation of the Director, the Planning Commission may require additional right-of-way to obtain vertical curve, grade, clear sight triangles, turn lanes, or medians to the extent necessary in accordance with local needs.
4. Entire Right-of-Way. The entire right-of-way shall be provided where any part of a subdivision is on both sides of an existing street or the general alignment of a street on the Thoroughfare Plan.
5. Inadequate Right-of-Way. Subdivisions or sites developed along existing streets with inadequate right-of-way shall provide additional right-of-way to meet the minimum specifications contained in this Section.
6. Right-of-Way for Required Widening. When the subdivision abuts a major street, any land needed for widening the major street, including marginal streets and buffer strips, shall be dedicated to the City.
7. Topographic Constraints. Subdivisions or sites with unusual topographic conditions shall provide greater street rights-of-way than required and/or provide slope easements for the sloping of banks or fill materials. A slope easement shall be from the toe (bottom) to the crown (top) of the slope. Building and parking setbacks shall be adjusted to reflect the increased easement width.

D. **Alternative Standards.** The City may approve alternative right-of-way and pavement widths for streets in unique circumstances where the standard street cross-sections are less suitable for the intended purpose, as provided in this Division.

1. Requirements for Approval. The City Manager, or its designee, may approve alternative standards under the following conditions:
 - a. The proposed new cross-section may reduce the costs of operations and maintenance;
 - b. The safety of the traveling public is maintained or improved; and
 - c. The quality of stormwater runoff is reduced or improved.

2. Right-of-Way and Pavement Width.

a. Alternative right-of-way widths may be approved after analysis of the following factors:

1. Site features including topography, soils, geology, or drainage and flood patterns;
2. A traffic study for an existing neighborhood and/or a proposed development; and

b. The right-of-way width shall be sufficient to accommodate vehicular traffic, bicycles, pedestrians, transit (along existing and proposed transit routes), public utilities, on-street parking (as applicable), special storm drainage facilities, and other appropriate treatments, such as medians, traffic calming, or traffic channelization.

E. Buffer between Subdivision and Major Streets. When a proposed subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission shall ensure that the street layout provides an appropriate buffer zone in order to protect dwelling units, reduce the number of intersections with the street, and separate local and through traffic. Any one or a combination of the following techniques may be used:

1. **Marginal Access Street.** A marginal access street running parallel with the arterial or collector street thereby supplying frontage to the lots facing the arterial or collector street may be used if it is separated from the arterial or collector street by a vehicular non-access easement of at least 20 feet containing a landscaped buffer strip. This easement shall be granted to the City. It shall not be used to meet setback requirements, but may be used to meet bufferyard requirements.
2. **Reverse Frontage Lots.** Reverse frontage lots which back onto the arterial or collector street and face a local street in the subdivision may be used if they are separated from the arterial or collector street by a vehicular non-access easement of at least 20 feet containing a landscaped buffer strip. This easement shall be granted to the City. It shall not be used to meet setback requirements, but may be used to meet bufferyard requirements.
3. **Buffer Strips.** Buffer strips with a minimum width of 20 feet are permitted between developments.

Sec. 4-13.3.4 Performance Standards for Residential Streets

- A. Floodplain Areas.** In floodplain areas, narrower rights-of-way may be approved and drainage accomplished in a manner that provides for the minimum width, while adequately accommodating stormwater conveyance.
- B. Traffic Calming.** Straight, or nearly straight, sections of residential streets of a length greater than 500 feet shall be designed to include traffic calming devices.
- C. Multi-Housing Neighborhoods.** In planned developments, an efficient multimodal system shall be provided that includes streets, sidewalks, and trails throughout the development.

Sec. 4-13.3.5 Private Streets

- A. Requirements for Planned Developments.** Private streets are permitted as part of planned developments provided they meet the following requirements:
1. Private streets shall be laid out, designed, and constructed in the same manner as public streets;
 2. Utility access and easement requirements apply to private streets similar to that for public streets.
 3. The final plat shall be annotated with a notice that the streets are private and subject to a covenant for maintenance;
 4. Street name signs shall indicate that the streets are private;
 5. The private streets will not interfere with the implementation of the adopted Thoroughfare Plan, capital improvements plan or program, or plans for construction or expansion of state or federal highways; and
 6. The private streets will not materially interfere with street connectivity in the City or create an unreasonable impact on an adjacent public street by curtailing opportunities for alternative travel routes.

B. Reserved Strips. Reserved strips adjacent to street rights-of-way shall be prohibited.

C. Covenants, Conditions, and Restrictions. Covenants, conditions, and restrictions (CCRs) shall be recorded for all planned developments with private streets with the approved final plat. The CCRs shall include the following, which shall be in a form acceptable to the City Attorney, and which shall be enforceable by the City:

1. A mandatory property owners' association with lien rights to collect dues from lot or unit owners;
2. A perpetual obligation of the property owners' association to maintain the private streets and drainage systems;
3. Ownership of the private streets by a single entity, such as a property owners' association, rather than under individual lot owners (or other owners);
4. A perpetual obligation to enforce restrictions against on-street parking, unless the street is designed and approved for on-street parking;
5. Cross-access easements for all lot owners;
6. Easements for access by:
 - a. School buses;
 - b. Emergency vehicles; and
 - c. Garbage and trash collectors; and
7. Easements for public utilities.

D. Conversion to Public Streets.

1. Private streets shall not be converted to public streets unless:
 - a. The rights-of-way comply with the dimensional standards of this UDC, as amended from time to time;
 - b. The streets are hard-surfaced according to City standards for public streets; and
 - c. The streets and associated drainage are in good repair.
2. If private streets do not comply with Subsection C.1., above, then the City may allow conversion to public streets if:
 - a. Fifty one percent of the property owners with frontage on the street consent in writing to the conversion; and
 - b. Fifty one percent of the property owners with frontage on the street consent to a special assessment to cover the cost of improving the streets to the standards of Subsection C.1., above.

Sec. 4-13.3.6 Cul-De-Sacs and Looped Drives

A. Maximum Length. The maximum length of cul-de-sacs shall be 400 feet and looped drives shall be 800 feet. Looped drives may exceed the maximum length allowed, up to 1,600 feet, when fire truck turnarounds are provided. The length of a cul-de-sac shall be measured from a point beginning at the intersection of the cul-de-sac centerline with the projection of the intersecting street's curb line, along the centerline of the cul-de-sac street, and directly through the cul-de-sac to its furthest point from the point of beginning. See **Figure 4-13.3.6A, Measurement of Cul-de-Sac Length.**

Figure 4-13.3.6A
Measurement of Cul-de-Sac Length



B. Driveway Connections. Driveways that connect to a cul-de-sac shall be separated at the curb cut by at least:

1. Residential: 3' on one side and 40' (distance along curve) on the other side.
2. Shared Residential: 30' on both sides.
3. Nonresidential: 5' on one side and 40' (distance along curve) on the other side.

C. Dead-End Streets. Temporary or permanent dead-end streets shall not exceed 400 feet in length as measured from the centerline of the perpendicular street to the terminus of the dead-end street.

D. Temporary Turnarounds. Dead-end streets that are planned for extension to connect to future development shall terminate in a temporary turnaround with a 50 foot radius, which allows for emergency vehicles to turn around without backing (T and Y-shaped turnarounds are not allowed). The turnaround shall have a paved surface and a base that meets the requirements for a public street. A gravel surface may be allowed if the temporary turnaround will be in use for less than 12 months and security is provided to pave the turnaround if the anticipated connection is not made within 12 months.

E. On-Street Parking. On-street parking is not allowed in a cul-de-sac, which shall be marked with "No Parking" signs.

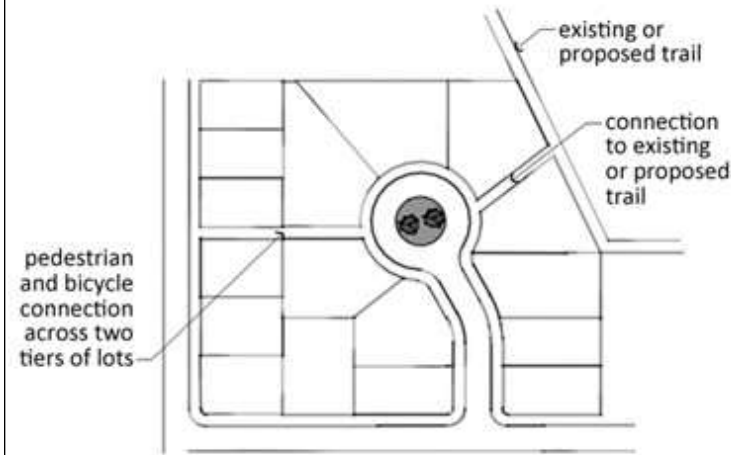
F. Design.

1. Landscaped islands of at least 26 feet in diameter are required in the center of round or bulb shaped cul-de-sacs. Landscaped islands shall be maintained by a property owners' association.
2. The minimum pavement width shall be 20 feet in the cul-de-sac turnaround, with a minimum width of 22 feet for the straight portion of the streets.

G. Pedestrian Access.

1. On residential cul-de-sacs, pedestrian access shall be provided from the cul-de-sac end to existing and proposed sidewalks and/or trails that are located (or planned to be located) within two tiers of lots from the cul-de-sac. See **Figure 4-13.3.6B, Cul-de-Sac Pedestrian Connections**. Unless accepted into the City's sidewalk and trail system by the City Council, these facilities shall be maintained by a property owners' association.
2. Where the applicant does not control all of the property between the cul-de-sac and the street or trail that is necessary to create the connection, the access through the development shall be dedicated in anticipation of connecting the access at a later date when the adjacent property is developed or redeveloped.

Figure 4-13.3.6B
Cul-de-Sac Pedestrian Connections



Sec. 4-13.3.7 Service Alleys

A. When Permitted. Service alleys may be permitted in residential, commercial, or industrial developments at the discretion of the Planning Commission and as recommended by the City Manager, or a designee.

B. Requirements. Where allowed, the following requirements apply:

1. Service alleys shall be located to the rear or side property boundary, but may not be located in a required bufferyard.
2. The minimum paved surface and right-of-way widths shall be as set out in Table 4-13.3.3, Right-of-Way and Pavement Widths.
3. All service alleys shall be open at both ends or shall be provided with a standard vehicle turnaround (cul-de-sac) as set out in Section 4-13.3.6, Cul-De-Sacs and Looped Drives, Subsection F., Design.
4. Service alleys may not be used to meet the street access requirements outlined in Section 4-13.3.3, Street Standards.
5. Alleys may not provide any access to property outside of the parcel proposed for development in which the alleys are dedicated.

C. Design.

1. Service alleys shall be laid out, designed, and constructed in the same manner as public streets;
2. Minimum Right-of-Way Width: 20' for residential; 30' for nonresidential
3. Minimum Pavement Width: 12' for residential; 14' for nonresidential

D. Alley Length. Alleys shall be the same length as the blocks that provide frontage to the lots that the alleys serve, with minor variation permitted to account for curvature of intersecting streets.

E. Alley Intersections and Curves.

1. Alleys should intersect streets at right angles. The intersection of a street and an alley should be constructed as a standard approach.
2. A minimum curb radius of 30 feet to the inside edge of the alley paving shall be provided at intersections between alleys; the additional area shall be platted as part of the alley.

F. Alley Turnouts. Alley turnouts shall meet the following minimum standards:

1. Minimum width of pavement at intersection: 18 feet
2. Turnouts shall be paved to the property line.
3. No gate, building, or garage opening shall be located closer than 20 feet to an alley turnout, measured from the closest edges of pavement along the alley and along the intersecting street right-of-way.

G. Ownership and Maintenance of Service Alleys. Alleys shall be owned and maintained by a property owners' association. Covenants, conditions, and restrictions (CCRs) shall be recorded with the approved final plat for all subdivisions that include alleys. The CCRs shall include the following, which shall be in a form acceptable to the City Attorney, and which shall be enforceable by the City:

1. A mandatory property owners' association with lien rights to collect dues from lot or unit owners;
2. A perpetual obligation of the property owners' association to maintain the private streets and drainage systems;
3. Ownership of the alleys by a single entity, such as a Property Owners' Association, rather than under individual lot owners (or other owners);
4. Cross-access easements for all lot owners;
5. Easements for access by:
 - a. Emergency vehicles; and
 - b. Garbage and trash collectors (if designed for garbage and trash collection); and
6. Easements for public utilities.

H. Exceptions. Exceptions to the requirements of this Section and for curbs and gutters may be allowed for service alleys where required by site conditions and where approved by the Director.

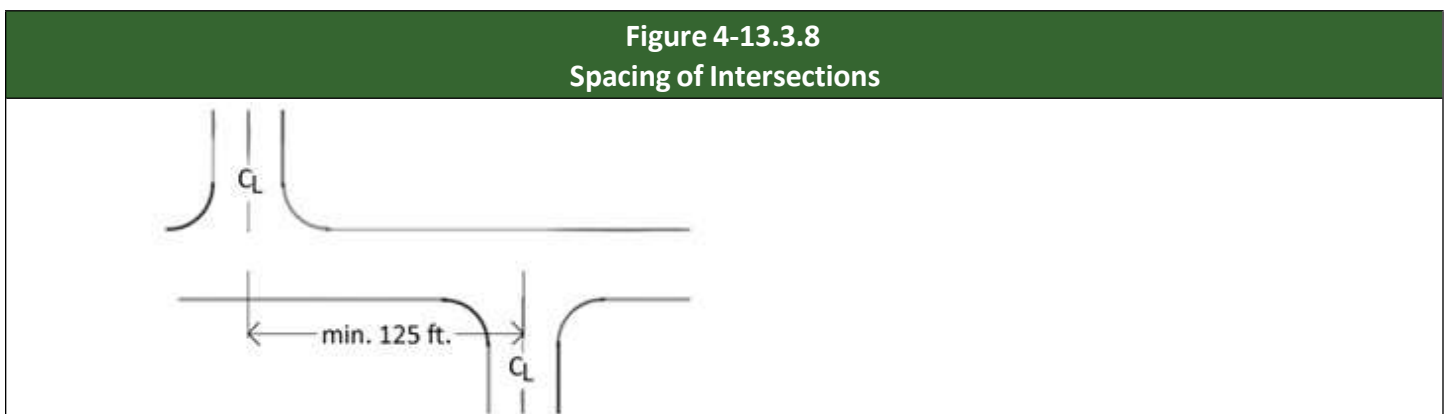
Sec. 4-13.3.8 Street Intersections

A. Number of Streets. Not more than two streets shall intersect at any one point.

B. Angle of Intersection. All street intersections shall be at right angles. However, where natural resources or other site conditions justify variations from right angles, intersections between 85 degrees and 110 degrees are allowed, provided that the intersection is as close to 90 degrees as feasible. No street shall intersect at less than 85 degrees.

C. Spacing.

1. Intersections of arterial streets shall have a minimum separation of 800 feet measured from the nearest point of each intersection.
2. Streets that intersect on opposite sides of a street shall either be directly across from each other or offset by at least 125 feet from centerline to centerline. See **Figure 4-13.3.8, Spacing of Intersections.**



D. **Sight Clearance.** Adequate sight clearance shall be maintained at all intersections, as set out in [Division 4-11.3, Sight Clearance](#).

E. **Distance from Railroad.** Street intersections shall be located a minimum of 150 feet 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.

F. **Curb Radii.** Street curb intersections shall be rounded by a tangential arc with a minimum radius as set out in [Table 4-13.3.8, Street Curb Radii](#):

Table 4-13.3.8 Street Curb Radii	
Intersection Involving	Minimum Radius (feet)
Arterial Streets	35 feet
Collector Streets	25 feet
Local Streets	20 feet

Sec. 4-13.3.9 Curves and Grades

A. **Generally.** The minimum requirements for the curves and grades of streets shall be as set out in [Table 4- 13.3.9, Minimum Radii for Street Alignment](#).

Table 4-13.3.9 Minimum Radii for Street Alignment						
Street Classification	Street Alignment	Reverse Street Curves	Vertical Curves		Maximum Street Grade	Minimum Sight Distance
	Minimum Radii	Tangent Length	Crest	Sag	Percent	Lineal Feet
Arterial Streets	500'	As required by SC DOT	30'	35'	4%	275' for two lanes,, plus 100' for each additional lane not to exceed 500'
Collector Streets	300'	100'	20'	25'	8%	
Local Streets and Cul-de-sacs	150'	200'	10'	15'	10%	100 feet

B. Requirements.

1. Where a horizontal street alignment deflects at an angle greater than 10 degrees, a curve with the minimum radii shall be provided as set out in [Table 4-13.3.9, Minimum Radii for Street Alignment](#), above.
2. Reverse curves in streets shall be connected by tangents not less than those set out in [Table 4-13.3.9, Minimum Radii for Street Alignment](#), above.
3. The minimum length of any vertical curve connecting two different street grades shall be equivalent in feet to the following factor times the algebraic difference in the rates of grade change on the two slopes involved, as set out in [Table 4-13.3.9, Minimum Radii for Street Alignment](#), above.
4. The longitudinal grade on any proposed street shall be subject to the approval of the Director. However, the minimum grade on any proposed street shall not be less than 0.5% and the maximum street grade shall be as set out in [Table 4-13.3.9, Minimum Radii for Street Alignment](#), above.
5. Where horizontal curves are used, the minimum lineal sight distance shall be as set out in [Table 4-13.3.9, Minimum Radii for Street Alignment](#), above.

Sec. 4-13.3.10 Construction Specifications

A. **Street Standards.** At a minimum, all streets, shoulders, and side slopes within the City shall be constructed in accordance with the latest edition of South Carolina Department of Transportation's Standard Specifications.

1. **Minimum Standards for All Streets.** At a minimum, all streets shall be constructed with six inches of stabilized aggregate base course and two inches of Type 1 asphalt cement pavement.
2. **Commercial Collector Streets and Streets with Higher Classifications.** At a minimum, all commercial collector streets and streets with higher classifications shall be constructed with eight inches of stabilized aggregate base course, two inches of Type 1 binder course, and 1.5 inches of Type 1 asphalt cement pavement.
3. **Higher Standards in Certain Circumstances.** The City Engineer may require higher standards than those required above or those in the South Carolina Department of Transportation's Standard Specifications in order to provide adequately for unusual soil conditions, extraordinary traffic volumes, unusual drainage problems, or other abnormal conditions.

B. Erosion Control. All shoulders and side slopes shall be protected from erosion by either sodding or seeding as set out in the South Carolina Department of Transportation's Standard Specifications. Plans for erosion control shall be a part of the required improvement plans to be submitted by the subdivider/developer to the Director for final approval.

C. Repaving. At the time of street acceptance by the City, the subdivider/developer shall sign a contract for guarantee of re-paving.

1. The contract shall legally bind the developer to repave any street which fails to withstand the traffic of heavy construction vehicles during the construction of houses within the subdivision.
2. Unless the City Engineer determines that the street pavement has failed and officially notifies the subdivider/developer, the contract shall automatically be fulfilled and terminated when 90 percent of all houses are completed or four years after street acceptance, whichever occurs first.

Sec. 4-13.3.11 Curbs and Gutters

When used, curbs and gutters shall be installed along both sides of all streets. They shall be designed and constructed in accordance with the South Carolina Department of Transportation's Standard Specifications, and shall be of the types listed in **Table 4-13.3.11, Curbs and Gutters**.

Table 4-13.3.11 Curbs and Gutters	
Classification	Type
Arterial Streets	Barrier Curb & Gutter
Collector Streets	Mountable Curb & Gutter
Local Streets, Cul-de-sacs, Marginal Access, and Alleys	
TABLE NOTES: See Section 4-13.3.7, Service Alleys for exceptions as to the requirements for services alleys.	

A. Transitions. The transition from one curb type to another curb type shall be made only at a street intersection. Adequate provisions shall be made for driveway entrances.

B. Where Not Required. In developments where open drainage systems, such as roadside ditches and/or bio-swales are adequately designed and installed to treat stormwater runoff, curbs and gutters are not required.

Sec. 4-13.3.12 Sidewalks

Generally. Sidewalks shall be installed for all subdivisions that involve the construction of new streets.

A. Standards and Requirements. Sidewalks shall be installed in the locations and of the minimum widths set out in **Table 4-13.3.12, Sidewalk Standards**, and shall be constructed in accordance with the criteria of the South Carolina Department of Transportation's Standard Specifications.

B. Exceptions. If physical condition(s) exist, or alternate means of pedestrian access and movement are provided, which render sidewalks impractical or unnecessary, an exception may be specifically granted by the Planning Commission upon recommendation of the Director. Where deemed necessary and specified in the

meeting minutes the reason(s) for any exception/change to the sidewalk requirement by the Planning Commission, additional or wider sidewalks than those listed in this Section may be required.

Table 4-13.3.12 Sidewalk Standards	
Street Classification	Sidewalk Width & Location
Expressways / Arterial Streets / Commercial Collectors	5' on both sides
Residential Collector Streets	4' on one side
Minor Streets Along Commercial Frontage	4' on both sides
Minor Streets Along School Frontage	4' on both sides
Minor Streets Along Duplex Residential Frontage	4' on one side
Minor Streets Along Multi-family Residential Frontage	4' on both sides
Minor Streets Along Single-family Residential Frontage	4' on one side

C. Location of Sidewalks.

1. Where sidewalks are required on only one side of a street, and the development is located on each side of the street, the single sidewalk shall be located on the northern and/or western sides of the street. If it is determined that locating the sidewalk on the northern or western sides present connectivity issues with adjacent sidewalks, then the sidewalk shall be placed on the side of the street that provides the greatest degree of continuity and connectivity.
2. Where sidewalks are required on only one side of the street, and the development is located on only one side of the street, the sidewalk shall be located on the same side as the development, regardless of whether it is the northern or western side of the street.
3. If a development encompasses an entire block, or if the development encompasses a portion of a block that is entirely owned by the subdivider/developer, then sidewalks shall be provided on all block frontage.
4. Sidewalks shall be provided between the right-of-way line and the edge of pavement. Generally, the outer edge of the sidewalk shall be not less than two feet from the property line. This is to prevent interference with or encroachment by fences, walls, hedges, or other planting or structures placed on the property line.
5. Sidewalks may meander into the parkway to protect the root systems of mature trees, provided that no sidewalk is located closer than three feet to the back of curb (or edge of pavement if no curb is present). This arrangement shall not reduce the right-of-way width requirement.
6. Planting strips with a minimum width of three feet shall be located between the sidewalk and the back of the curb.
7. All utilities such as poles, fire hydrants, etc. shall be located outside the required pavement width.

D. Required Improvement on Existing Properties. Developments and redevelopments that do not already meet the sidewalk requirements provided in this Section must comply if, and when, sidewalks are provided on a newly developed property that is immediately adjacent to the existing development.

E. Modification or Waiver of Sidewalk Requirements. Sidewalk requirements may be altered or waived if a sidewalk and/or trail plan that provides equal or greater pedestrian access and circulation is submitted to and approved by the Planning Commission at the time of platting. The sidewalk requirements may be waived if the following conditions are met:

1. The parcel proposed for development is located in District RE, Estate Residential;
2. Better pedestrian access and connectivity is provided through the use of off-street trails or multi-use pathways that connect to sidewalks or other off-street trails on the perimeter of the parcel proposed for development; and
3. Lot frontages are greater than 150 feet.

F. Timing. The subdivider/developer shall construct, or cause to be constructed, all required sidewalks as shown on the approved plans.

1. If the required sidewalks are not completed at the time of final plat approval, the subdivider/developer must provide financial guarantees to ensure completion of the sidewalks as outlined in Division 4-14.4.
2. For any new development or re-development, all required sidewalks shall be completed within two years of the final plat recording.

G. Materials. Sidewalk pavement materials shall be one of the following:

1. Concrete, reinforced to meet the standards as determined by the Director; or
2. Permeable materials, if approved by the Director. Materials to be considered include, but are not limited to:
 - a. Pervious concrete;
 - b. Porous asphalt;
 - c. Aggregate without binder (including gravel, rock chips, and decomposed granite);
 - d. Interlocking concrete pavers;
 - e. Resin-bound paving; and
 - f. Recycled glass porous pavement.

Sec. 4-13.3.13 Pedestrian Paths

Pedestrian paths may be used in lieu of sidewalks as set out in Section 4-13.3.12, Sidewalks. Where provided, pedestrian paths must meet the following minimum specifications/requirements:

A. Surface. The walking surface must be at least six feet wide and must be constructed of asphalt, concrete, hard-packed edge delineated gravel, or an approved alternate material as set out in Section 4-13.3.12, Sidewalks, Subsection H., Materials.

B. Buffering.

1. Where the path is behind or between lots, there must be a minimum of seven feet of vegetated buffering on each side of the path, measured perpendicularly from the edge of the path.
2. Where the path runs adjacent to and parallel to a street, there must be at least four feet of vegetated buffering space between the edge of the path and the hard surface of the street.

C. Public Dedication. Completed pedestrian paths must be transferred to and accepted by the City for maintenance and ownership.

Sec. 4-13.3.14 Nonelectrical Traffic Control Signs and Devices

Permanent traffic control signs and devices, including street name signs, shall be provided and installed by the subdivider/developer. Such signs and devices shall conform to City specifications and the South Carolina Manual on Uniform Traffic Control Devices for Streets and Highways.

Sec. 4-13.3.15 Signs, Mailboxes, Driveways within the Public Right-of-Way

For the purposes of this Section, right-of-way includes any easement right-of-way, right of ingress/egress, or other property interest owned by the City.

A. Signs.

1. Privately-owned brick, masonry, or concrete subdivision entrance signs may be constructed on a City-owned public right-of-way provided they comply with the provisions set out in Division 4-11.3, Sight Clearance.
2. The number of subdivision signs, as well as their dimensions and locations shall conform to the requirements of Part 5, Signs.

3. Residential subdivision signs shall be limited to the name of the subdivision.
4. Commercial subdivision signs are limited to the name and owner of the subdivision and may have either a subdivision sign or a business advertisement sign, but not both.
5. Sign locations and their design(s) must be shown on the sketch plan and must be approved by the Planning Commission.

B. Mailboxes.

1. The City reserves the right to remove, or require the removal of, privately-owned brick, masonry, or concrete mailboxes, newspaper boxes, or fixtures that have been constructed within a city-owned public right-of-way.
2. At the time of repair to, or replacement of, mailboxes located within the right-of-way, the City is required to re-establish only a serviceable mailbox in accordance with United States Postal Service guidelines.

C. Driveways.

1. The City reserves the right to remove, or require the removal of, driveways for purposes of public right-of-way maintenance or for utility installation and/or maintenance.
2. At the time of repair to, or replacement of, driveways located within the public right-of-way, the City is required to re-establish only a hard surface driveway (i.e., concrete for concrete, asphalt for asphalt, or hard-packed gravel for hard packed gravel).
3. Decorative driveways will not be replaced with like material unless specifically approved as a part of the City's encroachment permit process.

Division 4-13.4 Public Utilities and Street Lights

Sec. 4-13.4.1 Applicability

- A. During the initial and final stages of a proposed new development or redevelopment, including submittal of a sketch plan, the applicant shall indicate intended compliance with the standards of this Division.

Sec. 4-13.4.2 Utility Connectivity

- A. **Sketch Plans for Utility Master Plan Areas.** All development for which a sketch plan is required shall indicate the general location of a water, wastewater, and/or drainage trunk line or associated facility in compliance with the applicable water, wastewater, and/or drainage master plan.

B. Final Plats for Utility Master Plan Areas.

1. Easements, Utility Lines, and Facilities Required. All development for which a final plat is required shall:
 - a. Include easements on the plat;
 - b. Include verbiage on the plat that dedicates the easement lines and facilities to the public; and
 - c. Provide for the installation of the public improvements of the size and general location reflected in the corresponding master plan.
2. Future Utility Lines and Facilities on the Boundary of a Development. Where an applicable master plan reflects a trunk line or facility that appears to form a boundary for a parcel that is to be subdivided or re-subdivided, the line or facility shall be included in the development in its entirety.
3. Private Improvements in an Easement. No building, structure, or other private improvement shall be shown within the easement to be dedicated, except that landscaping and buffering may be permitted if the Director has determined that the infrastructure will not be caused increased maintenance due to its intrusion into the easement.

C. Utility Lines to and through Properties.

1. Full Extension. All utility lines that comply with applicable master plans shall be extended to adjoining property.
2. Extension to Boundaries. Proposed utility lines shall be extended by dedication to the boundaries of the subject property.
3. Access to Adjoining Properties. No utility arrangement shall be approved that prevents future access to adjoining, undeveloped property.

D. Phasing of Development Relative to Utility Construction. Developments may be phased, subject to the following standards:

1. Connection to Utility System. The first phase of a development shall connect directly to an existing utility system.
2. Connection to Previous Phases. Subsequent phases shall connect directly to an existing utility system and to all previous phases.
3. Construction of all Utilities in a Phase. All public utilities that are reflected in each phase shall be installed with the construction of that phase. If the operation of the utility is dependent on an off-site connection or facility, the off-site improvements shall be installed either prior to or with the construction of the phase.

Sec. 4-13.4.3 Public Water and Wastewater Required

- A. Connection to Public Water and Sewer Systems.** All subdivisions shall be served by the City's water and sewer systems whenever they are available, in accordance with South Carolina Department of Health and Environmental Control's (DHEC) viability demonstration requirements for new water systems, as well as the City's franchise agreement. The subdivision development plan shall be accompanied by satisfactory plans for water and sewer construction, in accordance with Article II, Sewers and Sewage Disposal and Article III, Water Supply of Chapter 12, Municipal Utilities of the City's Code of Ordinances. The plans for construction shall be prepared by a registered professional engineer and approved in writing by the Director of Utilities. The standard specifications for water and sewer shall be maintained in the Engineering Division office.
- B. Privately-Owned Community Systems.** A privately-owned community water and/or sewer system may be used only if services are not or will not be available from the City's system within a reasonable period of time. Proposed plans of the system shall be prepared by a registered professional engineer and subsequently reviewed by the Director of Utilities to evaluate future compatibility with the public system. Approved plans shall then be submitted to and approved in writing by the South Carolina Department of Health and Environmental Control (DHEC) and the Public Service Commission prior to Planning Commission approval of the site specific development plan.
- C. Individual Wells and Septic Systems.** In those portions of its service area where the Engineering Division of the City of Florence has determined that it is not feasible to provide water and/or sewer service to subdivisions, individual wells and/or septic tanks may be permitted. The Engineering Division shall indicate, in writing, to the Planning Commission when such a situation exists. Written approval from the South Carolina Department of Health and Environmental Control (DHEC) for all individual wells and septic systems is required.

Sec. 4-13.4.4 Easements

All easements shall be designated on all subdivision and individual plats and dedicated to the appropriate governing authority at the same time as the other required improvements. It is the applicant's responsibility to correctly show any and all easements as set out below.

A. Drainage Easements.

1. Where a proposed subdivision is traversed by a new or existing drainage facility, easements shall be provided to the City. All drainage easements must meet the specifications and requirements set out in

Section 4-12.3.4, Drainage Easements.

2. Lake, ponds, creek, swamps, boat ramps, and other similar areas will be accepted only if sufficient land is dedicated as a public site or open space.
3. These areas must constitute a necessary part of the drainage control system, which must be approved by the City prior to approval of the plat by the Planning Commission.

B. Utility Easements.

1. When it is deemed necessary to locate public and/or private utility lines outside of the street right-of-way, adequate areas of suitable size and location shall be allocated for utility easements.
2. Easements shall be a minimum width of 20 feet and shall be located along rear and side lot lines. Easements shall be cleared and graded to provide vehicular access.
3. No structures or trees shall be placed within these easements. Fences may be placed with an easement, provided that the City or private utility company is not liable to pay the cost of replacing fences that are removed in order to maintain utility lines.
4. Easements shall be maintained by the property owner and may be used to satisfy the yard requirements of this Unified Development Ordinance.

C. Maintenance of Easements.

1. The covenant restrictions placed in the deed of a lot that contains an easement shall stipulate that the City or utility companies with lines in an easement shall have full right of access to any and all easements.
2. The City shall maintain only those easements specifically accepted for public maintenance.

Sec. 4-13.4.5 Street Lights

Street lights are required in all subdivisions. The placement of such lights shall meet the specifications of Section 4-13.4.6, Underground Wiring.

Sec. 4-13.4.6 Underground Wiring

A. Undergrounding Required. All wiring including electric, telephone, telegraph, cablevision, and all other such lines carrying electrical current shall be placed underground in residential and commercial subdivisions. The street light layout shall be designed to avoid subsequent interference with other utilities and/or street paving. The Planning Commission may approve above ground wiring in an industrial park or for some unusual commercial or industrial situation.

B. Plans.

1. The subdivider/developer shall submit a plan to the City indicating the proposed locations of all wiring, together with any design, drawings, and specifications as may be required by the Engineering Division of the City of Florence.
2. The subdivider/developer shall submit the proposed subdivision plan to the electric utility, for the purpose of determining street light location. The electric utility and the City shall be responsible for final determination of the numbers, types, placements, and locations of all street lights within the subdivision.
3. Final construction plans shall be submitted to the City showing the locations of all underground wiring as constructed, with permanent reference points shown, as a condition of acceptance by the City.

Division 4-13.5 Airport Protection

Sec. 4-13.5.1 Approach Zones

Approach zones include all land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of an approach surface is at the same width

and elevation as, and coincides with, the end of the primary surface, unless otherwise specified. The dimensions of an approach zone shall be determined on the basis of the following:

- A. **Approach Zone Determination for Visual Approach Utility Runway.** The approach zone shall expand outward from the primary surface uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface.
- B. **Approach Zone Determination for Non-Precision Instrument Utility Runway.** The inner edge of the zone shall have an established width of 500 feet and shall expand outward from the primary surface a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface.
- C. **Approach Zone Determination for Runway Instrument Utility Visual Approach Runway.** The approach zone shall extend outward from the primary surface uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface.
- D. **Approach Zone Determination for Runway Larger Than a Utility Runway with a Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-Precision Instrument Approach.** The approach zone shall expand outward from the primary surface uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface.
- E. **Approach Zone Determination for Runway Larger Than a Utility Runway with a Visibility Minimum as Low as $\frac{3}{4}$ Mile Non-Precision Instrument Approach.** The inner edge of the zone shall have an established width of 1,000 feet, and shall expand outward from the primary surface uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface.
- F. **Approach Zone Determination for Precision Instrument Runway.** The inner edge of the zone shall have an established width of 1,000 feet and shall expand outward from the primary surface uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface.
- G. **Approach Zone Determination for Heliport.** The approach zone shall expand outward from the primary surface uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface.

Sec. 4-13.5.2 Transitional Zones

Transitional zones are the areas beneath the transitional surfaces. The dimensions of a transitional zone shall be determined on the basis of the following:

- A. **Transitional Zone Determination for Airports.** Refer to Section 4-13.5.6, Height Restrictions.
- B. **Transitional Zone Determination for Heliports.** These zones extend outward from the sides of the primary surface and the heliport approach zone a horizontal distance of 250 feet from the primary surface centerline and the heliport approach zone centerline.

Sec. 4-13.5.3 Horizontal Zones

The horizontal zone is established by swinging arcs of 5,000 feet radii for utility and visual runways and 10,000 feet radii for all other runways, from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach or the transitional zones.

Sec. 4-13.5.4 Conical Zones

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward a horizontal distance of 4,000 feet. The boundaries of such zones shall be clearly drawn on county tax maps, showing all properties to be included in the Airport Compatibility District and applicable zone designations.

Sec. 4-13.5.5 Permitted and Prohibited Uses

The ACO District is an "overlay" zone. As such, permitted uses are determined by those permitted, conditional, and permitted special exception uses of the underlying district, as set out in [Division 1-2.7](#), Land Uses. However,

these regulations are intended to temper and modify the use and development standards of the underlying district to the extent necessary to achieve the stated purpose of this district. To that end, the land use district regulations set out in [Division 1-2.7](#), Land Uses are hereby amended to prohibit the following:

A. In All Airport Zones. Any use which would:

1. Create electrical interference with navigational signals or radio communication between the airport and aircraft;
2. Diminish the ability of pilots to distinguish between airport lights and other lights;
3. Result in glare in the eyes of pilots using the airport;
4. Impair visibility in the vicinity of the airport;
5. Create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

B. In Primary Approach and Transitional Zones Only.

1. Single-family residential dwellings, including mobile or manufactured dwellings in excess of two units per acre;
2. Multi-family dwellings, cluster housing projects, mobile home parks, and group housing;
3. Transient lodging, motels and hotels;
4. Hospitals, sanatoriums, and nursing homes;
5. Schools and day care centers; and
6. Churches, theaters, auditoriums, and similar places of assembly.

Sec. 4-13.5.6 Height Restrictions

Except as otherwise provided in this Unified Development Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Unified Development Ordinance to a height in excess of the applicable height limits herein established for such zone, as follows:

A. Approach Zones. Height limitations for approach zones shall be determined for the various runways by calculating a slope ratio (measured in feet outward and upward) from the end of and at the same elevation as the primary surface extending along the extended runway centerline to a prescribed horizontal distance, as set out in **Table 4-13.5.6, Approach Zone Height Limitations**.

Table 4-13.5.6 Approach Zone Height Limitations		
Runway Type	Horizontal Distance	Slope Ratio
Utility visual runway	5,000'	20:1
Utility non-precision instrument approach runway		
Runway larger than utility with visual approach		
Runway larger than utility with visual minimum greater than ¾ mile, non-precision instrument approach	10,000'	34:1
Runway larger than utility with visual minimum as low as 3.4 mile, non-precision instrument approach		50:1
Precision instrument approach runway		50:1
Plus additional	40,000'	40:1

B. Airport Transitional Zone. Height limits for an airport transitional zone shall be determined by measuring outward and upward at a 7:1 slope from the sides of and at the same elevation as the Approach Surface, and extending to the point of intersection with a horizontal surface or conical surface.

C. Heliport Transitional Zone. Height limits for a heliport transitional zone shall be determined by measuring outward and upward at a 2:1 slope from the sides of and at the same elevation as the approach surface and extending a distance of 250 feet measured horizontally from and at 90 degree angles to the heliport approach

zone centerline.

D. **Horizontal Zone.** Height limits in the horizontal zone are established at 150 feet above airport elevation.

E. **Conical Zone.** Height limits in the conical zone are established by measuring from the periphery of the horizontal zone and at 150 feet above elevation outward and upward at a 20:1 slope to a height of 350 feet above airport elevation.

Sec. 4-13.5.7 Noise Restrictions

Noise restrictions shall apply within the Approach Zone of a Precision Instrument Runway only. Private airports and all runways designed for other than precision instrument landings shall be exempt from the provisions of this Section.

Where permitted within the Approach Zone of the ACO District, residential dwellings and portions of buildings where the public will be received shall be structurally designed and constructed to achieve an outdoor to indoor Peak Noise Level Reduction (NLR) of at least 30 db (decibels). All other permitted uses and structures shall be exempt from this Section.

Normal construction can be expected to provide an NLR of 20 db, thus the actual required reduction is only 10 db. Lowering the NLR shall be achieved through incorporation into the design and construction of all proposed uses, sound insulation materials and methods for improving acoustic insulation performance.

A description of such methods and materials shall accompany all building applications for uses affected by this Section, and shall be subject to approval by the Building Official prior to the issuance of a building permit.

Sec. 4-13.5.8 Lighting Restrictions

No permitted use, subdivision, or project in the ACO District shall have outdoor lighting or illumination arranged and/or operated in such a manner as to be misleading or pose a danger to aircraft operations.

Sec. 4-13.5.9 Regulations Applicable to Existing Structures in the ACO District

The owner of any existing structure or vegetation that is currently penetrating any referenced surface within the established ACO District shall permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration (FAA), or the South Carolina Aeronautics Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of an airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport operator.

However, the regulations prescribed in this Section shall not be construed to require the removal, lowering, or other change or alteration of any existing structure or tree not conforming to the regulations of this Division as of the effective date of this Unified Development Ordinance, or otherwise interfere with the continuance of an existing use. Nothing contained herein shall require any change in the construction, alternation, or intended use of any structure, the construction or alternation of which was begun prior to the effective date of this Unified Development Ordinance, and is diligently prosecuted.

ARTICLE 14 GENERAL SUBDIVISION STANDARDS

Division 4-14.1 Purpose and Applicability

Sec. 4-14.1.1 Authority

These subdivision and land development regulations are adopted under the authority granted under the General Statutes of South Carolina, The South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Sections 6-29-310 through 6-29-1200 and the requirements of said Acts supplement this Unified Development Ordinance.

Sec. 4-14.1.2 Jurisdiction and Applicability

- A. **Jurisdiction.** From the effective date of this Unified Development Ordinance, these regulations shall govern all land development projects and new subdivisions of land lying within the territorial jurisdiction of the City. At the time of redevelopment, existing developments, where required, must comply with certain provisions of this Unified Development Ordinance (e.g. sidewalk requirements, etc.).
- B. **Application.** No plat or the subdivision of any land within the territorial jurisdiction of the City shall be filed with or recorded by the Florence County Clerk of Courts until such plat has been submitted to and approved by the Planning Commission in accordance with the procedures set for in this Unified Development Ordinance.

Sec. 4-14.1.3 Purposes

- A. **Generally.** The purpose of this Article is to encourage the promotion, protection, and improvement of the overall public health, safety, economy, good order, appearance, convenience, and general welfare by providing for the orderly development of land within the territorial jurisdiction of the City. Additionally, this Article sets forth regulations for the substantive review of land development projects and new subdivisions of land. These regulations are to be considered in addition to the other applicable regulations of this Unified Development Ordinance.
- B. **Purposes.** In furtherance of the general intent, the regulation of land subdivision is authorized for the following purposes, among others:
1. Ensure that new development is consistent with the policies of the Florence Comprehensive Plan, 2010;
 2. Provide for the harmonious development of the City, for the coordination and alignment of streets within subdivisions, with other existing or planned streets, or with other features of the City;
 3. Establish procedures and standards governing the preparation, filing, and approval of land subdivision plats and data to be submitted to the Planning Commission for approval;
 4. Establish timely provision and minimum standards governing streets, utilities, and other required improvements.
 5. Provide for appropriate open space for resource protection, recreation, public facilities, light, and air;
 6. Promote best management practices with respect to stormwater management and the protection of surface water bodies.
 7. Ensure conformance of site specific development plans with the capital improvement program of the City;
 8. Provide for a distribution of population and traffic which create conditions favorable to health, safety, convenience, and prosperity;
 9. Assure the adequate provision of safe traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
 10. Ensure that development is compatible with and properly integrated into existing and future neighborhoods;
 11. Ensure that subdivisions and subdivision improvements are designed to:
 - a. Reduce potential impacts on street congestion by:
 1. Providing alternative travel routes;
 2. Promoting alternative modes of transportation;
 3. Shortening journey to work trips; or
 4. Lessening overall vehicle miles traveled;
 - b. Promote the orderly layout and use of land;
 - c. Secure safety from fire and other dangers;
 - d. Mitigate the impacts and threats to life and property due to flooding;

- e. Facilitate adequate provision of transportation, potable water, sewer, schools, parks, playgrounds, and other public requirements;
 - f. Protect residential neighborhoods from the hazard of high-speed through-traffic; and
 - g. Protect groundwater and surface water resources from contamination.
12. Assure the prospective purchaser of a subdivision lot that necessary streets, sewers, drainage, sidewalks, schools, and parks are available;
 13. Assure the provision of public open spaces and building sites in new land developments through the dedication or reservation of land for recreational (including the development of a trail system), educational, and other public purposes.
 14. Protect the integrity of the purchaser's title by requiring certification that monuments and markers are installed according to the locations designated on the approved plat; and
 15. Assure that facilities to be accepted and maintained by the local government are properly located and constructed.

Division 4-14.2 Subdivision and Development Design

Sec. 4-14.2.1 Development Design Review Principles

- A. **Generally.** It is the policy of the City that the principles of this Section be applied to the maximum extent practicable without imposing restrictions that reduce the density or intensity of development that is permitted by this Unified Development Ordinance. The City may require modifications to proposed development sketch plans or subdivision plats that otherwise conform to the standards of the Unified Development Ordinance in order to enhance the quality of the design in accordance with the qualitative principles of this Section. The standards of this Section shall be applied and interpreted in the context of the other applicable standards that are set out in other Articles of this Unified Development Ordinance.
- B. **Compatibility.** The proposed development sketch plan or subdivision plat shall be designed in a way that:
 1. Provides appropriate space for bufferyards and transitions between land uses or obvious changes in density or intensity along side and rear lot lines;
 2. Protects and preserves site resources to the benefit of both the subject property and abutting or adjacent properties;
 3. Provides appropriate vehicular and pedestrian linkages between residential uses and retail, service, and office uses, providing access while protecting neighborhood integrity and individual property values;
 4. Maximizes the access to and benefit of open spaces by providing for a connection to or continuation of the open spaces of abutting or adjacent properties and providing for maximum frontage and access to such open spaces;
 5. Protects neighboring property from undue storm water runoff;
 6. Anticipates and provides for future vehicular and pedestrian connections to neighboring properties that are likely to be developed or redeveloped with similar or supportive land uses, in accordance with the Thoroughfare Plan of the City and/or County;
 7. Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development; and
 8. Does not reduce the level of service of public utilities that are provided to surrounding development.
- C. **Consistency with Capital Improvement Plans.** Proposed development shall conform to all adopted and applicable capital improvement plans of the City, Florence County (for capital improvement plans within the City), and the State of South Carolina with regard to public infrastructure and facilities, including water, sewer, gas, streets, trails, and parks and recreation improvements.

- D. **Future Adjacent Development.** The proposed development shall be designed in a way that shows how future development of adjacent parcels under common ownership will relate to the parcel proposed for development in terms of transportation linkages, open spaces, and utilities.
- E. **Landscaping.** The subdivision landscaping layout shall promote the zoning district's qualities and character and meet or exceed the standards. Bufferyard landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives beyond the minimum requirements. *See Article 10, Landscaping and Buffering.*
- F. **Preservation of Density and Intensity.** Design review is intended to permit plan modifications that improve design, but not to require a density or intensity reduction. The design review shall focus on revising the development sketch plan by altering roads, lots, landscaping, or other plan elements, but not by altering development density or intensity unless the density or intensity exceeds permitted standards or the open space, buffering, landscaping, or resource protection does not meet the requirements of this Unified Development Ordinance.

Sec. 4-14.2.2 Naming and Numbering

- A. **Subdivision and Apartment Project Names.** Subdivision names and apartment project names shall not be duplicated or confused with the names of existing subdivisions or apartment projects. Names are subject to approval by the Director to eliminate duplicate names.
- B. **Street Names.** Proposed streets that are obviously in alignment with other existing and named streets shall bear the assigned name of the existing streets. In no case shall the name of a proposed street duplicate or be phonetically similar to an existing street name, irrespective of the use of a suffix and/or prefix. Chapter 17, Streets, Sidewalks, and Other Public Property of the Code of Ordinances shall govern the assignment of names.
- C. **Property Numbering.** The Director, or a designee, shall provide appropriate "house numbers" for all lots as set out in Chapter 17, Streets, Sidewalks, and Other Public Property of the Code of Ordinances.

Sec. 4-14.2.3 Blocks

- A. **Generally.** Streets shall be laid out to create blocks. Within any superblock created by arterial or collector streets, the design objective is to provide an interconnected network of streets and pedestrian pathways so that people may reach other locations within the superblock by walking, bicycling, or driving, but without having to access arterial or collector streets with vehicles. If practicable, streets shall be arranged in a loose grid or comparable formal arrangement, and open spaces shall be integrated into the block design. Exceptions will be made for green spaces along drainage or stream channels, water bodies, or where other natural resources make a grid or comparable formal arrangement difficult or cost prohibitive.
- B. **Orientation.** Where possible, blocks shall be laid out to have their short length abutting arterials, collectors, or the development's major internal street. The length, width, and shape of blocks should be determined with due regard to the provision of adequate sites for buildings of the types proposed, zoning requirements as to lot sizes and dimensions, control and safety of street traffic, convenience, access and circulation, fire access, emergency service, and police protection.
- C. **Block Lengths and Widths.** Block dimensions and configurations shall be as follows:
1. Standard Blocks.
 - a. Lengths of standard blocks shall not exceed 1,600 feet nor be less than 400 feet on any side; and
 - b. Standard blocks shall consist of at least two tiers of lots except:
 1. Where reverse frontage lots are located along an arterial or collector street;
 2. Where such an arrangement is prevented by the size or other inherent site conditions of the property; or
 3. Where lots are arranged in a cluster format that promotes visual access to common open space by reducing back-to-back residential lots.

2. Nonstandard Blocks.

a. In special situations, where it is necessary to separate residential developments from vehicular traffic or nonresidential uses, nonstandard blocks may be used. However, the Planning Commission must approve such configurations and the associated lot depths must be in accordance with the minimum lot dimensions required in [Part 2, Development Yield and Lot Standards](#) for the land use district in which it lies.

b. Nonstandard blocks may consist of a single lot on one or more sides (single-tier block), which shall have a minimum lot depth of 150 feet.

c. Where single-tier blocks are approved by the Planning Commission, driveways will not be permitted on the side of the block with the shortest dimension.

D. Nonresidential Blocks. The block layout in commercial, mixed use, and industrial areas may vary from the criteria detailed in this Section if required by the nature of the use. In all cases, however, the criteria and provisions of this Unified Development Ordinance shall be followed to provide adequate off-street parking and loading spaces and to ensure space for future expansion.

Sec. 4-14.2.4 Lots

A. DHEC Review. Nothing contained in these regulations shall be construed as preventing the South Carolina Department of Health and Environmental Control (DHEC), after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision shall not be built upon or that the minimum lot sizes set forth in these regulations are inadequate and must be increased to ensure the protection of the public health.

B. City/County Boundaries. Lots, insofar as practical, should not be divided by city limit or county boundary lines.

C. Generally. The size, shape, and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The lots shall provide an adequate buildable area for the development contemplated.

D. Lot Shape. Side lot lines shall be approximately at right angles to, or radial to, street lines.

E. Alternative Lot Shapes. Alternative lot shapes may be approved by the Planning Commission in any of the following circumstances:

1. Generally.

a. The alternative shape does not interfere with the efficient development of other property; and

b. The lots allow for a building envelope that is adequate to meet the requirements of this Unified Development Ordinance for building and site design.

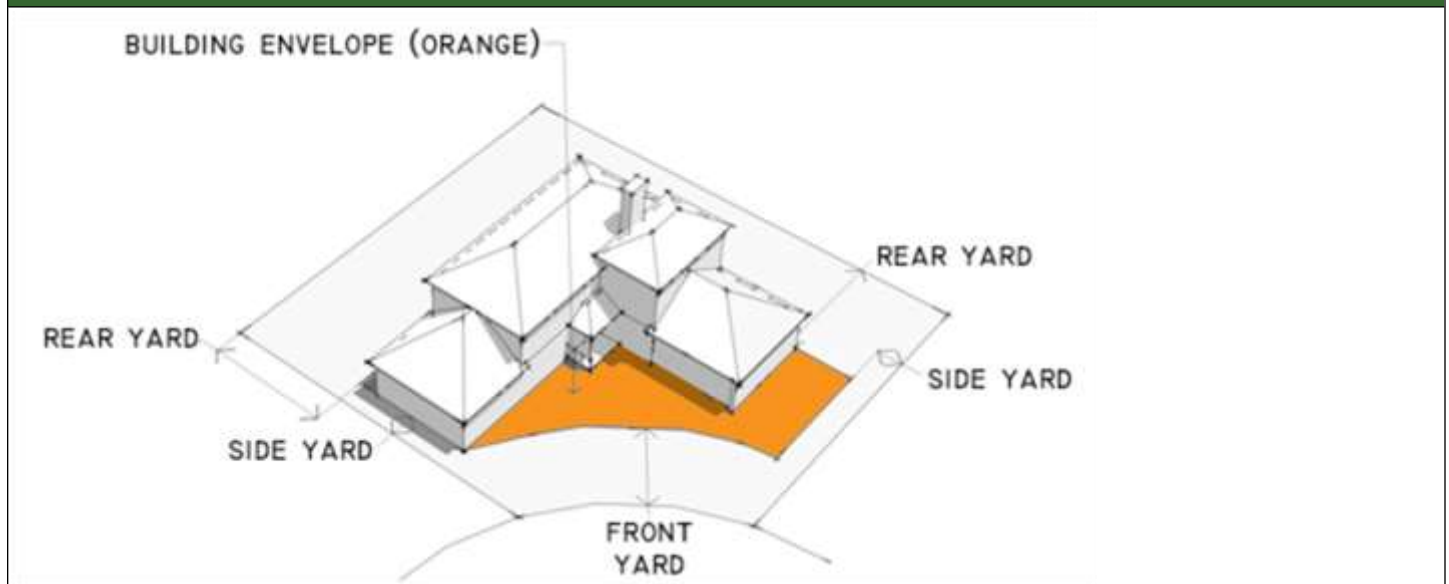
c. The building pad meets the minimum required lot width where the building is to be located. In the instance of an alternative lot shape, the City shall require a building pad designation on the plat. (See **Figure 4-14.2.4, Building Envelope**)

2. Irregularly Shaped Parcel. The shape of the parcel required irregular lots in order to subdivide.

3. Curvilinear Streets. Irregular lots are permitted where the street alignment would otherwise force larger, pie shaped lots and the use of irregular lots would allow for smaller lots and more access to open space.

4. Large Lots. Where lots exceeding one acre are provided, the lot shape that provides efficient use of the land and minimum lot size may be used.

Figure 4-14.2.4
Building Envelope



- F. **Residential Lot Size.** New lots shall be dimensioned according to the requirements of [Division 2-4.1, Standards for New Neighborhoods](#) and [Article 6, Nonresidential and Mixed Use Development](#) while development or redevelopment on existing platted lots shall be according to the requirements of [Article 5, Existing Neighborhoods](#), together with all applicable health regulations, whichever is more restrictive.
- G. **Nonresidential Lot Size.** Lots to be subdivided for commercial, mixed use, or industrial use shall be of appropriate size and arrangements to provide for adequate off-street parking and loading facilities based on the intended use.
- H. **Frontage.**
1. Residential Lots. New residential lots shall front on local streets.
 2. Nonresidential Lots. Nonresidential lots that take access from collector or arterial streets shall provide adequate maneuvering area for automobile turnaround within the lot.
- I. **Through Lots.** Through lots shall be avoided, except where they are necessary to overcome specific disadvantages of topography and orientation. Where through lots are used, a Type C bufferyard shall be provided to protect the lot from the street.
- J. **Orientation to T-Intersections.** The building envelope of lots at the terminal end of a T intersection shall be offset from the centerline of the terminated street in order to mitigate the impacts of oncoming traffic on the use of the lots.
- K. **Drainage Ways.** Lots shall not encroach on a major drainage easement or right-of-way, and all easements or rights-of-way shall be excluded from the lot area.
- L. **Access.**
1. Public Access. Each lot to be subdivided shall have frontage on an existing public street right-of-way or on a public street right-of-way that is to be dedicated at the time the subdivision that contains the lot to be recorded. The provisions for private streets are set out in [Section 4-13.3.5, Private Streets](#).
 2. Access to Large Nonresidential Lots. In the case of development of a large nonresidential or mixed use parcel, with the approval of the Planning Commission, a private access easement maybe permitted if the owner establishes an adequate permanent easement to a driveway that provides ingress and egress from the newly subdivided parcel to a public street. The easement and driveway must have sufficient width in the view of the Planning Commission.

3. **Cross-Access.** Easements for cross-access through and among platted lots of nonresidential subdivisions that take access from collector or arterial streets is required in order to minimize the proliferation of curb cuts.
4. **Freeway Access.** Access connections to freeways with public streets and driveways on the same grade are prohibited.

M. Corner Lots. Corner lots shall have extra width to permit the establishment of a front building setback line on both the front and the side of the lots adjoining the streets irrespective of whether the rear lot lines of said corner lots abut lots fronting on the side streets. In all cases, the minimum required widths specified in Section 2-4.1.3, Lot and Building Standards shall be met.

N. Lot remnants. Lot remnants are prohibited on any plat.

O. Lot Boundaries. Lot boundaries shall include, but not be limited to, the building(s) existing or proposed on a parcel, as well as all improvements that are a requirement of this Unified Development Ordinance, such as parking, detention, waste containers, landscaping, buffering, screening, etc. Shared facilities, such as parking, circulation, cross access, waste containers, detention, etc. shall be indicated on the subdivision plat as a private easement.

Sec. 4-14.2.5 Variable Building Pads

- A. Generally.** Where lots are greater than 20,000 square feet in size and a subdivider/developer wants to locate buildings in a manner that results in a more casual neighborhood layout without the character of buildings lining the setback line, the sketch plan shall propose building pads for each lot that are varied as to the setbacks. The plan may be approved by the Planning Commission if compliance with all of the standards of this Section is demonstrated.
- B. No Loss of Privacy.** There is no loss of privacy due to homes located closer to each other than would be the case if the yards required by the underlying district regulations were applied.
- C. Environmentally Sensitive.** Pads are located to avoid impacts on natural resources or to provide a better view of protected resources or designated open space.
- D. Landscaping.** The density of landscaping is increased to enhance the natural character of the development compared to what would be required by the minimum standards of [Article 10, Landscaping and Buffering](#).
- E. Edges of Parcel Proposed for Development.**
 1. If the side lot lines or rear lot lines of a lot or more than one lot abut an adjacent parcel or lot with the same zoning designation, located outside of the parcel proposed for development, then the minimum setbacks shall be maintained.
 2. If a property line of a lot is an existing residential street, then the building pads approach provided in this Section may be used, provided that:
 - a. Front yards are reduced by not more than 10 percent; and
 - b. The required street trees and front yard landscaping is increased by 25 percent.
- F. Review.** The Planning Commission may require a subdivider/developer to modify or relocate proposed building pads if it finds that the proposed building pad layout would negatively affect the character of the street or neighborhood.

Sec. 4-14.2.6 Markers

- A. Permanent Markers.** Markers shall be installed in accordance with the requirements of the minimum standards manual for the practice of land surveying in South Carolina. Permanent markers shall be a part of the physical improvements covered by financial guarantees.
- B. Temporary Markers.** Temporary markers may be installed by the applicant for inspection purposes while the subdivision is under construction. Temporary markers shall be installed with the same accuracy and precision

as permanent markers. The applicant is responsible for replacing any markers damaged or disturbed during construction.

Sec. 4-14.2.7 Private Driveways

- A. **Lot Design to Allow Driveway.** Each lot shall be designated so as to allow the development of a private driveway.
- B. **Stopping Space.** Driveways shall be located, designed, and constructed so as to provide a relatively level stopping space no less than 20 feet outside the street right-of-way.
- C. **Corner Lot Driveways.** Driveways of corner lots shall be located at least 40 feet from the point of intersection of the nearest street right-of-way lines. Approved driveway zones for corner lots shall be shown on the final plat.
- D. **Sight Clearance.** Adequate sight clearance at the intersection of driveways with street right-of-way lines shall be provided and shown on a site plan as required in [Division 4-11.3](#), Sight Clearance.
- E. **Curvature or Excessive Grades.** Where difficult problems of driveway curvature or excessive grades are present, the property owner or his agent shall submit to the City Engineer for approval the details of driveway location and grades before a building permit is issued.
- F. **Responsibilities of Owner and/or Subdivider/Developer.** The property owner is responsible for the original installation and permanent maintenance of the connecting segment of pavement located on the right-of-way, between the street pavement and the private driveway on a private lot. This shall be accomplished prior to the final building inspection. The owner shall also be responsible for any necessary curb-cut and/or repairs.

Sec. 4-14.2.8 Building Setback Lines

- A. **Minimum setback.** The minimum building setbacks from the street right-of-way (property line) are established in Part 2, Development Yield and Lot Standards, for the district in which the lots are located.
- B. **Power lines.**
 - 1. In no case shall the Planning Commission approve any plat whereby the power company's easement is used to meet the minimum yard requirements.
 - 2. The subdivider/developer shall contact the appropriate power company to ensure that any proposed use of a right-of-way meets all of the requirements of the power company.
 - 3. Standard setbacks established in [Part 2](#), Development Yield and Lot Standards apply to power line rights-of-way.
 - 4. The area adjacent to the power line easement (not within the easement) may be used as street right-of-way.

Division 4-14.3 Covenants, Conditions, and Restrictions

Sec. 4-14.3.1 Property Owners' Association Required

- A. **Generally.** Any subdivision or land development project that requires a property owners' association in order to comply with these regulations (e.g., to own and maintain common open space) shall be in accordance with these regulations and subject to a mandatory property owners' association and a recorded declaration of covenants, conditions, and restrictions (CCRs) that ensures such compliance.
- B. **Reversion.** Covenants, conditions, and restrictions shall not contain reversionary clauses wherein a lot shall return to the subdivider/developer because of a violation of the term(s) of the covenant, condition, or restriction.
 - 1. **Property Owners' Association.** If required by this Unified Development Ordinance or as a condition of approval, the applicant shall incorporate a property owners' association that will bear responsibility for

ensuring continuing compliance with these regulations and conditions of subdivision or site specific development plan approval. The City Attorney shall review the documents for the following provisions: Membership in the property owners' association shall be mandatory for all owners of property in the subdivision or condominium;

2. The property owners' association shall have lien rights with respect to unpaid dues;
3. The property owners' association shall be permanent; and
4. The property owners' association shall have all responsibilities required by these regulations (e.g., ownership and maintenance of common elements).
5. The responsibilities of the Property Owners' Association shall be required of the developer until 80 percent of all lots are sold.

Sec. 4-14.3.2 Required Covenants, Conditions, and Restrictions (CCRs)

A. **Generally.** Conditions and requirements of development approval that require ongoing efforts of tenants or successors in title shall be included in a declaration of covenants, conditions, and restrictions for the property that shall be recorded in the public records in the chain of title for the property at the applicant's expense. The applicant shall provide proposed covenants, conditions, and restrictions to the City:

1. Upon filing the application for final plat approval; or
2. If no plat approval is sought, before the issuance of any permit that directly authorizes development (development approvals that require covenants, conditions, or restrictions shall be contingent upon approval of the covenants, conditions, and restrictions document).

B. **Plat Annotations.** Requirements regarding maintenance of common areas or operation and maintenance of drainage facilities shall be summarized on the plat and set forth in full in the declaration of covenants, conditions, and restrictions, which shall be referenced on the plat.

C. **City Enforcement.**

1. The Planning Commission and City Attorney shall review covenants, conditions, and restrictions that implement the requirements of this Unified Development Ordinance for conditions of approval.
2. The Planning Commission may require that the applicant grant the City a right of enforcement of the covenants, conditions, and restrictions, in order to ensure continuing compliance. To this end, the City may require that the CCRs give the City a right to designate a management company, to be paid a reasonable fee from the dues payable by the property owners, after the third notice of noncompliance to the association's registered agent. The management company shall be responsible for remedying violations that are the subject of the notices.

Sec. 4-14.3.3 Optional Covenants, Conditions, and Restrictions (CCRs)

A. **Generally.** The City shall approve only those covenants, conditions, and restrictions that relate to the development approval. The City's right of enforcement shall extend only to those matters that substantially bear upon them. The City will not seek to intervene in purely private disputes regarding covenants, conditions, and restrictions.

B. **Optional Elements.** The CCRs may include any provisions considered desirable by the applicant with respect to the management and maintenance of the subdivision or condominium, provided that they do not undermine the following requirements:

1. Required membership in, and payment of dues to, the Property Owners' Association;
2. Inclusion and enforcement of all of the provisions required by these regulations and any conditions of approval, in a form acceptable to the City Attorney;
3. Clauses that provides for enforceability by the City of those covenants, conditions, and restrictions

that relate to these regulations or conditions of approval; and

4. Applicable requirements of this Unified Development Ordinance at the time of approval of the CCR document.

Sec. 4-14.3.4 Conversion from Unified Control to Multiple Ownerships

A development that is approved under unified ownership and control shall not be conveyed into multiple ownerships (e.g., individual buildings in an office park or individual units of a townhome development being sold to separate entities) until the required CCRs are recorded.

Division 4-14.4 Subdivision Improvements and Guarantees

Sec. 4-14.4.1 Required Improvements

- A. **Generally.** One of the following techniques may be selected by the City Manager, or an appointee, as an appropriate method of ensuring that the required subdivision improvements set forth in this Unified Development Ordinance shall be constructed.
- B. **Completion of Improvements.** Prior to final plat approval, the subdivider/developer shall complete, in a manner satisfactory to the City Manager or an appointee, all improvements required in this Unified Development Ordinance specified in the approved subdivision development plan, and as otherwise approved by the Planning Commission, and shall dedicate same to the City. Final plat approval shall not be granted by the Planning Commission until the dedication of the required improvements has been accepted by the City Manager or an appointee.
- C. **Acceptance Techniques in Lieu of Completion of All Improvements.**
 1. In lieu of requiring the completion of all improvements prior to final plat approval, the City Manager, or an appointee, may, at his/her discretion, enter into a contract with the subdivider/developer whereby the subdivider/developer shall guarantee to complete all improvements required by this Unified Development Ordinance, or otherwise specified by the Planning Commission, in a manner satisfactory to the City Manager, or an appointee. Any funds unused by the City to complete the improvements shall be returned to the subdivider/developer.
 2. Prior to the granting of final plat approval by the Planning Commission, the City Manager, or an appointee and subdivider/developer shall agree upon a deadline for the completion of all required improvements, which shall not to exceed one year from the date of final plat approval. The City Manager, or an appointee shall have the right to extend the deadline for one additional year where the subdivider/developer can present substantial reason for doing so. The City shall not approve a subdivision guarantee until a copy of the SC DHEC "Approval To Place Into Operation" for water and sewer systems is provided.
 3. To secure this contract, the subdivider/developer shall provide subject to the approval of the City Manager, or an appointee one of the following guarantees:
 - a. *Escrow Account.* The subdivider/developer shall deposit cash or other instrument readily convertible into cash at face value, either with the City, or in escrow with a financial institution in the State of South Carolina. The use of any instrument other than cash, and, in the case of an escrow account, the financial institution with which the funds are deposited, shall be subject to the approval of the City. The amount of the deposit shall be at least equal to the cost of installing all required improvements plus 10 percent, as estimated by the subdivider/developer and approved by the City Manager, or an appointee and the City. In the case of an escrow account, the subdivider/developer shall file with the City an agreement between the financial institution and himself guaranteeing the following:
 1. That the funds of the escrow account shall be held in trust until released by the City and may not be used or pledged by the subdivider/developer as security in any other matter during that period.
 2. In the case of a failure on the part of the subdivider/developer to complete the improvements, then the financial institution shall immediately make the funds in the account available to the City for use

in completion of the improvements.

- b. *Real Property Escrow.* The subdivider/developer may offer real property as a guarantee. The value of any such property shall be at least equal to the cost of all contracted improvements, as estimated by the subdivider/developer and approved by the City Manager, or an appointee and City, plus 10 percent. The County Tax Assessor shall establish the value of any property so used and, in so doing, shall take into account the likelihood of a decline in the value of said property during the guarantee period. The City shall retain the right to reject the use of any property when the value of such property is sufficiently unstable, when it believes that the property will be unusually difficult to sell, or for other reasons such as will inhibit the City from exchanging the property for a sufficient amount of money to complete the required improvements. When property is offered as an improvement guarantee, the subdivider shall:
 - 1. Deed, in fee simple, the property to the City.
 - 2. Provide title insurance, to the satisfaction of the City.
 - 3. Pay all closing costs, including deed preparation and recording.
- c. *Letter of Credit.* The subdivider/developer shall provide a letter of credit from a bank or other financial institution or individual. The letter of credit is subject to the approval of the City, and shall certify the following:
 - 1. That the creditor does guarantee funds in an amount equal to the cost plus 10 percent for completing all required improvements as estimated by the subdivider/developer, verified by the City Manager, or an appointee and approved by the City.
 - 2. That the letter of credit shall remain valid for a period of two years, unless it is released by the City.
 - 3. That the letter of credit can be released only by the City.
 - 4. That, in the case of failure on the part of the subdivider/developer to complete the specified improvements within the required time period, the creditor shall pay to the City immediately, and without further action, the value of credit stated in the letter.
 - 5. That if the letter of credit is not released by the City, within 30 calendar days of its expiration date any remaining amount of credit shall be paid to the City by the bank, financial institution, or individual who provides the letter.
 - 6. That the letter of credit is in the City's name and may not be withdrawn, or reduced in amount, unless released by the City.

D. Inspection and Certification of Subdivision Improvements.

1. Inspection Requirements.

- a. The registered professional engineer who designed the project is also responsible for providing periodic inspections during the entire construction phase. Inspection frequency must be sufficient to allow the design engineer to certify that the improvements have been completed in accordance with the approved project plans and specifications. However, the engineer must provide at least five hours per week of on-site construction observation for the duration of active construction.
- b. The City Manager, or an appointee, or other knowledgeable official as specified by the City, shall conduct a final inspection of the required improvements.
- c. For streets that will become publicly owned, formal inspections and written certifications by both the subdivider/developer's design engineer and the City Manager, or an appointee, are required at four times during the construction process. Each inspection listed hereafter must be conducted prior to beginning the next phase of construction.
 - 1. After completion of the street subgrade, prior to placing the base.
 - 2. After completion of street base, prior to the installation of curbing and prime (tack) coating.

3. After completion of curbing and tack coating, prior to installation of asphalt surface course.

4. During installation of asphalt surface course.

d. A minimum 24-hour (one working day) notice to the City Manager, or an appointee, is required for scheduling the inspections listed above.

e. If a developer/design engineer fails to adhere to the inspection procedure outlined above, the City Manager, or an appointee, may require such soils and asphalt tests deemed necessary to ensure that the construction is satisfactory. Testing in this instance shall be by an independent laboratory acceptable to the City. Any deficiencies revealed by this testing must be corrected to the City's satisfaction. All costs for such testing and corrections shall be borne by the subdivider/developer.

2. *Certification Requirements.*

a. Upon completion of these improvements, the project engineer shall file with the City a statement either certifying that the improvements have been completed in accordance with approved plans and specifications, or deviations from those approved plans and specifications.

b. Upon completion of the improvements, the project engineer or subdivider/developer shall file with the City a statement stipulating the following:

1. That all required improvements are complete;

2. That the engineer has provided not less than five hours per week of construction observation for the duration of active construction.

3. That these improvements are in compliance with the minimum standards specified by the Planning Commission for their construction;

4. That the subdivider/developer knows of no defects from any cause, in these improvements; and

5. That these improvements are free and clear of any encumbrance or lien.

c. For streets that will become publicly owned, written certifications from the four inspections required above must be furnished by the subdivider/developer as part of the final plat approval process. Streets will not be accepted without this documentation.

3. *Approval and Acceptance.*

a. The regulatory body must submit in writing within 15 days of review of project, their approval or disapproval.

b. If the City Manager, or an appointee, has certified that the contracted improvements are complete and free from defect, then, upon receipt of the other statements and agreements detailed above, the City shall accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

E. Reduction of Guarantee. In those cases where improvement guarantees have been made, the amount of the guarantee may be reduced upon acceptance, in compliance with Subsection D., above, of the dedication of a portion of the required improvements. The amounts of the reduction shall not exceed the percentage of the original improvements just accepted for dedication. In no case, however, shall the guarantee be reduced to less than 15 percent of the original amount, until the project is complete and acceptable.

F. Release of Guarantee.

1. *Escrow Accounts or Letters of Credit.* Upon acceptance of the project, in accordance with Subsection D., above, of the dedication of the final portion of improvements, the City shall authorize the release of any remaining portion of the improvements guarantee.

2. *Real Property.* Upon acceptance of the project, the City will execute a deed transferring the real property back to the subdivider/developer. This deed must be prepared and filed by the subdivider/developer.

ARTICLE 15 UNIQUE DEVELOPMENTS

Division 4-15.1 Purpose and Applicability

Sec. 4-15.1.1 Purpose

It is the purpose of this Article to ensure that all new developments contribute to the building of economically sound and desirable living areas within the community with adequate services and facilities.

Sec. 4-15.1.2 Applicability

- A. **Unique Developments.** The alternative development standards set out in Section 4-15.2.1, Modification of Standards, applies to development proposals for cluster and mixed use developments where the standards of conventional developments are varied and where commercial and residential uses are vertically integrated. Additionally, they also apply when the Planning Commission finds that a proposed development will benefit the City, that it is unique, creative, and of a quality standard thereby warranting a more flexible approach to the development standards.
- B. **Manufactured Home Subdivisions.** The alternative development standards set out in Section 4-15.2.2, Manufactured Home Subdivisions, applies to development proposals for manufactured home subdivisions, trailer parks, and modular home developments.

Division 4-15.2 Alternate Development Standards

Sec. 4-15.2.1 Modification of Standards

- A. **Authority to Modify Standards.** In order to provide a subdivider/developer with maximum flexibility in the design and character of creatively designed developments, the Planning Commission may modify the standards and requirements of this Part in the case of a plan for cluster and mixed use development, or other creative developments that may be facilitated if certain standards are varied. When in the judgment of the Planning Commission such developments provide adequate public spaces, traffic circulation, recreation, light, air, and service needs when fully developed and populated, and which also provide such covenants, conditions, and restrictions or other legal provisions as to assure conformity to and achievement of the spirit and intent of this Unified Development Ordinance, it may approve specific variations from the standards of this Part.
- B. **Spirit of Conformity.** Any development or subdivision approved under this Section shall maintain the objectives, purposes, and intent of this Part.
- C. **Low Impact Development.** Proposed developments that incorporate low impact development (LID) techniques in lieu of the minimum standards outlined in this Part may be facilitated by the Director of Utilities. Where LID techniques would result in a deviation from the standards of this Part, the Planning Commission may approve such deviation if it finds that the techniques meet their objective of reducing stormwater pollution. Stormwater fee credits will be available for qualified LID techniques or best management practices. However, such developments are subject to review and approval by the Director of Utilities.

Sec. 4-15.2.2 Manufactured Home Subdivisions

All manufactured home subdivisions, trailer parks, and modular home subdivisions, shall be developed under the provisions of this Unified Development Ordinance and also under Chapter 11, Manufactured Housing; Structures, Parks, and Subdivisions of the Code of Ordinances.

ARTICLE 16 SPECIAL SITE DEVELOPMENT STANDARDS

Division 4-16.1 Special Site Development Standards

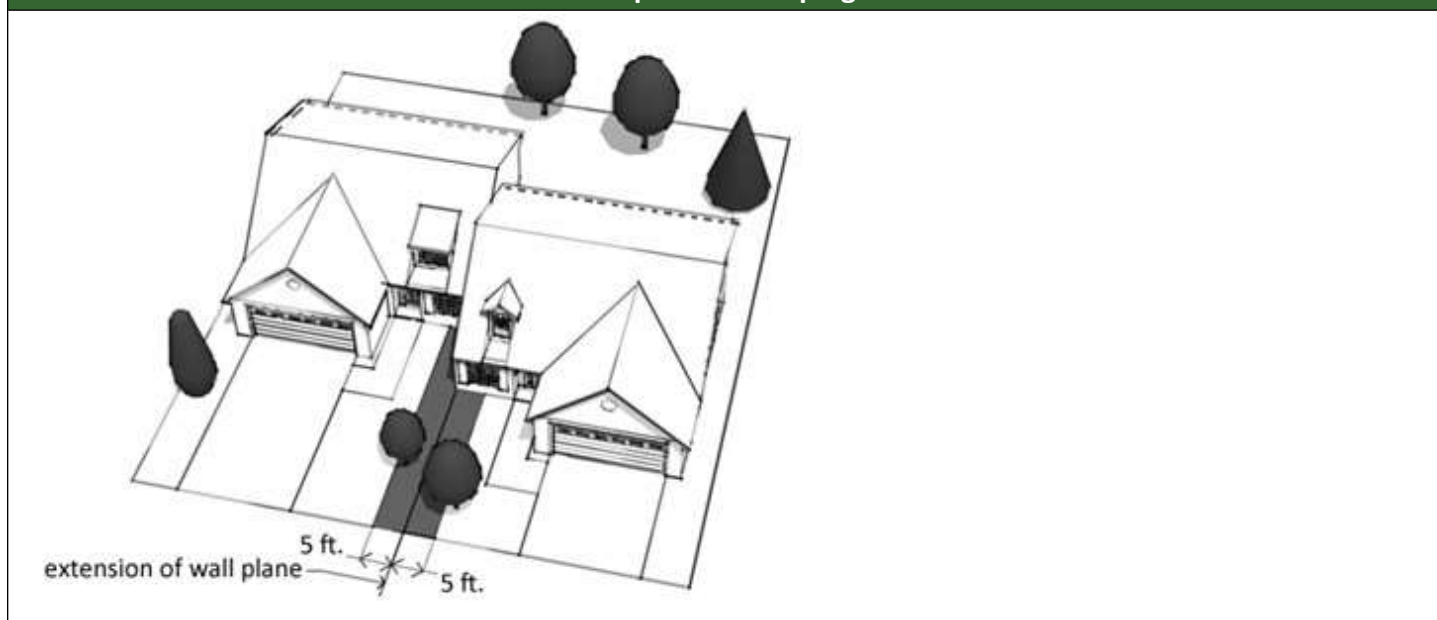
The provisions of this Article complement the standards and requirements set out in [Part 3, Buildings and Structures](#), particularly those included in [Division 3-8.3, Special Building Standards](#).

Sec. 4-16.1.1 Duplex Site Development Standards

A. Driveways and Surface Parking. Driveways and surface parking areas shall be constructed of asphalt or concrete, dimensioned as follows:

1. **Standard Duplex.** Standard duplexes that take vehicular access from the street (as opposed to an alley) shall provide a separate driveway to each unit. Each driveway shall be not more than 20 feet wide, and the driveways shall be separated by a landscape area that is at least five feet in width.
2. **Over-Under Duplex.** Over-under duplexes may provide two driveways or a shared driveway for both units. However, no shared driveway shall be more than 27 feet wide.

**Figure 4-16.1.1
Duplex Landscaping**



Sec. 4-16.1.2 Multiplex Site Development Standards

A. Parking. All parking spaces shall be located:

1. **Rear of the Building.** If the width of the parking lot exceeds the width of the rear of the building, or is offset from the building so that parking spaces are visible to the street, a vegetative screen that grows to a minimum height of three feet at the end of one growing season shall be installed across the area that is otherwise visible to the street.
2. **Side of the Building.** The parking lot shall be setback at a minimum on the same line as the front wall of the building. A vegetative screen that grows to a minimum height of three feet at the end of one growing season shall be installed across the area that is otherwise visible to the street.

B. Landscaping. Landscaping shall meet the requirements for nonresidential uses as provided in [Article 10, Landscaping and Buffering](#).

Sec. 4-16.1.3 Multi-Family Site Development Standards

A. Landscaping. Landscaping shall meet the requirements for nonresidential uses as provided in [Article 10, Landscaping and Buffering](#).

B. Outdoor Recreation Areas. One of the following outdoor recreation areas shall be provided on-site:

1. Playground;
2. Basketball court;
3. Tennis court;
4. Swimming pool; or
5. If 1,000 feet or closer to a walking trail connecting to the City's pedestrian trail network, public park, or public open space; or
6. An alternative as approved by the City Manager or a designee.

C. Location. Buildings exceeding two stories shall not be located within 100' of existing single family uses or properties unless they are located within the same development.

Sec. 4-16.1.4 Restaurant, Drive-In or Drive-Through

A. Entry and Exit Driveways. Entries and/or exits to drive-through facilities shall be a minimum of 100 feet from any intersection, or from another drive-through facility on the same side of the street, except within a shopping center. Shorter distances from street intersections may be approved if the Director and/or Director of Public Works determine that public safety and the efficiency of traffic circulation will not be compromised.

B. Noise Mitigation. Sound attenuation walls, landscaping, or other mitigation measures may be required by the Director, as necessary, to mitigate drive-through speaker and traffic noise on nearby residential uses.

C. Drive Aisles.

1. Drive-through aisles shall have a minimum 12 foot width on curves and a minimum 11 foot width on straight sections.
2. Drive aisles shall provide a minimum of 115 feet behind the menu board.
3. Aisles shall be integrated with the on-site circulation and shall merge with the driveway.
4. Drive-through aisles shall not exit directly into a public right-of-way.
5. Drive-aisles shall be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device meeting the approval of the Director.

Landscaping shall screen drive-through aisles from the public right-of-way and shall be used to minimize the visual impacts of reader board and directional signs.

D. Stacking Lanes. Drive-through stacking lanes shall be a minimum 100 feet from any residential district or use.

Sec. 4-16.1.5 Fueling Stations, Light Automobile Service, and Car Wash Site Development Standards

A. Front and Street Side Setbacks.

1. Principal building: 40 feet
2. Fuel dispensers, fuel pump islands, detached canopies, compressed air connections, and similar equipment: 20 feet

B. Fuel Dispensers. Fuel dispensers shall be set back a minimum of 20 feet from any other fuel dispenser located on a parallel pump island, as well as from the primary building and any building containing an accessory or secondary use. Such distance shall be measured from pump island to parallel pump island and from pump island to the curb surrounding the building or to the building itself, whichever is closer.

Sec. 4-16.1.6 Truck Stop / Truck Wash Site Development Standards

A. Access. Access to the use shall be designed to prevent conflicting traffic movements. Acceleration and deceleration lanes may be required.

B. Buffering.

1. Property lines that are not also right-of-way lines shall be screened with a Type C bufferyard that includes a six foot tall masonry wall; and
2. Property lines that are also right-of-way lines shall be screened with a Type B bufferyard.

Sec. 4-16.1.7 Sexually Oriented Business Site Development Standards

- A. Site Elements.** The parking lot and site surrounding a building housing a sexually oriented business shall not contain any artwork, statues, or other design elements resembling the products or entertainment offered on the premises, except that a sign that meets the criteria of [Part 5, Signs](#), is permitted.
- B. Site Design Features.** Amenities within the parking lot and site surrounding a building housing a sexually oriented business shall be limited to landscaping that complies with standards of [Article 10, Landscaping and Buffering](#).

Sec. 4-16.1.8 Self Storage Site Development Standards

A. Setbacks.

1. The outdoor storage of materials shall be set back a minimum of 20 feet from the property lines adjacent to residential districts or uses.
2. Storage buildings that are more than one story or 16 feet in height, whichever is less, shall be setback a minimum of 30 feet from all property lines.

Sec. 4-16.1.9 Attached Telecommunications Facilities Site Development Standards

- A. Attached Only.** No facility and/or equipment shall occupy land area on any portion of the ground to which the facility is attached.
- B. Access.** No additional driveway access may be granted solely for an attached facility.

Sec. 4-16.1.10 Freestanding Telecommunications Towers and Facilities (Stealth and Non-Stealth) Site Development Standards

- A. Site Size.** The maximum lease site shall not exceed 5,000 square feet.
- B. Access.** No additional driveway access may be granted solely for the facility unless the host site is vacant and does not have an existing connection to a public street.
- C. Screening.** Supporting equipment shall be screened by a fence or landscaping that is one foot taller than the equipment to a maximum height of six feet. Equipment that exceeds six feet in height shall be screened by landscaping that is one foot taller than the equipment.

Sec. 4-16.1.11 Recycling Collection Facilities

- A. Vehicular Conflicts.** Drive aisles and parking areas shall be designed to prevent conflicts between hauling trucks and passenger vehicles and to prevent the obstruction of emergency access and fire lanes.
- B. Access and Circulation.** The internal circulation system and points of access shall be designed to eliminate the need for the backing of trucks other than in the immediate unloading area.
- C. Site Design.** Unloading and loading areas shall be designed to allow for efficient use, and shall provide sufficient areas for passenger vehicles to maneuver around other passenger vehicles that may be stopped for unloading.

Sec. 4-16.1.12 Waste Transfer Stations

- A. Setbacks from Wells and Wetlands.** The active waste handling area of the transfer station shall be set back a

minimum of 200 feet from any:

1. Drinking water well;
2. Wetlands as delineated and defined specifically as wetlands according to the methodology accepted by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency.

B. Setbacks from Floodplains. The active waste handling area of the transfer station shall be set back a minimum of 100 feet from any 100-year floodplain.

C. Circulation. The internal circulation system shall be designed and constructed to be passable by loaded collection and transfer vehicles in all weather conditions and to eliminate the need for the backing of trucks other than in the immediate unloading area.

Sec. 4-16.1.13 Electrical Substation Site Development Standards

A. Setbacks. Electrical substations in the RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), and NC (Neighborhood Conservation) zones shall be set back as follows:

1. If the secure area of the substation has a footprint of 12,500 sf. or less, then it shall be set back at least:
 - a. 50 feet from street rights-of-way;
 - b. 50 feet from nonresidential property lines; and
 - c. 100 feet from residential property lines.
2. If the secure area of the substation has a footprint of more than 12,500 sf., then it shall be set back at least:
 - a. 100 feet from street rights-of-way;
 - b. 100 feet from nonresidential property lines; and
 - c. 200 feet from residential property lines. Any substation equipment that is taller than 35 feet above the ground plane shall be set back an additional two feet for each additional one foot in height above 35 feet.
3. The setbacks of this Subsection may be waived if the utility lines are buried and the substation is concealed within an enclosed building or underground. In such cases, setbacks shall be the same as are applied to principal buildings in the same zone.

B. Landscaping and Buffering. Electrical substations in the RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), and NC (Neighborhood Conservation) districts that are not concealed within buildings shall be landscaped and buffered as follows:

1. An evergreen hedge shall be planted around the outside of the security fence, except at points of entry. The hedge shall be maintained at a height of at least five feet.
2. A Type B bufferyard shall be planted between the facility and all property lines, except in locations where a clear area is necessary for routing wires, vehicular access, or maintenance access.

Division 4-16.2 Development Standards for Historically Designated Properties

Sec. 4-16.2.1 Intent

It is the intent of this Division to ensure, insofar as possible, that properties designated as historic by City Council shall be in harmony with the architectural and historical character of the City. In granting a Certificate of Appropriateness for historically designated properties outside of Downtown, the Design Review Board shall take into account the architectural and historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure, as well as the effect of such change or additions upon other structures in the vicinity.

Sec. 4-16.2.2 Secretary of the Interior's Standards for Rehabilitation

When considering an application for a Certificate of Appropriateness for new construction, alteration, repair, or restoration, the Design Review Board shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the Design Review Board may recommend that City Council adopt more specific guidelines for local historic districts and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application. The Secretary of the Interior's Standards are set forth in *Section 4-16.2.3, Standards*.

Sec. 4-16.2.3 Standards

- A. **Appropriate Use.** A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships
- B. **Conservation of Historic Character.** The historic character of a site shall be retained and conserved. The removal of distinctive or alteration of site features, spaces, and spatial relationships that characterize a property will be avoided.
- C. **Historic Integrity.** Each site will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural site features or elements from other sites, shall not be permitted.
- D. **Appropriate Changes.** Changes to a site that have acquired historic significance in their own right will be retained and conserved.
- E. **Conservation of Distinct Features.** Distinctive materials, features, finishes, and site development techniques or examples of craftsmanship that characterize a site will be conserved.
- F. **Restoration of Distinct Features.** Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- G. **Care in Treatment.** Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- H. **Archeological Conservation.** Archeological resources will be protected and conserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- I. **Historic Context.** New site construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.
- J. **Original Integrity Intact.** New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Division 4-16.3 Downtown Design Districts Site Development Guidelines

Sec. 4-16.3.1 Guidelines

In the interest of promoting the cultural, economic, and general welfare of the public by providing a mechanism for the identification, recognition, conservation, maintenance, protection, and enhancement of the existing architecturally valuable structures and to promote the redevelopment and revitalization of the City's traditional downtown area by ensuring its harmonious, orderly, and efficient growth and redevelopment, the design guidelines are adopted and incorporated by reference.

PART 5 SIGN REGULATIONS

ARTICLE 17 PURPOSE, APPLICABILITY AND CONFORMANCE

Division 5-17.1 Purpose, Applicability and Conformance

Sec. 5-17.1.1 Purpose

- A. **Generally.** The purpose of this Part of the Unified Development Ordinance is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication, and advertising.
- B. **Specifically.** Without limiting the general purpose of this Part, the following specific statements of purpose provide the framework for which these regulations balance varying interests pertaining to design, construction, and placement of signs within the jurisdiction:
1. To protect property values within the City of Florence;
 2. To protect the general public from damage or injury caused, or partially attributable to the distractions and obstructions caused by improperly designed or situated signs;
 3. To provide a pleasing overall environmental setting and good community appearance which is deemed vital to the continued economic attractiveness of the City;
 4. To improve the legibility and effectiveness of signs through the application of predictable and uniform standards; and,
 5. To allow signs appropriate to the existing or planned character of the City of Florence's varying corridors, districts, and neighborhoods.

Sec. 5-17.1.2 Applicability and Conformance

- A. **Generally.** This Part of the Unified Development Ordinance regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.
- B. **Conformance to Provisions.** From and after the adoption of these regulations, no sign may be erected or enlarged unless it conforms to the requirements of this Part.

Division 5-17.2 Signs on Private Property

Sec. 5-17.2.1 Signs on Private Property

- A. **Signs Permitted by Zoning District.** Signs shall be allowed on private property in accord with Table 5-17.2.1A, *Number, Dimension, and Location of Permitted Signs, By Zoning District*. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by that column. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning district represented by that column under any circumstances.

**Table 5-17.2.1A
Number, Dimension, and Location of Permitted Signs, By Zoning District**

Sign Type	All Residential Zones	INS (1)	CR	CA/DS	CG	CBD/AC	IL/HI	AR	OSR
PERMANENT									
Free-standing									
Billboards (2)	N	N	N	N	P	N	P	P	N
Other	P (3)	P	P (3)	P	P	P	P	P	P (3)
Directional (4)	N	A	A	A	A	A	A	A	A
Authorized Flags (5)	A	A	A	A	A	A	A	A	A
Building									
Canopy	N	N	P	P	P	P	P	P	P
Identification	A	A	A	A	A	A	A	A	A
Directional	N	A	A	A	A	A	A	A	A
Gas Station Service Signs (6)	N	N	N	N	A	N(CBD)/A(AC)	A	N	N
Marquee	N	N	N	P	P	P	P	P	N
Projecting	N	N	N	P	P	P	P	P	N
Roof	N	N	N	P	P	P	P	P	N
Roof, Integral	N	P	N	P	P	P	P	P	N
Wall	N	P	P	P	P	P	P	P	P
Window	N	A	A	A	A	A	A	A	A
TEMPORARY (7)									
A-Frame	N	N	N	A	A	A	A	A	N
Banner	N	P	N	P	P	P	P	P	N
Posters	A	A	A	A	A	A	A	A	A
Portable	N	N	N	N	P	N	N	P	P
Inflatable	N	N	N	P	P	N	N	P	N
Pennant	N	N	N	P	P	N	P	P	N
Identification	A	A	A	A	A	A	A	A	A
"Open House," "Garage Sale," "Yard Sale"	A	A	A	A	A	A	A	A	A
Political	A	A	A	A	A	A	A	A	A
Real Estate	A	A	A	A	A	A	A	A	A
Real Estate Directional	A	A	A	A	A	A	A	A	A
Sign Characteristics									
Animated (8)	N	SE (10)	N	P	P	P	P	P	N
Changeable Copy	N	A	A	A	A	A	A	A	A
Illumination Indirect	A	P (9)	A	A	A	A	A	A	A
Illumination Internal	A	P (9)	A	A	A	A	A	A	A
Illumination, Exposed bulbs or neon	N	N	N	N	N	N	N	N	N

**Table 5-17.2.1A
Number, Dimension, and Location of Permitted Signs, By Zoning District**

Sign Type	All Residential Zones	INS (1)	CR	CA/DS	CG	CBD/AC	IL/HI	AR	OSR
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TABLE NOTES: (A=Allowed without a permit, but subject to the applicable provisions of Table 5-17.2.1B, *Regulation of Signs By Type, Characteristics, and Zoning Districts*; N=Not allowed; P=Permit required)

- This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e., churches, schools, parks, etc., and includes historical markers.
- Where permitted, billboards may be established only on lots or parcels fronting or within 600 feet of Interstate ROW as defined by Table 5-17.2.1B, *Regulation of Signs By Type, Characteristics, and Zoning Districts* and U.S. designated highways, and shall be subject to the requirements of Section 5-18.2.3, *Billboard Design*.
- Signs identifying or announcing land subdivisions, residential projects, or agricultural operations, outside of the public right-of-way and where permitted.
- Though allowed w/o prior permitting, must meet the conditional requirements of Table 5-17.2.1B, *Regulation of Signs By Type, Characteristics, and Zoning Districts*.
- Authorized flags allowed without a permit include national, state, county, city, church, or other institutional or official company flags from ground mounted flag poles or flag poles mounted on the walls of buildings or other mounting methods normally considered to be appropriate and respectful methods of displaying the flag. The location of the flag must meet setback requirements.
- Gasoline service signs shall be allowed on gasoline pumps so as to provide required information to the public such as "gallon," "octane rating," "self service," "price," and "type of fuel." As the trade name of the business is often incorporated into the different types of fuel, said trade name and any associated symbols shall be permitted on the pumps. In addition, each service bay in a service station may include signs identifying "type of service" above the doorway provided they do not exceed five square feet in size. Gas station service signs shall not be counted against the maximum number of permitted signs or associated square footage otherwise allowed on the property.
- See Section 5-18.1.3, *Temporary Signs*, for additional conditions.
- Animated signs shall comply with South Carolina State Code 63-364, Subsections (E), (F), and (I). Illumination should not shine directly on adjacent properties. Where permitted in the INS column within this table, illumination shall not be displayed from sunset to sunrise where visible from adjacent residential properties. This provision shall apply unless the criteria stated in footnote ten (10) below are met.
- Where permitted in the INS, signs may be illuminated from sunset to sunrise where visible from adjacent residential properties only by making use of an Optical Sensor as defined in this ordinance (Division 7-25.2 Definitions) and in compliance with subsection 10 (d) below. In no case shall an illuminated sign as previously allowed be illuminated greater than 0.3 foot candles over ambient illumination measured at the closest residential property.
- Where permitted in the INS, animated signs may be illuminated from sunset to sunrise where visible from adjacent residential properties under the following conditions:
 - The property where the sign is located is in a transitional area; and
 - Only by making use of an Optical Sensor as defined in this ordinance (see Division 7-25.2 Definitions); and
 - The sign shall be set to the lowest possible illumination setting and in no case shall an illuminated sign as previously allowed be illuminated greater than 0.3 foot candles over ambient illumination; and
 - Illuminated signs shall be located according to the table below and in no case shall an illuminated sign be located closer than 60 feet from the property line of the adjacent residential property.

Area of Sign	Measurement*
Square feet	Minimum Distance (ft.) from adjacent residential property
10	60
15	60
20	60
25	60
30	60
35	60
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

* For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula: The square root of the product of the sign area and one-hundred.

Example using a 12 square foot sign:
 Measurement Distance in feet = $\sqrt{(12 \text{ Sq. Ft.} \times 100)} = 34.6$.

**Table 5-17.2.1B
Regulation of Signs By Type, Characteristics, and Zoning Districts**

Sign Characteristic By Type	All Residential Zones	INS (B)	CR	CA/DS	CG	CBD/AC	IL/HI	AR	OSR
FREE-STANDING SIGNS									
Number Permitted Per lot (E)									
Billboards	N	N	N	N	NA	N	NA	NA	N
Other (I)	1(A)	2	1	1	1	1	1	1	1 (A)
Per Feet of St. Frontage									
Billboards (C)	N	N	N	N	1:1,200	N	1:1,200	1:1,200	N
Other	NA	(K)	NA	NA	(D)	NA	(D)	(D)	NA
Maximum Sign Area (s.f.)									
Billboards	NA	NA	NA	NA	(F)	NA	(F)	(F)	NA
Other	20	(L)	20	32	3 sf. per each ft. st. frontage (G)	80	80	32	20
Minimum Setback from Property Line									
Billboards	NA	NA	NA	NA	10'	NA	10'	10'	NA
Other	5'	5'	5'	5'	5'	0'	5'	5'	5'
Maximum Height	12'	12'	12'	24'	(H)	24'	(H)	(H)	12'
BUILDING SIGNS									
Number Permitted (J)	1	2	1	2	2	2	2	2	1
Maximum Sign Area (s.f.)	4	90 (L)	12	NA	NA	NA	NA	NA	12
Maximum Wall Area (J)	NA	20%	NA	25%	25%	25%	15%	25%	NA
TEMPORARY SIGNS	<i>See 5-18.1.3, Temporary Signs</i>								

TABLE NOTES: (NA = Not Applicable; N= Not Allowed; sf = Square Feet)

- A. Two-use identification signs, not exceeding 20 sf each, are permitted for each entrance of a subdivision, residential project, or agricultural operation.
- B. This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Unified Development Ordinance in residential zoning district, i.e. churches, schools, parks, etc.
- C. Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.
- D. One per lot or one for each 300 linear feet of street frontage, whichever is less.
- E. Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- F. 378 sf except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. From W. Evans to I-95.
- G. Not to exceed 160 square feet.
- H. Maximum height of billboards shall not exceed 100 feet where located within 600 feet of Interstate Highway as defined above (measured from the average roadway grade level); maximum height of other signs and billboards not on Interstate ROW shall not exceed forty (40) feet.
- I. Directional signs shall meet the following conditional criteria:
 - a. The display surface area of directional signs shall not exceed 2 square feet per sign.
 - b. A limit of three signs stacked may be utilized and shall not exceed five feet in height measured from the ground up.
 - c. The height of a directional sign shall not exceed five feet in height measured from the ground up.
 - d. Sign cannot intrude into the required sight triangle.
 - e. Company colors and/or logo may be used but no commercial message may be displayed
- J. One projection or wall sign may be allowed per tenant wall, not above the roof line, meeting the following size requirement and not to exceed 4 tenant walls; Front and rear walls=20% of wall area not to exceed 200 square feet; side walls=20% of wall areas not to exceed 100 square feet. This provision shall apply to structures within line of sight of interstate highways and major thoroughfares.
- K. One Additional freestanding sign may be permitted per lot meeting a separation of 300 linear feet per sign.
- L. Permitted up to a 20 square foot minimum and a maximum of 1 square foot for each 2 feet of street frontage up to 90 square feet for building signs and 60 square feet for free standing signs.

B. Signs Subject to General Design Requirements. In addition to the provisions provided in Table 5-17.2.1A, *Number, Dimension, and Location of Permitted Signs, By Zoning District*, and Table 5-17.2.1B, *Regulation of Signs By Type, Characteristics, and Zoning District*, signs permitted by this Section shall also be subject to the applicable provisions of Section 5-18.2.1, *General Design Standards*.

ARTICLE 18 ADDITIONAL STANDARDS

Division 5-18.1 Additional Standards

Sec. 5-18.1.1 Common Signage Plan Required

- A. **Generally.** A common signage plan, subject to the review and approval of the Director, shall be prerequisite to the issuance of any sign permit involving:
1. Two or more contiguous lots or parcels under the same ownership;
 2. A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one free-standing sign; and,
 3. A PD (Planned Development District) project originally approved prior to the adoption of this Unified Development Ordinance.
- B. **Common Signage Plan Requirements.** The plan shall contain all information required for sign permits generally (*see* Section 6-21.3.1, *Submittal Requirements*, Subsection E., *Other Permits*) and shall specify standards for consistency among all signs on the lot affected by the plan with regard to:
1. Lettering or graphic style;
 2. Lighting;
 3. Location of each sign on the buildings;
 4. Material; and,
 5. Sign proportions.
- C. **Limitations.** A common signage plan shall limit the number of free-standing signs to a total of one for each street on which there is frontage and shall provide for shared or common usage of such signs; however the maximum sign area may be increased by 25 percent.
- D. **Effect of Approval.** Once approved by the Director, the common signage plan shall become binding on all businesses and uses occupying the affected lots, but may be amended by filing a new or revised plan in conformance with the requirements of these regulations.
- E. **Amendments.** If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of the regulations in effect on the date of submission.

Sec. 5-18.1.2 Signs in the Public Right-of-Way

- A. **Generally.** No sign shall be allowed in the public right-of-way or on a public property, except as set out in this Section.
- B. **Standards.**
1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
 2. Bus stop signs erected by a public transit company;
 3. Informational signs of a public agency or utility regarding its facilities;
 4. Awning, canopy, marquee signs, and projecting signs in the CBD and AC Districts or where a building has no setback due to highway widening or was constructed prior to the adoption of these regulations; provided such signs shall project no closer than 1 ½ feet to the street curb or pavement;
 5. Historical signs and markers; and,
 6. Emergency signs.

Sec. 5-18.1.3 Temporary Signs

Temporary signs shall be allowed on private property in accord with Table 5-18.1.3, *Temporary Signs*.

Table 5-18.1.3 Temporary Signs				
Sign Type	Display Period	Display Intervals	Dimensions	Conditions
A-Frame	Daylight hours only	Off-hours	12 sq. ft.	A
Banner	30 days	6 months	None	B,H Institutional uses only I,J,K,L, M
Posters	30 days	None	6 sq. ft.	C
Portable	30 days	11 Months	32 sq. ft.	D
Inflatable	30 days	1 year	None	E
Pennants	30 days	6 months	None	B
Identification	90 days, or project completion	None	200 sq. ft.	F
"Open House," "Garage Sale," "Yard Sale"	During event	Subject to event interval	3 sq. ft.	N
Political	Unlimited	Not Applicable	6 sq. ft (Residentially zoned areas); 16 sq. ft (all other areas)	C/G
Real Estate	Unlimited	None	6 sq. ft. (Res.); 36 sq. ft. (Non-res.)	O,P
Real Estate Directional	Day of event	Subject to event interval	3 sq. ft.	Q

TABLE NOTES:

A. A-Frame signs, where located on sidewalks, shall be located in such a manner as not to obstruct pedestrian movement.

B. Banners and pennants shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement.

C. Posters shall not be allowed on any telephone or power poles or any public right-of-way, and shall be placed no closer than five feet from a street or curb.

D. Portable signs shall be limited to one per establishment, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (*i.e.*, exposed drop cord), shall not exceed six feet in height, shall be anchored in accord with the Building Code, and shall not be converted to a permanent sign.

E. Inflatable signs shall be properly anchored and shall not interfere with airport traffic.

F. Temporary subdivision and work under construction identification signs shall adhere to [Division 5-18.2, Development Standards](#).

G. Political signs shall be removed within 7 days after the election.

H. The City Manager may declare a special event to be a special public function for a specific period of time during which temporary non-durable signs such as banners, pennants, etc. may be used. Permits are required for a special public function; however, normal fees shall be waived for governmental and eleemosynary (charitable) organizations.

I. Banners in residential zones to be no larger than 32 square feet.

J. Banners to be at least 5 feet from property lines.

K. One banner allowed per 300 feet of street frontage.

L. Banner limited to 6 events annually with a maximum of 45 days per event.

M. Banners must be located in compliance with [Division 5-18.3, Sign Measurement](#).

N. "Open house," "Garage Sale," "Yard Sale" signs may be posted in conjunction with the applicable advertised event. Such signs shall not be placed in the public right-of-way and shall be removed immediately following the event.

O. Real Estate signs for residential properties and/or residential zoning districts shall be limited to one temporary, non-illuminated "for sale," "for rent," or "for lease" sign not to exceed six feet in height, and shall be located on the subject property or the grass plot in front of the property.

P. Real Estate signs for non-residential (commercial) properties shall be temporary, non-illuminated "for sale," "for rent," or "for lease" signs not exceeding 10 feet in height. Non-residential real estate signs shall be located on the subject property but shall not be limited in number.

Q. Real estate directional signs, not exceeding four in number, may be erected indicating the location of and direction to an "open house" along the route, provided further that such signs shall be at least 500 feet apart, shall not exceed three feet in height, and shall not be placed in the public right-of-way.

Sec. 5-18.1.4 Prohibited Signs

A. **Generally.** All signs not expressly permitted under this Ordinance are prohibited. Such signs include, but are not limited to:

1. Signs painted on or attached to trees, fence posts, telephone or other utility poles, stationary vehicles, or natural features.

2. Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue vehicles or other warning signals, and signs using the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorist.
 3. Signs which have been abandoned, and no longer correctly direct or exhort any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available.
 4. Signs which have fallen into disrepair (dilapidated), are not properly maintained, are insecure or otherwise structurally unsound, have defective parts in the support, guys and/or anchors, or which are unable to meet minimum safety requirements of the Standard Building Code.
 5. Signs which contain or consist of spinners or strings of light bulbs with the exception that this restriction shall not apply to the holiday season from November 1st to January 2nd of the next year, nor shall it prohibit indirect illumination of buildings or portions thereof.
- B. Removal of Prohibited Signs.** Prohibited signs shall be deemed illegal due to a lack of conformance to the provisions of [Part 5, Sign Regulations](#), of this Ordinance, and shall be subject to removal in accordance with [Division 5-18.4, Abandoned, Unsafe and Non-conforming Signs](#).

Sec. 5-18.1.5 Off-premises Signage

- A. Generally.** A business may use one of the signs permitted as provided in [Table 5-17.2.1A, Number, Dimension, and Location of Permitted Signs, By Zoning District](#), to be located off of, but within 1,500 feet of the zoning lot for the purpose of directing the motoring public to the out-of-the-way location. No business shall have more than one such sign per business location. The off-premises sign shall be located within a non-residential district, off of the public right-of-way, and the location must meet all of the other requirements for a business sign specified in this Ordinance.
- B. Owner Consent.** Off-premises signage shall only be permitted with a written letter of consent between the sign owner and the landowner, signed and submitted to the Director before the issuance of the applicable permit. Such signs shall be free-standing and not exceed a height of 20 feet, nor a display area of 30 square feet, unless the regulations of the applicable district require a lesser height and/or square footage of display area. The off-premises sign shall also be counted against the allowable sign area and number of signs of the zoning lot on which it is located.

Division 5-18.2 Development Standards

Sec. 5-18.2.1 General Design Standards

- A. Generally.** All signs shall comply with the design, structure, and wind load requirements of the City's Standard Building Code of current adoption and/or any additional structural requirements specified by a registered engineer. In the event that any sign requirement of the Standard Building Code conflicts with the requirements of the Unified Development Ordinance, the Ordinance requirements shall take precedence over the Building Code, except specific construction requirements which shall be governed by the Standard Building Code.
- B. Obstructions.** No sign or advertising display shall be attached to or placed against the outside of a building in such a manner as to prevent ingress and egress through any door or window, nor shall any sign or advertising display obstruct or be attached to a fire escape or interfere with any opening required for legal ventilation.
- C. Height.** Within the maximum height limit identified for a free-standing sign in [Table 5-17.2.1B, Regulation of Signs By Type, Characteristics, and Zoning Districts](#), the actual height of a ground sign shall not exceed an equal distance measured from the center line of the street on which it fronts to the foundation of the supporting structure nearest the street.
- D. Signs on Awnings, Canopies or Marquees.** Signs may be placed on the vertical face of an awning, canopy, or marquee or may project below the lower edge not more than 24 inches, provided that a bottom of such sign shall be no less than eight feet above the sidewalk or grade at any point. No part of a sign shall project above the top of the vertical face of a marquee.

E. Roof Signs. Roof signs shall adhere to the following:

1. Signs or individual letters may be mounted directly against roof surfaces which can be seen from the street.
2. Roof sign structures may not exceed a height of thirty feet above the building.
3. The Board of Zoning Appeals may grant variances for certain other roof signs designed as part of the original building to meet the wind load standards of the Standard Building Code and when a registered architect or engineer certifies the building is designed to safely hold said sign provided the provisions of subparagraph 5 are met.

Sec. 5-18.2.2 Sign Materials; Code Compliance

- A. Materials.** Permanent and temporary identification signs must be constructed in accord with all applicable provisions of the Building Code and National Electrical Code, and consist of durable all-weather materials.
- B. Graphics.** Images, logos, graphics, etc. painted on permanent signs or buildings must be performed in a professional and workmanlike manner. Permits for painted signs will only be issued to companies who are engaged as sign painters.

Sec. 5-18.2.3 Billboard Design

- A. Design and Construction.** Stacked or double-decked sign faces or side by side sign faces shall not be permitted. Structures permitted after the effective date of the Unified Development Ordinance, with a 32 square foot or greater sign face, shall be designed and constructed with a single steel pole structural support design, meeting the southeastern building code, including a 90 mile per hour wind load.
- B. Billboard Sign Faces.** No more than two sign panels facing in the same direction may be erected on the same sign structure, and only if the total area of both panels does not exceed the maximum square footage permitted by Table 5-17.2.1B, *Regulation of Signs By Type, Characteristics, and Zoning District*.
- C. Non-conforming Billboards.** Existing outdoor advertising structure owners may apply for rebuilding permits for legal, nonconforming structures that are constructed by means other than the single steel pole structural design, as required by these regulations. The sign face square footage must remain the same as the existing sign face. If removed, a nonconforming sign structure shall not be replaced.

Sec. 5-18.2.4 Sign Illumination

- A.** Illuminated signs allowed by these regulations shall be subject to the following provisions:
1. Illuminated signs shall not directly shine on abutting properties.
 2. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.
 3. No flood lights shall be utilized as a part of a sign illumination system which are not hooded or shielded so that the light source is not visible from any public right of way or adjacent property nor shall any sign otherwise reflect or emit a glaring light so as to impair driver vision.

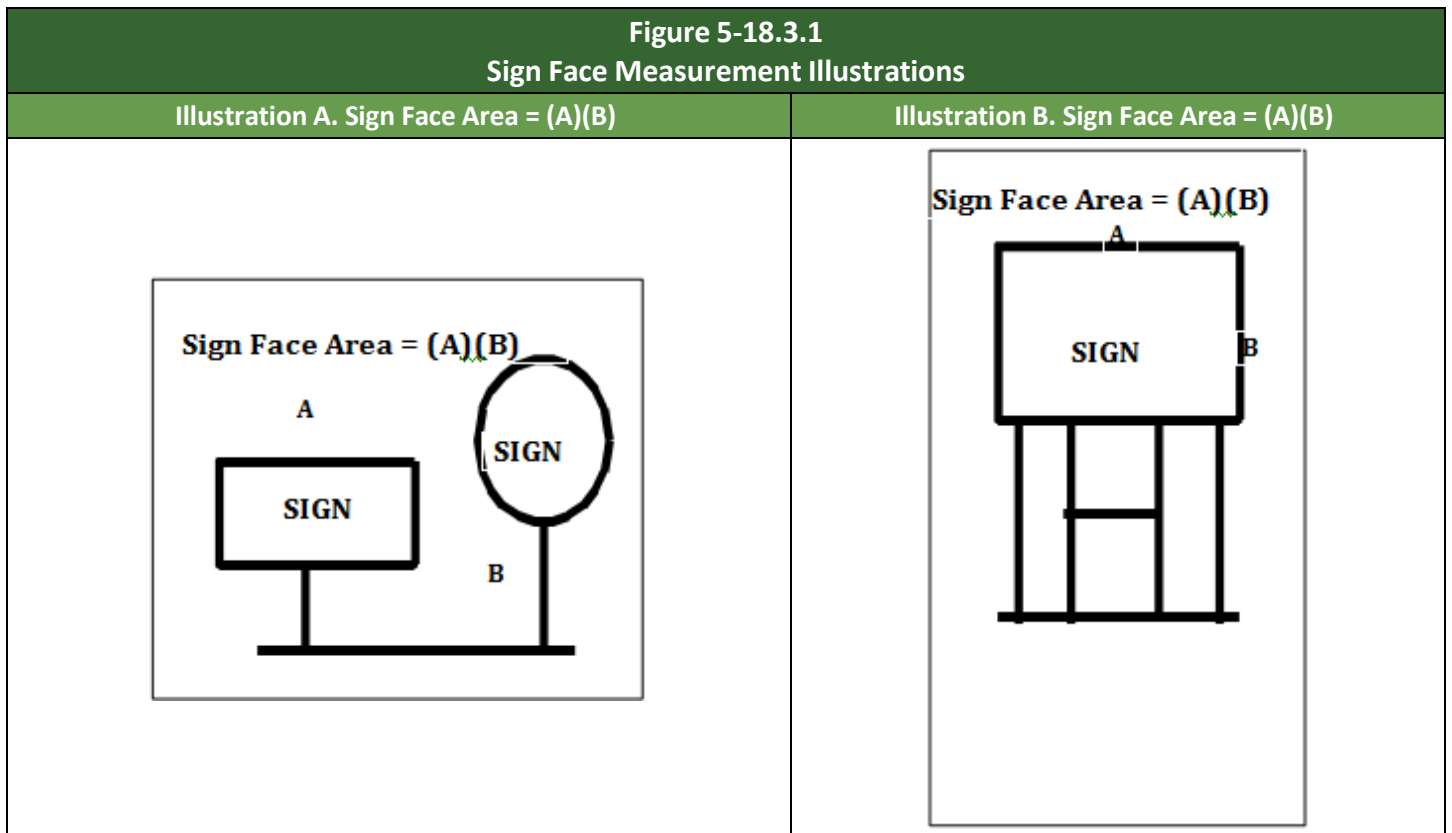
Division 5-18.3 Sign Measurement

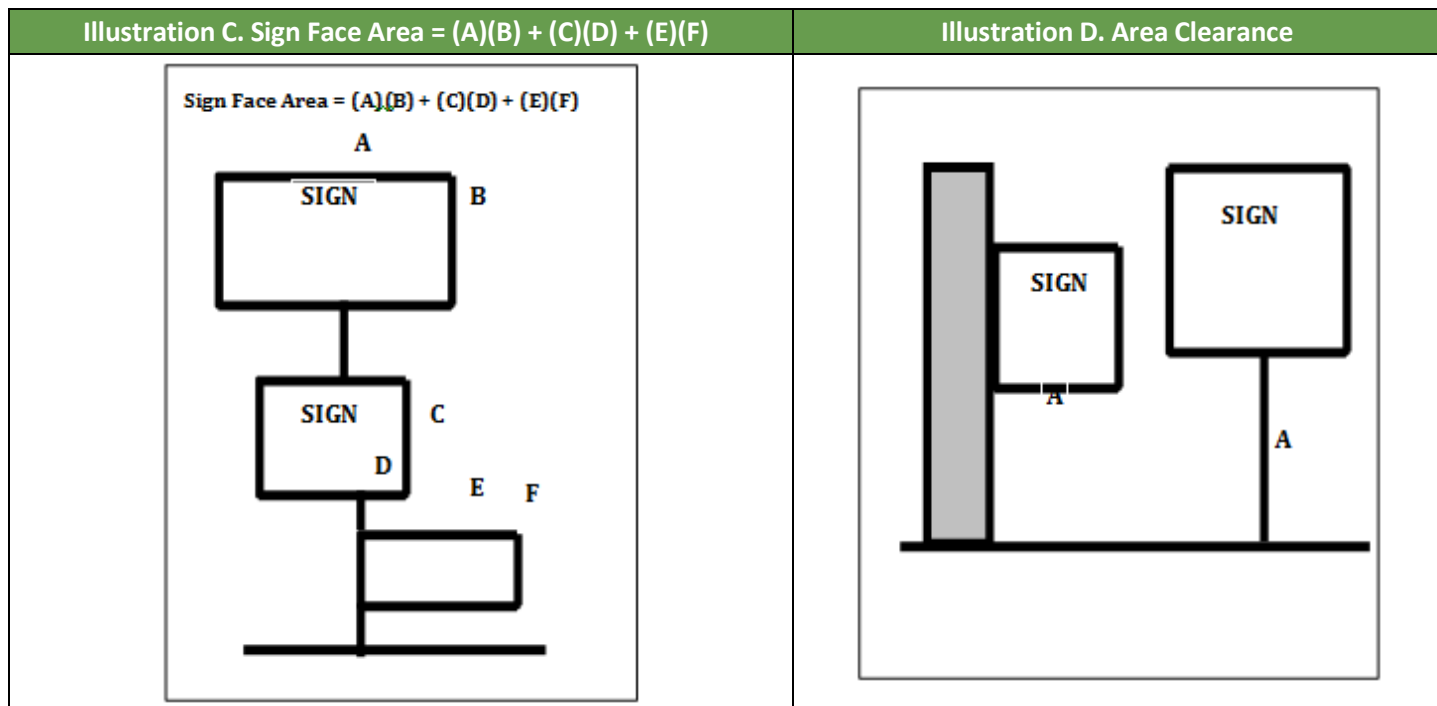
Sec. 5-18.3.1 Sign Face Area

- A. Generally.** The measurements of sign face area are set out in this Section.
- B. Standards.**
1. The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face (*see* Figure 5-18.3.1, *Sign Face and Measurement Illustrations, Illustration A*). Sign area does not include foundations or supports. Only one side of a double-faced or V-

shaped, free-standing sign is counted.

2. For signs on a base material and attached without a frame, such as a wood board or plexi-glass panel, the dimensions of the base material are to be used in the measurement unless it is clear that part of the base contains no sign related display or decoration.
3. For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces (see Figure 5-18.3.1, *Sign Face and Measurement Illustrations*, Illustration B).
4. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (see Figure 5-18.3.1, *Sign Face and Measurement Illustrations*, Illustration C).
5. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
6. For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.





Sec. 5-18.3.2 Sign Clearance

- A. **Vertical Clearance.** The vertical clearance of a sign is measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (see Figure 5-18.3.1, *Area Clearance*, Illustration D).
- B. **Pedestrian Area Clearance.** When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least eight feet above the ground. (see Figure 5-18.3.1, *Area Clearance*, Illustration D).
- C. **Vehicle Area Clearance.** When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas. (see Figure 5-18.3.1, *Area Clearance*, Illustration D).
- D. **Sight Distance.** No sign shall be located within an area, or in a manner, that conflicts with the provisions of Division 4-11.3, *Sight Clearance*.

Division 5-18.4 Abandoned, Unsafe, and Non-conforming Signs

Sec. 5-18.4.1 Abandoned and Obsolete Signs

A. Generally.

1. Any sign which advertises or pertains to a business, product, service, event, activity or purpose which is no longer conducted or that has not been in use for one month or any sign structure that no longer displays any sign copy shall be deemed to be an obsolete or abandoned sign after sixty calendar days (accumulative ninety days not in use).
2. Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable sign face area by 25 percent, and which is subsequently destroyed or damaged to the extent of 60 percent or more of its replacement cost, shall be removed or brought into conformity with this Part.

B. Compliance of Abandoned and Obsolete Signs. When any sign is to be removed, relocated, or is made inoperative for any reason, except for maintenance, the following options are available to the sign owner:

1. Both the structure and sign face may be removed; or

2. For free-standing signs, the structure may be maintained provided the sign face is properly maintained or blank sign face panels are installed and the electrical current is properly shut off; or
3. For other than free-standing ground signs, the structural components shall be removed. Painted wall signs shall be properly painted over or the paint removed. When these are brought back into use they must meet all provisions of this Part.

Sec. 5-18.4.2 Unsafe Signs and Other Signs in Disrepair

- A. Generally.** All signs and supports, braces, guys, and anchors thereof shall be kept in good repair, refurbished and repaired periodically as necessary, and perpetually maintained in safe condition, free from deterioration, defective or missing parts, or peeling or faded paint, and able to withstand the wind pressure and structural standards described in the Building Code. Any sign not in compliance with this Section is hereby declared to be a nuisance and shall be corrected or removed within 30 days from written notice.
- B. Compliance of Unsafe Signs.** The Director shall have any unsafe sign or sign structure in disrepair barricaded off from the public in order to protect the public against injury or damage. The Director may order the repair or removal of any such signs that are not maintained in a safe condition and in good repair. In the event the Director finds a sign to be in a state of serious disrepair and determines that a hazard to the life or limb of persons exists he may utilize the following emergency enforcement procedure:
1. After properly barricading the hazard and/or notification of the City Manager for appropriate protective services the Director shall attempt to identify and contact the sign owner or agent by telephone and shall document said attempt as to the name and telephone number called and time of the call;
 2. In the event the owner or agent is contacted he shall remove the hazardous condition as soon as possible, but not later than four hours from the time of notification;
 3. In the event the owner or agent cannot be reached or cannot or does not correct the hazardous conditions within the four hour time period, the Director or his agent shall notify the City Manager of the emergency and they shall decide upon the appropriate remedial action to be taken;
 4. They may extend the time period for the owner to remove the hazard if the hazard can be economically and conveniently protected from the public;
 5. They may remove the hazard using the provisions of [Section 5-18.4.4, Removal of Signs](#); or
 6. They may decide upon some combination of the regular enforcement techniques authorized by this Part.
 7. In those non-emergency situations the regular enforcement method shall be utilized as specified in [Article 23, Enforcement and Remedies](#), of this Ordinance.
- C. Repair of Unsafe Signs.** In the event that any sign is damaged exceeding 50 percent of the reproduction value according to an appraisal thereof by a competent appraiser such sign may be restored, altered, or repaired only as to conform with all of the provisions of this Ordinance.

Sec. 5-18.4.3 Non-conforming Signs

- A. Generally.** The lawful use of any permanently mounted sign existing at the time of the enactment of the Unified Development Ordinance may be continued although such use does not conform with the provisions of these regulations, except those declared abandoned, obsolete, unsafe or otherwise dilapidated as provided in [Section 5-18.4.1, Abandoned and Obsolete Signs](#), and [Section 5-18.4.2, Unsafe Signs and Other Signs in Disrepair](#), which shall be removed or remedial action taken upon notification by the Director.
- B. Compliance of Non-conforming Signs.** Non-conforming permanent signs shall be removed or brought into conformity whenever the following occurs:
1. Property changes ownership and the name of the business is to be changed, or
 2. The occupancy classification of the building is changed.
- C. Compliance of Temporary Signs.** Any nonconforming temporary sign shall be removed or brought into

conformity no later than 60 days following the effective date of this Ordinance.

Sec. 5-18.4.4 Removal of Signs

- A. **Generally.** Upon notification from the Director, any owner or responsible party of a sign that has been determined to be abandoned, unsafe, non-conforming, or otherwise illegal due to a lack of conformance to the provisions of this Division, or of a sign that is not otherwise in conformance to the provisions of [Part 5, Sign Regulations](#), of this Ordinance, shall cause to have such sign removed in accordance with a written order provided by the City of Florence. An order under this Section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located to comply within 30 days time. Any such owner or responsible party failing to remove such sign shall be subject to the penalties and other remedial action provided by this Ordinance.
- B. **Removal by Authorities.** Upon failure to comply with any notice requiring the removal of a sign not in compliance with this Ordinance, the Director may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law. Removal of a sign by action of the City of Florence shall adhere to the following:
1. Sign removal may occur through the use of either City department staff or a private contractor, depending upon the availability of budgeted funds and/or manpower and equipment to undertake this work.
 2. The city department doing said removal work, or the City's contractor, shall keep accurate records of the costs incurred which shall be submitted to the Director and Building Official for an inspection, verification and approval of the quality and quantity of work performed.
 3. Approved invoices shall then be submitted to the Finance Department for payment. The owner may pay the costs of the work directly to the City or the cost will become a lien against the real property upon which such cost was incurred and said costs shall be collected in the same manner as City taxes are collected. When private contractors are utilized, the lowest bidder shall be awarded the contract.

Division 5-18.5 Relocation of Billboard Due to Governmental Land Acquisition

Sec. 5-18.5.1 Relocation of Billboards Due to Governmental Land Acquisition

Outdoor advertising structures located on property, acquired by a governmental agency for public use, may be relocated on the original parcel of property that was not acquired. The structure must be rebuilt in accordance with the single steel pole structural design and the sign face square footage must remain the same.

PART 6 ADMINISTRATION

ARTICLE 19 NONCONFORMITIES

Division 6-19.1 Purpose and Applicability

Sec. 6-19.1.1 Purpose

- A. **Generally.** The City includes many areas that have been developed for many years. Therefore, applying new regulations to existing development will create situations in which existing lot dimensions, development density or intensity, land uses, open spaces, buildings, structures, landscaping, buffering, parking and loading areas, or signs do not strictly comply with the new requirements, even though they complied with the regulations at the time they were permitted and constructed. The fact that these nonconformities were at one time conforming means that they are now considered "legally nonconforming" and will therefore, be permitted to continue without immediate retrofit until significant site or use changes are proposed. This Article sets out fair rules for whether, when, and how the regulations of this Unified Development Ordinance apply to existing development.
- B. **Neighborhood Conservation "NC" District.** The purpose of the NC district is to minimize the number of severity of "nonconformities" in established neighborhoods by making existing buildings and lots that were lawfully constructed or created "conforming," as set out in Section 1-2.2.1, Establishment of Zoning Districts, Subsection B., Neighborhood Conservation District and Subdistricts. Accordingly, this Article does not apply to lots of record in the NC district (such lots, and the lawfully constructed buildings on them, are "conforming"), except with respect to signs, if and where present.
- C. **Conversion of Nonconformities.** Generally, nonconforming uses, buildings, structures, and signs are not permitted to be enlarged, expanded, increased, nor be used as grounds for adding other structures or uses that are now prohibited in the same zoning district. In these instances, this Article provides standards by which minor nonconforming uses can be made "conforming" through a public hearing process. Nonconforming buildings and structures may be made conforming with a variance process, but only if all standards for variances are met.
- D. **Reduction of Nonconformities.** It is the policy of the City to encourage reinvestments in property that increase its value and utility and improve its quality and character. Since bringing a developed parcel into full compliance with this Unified Development Ordinance may involve substantial cost (which could discourage reinvestment), this Article provides a set of thresholds for determining when new construction or modifications to development trigger a requirement for meeting the various standards of this Unified Development Ordinance.
- E. **Unlawful Uses, Buildings, Structures, or Signs.** This Article does not authorize or legitimize uses, buildings, structures, or signs that were not legally established or constructed. Such uses, buildings, structures, or signs are not "legally nonconforming," but instead remain "unlawful," and are subject to all of the provisions of this Unified Development Ordinance (including enforcement provisions) and any other applicable law. Likewise, this Article does not legitimize unlawful subdivisions of property that may have occurred before the effective date of this Unified Development Ordinance.

Sec. 6-19.1.2 Applicability

A. Generally. This Article applies to uses, buildings, structures, lighting, landscaping, bufferyards, signs, parking, site access, site improvements, and lots that were lawfully constructed or established, but do not conform to the requirements of this Unified Development Ordinance.

B. Exceptions to this Article.

1. Maintenance. This Article does not exempt property owners from ongoing maintenance requirements, including, but not limited to, the maintenance of landscaping, parking lots (e.g., upkeep of paving and striping), and drainage structures and systems. See Section 6-19.3.4, Repairs and Modifications.
2. Eminent Domain; Governmental Acquisition. Any nonconforming structure or land expressly created or caused by a conveyance of privately-owned land to a federal, state, or local government to serve a public purpose is conforming for the purposes of this Unified Development Ordinance, and is not subject to the limitations of this Article. This exemption applies only in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation or otherwise, which creates a nonconformity in the remaining parcel in terms of setback, lot size, or other standards of this Unified Development Ordinance. This exemption does not apply to right-of-way dedication or other public conveyances of land required by the City in the course of subdivision or other development approvals pursuant to this Unified Development Ordinance.

C. Types and Classes of Nonconformities. Types and classes of nonconformities are set out in [Division 6-19.2, Classification of Nonconformities](#). The application of the standards of this Article is based on the type of nonconformity that is being addressed.

1. Types. There are 10 types of nonconformities including:

- a. Uses;
- b. Buildings;
- c. Structures;
- d. Lighting;
- e. Landscaping and buffering;
- f. Signs;
- g. Parking;
- h. Site access;
- i. Site improvements (e.g. fencing, screening, storage and display, etc.); and
- j. Lots.

2. Classes. There are two classes of use nonconformities including "major" or "minor."

D. General Regulations. Set out in [Division 6-19.3, General Regulations](#), is the standards for when nonconforming situations must be made conforming (or more conforming) or, alternatively, terminated or removed. It also sets out the circumstances in which a nonconforming situation may be restored or resumed after damage, destruction, or temporary cessation of the use. These provisions are in conformance with the provisions of Section 6-29-730. Nonconformities, Article 5, Local Planning-Zoning, Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act.

E. Compliance Thresholds. Set out in [Division 6-19.4, Compliance Thresholds](#), is the standards for determining when new construction or modifications to development trigger a requirement for conformity with the various requirements of this Unified Development Ordinance.

F. Effect of Article.

1. Effect on Existing Development Entitlements. Nothing in this Unified Development Ordinance shall be interpreted to require a change in plans, construction, or designated use of any building in which a building

permit was lawfully issued prior to the effective date of adoption or amendment of this Unified Development Ordinance, provided construction was commenced within 60 days after obtaining the building permit and diligently completed.

2. Effect on Existing Unlawful Uses, Buildings, Signs, and Structures. Any use, building, sign, structure, and/or parcel of land which was used, erected, or maintained in violation of any previous zoning regulations shall not be considered as a legal, nonconforming use, building, sign, structure, and/or parcel, and shall be required to comply with all provisions of this Unified Development Ordinance.

Division 6-19.2 Classification of Nonconformities

Sec. 6-19.2.1 Nonconforming Uses

A. **Generally.** A nonconforming use is a use of land that was lawfully established (i.e., it was allowed and legally authorized, if legal authorization was required) on a parcel or lot before the effective date of this Unified Development Ordinance (or amendment hereto), that is no longer allowed after the effective date of this Unified Development Ordinance (or amendment hereto). The following uses are legally nonconforming uses:

1. Permitted Uses and Structures. Uses that were lawfully established but are not currently listed as Permitted, Conditional, or Permitted Special Exception Uses in the district in [Division 1-2.7](#), Land Uses, except that structures that were listed as uses of land prior to the effective date and are now regulated as accessory buildings or structures (see Article 8, Supplemental Standards) are either:
 - a. Conforming structures (if they comply with the requirements of this Unified Development Ordinance); or
 - b. Nonconforming structures (see Section [6-19.2.3](#), Nonconforming Structures).
2. Conditional Uses. Uses that are listed as Conditional Uses in the district in [Division 1-2.7](#), Land Uses, but were lawfully established without a conditional use permit and do not comply with the applicable standards of [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards.
3. Permitted Special Exception Uses. Uses that are listed as Permitted Special Exception Uses in the district in [Division 1-2.7](#), Land Uses, but were lawfully established without a permitted special exception use permit. For these uses, the nonconforming use status may be removed by obtaining a permitted special exception use permit. See [Division 6-19.5](#), Conversion of Nonconformities.
4. Flood Prone Uses. Uses that were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway. See [Division 4-12.6](#), Flood Prevention.

B. **Classifications of Nonconforming Uses.** There are two classes of nonconforming uses. The classification of the nonconforming use affects whether it can be converted to a conforming use as set out in [Division 6-19.5](#), Conversion of Nonconformities. The classifications include:

1. Major Nonconforming Uses. Major nonconforming uses are those uses for which the nonconformity generates a nuisance per se (as such) or represents such incompatibility with adjacent uses and/or the Comprehensive Plan that public policy favors their elimination from the district if they are discontinued, abandoned, or destroyed. Major nonconforming uses include:
 - a. Adult businesses;
 - b. Alcoholic beverage sales, on-premise consumption;
 - c. Auto repair;
 - d. Car washes;
 - e. Heavy commercial or industrial uses;
 - f. Manufactured home parks;
 - g. Mobile homes.

- h. Pawn shops;
- i. Recreational vehicle parks;
- j. Salvage yards; and
- k. Specialty uses.

2. Minor Nonconforming Uses. All nonconforming uses that are not classified as major nonconforming uses are minor nonconforming uses. Such uses may be converted to conforming uses as provided in [Division 6-19.5](#), Conversion of Nonconformities.

Sec. 6-19.2.2 Nonconforming Buildings

- A. **Generally.** A nonconforming building is a building that was lawfully constructed prior to the effective date of this Unified Development Ordinance (or amendment hereto) that does not conform to the height, yard, building coverage, impervious surface ratio, density, intensity, building scale, or design standards that are applicable to the same type of building in the district in which the building is located.
- B. **Exceptions.** Exceptions apply in the NC (Neighborhood Conservation) district. See Section [6-19.1.1](#), Purpose.

Sec. 6-19.2.3 Nonconforming Structures

- A. **Generally.** A nonconforming structure is a structure other than a building that was lawfully constructed prior to the effective date of this Unified Development Ordinance (or amendment hereto) that does not conform to the standards that are applicable to the same type of structure in the district in which the structure is located.
- B. **Examples.** The following are illustrative examples of nonconforming structures:
- 1. Fences or walls that do not comply with the height, setback, or material standards set out in Section [3-8.1.2](#), Fences, Walls, and Hedges of this Unified Development Ordinance; and
 - 2. Structures located in floodplains, floodways, required yards, or open space areas that do not comply with the applicable regulations of this Unified Development Ordinance.
- C. **Exceptions.** Maintenance activities are not subject to this Article. See Section [6-19.1.2](#), Applicability.

Sec. 6-19.2.4 Nonconforming Landscaping and Buffering

- A. **Generally.** Nonconforming landscaping and buffering is landscaping and buffering (or lack thereof) that does not conform to the landscape or bufferyard area or the planting requirements of [Article 10](#), Landscaping and Buffering, or other provisions of this Unified Development Ordinance that require the designation of open space, landscape surface areas, or the buffering of uses. Nonresidential, mixed-use, and multifamily residential parcels that were lawfully developed but do not include the required landscape surface ratio, open space ratio, or bufferyard that is required after the effective date of this Unified Development Ordinance, or amendment hereto, are also nonconforming with respect to landscaping and buffering.
- B. **Exception.** Residential housing types other than multifamily are conforming with respect to landscaping if it was platted prior to the effective date of this Unified Development Ordinance.

Sec. 6-19.2.5 Nonconforming Signs

- A. **Generally.** Any sign located within the City limits on the effective date of this Unified Development Ordinance that does not conform to the provisions of [Part 5](#), Signs, or, if applicable, [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards, is a "legal nonconforming" sign, provided it also meets the following requirements:
- 1. The sign is a permanent sign; and
 - 2. One of the following apply:
 - a. The sign was approved by a sign permit before the effective date of this Unified Development

Ordinance, or amendment hereto, if a permit was required under applicable law; or

b. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in conformity with the applicable law or conditions of approval immediately prior to the effective date; or

c. The sign had legal nonconforming status on the effective date of this Unified Development Ordinance.

B. Abandoned Signs. Any sign located within the City limits on the effective date of this Unified Development Ordinance that meets one or more of the following criteria shall be removed and shall not thereafter be re-established or restored without applying for a receiving a sign permit. A sign that:

1. is abandoned for a period of 120 continuous days;
2. advertises a business that no longer occupies the site on which the sign exists or to which it refers;
3. is dilapidated, destroyed or damaged to the extent of 60 percent or more of its replacement cost, or
4. no longer advertises a bona fide business, lessor, owner, product, or activity conducted or product available.

C. Existing Signs on Annexed Property. If land is annexed into the City after the effective date of this Unified Development Ordinance, any signs that do not conform to the provisions of this Unified Development Ordinance at such time shall have legal nonconforming status if:

1. The sign is a permanent sign; and
2. The annexation was not conditioned upon the removal or modification of the sign.

Sec. 6-19.2.6 Nonconforming Parking

Nonconforming parking refers to parking spaces, drive aisles, and loading areas that do not conform to the requirements of this code that are set out in [Article 9](#), Parking and Loading, in terms of their number or dimensions or the surfacing and maintenance of off-street parking areas.

Sec. 6-19.2.7 Nonconforming Lots

A. Generally. Nonconforming lots are lots that were lawfully created before the effective date of this Unified Development Ordinance, or amendments hereto, but which no longer comply with the lot width, frontage, area, or access requirements of this Unified Development Ordinance.

B. Exception. All lots within the NC district (and the corresponding subdistricts) that were lawfully created before the effective date of this Unified Development Ordinance are conforming. See Section [1-2.2.1](#), Establishment of Zoning Districts, Subsection B., Neighborhood Conservation District and Subdistricts.

Division 6-19.3 General Regulations

Sec. 6-19.3.1 Termination, Restoration, and Removal

A. Generally. This Section sets out the standards for when a nonconformity must be terminated or removed, and when it is allowed to be restored after temporary cessation, damage, or destruction.

B. Nonconforming Uses.

1. If a major nonconforming use is discontinued for a period of six months, for any reason, whether or not the equipment or fixtures are removed, it shall not be resumed.
2. If a nonconforming mobile home or nonconforming manufactured home is discontinued for a period of 180 days, for any reason, it shall not be resumed. The applicant for compliance under this Section shall provide the Director with a notarized letter stating that the replacement occurred within 180 days of the discontinuance of the previous home.

3. If a nonconforming nonresidential use is discontinued for a period of six months, for any reason, whether or not the equipment or fixtures are removed, a valid, non-revoked business license shall have been issued for the use within the previous nine months.
4. If a minor nonconforming use is discontinued for a period of six months, for any reason, whether or not the equipment or fixtures are removed, it shall not be resumed. However, if an application for conversion of the use is filed pursuant to [Division 6-19.5](#), Conversion of Nonconformities, before the end of the six month period, the use may be resumed as a conforming use after the period expires if the application is granted.

C. Nonconforming Buildings, Structures, and Elements of Buildings or Structures.

1. If a nonconforming building or structure or a nonconforming element of a building or structure is damaged or destroyed by any means, or declared unsafe by the Building Official to an extent that repairs would exceed more than 50 percent of the replacement cost of the building or structure or a damaged nonconforming element of a building or structure, the building, structure, or elements of the building or structure shall be reconstructed in conformity with the provisions of this Unified Development Ordinance.
2. If the reconstruction cost and/or area of reconstruction (whichever is less) is less than or equal to 50 percent of the cost of replacement or area of the building, structure, or elements of the building or structure, respectively, then the building, structure, or elements of the building or structure may be strengthened or restored to a safe condition provided that:
 - a. The original nonconformity is not enlarged, increased, or extended;
 - b. Building permits are obtained for repairs within six months of the date the building, structure, or elements of the building or structure was damaged or, if no date can be reasonably established for the damage, the date that the Building Official determines that the building is unsafe; and
 - c. The construction is commenced within 12 months after obtaining the required building permits.

D. Nonconforming Landscaping. Multifamily, nonresidential, and mixed use properties that are nonconforming with respect to the standards of [Division 4-10.2](#), Development Landscaping; [Division 4-10.3](#), Bufferyards; and [Division 4-12.5](#), Riparian Buffers, shall be brought into compliance when the property is redeveloped, and shall be brought into compliance as set out in [Division 6-19.4](#), Compliance Thresholds.

E. Nonconforming Signs or Sign Elements.

1. Restoration. A nonconforming sign which has been damaged by fire, wind, or other cause in excess of 50 percent of its replacement cost shall not be restored except in conformance with this Unified Development Ordinance.
2. Replacement of Nonconforming Element. If an element of a sign that causes the sign to be nonconforming is removed, it shall not be replaced, except with a conforming element.
3. Discontinuance of Message. If a nonconforming sign structure does not display any message for a period of 30 days, it shall be removed or brought into conformance with this Unified Development Ordinance. For the purposes of this standard, a temporary "sock sign" may be used to display a message while a new sign face is being designed and fabricated.
4. Removal. If a nonconforming sign structure is removed for any reason other than routine repair and maintenance, it shall not be replaced unless the replacement sign conforms to this Unified Development Ordinance.
5. Unsafe Signs. Nonconforming signs that are a danger to the public safety due to damage or wear shall be removed and shall not be replaced unless the replacement sign conforms to this Unified Development Ordinance.

F. Nonconforming Parking.

1. Number of Parking Spaces.
 - a. If an existing building or use is expanded, additional parking shall be required only in proportion to the

new area of the building or use, as set out in [Division 6-19.4](#), Compliance Thresholds.

- b. If the use of a building changes, resulting in additional demand for parking, additional parking shall be provided in an amount equal to the difference between the requirements of the former use (not the actual parking provided on-site) and the requirements for the new use, as set out in [Division 4-9.2](#), Required Parking and Loading. However, a permit for the new use may be denied if the available parking is less than 75 percent of the required parking.
- c. If an existing building is redeveloped, parking shall be provided as required by [Article 9](#), Parking and Loading.

2. Size of Parking Spaces and Drive Aisles. Parking spaces and drive aisles shall be sized according to the requirements of [Article 9](#), Parking and Loading, when so required by [Division 6-19.4](#), Compliance Thresholds.

Sec. 6-19.3.2 Nonconforming Lots; Construction and Combination

A. Nonconforming Lots.

1. Construction on Nonconforming Lots. A nonconforming lot that does not meet district requirements with respect to area, lot width, or frontage may be built upon if:
 - a. The lot is a lot of record;
 - b. The use is permitted in the district in which the lot is located;
 - c. The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use;
 - d. All yards or height standards are complied with, except that the Director may authorize a reduction of required yards of up to 10 percent, provided that the Director finds that the reduction does not allow a building that would be larger than permitted on a conforming lot. Yard reductions that are greater than 10 percent shall make application for a variance.
2. Re-subdivision. A nonconforming lot shall be brought into compliance if the owner applies for a re-subdivision that involves the lot.

B. Combination of Lots to Increase Conformity.

1. Where a landowner owns several abutting lots that do not conform to the dimensional requirements of the district in which they are located, they shall be combined to create fully conforming lots or, if full conformity is not possible, they shall be combined if the combination will increase the degree of conformity.
2. The City will not require the combination of lots if:
 - a. The combination of lots would not address a nonconformity; and
 - b. Two or more of the lots are developed with principal buildings, and the combination of lots would require that one or more of the buildings be torn down in order to comply with this Unified Development Ordinance.

Sec. 6-19.3.3 Changes of Use and Reuse of Nonconforming Buildings

A. Generally. A nonconforming use shall not be changed to another nonconforming use.

B. Effect of Change of Use.

1. If a nonconforming use is changed to a conforming use, the nonconforming use shall not be resumed.
2. If the use of only a portion of a building or property is changed from a nonconforming use to a conforming use, then the use of that portion of the building or property shall not be changed back to the nonconforming use.

use.

Sec. 6-19.3.4 Repairs and Modifications

A. **Generally.** Repairs and modifications to nonconforming buildings, structures, and signs are permitted as provided in this Section.

B. Repairs and Alterations.

1. Buildings and Structures. Routine maintenance of nonconforming buildings and structures is permitted, including necessary non-structural repairs, paint, and incidental alterations which do not extend or intensify the nonconforming buildings or structures or materially extend their life. This standard also applies to buildings or structures that house nonconforming uses if they are designed in a way that is not suitable for re-use as a conforming use. If the building is conforming and could be re-used for a conforming use, there is no limitation on its maintenance.
2. Buildings Containing Major Nonconforming Uses. No building or structure that contains a major nonconforming use shall be enlarged unless the major nonconforming use is permanently discontinued.
3. Signs. Routine maintenance of nonconforming signs is permitted, including necessary non-structural repairs, paint, and incidental alterations which do not extend or intensify the nonconforming sign or materially extend its life. This standard applies to changing the message of a sign by replacing or repainting the sign face.
4. Structural Alterations. Structural alterations to nonconforming buildings, structures, and signs are permitted only if it is demonstrated that the alteration will eliminate the nonconformity or reduce it in accordance with the standards of [Division 6-19.4](#), Compliance Thresholds.

C. Expansion of Non-conforming Uses.

1. Major Non-conforming Uses. Major non-conforming uses shall not be expanded, enlarged, extended, increased, or moved to occupy an area of land or building that was not occupied on the effective date of this Unified Development Ordinance or any amendment that made the use a major non-conforming use.
2. Minor Non-conforming Uses. No minor non-conforming use shall be expanded or extended in such a way as to:
 - a. Occupy any open space or landscaped surface area that is required by this Unified Development Ordinance;
 - b. Exceed building coverage, impervious surface area, intensity, or height limitations of the zoning district in which the use is located;
 - c. Occupy any land beyond the boundaries of the property or lot as it existed on the effective date of this Unified Development Ordinance; or
 - d. Displace any conforming use in the same building or on the same parcel.

Division 6-19.4 Compliance Thresholds

Sec. 6-19.4.1 Purpose

The purpose of this Division is to encourage reinvestment in existing buildings and properties by reasonably mitigating the costs of retrofitting existing buildings and sites to achieve full compliance with this Unified Development Ordinance. This Division does not relate to building code compliance or compliance with applicable engineering standards.

Sec. 6-19.4.2 Administrative Compliance Requirements

Set out in **Table 6-19.4.2, Administrative Compliance Requirements**, are the levels of reinvestment in

property that trigger compliance with the regulations set out in this Unified Development Ordinance.

Table 6-19.4.2 Administrative Compliance Requirements		
Type of Improvement	Definition of Improvement	Level of Compliance that is Required
New development or redevelopment	<ol style="list-style-type: none"> 1. Development of vacant sites; 2. Expansion of a building by more than 70 percent of its gross floor area; and 3. Tear-down and reconstruction of a building (except re-establishment of a nonconforming use or building pursuant to Division 6-19.3, General Regulations). 	Full compliance with all provisions of this Unified Development Ordinance is required. Compliance with Section 6-19.3.2 , Nonconforming Lots; Construction and Combination is sufficient with respect to lot dimensions.
Major expansions	Expansion of a building by 30 percent to 70 percent of its gross floor area, or an increase in parking requirements of more than 20 percent, as set out in Division 4-9.2 , Required Parking and Loading.	<ol style="list-style-type: none"> 1. Parking spaces and drive aisles shall be dimensioned, and loading spaces shall be provided, as required by Article 9, Parking and Loading. Parking spaces shall be provided according to the applicable regulations set out in Section 6-19.3.1, Termination, Restoration, and Removal. 2. Landscaping improvements must further the objectives of Article 10, Landscaping and Buffering. 3. Bufferyards shall be provided as required by Division 4-10.3, Bufferyards. 4. Improvements that are needed to ensure public safety and safe access and circulation are required. 5. Buildings affected by the construction shall be designed according to the standards of Division 3-8.3, Special Building Standards, and / or Division 4-16.3 Downtown Design Districts Site Development Guidelines, as applicable. 6. Major nonconforming uses shall be discontinued.
Minor expansions	Expansion of a building by less than 30 percent of its gross floor area or an increase in parking requirements of 20 percent or less, as set out in Division 4-9.2 , Required Parking and Loading.	<ol style="list-style-type: none"> 1. New parking spaces and drive aisles shall be dimensioned as required by Article 9, Parking and Loading, if the new dimensions would not be detrimental to safe circulation when combined with the existing lot. 2. Major nonconforming uses shall be discontinued. 3. If height is increased by more than 20 percent within 50 feet of a district boundary line or if the expansion reduces the dimension between the building and a district boundary line, bufferyards shall be brought into compliance with Section 4-10.3.2, District Bufferyard Standards.
Facade and site improvements	Building or architecture changes or site improvements that do not involve expansion of the building or parking, but will change the physical character of the building or site beyond repair and maintenance.	<ol style="list-style-type: none"> 1. Buildings affected by the construction shall be designed according to the standards of Division 3-8.3, Special Building Standards, and/or Division 4-16.3 Downtown Design Districts Site Development Guidelines, as applicable. 2. Landscaping improvements must further the objectives of Article 10, Landscaping and Buffering. 3. Improvements affected by the proposed site improvements that are needed to ensure public safety and safe access and circulation are required.
Parking lot improvements	Drainage, expansion, or reconstruction improvements, but not restriping alone unless the restriping according to the standards of Article 9 , Parking and Loading, results in reduction of the area of the existing parking spaces by more than 10 percent.	<ol style="list-style-type: none"> 1. Parking spaces and drive aisles shall be dimensioned, and loading spaces shall be provided, as required by Article 9, Parking and Loading. 2. Parking lot landscaping shall be provided as required by Section 4-10.2.3, Parking Lot Landscaping, even if it results in a reduction in the number of parking spaces, but only to the extent that the reduction does not result in a parking lot that contains less than 95 percent of the required parking spaces set out in Division 4-9.2, Required Parking and Loading.

Division 6-19.5 Conversion of Nonconformities

Sec. 6-19.5.1 Purpose

Many minor nonconforming uses have existed for a period of time, and some may have only recently become nonconforming. In some instances, minor nonconforming uses are integral parts of the City's character and function, so their continuing existence promotes the City's policy objective of protecting its neighborhoods. In these instances, the classification "nonconformity" and resulting restriction on investment will not achieve

desired outcomes. This Division allows the City to restore such uses to conforming status on a case-by-case basis.

Sec. 6-19.5.2 Procedure

- A. **Generally.** An owner of a minor nonconforming use may apply for a permitted special exception use permit, which has the effect of making the nonconforming use conforming. The criteria for permitted special exception use approval are set out in Section 6-19.5.3, Criteria for Approval.
- B. **Exclusions.** This procedure does not apply to nonconforming lots, which may be buildable in accordance with the standards of Section 6-19.3.2, Nonconforming Lots; Construction and Combination.

Sec. 6-19.5.3 Criteria for Approval

- A. **Generally.** A permitted special exception use approval may be granted to make a nonconforming building, structure, or use conforming, if, in addition to the criteria for approval of a permitted special exception use set forth in Division 1-2.8, Conditional and Permitted Special Exception Use Standards, all of the criteria of this Section are satisfied.
- B. **Approval Criteria.** The building, structure, or use, as conducted and managed, has minimal nonconformities and has been integrated into the neighborhood's (or district's if it is not in or adjacent to a residential neighborhood) function, as evidenced by the following demonstrations:
 - 1. The neighborhood residents regularly patronize or are employed at the use (for nonresidential uses in or abutting residential neighborhoods).
 - 2. Good management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts.
 - 3. There is no material history of complaints about the building, structure, or use (a history of complaints is justification for denying the permitted special exception use permit, unless the conditions of the permit will eliminate the sources of the complaints).
 - 4. The building, structure, or use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.
- C. **Conditions.** Conditions may be imposed relative to the expansion of bufferyards, landscaping, screening, or other site design provisions, or other limitations necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, or operation of the use.

Sec. 6-19.5.4 Effect of Approval

- A. **Generally.** Uses that comply with the terms of a permitted special exception use permit issued in accordance with this Division are converted from "legally nonconforming uses" to "conforming uses" by virtue of the issuance of the permit.
- B. **Written Approval.** Permitted special exception use approvals shall be provided to the applicant in writing and may be recorded by the applicant at the applicant's expense.
- C. **Annotation of Zoning Map.** Upon granting a permitted special exception use permit and the applicant's demonstration of compliance with any conditions placed upon it, the Director shall place an annotation on the Official Zoning Map stating that the property has a permitted special exception use permit, as well as the permit number and date of approval.

ARTICLE 20 ADMINISTRATIVE BODIES

Division 6-20.1 Purpose and Applicability of Article

Sec. 6-20.1.1 Purpose

- A. **Generally.** The purpose of this Article is to set out the development review bodies that are responsible for the administration of this Unified Development Ordinance. This Article describes the roles and responsibilities and general rules of procedure of the City Council, Planning Commission, Board of Zoning Appeals, Design Review Board, and City Staff with respect to the administration of this Unified Development Ordinance.
- B. **Administration.** The bodies referenced in this Article are created in [Chapter 2](#), Administration, and [Chapter 16](#), Planning and Development, Code of Ordinances, which also provides details with respect to their composition, organization, and rules of procedure.

Sec. 6-20.1.2 Applicability of Article

- A. **The City Council.** The provisions of Section [6-20.2.1](#), City Council, are intended to establish the City Council's role with respect to decisions about individual properties pursuant to this Unified Development Ordinance. No part of this Unified Development Ordinance restricts or limits any other powers that are granted to the City Council by Federal law, State statute, the City's Home Rule Charter, or the City's Code of Ordinances, [Chapter 2](#), Administration, Article II, City Council.
- B. **Other Administrative Bodies.** The provisions of this Article that relate to other bodies are representative of the authority that the City Council has delegated to them with respect to application and enforcement of this Unified Development Ordinance, together with the authority established by the South Carolina Code.
- C. **No Implied Limitation.** The provisions of this Article shall not be a limitation regarding the conduct of Boards, Councils, and Commissions where additional responsibilities or authority are set forth elsewhere in this Unified Development Ordinance, the Code of Ordinances, or through policies adopted by the City Council, or by a Board, Council, or Commission as approved by the City Council.

Division 6-20.2 Bodies Established and Authorized by the Code of Ordinances

Sec. 6-20.2.1 City Council

- A. **Generally.** The City Council has all powers conferred upon it by the City's Charter and the constitution and laws of the State of South Carolina. With respect to decision-making pursuant to this Unified Development Ordinance, in addition to the authority to act by ordinance as set out in *Section 2-26, Ordinances - Matters requiring, Chapter 2, Administration*, Code of Ordinances, the City Council will exercise the powers set out in this Section.
- B. **Approvals.** After a public hearing is held and after reports and recommendations are provided by the Director, Planning Commission, or another board or commission of the City, the City Council shall hear and decide the following applications:
1. Plans and programs for the development and redevelopment of its area of jurisdiction. This includes, but not limited to, amending the text and maps of the Comprehensive Plan from time to time;
 2. Other policies or procedures to facilitate implementation of planning elements;
 3. Amendments to the downtown design guidelines;
 4. Proposed covenants, conditions, and restrictions as set out in this Unified Development Ordinance;
 5. Proposed amendment of the text of this Unified Development Ordinance;
 6. Proposed amendment of the Official Zoning Map;

- 7. Variances that are not under the authority of the Board of Zoning Appeals;
 - 8. Petitions for designation of historic properties and districts, upon recommendation of the Florence Design Review Board; and
 - 9. Any other action not delegated to any other board or commission as the City Council may deem desirable and necessary to implement the provisions of this Unified Development Ordinance and the goals and objectives of the City, provided such action is not contrary to the requirements of this Unified Development Ordinance, the City Charter, or State law.
- C. **Appeals.** The City Council shall hear and decide appeals from decisions of the Planning Commission after a public hearing, as set out in [Division 6-21.5](#), Standardized Development Review Procedures.

Sec. 6-20.2.2 Planning Commission

- A. **Generally.** The Planning Commission is authorized by *Section 6-29-310*, et seq.(and all that follows) *South Carolina Code of Laws*, more specifically including the *Local Government Comprehensive Planning Enabling Act of 1994*. This Section is adopted pursuant to this statutory authorization. Consequently, amendment of the statute after the effective date may modify, delete, or supplement the provisions of this Section.
- B. **Created.** A Planning Commission is created pursuant to *Section 6-29-320*, *South Carolina Code of Laws*.
- C. **Function.** The Planning Commission shall undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the area within its jurisdiction. The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare, as well as the efficiency and economy of its area of jurisdiction. Further requirements for the conduct of the planning function are set out in *Section 6-29-340*, *South Carolina Code of Laws*.
- D. **Powers and Duties.** The Planning Commission is delegated the following powers:
- 1. Review and Decision after a Public Hearing. The Planning Commission shall review and decide after a public hearing the following types of applications for development approval:
 - a. Sketch plans, development plans, and final plats; and
 - b. Re-subdivision or amendments to approved plats.
 - 2. Review and Recommendation after a Public Hearing. The Planning Commission shall review and make a recommendation to the City Council for the following types of applications:
 - a. Amendments to the text of this Unified Development Ordinance; and
 - b. Proposed amendment of the Official Zoning Map.
 - 3. Studies and Policy Recommendations to the City Council. The Planning Commission is empowered to, on its own initiative or as requested by the City Council to:
 - a. Hear, recommend, approve or determine any matter relating to any issue under this Unified Development Ordinance referred to it by the Director (according to applicable procedures of this Unified Development Ordinance) that would not otherwise require a hearing;
 - b. Submit reports, plans and recommendations for the orderly growth, development and welfare of the City; and
 - c. Periodically review this Unified Development Ordinance, the Comprehensive Plan, and other plans of the City, and make recommendations regarding amendments.
 - 4. Other Powers of the Planning Commission.
 - a. Make final decisions on sketch plans and, as necessary, on development plans and final plats (including acceptance and authorization of revisions to final plats)
 - b. Approve configurations and the associated lot depths for non-standard blocks (see [Section 4-14.2.3](#), Blocks).

- c. Approve exceptions to the rule that every lot front or abut on a public street (see Section 4-14.2.4, Lots, Subsection L, Access).
- d. Deem the appropriateness of whether or not a subdivider/development is required to donate land for public facilities (see Section 4-13.2.1, Public Sites and Open Space Dedication).
- e. Review prior to final plat approval a property owners' association declaration and proposed legal covenants regarding private ownership of a public site (see Section 4-13.2.1, Public Sites and Open Space Dedication).
- f. Consider whether or not to approve above-ground wiring in an industrial park or for some unusual commercial or industrial situation (Section 4-13.4.7, Underground Wiring).
- g. Receive as information, plats identified as exceptions by State Law under the definition of a subdivision, including the following:
 1. the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;
 2. the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions are received as information by the City, which shall indicate that fact on the plats; and
 3. the combination or recombination of entire lots of record where no new street or change in existing streets is involved
- h. Accept a final plat for subdivisions which do not involve the platting, construction, or opening of new streets, water, sewer, or stormwater facilities, or improvements to existing streets, because all necessary public facilities are adequate and existing.
- i. Approve, with contingencies, or deny a request for appeal of a staff decision or to develop without mitigation efforts where the level of service (LOS) for a thoroughfare adjacent to a proposed development is below an acceptable level.
- j. Consider and approve the use of service alleys in residential, commercial, or industrial developments (see Section 4-13.3.7, Service Alleys).
- k. For marginal access streets, accept alternate right-of-way widths upon review and recommendation of the Director (see Section 4-13.3.3, Street Standards).
- l. Upon recommendation of the Public Works and Utilities Department, grant exceptions to the sidewalk requirements if rendered impractical or unnecessary by reason of physical conditions or the provision of an alternate means of pedestrian access and movement (see Section 4-13.3.12, Sidewalks).
- m. Modify the standards and requirements of Part 4, Site Design and Development in the case of a plan for cluster or mixed use development, or other creative developments that may be facilitated if certain standards are varied, in order to provide a subdivider/developer with maximum flexibility in the design and character of creatively designed developments (see Section 4-15.2.1, Modification of Standards).
- n. Modify, vary, or waive the regulations, including the imposition of other reasonable conditions, of Part 4, Site Design and Development in order that a subdivider/developer may subdivide property in a reasonable manner, provided that such modification, variation, or waiver will not nullify the intent or purpose of this Unified Development Ordinance and that the public welfare, interest of the City, and the protection of the surrounding area (see Section 6-20.2.2, Planning Commission).
- o. Hear and decide appeals from decisions of staff and the Florence Design Review Board.

E. Referral of Matters to Commission; Reports. The City Council may refer any matters or class of matters to the Planning Commission, with the provision that final action on it may not be taken until the Planning Commission has submitted a report on it or has had a reasonable period of time, as determined by the City Council, to submit a report.

F. Authority.

1. In general, the Planning Commission has the powers as may be necessary to enable it to perform its functions and promote the planning of its jurisdiction.
2. All public officials shall, upon request, furnish to the Planning Commission, within a reasonable time, such available information as it may require for its work.
3. The Planning Commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after 10 days' written notification to the owner(s) of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the Planning Commission shall be liable for any injury or damage to the property.

G. Membership, Qualifications and Terms of Office.

1. The composition and terms of office of the Planning Commission is as set out in the Code of Ordinance, *Chapter 16, Planning and Development, Article I, City Planning Commission, Section 16-2, Composition of Commission.*
2. The City Council shall select the Planning Commissioners based on the following criteria:
 - a. No Planning Commissioner shall hold an elected public office in the City;
 - b. Planning Commissioners shall pledge their commitment to fulfilling the requirements of *Section 6-29- 1340, Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act.*
 - c. Planning Commissioners shall have appropriate professional expertise, knowledge of the community, and concern for the future welfare of the community and its citizens; and
 - d. The Planning Commission shall represent a broad cross-section of the interests and concerns within the City.

H. Removal and Vacancies.

1. Removal. The removal of a Planning Commission shall be handled as set out in the Code of Ordinance, *Chapter 16, Planning and Development, Article I, City Planning Commission, Section 14-3, Removal of Members.*
2. Filling Vacancy. The City Council shall fill a vacancy in the membership of the Planning Commission in the same manner as the original appointment. The Planning Commissioner who fills the vacancy shall serve for the remaining duration of the term of the Planning Commissioner who vacated the position.

I. Organization; Meetings; Procedural Rules; Records; Purchases. The Planning Commission shall organize itself in accordance with Section 6-29-360, et seq., South Carolina Code of Laws.

Sec. 6-20.2.3 Board of Zoning Appeals (BZA)

A. Generally. The Board of Zoning Appeals is authorized by *Section 6-29-780, et seq.(and all that follows) South Carolina Code of Laws* and is established by Code of Ordinances, Chapter 16, Article II, City Board of Zoning Appeals. It is herein referred to as the "BZA."

B. Powers and Duties. The BZA shall have the following powers and duties:

1. **Special Exceptions.** The BZA shall hear and approve or deny applications for permitted special exception uses, as set out in *Division 1-2.7, Land Uses*, and subject to the provisions of *Division 1-2.8, Conditional and Permitted Special Exception Uses.*
2. **Variances.** The BZA shall hear and approve, approve with conditions, or deny applications for variances from the zoning requirements, excluding land uses, of this Unified Development Ordinance after a public hearing.
3. **Appeals.** The BZA shall hear appeals of alleged errors in any determination made by the Director as to the

interpretation of this Unified Development Ordinance, and shall either grant or deny the appeal.

C. **Referral of Matters to Commission; Reports.** If the BZA believes that the standard for granting a variance, permitted special exception use, or an appeal have not been met, but that the applicant has made a reasonable argument instead that there may be grounds for review of a provision of this Unified Development Ordinance, then the BZA shall forward a report on the matter to the Planning Commission for discussion. The Planning Commission retains full discretion regarding enforcement of the specified Unified Development Ordinance provision, and shall only act upon the BZA's report if it concurs that a text amendment may be reasonable. Upon such a general finding, the Planning Commission shall place the item on a subsequent agenda for further discussion or consideration.

Sec. 6-20.2.4 Design Review Board (DRB)

A. **Generally.** The Florence Design Review Board is authorized by *Section 6-29-870, et seq., South Carolina Code of Laws* and is established by Code of Ordinances, Chapter 16, Article III.

B. **Jurisdiction.** The jurisdiction of the Board, in general, is the City limits. The jurisdiction of the Board for the recommendation of properties to be designated historic is the City limits. The jurisdiction of the Board for the review of proposed alteration to exteriors of buildings, new construction, and demolition is the individual properties and areas that have been designated by the City Council as historic.

C. **Powers and Duties.** In accordance with the prescribed procedures and guidelines, the Board shall have the power to approve, approve with modifications, or deny approval for such applications for all construction within historic districts and construction or demolition pertaining to or affecting duly designated historic properties. Furthermore, they shall have the following powers and duties:

1. To adopt procedural regulations as necessary to carry out the business of the Board;
2. To keep a register of all properties and structures that have been designated by City Council as historic, as landmarks or as historic districts, including all information required for each such designation;
3. Recommend criteria for the designation of historic properties and the delineation of historic districts, which may be adopted by the City Council.
4. To advise and assist owners of all properties or structures within the overlay districts on the physical and financial aspects of preservation, renovation, rehabilitation, and reuse and, where appropriate, to advise such owners of the procedures of the inclusion of structures on the National Register of Historic Places;
5. To work in conjunction with the Director, acting as the Downtown Planning Coordinator, to inform and educate the citizens of Florence concerning the Downtown historic and architectural heritage.
6. To consider, analyze, and make a determination with respect to all applications for a Certificate of Appropriateness by applying the design guidelines set out in Section 4-16.2.3, Standards to the project and property in question;
7. To make recommendations for amendments to the design guidelines for any of the overlay districts with final approval of the design guidelines to be accomplished by the City Council by resolution. Once approved, to implement any amendments to the design guidelines.
8. To assist the public entities in the development of streetscapes within the overlay districts which are consistent with the information contained in the design guidelines.
9. Make recommendations to the City Council concerning the utilization of federal, state, local or private funds or tax incentives to promote the preservation or rehabilitation of heritage properties and historic districts within the City.
10. To hear and act upon appeals regarding the acceptance and granting of a Certificate of Compliance by the Director, acting as the Downtown Planning Coordinator.

D. **Responsibilities.** The responsibilities of the Board are to:

1. Promote the purposes and objectives of this Unified Development Ordinance;

2. Review and recommend applications to City Council regarding the designation of individual historic properties and historic districts; and
3. Review plans and applications for all construction within historic districts and construction or demolition pertaining to or affecting duly designated historic properties.

E. Membership. The Board shall consist of 10 members appointed by the Mayor and City Council. At all times, at least six members of the Board shall be residents of the City. All members of the Board shall have an interest in historic preservation. Membership on the Board shall be composed as follows:

1. One professional architect;
2. One historian, knowledgeable in local history; one person either specifically qualified by reason of education, training, or experience in the financing of commercial and residential real property or in the area of real estate;
3. One person actively engaged in business, commerce, or industry;
4. One commercial general contractor duly licensed by the State of South Carolina;
5. One professional structural engineer;
6. One person specifically qualified by reason of education, training, or experience in landscape design;
7. One at-large resident of the City; and
8. Two persons actively engaged in business, commerce, or industry within the Downtown Central District as set out in Section 1-2.4.2, Establishment of Downtown Overlay Districts.

F. Terms and Rules of Membership.

1. Member Terms. Upon appointment by the City Council, the members of the Board shall serve four-year terms, or until successors are appointed, whichever is later. Provided, however, the terms of initial appointees shall be staggered so that two of the appointees shall serve initial terms of two years, four of the appointees shall serve initial terms of four years, and four of the appointees shall serve initial terms of three years. After completion of the initial terms, all members of the Board appointed by City Council shall serve four year terms.
2. Term Limits. Members appointed by City Council may be appointed to succeed themselves up to a maximum of three full terms. Thereafter, such members may be appointed only after they have been off of the Board for at least one year.
3. Removal. The Mayor and City Council may remove any member by majority vote of the City Council for cause, including repeated failure to attend meetings of the Board or for any other cause deemed sufficient by the City Council. If any seat on the Board becomes vacant due to resignation, removal, or for any reason, the City Council shall appoint a replacement within 60 days for the remainder of the unexpired term.
4. Member Limitations. As required by S.C. Code Section 6-29-870(C), no members shall hold any other municipal office or hold any position in the City, and all members shall serve without pay. Members may be reimbursed by the City for actual expenses incurred in the performance of their duties from available funds approved in advance.
5. Conflicts of Interest. Any member of the Board who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the decision of the Board concerning the property.
6. Liability of Members. Any member of the Board acting within powers granted by this Unified Development Ordinance shall be relieved from personal liability for any damage and held harmless by the City. Any suit brought against any member of the Board shall be defended by a legal representative furnished by the City until the termination of the proceedings.

G. Rules of Procedure.

1. Officers: The officers of the Board shall be a chairman and a vice-chairman elected for one year at the first

meeting of the Board in each calendar year. The officers of the Board may serve four consecutive terms. The Director, acting as the Downtown Planning Coordinator, for the City shall serve as the staff representative to the Board. The City Manager will assign a member of City staff to serve as secretary to the Board. The designated officers of the Board shall have the following authority, duties, and responsibilities:

- a. Chairman: The Chairman shall be a voting member of the Board and shall:
 1. Call meetings of the Board;
 2. Preside at meetings;
 3. Act in conjunction with the Director, acting as the Downtown Planning Coordinator, as a spokesperson for the Board;
 4. Sign documents for the Board; and
 5. Perform other duties approved by the Board.
- b. Vice-Chairman: The Vice-Chairman shall be a voting member of the Board and shall exercise the duties of the chairman in the absence, disability, or disqualification of the Chairman. In the absence of the Chairman and the Vice-Chairman, an acting Chairman shall be elected by the members present.
- c. Secretary to the Board: The Secretary to the Board shall:
 1. Provide notice of all meetings;
 2. Assist the Chairman in the preparation of agendas;
 3. Keep minutes of meetings and hearings;
 4. Maintain the Board's records as public records;
 5. Attend to Board correspondence;
 6. Perform any other duties normally carried out by a Secretary.

2. Meetings.

- a. Time and place. An annual schedule of regular monthly meetings shall be adopted, published, and posted at the City-County Complex in January of each year. Special meetings may be called by the Chairman upon 24-hour notice, posted, and delivered to all members of the Board and the local media. Meetings shall be held in a place to be stated in the notice, and shall be open to the public.
- b. Agenda. A written agenda shall be furnished by the Secretary to each member of the Board and to the news media, and it shall be posted at least four days prior to each regular meeting and at least 24-hours prior to a special meeting. Items may be added to the agenda at a meeting by a majority vote of the members present.
- c. Quorum. A majority of the members of the Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling a meeting.
- d. Voting. A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member(s) affected, and any such member so affected shall announce the reasons for disqualifications, have it placed in the minutes, and shall refrain from deliberation or voting on the question.
- e. Public Input. Except for public hearings and additional public input sought by the Board, no person shall speak at a Board meeting unless invited to do so by the Board. The presiding officer at the Board meeting reserves the right to determine the amount of public input desired.
- f. Minutes. The Secretary to the Board shall prepare minutes of each meeting for approval by the Board at the next regular meeting. Minutes shall be maintained as a public record.
- g. Attendance. The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Board shall recommend to the Mayor and City-Council the removal for cause of any member who is absent from three consecutive meetings without adequate

reason.

Division 6-20.3 City Staff

Sec. 6-20.3.1 Director of Public Works, Director of Utilities, and City Engineer

- A. Generally.** With respect to the administration of this Unified Development Ordinance, the Director of Public Works, Director of Utilities, or City Engineer, or their designees, are generally responsible for verifying that all standards and quality assurance requirements are met for public infrastructure. These staff members also may establish and promulgate construction standards for public improvements, parking areas, and other infrastructure.
- B. Responsibilities.** For the purpose of reference, the Director of Public Works, Director of Utilities, and City Engineer have the following principal duties and responsibilities with respect to the administration of this Unified Development Ordinance (this list is not intended to be exclusive or limiting). Such duties may be allocated and reallocated by the City Manager in the exercise of the responsibilities of that office without amendment to this Unified Development Ordinance:
1. Drainage Plans.
 - a. Prior to authorization of any building permit, review and approve all such stream flow, runoff calculations, and drainage plans as required of a subdivider/developer under the terms of this Unified Development Ordinance.
 - b. In those instances when underground storm drainage facilities are reasonably accessible to a proposed development, determine any special design standards required to connect an on-site drainage system to the City's system.
 - c. Determine the warrant and requirement for the submittal contents set out in Section 6-21.3.1, Subsection D., Environmental Permits, and the content of what is needed to conduct an appropriate drainage analysis of the site plan, grading plan, or storm drainage analysis of the site plan, grading plan, or storm drainage plans submitted to the City as part of the requirements of the site plan needed for a Certificate of Zoning Compliance and building permit.
 - d. Consider whether or not to waive the requirement that a registered professional engineer conduct the drainage study for minor developments.
 - e. Review and consider for approval waivers of the requirement of detention basins where provisions are committed or already in place that are appropriate for runoff management.
 - f. Review and consider exceptions to the riparian buffer requirements when disturbance is necessary to facilitate drainage in unusual circumstances.
 - g. Approve the location of any surface or underground drainage facilities.
 - h. Determine whether or not a site has sufficient space to infiltrate the runoff or to have a surface detention area in lieu of an underground stormwater detention vault.
 - i. Require culverts where driveways connect to existing streets with side ditch drainage facilities.
 - j. Require an underground piped system where open ditches are not adequate to provide satisfactory storm drainage.
 - k. Approve sodding or seeding of open ditches for protection from erosion.
 - l. Approve or disapprove the engineer interpretations of all required 50-year and 100-year flood elevations necessary to this Unified Development Ordinance and report the findings to the Director, acting as the Floodplain Administrator, for appropriate action.
 - m. Approve a drainage plan if it is in full compliance with all applicable standards and requirements of this Unified Development Ordinance.

2. Land Disturbance Approval. Prior to any construction, grading, or land disturbance of any nature, review applications and, as warranted, issue a certificate of approval for land disturbance.
3. Final Grading Plans. Review and approve final grading plans, which shall be pursuant to, and in compliance with, an approved final grading plan.
4. Interpretations. Make interpretations of all required 50-year and 100-year flood elevations necessary to this Unified Development Ordinance and report the findings to the Director for appropriate action.
5. Inspections: Cause to make sufficient inspections to insure compliance with the specifications set forth in this Unified Development Ordinance. A registered engineer, employed by the subdivider/developer may certify in writing that such engineer has inspected each phase of the construction of the storm drainage improvements required in this Unified Development Ordinance and said inspection certification shall meet the terms of this Unified Development Ordinance. If the improvement is intended to be dedicated to the public, make a final inspection of the improvements before accepting said improvements for dedication to the City for permanent maintenance.
6. Release of Security. Authorize the release of security for infrastructure when determined that the conditions for release of the security have been met.

Sec. 6-20.3.2 Director of Planning, Research and Development

- A. **Generally.** The Director of Planning, Research, and Development (Director) is a member of the City staff who is ultimately responsible for processing an application to decision (in case of administrative approval) or recommendation to an another review body (in case of public hearing approvals). The Director shall designate staff members to manage applications through the review process and to be points of contact for applicants, and to perform such other functions and duties as may be required of the Director by this Unified Development Ordinance. The Director may also designate review responsibilities to other members of the City Staff with relevant technical training or expertise, or, as appropriate, to consultants that are authorized by the City Council.
- B. **Duties and Responsibilities.** For the purpose of reference, the Director has the following duties and responsibilities with respect to the administration of this Unified Development Ordinance. Such duties may be allocated and reallocated by the City Manager in the exercise of the responsibilities of that office without amendment to this Unified Development Ordinance:
1. General Administration. The Director shall:
 - a. Interpret the general intent and/or specific meaning of any portion of the Unified Development Ordinance text, position of district boundaries, district designation, or other matters relating to the Official Zoning Map.
 - b. Maintain the Official Zoning Map and record all amendments to and information thereon.
 - c. Maintain copies of this Unified Development Ordinance for public inspection and have up-to-date copies available for the public. A mailing list of Unified Development Ordinance subscribers shall be maintained to expedite notice of any annual amendments to the text of Official Zoning Map.
 - d. Provide public information relating to zoning matters including scheduled meetings of the Planning Commission and Board of Zoning Appeals.
 - e. Receive, process, and record all applications for Certificates of Zoning Compliance, zoning amendments, planned development projects, and variance requests with accompanying plans and documents, all of which shall be a public record.
 - f. Register and maintain records and maps of nonconforming uses, buildings, structures, lighting, landscaping, bufferyards, signs, parking, site access, site improvements, and lots.
 - g. Appear before and provide assistance to the Planning Commission, Board of Zoning Appeals, and the Florence Design Review Board.
 - h. Revoke permits or certificates in violation of the provisions of this Unified Development Ordinance.

2. Floodplain Administration. In designated flood hazard areas delineated on the Federal Emergency Management Agency (FEMA) maps, the Director, acting as the floodplain administrator, shall have the additional responsibilities as outlined in Section 4-12.6 (Flood Prevention).
3. Processing Permits and Applications. The Director shall:
 - a. Receive and log applications for development approval and variances;
 - b. Review application materials and verify that applications are complete;
 - c. Communicate with applicants to inform them that their applications are complete or not complete; and if the applications are not complete, what items are required to complete the application;
 - d. Manage the processing of applications according to [Division 6-21.5](#), Standardized Development Review Procedures.
 - e. Process and review all applications (or cause the applications to be reviewed) and either decide applications or make a recommendation regarding how the application should be decided (depending upon the type of application);
 - f. Set applications on agendas of the Planning Commission, Board of Zoning Appeals, the Florence Design Review Board, or the City Council, as appropriate;
 - g. Provide public notice as may be required by the provisions in [Section 6-21.5.9](#), Public Notice; and
 - h. Promptly issue written permits, resolutions, or orders that reflect the substance of approvals granted by the City pursuant to this Unified Development Ordinance.
4. Recommendations. The Director shall provide professional recommendations regarding:
 - a. Whether applications that are placed on an agenda of the Planning Commission, Board of Zoning Appeals, Florence Design Review Board, and City Council comply with the requirements of this Unified Development Ordinance, and, if not, whether conditions of approval could be imposed to bring the application into compliance (including specification of such conditions);
 - b. Whether amendments to this Unified Development Ordinance are advisable to, among other things:
 1. Bring the Unified Development Ordinance into conformity with state or federal requirements as they change over time;
 2. Implement amendments to the Comprehensive Plan or other adopted plans of the City; or
 3. Resolve errors, internal inconsistencies, or other administrative matters.
 - c. Whether amendments to the Comprehensive Plan or other adopted plans of the City are advisable to, among other things:
 1. Bring the plans into conformity with state or federal requirements as they change over time;
 2. Respond to changing demographics, physical conditions, technological advancements, or economic conditions; or
 3. Resolve errors, internal inconsistencies, or other administrative matters.
 - d. Whether amendments to this Unified Development Ordinance that are proposed by persons or bodies outside of the Department are appropriate to serve their stated purposes; and
 - e. Whether amendments to the Comprehensive Plan that are proposed by persons or bodies outside of the Department are appropriate to serve their stated purposes.
5. Approvals. The Director shall decide the following types of applications, as set out in [Section 6-21.1.2](#), Administrative Permits:
 - a. Certificate of Zoning Compliance for permitted uses.
 - b. Certificate of Zoning Compliance for limited uses as set out in [Division 1-2.7](#), Land Uses;

- c. Temporary use permit;
 - d. Minor changes to planned development site plans;
 - e. Development plans;
 - f. Final plats, including summary approval;
 - g. Floodplain development permit;
 - h. Sign permit;
 - i. Certificate of Appropriateness, provided the Director, acting as the Downtown Planning Coordinator, determines that the materials, paint color, design, architectural features, or style of the project or signage conforms to the application design district in the following situations:
 - 1. Any project or signage for which the total cost does not exceed \$5,000 in which a specific determination is made by the Director, acting as the Downtown Planning Coordinator, that the subject project is not a part of a larger project:
 - 2. Interior modifications/maintenance or exterior maintenance, which does not change or impact the appearance of the structure, including, but not limited to, roofing, facade repairs, awnings, shutters, or window replacement. This power does not extend to those properties and structures listed on the State or National Register of Historic Places.
 - 3. For emergency and/or permanent repairs relating to the incident to any structure resulting from a Force Majeur, (superior or overpowering force) fire, or accident beyond the control of the property owner or tenant as long as the subject repair does not exceed 25 percent of the value of the structure as determined by the tax assessor and the materials used in the repairs are consistent with the design guidelines for the design district in which it is located.
 - 4. In all cases, the Director, acting as the Downtown Planning Coordinator, may, by discretion, refer the application to the Design Review Board for review and consideration with particular attention being paid to properties and structures within the H-1 Historic District.
 - j. Certificate of Completion;
 - k. Design review for the uses set out in [Division 3-8.3](#), Special Building Standards;
 - l. Administrative waivers (including minor deviations from landscaping requirements and modifications of the approved plant list);
 - m. Tree removal permits; and
 - n. Alternative compliance with the off-street parking schedule including through special studies and credits and reductions for alternative parking.
- 6. Assignments. The Director is responsible for all other responsibilities as the City Council or City Manager may assign from time to time.
 - 7. Recordkeeping. The Director shall maintain all records of development applications, including materials and outcomes.
 - 8. Inspection. The Director shall inspect site improvements and landscaping for compliance with this Unified Development Ordinance and approved plans.
 - 9. Enforcement. The Director shall, on an ongoing basis, identify code violations and shall enforce the provisions of this Unified Development Ordinance and approvals granted hereunder pursuant to [Article 23](#), Enforcement and Remedies, as follows:
 - a. Issue building permits and certificates of occupancy.
 - b. Serve notice of ordinance violations and process such violations.
 - c. Maintain public records of violation notices, permits, and certificates, with accompanying plans and documents.

- d. Revoke permits or project approvals based on false application statements or misrepresentations.
- e. Stop, by written order, work being done contrary to the provisions of this Unified Development Ordinance or an approved Certificate of Zoning Compliance.
- f. Institute appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of property. Initiate legal action after consultation with the Zoning Administrator, and such other local officials as appropriate.

Sec. 6-20.3.3 Downtown Planning Coordinator

- A. **Generally.** The Director, acting as the Downtown Planning Coordinator, shall be the administrative officer who shall have the responsibility for implementation and enforcement of all of the provisions relating to the overlay districts and the design guidelines set out in this Unified Development Ordinance. The Coordinator may delegate duties to subordinate officials to assist in the administration and implementation and to represent the Coordinator as needed. Ultimate responsibility to the City Manager for such implementation, enforcement, and representation shall remain with the Coordinator.
- B. **Responsibilities.** The Coordinator shall accept and examine all applications for a Certificate of Appropriateness and shall coordinate with the Florence County Planning Department and the Building Official to ensure that all applications for new construction, renovation, rehabilitation, and demolition shall require a Certificate of Appropriateness if the property involved is located within the overlay districts. For landscape changes involving the removal of trees four inches in caliper or greater or the removal of any hedge or shrub group exceeding 30 inches in height, the owner/developer/agent shall submit an application for a Certificate of Appropriateness if the property involved is located within the overlay districts. Failure to comply with this requirement shall subject the owner/developer/agent to penalties as set forth in Section 1.7, Code of Ordinances.
- C. **Violations.** If the Coordinator shall find that any of the provisions of this Unified Development Ordinance are being violated within the overlay districts, the Coordinator shall notify the person responsible for such violation in writing, indicating the nature of the violation and ordering the action necessary to correct it. The Coordinator shall order the discontinuance of any unlawful uses of land, and, in full cooperation with the Building Official, the discontinuance of any unlawful building or demolition activity within the overlay districts or shall take any other action authorized by this Unified Development Ordinance or any other ordinance adopted by the City to ensure compliance with or to prevent violations of its provisions.
- D. **Authority.** The Coordinator shall have the authority and duty to accomplish all other tasks and responsibilities assigned to that position in the design guidelines as set out in Section 4-16.2.3, Standards.

Sec. 6-20.3.4 Building Official or other City staff as designated by the City Manager

- A. **Generally.** The Building Official, or designee, shall review construction plans, issue building permits, and verify code compliance for all construction in the City to the extent permitted by state law.
- B. **Responsibilities.** For the purpose of reference, the Building Official has the following duties and responsibilities with respect to the administration of this Unified Development Ordinance (this list is not intended to be exclusive or limiting). Such duties may be allocated and reallocated by the City Manager in the exercise of the responsibilities of that office without amendment to this Unified Development Ordinance:
 1. **Permit Review.** The Building Official reviews residential, commercial, and other plan types, including plans for signs, to verify that the construction design meets the minimum code requirements and applicable City ordinances.
 2. **Inspection.** The Building Official conducts and approves all building permit inspections to ensure that construction meets all applicable building code and other requirements (as applicable, including inspecting setbacks, foundation elevation, and fence and wall requirements set forth in Unified Development Ordinance).
 3. **Recordkeeping.** The Building Official maintains all records as it relates to the building permit process and

inspections, including materials and outcomes.

4. Interpretation. The Building Official interprets the building codes and other City ordinances as they relate to plans and permits.
5. Arbitration. The Building Official arbitrates discrepancies regarding plans, permits, and inspections.
6. Approvals. The Chief Building Official shall decide the following applications:
 - a. Building permits;
 - b. Sign permits; and
 - c. Certificates of occupancy.

ARTICLE 21 PERMITS AND PROCEDURES

Division 6-21.1 Determinations, Approvals, and Permits

Sec. 6-21.1.1 Permits Required

Determinations, approvals, and permits are required for development in the City, as set out in this Division, by S.C. Code, and federal law.

Sec. 6-21.1.2 Administrative Permits

- A. **Generally.** Administrative permits are those that are issued by the City Staff without the requirement for a public hearing.
- B. **Administrative Permits Established.** The administrative permits required by this Unified Development Ordinance are set out in **Table 6-21.1.2, Administrative Permits**. Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this Unified Development Ordinance. Other development permits may be required by S.C. Code or federal law, applicable building codes, or the Code of Ordinances.

Table 6-21.1.2 Administrative Permits					
Permit	Required For	Timing	Exceptions	Issued By	Standards¹
Use Permits					
Certificate of Zoning Compliance	New land uses and changes in land use	Prior to establishment of a permitted use	None	Director	Division 1-2.7, Land Uses lists the permitted uses
Certificate of Zoning Compliance - Conditional Use	New conditional uses and changes in use to a conditional use	Prior to establishment of conditional use	None	Director	Division 1-2.7, Land Uses lists the conditional uses. The conditional use standards are provided in Division 1-2.8, Conditional and Permitted Special Exception Use Standards.
Temporary Use Permit	Required for Small Class "A" and Class "B" Temporary Special Events, Class "B" Temporary Commercial Sales Uses, and Class "B" Temporary Construction Uses and Buildings as set out in Division 1-2.9, Temporary Uses.	Prior to installation of temporary buildings or structures or establishment of a temporary use or event, whichever comes first.	None	Director	See Division 1-2.9, Temporary Uses; Section 6-21.3.1, Submittal Requirements; and Section 6-21.6.3, Temporary Use Permit.

Plans and Plats					
Minor Changes to PD Site Plan	Minor changes to an approved planned development site plan	Prior to the construction or development that is within the area proposed to be modified.	None	Director	See Section 6-21.3.1, Submittal Requirements and Section 6-21.6.4, Minor Changes to a Planned Development Site Plan.
Development Plan	New construction, reconstruction, alterations to building footprints, site development or redevelopment.	Prior to issuance of permits that allow for site clearing, grading, or construction.	Single-family homes or townhomes on individual lots in an improved subdivision; agriculture; and forestry.	Director	See Section 6-21.3.1, Submittal Requirements and Section 6-21.6.5, Development Plan.
Final Plat, including Final Plat Revisions	Upon approval of a sketch plan and development plan and approval and acceptance of public improvements by the Department of Public Works and Utilities	Prior to connection of utilities to, or conveyance of, platted lots, whichever comes first.	None	Director	See Section 6-21.3.1, Submittal Requirements and Section 6-21.6.6, Final Plat.
Summary Approval of Final Plat	Subdivisions that do not involve the platting, construction, or opening of new streets, water, sewer, or stormwater facilities, or improvements to existing streets because all necessary public facilities are adequate and existing.	Prior to the construction or development that is within the area of the final plat.	Sketch plans and development plans are not required when all public facilities are adequate and existing or when subdivisions include four or fewer lots and where those lots and buildings (if any exist) conform to the requirements of this Unified Development Ordinance and all lots are served by public infrastructure.	Director who may require improvements or studies, e.g., traffic studies, environmental impact studies, drainage analysis, etc.	See Section 6-21.3.1, Submittal Requirements and Section 6-21.6.7, Summary Approval of Final Plat.
Environmental Permits					
Floodplain Development Permit	Construction and development within an area of special flood hazard or flood-related erosion hazard	Prior to commencement of construction in an area of special flood hazard or flood-related erosion hazard	None	Director, acting as Floodplain Administrator	See Section 6-21.3.1, Submittal Requirements and Section 6-21.6.8, Floodplain Development Permit
Drainage Plan	Prior to installation of drainage system.	Prior to commencement of land disturbance activity.	Single-family homes or townhomes on individual lots in an improved subdivision; agriculture; and forestry.	City Engineer	See Division 4-12.6, Flood Requirements, Section 6-21.3.1, Submittal Requirements and Section 6-21.6.9, Drainage Plan.
Land Disturbance Permit; Level I Stormwater Pollution Prevention Plan	Clearing; grading; excavation; fill, land disturbing activities, or construction of any site improvements	Prior to commencement of land disturbance activity	None	City Engineer	See Section 6-21.3.1, Submittal Requirements and Section 6-21.6.10, Land Disturbance Permit, Level I and Level II SWPPP.
Land Disturbance Permit; Level II Stormwater Pollution Prevention Plan					
Other Permits					
Sign Permit	Installation of a new or replacement sign.	Prior to installation of sign or sign mount.	Exempt signs.	Director	See Part 5, Signs; Section 6-21.3.1, Submittal Requirements; and Section 6-21.6.11, Sign Permit.
Certificate of Appropriateness in the Downtown Design Districts	Erection, alteration, improvement, demolition, or moving a structure, building, or signage; landscape changes; or exterior modifications or maintenance of structures in Downtown.	Prior to the issuance of any permit by the Building Official or Director.	If the Director determines that the materials, paint color, design, architectural features, or style of the project or signage does not conform to the applicable district in the situations set out in Section 6-20.3.2, Director of Planning, Research and Development.	Director, acting as the Downtown Planning Coordinator	See Section 6-21.3.1, Submittal Requirements, Subsection C., Design Review; Section 6-21.6.13, Certificate of Completion; and Section 6-21.7.9, Certificate of Appropriateness in the Downtown Design Districts.

Certificate of Completion	Issuance of a Certificate of Appropriateness and a Certificate of Zoning Compliance	Issued upon compliance with all conditions and requirements contained in the Certificate of Appropriateness	In the event a Certificate of Compliance is denied by the Director, acting as the Downtown Planning Coordinator, the owner may appeal the decision by writing to the Florence Design Review Board.	Director, acting as the Downtown Planning Coordinator	See Section 6-21.3.1, Submittal Requirements and Section 6-21.6.13, Certificate of Completion.
Design Review of uses set out in Division 3-8.3, Special Building Standards	New construction and exterior alterations, modifications or additions to these uses and special building types. For single family attached and multiplex units, existing housing types totaling 25% or more of the gross floor area of the building.	Prior to issuance of permits that allows for new construction, exterior alteration, modifications or additions to these uses and building types.	Exterior alterations, modifications or additions to these existing uses and building types and when, at the discretion of the Director, such requests are referred for approval of the Planning Commission.	Director, unless referred to the Planning Commission	See Division 3-8.3, Special Building Standards; Section 6-21.3.1, Submittal Requirements; and Section 6-21.6.14, Design Review.
Building Permit	Construction, reconstruction, improvement, or repair of any building or structure for which a permit is required by the applicable building codes.	Prior to commencement of construction.	Certificates of Zoning Compliance are not required for maintenance work, repair work or trade work provided that the work will not result in a change of use or alter the building footprint or vertical elevation.	Building Official	See Section 6-21.3.1, Submittal Requirements; Section 6-21.6.15, Building Permit; and applicable building codes
Occupancy Permit	Occupancy of a building or structure	Upon completion of construction or before a change in occupancy	None	Building Official	See Section 6-21.3.1, Submittal Requirements; Section 6-21.6.16, Occupancy Permit; and applicable building codes

TABLE NOTE:

1. Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this Unified Development Ordinance.

Sec. 6-21.1.3 Public Meeting Approvals

A. **Generally.** Public meeting approvals are issued by the City after compliance with the requirements of this Unified Development Ordinance is determined at a public meeting. Meeting approvals requiring a public hearing are noted as applicable.

B. **Public Meeting Approvals Established.** The public meeting approvals required by this Unified Development Ordinance are set out in **Table 6-21.1.3, Public Meeting Approvals**. Other development permits may be required by S.C. Code or federal law, applicable building codes, or the Code of Ordinances.

Table 6-21.1.3 Public Meeting Approvals					
Permit	Required For	Timing	Exceptions	Issued By	Standards ¹
NO PUBLIC HEARING REQUIRED					
Use Permits					
Temporary Use Permit	Required for Large Class "A" Temporary Special Events, Class "A" Temporary Commercial Sales Uses, and Class "A" Temporary Construction Uses and Buildings as set out in Division 1-2.9, Temporary Uses.	Prior to installation of temporary buildings or structures or establishment of a temporary use or event, whichever comes first.	None	Planning Commission	See Division 1-2.9, Temporary Uses; Section 6-21.4.1, Submittal Requirements; and Section 6-21.7.1, Temporary Use Permit.
Plans and Plats					

Site Plan	All new development; all redevelopment that involves the destruction of existing buildings; all expansions of more than 20% of the floor area on a lot that already contains 20,000 square feet or more of floor area.	Prior to building permit.	Single-family dwellings on individual lots.	Planning Commission	See Section 6-21.4.1, Submittal Requirements and Section 6-21.7.2, Site Plan.
Sketch Plan	Consideration of development plan and a final plat.	Prior to commencement of land disturbance activity, development plan and final plat approval, installation of public improvements, and issuance of applicable permits.	If the Sketch Plan does not conform to the Unified Development Ordinance and other ordinances, or if staff notifies the subdivider that the Sketch Plan will conform pending required changes with which the subdivider does not concur.	Planning Commission	See Section 6-21.4.1, Submittal Requirements and Section 6-21.7.3, Sketch Plan.
Development Plan Appeal	Disapproval of a Development Plan	If staff does not approve or disapprove the Development Plan within 30 calendar days	If the subdivider/ developer defers the right to appeal and elects to modify and resubmit a nonconforming Development Plan	Planning Commission	See Section 6-21.4.1, Submittal Requirements and Section 6-21.7.4, Development Plan Appeal.
Final Plat Appeal	Non-acceptance of required improvements and plat rejection	If staff does not approve or reject the Final Plat within 14 calendar days	If the subdivider/ developer accepts the ruling, completes the required improvements and restarts the Final Plat process	Planning Commission	See Section 6-21.4.1, Submittal Requirements and Section 6-21.7.5, Final Plat Appeal.
Drainage or SWPPP Variance or Waiver	Exceptional circumstances applicable to the site that would create a hardship or injustice	Prior to or concurrent with the approval of a drainage plan or SWPPP	Provided variance, modification, or waiver will not nullify the intent or purpose of the Unified Development Ordinance and that of the public welfare	Planning Commission, upon concurrence of the City Engineer	See Section 6-21.4.1, Submittal Requirements and Article 12, Storm Water Management, Drainage, and Flood Prevention
PUBLIC HEARING REQUIRED					
Design Review					
Petition to Designate Historic Properties or Districts	Designation of properties as historic	Prior to establishment of historic properties	None	Design Review Board	See Section 6-21.4.1, Submittal Requirements, Subsection C., Design Review and Section 6-21.7.6, Petition to Designate Historic Properties or Districts.
Nominations to the National Register of Historic Places	Designation on the National Register of Historic Places	Prior to proposed nominations for the National Register of Historic Places	None	Design Review Board, prior to the consideration by the State Board of Review	See Section 6-21.4.1, Submittal Requirements and Section 6-21.7.8, Nomination to the National Register of Historic Places.
Certificate of Appropriateness in the Downtown Design Districts	Erection, alteration, improvement, demolition, or moving a structure, building, or signage; landscape changes; or exterior modifications or maintenance of structures in Downtown.	Prior to the issuance of any permit by the Building Official or Director.	Major governmental construction projects.	Florence Design Review Board	See Section 6-21.4.1, Submittal Requirements, Subsection C., Design Review; Section 6-21.7.10, Certificate of Appropriateness for Historically Designated Properties; and Section 6-21.7.9, Certificate of Appropriateness in the Downtown Design Districts.
Certificate of Appropriateness for Historically Designated Properties Outside of Downtown	Demolition, new construction, exterior alteration, modification or addition to a designated historic property	Prior to the issuance of any permit by the Building Official or Director.	Demonstration of a substantial hardship; ordinary maintenance or repair of any architectural feature of structures designated as historic when the repair does not involve a change in design, material, color, or outer appearance of the structure; or interior arrangements or alterations to the interior of a building.	Florence Design Review Board	See Section 6-21.4.1, Submittal Requirements, Subsection C., Design Review and Section 6-21.7.10, Certificate of Appropriateness for Historically Designated Properties.

Variances and Appeals					
Minor Adjustments	Minor deviations from the standards of this Unified Development Ordinance as applied to applications heard by the Planning Commission	Prior to approval of an application that incorporates minor deviations	None	Planning Commission	See Section 6-21.4.1, Submittal Requirements and Section 6-21.7.15, Minor Adjustments.
Use Permits					
Permitted Special Exception Use Approval	New permitted special exception uses; changes in use to a permitted special exception use; material changes to or expansion of a permitted special exception use	Prior to establishment or modification of the permitted special exception use.	None	Board of Zoning Appeals	Division 1-2.8, Conditional and Permitted Special Exception Use Standards; Section 6-21.4.1, Submittal Requirements; and Section 6-21.7.11, Permitted Special Exception Use Approval.
Text and Map Amendments					
Zone Change (rezoning), including planned developments	Changing the zoning district of a parcel from one district to another.	Prior to or concurrently with the submittal of sketch plan that applies the standards of a zone to which a zone change (rezoning) is sought	None	City Council, upon recommendation of the Planning Commission	See Section 6-21.4.1, Submittal Requirements and Section 6-21.7.12, Zone Change.
Text Amendments	Amendments to the text of this Unified Development Ordinance.	n/a	None	City Council, upon recommendation of the Planning Commission	See Section 6-21.4.1, Submittal Requirements and Section 6-21.7.13, Text Amendments.
Historic Conservation					
City designation of historic properties or districts	Designation of buildings, structures, objects, sites, and districts as historic.	n/a	None	City Council, upon recommendation of the Design Review Board	See Section 6-21.4.1, Submittal Requirements, Subsection F., Historic Conservation and Section 6-21.7.7, City Designation of Historic Properties or Districts.
Variances and Appeals					
Variance	Deviation from the standards of this Unified Development Ordinance.	Prior to building permit for improvements for which a variance is required; concurrently with other applications for development approval that include variances.	Prohibited uses shall not be allowed by variance.	Board of Zoning Appeals	See Section 6-21.4.1, Submittal Requirements and Section 6-21.7.14, Variance.
Administrative Appeal	Appeals from decisions of City staff	Within 10 days of the decision appealed	None	Board of Zoning Appeals	See Section 6-21.4.1, Submittal Requirements and Section 6-22.1.5, Administrative Appeals.
Appeals to the City Council	Appeals from decisions of the Planning Commission	Within 10 days of the decision appealed	None	City Council	See Section 6-21.4.1, Submittal Requirements and Section 6-21.7.17, Appeals to the City Council.
TABLE NOTE: 1 Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this Unified Development Ordinance.					

Division 6-21.2 Purpose and Application of Article

Sec. 6-21.2.1 Purpose

The purpose of this Article is to set out all of the City's development approval procedures in one place, and to standardize them to the maximum practicable degree.

Sec. 6-21.2.2 Application of Article

- A. **Generally.** All procedures for obtaining approvals pursuant to this Unified Development Ordinance, and for appealing decisions of the City Staff or Planning Commission, are set out in this Article. This Section shall not be interpreted to limit or expand the operation of specific provisions of this Unified Development Ordinance.
- B. **Determinations, Approvals, and Permits.** Part 1 through Part 5 establish the standards for land development in the City. Set out in Division 6-21.1, Determinations, Approvals, and Permits, is how land development is permitted, and which bodies are responsible for determining approval and issuing the required permits.
- C. **Submittal Standards.** Set out in Division 6-21.4, Application Requirements for Public Meeting Permits, is the forms and contents required for application submittal.
- D. **Standardized Approval Procedures.** Set out in Division 6-21.5, Standardized Development Review Procedures, is the standard procedural framework for considering and deciding applications for development approval. It also sets out criteria for development approval and issuance of permits.
- E. **Variances, Appeals, Protests, and Interpretations.** Set out in Article 22, Variances, Appeals, and Interpretations is the requirements for seeking variances from the terms of this Unified Development Ordinance, appealing administrative decisions, protesting applications for zone changes and future land use map amendments, and seeking an official interpretation of this Unified Development Ordinance.
- F. **Text Amendments.** Set out in Section 6-21.7.13, Text Amendments, is the procedures for amending the text of this Unified Development Ordinance.
- G. **Designation of Historic Places and Districts.** Set out in Section 6-21.7.7, City Designation of Historic Properties or Districts is the process for designating a place or district as historic for the purpose of conservation.

Division 6-21.3 Application Requirements for Administrative Permits

Sec. 6-21.3.1 Submittal Requirements

A. Use Permits.

1. Certificate of Zoning Compliance. A Certificate of Zoning Compliance may be issued when the Director, or an appointee, verifies that a proposed use or a change in use is permitted in the district in which it is proposed. Prohibited uses are not allowed and cannot be approved unless the property is rezoned to a district that allows the subject use. Applications for approval of a Certificate of Zoning Compliance shall be on a form approved by the Director.
 - a. When Required. A Certificate of Zoning Compliance is required in advance of the following:
 1. The issuance of a building permit for new construction or a building addition that alters the existing building footprint or vertical elevation.
 2. Excavation in preparation for the construction of a structure for which a building permit is required.
 3. The placement or relocation of manufactured homes.
 4. Grading, filling, surfacing, or enlarging parking areas containing more than six parking spaces for a new or changed use.

5. Changing the use of any part of a structure or zoning lot, including any increase in the number of families or dwelling units occupying a building or lot.
 6. Installation of any sign for which a permit is required.
 7. The establishment of a temporary use.
- b. When Not Required. Certificates of Zoning Compliance are not required for maintenance work, repair work, or trade work provided that the work will not result in a change of use or alter the building footprint or vertical elevation.
 - c. Repair Permits. Where an application for a Certificate of Zoning Compliance is to effect repairs only, the Director may waive the requirements of an approved plat or plan. The work to be performed shall be clearly defined in the Certificate of Zoning Compliance; however, if there is no change of land use or the repairs do not result in altering the building footprint or vertical elevation, the Certificate of Zoning Compliance is not required.
 - d. Submittal Contents. In addition to the information required in an application for a building permit, each application for a Certificate of Zoning Compliance shall be accompanied by a recorded plat of the lot and two copies of a scaled plan, drawn legibly on the plat or paper showing:
 1. The shape and dimensions of the zoning lot.
 2. The size and location of all existing buildings.
 3. The lines within which any proposed buildings shall be erected, altered, or moved.
 4. The locations of all building setback lines.
 5. The heights of all proposed buildings.
 6. The existing and proposed use of each building.
 7. The use of adjoining properties.
 8. The number of families or dwelling units in each existing building and the number that each proposed building is intended to accommodate.
 9. The size and location of all proposed driveways and off-street parking and loading areas containing more than six parking spaces.
 10. i. If in a special flood hazard area, then refer to Section 4-12.6 for additional application requirements. Other reasonable and pertinent information concerning the lot or neighboring lots as the Director may find necessary for the enforcement of this Unified Development Ordinance.
 - e. Waiver for Repair Only. Where an application is to effect repairs only, the Director may waive the requirement of an approved plat or plan. The work to be performed shall be clearly defined in the Certificate of Zoning Compliance.
 - f. Expiration. If the work described in any Certificate of Zoning Compliance has not begun within one year from the date of issuance, said certificate shall expire; it shall be canceled and written notice shall be given to the owner/developer, unless extended by the Director upon application by the owner/subdivider/developer.
2. Certificate of Zoning Compliance - Conditional Use. A Certificate of Zoning Compliance may be issued when the Director, or an appointee, verifies that a proposed conditional use is permitted in the district in which it is proposed. Applications for approval of a Certificate of Zoning Compliance shall be on a form approved by the Director. Depending on the nature of the proposed conditional use, the Director may request additional information to accompany the form, including:
 - a. A site plan;
 - b. Building elevation drawings;
 - c. Photograph of the building (if it already exists and will house the conditional use);

- d. Building materials;
 - e. A full description of the intended use;
 - f. Distances from other specified uses; and
 - g. Other information that may be needed in order for the Director to confirm that the proposed use will meet all conditional use regulations set out in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards.
3. Temporary Use Permit. Applications for approval of a temporary use permit shall be on a form approved by the Director.

B. Plans and Plats.

1. Minor Changes to Planned Development Site Plan.
 - a. Findings. Minor changes in approved planned development site plans may be approved by the Director, or an appointee, on application by the applicant, upon making a finding that such changes are:
 1. In accord with all applicable regulations in effect at the time of the creation of the planned development; or
 2. In accord with all applicable regulations currently in effect.
 3. Less than 10 percent from the original requirements.
 - b. Submittal Contents. See Section [6-21.4.1](#), Submittal Requirements, Subsection B., Plans and Plats.
2. *Development Plan.*
 - a. Plan Package. Once the subdivider/developer has an approved sketch plan, seven copies of a development plan submittal package may be submitted to the Director for distribution and review. The submittal package shall include the development plan and an application.
 - b. Plan Requirements. The Development Plan shall be drawn at a scale not smaller than one hundred (100) feet to one (1) inch. On large subdivisions, match lines shall be used, if necessary, on sheets no larger than 30" x 42". Sheets measuring 24" x 36" are preferred in order to conform to the Final Plat submittal requirements.
 - c. Conformance with Standards. The development plan shall meet the minimum standards of subdivision design set forth in this Unified Development Ordinance, together with the applicable fire code.
 - d. Submittal Contents, Generally.
 1. Proposed name of the subdivision, and name and address of the contact person, and the person or firm preparing the plan.
 2. Title, graphic scale, north arrow, and date.
 3. Vicinity map at a scale not smaller than one mile to one inch showing the relationship of the subdivision to the surrounding area.
 4. Acreage and boundaries of the parcel to be subdivided.
 5. Original signature, date, and stamp of a registered professional engineer.
 6. All drawing elements shall be submitted referencing South Carolina State Plane (SCSP) Coordinates. Elements referencing SCSP will utilize the North American Datum of 1983-1986 Adjustment (NAD83 [1986]) for horizontal control and be measured in International Feet (not US Survey Foot). Vertical control will reference the North American Vertical Datum of 1988 (NAVD88) and shall include measures using US Survey Foot. Datum information shall be noted on all plan sheets submitted for review purposes. Control of plan features may be tied to the SCSP system using traditional surveying or GPS (Global Positioning System) methods.

e. Submittal Contents, Existing Conditions.

1. Contour lines at vertical intervals of not more than two feet. These contour lines shall extend beyond the boundaries of the parcel by 100 feet on all sides, as necessary, to show adjacent topography. The Director reserves the right to require one-foot contour intervals and intermediate spot elevations in areas suspected of extremely poor drainage;
2. Deed record names of adjoining property owners within the subdivision;
3. In case of re-subdivision, a copy of the existing plat with the proposed re-subdivision superimposed over the originally platted subdivision;
4. Location of all streams, lakes, swamps, as well as any land that is subject to a one percent chance of annual flooding;
5. Location of existing, adjoining property lines and buildings on the property to be subdivided;
6. Location and rights-of-way of streets, roads, railroads, and utility lines either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or rights-of-way and show the locations of poles or towers;
7. Size and location of existing sanitary and storm sewers, water mains, drains, culverts, of other underground facilities within the street or within the right-of-way of streets or roads adjoining the tract;
8. Grades, inverts, and ground level elevations of existing sanitary and storm sewers;
9. The acreage of each drainage area affecting the proposed subdivision;
10. Datum information; and
11. Location of the City limit and county lines, if applicable, and indication of the existing zoning classification and the proposed use of all land within the subdivision.

f. Submittal Contents, Proposed Conditions.

1. Proposed layout of streets, roads, and alleys, with their widths, names, and thoroughfare classifications.
2. Construction plans for all streets, showing their natural and finished grades, as well as the typical cross-sections for each classification or proposed street type. Additional cross-sections may be required due to unusual topography or other site conditions.
3. Proposed layout of all lots, including lot numbers, dimensions, all easements and their widths, and the proposed use of all lots or tracts of land.
4. All setbacks and easements.
5. Construction plans for sanitary sewers with grade, pipe size, pipe material, locations of manholes, and points of discharge.
6. Construction plans for the storm drainage system, in accordance with the requirements of the Municipal Utilities Ordinance.
7. Construction plans for the water supply system with pipe sizes, pipe materials, fittings, and locations of hydrants and valves.
8. A grading plan to show the proposed contour changes in areas where cut or fill is to be done.
9. Proposed street lighting plan and electrical, telephone, and cable vision wire location plan showing pole locations and underground installations.
10. Proposed sign location plan for all street name and traffic control signs to be installed, plus proposed traffic control lights.
11. Delineation of all riparian buffers, open spaces, and designated natural areas.
12. Proposed street tree arrangement.

3. *Final Plat.*

- a. **Plan Package.** After completion of the physical development of all or any completed phase of the area shown on the approved development plan, the subdivider/developer or an agent shall submit four copies of a final plat submittal package to the Director for review and approval. Each submittal package shall include a final plat application, copies of all certificates that may be required, and copies of the final plat.
- b. **Plan Requirements.** The final plat shall be drawn to scale not smaller than 100 feet to one inch or with match sheets no larger than 24" x 36." Final plats shall be submitted in electronic format.
- c. **Drawings and Files.**
 1. Five copies of complete record drawings of all utilities stamped, dated, and signed by the project engineer for accuracy shall be submitted along with an electronic copy (compact disk) in digital format in a form usable (CAD) by the City of Florence Engineering Office.
 2. The completed CAD drawing file shall contain text in standard fonts that can be read without third- party software. No polylines or annotations shall be stored in blocks. All blocks shall be exploded. All components of the drawing must appear on separate layers or levels (i.e. "valves" on a separate layer from "waterlines"). The numbering and/or naming of layers, colors, and line types will be in accordance with the individual Engineer's standards, but components of the drawing must be separate and consistent in order for successful translation in order to store, manage, and maintain spatially-related (geographic) data.
 3. All drawing elements shall be submitted referencing South Carolina State Plane (SCSP) Coordinates. Elements referencing SCSP will utilize the North American Datum of 1983-1986 Adjustment (NAD83 [1986]) for horizontal control and be measured in International Feet (not US Survey Foot). Vertical control will reference the North American Vertical Datum of 1988 (NAVD88) and shall include measures using US Survey Foot. Datum information shall be noted on all plan sheets submitted for review purposes. Control of plan features may be tied to the SCSP system using traditional surveying or GPS (Global Positioning System) methods.
- d. **Conformance.** The final plat shall substantially conform to the approved development plan and it shall meet all requirements set forth in this Unified Development Ordinance.
- e. **Submittal Contents.** At a minimum, the final plat shall include the following:
 1. Name of the subdivision and developer, and the name and address of a contact person.
 2. Title, graphic scale, north arrow, and date.
 3. Street names, lot numbers, and street addresses for residential subdivisions;
 4. Sufficient data to readily determine and reproduce on the ground the location, bearing, and length of every road centerline, subdivision boundary line, block line, and easements whether curved or straight.
 5. All lot lines, lot dimensions, and building setback lines.
 6. Location and description of all monuments and markers.
 7. Locations of all power lines or power company easements.
 8. All rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated;
 9. Approved driveway zones for corner lots;
 10. All natural features to be conserved, including historical sites, buildings, or markers; scenic spots; water bodies; and significant stands of trees.
 11. All pre-existing or newly planted riparian buffers.
 12. The following signed certificates appearing on the final plat, which are submitted by the developer to the Director.
 - a. Certificate of ownership, dedication, and taxes paid;
 - b. Owner's guarantee and warranty in affidavit form.

- c. Conveyance of utilities to the City;
- d. Verification of street acceptance by the county, or a letter of acceptance from the South Carolina Department of Transportation (SCDOT) if an encroachment permit is involved;
- e. Other SC DOT certifications (as applicable);
- f. Recorded copies of any easements and deeds (if the City needs interest in real property);
- g. Certificate of acceptance of physical improvements;
- h. Guarantee of repaving;
- i. Accuracy of land survey;
- j. Engineer's letter/certificate of completion to the City of Florence;
- k. Approved escrow agreement;
- l. SC DHEC certifications/approvals to place into operation;
- m. Certificate of approval for recording; and
- n. The name, seal, signature, and registration number of the surveyor.

f. Final Plat Revisions. If it should be necessary to revise a final plat due to dimensional error, the subdivider's surveyor, upon acceptance and authorization of the Director, shall make the necessary changes and resubmit the final plat to the Director. The Director will then sign, date, and stamp as "Approved for Recording." The approved plat will then be made available to the subdivider/developer for recording in the Office of the County Clerk of Court.

4. Summary Approval of Final Plat.

a. Applicability. Summary approval of a final plan shall be allowed under the following criteria:

- 1. Subdivisions that do not involve the platting, construction, or opening of new streets, water, sewer, or stormwater facilities, or improvements to existing streets, because all necessary public facilities are adequate and existing.
- 2. There will be no more than four lots in the subdivision;
- 3. All lots front (or will front) on an existing street;
- 4. The subdivision does not require the creation of any new street; and
- 5. All lots that will be developed for residential use will be served by existing municipal facilities (water, sewer, drainage, etc.).

b. Submittal Contents. Generally, the required submittal contents for final plats shall be required for summary approval of a final plat, unless deemed unnecessary by the Director.

C. Design Review.

1. Petition to Designate Historic Properties or Districts. The Design Review Board shall review the local inventory and make recommendations for historic designation(s) to the City Council based on the petition of property owners and the criteria listed below.

- a. Notification. Owners of properties proposed to be in a designated historic district shall be notified in writing 30 days prior to consideration by the Design Review Board.
- b. Owner Approval or Opposition. Owners may appear before the Design Review Board to voice approval or opposition to such district designation. Any property owner may object to the decision by the City Council to designate their property as part of a historic district by filing suit against the City of Florence before the Courts of the State of South Carolina.
- c. Map Designation. All locally designated historic properties and districts shall be clearly shown on the

Official Zoning Map.

d. Criteria for Historic Designation. A property may be designated historic if it:

1. has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation; or
2. is the site of an event significant in history; or
3. is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation; or
4. exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or
5. individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering; or
6. is the work of a designer whose work has influenced significantly the development of the community, state or nation; or
7. contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
8. is part of or related to a square or other distinctive element of community planning; or
9. represents an established and familiar visual feature of the neighborhood or community; or
10. has yielded, or may be likely to yield, information important in pre-history or history.

2. Nomination to the National Register of Historic Places. The Board may conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within its jurisdiction, prior to consideration by the State Board of Review. The Board may send their recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The Board shall not nominate properties directly to the National Register; only the State Board of Review shall have this final review authority unless expressly authorized by federal statute.

D. Environmental Permits.

1. Floodplain Development Permit. All development proposed within a special flood hazard area (SFHA) and all development constructed, installed, commenced, improved, or maintained within a SFHA after the effective date (to the extent permitted by this Unified Development Ordinance), is required to obtain a Floodplain Development Permit from the Director, acting as the Floodplain Administrator, in accordance with the procedures established in this Section and Division 4-12.6, Flood Prevention. The Director shall maintain all records pertaining to the issuance of a Floodplain Development Permit in accordance with the responsibilities set out in Section 6-20.3.2, Director of Planning, Research and Development and Division 4-12.6, Flood Prevention..
2. Drainage Plan. (See [Division 4-12.3](#), Storm Drainage)
 - a. Plan Requirements. A drainage plan shall meet the minimum standards of design set forth in this Unified Development Ordinance. All drainage work shall be in compliance with the approved drainage plan.
 - b. Submittal Content. When it is a requirement of this Unified Development Ordinance, a drainage plan shall be prepared by a registered engineer engaged by the subdivider/developer. This plan shall include:
 1. Major developments:
 - a. A grading plan;
 - b. Both existing and proposed drainage conditions;
 - c. An evaluation of the ability of the proposed drainage facilities and other improvements pertaining to drainage or flood control within the development to handle the runoff which would be generated by the development;

- d. An analysis of the downstream drainage facilities and its ability to handle the existing flow and the increased flow from the development;
 - e. Calculated estimates of the quantity of stormwater entering the development naturally, and estimates of such water when the upper watershed area shall have been developed for the maximum land use permitted by the future land use plan contained in the City of Florence Comprehensive Plan;
 - f. Existing conditions of the watershed that may affect the proposed development, such as subsoil type, positive drainage channels, obstructions, and other such conditions;
 - g. Quantities of flow at each pickup point;
 - h. Estimates of temporary erosion and pollution controls necessary while the development is under construction;
 - i. Description of major, primary and secondary systems;
 - j. An evaluation of proposed facilities under both frequent and infrequent storms (10-year, 50-year, and 100-year). A reference to the Flood Insurance Study, City of Florence, S.C., Federal Emergency Management Agency, June 1, 1981, and Flood Plain Information, Florence, S.C., U.S. Army Corps of Engineers, October, 1967, shall be considered as information and utilized where applicable.
 - k. At the time of development, any existing manmade waterway shall be included in the stormwater management plan. Modifications, including piping, may be required by the City.
 - l. A list of all proposed construction and post-construction BMP's (both structural and non- structural). For post-construction structural BMP's, the list shall identify the structures that are proposed to become public.
 - m. A description of all existing and proposed discharges to waters classified as Outstanding Resources Waters (ORW's), including provisions for pollution control. If no discharges are proposed, a statement to that effect shall be included.
 - n. A description of all existing and proposed discharges to Source Water Protection Areas (SWPA's) including provisions for pollution control. If no discharges are proposed, a statement to that effect shall be included.
2. Minor Developments. Minor development projects shall be studied in order to determine the adequacy of any existing storm drainage systems or the effect of proposed improvements. The Director of Public Works and Utilities may require as much or as little of the information set out in b.1 above as needed to conduct an appropriate drainage analysis of the site plan, grading plan, or storm drainage analysis of the site plan, grading plan, or storm drainage plans submitted to the City as part of the requirements of the site plan needed for a Certificate of Zoning Compliance and building permit. The Director of Public Works and Utilities may waive the requirement that a registered professional engineer conduct the drainage study for minor developments.
3. Stormwater Pollution Prevention Plan (SWPPP). A stormwater pollution prevention plan (SWPPP) or an application for a waiver shall be submitted to the City by the person responsible for the land disturbing activity for review and approval for a land disturbing activity, unless otherwise exempted. The SWPPP shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire land disturbing activity. The approved SWPPP shall serve as the basis for water quantity and water quality control on all subsequent construction.
- a. Land Disturbance Permit; Level I Stormwater Pollution Prevention Plan (SWPPP).
 - 1. Plan Requirements. A stormwater pollution prevention plan (SWPPP) shall meet the standards set out in this Unified Development Ordinance. All drainage work shall be in compliance with the approved SWPPP. The person responsible for the land disturbing activity shall apply in writing, on forms provided by the City, to the Director of Public Works and Utilities for a certificate of approval for land disturbance, as well as a National Pollution Discharge Elimination System (NPDES) permit for large and small

construction activities. Such application shall be accompanied by five copies of the SWPPP prepared in accordance with this Section, the procedures set out in Section 6-21.6.10, Land Disturbance Permit – Level I and Level II SWPPP, and the site design and development standards set out in Article 12, Stormwater Management, Drainage, and Flood Prevention.

2. Submittal Contents. The requirements contained below may be indicated on one plan sheet. More detailed hydrologic or soils information may be required on a case-by-case basis by the implementing agency. Stormwater detention/retention may be required if excessive water problems are known to exist in the area. Plans shall contain the following information, as applicable:

- a. A standard application form;
- b. A vicinity map indicating north arrow, scale, and other information necessary to locate the property or tax parcel;
- c. An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed;
- d. A narrative description of the SWPPP to be used during land disturbing activities;
- e. General description of topographic and soil conditions of the tract;
- f. A general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties;
- g. A sketch plan (not requiring a stamp/seal of a certified designer) to accompany the narrative which shall contain:
 1. A site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams, and rivers;
 2. The boundary lines of the site on which the work is to be performed;
 3. A topographic map of the site if required by the city;
 4. The location of temporary and permanent vegetative and structural stormwater management and sediment control measures; and
 5. Riparian buffers and setbacks required to protect receiving waters, as set out in Article 13, Riparian Buffers and Natural Features.
- h. Certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the plan and that the City or DHEC has the right to conduct on-site inspections.

b. Land Disturbance Permit; Level II Stormwater Pollution Prevention Plan (SWPPP).

1. Plan Requirements. Plans shall be sealed by a qualified design professional (see Submittal Contents below).

2. Submittal Contents. Plans shall contain the following information, as applicable:

- a. A standard application form;
- b. A vicinity map indicating north arrow, scale, and other information necessary to locate the property or tax parcel;
- c. A plan at an appropriate scale accompanied by a design report and indicating at least:
 1. The location of the land disturbing activity shown on a USGS 7.5 minute topographic map or copy.
 2. The existing and proposed topography, overlaid on a current plat showing existing and proposed contours as required by the City.
 3. The proposed grading and earth disturbance including:
 - a. Surface area involved; and
 - b. Limits of grading including limitation of mass clearing and grading whenever possible.

- d. Stormwater management and stormwater drainage computations, including:
 - 1. Pre- and post-development velocities, peak rates of discharge, and inflow and outflow hydrographs of stormwater runoff at all existing and proposed points of discharge from the site;
 - 2. Site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the land disturbing activity; and
 - 3. Design details for structural controls.
- e. Erosion and sediment control provisions, including:
 - 1. Provisions to preserve top soil and limit disturbance;
 - 2. Details of site grading; and
 - 3. Design details for structural controls which includes diversions and swales.
- f. Federal Emergency Management Agency (FEMA) flood maps and federal and state wetland maps, where appropriate.
- g. Plans and design reports, which shall be stamped/sealed by a qualified design professional and certified that the plans have been designed in accordance with approved stormwater-related ordinances, programs, regulations, standards, and criteria.
- h. Additional information necessary for a complete project review, which may be required by the City as deemed appropriate. This additional information may include items such as public sewers, water lines, septic fields, and wells.
- i. Certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan and that the City or DHEC has the right to conduct an on-site inspection. All Level II SWPPP's submitted to the City for approval shall be certified by a designer for which the following disciplines may certify and stamp/seal plans as allowed by their respective licensing act and regulations:
 - 1. Registered professional engineers as described in the South Carolina Code of Laws, Title 40, Professions and Occupations, Chapter 22, Engineers and Surveyors.
 - 2. Registered landscape architects as described in South Carolina Code of Laws, Title 40, Professions and Occupations, Chapter 28, Landscape Architects, Section 10, Item (b).
 - 3. Tier B land surveyors as described in South Carolina Code of Laws, Title 40, Professions and Occupations, Chapter 22, Engineers and Surveyors.
 - 4. Employees of the federal government may prepare SWPPP's with submitted to the City by the person responsible for the land disturbing activity.
 - 5. Other disciplines or certified professionals, including, but not limited to, a certified professional in erosion and sediment control or certified professional in stormwater quality, which have appropriate background and experience are not prohibited from taking active roles in the preparation of the SWPPP and design process. However, all plans and specifications submitted to the City for approval shall be stamped/sealed by those listed in Subsections 3(a), (b), (c), or (d) above.
- j. The selection, design, installation, and maintenance of appropriate construction and post-construction BMPs must be in accordance with the latest revision of the Stormwater Management BMP Handbook published by DHEC. A description of all existing and proposed discharges to Source Water Protection Areas (SWPA's) and waters classified as Outstanding Resource Waters (ORW's), including provisions for pollution control. If no discharges are proposed, a statement to that effect shall be included.

E. Other Permits.

1. Sign Permit.

- a. Permit Requirements. A sign permit is required for the installation of a sign, other than for one listed as allowed without a permit in Table 5-17.2.1A, Number, Dimension, and Location of Permitted Signs, By Zoning District. If a proposed sign meets the standards of this Unified Development Ordinance, then the Director will issue a sign permit.
- b. Submittal Contents. The following information is required, unless deemed unnecessary by the Director:
 1. A standard application form, including:
 - a. Identification of the landowner or leaseholder of the property on which a sign is proposed to be erected or placed;
 - b. Name and address of the landowner or leaseholder of the proposed sign and who shall be responsible for installing and maintaining the sign in accord with all applicable standards and regulations of the City; and
 - c. The value of the sign and sign structure.
 2. A vicinity map indicating north arrow, scale, and other information necessary to locate the property or tax parcel;
 3. A site plan at an appropriate scale indicating the following:
 - a. Legal description and address (or addresses) of the parcel for which a sign is proposed;
 - b. The zoning of the subject property (or properties);
 - c. Existing and proposed/approved buildings;
 - d. Boundary of the site;
 - e. Location of all existing and proposed/approved street access points, private drives, and street rights-of-way, and all clear areas required by Division 4-11.3, Sight Clearance;
 - f. Location of nearest pavement edge of a public street;
 - g. Location and size of existing and proposed trees within 40 feet of the proposed signage;
 - h. Location of all existing and proposed easements;
 - i. Location of all existing and proposed freestanding signage on the site, including sign kiosks, and adjacent sites within 200 feet and relative to rights-of-way lines, building and setback lines, and bufferyards;
 - j. Location of all existing and proposed attached signage on the buildings, facades, fascias, parapet walls, windows, canopies, and/or awnings that exist or are proposed to have signage;
 - k. Dimensions and heights of all existing, approved, and proposed attached signs, and calculations regarding the signable area ratio, where a signage area ratio is established;
 - l. Written certification from a South Carolina registered engineer or licensed architect that a sign exceeding 36 square feet in area is structurally sound and safe, does not constitute a hazard to persons or property on the premises, on adjoining property, or in the vicinity, and that the sign is in compliance with all applicable building and construction codes and the requirements of this Unified Development Ordinance.
 - m. Location of the nearest:
 1. Parcel that contains or may contain a public park, public building, or public or private school.
 2. Historic site or district.
 3. Point of entrance into any area zoned for residential purposes.

- n. Sign elevations, or a design theme with illustrative examples of each sign type and the proposed general locations or each sign type, to include:
 1. Materials and colors.
 2. For freestanding signs, proposed landscaping around the base of the sign.
 3. Proposed illumination, including location of fixtures (or annotation regarding internal lighting), and proposed illumination levels.
 4. Maximum numbers of items of information per sign face.
2. Certificate of Appropriateness in the Downtown Design Districts. See Section 6-21.4.1, Submittal Requirements, Subsection C., Design Review.
3. Design Review. Applications for design review shall be on a form approved by the Director. Depending on the nature of the proposed improvements and the status of the property, the Director may require additional information. The following information is required:
 - a. A standard application form;
 - b. A vicinity map indicating north arrow, scale, and other information necessary to locate the property or tax parcel;
 - c. A plan at an appropriate scale indicating the following:
 1. Legal description and address (or addresses) of the parcel proposed for development;
 2. The size of the subject property (by square foot and acre);
 3. The zoning of the subject property (or properties);
 4. The size and dimensions of the lot proposed for development, together with all easements and required building setbacks;
 5. The footprint(s) and grades of the building(s) proposed for development and the building orientation relative to public and private streets and alleys;
 6. The location of adjacent and abutting properties within 200 feet, including the proximity of the proposed development to existing buildings;
 7. Boundary of the site;
 8. The gross floor area of the existing and/or proposed uses and buildings;
 9. Location of all existing and proposed/approved street access points, private drives, and street rights-of-way, and all clear areas required by Division 4-11.3, Sight Clearance;
 10. The size, arrangement, circulation pattern, number of parking spaces, and surface of all parking and vehicular use areas;
 11. Proposed landscaping, buffering, screening, and fencing in conformance with the standards and requirements set out in Article 10, Landscaping and Buffering.
 12. Location and widths of sidewalks in compliance with the standards of this Unified Development Ordinance, the Americans' with Disabilities Act (ADA), and the requirements of SCDOT, as amended from time to time.
 - d. Front, side, and rear elevations of the proposed unit(s) showing:
 1. Building height(s) and dimensions;
 2. Primary and secondary building entrances;
 3. Lighting fixtures;
 4. Windows and their placement, including accentuations such as shutters, awnings, or decorative

framing;

5. Percentage of the front façade composed of doors and windows;
6. Garage doors and their dimensions, as applicable;
7. Building architecture and design features relative to those of the existing buildings in the surrounding area;
8. Building wall articulations such as building offsets, fenestration, rooflines, and front porches; and
9. Wall, foundation, and roof finish materials and colors.

4. Building Permit.

- a. Generally. A building permit is required prior to the improvement, construction, reconstruction, or repair of any existing or new building or structure, except as provided herein and except as provided in the applicable building code. By way of example and not limitation, development activities that usually require a building permit include:
 1. Installation or construction of any roofing or re-roofing, fences, or swimming pools (above and in-ground);
 2. Installation or construction of a sign, tower, shed, gazebo, shelter, deck, porch, carport, patio, kennel (anchored to ground), garage, or room addition (includes custom built or prefabricated three season rooms or sun rooms);
 3. Construction, reconstruction, repair, moving, or demolition of any residential, commercial, municipal, recreational, institutional, or industrial building or structure; and
 4. Alteration or remodeling of an existing building or structure that includes any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of ingress and/or egress, or any other change(s) affecting or regulated by an adopted building code or this Unified Development Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.
- b. Application. Application for a building permit shall be made on a form approved by the Building Official.

5. Certificate of Occupancy.

- a. Generally. A certificate of occupancy is required prior to the use of any land, building or structure for which a building permit is (or was) required. The certificate of occupancy certifies that the completed project complies with the provisions of this Unified Development Ordinance, the building code, approval conditions, and all other pertinent ordinances. It shall be unlawful to occupy any building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Official. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this Unified Development Ordinance.
- b. Violation. Failure to obtain a certificate of occupancy shall be a violation of this Unified Development Ordinance.
- c. Application Requirements.
 1. Application for a full, temporary, or partial certificate of occupancy shall be made on a form approved by the Building Official.
 2. Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the principal dwelling, building, or structure on the same lot, provided that such accessory buildings or structures are completed at the same time as the principal use.

Division 6-21.4 Application Requirements for Public Meeting Permits

Sec. 6-21.4.1 Submittal Requirements

A. Use Permits.

1. Temporary Use Permit.
 - a. Generally. Large Class “A” Temporary Special Events, Class “A” Temporary Commercial Sales, and Class “A”, Temporary Construction Uses and Buildings are required as a precondition to establishment of the above temporary uses as set out in [Division 1-2.9](#), Temporary Uses.
 - b. Application. Application for these temporary use permits shall be made on a form approved by the Director.
 - c. Approval Criteria. The temporary use permits established in Subsection 1., above, shall be approved if it is demonstrated that they meet the applicable substantive requirements of this Unified Development Ordinance, particularly those specified for the proposed use in [Division 1-2.9](#), Temporary Uses.
 - d. Procedure. Applications for these temporary use permits are processed according to the sequential steps set out in Section [6-21.5.2](#), Pre-Application Conference, through Section [6-21.5.6](#), Staff Review and Referral, which shall be decided by the Planning Commission pursuant to the public meetings provisions of Section [6-21.5.10](#), Public Meetings and Hearings.
 - e. Decision. The Planning Commission shall approve, approve with conditions, or deny the application.

B. Plans and Plats.

1. Site Plan.
 - a. Generally. The standards of this Subsection are applied to site plans. Site plans are required as provided in Table [6-21.1.3](#), Public Meeting Approvals.
 - b. Application. Applications for approval of a site plan shall be on a form approved by the Director.
 - c. Plan Requirements. Site plans establish the layout of the following features on the parcel proposed for development:
 1. Infrastructure (including but not limited to access, street rights-of-way, potable water lines, sewer lines, and stormwater facilities);
 2. Utility easements;
 3. Drainage systems;
 4. Open spaces;
 5. Lot lines (if the site is being subdivided for the purposes of ownership); and
 6. In the case of nonresidential, mixed-use, and multifamily development:
 - a. Landscape areas;
 - b. Building pads;
 - c. Service areas; and
 - d. Parking areas
 - d. Submittal Contents:
 1. Name of proposed use or development.
 2. Sworn proof of ownership and a notarized letter of authorization from the landowner permitting a

representative to process the application.

3. The land area and legal description.

4. The proposed land use and the area of each use in square feet.

5. A chart comparing all of the regulations and requirements of the proposed development with those of the zoning district for proposed use(s), building heights, minimum lot area, lot width, setbacks, street frontage, building coverage, lot area proposed for development, open space ratio or landscape surface ratio (LSR), scale, gross floor area, gross floor area ratios, setbacks, and density.

6. The existing zoning of the property.

7. The zoning and residential density of all adjacent properties.

8. Public and private utility service lines and/or main lines with appurtenances.

9. Title certificate or abstract of titles covering all lands to be conveyed to the City.

10. Treasurer's Certificate of Taxes due.

11. If the application involves public improvements:

a. Preliminary construction plans for the proposed public improvements including street plan and profile sheets, storm drainage improvements plans and other improvements, prepared in accordance with City standards.

b. A preliminary pavement design report, prepared in accordance with City standards.

12. A traffic study prepared in accordance with the provisions set out under sketch plan below.

13. Signature block for the Director and Planning Commission chairperson.

e. Conditions of Approval. The Planning Commission may impose conditions of approval as may be necessary to ensure compliance with this Unified Development Ordinance.

2. Site Plan for Planned Development.

a. Generally. All planned development applications shall be accompanied by a planned development site plan in accordance with this Subsection. All sketch plans related to a planned development application shall be accompanied by a planned development site plan.

b. Binding. Approved planned development site plans shall be binding on the owner and any successor of title.

c. Submittal Contents. Planned development site plans shall include the following:

1. Proposed name of the planned development, and name and address of the contact person, and the person or firm preparing the planned development site plan.

2. Title, graphic scale, north arrow, and date.

3. Vicinity map at a scale not smaller than one mile to one inch showing the relationship of the planned development to the surrounding area.

4. Acreage and boundaries of the parcel(s) subject to the planned development.

5. Original signature, date, and stamp of a registered professional engineer.

6. A concept plan of the planned unit development that shows:

a. The entire parcel of land, drawn to scale;

b. General indication of densities and uses by location;

c. Infrastructure locations; and

d. Common and public open space.

7. Development schedule, indicating approximate dates when construction will commence and

terminate.

8. Number of structures, parcel size of each lot, percent of lot coverage for each lot, and for the entire parcel.
9. Tabulation of gross densities and intensities for each use category (e.g., residential, commercial, industrial).
10. Types of buildings proposed, including general statements and/or sketches of exterior finishes and colors.
11. Statement identifying the intended means of assuring permanency, continuance, and maintenance of all open/recreational space to be dedicated for use by residents of the development and/or the general public. If the City's Parks and Recreation Department is a partner in the development of open/recreational space, copies of all agreements shall be attached to the site plan.
12. Proposed restrictive covenants.
13. Legal description of the entire parcel.
14. Statements or attachments indicating that the wastewater treatment plant and collection system, and the water system have capacity available for this development.
15. General statements on the preservation of any unique environmental areas, or concerns of the parcel such as wetlands, floodplains, etc. All environmental areas shall be delineated on the site plan.
16. General statements on environmental considerations for the placement of all infrastructure, open space, recreational areas, underground services, paved areas, and finished grade levels. These statements should also include all considerations given for these environmental areas during construction.
17. General statements regarding the number and placement of all driveways, streets, alleys, and sidewalks including the widths and lengths of all acceleration and deceleration lanes. Parking facilities and access drives shall comply with [Article 9](#), Parking and Loading.
18. Recognition of all right-of-ways and easements with reference on the site plan.
19. General statements on the number and placement of street lighting.
20. A storm drainage plan in accordance with the standards and requirements of this Unified Development Ordinance.
21. Erosion and sediment control plan.
 22. Landscape and buffering plan.
 23. Other related data which may be reasonably required by the Director.
- d. Procedures. Planned development ordinances are approved by the City Council pursuant to the procedures set out in [Division 6-21.5](#), Standardized Development Review Procedures.
- e. Adoption. When adopting or amending a planned development ordinance, the City Council may do any of the following:
 1. Impose reasonable conditions;
 2. Condition issuance of a planned development site permit or Certificate of Zoning Compliance on the furnishing of a bond or a satisfactorily written assurance that guarantees the timely completion of a proposed public improvements in the planned development or serving the planned development; or
 3. Allow or require an owner of real property to make a written commitment.

3. Sketch Plan.

- a. Generally. The sketch plan submittal, review, and approval process is intended to benefit the developer of a proposed project, and/or his agent, by providing an overview of the proposed development confirming that it meets the basic intent of these regulations prior to the preparation of a more formal and involved development plan submittal.
- b. Pertinent Information. Subdividers/developers and their agents are encouraged to provide all pertinent

information during the preliminary design phase of a project so that it may be determined if the general layout of the project meets the intent of this and any other applicable ordinances. The subdivider/developer shall submit a sketch plan of the entire tract, even if his present plans call for the development of only a part of the property.

- c. Plan Requirements. The Sketch Plan shall be drawn at a scale not smaller than one hundred (100) feet to one (1) inch. On large subdivisions, match lines shall be used, if necessary, on sheets no larger than 30" x 42". Sheets measuring 24" x 36" are preferred in order to conform with the Final Plat submittal requirements.
- d. Submittal Contents. At a minimum, the sketch plan shall include:
 1. A vicinity map at a scale not smaller than one (1) mile to one (1) inch showing the relationship of the proposed subdivision to surrounding areas and development.
 2. Proposed name of the subdivision with name and address of contact person.
 3. Deed record names of adjoining property owners of subdivision.
 4. The total acreage in the tract to be subdivided.
 5. Proposed street arrangements, including any dimensional information such as rights-of-way widths, cul-de-sac lengths, curve radii, etc. that may be necessary to ensure that the geometric design of the street layout meets the intent of applicable codes and regulations.
 6. Lot arrangements, including typical lot area and approximate number of lots.
 7. Sufficient additional information (e.g., setbacks) to ensure conformance with the standards and regulations of this Unified Development Ordinance.
 8. City or county boundary lines (as applicable).
 9. Existing and proposed uses of land throughout the subdivision.
 10. Existing parcel boundaries and uses of land surrounding the proposed subdivision.
 11. Street names assigned in accordance with the following guidelines, subject to the review of the Director and approval by the Planning Commission:
 - a. The proposed street name must not be a duplicate name of any existing street name in the City or County.
 - b. Existing street names must be used in those instances where a new street is a direct or logical extension of an existing street.
 - c. Names of existing streets may be changed only when the entire length of street is included in the name change.
 - d. Street name suffixes must be assigned as follows:
 1. Court, Circle or Loop are reserved for cul-de-sac or loop streets;
 2. Boulevard, Parkway and Expressway are reserved for major thoroughfares or divided streets with at least two lanes of traffic in each direction.
 3. Highway and Freeway shall be reserved for designated highways or freeways under the jurisdiction of the South Carolina Department of Transportation.
 4. A street name suffix shall not be used as part of the street name.
 - e. Street name prefixes such as North, South, East, and West may be used to clarify the general location of the street. However, such prefixes must be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.
 - f. Alphabetical and numerical street names must not be designated except where such street is a direct extension of an existing street and is not a duplicate street name.
 - g. Proper names of national figures and local elected local officials may be considered under the following criteria:

1. The individual must be deceased;
 2. Major thoroughfares are reserved for national figures, i.e., Martin Luther King Blvd., etc.; and
 3. Local Streets may be used for national figures or local elected officials.
12. Contour lines at vertical intervals of not more than two feet. These contour lines should extend beyond the boundaries of the parcel by a minimum of 100 feet on all sides, or as necessary to show adjacent topography.
 13. In case of re-subdivision, a copy of the existing plat with the proposed re-subdivision superimposed.
 14. Location of all streams, lakes, swamps, as well as land subject to a one percent annual chance flood.
 15. Location of existing adjoining property lines and buildings on the property to be subdivided.
 16. Location and rights-of-way of streets, roads, railroads and utility lines either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or rights-of-way and show the locations of poles or towers.
 17. The approximate location of existing and proposed utilities, including stormwater management facilities.
 18. Additional information may be required if it is deemed necessary by the Director, or appointees, in order to make a determination of general conformance with the regulations (e.g., environmental impact studies, drainage analysis).

e. Traffic Studies.

1. Traffic Studies, Generally. A traffic impact study may be required for any large development, such as a shopping center, planned or mixed use development, an industrial complex, or a significant residential project. A traffic study is required when a specified threshold within the development is met or if it is determined by the City that the level of service (LOS) of the existing or proposed road network is unacceptable.
2. Thresholds. The proposed thresholds are as follows and, if met, require a traffic study:
 - a. If 50 or more lots in a residential subdivision or 100 parking places for multi-family residential or commercial projects are proposed;
 - b. If a proposed building is 100,000 square feet or more;
 - c. If there are two or more principal uses for a project area where the total gross floor area is 100,000 square feet or more; or
 - d. If the development is a truck or bus terminal, including service facilities designed principally for such uses.
3. Submittal Contents of Traffic Study. If a traffic study is required for a project, it shall contain the following elements:
 - a. A list of roads in the project area showing the functional class and traffic counts for each; and
 - b. An investigation of the project impact on the transportation network, including level of service (LOS) calculations for all affected roads.
4. Level of Service (LOS) and Road Functional Class Descriptions. The LOS, based on the current traffic on the road (volume) and the ability of the road to handle traffic (capacity), that will be considered acceptable is dependent on the functional class of the road, which is described by the South Carolina Department of Transportation (SCDOT) as follows:
 - a. LOS A. This level of service describes completely free-flow conditions. Desired speed and movements are virtually unaffected by the presence of other vehicles and constrained only by the geometric features of the roadway and driver preferences.
 - b. LOS B. Traffic flow is stable. The presence of other vehicles only slightly restricts freedom to

maneuver.

- c. LOS C. Traffic flow is stable, but the number of bumper-to-bumper groups of vehicles increases due to slow moving vehicles and turning maneuvers.
 - d. LOS D. Unstable traffic flow conditions are approached under LOS D. The desire to pass becomes very high but safe passing opportunities decrease significantly.
 - e. LOS E. Passing is virtually impossible. The slowest moving vehicle controls the travel speed.
 - f. LOS F. Passing is impossible. The slowest moving vehicle controls the travel speed. Very unstable traffic flow conditions exist.
5. Acceptable Level of Service Based on Functional Class. The functional class of a road is determined by the SCDOT. If the road is a not state maintained, it shall be considered local. The following are minimum acceptable levels of service based on the functional class of the road:
- a. Local - LOS C
 - b. Collector - LOS C
 - c. Arterial - LOS C
 - d. Expressway - LOS C
6. Certification and Other Requirements of the Traffic Study.
- a. Traffic studies shall be completed and certified by a registered engineer at the expense of the subdivider/developer, owner, or applicant (owner). The City reserves the right to develop a list of pre-approved transportation engineering firms and require that the owner select from the pre- approved list for any required traffic impact study.
 - b. Traffic studies shall meet the criteria of the Institute of Transportation Engineers (ITE) and shall analyze traffic conditions per the initial study phase.
 - c. If the initial study shows a LOS of less than C, then the subdivider/developer or owner shall be required to complete an additional traffic impact study of the full development of the site under the most critical traffic situation expected. This phase of work must be extended to include a traffic remediation plan that corrects the deficiencies and demonstrates an acceptable level of service on the public roadway(s) for the proposed project. The traffic remediation plan shall include roadway improvements and any traffic control devices necessary to reduce the impacts of the new development.
 - d. If the LOS of the existing road network is C or less, then the proposed development may not lower the existing level of service. New roadways within the proposed development must provide (at full development of the site) a LOS of not less than C. However, the study should reflect that the goal is for all existing or proposed public roadway systems to be improved to a minimum of a LOS C.
 - e. For phased projects, the proposed public rights-of-ways shall conform to the traffic remediation plan as detailed in the traffic study.
4. Development Plan Appeal. If a development plan is disapproved by reason of noncompliance, the subdivider/developer may accept the ruling or appeal the ruling to the Planning Commission. If the subdivider/developer defers the right to appeal and elects to modify a nonconforming development plan or if the subdivider/developer decides to appeal the disapproval of a development plan, the subdivider/developer shall abide by the plan requirements and submit the required plan contents set out in Section 6-21.3.1, Submittal Requirements, Subsection B., Plans and Plats.
5. Final Plat Appeal. If the required improvements have not been properly installed, inspected, approved and accepted and hence, the final plat is rejected, the subdivider/developer may accept the ruling or appeal the ruling to the Planning Commission. If the subdivider/developer defers the right to appeal and elects to complete the required improvements or if the subdivider/developer decides to appeal the rejection of the

final plat, the subdivider/developer shall abide by the plan requirements and submit the required plan contents set out in Section 6-21.3.1, Submittal Requirements, Subsection B., Plans and Plats.

6. Drainage Plan or SWPPP Variance or Waiver. See Section 4-12.1.2, Sediment and Erosion Control, Subsection D., Waivers.

C. Design Review.

1. Certificate of Appropriateness in the Downtown Design Districts.

a. Actions Requiring a Certificate of Appropriateness. Within any of the designated overlay districts set out in Division 1-2.4, Downtown Design Districts, an application must be submitted to the Design Review Board through the Director, acting as the Downtown Planning Coordinator. A Certificate of Appropriateness shall be issued before any of the following activities can be undertaken, unless such activity falls within the "major governmental construction" exception set out in (b) below:

1. The issuance of a permit by the Building Official and/or Director for erection, alteration, improvement, demolition, or moving of such structure, building, or signage;
2. All requests related to land use;
3. Landscape changes which include tree removal, without mitigation, of any hardwood tree at least six (6) inches Diameter at Breast Height (DBH), any conifer tree at least eight (8) inches DBH, and any flowering and/or fruiting ornamental trees (e.g., dogwood, magnolia, holly, crape myrtle) at least four (4) inches DBH, or the removal of any hedge or shrub group, without mitigation, that is at least thirty (30) inches in height. If the trees or shrubs are shown to be dead, dying, or greater than (50) percent damaged or diseased as a result of natural factors or the tree or shrub removal is to be mitigated with replacement trees and/or shrubs, the Certificate of Appropriateness may be issued administratively per Section 6-21.6.12.C
4. Exterior modifications or maintenance which may change or impact the appearance of the structure, including, but not limited to, roofing, facade repairs, fencing, grading or paving, awnings, shutters, or window replacement.

b. Exception for Major Governmental Construction Projects. There is hereby established an exception to the requirement for a Certificate of Appropriateness for the following circumstances involving major governmental construction projects.

1. For the purposes of this ordinance, a "major governmental construction project" is defined as a construction project being built by a governmental agency (federal, state, county, or city) and for which the total costs of the project exceeds One Million and no/100th (\$1,000,000.00) Dollars.
2. For a "major governmental construction project" as defined above, no Certificate of Appropriateness is required.
3. In lieu of the requirement of applying for and obtaining a Certificate of Appropriateness for such a "major governmental construction project", the governmental agency shall, prior to seeking a permit from the Building Official and/or the Zoning Administrator, submit a detailed description of the project, including cost information establishing that the total project costs exceed \$1,000,000.00, to the Downtown Planning Coordinator to establish that the project falls within this exception and to further establish that the project substantially complies with the intent of the Design Guidelines. Upon receipt of the application, the Downtown Planning Coordinator shall then certify that the project falls within this exception and further certify, by submitting findings of fact that the project substantially complies with the intent of the Design Guidelines. Such certification shall be made part of the public record and shall be forwarded to the City Attorney, City Manager, Design Review Board Chair and Mayor and City Council. Upon approval of said submission, the Downtown Planning Coordinator shall issue a Certificate certifying that the project falls within the exception created herein and authorizing the Building Official and/or the Zoning Administrator to issue required permits without a Certificate of Appropriateness.

- c. Criteria for Issuance. In considering the issue of appropriateness of a particular project, the Design Review Board shall be guided by the design guidelines, which are incorporated by reference in this Unified Development Ordinance. (See [Division 4-16.3](#), Downtown Design Districts Site Development Guidelines)
- d. Submittal Requirements.
 - 1. An application for a Certificate of Appropriateness shall be obtained from the Director. When completed, the application must be filed with the Director, acting as the Downtown Planning Coordinator.
 - 2. The Board shall, in its Rules of Procedure, require such data and information as is reasonable and necessary to determine the nature of the application. An application shall not be considered complete until the required data has been submitted.
 - 3. The application must be signed by the owner, or an authorized representative. Upon deliberation, the application form must be signed by the chairman or vice-chairman of the Design Review Board stating its approval, approval with conditions, or denial of the application, and stating the reasons for the decision. Action may be deferred by the Design Review Board to the next monthly meeting, but only upon concurrence of the owner/developer/agent.

2. Certificate of Appropriateness for Historically Designated Properties outside of Downtown.

- a. Actions Requiring a Certificate of Appropriateness. For a designated historic property outside of Downtown, an application must be submitted to the Design Review Board through the Director. A Certificate of Appropriateness shall be issued before a building permit can be issued for the demolition, new construction, exterior alteration, modification or addition to a designated historic property.
- b. Maintenance, Repair, and Interior Projects. Nothing in this Unified Development Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when that repair does not involve a change in design, material, color, or outer appearance of the structure. The Board shall not consider the arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building is specifically described and designated as historic. The Board may authorize the Director to approve minor projects involving repairs and ordinary maintenance that do not alter design, materials, color, or the outer appearance of a structure or interior projects not subject to design review.
- c. Criteria for Issuance. In considering the issue of historical appropriateness of a particular project, the Design Review Board shall be guided by the design guidelines set out in [Division 4-16.2](#), Development Standards for Historically Designated Properties.
- d. Submittal Requirements.
 - 1. An application for a Certificate of Appropriateness shall be obtained from the Director. When completed, the application must be filed with the Director.
 - 2. The Board shall, in its Rules of Procedure, require such data and information as is reasonable and necessary to determine the nature of the application. An application shall not be considered complete until the required data has been submitted.
 - 3. The Board shall review the application to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the Board, along with the reasons for each decision, will be recorded in the minutes and will be available upon request as a public reference for preservation procedures.
 - 4. The application must be signed by the owner, or an authorized representative. Upon deliberation, the application form must be signed by the chairman or vice-chairman of the Design Review Board stating its approval, approval with conditions, or denial of the application, and stating the reasons for the

decision. Action may be deferred by the Design Review Board to the next monthly meeting, but only upon concurrence of the owner/developer/agent.

5. Upon receipt of the Certificate of Appropriateness, the owner or agent shall be granted six (6) months to obtain a building permit. If the owner or agent does not obtain a building permit within the allotted six (6) months, the owner or agent may request an extension from the Downtown Planning Coordinator for a period not to exceed six (6) months. The Certificate of Appropriateness shall remain valid in concurrence with an active building permit. Should the outlined work in the Certificate of Appropriateness not require a building permit the property owner or agent shall be given six (6) months from the date of issuance for completion of work as approved and outlined in the Certificate of Appropriateness. The Certificate of Appropriateness may be granted an extension by the Downtown Planning Coordinator upon request by the property owner or agent for a period not to exceed six (6) months. If the property owner or agent fails to initiate or complete work within the given time, the property owner or agent shall be required to re-submit an application for a Certificate of Appropriateness to the Downtown Planning Coordinator as prescribed in Section 2.9 Florence Downtown Overlay Districts.

D. Use Permits.

1. Permitted Special Exception Use Approval. Applications for permitted special exception uses shall be on a form approved by the Director. The following information is required, unless deemed unnecessary by the Director:
 - a. The zoning of the subject property as well as surrounding properties;
 - b. A full description of the intended use;
 - c. Existing and future uses of all abutting properties and the distances separating the proposed use from all abutting uses;
 - d. Lot area of the parcel proposed for the permitted special exception use;
 - e. Proposed floor area of the permitted special exception use; and
 - f. Photographs of all existing structures; and
 - g. A site plan showing:
 1. Location, dimensions, and heights of all freestanding and wall signage;
 2. Location, type, and screening details of all proposed outdoor storage areas;
 3. Location of all parking area and the proposed site access and circulation;
 4. Locations of all bufferyards with an indication of whether each is a required or additional buffer;
 5. Elevation drawings of all proposed structures, including a description of existing and proposed building materials and colors.

E. Map and Text Amendments.

1. Zone Change. Applications for zone changes from one zoning district to another shall be on a form approved by the Director. The following information is required, unless deemed unnecessary by the Director:
 - a. An existing boundary map;
 - b. The proposed change to the boundary map;
 - c. Existing zoning of lot and adjacent properties; and
 - d. Reasons for the change.
2. Text Amendment. Petitions for amendments to this Unified Development Ordinance shall be made by or to

the Director. The City Council and any body that is described in [Article 20](#), Administrative Bodies, may initiate an amendment by motion. The following information is required, unless deemed unnecessary by the Director:

- a. A copy of the Articles, Divisions, or Sections for which an amendment is requested or proposed;
- b. A brief written report describing the nature and purpose of the requested or proposed change; and
- c. A copy of the subject Articles, Divisions, or Sections with legislative formatting depicting the proposed changes, additions, or deletions to the text.

F. Historic Preservation.

1. City Designation of Historic Properties or Districts. The Design Review Board is required to maintain a local inventory of buildings, structures, objects, and sites that have been designated as historic by City Council as set out in [Section 6-20.2.3](#), Florence Design Review Board. The Design Review Board is required to review applications and make recommendations for historic designation(s) to the City Council. Such designation(s) require identification of the Official Zoning Map, which constitutes a zone change. The submittal contents required for designation of historic properties and districts is the same as that for a zone change, as set out in [Section 6-21.3.1](#), Submittal Requirements, Subsection E., Map and Text Amendments.
2. Certificate of Appropriateness. A public hearing is required when an application for a Certificate of Appropriateness is considered by the Florence Design Review Board. The submittal contents required for issuance of a Certificate of Appropriateness are the same as that set out in [Section 6- 21.3.1](#), Submittal Requirements, Subsection C., Design Review.

G. Variances and Appeals.

1. Variance. Applications for variances shall be on a form approved by the Director. The following information is required, unless deemed unnecessary by the Director:
 - a. Nature of the variance;
 - b. Evidence of unnecessary hardship; and
 - c. Necessity of variance.
2. Minor Adjustment. Applications for minor adjustments from the development standards of this Unified Development Ordinance shall be on a form approved by the Director. The following information is required, unless deemed unnecessary by the Director:
 - a. Nature of the minor adjustment;
 - b. Evidence of unnecessary hardship; and
 - c. Necessity of a minor adjustment.
3. Administrative Appeal. Applications for administrative appeals of a decision of City staff shall be on a form approved by the Director. The following information is required, unless deemed unnecessary by the Director:
 - a. Nature of the appeal regarding the interpretation or enforcement of this Unified Development Ordinance by City staff; and
 - b. Reason for the administrative appeal and the requested relief of the interpretation or enforcement.
4. Appeal to City Council. Applications for appeals to the City Council of a decision of the Planning Commission or Florence Design Review Board shall be on a form approved by the Director. The following information is required, unless deemed unnecessary by the Director:
 - a. Nature of the appeal regarding a decision of the Planning Commission or Florence Design Review Board; and
 - b. Reason for the appeal and the requested relief of the decision of the Planning Commission or

Division 6-21.5 Standardized Development Review Procedures

Sec. 6-21.5.1 Procedure for Review of Applications

- A. **Generally.** This Division sets out the general process for review of applications for development or land use approval. Generally, the review process is initiated with an application pursuant to the requirements of Section 6-21.5.3, Application, and proceeds through each subsequent Section (which describes a sequential step of the review process) until a decision is made on the application.
- B. **Simultaneous Review.** In some cases, more than one approval or permit must be issued in order to authorize construction or establish a use. Typically, approvals are granted sequentially from the general (e.g., rezoning to allow for the use or intensity requested) to the specific (e.g., a building permit), with approvals of varying levels of specificity between (e.g., sketch plans, development plans, final plats, and/or site plans). However, an applicant may request that related approvals proceed simultaneously.

Sec. 6-21.5.2 Pre-Application Conference

- A. **Generally.** The purpose of a pre-application conference is to familiarize the applicant with the development review and approval process, and applicable provisions of this Unified Development Ordinance that are required to permit the proposed development.
- B. **Requirements.** A pre-application conference is required for all applications for development approvals that require public hearings. A pre-application conference is optional for all other application types. Pre-application conferences do not apply to administrative appeals.

C. Meeting Materials.

1. The applicant shall bring to (or submit prior to) the pre-application conference sufficient supporting materials to explain:
 - a. The location of the project;
 - b. The proposed uses (in general terms);
 - c. The proposed arrangement of buildings, parking, access points, open spaces, and drainage facilities;
 - d. The relationship to existing development;
 - e. The presence of natural resources, open water, floodplains, and floodways on the parcel proposed for development;
2. The responsible official may request additional information prior or subsequent to the meeting.

D. Authority of Director.

1. The Director may establish a regular schedule for conducting pre-application conferences.
2. The Director may provide for conducting pre-application conferences in person, by telephone, or by internet-based conferencing.
3. The Director may waive a pre-application conference if the Director and the applicant agree that such conference is unnecessary to serve the purposes set out in Subsection A., above.

Sec. 6-21.5.3 Application

- A. **Generally.** Every application for an approval required by this Unified Development Ordinance shall be submitted on a form approved by the Director or other responsible official as identified in [Article 20](#), Administrative Bodies, or the Code of Ordinances, and shall include the corresponding application fee that is established by the City Council from time to time.

- B. Applicant.** Unless otherwise specified in this Unified Development Ordinance, applications for review and approval may be initiated by the owner of the property that is the subject of the application or the owner's authorized agent. When an authorized agent files an application under this Unified Development Ordinance on behalf of a property owner, the agent shall provide written documentation that the owner of the property has authorized the filing of the application. This requirement shall be satisfied upon the submittal of an application bearing the owner's name and signature and notarized.
- C. Liens, Taxes, Assessments, and Debts to Public Entities.** No application for a permit or approval will be processed for property that is the subject of outstanding liens, delinquent taxes, delinquent assessments, or any other delinquent debts, fines, or obligations to the City, County, a school district, or other public-sector entity that provides services to the property.
- D. Representation of Facts.** It shall be unlawful for any person to knowingly or willfully misrepresent or fail to include any information required by this Unified Development Ordinance on any application. If development is approved upon an application that contains misrepresentations or fails to contain material facts required by the application, then the City shall place a stay or stop work order on the development or use. The stay or stop work order shall remain in place until such time that the approval body receives the required information to the satisfaction of the approval body and approved as applicable.
- E. Waiver of Submittal Requirements.** The Director may waive certain submittal requirements in order to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirement where he or she finds that the project size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in the Director's sole judgment, support such waiver.
- F. Forms.**
1. The responsible official shall promulgate and periodically revise forms for each type of application required by this Unified Development Ordinance.
 2. Application forms shall include the specific information that is required to process each type of application. The specific information requirements shall be established and periodically revised by the responsible official, and have the purpose of facilitating:
 - a. The evaluation of applications for compliance with the standards of this Unified Development Ordinance; and
 - b. The administration of this Unified Development Ordinance.
- G. Schedule.** The responsible official is authorized, but not required, to establish regular intake days for any or all classifications of applications for development approval, provided that:
1. The schedule is posted at City Center and on the City's web site; and
 2. The schedule provides for applications to be submitted:
 - a. At least once per week for applications listed in Section 6-21.1.2, Administrative Permits, except use, building, and occupancy permits, which shall not be limited to certain days.
 - b. At least twice per month for applications listed in Section 6-21.1.3, Public Meeting Approvals.
 3. The schedule does not restrict the timing of notices of appeal.
- H. Additional Requirements.** The Director or any director of the City, service or utility provider, or County to which has authority to review and/or approve may also add requirements to the submittal when it is reasonably foreseeable that additional information will be needed to resolve questions of compliance with the requirements of this Unified Development Ordinance or other policies or plans of the City, any service or utility provider, or County that is associated with or may be affected by the project.

Sec. 6-21.5.4 Fees

- A. Generally.** The City Council shall, from time to time, establish fees by resolution for the processing and review

of the various applications that are required by this Unified Development Ordinance. The fees shall be reasonable, but shall not exceed the actual costs to review the applications. The City Council may provide for a flat fee, plus require the reimbursement of extraordinary costs to the City that are necessitated by an application, such as fees for expert technical review or advice from consultants.

- B. **Relationship to Application.** No application shall be eligible to be determined complete until all application fees are paid in full, including escrow fees.
- C. **No Refunds.** Once an application has been reviewed and determined complete, pursuant to Section 6-21.5.5, Application Completeness Review, the fee is non-refundable.

Sec. 6-21.5.5 Application Completeness Review

- A. **General.** Within five business days after an application is submitted, the responsible official shall review the application to verify that it is complete.
- B. **Incomplete Applications.**
 - 1. Incomplete applications shall be returned to the applicant with a written explanation that describes in general terms the materials that must be submitted to complete the application.
 - 2. No application that does not include the applicable processing fee shall be considered complete.
- C. **Complete Applications.** Complete applications shall be processed according to the applicable procedures of this Article.
- D. **Generally.** Every application for development approval shall be submitted on a form approved by the Director; or in the case of environmental permits, the Director of Public Works and Utilities; or in the case of Building Permits, the Building Official; along with the corresponding application fee.

Sec. 6-21.5.6 Staff Review and Referral

- A. **Staff Review.** When the Director determines that an application is complete, then the Director shall cause the application to be reviewed for technical compliance with the requirements of this Unified Development Ordinance; and
 - 1. If the application is for an administrative permit, shall approve, approve with conditions, or deny the application.
 - 2. If the application is for a public meeting approval, shall make a recommendation regarding the application and forward the recommendation to the next body that will consider it for further recommendation or approval.
- B. **Recommended Revisions.**
 - 1. The Director, or other responsible official, shall provide comments from City Staff to the applicant, who shall revise and resubmit materials with appropriate changes within the time required by Section 6-21.5.7, Termination of Inactive Applications.
 - 2. The resubmittal shall not require an application fee unless both of the following conditions are met:
 - a. The revisions are inappropriate or incomplete; and
 - b. Repeated failure to address comments requires more than three rounds of revisions.
- C. **Meeting Logistics.**
 - 1. If the application is for a public meeting approval, the Director shall set the application on the next available agenda of the next body that will consider the application, consistent with the legal requirements for public notice, if any.
 - 2. The Director shall coordinate with decision-making bodies to fix reasonable times for hearings.

3. The Director shall notify the applicant regarding the time and place of the public hearing(s).

Sec. 6-21.5.7 Termination of Inactive Applications

A. **Generally.** Applications for development approval must be diligently pursued by the applicant.

Accordingly, this Section extinguishes applications that become inactive due to inaction by the applicant.

B. Expiration of Inactive Applications.

1. When an action by the applicant is required for further processing of an application (for example, submittal of supplementary documentation), the application shall become void six months after the date that the action is requested if:

a. The applicant fails to take action; or

b. The applicant fails to request an extension of time pursuant to Subsection C., below.

2. When an action by the applicant is required for further processing of an application for sketch plan or final plat approval, the application shall become void 30 days from receipt of the application if the application has remained dormant during that period where no activity has occurred toward the completion of the application where changes or corrections are required or where instruments or documents requested or required is not forthcoming within that period from the property owner or authorized agent.

3. No refunds of application fees will be issued to applicants whose applications expire pursuant to this Subsection.

C. **Extension of Time.** The time for expiration of an application may be extended by up to six additional months upon written request of the applicant before the end of the period set out in Subsection B., above.

D. **Effect of Expiration.** Applications that expire pursuant to this Section shall automatically become null and void, closed and discarded without further notice or activity by the City. Any application proposal for a lot, parcel, or tract, regardless of the commonality with an expired application, will be treated as a new application, subject to requirements in effect at the time of the most recent submittal, and with new fees.

Sec. 6-21.5.8 Additional Recommendations

A. **Generally.** The City Council, Planning Commission, Board of Appeals, or Florence Design Review Board may, at their discretion, seek additional recommendations from any City department, board, commission, ad hoc committee, task force, subcommittee, group or organization, the Chamber of Commerce, economic development partnership, or others as felt necessary to make any decision or to gain insight or information related to any case or decision pending before them if within their purview to seek such evidence.

B. **Disclosure.** The additional recommendations shall be made a part of the record of the case and the contact and substance of the recommendation shall be disclosed before a decision on the case is made.

Sec. 6-21.5.9 Public Notice

A. **Generally.** Public notice, if required, shall be provided in accordance with the requirements of this Section. The content of notices shall be according to the policies adopted by the City of Florence or as required by law.

B. **Required Notice.** Set out in **Table 6-21.5.9, Required Notice**, is the notices that are required for each type of application or procedure for which notice is required. Approvals and procedures that are not listed do not require notice unless notice is required by statute.

**Table 6-21.5.9
Required Notice**

Type of Application	Posted Notice	Publication Notice	Mailed Notice
General Notice Requirements (Section 6-29-760, Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act of 1994.)	Conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abuts the property.	At least fifteen days' notice of the time and place of the public hearing must be given in a newspaper of general circulation in the municipality or county.	At least ten days' notice and an opportunity to comment in the same manner must be given to other interested members of the public, including owners of adjoining property.
Use Permits			
Permitted Special Exception Use Permit	Required	Required	Required
Text and Map Amendments			
Zone Change	Required	Required	Required
Text Amendment	Not Required	Required	Not Required
Historic Conservation			
City Designation of Historic Properties or Districts	Required	Required	Required
Certificate of Appropriateness	Required	Required	Required
Variances and Appeals			
Variance	Required	Required	Not Required
Appeals	Not Required	Required	Not Required

C. **Computation of Time.** In computing the time periods for providing notice pursuant to this Section, the day of mailing, publication, or posting shall not be counted, but the day of the hearing shall be counted.

D. **Constructive Notice.** Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or location map that are not substantial with respect to the general location of the property, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct City staff to make a formal finding as to whether there was substantial compliance with the notice requirements of this Unified Development Ordinance, and such finding shall be made available to the decision-making body at the same meeting or prior to final action on the request.

Sec. 6-21.5.10 Public Meetings and Hearings

A. **Generally.** All meetings of appointed Boards, Councils, and Commissions shall be open to the public except as otherwise provided in the South Carolina Open Meetings Law set out in Title 30, Chapter 4, South Carolina Code of Laws.

B. **Joint Meetings.** Any public hearing required by this Unified Development Ordinance or the laws of the State of South Carolina may be held jointly with any public hearing required to be held by any other Board, Council, or Commission of the City, except the Board of Zoning Appeals. Such joint meetings may be held after published notice as required by law.

C. **Consent Agenda.** Any Board, Council, or Commission that is identified in [Article 20](#), Administrative Bodies, except the Board of Zoning Appeals, may establish a consent agenda. The consent agenda may consist of all matters brought before the Board, Council, or Commission for action that does not require a public hearing. All items on the consent agenda shall be approved simultaneously by motion without comment or debate. An item may be removed from the consent agenda prior to approval at the request of any member of the Board,

Council, or Commission present at the meeting, or by City staff. Items removed from the consent agenda shall be considered on the regular agenda.

D. Public Hearings.

1. Procedures. Boards, Councils, and Commissions will adopt rules of procedure for the conduct of public hearings. The following general procedures shall be reflected in the adopted rules of procedure.
 - a. Any person may appear at a public hearing, submit evidence, and be heard.
 - b. If a speaker represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration.
 - c. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent.
 - d. Citizens, applicants, and the City have the right to present expert witnesses.
 - e. The chairperson may impose a reasonable time limit on speakers and may limit testimony that is irrelevant or redundant.
2. Representation. Persons appearing before a Board, Council, or Commission may appear in person or through a representative or agent. The representative or agent shall provide satisfactory proof of his or her authority upon the request of the City, Board, Council, or Commission.
3. Quorum. The number of members of a Board, Council, or Commission that is required in order to constitute a quorum is set out in the applicable Division of [Article 20](#), Administrative Bodies.
4. Decisions.
 - a. Except where this Unified Development Ordinance or state statutes provides otherwise, official action requires the favorable vote of a majority of a quorum present.
 - b. An affirmative vote of two-thirds of the Board of Zoning Appeals members present and voting is required, consistent with Section 6-29-800, Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act of 1994.
 - c. Except when voice votes are authorized, a vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote.
5. Time Limitations for Decisions.
 - a. For zone change (rezoning) applications, if the Planning Commission does not provide a recommendation to the City Council within 45 days after the public hearing, the Planning Commission shall either request and receive an extension from the City Council or make a final report to the City Council. If no extension is granted or no final report is made within the 45 day period, then the proposed amendment shall proceed to the City Council as a final report with no recommendation.
 - b. For sketch plans and final plat appeals, the Planning Commission shall take official action regarding the sketch plan (approval, approval with required changes, or disapproval) during the meeting at which it is presented, or within seven calendar days of such Planning Commission meeting, unless the subdivider/developer consents in writing to an extension of this time limit. The decision of the Planning Commission shall be final.
6. Conditions of Approval. Some procedures set forth in this Unified Development Ordinance authorize the decision-making body to impose such conditions upon the premises benefited by the approval as may be necessary to reduce, minimize, or eliminate potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the comprehensive plan and this Unified Development Ordinance. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development or shall carry out the general purpose and intent of the comprehensive plan and this Unified Development Ordinance. No conditions of approval, except for those attached to variance or minor adjustment approvals, shall be less restrictive than the requirements of

this Unified Development Ordinance.

Sec. 6-21.5.11 Continuances and Withdrawal

- A. Generally.** Consideration of applications may be continued, or applications withdrawn, as provided in this Section.
- B. Continuances.**
1. Request or Motion to Continue. Consideration of an application may be continued upon motion of the Board, Council, or Commission or upon request of the applicant before a decision is made on the application.
 2. Period of Continuation. Should any item before a Board, Council, or Commission be tabled in anticipation of information or events to occur prior to rendering a decision, such tabling shall be for no longer than the second meeting following the meeting at which the item was tabled.
 3. Decision Required.
 - a. If at the conclusion of the continuation period the item under consideration remains in the same or unchanged state or condition as existed when the item was initially tabled, the item shall be removed from the table, and shall either be approved based on the available information or shall be disapproved.
 - b. If the item before the Planning Commission was a sketch plan or final plat appeal, the decision to approve or deny the plat shall be made within seven calendar days of such Planning Commission meeting, unless the subdivider/developer consents in writing to an extension of this time limit.
- C. Withdrawal.** Any application may be withdrawn, either in writing or on the record during the proceedings before the recommendation or decision is made.

Sec. 6-21.5.12 Effect of Approval

Approval of an application shall be deemed to authorize only the particular use, plan, or other specific activity for which the approval was granted. Approvals shall run with the particular land for which approval is given, except that permitted special exception use approvals may be conditioned upon operation of the use by the applicant, and text amendments to this Unified Development Ordinance are not related to particular parcels.

Sec. 6-21.5.13 Successive Applications

- A. Generally.** It is the policy of the City of Florence not to hear successive applications for a substantially similar application after an application is denied. The limitations of this Section prevent the consideration of successive applications.
- B. Time Required Between Substantially Similar Applications.** The City shall not accept any application that is substantially similar to an application that was denied within the period set out below:
1. Generally. Six months shall elapse between the date an application is denied by the approving body and the date a substantially similar application is filed.
 2. Certificates of Appropriateness. One year shall elapse between the date an application is denied and the date a substantially similar application is filed.
 3. Zone Changes. Zone change (rezoning) applications follow the general rule of Subsection B.1., above, except that if substantially similar zone change applications are denied twice, two years shall elapse from the last date of denial before a new substantially similar application is accepted for processing.
- C. Appeal and Waiver of Restrictions.** The Director's determination that an application is substantially similar to a denied application is subject to administrative appeal. In the alternative to an appeal, the applicant may seek a waiver of the successive application rules from the City Council, which may grant the waiver for good cause shown. Such good cause shall include, but not be limited to, such factors as:
1. An approved amendment to the Comprehensive Plan or this Unified Development Ordinance would

- potentially allow for the application to be processed to approval;
2. Changed conditions justify the waiver (e.g., the proposed use requires spacing from another use, and the other use moves away, or infrastructure was not sufficient to support the proposed development, but has since been improved); or
 3. The City Council finds that there was an error in the processing of the application that could not have been remedied by administrative appeal (successive applications shall not be used as a substitute for an appeal if an appeal could be used to resolve an allegation of error).

Division 6-21.6 Administrative Procedures

Sec. 6-21.6.1 Certificate of Zoning Compliance

- A. **Generally.** Zoning clearance is an administrative procedure in which the Director verifies that an application for development approval of a permitted or conditional use, or a building or structure that is permitted without site plan approval, complies with the requirements of this Unified Development Ordinance. Certificate of Zoning Compliances may be issued simultaneously with building permits or other required permits.
- B. **Application Requirements.** See Section 6-21.4.1, Submittal Requirements, Subsection A., Use Permits.
- C. **Decision.** The Director shall approve, approve with conditions, or deny the application.

Sec. 6-21.6.2 Certificate of Zoning Compliance - Conditional Use

- A. **Generally.** Conditional use permits are required as a precondition to establishment of a conditional use, and to changes in use to a conditional use.
- B. **Application Requirements.** See Section 6-21.4.1, Submittal Requirements, Subsection A., Use Permits.
- C. **Approval Criteria.** Conditional use permits shall be approved if it is demonstrated that they meet the applicable substantive requirements of this Unified Development Ordinance, particularly those specified for the proposed use in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards.
- D. **Procedure.** Applications for conditional use permits are processed according to the sequential steps set out in Section 6-21.5.2, Pre-Application Conference, through Section 6-21.5.6, Staff Review and Referral, and shall be referred to other departments and agencies and then decided by the responsible official, board, commission, or council as set out in [Division 6-21.1](#), Determinations, Approvals, and Permits.
- E. **Decision.** The Director shall approve, approve with conditions, or deny the application.

Sec. 6-21.6.3 Temporary Use Permit

- A. **Generally.** Administrative temporary use permits are required as a precondition to establishment of a temporary use that is designated as Small Class “A” and Class “B” Temporary Special Events, Class “B” Temporary Commercial Sales Uses, and Class “B” Temporary Construction Uses and Buildings as set out in [Division 1-2.9](#), Temporary Uses.
- B. **Application Requirements.** See Section 6-21.4.1, Submittal Requirements, Subsection A., Use Permits.
- C. **Approval Criteria.** Administrative temporary use permits shall be approved if it is demonstrated that they meet the applicable substantive requirements of this Unified Development Ordinance, particularly those specified for the proposed use in [Division 1-2.9](#), Temporary Uses.
- D. **Procedure.** Applications for administrative temporary use permits are processed according to the sequential steps set out in Section 6-21.5.2, Pre-Application Conference, through Section 6-21.5.6, Staff Review and Referral, and shall be referred to other departments and agencies, as applicable, and then decided by the responsible official, board, commission, or council as set out in [Division 6-21.1](#), Determinations, Approvals, and Permits.
- E. **Decision.** The Director shall approve, approve with conditions, or deny the application.

Sec. 6-21.6.4 Minor Changes to a Planned Development Site Plan

- A. **Generally.** The Director is authorized to approve minor modifications to Planned Developments in accordance with this Section.
- B. **Application Requirements.** See Section 6-21.4.1, Submittal Requirements, Subsection B., Plans and Plats.
- C. **Minor Modifications Defined.** The Director is delegated the authority to approve an application to modify a planned development site plan if it is demonstrated that the proposed modification will result in substantial adherence to the previous planned development ordinance. In making this determination, the Director, in his or her discretion, may refer any application for modification under the Director's jurisdiction to the Planning Commission for review and decision. The minor modifications must demonstrate the following:
1. Development density and intensity have not materially changed, in that:
 - a. The number of buildings is not increased by more than 10 percent.
 - b. The height of the building(s) is the same or less.
 - c. The number of units is the same or fewer.
 - d. The aggregate lot coverage and floor area ratio are the same or less.
 - e. Density or intensity (floor area ratio) may be transferred from one building to another or from one stage of development to another, provided that the total floor area ratio is not changed.
 2. Design has not materially changed, in that:
 - a. The roadway patterns, including ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans.
 - b. The parking area is in the same general location and configuration.
 - c. The building setbacks are the same or greater distance from perimeter property lines, except that the building setbacks for detached single family development, lot line, townhouse and cluster development may be decreased, provided that such decrease is limited such that the resulting setback distance will be the greater of either:
 1. The zoning district regulations, or
 2. Any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought.
 - d. The landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect.
 - e. The proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved.
 - f. Elevations and renderings of buildings have substantially similar architectural expressions as those shown on the approved plans.
 - g. Recreational facilities either remain the same or are converted from one recreational use to another.
 - h. Recreational facilities may be added.
 3. The proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the Unified Development Ordinance that were not previously approved at a public hearing, or of expanding the scope of existing variances or other approvals such that they would differ to a greater degree from the strict application of the Unified Development Ordinance.
- D. **Criteria.** In reaching a decision as to whether the change will require the governing authority's approval, the Director shall use the following criteria:

1. Any increase in intensity or use shall constitute a modification requiring a Planning Commission recommendation and City Council approval. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
 2. Any change greater than 10 percent in parking areas resulting in an increase or reduction in the number of spaces approved shall constitute a change requiring a Planning Commission recommendation and City Council approval.
 3. Structural alterations significantly affecting the basic size, form, style, and location of a building, as shown on the approved plan, shall be considered a change requiring a Planning Commission recommendation and City Council approval.
 4. Any reduction in the amount of open space or bufferyard, or any change in the location or characteristics of open space, shall constitute a change requiring a Planning Commission recommendation and City Council approval.
 5. Any change in use from one use group to another shall constitute a change requiring a Planning Commission recommendation and City Council approval.
 6. Any change in pedestrian or vehicular access or circulation shall constitute a change requiring a Planning Commission recommendation and City Council approval.
- E. **Procedure.** Applications for minor modifications to planned developments are processed according to the sequential steps and shall be referred to other departments and agencies, as applicable, and then decided by the responsible official, board, commission, or council as set out in [Division 6-21.1](#), Determinations, Approvals, and Permits.

F. **Decision.**

1. The Director shall approve, approve with conditions, or deny the application.
2. The Director may refer the application to the Planning Commission if the Director finds that the proposed development entails a significant change in the planned development site plan.

Sec. 6-21.6.5 Development Plan

A. **Generally.** Development plans are required for submittal upon review by City staff and approval by the Planning Commission of a sketch plan.

B. **Application Requirements.** See Section [6-21.4.1](#), Submittal Requirements, Subsection B., Plans and Plats.

C. **Procedure.**

1. Review and Comment Process.
 - a. Upon receipt of a development plan submittal, the Director shall determine if the development plan is in conformity with the approved sketch plan.
 - b. If the Director determines that the development plan is not in conformity with a previously approved sketch plan, the subdivider/developer must:
 1. Revise the development plan so that it conforms with the approved sketch plan and then re-submit; or
 2. Return to the sketch plan submittal and review process to get an approved sketch plan that incorporates the desired changes.
 - c. If the Director determines that the development plan is in conformity with an approved sketch plan, the development plan shall be forwarded to the appropriate agencies or departments for review.
 - d. The following entities are responsible for reviewing the development plan, determining if it is in conformity with applicable codes and ordinances, and submitting written statements of conformity or non-conformity to the Director within 20 calendar days of when the subdivider/developer submitted

the development plan:

1. City of Florence Public Works and Utilities Department; and
2. City of Florence Fire Department.

e. The following entities are provided with a copy of the development plan for review only. However, they have the opportunity to comment with 20 calendar days of when the development plan was submitted, if necessary:

1. Cablevision company;
2. Gas company;
3. Power and light company; and
4. Telephone company.

f. Upon receipt of signed written statements of conformity or non-conformity from the reviewing agencies listed above, the Director will either:

1. Approve the development plan;
2. Disapprove the development plan; or
3. Approve the development plan pending required changes.

g. The Director shall notify the subdivider/developer of such action in writing within 30 calendar days of the development plan submittal.

2. Subsequent to Development Plan Approval.

a. Upon approval of the development plan or approval with required changes, and subsequent written notification to the subdivider/developer by the Planning Commission staff, the subdivider/developer is authorized to proceed with construction of the required improvements under supervision of the engineer of record.

1. The Director shall maintain the official stamped and approved development plans.
2. All approved construction plans shall be stapled together and must be reproducible.
3. The phasing of development shall be agreed upon by the reviewing agencies and the subdivider/developer. The development plan shall indicate such phasing.

b. Official action by the Planning Commission during one of its meetings is not required if the development plan is approved by the Director.

3. Disapproval and Appeals.

a. Based on statements from the reviewing agencies, the Director may disapprove the development plan, or approve the development plan pending required changes. The subdivider/developer can accept the ruling or appeal the ruling to the Planning Commission. The subdivider/developer may also appeal to the Planning Commission if the Director does not approve or disapprove the development plan within 30 calendar days.

b. If the subdivider/developer defers the right of appeal and elects to modify a nonconforming development plan and re-submit, the development plan process must re-start by submitting a revised development plan submittal package.

c. If the subdivider/developer elects to appeal the Director's decision, or appeal because of failure of the Director to approve or disapprove the development plan within 30 calendar days, he must submit a letter to the chairperson of the Planning Commission requesting placement on the Planning Commission's agenda.

1. To place the development plan appeal on the Planning Commission's meeting agenda, the referenced project must have met all project submittal requirements.

2. The appeal letter must be received by the chairperson of the Planning Commission at least 15 days prior to the Planning Commission meeting during which the subdivider/developer would like to present the development plan for official action.
3. The appeal letter must outline and document the reasons and facts as to why the subdivider/developer feels that the development plan conforms to all applicable codes and ordinances.
4. A pre-meeting conference attended by the subdivider/developer, at least one member of the Planning Commission, and the Director, or an appointee, must be held prior to the meeting during which the Planning Commission is scheduled to take action regarding the appeal. It shall be the responsibility of the Director to schedule this pre-meeting appeal conference. Failure of the subdivider/developer to attend the pre-meeting conference shall result in removal of the appeal from the Planning Commission agenda.

4. Official Action of the Planning Commission.

- a. Official action by the Planning Commission regarding the development plan is required only in the event of an appeal.
- b. If official action by the Planning Commission is required as the result of an appeal, then the Planning Commission shall either:
 1. Approve the development plan;
 2. Approve the development plan with required changes; or
 3. Issue final disapproval of the development plan during the meeting at which it is presented, or within seven calendar days of the Planning Commission meeting unless the subdivider/developer consents in writing to an extension of this time limit. The decision of the Planning Commission shall be final.
- c. If the Planning Commission issues final disapproval of a development plan following an appeal, the subdivider/developer will be required to restart the development plan submittal and review process if there is an intention to proceed with the project. However, final disapproval by the Planning Commission does not supersede the subdivider's/developer's right to appeal as defined in the 1994 Planning Enabling Act.
- d. If the Planning Commission approves the development plan following an appeal, or if the Planning Commission fails to take action within the specified or agreed upon time limit, the subdivider/developer is authorized to proceed with construction of the required improvements under supervision of the engineer of record.
 1. The Director shall maintain the official stamped and approved development plans.
 2. All approved construction plans shall be stapled together and must be reproducible.
 3. The phasing of development shall be agreed upon by the reviewing agencies and the subdivider/developer. The development plan shall indicate such phasing.
- e. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission meeting. The subdivider/developer shall be provided with a copy of the meeting minutes upon request.
- f. It is expressly understood that the Planning Commission shall not act to override the requirements of other agencies. However, the Planning Commission may seek to bring agreement in cases of conflicts between one or more reviewing agencies and the subdivider/developer.

5. Installation of Improvements.

- a. After development plan approval, the subdivider/developer may install all required improvements, or use any of the alternate techniques specified in [Division 4-14.4](#), Subdivision Improvements and Guarantees, in lieu of completing all improvements in the area covered by the approved development plan, or any portion thereof, which is proposed for recording and developing at the time.
- b. Prior to the granting of final plat approval by the Planning Commission, the City and the subdivider/developer shall agree upon a deadline for the completion of all required improvements as

provided in [Division 4-14.4](#), Subdivision Improvements and Guarantees.

c. Prior to final plat approval by the Planning Commission, the subdivider/developer shall complete, in a manner satisfactory to the City, all improvements required in this Unified Development Ordinance and specified in the approved development plan. Where applicable, such improvements shall be dedicated to the City.

Sec. 6-21.6.6 Final Plat

A. Generally. Final plats are required for submittal upon review by City staff, approval of a sketch plan by the Planning Commission, and approval of a development plan by the Director.

B. Application Requirements. See Section [6-21.4.1](#), Submittal Requirements, Subsection B., Plans and Plats.

C. Procedure.

1. Review and Comment Process.

a. Upon receipt of a final plat submittal, the Director shall determine if it is in conformity with the approved development plan.

b. If the Director determines that the final plat is not in conformity with a previously approved development plan, the final plat shall be rejected and returned to the applicant. The subdivider/developer must then either:

1. Make the necessary physical changes so that it is in conformity with the approved development plan and then re-submit the revised final plat; or
2. Return to the development plan submittal and review process in an attempt to obtain approval of a modified development plan that incorporates the changes.

c. If the Director determines that the final plat is in conformity with the approved development plan, then the final plat submittal shall be forwarded to the Director of Public Works and Utilities to determine (via inspections, review of certifications, etc.) whether the improvements shown on the development plan have been properly installed, and where applicable, have been approved and accepted by the City.

2. Acceptance and Approval.

a. If City staff determines that all of the improvements have been properly installed, City staff shall submit a signed and approved closeout document package to the Director stating that the improvements have been properly installed, inspected, approved, and accepted.

b. Upon receipt of the City staff's approved closeout package, but no more than 14 calendar days after the date that the final plat was submitted by the subdivider/developer, the Director shall sign, date, and stamp the final plat as "Approved For Recording." The approved final plat will then be made available to the subdivider/developer for recording in the office of the Florence County Clerk of Court.

c. Official action by the Planning Commission is not required if the final plat has been approved by the Director.

Sec. 6-21.6.7 Summary Approval of Final Plat

A. Generally. Summary approval of a final plat may be accepted by the Director.

B. Application Requirements. See Section [6-21.5.1](#), Submittal Requirements, Subsection B., Plans and Plats.

C. Procedure. The Director shall receive the application and accept it or, upon discretion, schedule it for Planning Commission review.

D. Criteria. The Director shall accept summary approval of a final plat application if it meets all of the following criteria:

1. Summary approval of the final plat will not frustrate the implementation of the comprehensive plan (e.g.,

- by encouraging sprawling development patterns or blocking access to a planned thoroughfare); and
2. The final plat complies with the applicable requirements of this Unified Development Ordinance.
- E. **Required Referral.** The Director shall not deny summary approval of a final plat. If the Director does not approve the plat, the Director shall place the plat on the agenda of the Planning Commission so that it may be considered for approval.

Sec. 6-21.6.8 Floodplain Development Permit

- A. **Generally.** All development proposed within a special flood hazard area (SFHA) and all development constructed, installed, commenced, improved, or maintained within a SFHA after the effective date (to the extent permitted by this Unified Development Ordinance), is required to obtain a floodplain development permit from the Director, acting as the Floodplain Administrator, in accordance with the procedures established in this Section, and the applicant for approval of such development shall pay the fee established by the City Council.
- B. **Application Requirements.** See Section 6-21.3.1, Submittal Requirements, Subsection D., Environmental Permits.
- C. **Standards for Issuance.** Approval or denial of a floodplain development permit by the Director, or an appointee, shall be based on all applicable provisions of Division 4-12.6, Flood Prevention, and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. The costs of providing governmental service during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electrical and water systems;
 7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 8. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 9. The relationship of the proposed use to the comprehensive plan of that area.
- D. **Procedure.** Floodplain development permits are processed by the Director, acting as the Floodplain Administrator, who may accept the review, comment, and recommendations of the Director of Public Works and Utilities and others, as applicable.

Sec. 6-21.6.9 Drainage Plan

- A. **Generally.** Every proposed development must have a drainage system that shall be designed by a registered engineer and constructed by the subdivider/developer. The subdivider/developer shall be responsible to design and construct drainage facilities to discharge the storm runoff of their development to an existing facility outside the secondary area capable of receiving the runoff with no adverse effects. The drainage system shall accomplish the following:
1. Provide for the proper drainage of surface water of the development and the drainage area of which it is a part;
 2. Permit the unimpeded flow of natural watercourses; and
 3. Provide positive drainage away from on-site sewage disposal facilities.

B. Application Requirements. See Section 6-21.4.1, Submittal Requirements, Subsection D., Environmental Permits.

C. Procedure.

1. A drainage study and report shall be prepared by a registered engineer engaged by the subdivider/developer. The study and report shall be submitted to the Director, together with an application and the fee established by the City Council.
2. The Director shall transmit the drainage study and report to the Director of Public Works and Utilities and other applicable review, approval, or implementing agencies.
3. Prior to authorization of any building permit by the codes enforcement division, the Director of Public Works and Utilities shall review and approve all such stream flow, runoff calculations, and drainage plans as may be required of a subdivider/developer under the provisions of this Unified Development Ordinance. The Director of Public Works and Utilities shall have final authority of engineer interpretations of all required 50-year and 100-year flood elevations necessary to this Unified Development Ordinance and shall report the findings to the Director, acting as the Floodplain Administrator for appropriate action.
4. Sufficient inspections shall be made to ensure compliance with the specifications set forth in this Unified Development Ordinance and other applicable regulations and ordinances. A registered engineer, employed by the subdivider/developer and approved by the Director of Public Works and Utilities, may certify in writing to the Director of Public Works and Utilities that such engineer has inspected each phase of the construction of the storm drainage improvements and certified that they meet the requirements and standards of this Unified Development Ordinance and all other applicable regulations and ordinances. The Director of Public Works and Utilities shall make a final inspection of the storm drainage improvements before accepting the improvements for dedication to the City for permanent maintenance.

D. Enforcement. No Certificate of Zoning Compliance or building permit shall be issued for any new building or development without a written statement from the Director of Public Works and Utilities, or an appointee, stating that the storm drainage facilities and improvements meet all of the requirements of this Unified Development Ordinance and other applicable regulations and ordinances.

Sec. 6-21.6.10 Land Disturbance Permit; Level I and Level II SWPPP

Refer to [Article 12](#), Storm Water Management, Drainage, and Flood Prevention.

Sec. 6-21.6.11 Sign Permit

- A. Generally.** A sign permit is required as set out in Section 6-21.3.1 Submittal Requirements, Subsection E, Other Permits. [Part 5](#), Sign Regulations, contains regulations about the height and area of signs, which vary by the type of sign. If a proposed sign meets all standards of this Unified Development Ordinance, or all standards set out in an approved sign design program for the property, then the Director will issue the sign permit.
- B. Application.** Applications for approval of a sign permit shall be on a form approved by the Director and/or Building Official including the contents set out in Section 6-21.3.1 Submittal Requirements, Subsection E., Other Permits.
- C. Procedure.** Sign permits are an administrative procedure in which the Director verifies that an application for approval of a sign complies with the requirements of [Part 5](#), Sign Regulations. Sign permits may be issued simultaneously with building permits or other required permits.
- D. Inspection.** The Director and/or Building Official may make or require any inspections of any construction work to ascertain compliance with the provisions of this Ordinance and other laws which are in force and to ascertain that the sign is erected as indicated on the approved sign permit application
- E. Fees.** Should any person, firm, or corporation begin any work for which a permit is required by this Ordinance providing to receiving such permit, then the subsequent permit fees required of the party to proceed will be double the standard fee typically charged by the City to authorize the applicable activity. Double permit fees be charged in excess of any other penalties prescribed by this Ordinance.

Sec. 6-21.6.12 Certificate of Appropriateness in the Downtown Design Districts

- A. **Standards for Issuance.** The standards for issuance of a Certificate of Appropriateness are set out in Section 6-21.4.1, Submittal Requirements, Subsection C., Design Review. Other approvals or permits (e.g., building permits) may also be required as provided in this Unified Development Ordinance.
- B. **Procedure.** In issuing a Certificate of Appropriateness, applications are processed according to the sequential steps set out in Section 6-21.5.2, Pre-Application Conference, through Section 6-21.5.6, Staff Review and Referral. The application may be decided by the Director, acting as the Downtown Planning Coordinator, as set out in (C) below.
- C. **Approval by the Director.** The Director, acting as the Downtown Planning Coordinator, is granted the authority to approve and issue a Certificate of Appropriateness in the Downtown Design Districts without going before the Florence Design Review Board, provided the Director specifically determines that the materials, paint color, design, architectural features, or style of the project or signage conforms to the applicable district as set out in Section 6-20.3.2, Director of Urban Planning, Research and Development, Subsection B.5. In all cases, the Director may refer the application to the Florence Design Review Board for review and consideration with particular attention being paid to properties and structures within the H-1 Historic District.
- D. **Permit Issuance.** No building permit applications shall be accepted nor shall any such permit be issued, and no work shall be performed until after approval of a Certificate of Appropriateness, and not until five business days have elapsed from its transmission to the Building Official by the Director, with any advice as to conditions which may have been attached to such a certificate.
- E. **Project Phasing.** Certificates of Appropriateness may be issued for distinct and separate phases of an ongoing project.
- F. **Time Limit.** Upon receipt of the Certificate of Appropriateness, the owner or agent shall be granted six (6) months to obtain a building permit. If the owner or agent does not obtain a building permit within the allotted six (6) months, the owner or agent may request an extension from the Downtown Planning Coordinator for a period not to exceed six (6) months. The Certificate of Appropriateness shall remain valid in concurrence with an active building permit. Should the outlined work in the Certificate of Appropriateness not require a building permit the property owner or agent shall be given six (6) months from the date of issuance for completion of work as approved and outlined in the Certificate of Appropriateness. The Certificate of Appropriateness may be granted an extension by the Downtown Planning Coordinator upon request by the property owner or agent for a period not to exceed six (6) months. If the property owner or agent fails to initiate or complete work within the given time, the property owner or agent shall be required to re-submit an application for a Certificate of Appropriateness to the Downtown Planning Coordinator as prescribed in Section 2.9 Florence Downtown Overlay Districts.

Sec. 6-21.6.13 Certificate of Completion

- A. **Issuance of Certificate.** Prior to the Building Official issuing a certificate of occupancy for any project in the downtown design districts, the owner must obtain from the Director, acting as the Downtown Planning Coordinator, a Certificate of Completion, which shall result and be issued upon compliance with all conditions and requirements contained in the Certificate of Appropriateness.
- B. **Denial of Certificate.** In the event a Certificate of Completion is denied by the Director, acting as the Downtown Planning Coordinator, the owner may appeal the decision in writing to the Design Review Board. In the event of an appeal, the Design Review Board shall consider and act on the appeal at its next regularly scheduled meeting.

Sec. 6-21.6.14 Design Review

- A. **Generally.** Set out in Division 3-8.3, Special Building Standards is the following design standards:
1. Section 3-8.3.1, Single Family Attached and Multiplex Building Standards (including duplexes, triplexes, quadruplexes, and townhouse);

2. Section 3-8.3.2, Fueling Stations, Light Automobile Service, and Car Wash Building Standards;
3. Section 3-8.3.3, Sexually Oriented Business Building Standards; and
4. Section 3-8.3.4, Self-Storage Building Standards.

B. Procedures. This Section sets out the procedures for the review of site and building design plans for the above Sections, and all other applicable provisions of this Unified Development Ordinance. The application submittal requirements are set out in Section 6-21.3.1, Submittal Requirements, Subsection E., Other Permits.

C. Administrative Review of Application. Upon application submission, the Director will review the site and building design plans for their conformance with the standards set out in Division 3-8.3, Special Building Standards.

D. Review Criteria. The review criteria used to determine conformance with the standards of this Unified Development Ordinance shall include, but are not limited to, the following:

1. Site Design Standards:

- a. Compatibility of the proposed use and building by consideration of its scale and massing in the context of adjacent, existing buildings;
- b. Number, location, width, spacing, and surfacing of driveways;
- c. Site standards set out in Division 1-2.8, Conditional and Permitted Special Exception Use Standards, as applicable;
- d. Number, location, dimensions, and setbacks of the required on-site parking, subject to the standards of Article 9, Parking and Loading; and
- e. Type, quantity, and placement of landscaping subject to the standards of Article 10, Landscaping and Buffering.

2. Building Design Standards:

a. Generally:

1. Exterior wall and building trim materials and colors;
2. Building wall design and articulation to address monotony and blank walls;
3. Roof type and materials, including its pitch, Overhands, eave lines, and projections;
4. Building massing including the lengths of uninterrupted wall planes and offsets that penetrate the roofline;
5. Design of large buildings to appear as multiple structures through the use of varied roof forms, building projections, vertical or horizontal offsets, or architectural details;
6. Building height and massing relative to abutting land uses and buildings;
7. Exterior floor-to-floor height of each story and the delineations between individual floors;
8. Building projections on the front facade below the eave line, which may consist of stoops, bay windows, covered porches, extruded entrances, or pedestrian arcades;
9. Heights, widths, and materials of porches and arcade columns;
10. Building wall articulations, which may include, among other treatments, a porch, stoop, balcony, windows and casings, cornices, lintels, columns, pilasters, etc.
11. Details of front entrances;
12. Fenestrations including the design and placement of doors and windows;
13. Level of quality and architectural interest of buildings;
14. Type, height, and style of building, site, and pedestrian lighting;

15. Orientation of buildings and building features to the street, e.g. overhead doors;
16. Location and screening treatments of ground, building, or roof-mounted mechanical and utility equipment;
17. Other building form and design treatments as contextually appropriate.

b. Single Family Attached and Multiplex Units:

1. Width, separation, and orientation of front-facing garage doors and the maximum percentage of the horizontal plane of the front building facade;
2. Street-facing orientation and minimum distance between primary building entrances and the shelter of entrances by a front porch;
3. Continuity and cohesiveness of the building architecture and its features and patterns with that of the adjacent buildings;
4. Articulation of building facades for the purpose of creating visual interest and avoiding monotony;
5. First floor elevations above the finished grade and foundation skirting treatments relative to those of the adjacent buildings;
6. Sizes and locations of windows and their relative percentage of the front façade, together with their accentuations, e.g. shutters, awnings, or decorative framing; and
7. Quality, sustainable finish materials of all building walls and roofs and their compatibility with that of the adjacent and surrounding buildings.

E. Approval of Application. If the site and building design plans are in substantial compliance with the standards of this Unified Development Ordinance, the Director may approve and transmit the plans to the Building Official along with any advice as to conditions which may have been attached to such approval.

F. Review of Planning Commission. If in the determination of the Director that a site or building is not in substantial compliance with the standards of this Unified Development Ordinance, the Director may forward the site and building design plans for their consideration and approval or denial of the plans by the Planning Commission.

G. Denial and Appeal of Application. In the event the site and building design plans are deemed nonconforming and therefore, denied by the Director or the Planning Commission, the owner or the agent or representative may appeal the decision in writing to the Design Review Board. In the event of an appeal, the Design Review Board shall consider and act on the appeal at its next regularly scheduled meeting. The decision of the Design Review Board shall be final.

H. Submission of a New Application. If the Director determines that the site and building design plans should be denied, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed work.

Sec. 6-21.6.15 Building Permit

A. Generally. Procedure shall be according to the procedures set out in the applicable uniform building code.

B. Standards for Issuance. The Building Official issues building permits upon a finding that the proposed building or structure, or improvements to an existing building or structure, complies with:

1. Approved plans for development (e.g., site plans), or in the absence of a requirement for previously approved plans, this Unified Development Ordinance (including but not limited to setbacks, building coverage, height, and design); and
2. All applicable uniform building codes.

C. Decision. Decisions shall be rendered according to the procedures set out in the applicable uniform building code.

Sec. 6-21.6.16 Occupancy Permit

- A. **Generally.** Procedure shall be according to the procedures set out in the applicable uniform building code.
- B. **Standards for Issuance.** No certificate of occupancy for any building or structure, erected, altered, or repaired after the adoption of this Unified Development Ordinance shall be issued unless such building or structure was erected, altered, or repaired in compliance with the provisions of this Unified Development Ordinance, applicable building codes, approval conditions, and other pertinent ordinances. Certificates of occupancy may be issued as follows:
1. Certificates of occupancy shall be issued for buildings, structures, or parts thereof, or uses of land if after inspection it is found that such buildings, structures, or parts thereof, or such use of land, comply with the provisions of this Unified Development Ordinance, the building code, approval conditions, and all other pertinent ordinances.
 2. A temporary certificate of occupancy may be issued if weather does not permit installation of required landscaping. The Building Official may issue a temporary certificate of occupancy, provided that:
 - a. The temporary certificate of occupancy may be issued only after the building or structure is fully completed, safe, and ready for occupancy; and
 - b. The building, structure and/or lot are in conformity with the provisions of this Unified Development Ordinance, applicable building codes, approval conditions, and all other pertinent ordinances.
 3. The Building Official may issue a partial certificate of occupancy for part of a building, structure, or lot prior to the occupancy of the entire building, structure, or lot, provided that such portions of the building, structure, or lot are in conformity with the provisions of this Unified Development Ordinance, applicable building codes, approval conditions, and all other pertinent ordinances. However, partial certificates of occupancy shall not be issued for single-family dwellings, duplexes, or twin homes.
- C. **Decision.** Decisions shall be rendered according to the procedures set out in the applicable uniform building code.
1. Decisions shall be rendered according to the procedures set out in the applicable uniform building code.
 2. If the Building Official refuses a certificate of occupancy for cause, the Building Official shall notify the applicant of the refusal and the cause.

Division 6-21.7 Public Meeting and Hearing Procedures

Sec. 6-21.7.1 Temporary Use Permit

- A. **Generally.** Large Class "A" Temporary Special Events, Class "A" Temporary Commercial Sales Uses, and Class "A" temporary Construction Uses and Buildings require public meeting approval as a precondition to establishment of temporary events, uses, and buildings as set out in [Division 1-2.9](#), Temporary Uses.
- B. **Procedure.** Applications for temporary use permits requiring public meeting approval are processed according to the sequential steps set out in Section [6-21.5.2](#), Pre-Application Conference, through Section [6-21.5.10](#), Public Meetings and Hearings, and shall be referred to for the recommendation of other departments and agencies, as applicable, and then decided by the board, commission, or council as set out in [Division 6-21.1](#), Determinations, Approvals, and Permits.
- C. **Decision.** The Planning Commission shall approve, approve with conditions, or deny the application.

Sec. 6-21.7.2 Site Plan

A. Generally. Site plans establish the layout of development as set out in Section 6-21.4.1, Submittal Requirements. Site plans require approval after a public meeting as provided in this Section. Site plans that are incorporated into planned development ordinances or attached to permitted special exception use permit applications are also considered under this Section.

B. Procedure.

1. Site plans that are not part of other application types are processed according to the sequential steps set out in Section 6-21.5.2, Pre-Application Conference, through Section 6-21.5.10, Public Meetings and Hearings. The application is decided by the Planning Commission after recommendation of the Director, pursuant to the provisions of Section 6-21.5.10, Public Meetings and Hearings.
2. Site plans that are part of other application types are processed according to the procedures for those applications.

C. Approval.

1. **Criteria.** Site plans shall be approved if it is demonstrated that they meet the applicable substantive requirements of this Unified Development Ordinance. Where the site plans are attached to other applications, the applications shall be conditioned upon implementation of the site plan.
2. **Standards.** A site plan must comply with all of the standards of this Unified Development Ordinance, guided by the following design policies:
 - a. Site plans shall be used to implement the physical design objectives of adopted subarea plans in a manner that is consistent with the standards of this Unified Development Ordinance.
 - b. The proposed site plan shall be designed to minimize impacts on the reasonable development expectations or the use and enjoyment of adjacent land or the public interest, consistent with the applicable standards of this Unified Development Ordinance.
 - c. The proposed site plan shall not materially and adversely affect the public health or safety through interpretations of the standards of this Unified Development Ordinance that do not give full effect to other provisions that would be protective to health and safety if applied.
 - d. The proposed site plan recognizes the limits of existing and planned infrastructure, by thorough examination of the availability and capacity of water, sewer, drainage, and transportation systems to serve present and future land uses.
 - e. The proposed site plan provides for compatibility between the proposed development, surrounding land uses (existing or planned), and the natural environment.
 - f. The proposed site plan provides for efficient and adequate provision of public services and solid waste removal.
 - g. The proposed site plan protects public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
 - h. The proposed site plan provides for accessibility within the proposed development and appropriate connectivity or buffering or both between the development and existing adjacent uses.
 - i. The proposed site plan minimizes disruptions to existing physiographic features, including vegetation, streams, lakes, soil types, and other relevant topographical elements.

D. Decision. The Planning Commission shall approve, approve with conditions, or deny the application.

Sec. 6-21.7.3 Sketch Plan

A. Generally. Sketch plans are required for the obtaining approval of a subdivision of land within the territorial jurisdiction of the City of Florence.

B. Procedures.

1. Placement on Planning Commission Meeting Agenda. If the Director determines that the sketch plan

conforms with all applicable standards of this Unified Development Ordinance and other applicable ordinances, or if the Director determines that the sketch plan will conform pending required minor changes or approvable variances, the subdivider/developer will be notified and the Director shall place the sketch plan on the agenda of an upcoming Planning Commission meeting so that official action can be taken.

2. Pre-meeting Conference.

- a. The Director shall be available to meet with the subdivider/developer and his/her agent to discuss the project prior to the Planning Commission meeting for which it is scheduled.
- b. It shall be the responsibility of the subdivider/developer to schedule the pre-meeting conference.

3. Public Statement of Sketch Plan Conformity. If the sketch plan conforms with all applicable standards of this Unified Development Ordinance and other applicable ordinances, the Director shall make a statement of conformity at the Planning Commission meeting during which the sketch plan is presented for official action.

C. Denial and Appeal.

1. Options of Subdivider/Developer. If the Director notifies the subdivider/developer that the sketch plan does not conform with applicable standards of this Unified Development Ordinance, or if the Director notifies the subdivider/developer that the sketch plan will conform pending required changes with which the subdivider/developer does not concur, then the subdivider/developer can either accept the ruling or appeal the ruling to the Planning Commission. The subdivider/developer may also appeal to the Planning Commission if the staff does not provide notification of conformity or non-conformity within 30 calendar days.
2. Modification of Sketch Plan. If the subdivider/developer defers the right of appeal and elects to modify a nonconforming sketch plan and re-submit, the subdivider/developer must restart the procedural steps by submitting a revised sketch plan package, including the payment of additional filing fees.
3. Appeal. If the subdivider/developer elects to appeal the Director's decision or appeal because of the failure of the Director to provide notification within 30 calendar days, the subdivider/developer must submit a letter to the chairpersons of the Planning Commission requesting placement on the Planning Commission's agenda.
 - a. To place the sketch plan appeal on the Planning Commission's meeting agenda, the referenced project must have met all project submittal requirements.
 - b. The appeal letter must be received by the chairperson of the Planning Commission at least 15 days prior to the Planning Commission meeting during which the subdivider/developer would like the sketch plan to be presented for official action.
 - c. The appeal letter must outline and document the reasons and facts as to why the subdivider/developer believes that the sketch plan conforms to all applicable provisions of this Unified Development Ordinance.
 - d. A pre-meeting conference attended by the subdivider/developer, at least one member of the Planning Commission, and the Director, or an appointee, must be held prior to the meeting during which the Planning Commission is scheduled to take action regarding the appeal. It shall be the responsibility of the chairpersons of the Planning Commission to schedule this pre-meeting appeal conference. Failure of the subdivider/developer to attend the pre-meeting conference shall result in removal of the appeal from the Planning Commission agenda.

D. Official Action by the Planning Commission.

1. The Planning Commission shall take official action regarding the sketch plan (including approval, approval with required changes, or disapproval) during the meeting at which it is presented, or within seven calendar days of the Planning Commission meeting, unless the subdivider/developer consents in writing to an extension of this time limit. The decision of the Planning Commission shall be final.

- a. If the Planning Commission issues final disapproval of a sketch plan, the project will be closed and the subdivider/developer will be required to restart the procedural steps for any resubmittals, including the payment of additional filing fees, in order to proceed with the project. However, final disapproval by the Planning Commission does not supersede the subdivider/developer's right to appeal as defined in the 1994 Planning Enabling Act.
 - b. If the Planning Commission approves the sketch plan, approves the sketch plan with required changes, or fails to take action within the specified or agreed upon time limit, the subdivider/developer has full authorization to proceed with preparation of a development plan that is in conformity with the approved sketch plan and any attached conditions.
 - c. All pertinent discussions shall be recorded in the Planning Commission's meeting minutes. The subdivider/developer shall be provided with a copy of the meeting minutes for his/her records upon request.
2. It is expressly understood that the Planning Commission shall not act to override the requirements of other agencies. However, the Planning Commission may seek to bring agreement in cases of conflicts between one or more reviewing agencies and the subdivider/developer.

Sec. 6-21.7.4 Development Plan Appeal

A. **Generally.** Development plans are required for submittal upon review by the Director and approval by the Planning Commission of a sketch plan. Based on statements from the reviewing agencies, the Director may disapprove a development plan or approve the development plan pending required changes.

B. Denial and Appeal.

1. Options of Subdivider/Developer. If the Director notifies the subdivider/developer that the development plan does not conform with the sketch plan or the applicable standards of this Unified Development Ordinance, or if the Director notifies the subdivider/developer that the development plan will conform pending required changes with which the subdivider/developer does not concur, then the subdivider/developer can either accept the ruling or appeal the ruling to the Planning Commission. The subdivider/developer may also appeal to the Planning Commission if the staff does approve or disapprove the development plan within 30 calendar days.
2. Modification of Development Plan. If the subdivider/developer defers the right of appeal and elects to modify a nonconforming development plan and resubmit, the development plan process must restart by submitting a revised development plan submittal package.
3. Appeal. If the subdivider/developer elects to appeal the Director's decision, or appeal because of failure of the Director to approve or disapprove the development plan within 30 calendar days, the subdivider/developer must submit a letter to the chairperson of the Planning Commission requesting placement on the Planning Commission's agenda.
 - a. To place the development plan appeal on the Planning Commission's meeting agenda, the referenced project must have met all project submittal requirements.
 - b. The appeal letter must be received by the chairperson of the Planning Commission at least 15 days prior to the Planning Commission meeting during which the subdivider/developer would like to present the development plan for official action.
 - c. The appeal letter must outline and document the reasons and facts as to why the subdivider/developer believes that the development plan conforms to all applicable provisions of this Unified Development Ordinance.
 - d. A pre-meeting conference attended by the subdivider/developer, at least one member of the Planning Commission, and the Director, or an appointee, must be held prior to the meeting during which the Planning Commission is scheduled to take action regarding the appeal. It shall be the responsibility of the Director to schedule this pre-meeting appeal conference. Failure of the subdivider/developer to attend the pre-meeting conference shall result in removal of the appeal from the Planning Commission agenda.

C. Official Action of the Planning Commission.

1. Official action by the Planning Commission regarding the development plan is required only in the event of an appeal.
 - a. If official action by the Planning Commission is required as the result of an appeal, then the Planning Commission shall either:
 1. Approve the development plan;
 2. Approve the development plan with required changes; or
 3. Issue final disapproval of the development plan during the meeting at which it is presented, or within seven calendar days of the Planning Commission meeting unless the subdivider/developer consents in writing to an extension of this time limit. The decision of the Planning Commission shall be final.
 - b. If the Planning Commission issues final disapproval of a development plan following an appeal, the subdivider/developer will be required to restart the development plan submittal and review process if there is an intention to proceed with the project. However, final disapproval by the Planning Commission does not supersede the subdivider's/developer's right to appeal as defined in the 1994 Planning Enabling Act.
 - c. If the Planning Commission approves the development plan following an appeal, or if the Planning Commission fails to take action within the specified or agreed upon time limit, the subdivider/developer is authorized to proceed with construction of the required improvements under supervision of the engineer of record.
 1. The Director shall maintain the official stamped and approved development plans.
 2. All approved construction plans shall be stapled together and must be reproducible.
 3. The phasing of development shall be agreed upon by the reviewing agencies and the subdivider/developer. The development plan shall indicate such phasing.
 - d. Pertinent comments and recommendations shall be noted in the minutes of the Planning Commission meeting. The subdivider/developer shall be provided with a copy of the meeting minutes upon request.
 - e. It is expressly understood that the Planning Commission shall not act to override the requirements of other agencies. However, the Planning Commission may seek to bring agreement in cases of conflicts between one or more reviewing agencies and the subdivider/developer.

Sec. 6-21.7.5 Final Plat Appeal

A. Generally. After completion of the physical development of all or any completed phase of the area shown on the approved development plan, the subdivider/developer or his/her agent or representative is required to submit a final plat application for approval. If the City determines that all of the required improvements have not been properly installed, inspected, approved, and accepted, the Director shall reject the final plat.

B. Rejection of Final Plat and Appeal.

1. Non-Acceptance and Rejection.
 - a. If City staff determines that all of the required improvements have not been properly installed, inspected, approved, and accepted, then City staff shall provide such written or verbal notification to the Director.
 - b. Upon receipt of City staff's notification, but no more than 14 calendar days after the date that the final plat was submitted by the subdivider/developer, the Director shall reject the final plat submittal package and return it to the applicant, along with a cover letter stating the reasons for the rejection.
2. Options of Subdivider/Developer. Upon rejection of the final plat, the subdivider/developer can either

accept the ruling or appeal the ruling to the Planning Commission. The subdivider/developer may also appeal to the Planning Commission if the Director does not approve or reject the final plat within 14 calendar days.

3. Acceptance of Ruling. If the subdivider/developer accepts the ruling, the required improvements must be completed and the final plat submittal and review process must be restarted.
4. Appeal. If the subdivider/developer elects to appeal the Director's decision, or appeal because of failure of the Director to approve or reject the final plat within 14 calendar days, the subdivider/developer must submit a letter to the chairperson of the Planning Commission requesting placement on the Planning Commission's agenda.
 - a. To place the final plat appeal on the Planning Commission's meeting agenda, the referenced project must have met all project submittal requirements.
 - b. The appeal letter must be received by the chairperson of the Planning Commission at least 15 days prior to the Planning Commission meeting during which the subdivider/developer would like the final plat presented for official action.
 - c. The appeal letter must outline and document the reasons and facts as to why the subdivider/developer feels that the final plat should be approved.
 - d. A pre-meeting conference attended by the subdivider/developer, at least one member of the Planning Commission, and the Director, or an appointee, must be held prior to the meeting during which the Planning Commission is scheduled to take action regarding the appeal. It shall be the responsibility of the Director to schedule the pre-meeting conference. Failure of the subdivider/developer to attend the pre-meeting shall result in removal of the appeal from the Planning Commission agenda.

C. Official Action of the Planning Commission in the Event of a Final Plat Appeal.

1. Official action by the Planning Commission regarding the final plat is required only in the event of an appeal.
2. If official action by the Planning Commission is required as the result of an appeal, then the Planning Commission shall approve or reject the final plat during the meeting at which it is presented, or within seven calendar days of the Planning Commission meeting unless the subdivider/developer consents in writing to an extension of this time limit. The decision of the Planning Commission shall be final.
 - a. If the Planning Commission issues final rejection of a final plat following an appeal, the subdivider/developer must complete the required improvements and then re-start the final plat submittal and review process. However, final disapproval by the Planning Commission does not supersede the subdivider/developer's right to appeal as defined in the 1994 Planning Enabling Act.
 - b. If the Planning Commission approves the final plat as the result of an appeal, or if the Planning Commission fails to take action within the specified or agreed upon time limit, the Director shall sign, date, and stamp the final plat as "Approved for Recording." The approved final plat will then be made available to the subdivider/developer for recording in the office of the Florence County Clerk of Court.
 - c. Pertinent comments and recommendations regarding the appeal decision shall be noted in the minutes of the Planning Commission meeting. The subdivider/developer shall be provided with a copy of the meeting minutes upon request.
3. It is expressly understood that the Planning Commission shall not act to override the requirements of other agencies. However, the Planning Commission may seek to bring agreement in cases of conflicts between one or more reviewing agencies and the subdivider/developer.

Sec. 6-21.7.6 Petition to Designate Historic Properties or Districts

- A. **Generally.** The procedures of this Section are used for the petition of property owners to request designation of historic properties or districts. In addition to consideration and approval of petitions by property owners, the City Council, upon recommendation of the Design Review Board, may designate historic properties and

districts as set out in Section 6-21.7.7, City Designation of Historic Properties or Districts.

B. Application Requirements. See Section 6-21.4.1, Submittal Requirements, Subsection C., Design Review.

C. Initiation by Petition or Motion. A property owner shall submit an application to the Florence Design Review Board in order to be considered for designation as a historic property. The application shall be in the form and be filed in the manner required by the Director, acting as the Downtown Planning Coordinator.

D. Standards for Designation. The standards for designation of historic properties are set out in Section 6-21.4.1, Submittal Requirements, Subsection C., Design Review.

E. Procedure.

1. In designating a historic property, petitions or motions are processed according to the sequential steps set out in Section 6-21.5.2, Pre-Application Conference, through Section 6-21.5.10, Public Meetings and Hearings, and shall be referred for the recommendation of other departments and agencies, as applicable, and then decided by the Design Review Board as set out in Division 6-21.1, Determinations, Approvals, and Permits.
2. Generally, the following steps must be followed according to the general procedures of Division 6-21.5, Standardized Development Review Procedures:
 - a. The petition or motion is referred to the Director for review and recommendation.
 - b. Once the application is submitted and processed, the Florence Design Review Board shall conduct a public hearing whereas the owner, interested parties, or technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed property. Written notice shall be given and official signs shall be posted as is provided in Section 6-21.6.9, Public Notice. At the hearing, the Director shall make a presentation and make a recommendation to the Florence Design Review Board. Following the hearing and deliberation, the Florence Design Review Board shall forward a recommendation to the City Council.
 - c. Upon submission by the Florence Design Review Board, the City Council shall give notice and conduct its hearing on the proposed designation. Written notice shall be sent and official signs shall be posted in the same manner as for the Board's hearing. At the hearing, the Director shall present the Florence Design Review Board's recommendation.
3. Nominated Historic Properties. The City Council may, without a petition, when brought to its attention or on its own motion, consider, propose, and act to designate historic properties. In such a case, the City Council's approved motion to do so will substitute for the property owner's application referred to in Subsection B., above. All relevant procedures outlined in this Subsection shall be followed. However, no recommendation may be forwarded to the City Council unless the Florence Design Review Board's recommendation is supported by a two-thirds majority vote.

F. Decision.

1. The City Council shall approve or reject the petition or motion.
2. The City Council shall cause the designation to be recorded by the City Secretary in the Official Public Records of Real Property of Florence County, the tax records of the City of Florence and the Florence County Tax Assessor's Office.

G. Tax Incentives and Funding. In order to qualify for any special funding or tax incentives, historic properties, and contributing resources in historic districts, must maintain the characteristics on the basis of which they were designated, must be properly maintained, and follow all relevant guidelines established by the City.

Sec. 6-21.7.7 City Designation of Historic Properties or Districts

A. Generally. The procedures of this Section are used for the City Council, upon recommendation of the Design Review Board, to designate historic properties or districts.

B. Application Requirements. See Section 6-21.4.1, Submittal Requirements, Subsection F., Historic Conservation.

C. Initiation by Motion. The Design Review Board may review and recommend to the City Council the designation of historic properties or districts.

D. Nomination of Historic Properties or Districts. The City Council may, on its own motion, consider, propose, and act to designate historic properties or districts. In such a case, the City Council's approved motion to do so will substitute for the property owner's application. All relevant procedures outlined in this Section shall be followed. However, no recommendation may be forwarded to the City Council unless the Design Review Board's recommendation is supported by a two-thirds majority vote.

E. Procedure.

1. In designating a historic property or district, motions are processed according to the sequential steps Section 6-21.5.2, Pre-Application Conference through Section 6-21.5.10, Public Meetings and Hearings, and shall be referred to other departments and agencies, as applicable, and then decided by the City Council, upon recommendation of the Design Review Board.
2. Generally, the following steps must be followed according to the general procedures of Division 6-21.5, Standardized Development Review Procedures:
 - a. The motion is referred to the Director for review and recommendation.
 - b. Once the application is submitted and processed, the Design Review Board shall conduct a public hearing whereas the owner, interested parties, or technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed property or district. Written notice shall be given and official signs shall be posted as is provided in Section 6-21.5.9, Public Notice with the words, "NOTICE OF HISTORIC PROPERTY OR DISTRICT DESIGNATION." At the hearing, the Director shall make a presentation and make a recommendation to the Design Review Board. Following the hearing and deliberation, the Design Review Board shall forward a recommendation to the City Council.
 - c. Upon submission by the Design Review Board, the City Council shall give notice and conduct its hearing on the proposed property or district designation. Written notice shall be sent and official signs shall be posted in the same manner as for the Design Review Board's hearing. At the hearing, the Director shall present the Design Review Board's recommendation.

F. Decision.

1. The City Council shall approve or reject the motion.
2. The City Council shall cause the designation to be recorded by the City Secretary in the Official Public Records of Real Property of Florence County, the tax records of the City of Florence and the Florence County Tax Assessor's Office.

G. Tax Incentives and Funding. In order to qualify for any special funding or tax incentives, historic properties, and contributing resources in historic districts, must maintain the characteristics on the basis of which they were designated, must be properly maintained, and follow all relevant guidelines established by the City.

Sec. 6-21.7.8 Nomination to the National Register of Historic Places

A. Generally. The procedures of this Section are used to nominate historic buildings to the National Register of Historic Places. In addition to consideration and approval of petitions by property owners, the Florence Design Review Board may review, evaluate proposed nominations, and make recommendations to the State Historic Preservation Office for consideration of the State Board of Review.

B. Application Requirements. See Section 6-21.4.1, Submittal Requirements, Subsection C., Design Review.

C. Initiation by Petition or Motion. A property owner shall submit an application to the Florence Design Review Board in order to be considered for nomination to the National Register of Historic Places. The application

shall be in the form and be filed in the manner required by the Director, acting as the Downtown Planning Coordinator.

D. Standards for Designation. The standards for nomination to the National Register of Historic Places is considered by the State Historic Preservation Office and determined by the State Board of Review.

E. Procedure.

1. In nominating a property to the National Register of Historic Places, petitions or motions are processed according to the sequential steps set out in Section 6-21.5.2, Pre-Application Conference, through Section 6-21.5.6, Staff Review and Referral, and shall then be referred to the State Historic Preservation Office.
2. Generally, the following steps must be followed according to the general procedures of Division 6-21.5, Standardized Development Review Procedures:
 - a. The petition or motion is referred to the Director, acting as the Downtown Planning Coordinator, for review and recommendation.
 - b. Once the application for nomination is submitted and processed, the Florence Design Review Board shall conduct a public hearing whereas the owner, interested parties, or technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed property and its nomination to National Register of Historic Places. Written notice shall be given and official signs shall be posted as is provided in Section 6-21.5.9, Public Notice. At the hearing, the Director shall make a presentation and make a recommendation to the Florence Design Review Board. Following the hearing and deliberation, the Florence Design Review Board shall forward a recommendation to the State Historic Preservation Office for consideration at a meeting of the State Board of Review.

Sec. 6-21.7.9 Certificate of Appropriateness in the Downtown Design Districts

- A. **Generally.** For all applications other than those approved by the Director, as set out in Section 6-21.6.13, Certificate of Completion, the Design Review Board shall hold a public hearing, to consider the application for a Certificate of Appropriateness in the Downtown Districts.
- B. **Procedure.** Applications for certificates of appropriateness requiring public meeting approval are processed according to the sequential steps set out in Section 6-21.5.2, Pre-Application Conference, through Section 6-21.5.10, Public Meetings and Hearings, and shall be referred for the recommendation of other departments and agencies, as applicable, and then decided by the Design Review Board as set out in Division 6-21.1, Determinations, Approvals, and Permits.
- C. **Notice of Public Meeting or Hearing.** The time and location of the public hearing shall be published and posted as set out in Section 6-21.5.9, Public Notice.
- D. **Demolition.** When it is determined by the Director, acting as the Downtown Planning Coordinator, that demolition is a part of a project covered by an application for a Certificate of Appropriateness, the Design Review Board may, if in their judgment the public is best served, postpone action for not more than two scheduled monthly meetings. The initial hearing before the Design Review Board shall be counted as the first of the two monthly meetings. At the end of the above referenced deferral period, the Design Review Board shall approve, disapprove, or approve the application with modifications. Additionally, action may be deferred further by the Design Review Board to the next monthly meeting, but only upon concurrence of the owner/developer or his/her agent or representative.

E. Recommendation and Decision.

1. The Director, acting as the Downtown Planning Coordinator, shall make a presentation at the scheduled meeting or hearing and render a recommendation to the Design Review Board. The applicant or his/her agent or representative shall attend the scheduled meeting or hearing to consider the application, otherwise the Design Review Board shall not take action, and the application will be deemed to be incomplete. The applicant's or his/her agent's or representative's failure to attend a second scheduled hearing shall be treated for all purposes as a withdrawal of the application.

2. The Design Review Board shall review the application, using the design guidelines referenced in Section 4-16.3.1, Guidelines, to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the Design Review Board, along with the reasons for each decision, shall be recorded in the minutes and shall be available upon request as a public reference for conservation procedures.
 3. The Design Review Board shall make its determination and forward notice of the same to the Director, acting as the Downtown Planning Coordinator, within 60 calendar days after receipt of a completed application, unless the Design Review Board schedules additional hearings, after the first is timely held, in which case the determination and notification shall be extended;
 4. The Design Review Board may approve an application and condition such approval upon the applicant's compliance with such revisions, stipulations, or requirements as the Design Review Board may find appropriate.
- F. Resubmission of a Denied Application.** A property owner or representative may resubmit the same application for a Certificate of Appropriateness affecting the same parcel or project after 12 months from the date of denial.
- G. Submission of New Application.** If in the opinion of the Director, acting as the Downtown Planning Coordinator, there are substantial changes and improvements in the application for a project, the Director shall allow an owner to resubmit an application for a Certificate of Appropriateness affecting the same parcel or lot after a waiting period of 10 days from the date of denial.
- H. Mandatory Mediation of Dispute between Applicant and Design Review Board.** In the event an applicant for a Certificate of Appropriateness disagrees with the determination of the Design Review Board regarding the issuance of said certificate, before the applicant can file an appeal as set out in Section 6-23.1.6, Appeals to City Council, the applicant shall take the administrative step of attempting to mediate the dispute by doing the following:
1. Within 10 days of receiving notice of the initial decision by the Design Review Board, the applicant must provide to the Director, acting as the Downtown Planning Coordinator, written Notice of Disagreement and Agreement to Mediate the issues.
 2. Within 30 days of receiving said Notice of Disagreement, a mediation conference will be held regarding the issues with the following participants:
 - a. A mediator selected and supplied by the Downtown Redevelopment Corporation;
 - b. The applicant;
 - c. A member of the Design Review Board designated as its mediation representative by the chair of the Design Review Board; and
 - d. The Director, acting as the Downtown Planning Coordinator.
 3. At the mediation conference, the parties will attempt to agree upon a solution to the issues regarding the issuance of a Certificate of Appropriateness. The mediator will make a written report outlining the results of the mediation to the Design Review Board, and consideration of the Certificate of Appropriateness in light of the results of the mediation will be placed on the agenda at the first monthly meeting following the mediation for final consideration by the Design Review Board.
 4. The decision regarding the Certificate of Appropriateness by the Design Review Board after receiving the report from the mediator shall be the final decision of the Design Review Board.
- I. Certificate of Completion.** Prior to the Building Official issuing a certificate of occupancy for any project in the Downtown Design Districts, the owner or his/her agent or representative must obtain from the Director a Certificate of Completion, which shall result and be issued upon compliance with all conditions and requirements contained in the Certificate of Appropriateness. In the event a Certificate of Completion is denied by the Director, the owner or his/her agent or representative may appeal the decision in writing to the Design Review Board. In the event of an appeal, the Design Review Board shall consider and act on the appeal at its next regularly scheduled meeting.

- J. **Project Phasing.** Certificates of Appropriateness may be issued for distinct and separate phases of an ongoing project.
- K. **Time Limit.** Upon receipt of the Certificate of Appropriateness, the owner or agent shall be granted six (6) months to obtain a building permit. If the owner or agent does not obtain a building permit within the allotted six (6) months, the owner or agent may request an extension from the Downtown Planning Coordinator for a period not to exceed six (6) months. The Certificate of Appropriateness shall remain valid in concurrence with an active building permit. Should the outlined work in the Certificate of Appropriateness not require a building permit the property owner or agent shall be given six (6) months from the date of issuance for completion of work as approved and outlined in the Certificate of Appropriateness. The Certificate of Appropriateness may be granted an extension by the Downtown Planning Coordinator upon request by the property owner or agent for a period not to exceed six (6) months. If the property owner or agent fails to initiate or complete work within the given time, the property owner or agent shall be required to re-submit an application for a Certificate of Appropriateness to the Downtown Planning Coordinator as prescribed in Section 2.9 Florence Downtown Overlay Districts.

Sec. 6-21.7.10 Certificate of Appropriateness for Historically Designated Properties

- A. **Generally.** For all applications for Certificates of Appropriateness for historically designated properties outside of downtown, the Design Review Board shall hold a public meeting, or in the case of redevelopment or demolition, a public hearing, to consider the application within 45 calendar days after the receipt of a completed application.
- B. **Procedure.** Applications for a Certificate of Appropriateness requiring public meeting approval are processed according to the sequential steps set out in Section 6-21.5.2, Pre-Application Conference, through Section 6-21.5.10, Public Meetings and Hearings, and shall be referred for the recommendation of other departments and agencies, as applicable, and then decided by the Design Review Board as set out in Division 6-21.1, Determinations, Approvals, and Permits.
- C. **Notice of Public Meeting or Hearing.** Prior to the issuance of an approval or denial of a Certificate of Appropriateness, the Design Review Board shall inform the owner(s) of any property likely to be materially affected by the application, and shall give the applicant and such owner(s) an opportunity to be heard.
1. The applicant and the owners of any property likely to be materially affected by the application shall be given written notice of the time and place of the meeting by regular mail sent at least 15 days before the meeting.
 2. Written notices shall be sent and official signs shall be posted according to the standards set out in Section 6-21.5.9, Public Notice, with the words, "NOTICE OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS," with the number and location of said signs determined by the Director.
- D. **Demolition.** If the Design Review Board denies, or postpones for 180 days, a request to demolish a historic building, the Design Review Board shall work closely with the owner to find an appropriate use for the property, to help find a buyer, or to obtain funding for rehabilitation, including low-interest loans or grants. The Design Review Board shall inform the community concerning the threat to the building, its value as part of the fabric of the community, and, through publicity and contacts with civic groups, seek to provide assistance in preserving the property.
- E. **Recommendation and Decision.**
1. The Director, acting as the Downtown Planning Coordinator, shall make a presentation at the scheduled meeting or hearing and render a recommendation to the Design Review Board. The applicant or his/her agent or representative shall attend the scheduled meeting or hearing to consider the application, otherwise the Design Review Board shall not take action, and the application will be deemed to be incomplete. The applicant's or his/her agent's or representative's failure to attend a second scheduled hearing shall be treated for all purposes as a withdrawal of the application.
 2. The Design Review Board shall review the application, using the design guidelines, to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the Design Review Board, along with the reasons for each decision, shall be recorded in the minutes and shall be available upon

request as a public reference for preservation procedures.

3. The Design Review Board shall make its determination and forward notice of the same to the Director, acting as the Downtown Planning Coordinator, after receipt of a completed application, unless the Design Review Board schedules additional hearings, after the first is timely held, in which case the determination and notification shall be extended;
4. The Design Review Board may approve an application and condition such approval upon the applicant's compliance with such revisions, stipulations, or requirements as the Design Review Board may find appropriate.

F. Time Limits. Applications for a Certificate of Appropriateness shall be considered by the Design Review Board at its next regular meeting, provided they have been filed at least seven calendar days before their regularly scheduled meeting. If the Design Review Board fails to take action upon any application within 45 days after the complete application is received, the application shall be considered approved, except in cases where the Design Review Board has postponed an application to demolish a structure under the provisions contained in Subsection C., above.

G. Denial and Substantial Hardship.

1. In the event a Certificate of Appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines for historic properties. Substantial hardship is to be considered by the Design Review Board where one or more of the following unusual and compelling circumstances exist:
 - a. The property cannot reasonably be maintained in the manner dictated by the Unified Development Ordinance;
 - b. There are no other reasonable means of saving the property from deterioration, or collapse; or
 - c. The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.
2. The owner may be required to submit documents to show that the design guidelines cannot be complied with while earning a reasonable rate of return on investment in the property. Information required may include:
 - a. Costs of the proposed development with and without modification needed to comply with the design guidelines as determined by the Board,
 - b. Structural report and/or a feasibility report,
 - c. Market value of the property in its present condition and after completion of the proposed project,
 - d. Cost of the property, date purchased, relationship, if any, between seller and buyer, and terms of financing,
 - e. For the past two years, annual gross income from the property with operating and maintenance expenses, depreciation, and annual cash flow before and after debt service during that time, and
 - f. Other information considered necessary by the Board to determine whether or not the property may yield a reasonable return.

H. Submission of New Application. If the Design Review Board determines that a Certificate of Appropriateness should be denied, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed work.

I. Certificate of Completion. Prior to the Building Official issuing a certificate of occupancy for any project in the Downtown Design Districts, the owner or his/her agent or representative must obtain from the Director a Certificate of Completion, which shall result and be issued upon compliance with all conditions and requirements contained in the Certificate of Appropriateness. In the event a Certificate of Completion is denied by the Director, the owner or his/her agent or representative may appeal the decision in writing to the

Design Review Board. In the event of an appeal, the Design Review Board shall consider and act on the appeal at its next regularly scheduled meeting.

J. **Project Phasing.** Certificates of appropriateness may be issued for distinct and separate phases of an ongoing project.

Sec. 6-21.7.11 Permitted Special Exception Use Approval

- A. **Generally.** A permitted special exception use is a use that is allowed within a zoning district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within the district. These uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts, which if unmitigated, could undermine the integrity of the zoning district. The designation of a use as a permitted special exception use means that it is only allowed in a proposed location if all of the conditions applicable to the use, set out in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards, the general standards of Subsection C., below, and all of the other applicable requirements of this Unified Development Ordinance, are met.
- B. **Application Requirements.** Applications for approval of a permitted special exception use permit shall be on a form approved by the Director and include the contents set out in [Section 6-21.4.1](#), Submittal Requirements, Subsection D., Use Permits.
- C. **Criteria for Approval.** In addition to the applicable standards of this Unified Development Ordinance, including those set out in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards, all permitted special exception uses shall comply with the all of the following general standards:
1. The permitted special exception use shall not be of a type that would tend to undermine the implementation of an adopted plan that includes the parcel proposed for development.
 2. The permitted special exception use shall be compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate area or negatively affect the planned or anticipated development or redevelopment trajectory.
 3. There is no practicable alternative location where the use is permitted as-of-right within 1,000 feet of the parcel proposed for development, or, if such a location exists, the proposed location is more favorable in terms of:
 - a. Providing a needed community service;
 - b. Providing a critical mass of jobs that are likely to pay more than the median wages for the region;
 - c. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; or
 - d. Making more efficient use of public infrastructure, such as off-peak street capacity.
 4. The approval of the permitted special exception use will not create a critical mass of similar permitted special exception uses that is likely to discourage permitted uses by making the vicinity less desirable for them.
 5. The permitted special exception use and any conditions of development shall adequately protect public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
 6. The permitted special exception use will not use an unfairly disproportionate share of public services that would compromise the delivery of those services to other uses in the vicinity. Applicable public services include, but are not limited to, utilities, police protection, fire protection, schools, parks, and libraries.
- D. **Procedure.** In issuing a permitted special exception use permit, applications are processed according to the sequential steps set out in [Section 6-21.5.2](#), Pre-Application Conference through [Section 6-21.5.10](#), Public Meetings and Hearings. The application is decided by the Board of Zoning Appeals after recommendation of the Director, pursuant to the public meetings provisions of [Section 6-21.5.10](#), Public Meetings and Hearings.
- E. **Decision; Conditions of Approval.** The Director may recommend, and the Board of Zoning Appeals may attach,

conditions of approval to the permitted special exception use in order to mitigate its impacts (or reasonably foreseeable impacts) such that it complies with the criteria of Subsection C., above, and/or to assure and monitor continued compliance with this Unified Development Ordinance. Conditions shall be roughly proportional to the impacts to which they are addressed, taking into account the mitigating effects of applicable requirements set out in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards. The subject matter of conditions, by way of illustration and not limitation, may include:

1. Additional landscaping or buffering, or landscaping improvements;
2. Building or façade improvements;
3. Specification of hours of operation;
4. Limitations on the use or related activities;
5. Noise abatement measures;
6. Limitations on lighting, such as lighting curfews or restrictions on levels of illumination;
7. Measures to control, mitigate, or direct traffic;
8. Parking, loading, and site circulation adjustments;
9. Restrictions on outdoor displays, sales, or storage;
10. Standards and assurances regarding the maintenance of property;
11. Restrictions on signage that relate only to the sign structure, materials, lighting, placement, size, or type, but not to the content of messages displayed (unless such messages are not protected speech); and
12. An expiration date for the permit, before which the permit must be renewed in order for the permitted special exception use to continue to operate.

F. Annotation of Official Zoning Map. If the application is approved, the Official Zoning Map shall be annotated to reference the approval by case number.

Sec. 6-21.7.12 Zone Change

A. Generally. The boundaries of any zoning district in the City may be changed, or the zone classification of any parcel of land may be changed, as provided in this Section.

B. Initiation of Zone Change.

1. A zone change (rezoning) may be initiated by the owner of the property to be rezoned or their authorized agent or representative, the City Council, the Planning Commission, or by the Director. Zone change applications by property owners and their agents or representatives shall be submitted on a form approved by the Director, as set out in [Section 6-21.4.1](#), Submittal Requirements, Subsection E., Map and Text Amendments.
2. The Director may require the submission of such other information as may be necessary to permit the informed exercise of judgment under the criteria for the review of a zone change application. Such information shall be related to the scale, location, and impacts of the zone change application and may include, by way of illustration and not limitation, analysis of the capacity of the land to support development (e.g., soil characteristics and hydrology) or the additional impacts (or reduction in impacts) that may be created by changing the district designation, in terms of: traffic (trip generation), drainage, visual, aesthetic, and land use adjacency impacts, water and wastewater use and availability, and other information determined by the City as necessary to make an informed analysis and decision.

C. Criteria for Approval. The Planning Commission may recommend approval, and City Council may grant the approval of a zone change request if it is demonstrated that:

1. The proposed zoning is preferable to the existing zoning in terms of its likelihood of advancing the goals, objectives, and policies of the Comprehensive Plan or another adopted land use or area plan, including but not limited to redevelopment plans;

2. The proposed zoning is consistent with the future land use plan of the Comprehensive Plan (a future land use plan amendment may be processed concurrently with the zone change);
3. The proposed change is consistent with the implementation of existing or pending plans for providing streets, water and wastewater, other utilities, and the delivery of public services to the area in which the parcel proposed for a zone change is located;
4. The range of uses and the character of development that is allowed by the proposed zone will be compatible with the properties in the immediate vicinity of the parcel proposed for a zone change, and the parcel proposed for a zone change has sufficient dimensions to accommodate reasonable development that complies with the requirements of this Unified Development Ordinance, including parking and buffering requirements; and
5. The pace of development and/or the amount of vacant land currently zoned for comparable development in the vicinity suggests a need for the proposed rezoning in order to ensure an appropriate inventory of land to maintain a competitive land market that promotes economic development.

D. Procedures. Applications for zone changes are processed according to the sequential steps set out in Section 6-21.5.2, Pre-Application Conference through Section 6-21.5.10, Public Meetings and Hearings, and shall be decided by the City Council after recommendation of the Planning Commission pursuant to the public hearing provisions of Section 6-21.5.10, Public Meetings and Hearings. The Planning Commission shall hold a public hearing. The procedure shall incorporate the following additional requirements, which supersede any conflicting provisions in Division 6-21.5, Standardized Development Review Procedures:

1. A pre-application conference is required for an application for a zone change.
2. The period for completeness review is 20 days from the date of receipt of the rezoning application. If the Director requires additional information pursuant to Subsection B.2., above, the Director may retain the application and notify the applicant regarding the specific information requested.
3. The applicant shall provide the additional information within 25 days of the date of the Director's request. If the materials are not submitted within said time period, the application shall lapse.
4. The Planning Commission shall hold a public hearing on the proposed zone change and issue a final report to the City Council. The Planning Commission may defer its report for no longer than its next meeting to have an opportunity to consider revisions to the submittal that are requested from or volunteered by an applicant, which may have a direct bearing on the proposed zone change.
5. The Director shall forward the final report from the Planning Commission to the City Council with a recommendation.

E. Decision.

1. The City Council shall hold a public hearing on the proposed zone change and, at the close of the hearing shall, based upon the recommendations of the Director and/or Planning Commission, within 14 days:
 - a. Approve the zone change by ordinance;
 - b. Approve the zone change by ordinance with modifications;
 - c. Deny the zone change; or
 - d. Refer the proposed zone change back to the Planning Commission, to the Director, to a committee of the City Council, or to an ad hoc committee for further consideration.
2. The City Council shall support its decision with written findings of fact regarding the approval criteria in Subsection C., above.

Sec. 6-21.7.13 Text Amendments

A. Generally. The City Council may amend the text of this Unified Development Ordinance in accordance with the procedures set forth in this Section and Division 6-21.5, Standardized Development Review Procedures, to

implement the Comprehensive Plan, as may be amended from time to time, conform to state or federal legal requirements, address changing or changed conditions, or otherwise advance the public health, safety, and welfare of the City.

B. Initiation of Amendment. Petitions for amendments to this Unified Development Ordinance shall be made to the Director. The City Council and any other body that is described in [Article 20](#), Administrative Bodies, may initiate an amendment by motion.

C. Criteria for Text Amendments. Recommendations and decisions regarding petitions for amendments to text of this Unified Development Ordinance are legislative in nature, but shall be based on consideration of all the following criteria:

1. The proposed amendment will help to implement the adopted Comprehensive Plan, or, if it addresses a topic that is not addressed or not fully developed in the Comprehensive Plan, the proposed amendment does not impair the implementation of the adopted Comprehensive Plan when compared to the existing Unified Development Ordinance.
2. The proposed amendment is consistent with the stated purposes of this Unified Development Ordinance.
3. The proposed amendment will maintain or advance the public health, safety, or general welfare.
4. The proposed amendment will help to mitigate adverse impacts of the use and development of land on the natural or built environment, including, but not limited to mobility, air quality, water quality, noise levels, stormwater management, wildlife protection, and vegetation; or will be neutral with respect to these issues.
5. The proposed amendment will advance the strategic objectives of the City Council, such as fiscal responsibility, efficient use of infrastructure and public services, and other articulated City objectives.

D. Procedure. Text amendments are processed according to the sequential steps set out in Section [6-21.5.2](#), Pre-Application Conference(for privately initiated text amendments)through Section [6-21.5.10](#), Public Meetings and Hearings, and shall be decided by the City Council after recommendation of the Planning Commission pursuant to the public meetings provisions of Section [6-21.5.10](#), Public Meetings and Hearings. The Planning Commission shall hold a public hearing. The procedure shall incorporate the following additional requirements:

1. **Staff Review.** The Director shall review each proposed amendment in light of the approval criteria of Subsection C., above, and refer the application to other departments or entities as deemed necessary. Based on the results of those reviews, the Director shall provide a report and recommendation to the Planning Commission.
2. **Planning Commission Recommendation.**
 - a. The Planning Commission shall hold a hearing on the proposed text amendment. Following the hearing, the Planning Commission shall make a final report to the City Council.
 - b. If no final report is made within 45 days of the Planning Commission's hearing, then the Planning Commission may request an extension of time from the City Council. Such request shall be within the 45-day period. If no final report is made and no extension is granted, the City Council may act on the proposed amendment without a recommendation from the Planning Commission.
 - c. Failure of the Planning Commission to issue a final report to the City Council shall be interpreted as a final report with no recommendation.
 - d. Upon receiving the report of the Planning Commission, the Director shall draft an ordinance, submit it to the City Attorney for approval as to form, and shall forward the ordinance to the City Council for consideration.
3. **City Council Action.** Upon receipt of the final report from the Planning Commission, the City Council shall vote to approve, approve with amendments, or reject the proposed amendment, based on the approval criteria in Subsection C., above. The City Council also may refer the proposed amendment back to the Planning Commission for further consideration, continue a public hearing, or postpone action on an

application for a period not to exceed 90 days (or shorter period if the application is being processed concurrently with a plat and the plat application is still pending at the time the amendment is postponed).

E. No Retroactive Cure of Violations. The amendment of the text of this Unified Development Ordinance may transform a legally nonconforming situation into a conforming one. However, no petition for a text amendment shall be used to cure a violation of any part of this Unified Development Ordinance.

Sec. 6-21.7.14 Variance

Refer to [Article 22](#), Variances, Appeals, and Interpretations.

Sec. 6-21.7.15 Minor Adjustments

Refer to [Article 22](#), Variances, Appeals, and Interpretations.

Sec. 6-21.7.16 Administrative Appeal

Refer to [Article 22](#), Variances, Appeals, and Interpretations.

Sec. 6-21.7.17 Appeals to the City Council

Refer to [Article 22](#), *Variances, Appeals, and Interpretations*.

ARTICLE 22 VARIANCES, APPEALS, AND INTERPRETATIONS

Division 6-22.1 Relief

Sec. 6-22.1.1 Eligible Applicants

A. Generally. There are certain eligibilities of those who may initiate an application for variances, appeals, and interpretations from the standards, requirements, and terms of this Unified Development Ordinance. Parties not listed in **Table 6-22.1.1, Eligible Applicants**, may petition the City Council to initiate a change, but the City Council is not bound to act on the behalf of the petitioner.

B. Eligibility. The following applicants may make application for variances and appeals to the standards, requirements, and terms of this Unified Development Ordinance:

Table 6-22.1.1 Eligible Applicants		
Eligible Applicant	Variance	Appeal
Property Owner	Yes	Yes
Agent or Representative of Property Owner	Yes	Yes
Option Holder	No	No
Aggrieved Party	No	Yes
Director	No	Yes
Planning Commission	No	No
City Council	No	No

Sec. 6-22.1.2 Variances

A. Generally. The variance process is intended to provide limited relief from the requirements of this Unified Development Ordinance in those cases where strict application of a particular requirement will create an unnecessary hardship by preventing the use and development of land in a reasonable manner that is otherwise allowed under this Unified Development Ordinance.

B. Exceptions. Some variances are not within the jurisdiction of the Board of Zoning Appeals (BZA), and are

therefore, not subject to this Section. These variances are:

1. Building code variances (variances to the requirements of adopted standardized building codes and amendments to such codes that are adopted by the City of Florence), which are subject to the requirements of Chapter 4, Buildings; Construction and Related Activities, Code of Ordinances, City of Florence, South Carolina, or where such Chapter is silent, the adopted standardized code.
2. Variances from the terms of one or more conditions of approval imposed by a development review body described in [Article 20](#), Administrative Bodies. Modifications to conditions of approval shall be sought from the body that granted the approval.
3. Variances that would have the effect of make existing nonconforming or illegal construction (buildings and structures), site improvements, parking, or landscaping conforming. Nonconforming situations are subject to the requirements of [Article 19](#), Nonconformities.
4. Adjustments to landscaping and parking requirements which may be authorized by the Planning Commission pursuant to Section [6-21.7.2](#), Site Plan, although deviations that are greater than those allowed by Section [6-22.1.3](#), Minor Adjustments, may be processed pursuant to this Section.
5. Variances to the City's storm drainage and erosion and sediment control standards, which may be authorized by the Planning Commission.
 - a. The Planning Commission will not consider a variance unless specific reasons justifying the variance are provided by the applicant.
 - b. The City staff will conduct its review of the request for a variance within 10 working days from the receipt of the request, after which it will be approved or disapproved by the Planning Commission.
 - c. The Planning Commission may impose reasonable conditions, in its judgment, in order to justify a variance while still maintaining the intent, purposes, and objectives of this Unified Development Ordinance.

C. Prohibitions.

1. Variances shall not be used to allow a use in a zoning district in which the use is prohibited (variances to [Division 1-2.7](#), Land Uses).
2. Variances shall not be used to modify any requirements that are set out in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards, with respect to an application for permitted special exception use approval.
3. State and/or federal laws and/or regulations may not be varied by the City unless such authority is expressly granted to the City.

D. Application Requirements. Applications for variances shall be on a form approved by the Director and include the contents set out in Section [6-21.4.1](#), Submittal Requirements, Subsection G., Variances and Appeals.

E. Procedure. Variances are processed by the Board of Zoning Appeals as a public meeting approval. The Board of Zoning Appeals may approve, approve with conditions, or deny a variance.

F. Obligation of Applicant. It is the obligation of an applicant, who bears the burden of proof, to present facts about the circumstances which would justify a variance in convincing fashion so that the decision-making authorities (e.g. Board of Zoning Appeals, Planning Commission, or Director) may be satisfied that the request is not injurious from a public health, safety, and general welfare perspective, and that the effect of the variance will not negatively impact the immediate or general environs of the City.

G. Criteria for Issuance. The Board of Zoning Appeals may grant a variance from the strict application of this Unified Development Ordinance if the variance is not prohibited by Subsection C., above, and the Board of Zoning Appeals finds that all of the following are demonstrated:

1. The request for the variance is rooted in special conditions of the applicant's property that do not generally exist on other properties in the same zoning district;

2. Due to such special conditions, the literal enforcement of the strict terms of this Unified Development Ordinance would cause an unnecessary hardship on the applicant;
3. The variance is not contrary to the public interest, in that:
 - a. It does not allow applicants to frustrate the application of the Unified Development Ordinance for:
 1. Self-imposed hardships;
 2. Hardships based solely on financial considerations, convenience, or inconvenience; or
 3. Conditions that are alleged to be "special," but that are actually common to many properties within the same zoning district.
 - b. The variance will not have a detrimental impact upon:
 1. The current or future use of adjacent properties for purposes for which they are zoned;
 2. The economic welfare of the area in which the subject property is located;
 3. The flight operations of Florence Regional Airport;
 4. Public infrastructure or services; and
 5. Public health, safety, or welfare.
 - c. The degree of variance from this Unified Development Ordinance is the least that is necessary to grant relief from the identified unnecessary hardship.
 - d. The variance is not used to circumvent other procedures and standards of this Unified Development Ordinance that could be used for the same or comparable effect (e.g., if alternative development standards, alternative development patterns, or other flexible measures in this Unified Development Ordinance are available that would avoid or mitigate hardship without using a variance, then they must be used).
 - e. By granting the variance, the spirit of the Unified Development Ordinance is observed and substantial justice is done.

H. Criteria for Issuance of Variances within the Navigable Airspace of the Florence Regional Airport.

1. Initiation of Application. The variance process may be initiated by application of the property owner or upon the request of the Director, any City Council member, or may be included within an application for development approval.
2. Application Requirements.
 - a. The application for a variance shall be accompanied by a determination shall be made and provided by the Federal Aviation Administration (FAA) as to the effect of the requested variance on the operation of air navigation facilities and the safe and efficient use of navigable airspace.
 - b. No application for a variance to the requirements of this Unified Development Ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Airport Operator for advice as to the aeronautical effects of the variance. If the Airport Operator does not respond to the application within 15 days after receipt, the Board of Zoning Appeals may act on its own to grant or deny the application for a variance.
3. Standards for Grant of Variance. The basis of the variance may be one or more of the following:
 - a. The terms of a variance shall observe the spirit of the regulations, secure public welfare and safety, and do substantial justice, and shall be limited to the extent necessary to prevent depriving the property owner of all reasonable use of the property.
 - b. Evidence of unique, unnecessary, or unreasonable hardships that would occur if the strict letter of the regulations were enforced, and that cannot be satisfactorily mitigated through other means, including an appropriate zone change (decision on variance may be postponed to allow for opportunity to process

a zone change request or to pursue other mitigation efforts).

- c. Evidence of irreversible reliance by the applicant on pre-existing terms and conditions of development orders that are applicable to the property.
- d. Evidence from affected public entities that the failure to obtain a variance is likely to result in a default in the repayment of bonded indebtedness.
- e. Evidence of marginal benefit to the public health safety and welfare that would result by the strict enforcement of the regulations that is out of proportion to the magnitude of the burdens imposed on the property owner.

4. Conditions of Variance. Any permit or variance granted, if such action is deemed advisable to effectuate the purpose of this Unified Development Ordinance and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure in question to install, operate, and maintain at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration (FAA), the South Carolina Aeronautics Commission, and the Airport Operator.

I. **Criteria for Issuance of Floodplain Variances.** Where an application for a variance is within a flood hazard area, the Board of Zoning Appeals, shall seek and consider the recommendations of the Director, acting as the Floodplain Administrator, and Director of Public Work and Utilities, together with the following:

1. **Historic Structures** - Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
2. **Functionally Dependant Uses** – Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.
3. **Agricultural Structures** - Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Number 6 (Floodways) of this section and the following standards:
 - a. Use of the structure must be limited to agricultural purposes as listed below:
 - i. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,
 - ii. Steel grain bins and steel frame corncribs,
 - iii. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
 - iv. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Section 4-12.6.3.2.b of this ordinance; and,
 - b. The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
 - c. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces

including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.

- d. The agricultural structure must meet the venting requirement of Section 4.12.6.3.2.d of this ordinance.
- e. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE), plus any required freeboard, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 4-12.6.3.1.e of this ordinance
- f. The agricultural structure must comply with the floodway encroachment provisions of Section 4-12.6.3.2.e of this ordinance.
- g. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

4. Considerations - In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g. The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- h. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- i. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
- j. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

- 5. Findings** - Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.
- 6. Floodways** - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.
- 7. Conditions** - Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:
- a. Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - c. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
 - e. The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
 - f. Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Section 4-12.6.2.3.e of this ordinance.
- J. Reports to the City Council.** When an application for a variance is denied for failure to meet the requirement of "special conditions", then the Board of Zoning Appeals shall report to the City Council as to whether it is appropriate and reasonably practicable to formulate a general regulation for such conditions or situations, and amend the Unified Development Ordinance accordingly.
- K. Notification.** All applicants requesting a variance from the provisions of this Unified Development Ordinance shall be notified in writing of the final action taken by the authorized governmental authority.
- L. Timing.** An approved amendment by the City Council to the text or map shall become effective immediately after such adoption. Any amendment to the Official Zoning Map shall be made by the Director, or an appointee, within seven days thereafter.
- M. Order to Issue Permit.** An approved variance shall be accompanied by an order of the Zoning Board of Appeals to direct the issuance of a permit.
- N. Annotation and Recording.** Variance approvals shall be recorded by the Director at the applicant's expense. Upon recording, the Director shall annotate the Official Zoning Map with the case number of the variance.

Sec. 6-22.1.3 Minor Adjustments

- A. Generally.** This Section sets out the required review and approval procedures for minor deviations from otherwise applicable standards that may be approved by the City Council or Planning Commission.
- B. Purpose.** Minor modifications are to be used when the small size and de minimus (inconsequential) impact of the modification requested, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, makes it unnecessary to complete a formal variance process and where the modification maintains the intent of this Unified Development Ordinance and other plans of the City.
- C. Standards for Approval.** Unless otherwise specified, allowed or restricted elsewhere in this Unified Development Ordinance, as part of the review and approval of any procedure set forth in this Unified Development Ordinance, the Planning Commission or City Council may approve minor deviations if the decision-making body finds that the deviation meets all of the following criteria:
1. The requested deviation is consistent with the stated purposes of this Unified Development Ordinance;
 2. The requested deviation meets all other applicable building and safety codes;
 3. The requested deviation does not encroach into a recorded easement or cross a building line;
 4. The requested deviation continues to advance the welfare of the area and the City.
 5. The requested deviation will have no adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and
 6. The requested deviation is necessary to either:
 - a. Compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general; or
 - b. Accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard to be considered.
- D. Limitations and Prohibitions.**
1. The Planning Commission shall only approve minor adjustments for landscaping and parking standards.
 2. In no circumstance shall the following be considered as a minor deviation:
 - a. A change in permitted uses or mix of uses;
 - b. A change in the boundaries of a zoning district reflected on the Official Zoning Map;
 - c. To extend physically a nonconforming use of land;
 - d. A building height that encroaches into a height hazard zone of the airport unless otherwise approved.
 - e. A deviation from the limited or permitted special exception use standards set out in [Division 1-2.8](#), Conditional and Permitted Special Exception Use Standards.
 - f. A change in conditions attached to the approval of any plat, plan or permit; or
 - g. Any decision by the Board of Zoning Appeals.
- E. Procedure.** The Planning Commission or City Council may initiate or approve a minor deviation at any time before it takes action, or as part of taking action, on a development plan, plat, or permit under its jurisdiction.
- F. Annotation.** Staff shall specify any approved minor deviations and the justifications for such deviations on the plan, plat, or permit for which the deviations were sought.

Sec. 6-22.1.4 Appeals; Economic Hardship Waiver for Certificates of Appropriateness

- A. Generally.** The relief available in this Section is intended only for applicants whose applications for a

certificate of appropriateness are denied.

- B. Economic Hardship Waiver.** Within 10 calendar days of receipt of written notification from the Design Review Board of the denial of a certificate of appropriateness to demolish a historic resource or any part of it, an aggrieved applicant may file an economic hardship waiver application with the Director. Within 60 calendar days of the applicant's receipt of the denial notice, a waiver applicant must have a complete application on file, including all required documentation and exhibits, including, without limitation:
1. Appraisal of the property by a licensed real estate appraiser;
 2. Estimated costs for appropriate rehabilitation prepared by a licensed architect or engineer with experience in historic preservation;
 3. Documentation of consideration of alternative uses for the property; and
 4. Documentation of public advertisement to solicit a buyer willing to appropriately rehabilitate the property.
- C. Waiver Required.** If a certificate of appropriateness is denied, then no building permit or demolition permit shall be issued unless the Design Review Board makes a finding that hardship exists and approves a waiver.
- D. Standards for Approval of Waiver.** Applicants for economic hardship waivers must prove with adequate and sufficient documentary and other evidence, that:
1. The owner cannot make reasonable beneficial use of or, for income-producing properties, the property is not capable of yielding a reasonable return, regardless of whether that return represents the most profitable return possible;
 2. Reasonable efforts to find a party interested in acquiring the property and preserving it have failed; and
 3. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would render it capable of yielding a reasonable return.
- E. Good Faith Required.** The applicant shall consult in good faith with the Design Review Board, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the historic resource.
- F. Waiver Procedures.**
1. The Design Review Board shall hold a public hearing on the hardship waiver application no later than the second regular Design Review Board meeting from the date the completed application is received by the Director.
 2. The applicant shall be given written notice of the time and place of the meeting by regular mail sent at least five business days before the meeting to the address on the application.
 3. Published and posted notice with the words, "NOTICE OF HARDSHIP APPLICATION FOR WAIVER OF CERTIFICATE OF APPROPRIATENESS" are required according to the standards of *Section 6-21.5.9, Public Notice*, with the number and location of signs to be determined by the Director.
 4. Following the hearing the Design Review Board shall decide whether to grant or deny the hardship application.
 5. In the event the Design Review Board does not act within 120 calendar days of the receipt of the application, the hardship application shall be deemed approved and a certificate of appropriateness granted.
- G. Written Decision Required.** A written notice of the Design Review Board's decision, stating the reasons for granting or denying the hardship application, shall be sent to the applicant by certified mail within five business days after it is rendered.
- H. Appeal to City Council.** An applicant who is dissatisfied with any action of the Design Review Board relating to the issuance or denial of a certificate of appropriateness or a waiver of same that is aggrieved by any such decision of the Design Review Board may present to the City Council a petition, duly verified, setting forth that such decision is unjust, in whole or in part, and specifying the grounds of injustice. Such petition shall be

presented to the City Council within five business days after the final decision of the Design Review Board, and not thereafter. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision according to *Section 6-22.1.6, Appeals to City Council*.

Sec. 6-22.1.5 Administrative Appeals

- A. Generally.** Appeals from decisions of City Staff are heard by the Board of Zoning Appeals as provided in Subsection C., below.
- B. Procedures; Generally.** Questions arising in connection with the interpretation and enforcement of this Unified Development Ordinance shall be presented first to the appropriate administrative officer of the City, that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decisions of that person or department, and that recourse from the decision of the Board of Zoning Appeals shall be to a State District Court, with limitations placed upon any decision by the Court in recognition of the authority granted to the City under the State Constitution.
- C. Jurisdiction; Limitation of Jurisdiction.** The Board of Zoning Appeals may decide appeals of dispositive administrative decisions made during the processing of applications for approvals pursuant to this Unified Development Ordinance. An asserted error in any order, requirement, permit, decision, determination, refusal, or interpretation made by any administrative officer in interpreting the provisions of this Unified Development Ordinance may be appealed to the Board of Zoning Appeals, provided that:
1. The action by the administrative officer is dispositive with respect to the application or a material part of it;
 2. There is no other specific appellate procedure provided for the application type in this Unified Development Ordinance or in South Carolina law; and
 3. The administrative appeals process is not used to address or resolve disputed questions of fact or law in connection with an enforcement action, or to seek relief from an enforcement action.
- D. Filing of Appeal; Automatic Stay.** An appeal may be brought by any person or entity that is aggrieved by the decision appealed from, as follows:
1. A complete application for an appeal, including required fees, shall be filed with the Director within 10 days of the date of the decision appealed. No appeal will be heard if the application is untimely.
 2. The filing of an appeal shall stay all proceedings and further actions by both parties in furtherance of the contested action, unless the Director certifies to the Board of Zoning Appeals that, in his/her opinion by reason of facts stated in the certification, such a stay could cause imminent peril to life and/or property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Zoning Appeals or by a court of law on notice to the administrative official from whom the appeal is taken, with due cause shown.
 3. Upon a finding that the application is complete, the Director shall schedule the appeal for consideration at a hearing before the Board of Zoning Appeals. The Director and/or the administrative officer from whom the appeal is taken shall transmit all applications and other records pertaining to such appeal to the Board of Zoning Appeals.
- E. Hearing.**
1. Upon receiving the application materials from the Director, the Board of Zoning Appeals shall hold a hearing on the appeal and conduct a hearing in accordance with rules and procedures adopted by the Board.
 2. The burden of proof shall rest with the appellant.
- F. Effect of Appeal.** The Board of Zoning Appeals shall have the power to review the decision of the administrative official de novo, and may grant the appeal, grant the appeal with conditions that modify the order or interpretation appealed from, or deny the appeal. However, the Board of Zoning Appeals shall not consider new evidence that was not available to the administrative official.

Sec. 6-22.1.6 Appeals to City Council

- A. **Generally.** Appeals from decisions of the Design Review Board and the Planning Commission are heard by the City Council as provided in Subsection C., below.
- B. **Jurisdiction; Limitation of Jurisdiction.** The City Council may decide appeals of dispositive decisions of the Design Review Board and the Planning Commission which are made during the processing of applications for approvals pursuant to this Unified Development Ordinance. An asserted error in any order, requirement, permit, decision, determination, refusal, or interpretation made by the Design Review Board or Planning Commission in interpreting the provisions of this Unified Development Ordinance may be appealed to the City Council, provided that:
1. The action is dispositive with respect to the application or a material part of it;
 2. The appeal is not used to address or resolve disputed questions of fact or law in connection with an enforcement action, or to seek relief from an enforcement action.
- C. **Filing of Appeal; Automatic Stay.** An appeal may be brought by any person or entity that is aggrieved by the decision appealed, as follows:
1. A complete application for an appeal, including required fees, shall be filed with the Director within 10 days of the date of the decision appealed from. No appeal will be heard if the application is untimely.
 2. The filing of an appeal shall stay all proceedings and further actions by both parties in furtherance of the contested action, unless the Director certifies to the City Council that, in his or her opinion by reason of facts stated in the certification, such a stay could cause imminent peril to life and/or property. In such case, proceedings shall not be stayed except by a restraining order granted by the City Council or by a court of law on notice to the Director, with due cause shown.
 3. Upon a finding that the application is complete, the Director shall schedule the appeal for consideration at a hearing before the City Council. The Director shall transmit all applications and other records pertaining to such appeal to the City Council.
- D. **Hearing.**
1. Upon receiving the application materials from the Director, the City Council shall hold a public hearing on the appeal.
 2. The burden of proof shall rest with the appellant.
- E. **Effect of Appeal.** The City Council shall have the power to review the decision de novo, and may grant the appeal, grant the appeal with conditions that modify the order appealed from, or deny the appeal.

Sec. 6-22.1.7 Interpretations

- A. **Generally.** Any person may request an administrative interpretation of the terms, provisions, or requirements of this Unified Development Ordinance if the application of the terms, provisions, or requirements is not obvious.
- B. **Applicability.** This Section applies to any request to interpret a provision of this Unified Development Ordinance.
- C. **Application Fee.**
1. It is the intent of the City Council that this Unified Development Ordinance be accessible and clear to the residents, business owners, and landowners in the City, and that the spirit of Title 30, Public Records, Chapter 4, Freedom of Information Act of the South Carolina Code of Laws be observed. As such, City Staff will provide:
 - a. General information to residents, business owners, and landowners with respect to the zoning districts that apply to property;

- b. References to the standards that may be applied to individual uses or buildings; and
- c. Requested public records that are related to the administration and enforcement of this Unified Development Ordinance.

2. It is not the intent of the City Council that the Director affirmatively evaluate the full development potential of individual properties or resolve other such detailed inquiries about specific properties or issues without a pending application.
3. Within these guidelines, the Director is authorized to waive the application fee for specific inquiries that do not involve material time commitments or copying costs, and to charge an hourly research fee for broad inquiries that are likely to involve material time commitments. Such fee shall be according to a fee schedule promulgated by City Council resolution.

D. Process. The interpretation is made by the official charged with administering the provision for which an interpretation is requested (the "responsible official"). The responsible official and the City are not obligated to render an interpretation. The interpretation is not subject to appeal, although related appeals may proceed as provided in this Unified Development Ordinance (e.g., appeals of decisions on applications which may be impacted by the interpretation). After an interpretation is issued, the Director may propose a text amendment to this Unified Development Ordinance to codify the interpretation.

E. Application Requirements.

1. Applications for interpretations shall be submitted on a form approved by the Director.
2. The applicant shall cite the code provision for which interpretation is sought, a description of a hypothetical situation or scenario to which the application of this Unified Development Ordinance is in question, and a statement of the nature of the interpretation sought.

F. Decision. Within a reasonable period after the application for an interpretation is filed, the responsible official shall make a good faith effort to interpret the provision that is the subject of the application. The responsible official shall respond to the applicant in writing, and shall keep a copy of the response in a record of interpretations. The responsible official may consult with the Director in drafting the interpretation.

G. Standards for Interpretations. The interpretation shall be based on:

1. The materials or scenario posed by the applicant;
2. The plain and ordinary meaning of the terms that are subject to the application for an interpretation as set out in Webster's Third New International Dictionary or other current and authoritative dictionaries;
3. The purpose statement for the Unified Development Ordinance Section that is subject to interpretation;
4. Any other provision of the Comprehensive Plan, the Florence Code of Ordinances, State law, or Federal law that are related to the same subject matter;
5. Any technical meanings of the words used in the provision subject to interpretation;
6. Other interpretations rendered by the City relating to the same or related provisions of this Unified Development Ordinance;
7. The consequences of the interpretation;
8. The legislative history;
9. The problem or issue that is addressed by the provision subject to interpretation; and
10. Sources outside of the Unified Development Ordinance provision that provide a related source for the definition, such as technical or professional literature.

H. No Legal Advice. The City does not provide legal advice to applicants or property owners. Private parties, including purchasers, lenders, title insurers, and others are advised to seek legal opinions from their attorneys with respect to specific potential applications of this Unified Development Ordinance. No interpretation provided by City Staff pursuant to this Section shall be construed as legal advice.

- I. **No Binding Effect.** It is the policy of the City to evaluate applications for development approval comprehensively on their individual merits. Therefore, interpretations may be persuasive to the applicable development review bodies, but they are not binding on the City.
- J. **Recordkeeping.** The Director shall keep records of interpretations made pursuant to this Section.

ARTICLE 23 ENFORCEMENT AND REMEDIES

Division 6-23.1 Enforcement Procedures

Sec. 6-23.1.1 Purpose and Application

- A. **Purpose.** This Division establishes the procedures that the City may use to assure compliance with the provisions of this Unified Development Ordinance and to correct violations. The Division also sets forth the remedies and penalties that the City may seek to correct violations. The provisions of this Division are intended to encourage the voluntary correction of violations.
- B. **Enforcement Official.** The provisions of this Unified Development Ordinance shall be administered and enforced by the City Manager or such other person(s) as may be designated by the City Manager.
- C. **Compliance Required.** No person shall develop or use any land, building, or structure within the City in violation of this Unified Development Ordinance, regulations authorized under this Unified Development Ordinance, or the terms and conditions of permits issued under this Unified Development Ordinance or adopted uniform codes. The use of any land or structure shall conform to all conditions, restrictions, or limitations contained in any permit or required under any ordinance, and failure to so conform shall be a violation of this Unified Development Ordinance.
- D. **Continuation of Prior Enforcement Actions.** Nothing in this Unified Development Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to regulations in effect before the effective date of this Unified Development Ordinance. Enforcement actions initiated before the effective date of this Unified Development Ordinance and amendments hereto may be continued to completion or settlement under the terms of the regulations in effect prior to the effective date of this Unified Development Ordinance.

Sec. 6-23.1.2 Violations

- A. **Violations.** Each of the following activities shall constitute a violation of this Unified Development Ordinance:
1. Any erection, construction, reconstruction, remodeling, alteration, expansion, movement, or use of any building, structure, or sign, or development or subdivision of any land, or in contravention of any provision of this Unified Development Ordinance or any regulation promulgated under this Unified Development Ordinance or Code of Ordinances.
 2. Failure to perform maintenance that is required by this Unified Development Ordinance or conditions of development approval.
 3. Any activity, lack of required activity, or inactivity in violation of provisions of this Unified Development Ordinance where compliance is or was required for an existing or established or proposed use of land.
 4. Any development, use, construction, remodeling, or other activity in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this Unified Development Ordinance. By way of example and not limitation:
 - a. Increasing the density or intensity of any use of any land or structure except in accordance with the requirements of this Unified Development Ordinance or State law;
 - b. Filing or recording of a subdivision plat in any public office without approval for recording pursuant to

this Unified Development Ordinance;

- c. Storage, display, or maintenance of goods, materials, products, or other items outside and in plain view including, but not limited to operable vehicles or equipment, or abandoned vehicles, except in compliance with this Unified Development Ordinance;
- d. Reduction or diminishment of lot area, setbacks, vegetation, or open space below the minimum requirements set forth in this Unified Development Ordinance or as otherwise approved;
- e. Lack of maintenance, damage to, or removal of vegetation in a manner that is inconsistent with this Unified Development Ordinance and not exempt from its application;
- f. Creation, expansion, replacement, or change of a nonconformity in a manner that is inconsistent with this Unified Development Ordinance and all other applicable regulations;
- g. Failure to remove any sign or sign support, in whole or in part installed, created, erected, or maintained in violation of this Unified Development Ordinance or other codes of the City, or for which a permit has lapsed, or is nonconforming and where action on the nonconformity is required under this Unified Development Ordinance or by an Ordinance of the City;
- h. Failure to remove a temporary use once authorization for the temporary use under this Unified Development Ordinance and all other applicable regulations has expired or lapsed;
- i. Failure of land uses that existed prior to adoption of this Unified Development Ordinance to comply with provisions of this Unified Development Ordinance where such compliance is required;
- j. Failure of a property owners' association to construct, improve, or maintain any amenity, landscaping, buffers, walls or fencing, or other improvements as required by the terms of any permit or approval; and
- k. Failure to maintain required stormwater detention, parking, signage, sidewalks, loading, landscaping, screening, fencing or bufferyards as set forth in this Unified Development Ordinance.

B. Continuing Violations. Each day that a violation or violations occurs or remains uncorrected shall constitute a separate and distinct violation of this Unified Development Ordinance for each violation.

Sec. 6-23.1.3 Enforcement

- A. Generally.** The City may enforce the provisions of this Unified Development Ordinance as set out in this Division, or as otherwise authorized by law.
- B. Responsible Official.** The Director, or any person authorized by the Director, the City Manager, or the City Council shall administer and enforce the provisions of this Unified Development Ordinance. The Director may consult with the City Attorney, the City Engineer, and other officials in the exercise of this duty.
- C. Right to Enter.** The Director will investigate and find as a matter of fact whether a violation of this Unified Development Ordinance has occurred. The Director or any person authorized by the Director, the City Manager, or the City Council, shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings or premises necessary to carry out the duty to enforce this Unified Development Ordinance.
- D. Filing a Complaint.** Any person may allege a violation of this Unified Development Ordinance by written and signed complaint that is filed with the Director. Such complaint shall state the factual basis for the alleged violation along with the complainant's name, address, and telephone number.
- E. Notice of Violation.** Upon investigation, with or without a complaint, the City may issue a written notice of violation to the owner of property upon which a violation of this Unified Development Ordinance exists. The Notice of Violation shall set forth the grounds upon which the notice is based, including the specific Code Section or Sections at issue.
- F. Correction of Violation.**

- 1. For a first violation, the person responsible for the violation shall have a period of no more than 15 days

to correct the violation.

2. For a subsequent or continued violation, the person responsible for the violation shall correct the violation within 24 hours.
 3. Any violation that creates an immediate danger to the public safety shall be corrected immediately, regardless of whether it is a first violation, a continuing violation, or a subsequent violation.
- G. Further Enforcement.** If the code violation is not corrected in accordance with the requirements of Subsection F., above, then the City may enforce this Unified Development Ordinance in accordance with Chapter 1, General Provisions, Code of Ordinances, City of Florence, South Carolina, or this Division.
- H. Records.** The Director shall maintain a record of all complaints of violations of this Unified Development Ordinance, including how they were resolved.

Sec. 6-23.1.4 Enforcement of Stormwater Pollution Prevention Provisions

A. Referral to Department of Health and Environmental Control.

1. The City may, in addition to its enforcement options, refer a site violation to the Department of Health and Environmental Control (DHEC) for review. Referral of a site violation to DHEC may initiate a DHEC construction inspection of the site to verify site conditions. That construction inspection may result in the following actions:
 - a. Notification through appropriate means to the person engaged in a land disturbing activity to comply with the approved plan within a specified time frame; and
 - b. Notification of plan inadequacy, with a time frame for the person engaged in a land disturbing activity to submit a revised stormwater pollution prevention plan (SWPPP) to the City and to receive its approval with respect thereto.
2. Failure of the person engaged in the land disturbing activity to comply with DHEC requirements may result in the following actions in addition to other penalties as provided in Chapter 14 of Title 48 of the Code of Laws of South Carolina, 1976, as amended.
 - a. DHEC may direct the City to order any person violating any provision of Chapter 14 and/or the Unified Development Ordinance regulations to cease and desist from any site work activity other than those actions necessary to achieve compliance with any administrative order.
 - b. DHEC may direct the City to refrain from issuing any further building or land disturbance permits to the person having outstanding violations until those violations have been remedied.
 - c. DHEC may recommend fines to be levied by the City.

B. Stop Work Orders. The City may utilize "stop work orders" as a part of its inspection and enforcement program in accordance with the following procedures:

1. The City may issue a stop work order if it is found that a land disturbing activity is being conducted in violation of this Article or of any regulation adopted or order issued pursuant to, in connection with or otherwise related to this Article and that either:
 - a. Off-site sedimentation resulting from noncompliance with the approved stormwater pollution prevention plan (SWPPP) has eliminated or severely degraded a use in a lake or natural waterway or that such degradation is imminent.
 - b. Off-site sedimentation resulting from noncompliance with the approved stormwater pollution prevention plan (SWPPP) has caused severe damage to adjacent land.
 - c. The land disturbing activity is being conducted without the required approved plan.
 - d. Sediment leaving a site is entering a "common" stormwater control/conveyance device(s) and is restricting design capacity flow.

2. The stop work order shall be in writing and shall state what work is to be stopped and/or what measures are required to abate the violation. The order shall include a statement of the findings made by the City pursuant to Subsection 1., above, and shall list the conditions under which work may be resumed. The delivery of equipment and material which does not contribute to the violation may continue while the stop work order is in effect. A copy of this Section shall be attached to the order.
3. The stop work order shall be served by a City person duly authorized by the City Manager, or other person authorized by law to serve process. The stop work order shall be served on the permittee and/or any person the City has reason to believe is responsible for the violation. The person serving process shall post a copy of the stop work order in a conspicuous place at the site of the land disturbing activity.
4. The directives of a stop work order become effective upon service of the order. Thereafter, any person notified of the stop work order who violated any of the directives set out in the order may be assessed a civil penalty as provided in Section 6-23.1.7, Judicial Remedies.
5. The City shall designate an employee to monitor compliance with the stop work order. The name of the employee so designated shall be included in the stop work order. The employee so designated shall rescind the stop work order if all the violations for which the stop work order are issued are corrected, no other violations have occurred, and all measures necessary to abate the violations have been taken.
6. The issuance of a stop work order shall be a final decision subject to judicial review in the same manner as an order in a contested case pursuant to Title 1, Chapter 23, Section 380 of the Code of Laws of South Carolina, 1976. The petition for judicial review shall be filed in the circuit court of the county in which the land disturbing activity is being conducted.

Sec. 6-23.1.5 Immediate Enforcement Powers

- A. Generally.** The City may exercise any of the enforcement powers in this Section prior to initiating judicial process.
- B. Withholding Permits.**
1. No building permit or certificate of occupancy may be issued under this Unified Development Ordinance unless all structures and uses of land and structures permitted under the permit or certificate conform to this Unified Development Ordinance, the regulations promulgated under this Unified Development Ordinance, and the terms and conditions of any other permit issued under this Unified Development Ordinance that apply to the use, structure or land.
 2. The City may deny or withhold all permits, approvals, or other forms of authorization on any land, building, or structure for which there is an uncorrected violation of a Section of this Unified Development Ordinance or of a condition of a permit, certificate, approval or other authorization previously granted by the City. In lieu of withholding or denying an authorization, the City may grant such authorization subject to the condition that the violation be corrected.
- C. Suspension of Permits.** The City may suspend permits, including permitted special exception use permits, for a period of up to 60 days to allow for the correction of the violation or the judgment of the municipal court.
- D. No Acceptance of Public Improvements.** No acceptance of public improvements shall be authorized until stated violations are brought into compliance and/or all fines for violations of this Unified Development Ordinance have been paid to the City.
- E. Stop-Work Orders.** Whenever any building or structure or site or part thereof is, or is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in violation of any state or municipal building law, or in a manner that endangers life or property, or is in violation with this Unified Development Ordinance, the Director has the authority to issue a stop-work order for the specific part of the work that is in violation or presents the hazard, as follows:
1. The stop-work order shall be in writing directed to the person on the site at that time most responsible for the work and/or activity, and shall specify the provisions of this Unified Development Ordinance or other law allegedly in violation, and the conditions for resuming work.

2. After any such order has been served, no work or activity upon the property shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.
3. The stop-work order shall also indicate that failure to comply with the order may subject the violator to civil and/or criminal liability as penalty for the violation(s), or for the disconnection or discontinuance of utilities needed to conduct business.
4. In order to enforce a stop-work order, the City may direct utilities to disconnect services. Once conditions are met and violations corrected, the Director shall instruct the utility to reconnect services. The property owner shall bear all expenses related to these actions.
5. Utilities shall not be disconnected unless the City delivers to the owner and person responsible for activities upon the property a notice of intent to disconnect after 10 days, in order to allow for arrangements to be made for food stuffs and other uses upon the property. This notice may be made at the time of notice of violation and/or any time between when the notice of violation was first issued and up to the expiration of compliance period.
6. Prior to rescinding a stop-work order, the affected property owner shall have paid to the City all due or delinquent taxes, fines, liens or other obligation.
7. Once conditions for resuming work have been met, the Director shall rescind the stop-work order.

F. Revocation of Permits and Approvals.

1. Revocation of Permits. Any permit, certificate of occupancy, or other approval required under this Unified Development Ordinance shall be revoked when it is determined that:
 - a. There is a departure from the approved plans, specifications, limitations, or conditions as required under the permit or approval;
 - b. The permit or approval was procured by false representation;
 - c. The permit or approval was issued in error; or
 - d. There is a violation of any provision of this Unified Development Ordinance.
2. Notice and Opportunity to Correct. Written notice of revocation stating that such violation shall be corrected within 10 days shall be served upon the property owner, agent, applicant, or other person to whom the permit or approval was issued, or such notice may be posted in a prominent location at the place of violation.
3. Effect of Notice. No work or construction shall proceed after service of the revocation notice unless such work is to correct a violation.
4. Failure to Correct. If after the 10-day period, arrangements acceptable to the City have not been made, the Director shall:
 - a. File litigation in a court of competent jurisdiction; and/or
 - b. Remove or correct such violation and cause to be placed a lien upon the property and/or improvements to the property in an amount to cover all costs related to correction or abatement of the violation.

Sec. 6-23.1.6 Abatement

- A. **Generally.** The City may abate violations of this Unified Development Ordinance pursuant to this Section. This remedy is authorized for, but is not limited to, any situation where any property owner fails to construct, improve, or maintain any improvement that is required by the terms of any permit or approval, or any condition upon any land that is in violation of this Unified Development Ordinance.
- B. **Warning Notice Required.** Before action is taken to abate a violation to this Unified Development Ordinance or any violation to an ordinance or other policies of the City, a final warning notice shall be posted on the

property and served personally or by certified mail with return receipt required to the owner of record of the property, or to the property owner or association, as applicable, and a period of five days shall be given from the date of the notice indicated by the date on the letter. Failure to receive such notice when proof of delivery to the correct address has been provided by the U.S. Post Office shall not forestall enforcement action under this provision.

- C. **Timing of Abatement.** Unless this notice is appealed, pursuant to requirements herein within 10 days of the posting of the final warning, the City may proceed to abate the violation in accordance with City policies and procedures.
- D. **Documentation of Costs.** The Director shall keep an account of the direct and indirect cost incurred by the City in the abatement of any violation. The Director shall forward a bill for collection to the violator or association, and to owner of record of the property specifying the nature and costs of the work performed. For purposes of this Section, direct and indirect costs shall include but not be limited to the actual expenses and costs to the City in the preparation of the notices, specifications and contracts, actual physical abatement processes, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.
- E. **Payment of Costs by Owner.** The responsibility for payment of the charges for abatement as set forth in this Section shall rest solely upon the owners of the property upon which the abatement occurred, or the property owners' association, as applicable. Such charges shall become a lien upon the real property or properties upon which the violation was located or upon properties associated with the property upon which the violation was located. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state or municipal property taxes, with which it shall be upon a parity. The lien shall continue until the charges and all interest due and payable thereon are paid.
- F. **Allocation of Costs for Property Controlled by Property Owners' Associations.** Where a property owner association is involved:
1. Expenses under Subsection E., above, shall be prorated among all lots and/or owners of lots within the subdivision.
 2. Actions directed under this Section are considered delivered if they are addressed and sent to the responsible person(s) who are shown to be the responsible person(s) on the most recent information provided to the City.

Sec. 6-23.1.7 Judicial Remedies

- A. **Generally.** This Section sets out remedies that may be requested by the City to enforce this Unified Development Ordinance in a court of competent jurisdiction. This Section shall not limit the power of the City to pursue multiple or alternative actions, remedies, and penalties, or to pursue actions, remedies, and penalties that are authorized by law but not listed in this Section.
- B. **Fines.** Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this Unified Development Ordinance shall be fined according to the provisions of the Code of Ordinances, City of Florence, South Carolina, as amended from time to time.
- C. **Injunctive Relief.**
1. The City may seek injunctive relief or other appropriate relief in a court of competent jurisdiction against any person who fails to comply with any provision of this Unified Development Ordinance or any requirement or condition imposed pursuant to this Unified Development Ordinance or any violation to a uniform code or other policies of the City. In any court proceedings in which the City seeks a preliminary injunction, it shall be presumed that a violation of this Unified Development Ordinance or continued violation of this Unified Development Ordinance is, will or may be an injury to the public health, safety or general welfare; that the public health, safety or general welfare will or may be irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject violation.

2. The City may seek an affirmative injunction to require the demolition or removal of a structure, or to allow the City to demolish or remove a structure and recover costs against the landowner, pursuant to the provisions of state law.

Sec. 6-23.1.8 Special Provisions for Permitted Special Exception Uses

A. Generally. The provisions of this Section may be applied to enforce a Permitted Special Exception Use Permit.

B. Inspection. The City may:

1. Make inspections to determine compliance with the provisions of this Unified Development Ordinance and the permitted special exception use permit, and initiate appropriate action as necessary; and/or
2. Keep a record of complaints, indicating any action taken. These records shall be made available at the time of renewal of the permitted special exception use permit if there has been a time period placed on the permitted special exception use, or where the Board of Zoning Appeals has been requested to review the permitted special exception use for compliance.

C. Permitted Special Exception Use Permit Revocation. Upon determination of noncompliance with the provisions of the Permitted Special Exception Use Permit, the City will take actions as necessary to assure compliance. Such actions may include non-renewal or revocation of the permit as follows:

1. The Director shall provide a notice of violation to the record owner of the property upon which a permitted special exception use is located, advising the owner that the use must be brought into compliance with specified Unified Development Ordinance Sections within 14 days from the date of the notice.
2. If total compliance has not occurred or a plan for compliance has not been submitted to the Director within 14 days from the date of notice, then the Director shall issue a cease-and-desist order and notify the record owner of a hearing date by the Board of Zoning Appeals to consider revocation of the Permitted Special Exception Use Permit.
3. The Board of Zoning Appeals shall revoke the Permitted Special Exception Use Permit if the use and/or property is/are not in total compliance. The Board of Zoning Appeals may grant up to a 14 day period for compliance. The Permitted Special Exception Use Permit shall remain in suspension and the cease-and-desist order shall remain in effect until total compliance is obtained.
4. At the end of a compliance period the Board of Zoning Appeals shall revoke the Permitted Special Exception Use Permit if total compliance has not been obtained.
5. If the use and property are brought into compliance, any further violation of terms of the Permitted Special Exception Use Permit within 90 days from the initial notice of violation are grounds for immediate revocation of the Permitted Special Exception Use Permit.
6. Revoked Permitted Special Exception Use Permits may only be reinstated by the City Council, which may impose conditions to ensure compliance.

Sec. 6-23.1.9 Special Provisions for Historic Preservation

A. Generally. The purpose of this Section is to provide additional means of enforcing the City's historic preservation program. The remedies available to the City in this Section are in addition to any other remedies allowed by this Unified Development Ordinance or applicable law.

B. Revocation of Designation. The Design Review Board may revoke classification designators for failure by the property owner(s) within a historic district or of a designated historic property to maintain the structure at the prescribed levels. Revocation procedures shall be as follows:

1. The affected property owner and all property owners of the affected historic district, as applicable, shall be given written notice of the time and place of the hearing by certified mail sent at least 10 business days before the meeting to the owner's address of record.
2. Notice shall be provided by mail and posting as set out in Section 6-21.5.9, Public Notice, with the words,

“NOTICE OF HEARING TO WITHDRAW HISTORIC DESIGNATION.” The number and location of posted signs shall be determined by the Design Review Board.

3. The Director, acting as the Downtown Planning Coordinator, shall make a presentation at the scheduled hearing and render a recommendation to the Design Review Board. The owner or owner’s agent or representative shall attend the scheduled hearing. In the event the owner or owner’s agent or representative fails to be present at the hearing the Design Review Board shall table the item. At any subsequent meeting and regardless of the absence of the owner or owner’s agent or representative, the Design Review Board may take action.
 4. The Design Review Board shall consider a recommendation to withdrawal a designation if it finds that:
 - a. A designated historic district has failed to maintain the characteristics of which it was designated, or
 - b. A designated district of historic property has failed to maintain the specified criteria, or
 - c. Either such a district or property has failed to follow any relevant guidelines established by the City.
 5. After the City Council receives the Design Review Board’s recommendation it shall provide notice by publication as provided in Section 6-21.5.9, Public Notice, conduct a public hearing during which the Director shall make a presentation and render the Design Review Board’s recommendation, and take action on the recommendation.
- C. **Fines.** A person found guilty of demolition of a designated property by neglect or without a required certificate of appropriateness shall be fined at least \$500.00 but not more than \$5,000.00 per violation.
- D. **Violations Constitute Misdemeanor.** Any person who shall violate, participate or acquiesce in the violation of any provision of this Unified Development Ordinance relative to its historic preservation, or who shall fail to comply therewith or with any of the requirements thereof, or who shall erect or alter any building historic resource in violation of any detailed statement or plan required to be submitted and approved pursuant to this Unified Development Ordinance shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and shall, upon conviction, be punished as prescribed in the Code of Ordinances.
- E. **Authorization to City Attorney.** The City Attorney’s office is hereby authorized to file an appropriate action in a court of competent jurisdiction to enforce the provisions hereof by cause in equity or by any other remedy available by law.

Division 6-23.2 Legal Status

Sec. 6-23.2.1 Severability

- A. **Generally.** If any Part, Article, Division, Section, paragraph, clause, provision, or portion of this Unified Development Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Unified Development Ordinance shall not be affected. If any application of this Unified Development Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction "as-applied," such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.
- B. **Signs.** With respect to [Part 5, Signs](#), the following severability provisions shall apply:
1. Interpretation; Substitution of Noncommercial Speech for Commercial Speech. Notwithstanding anything contained in this Unified Development Ordinance to the contrary, any sign erected pursuant to the provisions of this Unified Development Ordinance or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a noncommercial message in lieu of a commercial message. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that:
 - a. The sign is not a prohibited sign or sign-type, and
 - b. The size, height, setback, and other dimensional criteria contained in this Unified Development

Ordinance have been satisfied.

2. Severability, Generally. If any Part, Article, Division, Section, Subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 5, Signs, or any other provision of this Unified Development Ordinance related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other Part, Article, Division, Section, Subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 5, Signs, or this Unified Development Ordinance.
3. Severability Where Less Speech Results. Without diminishing or limiting in any way the declaration of severability set forth above in Subsection B.2., above, or elsewhere in this Section, this Unified Development Ordinance, or any adopting ordinance, if any Part, Article, Division, Section, Subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 5, Signs, or any other provision of this Unified Development Ordinance related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other Part, Article, Division, Section, Subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of said Article or provision, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
4. Severability of Provisions Pertaining to Prohibited Signs and Sign Elements. Without diminishing or limiting in any way the declaration of severability set forth above, if any Part, Article, Division, Section, Subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 5, Signs, or any other provision of this Code related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other Part, Article, Division, Section, Subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Part 5, Signs, that pertains to prohibited signs or sign elements. It is the intent of the City Council to ensure that as many prohibited sign types and sign elements as may be constitutionally prohibited continue to be prohibited.
5. Severability of Provisions if Adjudicated Stricken Due to a Content-Basis. It is the intent of the City Council to regulate signage in a manner that implements the purposes of Part 5, Signs, as expressed therein. The City finds that the purposes stated in Part 5, Signs, are legitimate, substantial, and compelling public interests, that the regulation of signage provided by Part 5, Signs, is unrelated to the suppression of free expression, and that the incidental restrictions on expression that may occur as a result of these regulations is no more than is essential to the furtherance of the public interests. However, if a court of competent jurisdiction finds any regulation therein to be based upon content and, further, declares such regulation unconstitutional, then it is the intent of the City Council that only that portion of the provision that is found to relate to content be severed from this Unified Development Ordinance, and if it is not possible for the court to strike only the portion of the provision that is found to relate to content, then it is the intent of the City Council that all signs that would be subject to the stricken provision will instead be subject to the next surviving provision for a sign of like geometry and character that is more restrictive than the stricken provision in terms of sign area.

Sec. 6-23.2.2 Conflicting Provisions

- A. **Generally.** In the event that the provisions of this Unified Development Ordinance conflict with each other or with other Sections of the Code of Ordinances, the more restrictive provision shall control.
- B. **State and Federal Law.** No part of this Unified Development Ordinance relieves any applicant from compliance with applicable provisions of state or federal law. If a use, structure, operational characteristic, construction technique, environmental impact, or other matter is prohibited by state or federal law, it is also prohibited in the City. Likewise, if a matter is regulated by state or federal law, then compliance with state or federal law does not relieve the applicant from compliance with this Unified Development Ordinance, unless the application of this Unified Development Ordinance is legally preempted.

Sec. 6-23.2.3 Civil Liability

Neither the approval of a plan under the provisions of this Unified Development Ordinance, nor compliance with the provisions herein shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law or equity, nor shall such approval and / or compliance operate to impose any liability upon the City for damage to any person or property.

PART 7 MEASUREMENTS AND WORDS

ARTICLE 24 MEASUREMENTS AND CALCULATIONS

Division 7-24.1 Measurements

Sec. 7-24.1.1 Open Space

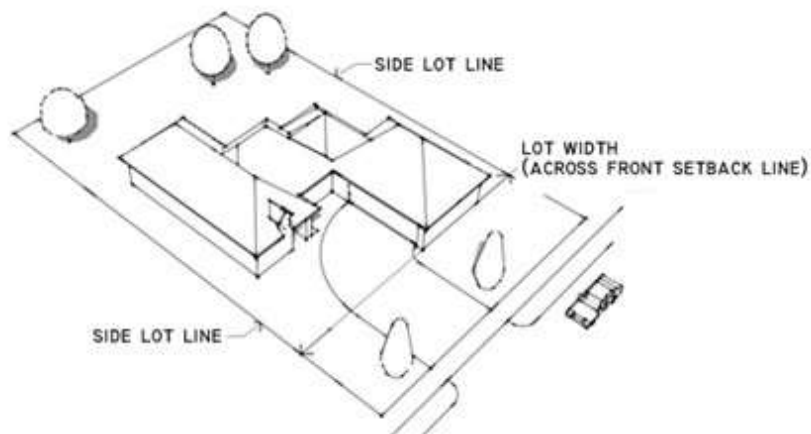
The following qualify as open space for the purposes of this Unified Development Ordinance:

- A. **Outdoor Recreation Areas.** All forms of outdoor recreation areas count as open space, including passive areas and nature reserves, ball fields, tennis courts, swimming pools, and golf courses.
- B. **Stormwater Facilities.** Open air stormwater facilities count as open space. These facilities may be permitted in floodplains even though they are protected from being part of the developed portion of the site.
- C. **Bufferyards.** The required bufferyards count as open space.
- D. **Required Landscape Areas.** Required landscape areas, such as parking lot landscaping areas, count as open space. However, landscaping of private lots in residential subdivisions is not counted as open space.
- E. **Agriculture.** Agriculture counts as open space in cluster or planned development options when it is part of the development plan.
- F. **Resource Protection Areas.** All areas that are protected natural resources count as open space.

Sec. 7-24.1.2 Lot Width

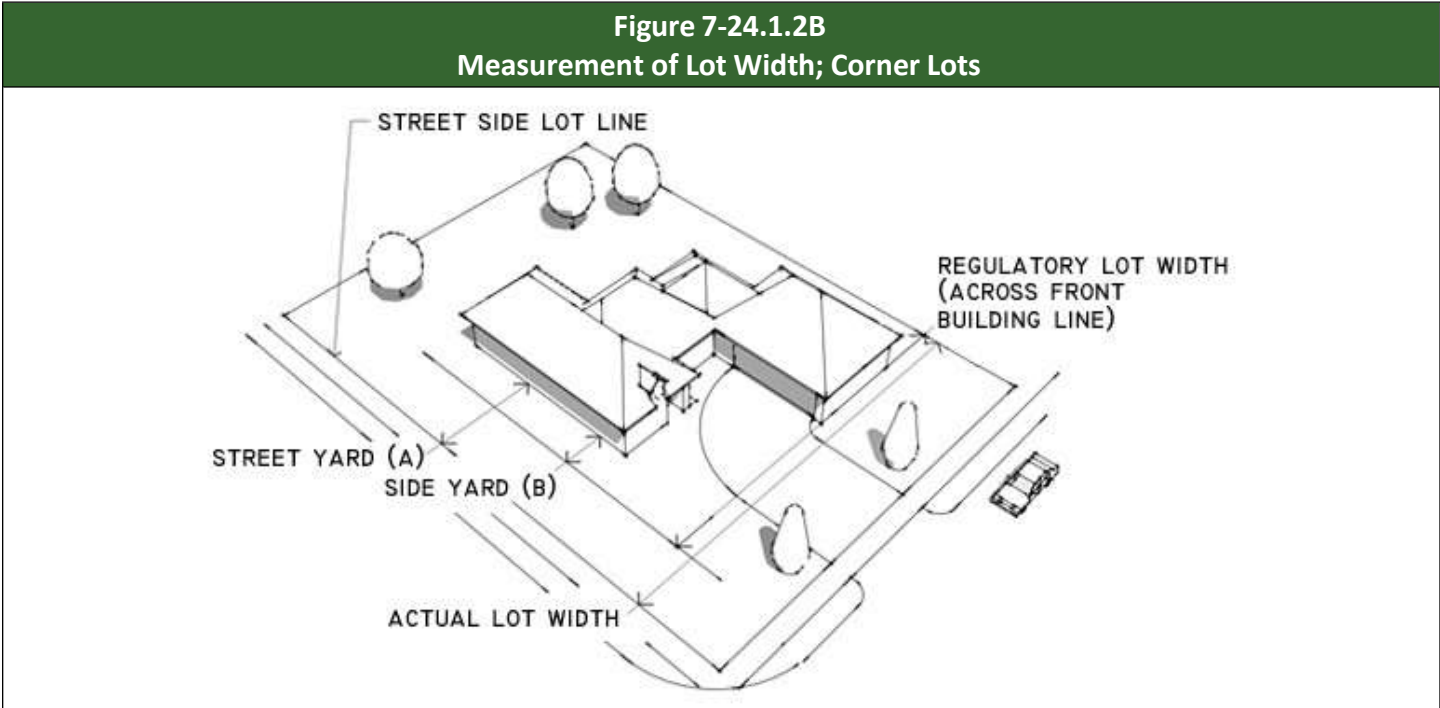
- A. **Generally.** Lot width is measured from one side lot line to the opposite side lot line at the front setback line. See **Figure 7-24.1.2A, Measurement of Lot Width; Standard Lots.**

Figure 7-24.1.2A
Measurement of Lot Width; Standard Lots

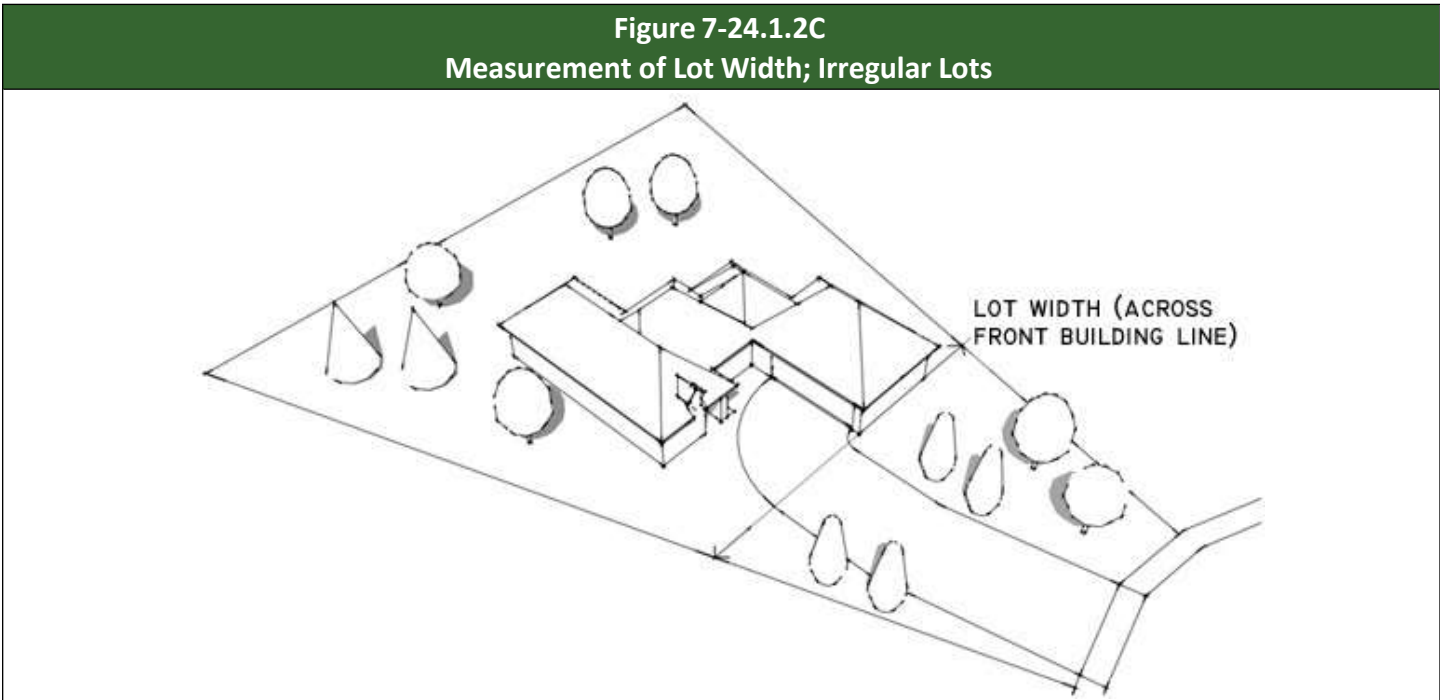


- B. **Corner Lots.** Lot width is measured from the interior side lot line to the side street lot line along the front

building line, minus the difference between the street yard setback and the side yard setback. See **Figure 7-24.1.2B, Measurement of Lot Width; Corner Lots.**



C. **Irregular Lots.** Lot width is the distance from one side lot line to the opposite side lot line along the tangent of the curve representing the front building line. See **Figure 7-24.1.2C, Measurement of Lot Width; Irregular Lots.** Generally, the front building line is the front setback line. However, if an alternative front building line has been established on the plat of a subdivision that is more distant than the front setback line from the front property line, then the lot width is measured at the alternative front building line.



Sec. 7-24.1.3 Building Coverage

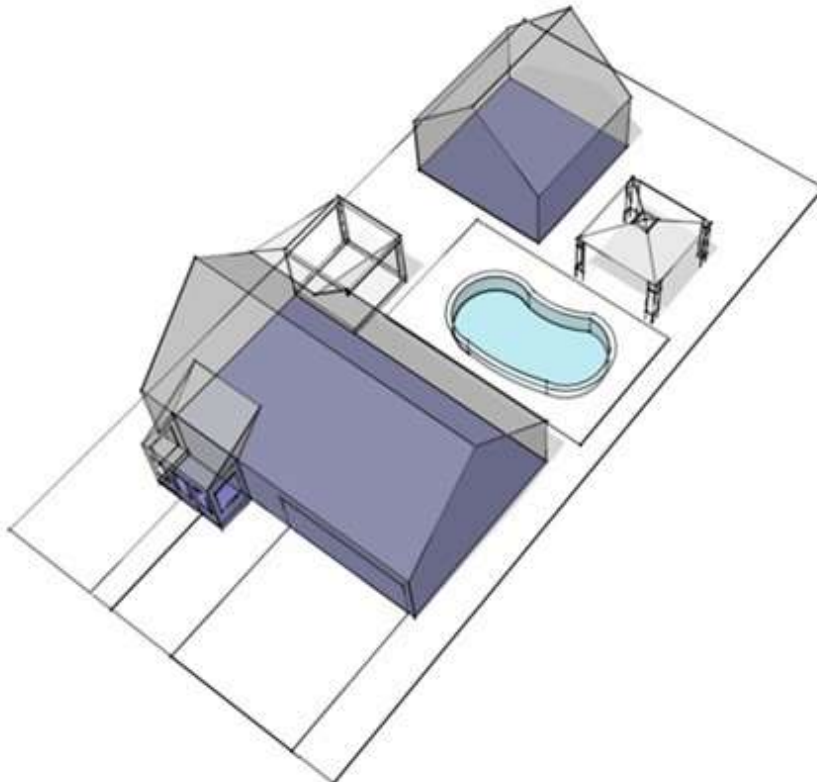
A. Building Coverage.

1. Generally. Building coverage is the total of enclosed floor areas measured between the exterior faces of building walls along a horizontal plane at the main grade level of the principal building and all accessory buildings.
2. Included. Enclosed floor area includes:
 - a. The area enclosed by building walls of principal and accessory buildings;
 - b. The area of enclosed porches; and
 - c. The footprint of parking structures.
3. Not Included. Enclosed floor area does not include:
 - a. Open porches, terraces, and decks;
 - b. Open gazebos and playground equipment;
 - c. Driveways, walkways, steps, and other paved surfaces; and
 - d. Outdoor pools and spas.

B. Building Coverage Ratio. Building coverage ratio is the percentage of the lot area that is covered by buildings (see Subsection A., above, for what qualifies as the lot area that is covered by buildings). See **Figure 7-24.1.3, Building Coverage Ratio.**

**Figure 7-24.1.3
Building Coverage Ratio**

In the illustration below, the principal building, including its enclosed front porch, and the accessory building are counted as building cover (these elements are shown in blue). The open porch at the back of the principal building, gazebo, driveway, walkway, and the pool are not counted. The total building coverage area is 1,450 square feet. The lot area is 5,000 square feet. The building coverage ratio is $1,450 \text{ sf.} \div 5,000 \text{ sf.}$ equals 29 percent.

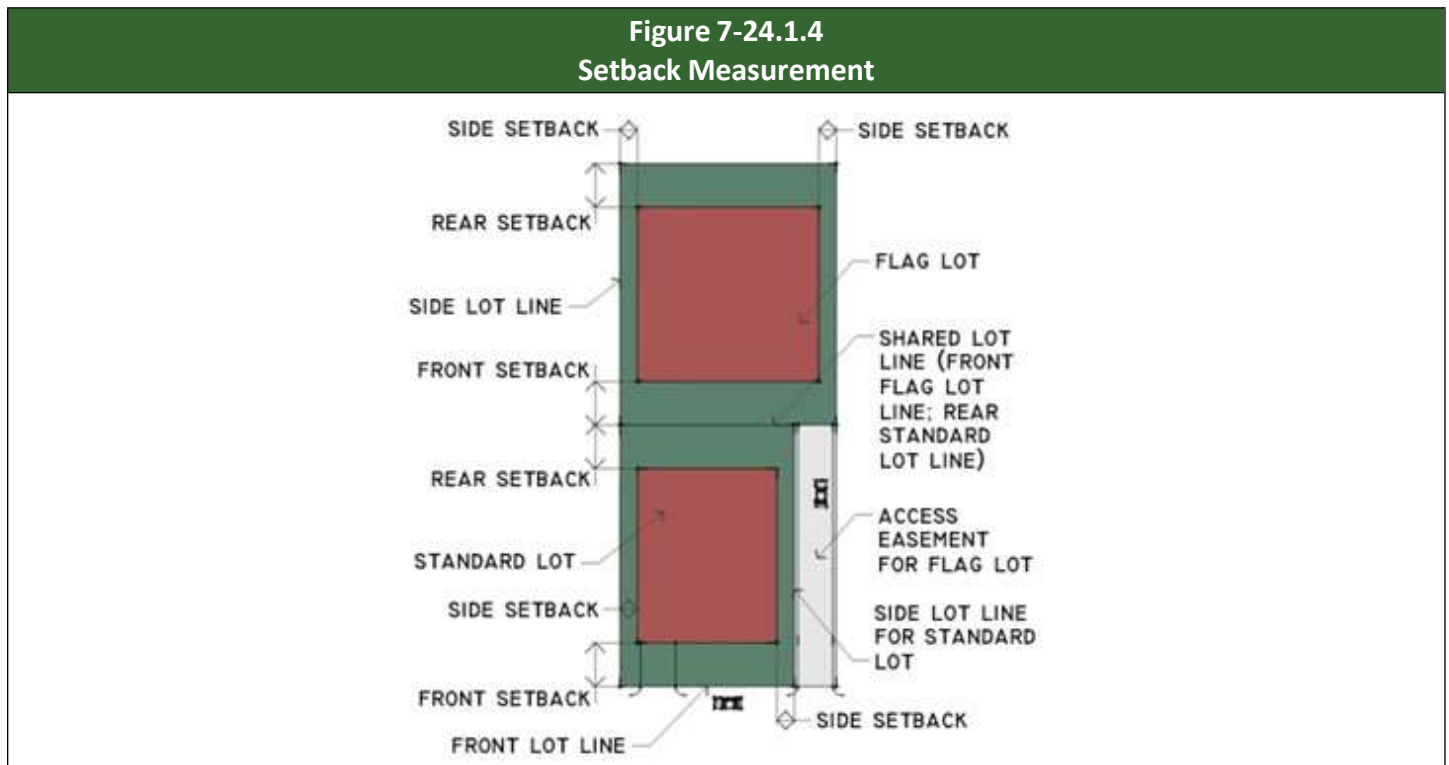


Sec. 7-24.1.4 Setbacks

A. **Generally.** Setbacks are measured from lot lines towards the center of the lot, as follows:

1. Front setbacks are measured from the front lot line. The front lot line is the lot line that abuts the right-of-way from which the lot takes its address.
2. Rear setbacks are measured from the rear lot line. The rear lot line is the lot line that is opposite from the front lot line.
3. Side setbacks are measured from side lot lines. Side lot lines are lot lines that intersect with front lot lines.

B. **Flag Lots.** On flag lots existing at the time of the Unified Development Ordinance (new flag lots would not be permitted), setbacks are measured as provided in Subsection A., above, except that the front setback line is measured from the "shared lot line." See **Figure 7-24.1.4, Setback Measurement.**



Sec. 7-24.1.5 Height

A. **Buildings.** Building height is calculated by measuring the vertical distance from the average finished grade along the front building line to:

1. The highest peak or ridge line of the roof for pitched roof styles; or
2. The top of the parapet for flat roof style.

B. **Other Structures.** Structure height is calculated by measuring the vertical distance from the average finished grade around the base of the structure to the highest point on the structure. This measurement applies to:

1. Structures without roofs (e.g., fences); and
2. Amateur radio antennae, whether mounted on a roof, the ground, or another structure.

C. **Specialized Structures and Building Appurtenances.**

1. Specialized structures and building appurtenances are not counted in the calculation of building height, provided that:
 - a. They project not more than:
 1. 15 feet above the highest point on the building for buildings that are 38 feet in height or higher; or
 2. Seven feet above the highest point on the building for buildings that are less than two stories in height
 2. They occupy not more than 10 percent of the total roof area of the building; and
 3. They are not used for human habitation, commercial, or industrial purposes, except as incidental to the operation of the building.

Sec. 7-24.1.6 Floor Area

Floor area is measured as the horizontal area of all habitable building floors in square feet, measured from the outside face of all exterior walls. No deduction shall apply for horizontal areas void of actual floor space (for example, elevator shafts and stairwells) unless specified in the applicable section as an exemption.

Sec. 7-24.1.7 Floor Area Ratio (FAR)

Floor Area Ratio (FAR) is calculated by dividing the sum of the total square feet of the climate controlled areas of a dwelling plus the total square feet of all accessory buildings located on the same lot as the dwelling by the lot's total square feet.

Sec. 7-24.1.8 Separation of Uses

- A. **In General.** Separation of land uses, where required in this Unified Development Ordinance, is measured from the nearest property line of the existing site to the nearest property line of the proposed site.
- B. **Separation of Alcoholic Beverage Sales.** Separation of uses of sales of alcoholic beverage sales for on-and off-premise consumption from specific uses as prescribed by the South Carolina Department of Revenue Alcohol Beverage Licensing (ABL) shall be measured in accordance with ABL Regulation 7-303.

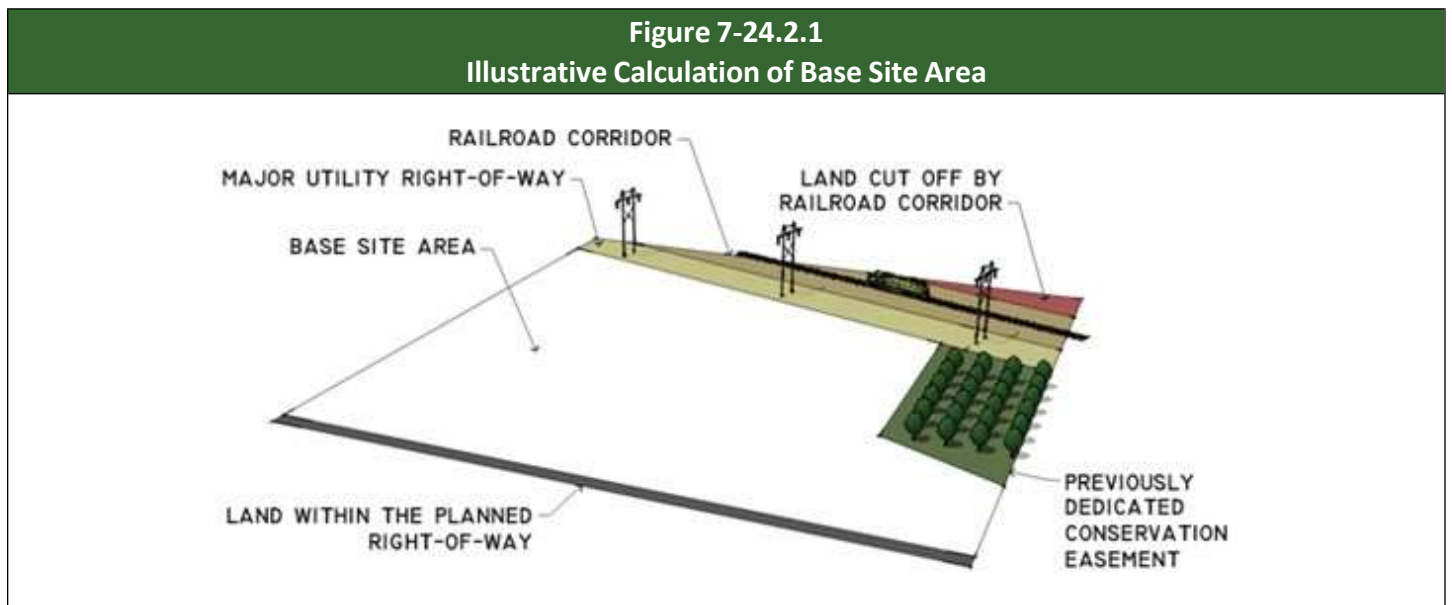
Division 7-24.2 Calculations

Sec. 7-24.2.1 Base Site Area

A. **Generally.** Base site area is used to calculate gross density. See Section 7-24.2.4, Density.

B. **Calculation.** Base site area equals the total area of the parcel proposed for development (gross site area), minus the sum of the areas of the following:

1. Land within the planned right-of-way of existing streets or streets that are on the City's adopted Thoroughfare Plan.
2. Land that is within major utility rights-of-way that are wider than 50 feet.
3. Land that is cut off from development by railroads, limited access highways, waterbodies, or wetlands and is not proposed for development.
4. Land that has previously been set aside as protected open space (e.g., subject to a conservation easement, plat restriction, or condition of development approval). See **Figure 7-24.2.1, Illustrative Calculation of Base Site Area.**

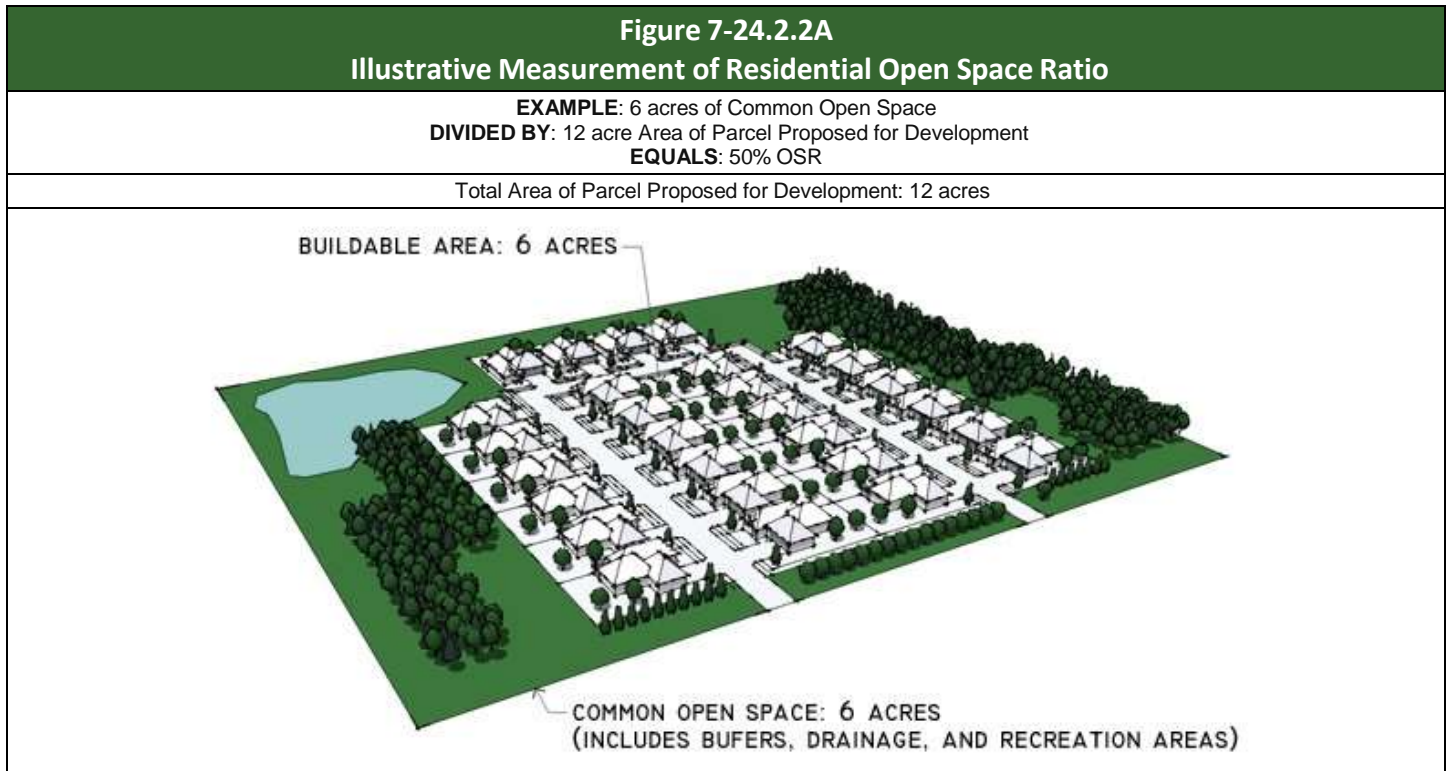


Sec. 7-24.2.2 Open Space Ratio (OSR) / Landscape Surface Ratio (LSR)

A. **Generally.** Open space ratio and landscape surface ratio are used to ensure that a certain percentage of a parcel proposed for development is open and landscaped.

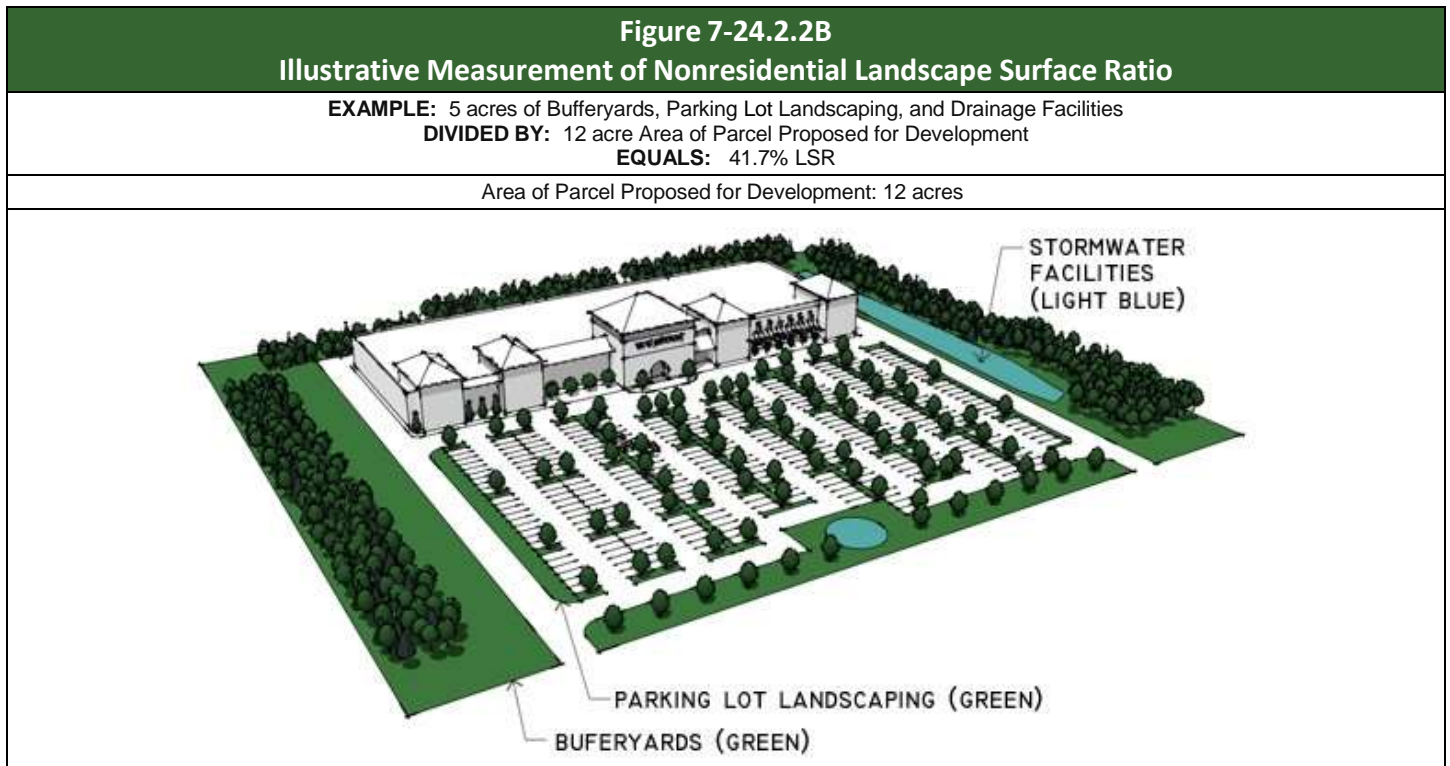
B. Open Space Ratio.

1. **Generally.** Open space ratio (OSR) is the area of designated open space, inclusive of bufferyards, natural resource protection areas, and other commonly-owned open space (but not inclusive of individually owned yards) in a residential development, divided by the total area of the parcel proposed for residential development. OSR includes bufferyards, parking lot landscaping, foundation plantings, and natural resource protection areas.
2. **Exclusion from Accrument.** Open spaces that do not qualify for the calculation of OSR include any areas on private, buildable lots and any commonly-owned open space that are less than 320 contiguous square feet.
3. **Calculation of Requirement.** The amount of commonly-owned open space that is required in a residential development is calculated as the required OSR (see [Division 2-3.2](#), District Development Standards) times the total area of the parcel proposed for development. See **Figure 7-24.2.2A, Illustrative Measurement of Residential Open Space Ratio.**
4. **Relationship to Other Requirements.** If the combination of individual open space requirements (e.g., protection of natural resources and provision of bufferyards) requires less open space than the OSR, then the OSR applies. If it requires more than the OSR, the greater requirement applies.



C. Landscape Surface Ratio (LSR)

1. Generally. Landscape surface ratio (LSR) is the area of designated landscaping and open space area on a nonresidential or mixed-use parcel proposed for development, divided by the area of the parcel proposed for development. LSR includes bufferyards, parking lot landscaping, foundation plantings, and natural resource protection areas. See **Figure 7-24.2.2B, Illustrative Measurement of Nonresidential Landscape Surface Ratio.**
2. Exclusion from Accrument. Open spaces that do not qualify for the calculation of LSR include any areas on private, buildable lots and any commonly-owned open space that are less than 320 contiguous square feet.
3. Relationship to Other Requirements. If the combination of individual landscaping and open space requirements (e.g., protection of natural resources, provision of bufferyards, parking lot landscaping) requires less landscaped or open space area than the LSR, then the LSR applies, and more landscaping is required. If the application of other landscaping standards requires more than the LSR, the greater requirement applies.



Sec. 7-24.2.3 Net Buildable Area

A. **Generally.** Net buildable area is used to calculate net density. See Section 7-24.2.4, Density.

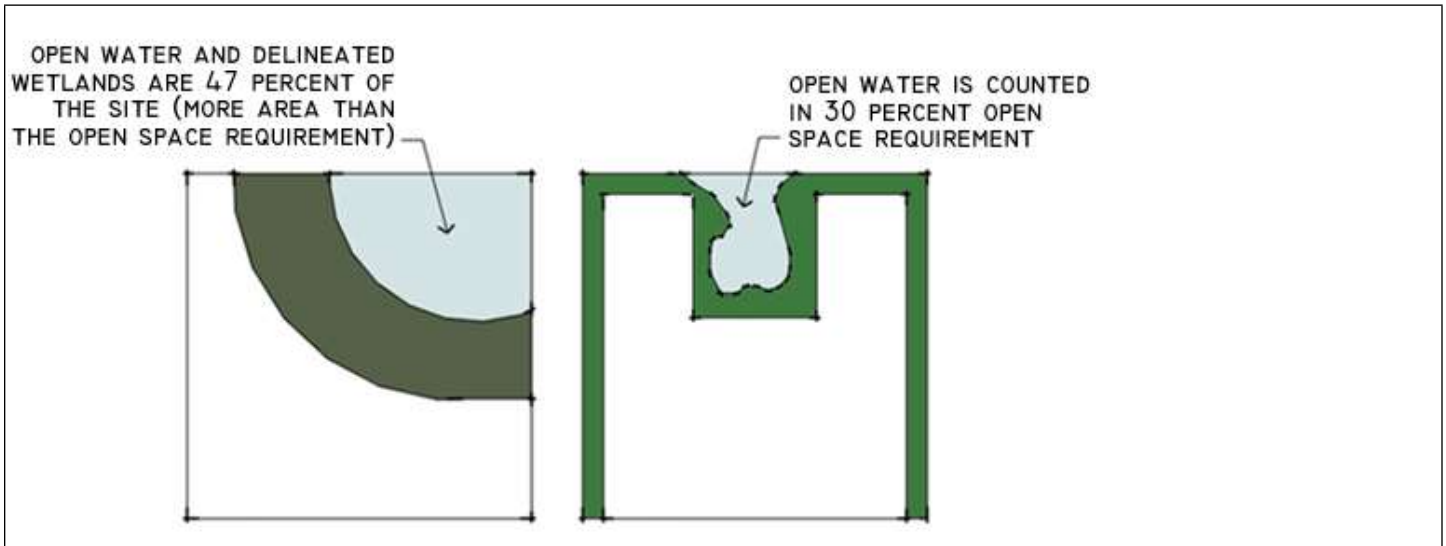
B. **Calculation.** Net buildable area is equal to the lesser of:

1. Base site area (calculated as provided in Section 7-24.2.1, Base Site Area) minus areas of open water (streams are measured to the ordinary mean high water mark) and delineated wetlands that were not already subtracted from the area of the parcel proposed for development to calculate the base site area (e.g., wetlands or open water areas that are within previously dedicated conservation easements, or cut off from development by a limited access highway, are not subtracted more than once); or
2. The total area of the parcel proposed for development minus the area of open space required for the development type in Division 2-3.2, District Development Standards. See **Figure 7-24.2.3, Illustrative Calculation of Net Buildable Area.**

Figure 7-24.2.3

Illustrative Calculation of Net Buildable Area

Using a 30 percent open space ratio for illustrative purposes, the net buildable area for the illustration on the left is calculated as base site area minus areas of open water and delineated wetlands; and the net buildable area for the right-hand illustration on the right is calculated as the total area of the parcel proposed for development minus the area of required open space.



Sec. 7-24.2.4 Density

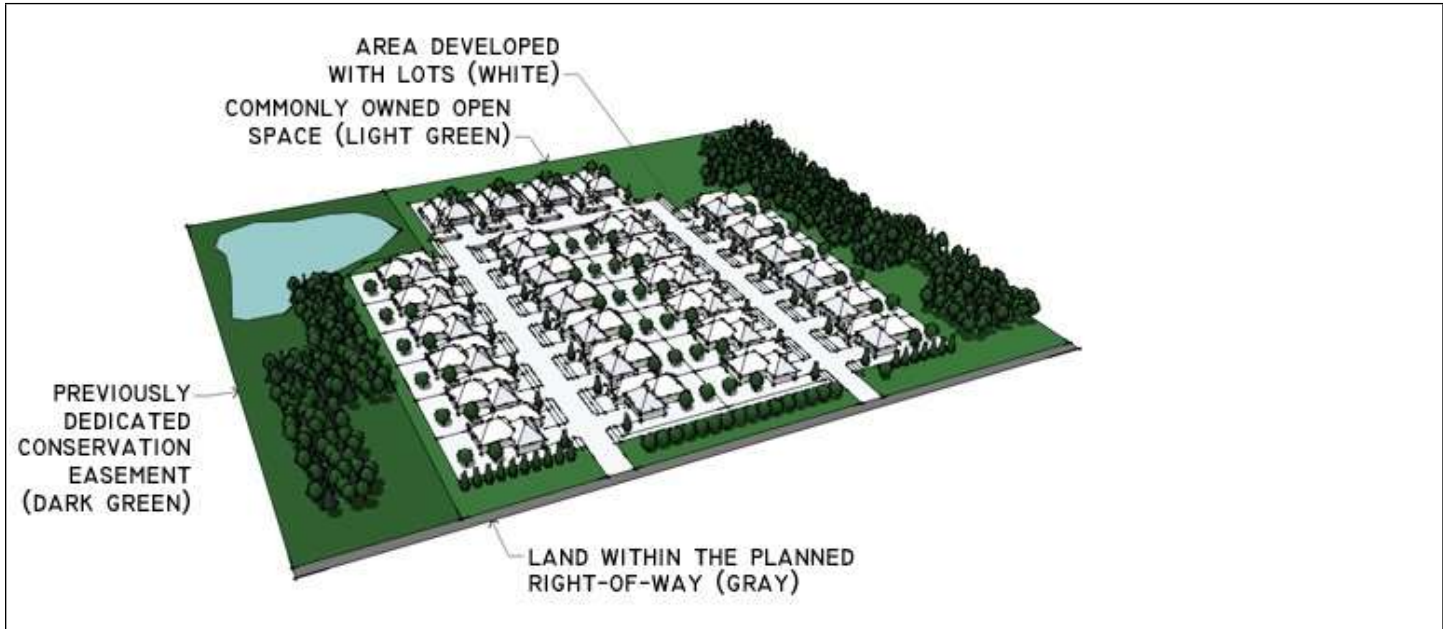
- A. **Generally.** Density is measured in two ways: gross density and net density. The maximum number of units that are allowed in a residential development shall not exceed the lesser of the results of the gross density and net density calculations for the parcel proposed for development.
- B. **Gross Density.** Gross density is the number of dwelling units per acre of base site area (see Section 7-24.2.1, Base Site Area). An example calculation is provided in **Figure 7-24.2.4, Illustrative Density Calculations.**
- C. **Net Density.** Net density is calculated by dividing the number of dwelling units by the net buildable area of the parcel proposed for development. An example calculation is provided in Figure 7-24.2.4, Illustrative Density Calculations.

**Figure 7-24.2.4
Illustrative Density Calculations**

EXAMPLE: 28 homes are planned for an 11 acre parcel.

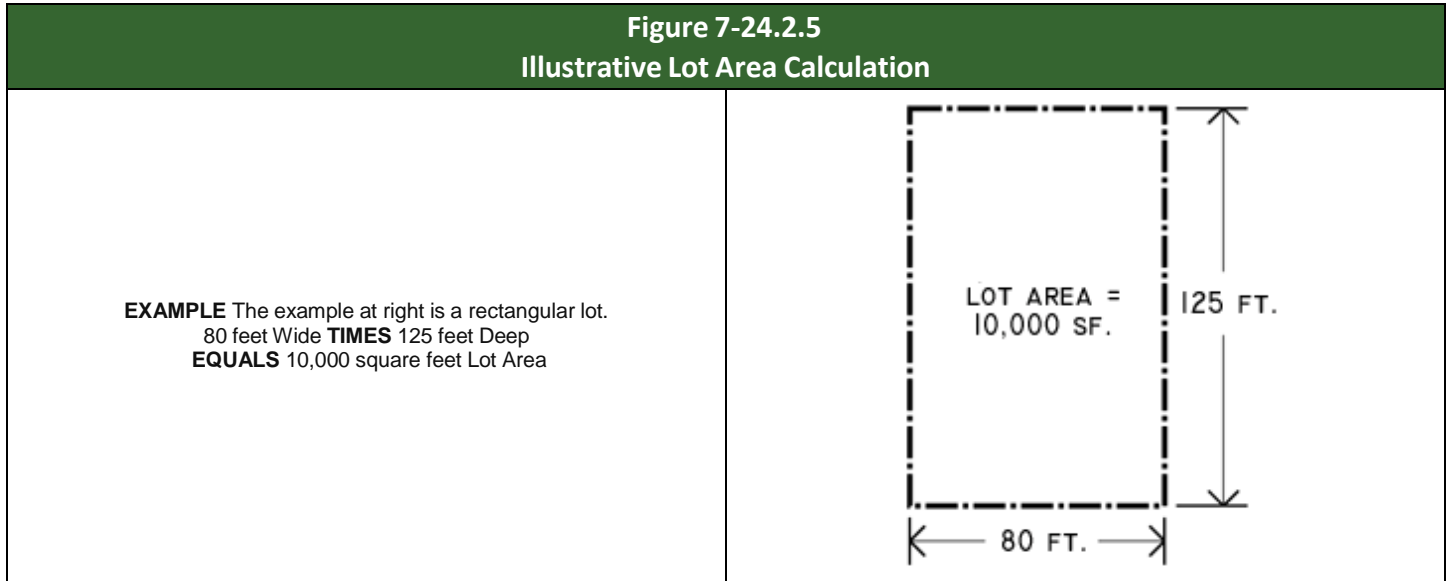
GROSS DENSITY The parcel proposed for development is 11 acres. 2.5 acres (including forest and open water) were previously dedicated as a conservation easement and 0.2 acres within planned right-of-way of an abutting street. There are no areas within major utility corridors or cut off from development. Therefore, the Base Site Area is 11 minus 2.5 minus 0.2 equals 8.3 acres. Therefore, 28 homes divided by 8.3 acres equals a gross density of approximately 3.38 units per acre.

NET DENSITY The required Open Space Ratio (OSR) in this example is 50 percent. Therefore, the Net Buildable Area is the lesser of 50 percent times 11 acres (5.5 acres) or the Base Site Area minus open water and wetlands. Since the open water area was counted in the Base Site Area calculation (because it is subject to a conservation easement), it is not subtracted again. Accordingly, the Net Buildable Area is 5.5 acres (because 5.5 acres is less than 8.3 acres). The net density is 28 homes divided by 5.5 acres, or 5.10 units per acre.



Sec. 7-24.2.5 Lot Area

Lot area is the area within the lot lines. See **Figure 7-24.2.5, Illustrative Lot Area Calculation.**



Sec. 7-24.2.6 Streamflow and Runoff

- A. **Hydrology Comparisons.** All variables of pre-development and projected post-construction hydrology shall be compared in the required drainage study and report.
- B. **Runoff Frequencies.** Minimum design frequencies for calculating rainfall runoff shall be as shown in **Table 7- 24.2.6A, Rainfall Runoff Frequencies.**

**Table 7-24.2.6.A
Rainfall Runoff Frequencies**

General Land Use Type	Frequency
Residential	five to 10 Years
Light Industrial and Commercial	10 to 25 Years
Heavy Industrial and High Value Commercial	25 to 50 Years
Flood Protection Works	50 to 100 years

C. **Calculations for Runoff on Developments of 20 Acres or Less.** Variance in design frequency shall depend upon the existing and expected density of development, the value of development, and the cost effectiveness of design. Minimum design frequency may be used if approved by the Director of Utilities. The formula and values as set out in **Table 7-24.2.6B, Runoff Calculations, 20 Acres or Less** shall be used for calculating all stream flow and runoff for the policies and regulations established by this Unified Development Ordinance. Runoff from drainage areas of 500 acres or less may be determined by the "Rational Formula", $Q=C \times I \times A$, as follows:

Table 7-24.2.6B Runoff Calculations, 20 Acres or Less	
Formula Symbol	Equals
Q	Stormwater runoff in cubic feet per second (cfs) at a specified point and time.
C	Coefficient representing the ratio of stormwater runoff to rainfall over the tributary area based on the imperviousness of the area, ground slope, and ground storage. Coefficients may vary from 0.15 to 0.95. Coefficients of less than 0.5 may be used if individual calculations are submitted with plans to the Director of Public Works and Utilities.
I	Average rainfall intensity in inches per hour over the tributary drainage area for the period of time equal to the time of concentration and given frequency of occurrence.
A	Equals the area to be drained in acres, determined by field surveys for areas less than one 100 acres, and by latest government quadrangle maps for larger areas.
B	Runoff from drainage areas greater than 500 acres will be determined by use of a hydrograph or other engineering methods as approved by the Director of Public Works and Utilities.

D. **Calculations for Runoff on Developments Greater than 20 Acres.** The rational formula may not be used for calculating flows for sizing stormwater detention / retention facilities, or for any drainage areas greater than 20 acres. In these cases, all hydrologic computations shall be accomplished using a volume-based hydrograph method acceptable to the Director of Public Works and Utilities.

E. **Storm Sewers, Channels, Culverts, and Bridges.** The size of closed storm sewers, open channels, culverts, and bridges may be determined by using the "Manning Formula," which may be modified for use with runoff determined by the "Rational Formula" to: $Q=1.486RSA$, as set out in **Table 7-24.2.6C, Storm Sewers, Channels, Culverts, and Bridges**.

Table 7-24.2.6C Storm Sewers, Channels, Culverts, and Bridges	
Formula Symbol	Equals
Q	Discharge in cubic feet per second.
A	Cross-sectional area of water in conduit in square feet.
R	Hydraulic radius of water in conduit.
S	Mean slope of hydraulic gradient in feet of vertical rise per foot of horizontal distance.
N	Roughness coefficient.

ARTICLE 25 WORD USAGE AND DEFINITIONS

Division 7-25.1 Word Usage

Sec. 7-25.1.1 Word Usage

The word "shall" is mandatory; the word "may" is permissive. The particular shall control the general. Words used in present tense shall include the future, and words used in the singular include the plural, and plural the singular, unless the context clearly indicates the contrary. All public officials, bodies and agencies to which reference is made are those of the City, unless otherwise indicated. The City of Florence shall be the City.

Sec. 7-25.1.2 Abbreviations and Acronyms

Set out in **Table 7-25.1.2, Meaning of Acronyms and Abbreviations** is the meaning of the acronyms and abbreviations used in this Unified Development Ordinance.

Table 7-25.1.2 Meaning of Acronyms and Abbreviations	
Abbreviation or Acronym	Meaning
AB - NOI	Annual Blanket Notice of Intent
ac.	Acres
ADA	Americans with Disabilities Act
ADT	Average Daily Trips
ADU	Accessory Dwelling Unit
ANSI	American National Standards Institute
ARMS	Access and Roadside Management Standards
BMP	Best Management Practice
BR	Bedroom
CCRs	Covenants, Conditions, and Restrictions
CBD	Central Business District
CCF	Contractor Certification Form
c.f.s	Cubic Feet Per Second
CGP	Construction General Permit
C-SWPPP	Comprehensive – Storm Water Pollution Prevention Plan
dbA	Decibels A Scale
D.B.H. or DBH	Diameter at Breast Height
DHEC	Department of Health and Environmental Control
DNL	Day-Night Average Sound Level
du	Dwelling Unit
EIFS	External Insulating Finishing System
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
ft.	Feet
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
GEP	Good Engineering Practices
IL - NOI	Individual Lot - Notice of Intent
in.	Inches
ITE	Institute of Traffic Engineers
LCP	Larger Common Plan

LDA	Land Disturbance Activity
LID	Low Impact Development
LOD	Limited of Disturbed
LSR	Landscape Surface Ratio
Max.	Maximum
MEP	Maximum Extent Practicable
Min.	Minimum
MS4	Municipal Separate Storm Sewer System
N/A	Not Applicable
NFIP	National Flood Insurance Program
NLR	Noise Level Reduction
NOT	Notice of Termination
NPDES	National Pollution Discharge Elimination System
OSR	Open Space Ratio
OS-SWPPP	On-Site – Storm Water Pollution Prevention Plan
POA	Property Owners' Association
SCDOT	South Carolina Department of Transportation
SCNW	SC Navigable Waters
sf.	Square Feet
SWPPP	Storm Water Pollution Prevention Plan
TND	Traditional Neighborhood Development
TMDL	Total Maximum Daily Load
u/a	Units Per Acre
Unified Development Ordinance	Unified Development Ordinance
USACOE	U.S. Army Corps of Engineers
VPD	Vehicles Per Day
WLA	Waste Load Allocation
WoS	Waters of the State
WSE	Water Surface Elevation

Division 7-25.2 Definitions

1 to 9

100-Year Frequency Storm means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as a probability to exceed with a one percent chance of being equaled or exceeded in any given year.

(A)

Accessory Structure means structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory Structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

Adult Bookstore, Adult Novelty Store, Adult Video Store means a commercial establishment that devotes a significant or substantial portion of its business to any one or more of the following:

- A. The sale, rental or viewing, for any form of consideration, of books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials which are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas;
- B. The sale or rental of instruments, devices, or paraphernalia which are designed for use or marketed primarily for engaging in specified sexual activities; or
- C. A significant or substantial portion of its business is shown by characteristics including, but not limited to, some or all of the following:
 1. A significant or substantial portion of its stock in trade consists of the items listed in items 1 and/or 2 above; or
 2. A significant or substantial portion of its revenues is derived from the rental or sale of items listed in items 1 and/or 2 above; or
 3. A significant or substantial portion of its floor space, shelf space or storage space is devoted to the items listed in items 1 and/or 2 above; or
 4. A significant or substantial portion of its advertising is devoted to the items listed in items 1 and/or 2 above.

Adult Cabaret means a nightclub, bar, restaurant, concert hall, auditorium, or other commercial establishment or private club which regularly features or presents live adult entertainment.

Adult Entertainment means any exhibition, display, activity or dance that involves the appearance or exposure to view of specified anatomical areas.

Adult Motel means a hotel, motel or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials which are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical

areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction; or

B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater means a commercial establishment or private club, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials are regularly shown characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas. An establishment meeting the definition of an adult arcade is not an adult motion picture theater.

Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

Agent means an authorized person, firm, or corporation acting for or on behalf of a subdivider, developer, or owner.

Agricultural structure means a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this ordinance.

Agricultural Support / Rural Services means uses that support agricultural uses, including:

A. Farm supply services and feed stores;

B. Farm equipment dealers; and

C. Grain storage.

Agriculture means land (with and without farm residences) which is primarily used for the commercial production of field crops for food, fiber, or energy; orchards; viticulture; horticulture; dairying; pasturage; aquaculture, and truck farming. The term "agriculture" also includes the raising or breeding of livestock, cattle, horses, poultry, where there is no more than one animal per acre, and the keeping of bees. The term includes the necessary accessory uses for storing the products and inputs needed to produce them.

The term does not include intensive agriculture, nor does it include the accessory use of land for personal gardens within required setbacks.

Airport means aircraft take-off and landing fields and flight training schools; or airstrips for personal aircraft for the private use of an individual.

Alcoholic Beverage Sales, Offsite Consumption means a business whose floor space is primarily devoted to the retail sale of beer, wine, or other alcoholic beverages for off-premises consumption and which requires a license under South Carolina state regulations.

Alcoholic Beverage Sales, Onsite Consumption means a business that is governed by state law which provides that the establishment must be a bona fide restaurant engaged primarily and substantially in the preparation and serving of meals. For the purposes of this definition, "primarily" means that the establishment has a "commercial kitchen" so defined within this Division, and that food sales constitute at least 30% of the regular source of business to the licensed establishment, that meals are served upon the demand of guests and patrons during normal meal times that occur when the licensed business establishment is open to the public, and that an adequate supply of food is present on the licensed premises to meet the demand.

Alley means a private service road that provides secondary means of access to lots. Parking is not permitted in alleys and through traffic is discouraged. An alley may also be described as a minor way used for service access to the back or side of properties otherwise abutting on a street. An alley shall not serve as the principle means of ingress or egress to a lot or parcel.

Alteration means a change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in the historic designation; a change in the landscape features of any historic site or place; or work having an adverse effect upon designated archaeological resources.

Appeal means a request for a review of the local administrator's interpretation of any provision of this ordinance.

Approved or Approval means the final action that results in the authorization of a site specific development plan by the official or body of the City authorized to approve a site specific development plan. This action shall include the payment of all associated fees.

Area of shallow flooding means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

Asphalt or Concrete Plant means a concrete or asphalt batch plant that is assembled on a site for the construction of a particular improvement.

Assisted Living Facility means a residential facility that makes available to three or more adults room and board and at least the following services: Personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that is available on a twenty-four-hour basis, but not to the extent that regular twenty-four-hour medical or nursing care is required. This phrase does not include any facility licensed in this state as a residential care facility.

(B)

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation means the elevation for which there is a one-percent chance in any given year that flood levels will equal or exceed it.

Basement means any enclosed area of a building that is below grade on all sides.

Bed and Breakfast means a place of lodging that:

- A. Provides five or fewer rooms for short-term rental; and
- B. Is limited to two consecutive week stays.

Best Management Practices (BMPs) means a wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. See also Stormwater Best Management Practices (BMPs).

Block means a parcel of land that is surrounded on all sides by streets highways, parks, other publicly owned areas, or railroad rights-of-way or by physical barriers such as water bodies or public open spaces. Blocks are normally, but not necessarily, divided into lots.

Building Envelope means the area on a lot that is bounded by setback lines, on which development of a principal building is permitted.

Building Permit means a written warrant or license issued by the Building Official that authorizes the construction or renovation of a building or structure at a specified location.

Build-to Line means the line at which construction of a building facade is to occur on a lot, running parallel to the front property **line** without setback, and thus ensuring a uniform (or more or less even) building facade line on the street.

(c)

Caliper means a method of measuring the diameter of a tree trunk. The measurement is taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper is measured at 12 inches above the ground. The measurement is taken according to the methodology set out in the most current edition of the American Standard for Nursery Stock, published by the American Nursery and Landscape Association.

Canopy. See the definition of marquee.

Cart means any portable vending device, pushcart, or any other wheeled vehicle or device which is moved without assistance of a motor and which is not required to be licensed and registered by the South Carolina Department of Motor Vehicles, used for the displaying, storing, or transporting of articles offered for sale by a vendor and which does not exceed four (4) feet in width, six (6) feet in length, and five (5) feet in height, excluding canopy or cover. A Cart shall be appropriately licensed by S.C. Department of Health and Environmental Control.

Cemetery means any place, including a mausoleum, niche, or crypt, in which there is provided space either below or above the surface of the ground for the interment of the remains of human bodies.

Certificate of Appropriateness means a document issued by the Board of Historical Review, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

Child Care Center means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children who are 18 years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The phrase "child care center" includes, but is not limited to facilities commonly known as:

- A. Day care centers;
- B. School-age child care centers;
- C. Before and after school programs;
- D. Nursery schools;
- E. Kindergartens;
- F. Preschools;
- G. Day camps;
- H. Summer camps; or
- I. Centers for developmentally disabled children.

Child Care, In-Home means a home in which care is given as a home occupation by a resident and no others during the day only for up to and including no more than six children, including the residents' own children.

City means the incorporated are of the City of Florence.

City Code means the Code of Ordinances, City of Florence, South Carolina.

City Staff means members of the Department of Urban Planning and Development who are authorized by the Director to process or decide applications for development approval.

Clean Water Act means The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Commercial Amusement, Indoor means uses that provide commercial amusement indoors (except sexually oriented businesses), including, but not limited to:

- A. Bowling alleys and pool rooms;

- B. Indoor sports arenas
- C. Movie theaters and live theaters;
- D. Indoor skating rinks (ice or roller); and
- E. Video arcades.

Commercial Amusement, Outdoor means uses that provide commercial amusement outdoors (except sexually oriented businesses), including, but not limited to:

- A. Outdoor arenas or stadiums (including, but not limited to, amphitheaters, sports stadiums, concert facilities, rodeos, and racing facilities);
- B. Amusement parks or theme parks;
- C. Fairgrounds;
- D. Miniature golf establishments;
- E. Golf driving ranges;
- F. Water slides; and
- G. Batting cages.

Commercial and Industrial Water Use means water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

Commercial Kitchen means a room for the preparation of food which must include at a minimum a functioning, fixed grill or stove; a cold storage unit with a minimum of 21 cubic feet capacity; dry storage for food; and counter space for the preparation of food. The kitchen can include a microwave oven and/or other small appliances, but the presence of a microwave oven or other similar small appliances alone does not meet the definition of a “commercial kitchen.” Commercial kitchens will be subject to public health inspections.

Commercial Retail means commercial and retail uses that do not include regular outside storage or sales. This phrase includes uses that are comparable to the following:

- A. Furniture and home furnishings stores;
- B. Electronics and appliance stores;
- C. Paint and wallpaper stores;
- D. Hardware stores;
- E. Food and beverage stores;
- F. Health and personal care stores;
- G. Clothing and clothing accessory stores;
- H. Sporting goods, hobby, book, and music stores;
- I. General merchandise stores; and
- J. Miscellaneous store retailers.

Commercial Stables means the stabling, training, feeding of horses, or the provision of riding facilities for the use of anyone other than the resident of the property. Equestrian trails that are constructed as part of the common open space of a subdivision and intended for the exclusive use of residents of the subdivision are not commercial stables.

Commercial Vehicle means:

- A. Any motor vehicle, trailer, or semi-trailer that:
 1. Is designed or used to carry freight, other vehicles, equipment, passengers for a fee, or merchandise in the furtherance of any business enterprise; and
 2. Has a gross weight of more than 10,000 pounds; 2.

- B. Any step van or truck that is designed for commercial moving or parcel delivery services;
- C. Any truck that is used for retail sales (e.g., ice cream, lunches);
- D. Any vehicle with more than four wheels that is used for business purposes;
- E. Any trailer that is used to haul machinery, supplies, or equipment for business purposes (horse trailers, boat trailers, motorcycle trailers, RV trailers, and car trailers put to personal use are not included in the definition);
- F. Any trailer that is used for commercial hauling (e.g., waste, junk, or lawn clippings), or commercial moving services;
- G. Any tracked vehicle used for construction or excavation; and
- H. Any vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment, unless such vehicle is used for on-call emergency services contracted by the City or other governmental entity.

Commercial Warehousing and Logistics means indoor warehousing, distribution, or logistics facilities; retail distribution centers; order fulfillment centers; and moving and storage services (including full-service moving and storage and indoor storage of shipping containers). The phrase does not include self-storage, warehousing and distribution that are accessory to a light industrial or heavy industrial facility, and parcel service drop-off locations that are not accessory to a parcel service processing facility.

Commissary means a sanitary food prep business appropriately licensed by S.C. Department of Health and Environmental Control which leases space to multiple mobile businesses. Once the food is prepared at the commissary, it can be cooked in the mobile truck or cart.

Community Recycling Bin means a dumpster that is provided in a publicly accessible location to collect mixed recyclable materials from residents of surrounding neighborhoods.

Comprehensive Plan means the official plan or any part thereof for the City of Florence and the Planning Commission, adopted in accordance with the provisions of the 1994 Planning Enabling Act.

Conditionally Approved or Conditional Approval means an action taken by the City that provides interim approval for a site specific development plan which brings the lot into compliance with this Unified Development Ordinance but is contingent upon additional approvals by other regulatory agencies.

Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modifications of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective National Flood Insurance Program (NFIP) map, it indicates whether the project, if built as proposed would be recognized by FEMA.

Conformity / Conforming means meeting all applicable codes and requirements for a proposed development.

Construction Activity means activities subject to NPDES construction permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Construction Yard, Temporary means an area used temporarily to stage construction of a site or infrastructure and may include storage of materials, manufactured construction offices, and associated activities only for the duration of the construction project.

Cottage means a small single-family detached residence that has a floor area on the first floor that is less than 1,000 square feet. Cottages are typically arranged in a cluster around a common green space. Vehicular access is provided by a shared parking lot.

Crime Against Morality and Decency means, for the purposes of this Unified Development Ordinance, a crime defined by S.C. Code of Laws, Title 16, Chapter 15, Offenses Against Morality and Decency, except for the crimes of:

- A. Seduction under promise of marriage; and

B. Adultery or Fornication.

Critical Facilities means structures or facilities that produce, use or store hazardous, flammable, explosive, toxic and/or water-reactive materials, liquids, gases and solids as such are defined in the Uniform Fire Code, but not including retail structures and facilities that only stock and store products containing such substances in factory-sealed containers; hospitals, nursing homes, group homes, residential care facilities, congregate care facilities and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; schools; daycare facilities; cemeteries; police stations, fire stations, vehicle and equipment storage facilities and emergency operations centers that are needed for flood response activities before, during and after a flood; and public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood.

(D)

Deck means an exterior floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

Detention Structure means a permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at controlled rates.

Developer means the owner and/or subdivider of property, or his agent, engaged in the subdivision, development, re-development, or improvement of land or the construction of structures upon the land within the territorial jurisdiction of the City.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, roads, mining, dredging, filling, grading, paving, excavating, other site work, utilities, drilling operations, or permanent storage of materials.

Development, Major means any development larger than a minor development.

Development, Minor means any development involving five or fewer lots and involving a land area of less than five acres and not requiring the construction or extension of any streets or other municipal utilities.

Dewatering means the removal of water from soil or rock, using centrifugation, infiltration, or other solid-liquid separation processes.

Diameter at Breast Height (DBH) means a measurement of the size of tree that is equal to the diameter of its trunk, measured four and one-half feet above the adjacent natural grade.

Director means the staff position responsible for administering and enforcing this Unified Development Ordinance, who is appointed by the City Manager, which includes any successor(s) of similar title(s), or a designee.

Director of Public Works means the staff position responsible for the City's public works, who is appointed by the City Manager, which includes any successors with similar title(s), or a designee.

Director of Public Utilities means the staff position responsible for the City's utility systems, who is appointed by the City Manager, which includes any successors with similar title(s), or a designee.

Disposal means facilities for the disposal of non-nuclear waste or fill, or the composting of organic wastes. The term includes landfill and composting facility.

Double Loaded Block means a block that contains two rows of lots that are arranged back-to-back or separated by an alley, where the two rows face streets that are roughly parallel to each other.

Drainage means surface water runoff; the removal of surface water or groundwater from lands by drains, grading, or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving water supply and the prevention or alleviation of flooding.

Drainage Area means an area contributing runoff to a single point; that area in which all of the surface water

runoff resulting from precipitation is concentrated into a particular stream.

Drainage System means any previously existing or newly constructed drainage facility that conveys stormwater or surface runoff such as drainage-ways, watercourses, storm drainage pipe, culverts, catch basins, sewers, specifically designed for stormwater, open ditches, swales with or without inverts, and all appurtenances thereto.

Drip-Line means a circular area the circumference of which is determined by the outer reaches of a tree's widest branching points.

Driveway means a private access-way, primarily for vehicles, leading from a street to a parking or loading area.

Duplex means a single-family attached unit type that includes two units that are attached along a common wall or separated by a floor that is not penetrated for the purpose of interior access between the two units. The standard duplex has side-by-side units with a common wall (the units may be divided into separate lots along the common lot line for individual fee-simple ownership). The units in the over-under duplex are located on different floors (the units may be accessed via separate outside entrances or through a common foyer area). Vehicular access to duplex homes in either style is from the street or from an alley.

(E)

Easement means an interest in real property granted by the property owner to the general public, a corporation, or a certain person or persons of a strip or a parcel of land for use for a specific purpose.

Effective Date means the date that this Unified Development Ordinance first became effective.

Electrical Substation means a subsidiary station of an electricity generation, transmission, and distribution system where voltage is transformed.

Elevated building - a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

Elevation, Building, when not referring to the position of the building in three-dimensional space, means the principal vertical planes of the building. Buildings typically have four elevations: a front elevation (or front façade), two side elevations, and a rear elevation.

Encroachment means:

A. Generally:

1. A building or structure, or part thereof, that is located:
 - a. Between a lot line and the nearest required setback line for the building or structure; or
 - b. In an easement which does not allow for the building or structure; or
2. A part of a building or structure that crosses a lot line:
 - a. Into another lot under separate ownership; or
 - b. Onto a right-of-way.
 - c. An addition to or change to the physical condition of a specified type of flood hazard area that results in the blockage, diversion or displacement of floodwaters.

Engineer means a registered engineer in good standing with the South Carolina Board of Engineers and Land Surveyors and the South Carolina Department of Labor, Licensing, and Regulation.

Erosion means the wearing-away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

Event Facility or Banquet Hall means a facility that may temporarily hold a large number of persons that attend a special use such as a conference, ceremony, exhibit, etc. Meals may or may not be served or made

available in such facilities.

Executive Order 11988 (Floodplain Management) - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Existing Building means a building which existed, or for which a building permit was granted, prior to the effective date.

Existing construction means, for the purposes of determining flood insurance rates, structures for which the start of construction commenced before December 1, 1981.

Existing manufactured home park or manufactured home subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 20, 1972.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

Extraction means uses that involve extraction of minerals and fossil fuels from the ground, including surface and subsurface mining and quarrying facility.

(F)

Facade means an elevation of a building that provides the principal expression of the building to a street.

Family means two or more persons related by blood, marriage, and / or adoption; or not more than four persons not related by blood, marriage, or adoption; or a group of people that occupy a "group home" as defined by the South Carolina Code of Laws or the South Carolina Code of Regulations. With respect to occupancy of residential dwelling units, this definition includes the operation of the family as a single housekeeping unit.

Farm Stand means a temporary or permanent structure or vehicle used for the sale of agricultural produce in-season, at least 50 percent of which is grown by the seller or farmers within 25 miles of the City limits. Farm stand operators are not itinerant vendor sales.

Fill means a deposit of materials of any kind placed by artificial means.

Five-Hundred Year Floodplain means the land in a drainage-way within a community subject to a two-tenths (0.2) percent or greater chance of flooding in a given year.

Floatable Materials means any material that is not secured in place or completely enclosed in a structure, so that it could float off site during the occurrence of a flood and potentially cause harm to downstream property owners, or that could cause blockage of a culvert, bridge or other drainage facility. This includes, without limitation, lumber, vehicles, boats, equipment, trash dumpsters, tires, drums or other containers, pieces of metal, plastic or any other item or material likely to float.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry lands areas from:

A. The overflow of waters; and/or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Fringe means that portion of the one-hundred-year floodplain between the floodway boundary and the upper limits of the base flood. Sheet flow areas with flood depths of less than one (1) foot are not considered part of the flood fringe. Sheet flow areas with flood depths between one (1) and three (3) feet, inclusive, are part of the flood fringe.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones, which is applicable to the City.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency which contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodplain Management Administrator means the Director, who is appointed by the City Manager, which includes any successor(s) of similar title(s), or a designee.

Flood-resistant material means any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to property and structures subject to flooding which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents in a floodplain area.

Floodway (Designated Floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area Ratio (FAR) is a regulation that controls the size of buildings in certain zoning districts. FAR is calculated by dividing the sum of the total square feet of the climate controlled areas of a dwelling plus the total square feet of all accessory buildings located on the same lot as the dwelling by the lot's total square feet.

Food Truck means a motorized wheeled vehicle, distinct from push carts, trailers (towed carts), and other retail vendors, currently registered with the S.C. Department of Motor Vehicles, which may or may not have on board power, refrigeration, and food prep facilities, which is designed and equipped to serve food or beverages and is appropriately licensed by S.C. Department of Health and Environmental Control.

Forest/Wooded Area means an area that is characterized by a significant stand of trees, where a larger percentage of the stand contains mature canopy trees, and may or may not include understory trees, shrubs, and grasses.

Foster Care Home means a residence of a family or person that gives temporary day to day care to a child under the age of eighteen years who is not related to the head of such home, except in the case of relative care. The term includes any foster care home receiving a child for regular twenty-four-hour care and any home receiving a child from any state-operated institution for child care or from any child placement agency.

Freeboard a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. **Front Building Line** means a horizontal line across the portion of the primary facade of a building that is closest to the street.

(G) Garage Sale means the temporary use of a dwelling unit or residential property to display tangible personal property for sale to the public, where the property that is offered for sale was obtained for the personal use of a resident of the premises. Garage sales are also commonly known as estate sales, yard sales, basement sales, attic sales, and rummage sales.

Geothermal Heating and Cooling System means a system of pipes used to heat and cool buildings by exchanging heat with the ground. There are four types of systems:

- A. Vertical loop systems use pipes that are oriented vertically by insertion into a bore hole that extends deep into the ground.
- B. Horizontal loop systems use pipes that are oriented horizontally, installed in trenches that are typically five or more feet deep.
- C. Lake loop systems use pipes that extend into waterbodies, where they exchange heat with the water instead of the ground.
- D. Open loop systems extract groundwater and then discharge it into a drainage ditch or waterbody.

Governing Body (Governing Authority) means the City Council of the City of Florence.

Group Home means a structure which provides residential, non-institutional housing for a group of five or more unrelated individuals or related and unrelated individuals, where physical assistance and/or other supportive services are provided by professional support persons at least one of whom lives in the residence. A group home shall have no more than twelve residents, inclusive of supervisory personnel, except as otherwise provided in this Code.

(H)

Hazardous Waste Disposal means any final action to abandon, deposit, inter, or otherwise discard hazardous waste after its use has been achieved or a use is no longer intended or any discharging of hazardous waste into the environment.

Hazardous Waste Disposal Site means all contiguous land, including publicly-owned land, under common ownership which is used for hazardous waste disposal; except that such phrase does not include any site which is in compliance with an approved reclamation plan contained in a permit issued by the State of South Carolina.

Heavy Industry means:

- A. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Section, which involve:
 - 1. An outside storage area that is larger than the area of the first floor of buildings on the same lot;
 - 2. A material risk of environmental contamination, explosion, or fire;
 - 3. Perceptible ground vibration;
 - 4. Perceptive noise or dust;
 - 5. Emission of objectionable odors;
 - 6. More than 12 trips by semi-trailer trucks per day; or
 - 7. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, or fossil fuels; or
- B. Industries that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to Title V of the Federal Clean Air Act.
- C. For illustrative purposes, heavy industrial uses include, but are not limited to:
 - 1. Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers;
 - 2. Facilities used in the primary or secondary production of metals (e.g., primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops);

3. Portland cement plants;
4. Sawmills and pulp mills;
5. Incinerators with the capacity to charge more than 250 tons of refuse per day;
6. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;
7. Fossil fuel combustion (boilers or electricity generation) totaling more than 250 million BTUs per hour of heat input;
8. Fabrication of building materials such as countertops, drywall, and cut stone;
9. Fabrication of vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;
10. Auto or marine body, paint, or upholstery shops;
11. Drycleaner processing plants that use PERC or comparable petrochemical solvents;
12. Meat or seafood processing plants;
13. Manufacture of glass products (e.g., window panes, bottles and jars), except hand-blown products;
14. Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);
15. Plasma arc welding, cutting, gouging, surfacing, or spraying; gas welding (but not brazing); arc welding with equipment that is rated at more than 200 amps; TIG welding; and other heavy welding procedures (e.g., for structural steel, automotive body, or heavy equipment manufacture or repair);
16. Hot mix asphalt plants;
17. Regional wastewater utilities;
18. Fossil fuel power plants, waste-to-energy plants, and biomass plants that produce more than 100 megawatts of electricity;
19. Fossil fuel power plants.

Heavy Retail means retail and/or service activities that have regular outside service or outside storage areas, larger than average enclosed floor areas devoted to commercial use, or partially enclosed structures, as listed below:

- A. Permanent retail operations that are located outside of enclosed buildings, except nurseries;
- B. Home centers;
- C. Lumber and other building materials;
- D. Lawn, garden equipment, and related supplies stores;
- E. Warehouse clubs and super stores;
- F. Recreational equipment rental where the equipment is stored outside;
- G. Heavy truck or recreational vehicle leasing or sales;
- H. Manufactured home sales; and
- I. Industrial or construction equipment leasing or sales.

Helistop means an area used for the take-off and landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. The use of the helistop is restricted to specific users or purposes (e.g., tenants of a corporate park; a hospital trauma center; etc.), and the term does not include facilities for general helicopter aviation use.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic District means an area designated by City Council, upon the recommendation of the Board of Historical Review, and pursuant to the provisions of this Unified Development Ordinance.

Historic Property means any place (including an archaeological site or the location of a significant historical event), building, structure, work of art, fixture or similar object that has been individually designated by City Council or designated as a contributing property within a historic district by City Council.

Historic Structure means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic conservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities which historic conservation programs that have been certified either:
 1. An approved state program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation means any business, occupation or activity conducted for financial gain from within a dwelling unit where such use is incidental and accessory to the use of the building as a residence by the person engaged in the home-based business. The phrase "home-based business" does not include the phrases "in-home child care" or "foster home".

Hospitals/Clinics/Medical Labs mean hospitals, walk-in clinics, birthing centers, and medical laboratories, including general medical and surgical hospitals and specialty hospitals. The term "hospitals" does not mean alcoholism or drug rehabilitation facilities, nor does it mean medical offices where patients are generally seen by appointment.

(I)

Impacts mean a change in the extent or elevation of the floodplain by development.

Impervious Surface means those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

Increased Cost of Compliance (ICC) applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

Institutional Residential means institutional housing combined with common food service, nursing, counseling, health care, or comparable services, but does not include assisted living facilities, congregate care, nursing homes, or continuing care neighborhoods. The phrase "institutional residential" includes:

- A. Facilities, other than group homes, in which residents live in an institutional environment and are, generally, under the care or control of staff;
- B. In-patient drug and alcoholism hospitals and rehabilitation centers, in which residents have institutional care, or are treated by staff in an institutional setting, rather than living independently; and

C. Any sheltered care, group care, group home, or residential substance abuse facility with more than eight total occupants.

Institutional Use includes public, semipublic, and private elementary schools, high schools, civic buildings, community buildings and uses, and public utility uses including substations, government buildings, churches, museums, art galleries, fire houses, post offices, police stations, reservoirs, libraries, parks, essential services, hospitals and similar uses.

Intensive Agriculture means:

- A. Concentrated animal feeding operations (CAFOs) of any size,
- B. Concentrated aquatic animal production facilities, ;
- C. Any use where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal equivalent unit per acre, including feedlots, hog farms, and poultry operations; or
- D. Any other agricultural use that is required to obtain a discharge permit under the Federal Clean Water Act because of animal or poultry wastes.

Itinerant Vendor Sales means any person or business entity establishing a temporary place of business in the City for a time period of 30 calendar days or less. Businesses established for a time period exceeding 30 days are not included and are permanent. The phrase shall include, but is not limited to:

- A. Outdoor sales booths;
- B. Truckload sales;
- C. Sales from other vehicles; and
- D. Outdoor display.

Sales of items include the following durable goods but are not limited to:

- A. Rugs;
- B. Paintings/posters;
- C. Toys;
- D. Used or new household items; and
- E. Sunglasses and other apparel.

(J)

(K)

kennel means any premises where any combination of dogs, cats or other household pets, totaling four (4) or more animals, six (6) months of age or older, are kept, boarded or bred for the intention of profit.

(L)

Land Disturbing Activity means any use of the land by any person such as clearing, grading, transporting, filling or any other activity that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of stormwater runoff.

Landowner an owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and person representatives of the owner. Landowner may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for the purpose of submitting a proposed site specific development plan pursuant to this Unified Development Ordinance.

Letter of Map Amendment Based on Fill (LOMA-F) means a letter from FEMA stating that a structure or

parcel of land that has been elevated by fill would not be inundated by the base flood.

Letter of Map Change (LOMC) means all letters of SFHA changes from FEMA including LOMR, LOMR-F, LOMAs and Physical Map Revisions (PMR).

Letter of Map Revision (LOMR) means a letter from FEMA officially revising the effective National Flood Insurance Rate Map to show changes in zones, delineation and flood elevation of floodplains and floodways.

Light Automobile Service / Gas Station means:

- A. Gasoline service stations (including gasoline service stations that are associated with grocery stores and warehouse clubs);
- B. Gasoline convenience marts (a gasoline service station with a convenience store);
- C. Quick service oil, tune-up, brake, inspections, and/or muffler shops in which:
 - 1. Repairs are made in fully enclosed bays;
 - 2. Repairs are of a type that is typically completed in less than two hours (e.g., oil changes, brake service, tire rotation and balancing, glass repair, tire replacement, fluid checks and replacement, muffler service, spark plug replacement, state inspections and comparable services); and
 - 3. Vehicles are generally not stored on-site, and on the occasion when overnight storage is necessary, vehicles are stored indoors; or
- D. Any combination of 1, 2, or 3, above.

Light Industry means uses that involve research and development, assembly, compounding, packaging, testing, or treatment of products from previously prepared materials, with limited outside storage and limited external impacts or risks; or wholesale uses; or rental or sale of large items that are stored outside. For illustrative purposes, light industry uses include:

- A. Assembly, testing, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;
- B. Offices of general contractors, specialty subcontractors, or tradesmen which include:
 - 1. Bay door access to indoor storage of tools, parts, and materials;
 - 2. Parking of commercial vehicles; or
 - 3. Outdoor storage areas that are smaller than the area of the first floor of the building that are used for storage of materials or vehicles that are less than 12 feet in height.
- C. Communications facilities, except wireless telecommunications facilities;
- D. Data centers, server farms, telephone exchange buildings, and telecom hotels;
- E. Food production and packaging other than meat and seafood processing and restaurants;
- F. Furniture making or refinishing;
- G. Manufacture of textiles or apparel;
- H. Screen printing of apparel;
- I. Printing and publishing, except copy centers (which are commercial and personal services), and except printing presses that require a Stationary Source permit or Title V permit for air emissions (which are heavy industry);
- J. Research and development, scientific testing, and product testing;
- K. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
- L. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products; and

M. Packaging of products.

Limited storage means an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Section 4-12.6 of this ordinance.

Live-Work means a dwelling unit that provides space that is designed for one or more commercial uses that are permitted in a particular zoning district. Access between the dwelling unit and the commercial space is provided within the unit.

Local Governing Body means the City, Planning Commission, Board of Zoning Appeals, Construction Board of Appeals, or the City of Florence Design Review Board.

Lot means a parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order, or a recorded plat, which is recognized as a separate legal entity for purposes of transfer of title.

Lot Line means a line, including property line or a lease line, dividing one lot from another or from a street or other public place. There are four types of lot lines: front, rear, side, and street:

A. Front lot line means the lot line that follows the street right-of-way line of the street from which the lot takes access; or, where more than one street yard could safely provide this access, the street from which the address is assigned.

B. Rear lot line means the lot line opposite the front lot line.

C. Side lot line means the lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street, or rear lot line.

D. Street side lot line means any side lot line that is also a street right-of-way line.

Lot-Line Home means a single-family detached housing type that differs from the typical single-family unit in that it is situated on the lot so that one side building wall is located on a side lot line, and the other side is designed to have a large private yard behind the street facade.

Lot, Through means a lot with a rear lot line that is coterminous with a street right-of-way. Lots with rear lot lines that abut alleys are not through lots.

Lowest Adjacent Grade (LAG) is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

Lowest Floor means the lowest floor of the lowest enclosed area of a building (including any basement or crawlspace). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Floodplain Management Regulations.

Lumen means a unit of measurement of the quantity of light that falls on an area of one square foot every point of which is one foot from the source of one candela.

(M)

Major Drainage Channel means all channels which drain an accumulation of primary and/or secondary drainage channels. These channels shall be the natural drainage channels of the watershed or manmade channels draining an area of one square mile or more.

Major Governmental Project means a construction project being built by a governmental agency (federal, state, county, or city) and for which the total costs of the initial construction exceeds \$25 million.

Manufactured Construction Office means a manufactured home that is used temporarily as a construction office, or storage unit. The phrase includes shipping containers that are 20 feet or more in length, when they are

used to store construction materials. The phrase does not include portable on-demand storage units.

Manufactured Buildings means a manufactured home that is used temporarily as a classroom, dwelling unit, or storage unit. The phrase includes shipping containers that are 20 feet or more in length, when they are used to store construction materials. The phrase does not include portable on-demand storage units.

Manufactured Home means homes that are transportable in one or more sections, that are built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. Manufactured homes are built to standards promulgated by the United States Department of Housing and Urban Development. They are generally manufactured in single-wide (one section), double-wide (two sections), or triple-wide (three sections) configurations. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Home Park or Subdivision means a parcel of land that is divided into two or more plots for long-term lease or sale, with infrastructure designed for the installation of manufactured homes.

Marquee means a shelter structure attached to or cantilevered from a building and wholly or partially supported by a building and/or supported by columns, braces, or poles extended to the ground and constructed of materials which are permanent in nature such as metal, wood, concrete, plastic, glass, canvas, or treated cloth or vinyl.

Mean Sea Level means, for the purpose of this ordinance, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community’s Flood Insurance Rate Maps (FIRM) are shown.

Mixed Use means development in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development.

Mobile Food Vendor means a person who sells food and/or beverages from a non-permanent venue such as a truck, cart, or trailer.

Model Homes and On-site Real Estate Offices mean a dwelling unit that is temporarily used as a model to display the layout and finishes of other dwelling units that are or will be available for sale within a subdivision or condominium development. Sales Office means: a dwelling unit within a subdivision; a dwelling unit within a condominium; or a modular unit that is temporarily used as a sales office for a subdivision or condominium.

Multifamily means a building that includes three or more dwelling units, which is not designed as townhomes or multiplex buildings. Multifamily also means two or more residential units that are located on the upper floors of a mixed-use building.

Multiplex means a residential building that is constructed to look like a large single-family detached residence.

(N)

North American Vertical Datum (NAVD) of 1988 refers to a vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.

Natural Drainage-way means a channel that becomes a tributary to carry water to a larger body of water during rain events.

Natural Waterway means waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.

New Construction means structures for which the start of construction commenced on or after the effective date of this ordinance. The term also includes any subsequent improvements to such structure.

Nonconforming Building means a building that was lawfully constructed prior to the effective date of this Unified Development Ordinance (or amendment hereto) that does not conform to the height, yard, building coverage, impervious surface ratio, density, intensity, building scale, or design standards that are applicable to

the same type of building in the district in which the building is located.

Nonconforming Landscaping means landscaping (or lack thereof) that does not conform to the landscape area or planting requirements of Article 10, Landscaping and Buffering, or other provisions of this Unified Development Ordinance that require the designation of open space or landscape surface areas or the buffering of uses.

Nonconforming Lots mean lots that were lawfully created before the effective date of this Unified Development Ordinance, or amendments hereto, but which no longer comply with the lot width, frontage, area, or access requirements of this Unified Development Ordinance.

Nonconforming Parking means parking spaces, drive aisles, and loading areas that do not conform to the requirements of this code that are set out in [Article 9, Parking and Loading](#), in terms of their number or dimensions or the surfacing and maintenance of off-street parking areas.

Nonconforming Structure means a structure other than a building that was lawfully constructed prior to the effective date of this Unified Development Ordinance (or amendment hereto) that does not conform to the standards that are applicable to the same type of structure in the district in which the structure is located.

Nonconforming Use means a use of land that was lawfully established (i.e., it was allowed and legally authorized, if legal authorization was required) on a parcel or lot before the effective date of this Unified Development Ordinance (or amendment hereto), that is no longer allowed after the effective date of this Unified Development Ordinance (or amendment hereto).

No Rise means a calculated rise in flood depth of 0.00 feet as rounded to the nearest one-tenth (0.1) of a foot.

Nonstructural Development means any use of property that does not involve a structure. Nonstructural development may include, but is not limited to, the construction or installation of or use of a property for parking lots, utilities, detention ponds, fences, trails, pathways, outdoor storage, cultivation of vegetation or placement of fill.

Non-Substantial Improvements means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which is less than 50 percent of the market value of the structure before the start of construction of the improvement. This phrase includes structures which have incurred Substantial Damage, regardless of the actual repair work performed. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The phrase does not, however, include either:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

NPDES Permit means the National Pollution Discharge Elimination System permit issued to the City pursuant to Section 402 of the Federal Clean Water Act.

Nude Model Studio means any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Nude Model Studio does not include a proprietary school licensed by the State of South Carolina or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or a business in a structure:

- A. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- B. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
- C. Where no more than one nude or semi-nude model is on the premises at any one time.

Nudity or State of Nudity means the appearance or display of specified anatomical areas.

Nursery or Greenhouse (Wholesale or Retail) means an enterprise that conducts the retail and / or wholesale sale of plants whether grown on or off the premises. The terms also include, as an accessory use, the sale of a limited selection of items (e.g., soil, planters, pruners, mulch, lawn or patio furniture, garden accessories, etc., but not power equipment) that are directly related to the care and maintenance of landscapes.

Nursing Home means a residential facility that is maintained primarily for the care and treatment of inpatients under the direction of a physician. The patients in such a facility require supportive, therapeutic, or compensating services and the availability of a licensed nurse for observation or treatment on a twenty-four-hour basis. Nursing care may include but is not limited to terminal care; extensive assistance or therapy in the activities of daily living; continual direction, supervision, or therapy; extensive assistance or therapy for loss of mobility; nursing assessment and services which involve assessment of the total needs of the patient, planning of patient care, and observing, monitoring, and recording the patient's response to treatment; and monitoring, observing, and evaluating the drug regimen. "Nursing home" includes intermediate nursing facilities for the mentally retarded or developmentally disabled.

(O)

Obstruction means any physical barrier, structure, material or impediment in, along, across or projecting into a watercourse that may alter, impede, retard or change the direction or velocity of the flow of water, or that may, due to its location, have a propensity to snare or collect debris carried by the flow of water or to be carried downstream. Obstruction shall include, but not be limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, and vegetation in, along, across or projecting into a watercourse.

Office, General means uses in which professional, outpatient medical, or financial services are provided. The term includes:

- A. Accounting, auditing and bookkeeping;
- B. Advertising and graphic design;
- C. Architectural, engineering, and surveying services;
- D. Attorneys and court reporters;
- E. Banks, mortgage companies; and financial services;
- F. Call centers;
- G. Computer programming;
- H. Corporate headquarters;
- I. Counseling services;
- J. Data processing and word processing services;
- K. Detective agencies;
- L. Government offices;
- M. Insurance;
- N. Interior design;
- O. Medical, dental, and chiropractic offices;
- P. Real estate sales;
- Q. Research and development that does not include on-site manufacturing;
- R. Retail catalog, internet, and telephone order processing, but not warehousing; and
- S. Virtual office services.

Official Zoning Map means a map or maps showing the location of existing or proposed public street, highway, and public utility rights-of-way, public building sites and public open spaces, maintained by the City.

One-Hundred Year Floodplain means the land in a drainage way subject to a one-percent or greater chance of flooding in a given year, whether designated as such by FEMA or by the City.

Outstanding Resource Waters means an exceptional recreational and/or ecological resource and suitable for drinking water source with minimal treatment.

Overnight Accommodations mean places that offer overnight accommodations for short-term rental in increments of not less than 20 hours, including hotels and motels. This phrase also includes hotels that offer convention facilities or meeting rooms. This phrase does not include a bed & breakfast inn.

(P)

Parcel Proposed for Development means any legally described parcel of land which is designated by the owner or developer as land to be used or developed as a single unit, or which has been developed as a unit as determined by the Director.

Parking (Stand-Alone Lot) and Transit Facilities means:

- A. Parking that is not an accessory to a specific use, where a fee is typically charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Parking Facility. This includes small structures intended to shield attendants from the weather.
- B. Terminals used for the ticketing, loading, and unloading of bus or train passengers. Food and beverage sales conducted during normal terminal operations are included as accessory uses.

Patio means a hardscaped ground level area, usually (but not necessarily) paved with concrete or decorative pavers, that adjoins a home and is designed for use as an area for outdoor lounging, dining, or other comparable leisure activities.

Patio Home means a single-family detached unit, or a single-family attached unit (in a duplex-like configuration), which is typically situated on a reduced-size lot (compared to single-family detached or lot line forms) that orients outdoor activity within rear or side yard patio areas (for better use of the site for outdoor living space). Only the rear yard is fenced on the patio home, preserving a narrow side yard that is visible from the street. Vehicular access to patio homes is provided from alleys.

Person means any individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.

Personal Services means a use that provides non-medical services that generally used on a recurring basis, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service. Examples of personal services include beauty and barber shops and tailoring. The phrase does not include "professional services, instruction, or counseling."

Phased Development Plan means a development plan submitted to the City by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site specific development plan.

Photovoltaic Array (also called "PV Arrays" or "Solar Arrays") means an array of solar cells that convert energy from sunlight directly into electricity.

Place of Public Assembly means a place where the people assemble for civic, educational, cultural, or day care purposes. This use includes the following:

- A. Places of worship; theaters; conference centers;
- B. Cultural or arts centers; museums; and aquariums;
- C. Libraries;
- D. Pre-schools;

E. Elementary, middle, and high schools;

F. Adult day care; and

G. Child care centers.

Planned Cluster means a residential development that consists of a variety of lot sizes and more than one housing type. The housing type may include:

A. Single family detached;

B. Patio home;

C. Duplex;

D. Townhouse;

E. Multiplex; and

F. Multifamily.

Planned Residential means a residential development in the RU district; or the residential portion of a mixed use development in the AC, CBD, and DS districts; that consists of more than one housing type. The housing type may include:

A. Townhouse; and

B. Multifamily.

The term does not include single family nor patio home types, unless certain standards and limitations are met.

Planning Commission (Commission) means the Planning Commission designated by City Council.

Planning Commission Secretary means that person employed to serve the Planning Commission in a staff capacity.

Plat (plan) means a map or drawing upon which the developer's plan for a subdivision is presented. The term includes a sketch plan, a development plan, and a final plat.

Plot (Manufactured Home Plot) means a lot in a manufactured home subdivision or a lease lot in a manufactured home park.

Police or Fire Stations mean police facilities or fire facilities, including substations of each. The phrase "police or fire stations" does not include training facilities of a different character than the station, such as shooting ranges or fire training centers that conduct live burns.

Porch, Enclosed means a covered entrance to a building or structure which is enclosed by screens, walls or windows. Porches generally project out from the main wall of the building, and may have a separate roof or a roof that is integrated with the building to which it is attached. This definition includes porches that are enclosed by solid walls that are at least 30 inches in height, used in conjunction with or instead of balustrades or railings.

Porch, Open means a covered entrance to a building or structure which is not enclosed by walls or windows, but may have columns that support the porch roof and railing. Porches generally project out from the main wall of the building, and may have a separate roof or a roof that is integrated with the building to which it is attached.

Portable Storage Units are enclosed storage containers that are less than 20 feet in length, which are left at a location for temporary storage on-site, or for filling and moving to another site (which may include an off-site storage facility).

Post Office means a facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Private Club means organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. Examples of private clubs include (but are not limited to) 4-H Clubs, veterans organizations, Boy Scout and Girl Scout facilities, Elks Lodges, YMCA, YWCA, private

community clubhouses, golf clubhouses, and fraternities and sororities that do not include residential facilities. The phrase "private club" does not include organizations with a principal purpose of serving alcoholic beverages to its members or others.

Private Improvement means any improvement required by a development plan which is not deemed by the City to be a public improvement.

Professional Services, Instruction, or Counseling means services that principally involve communication between the proprietor or employee and the client, and which may involve services to more than one client at a time by a single proprietor or employee, including music instruction, yoga instruction, dance instruction, martial arts instruction, marriage counseling, and financial planning. The phrase does not include "personal services."

Protective Care means housing where the residents are assigned to the facility and are under the protective care of the county, state, or federal government. This use includes: jails or prisons; work release; psychiatric hospitals; and comparable facilities.

Public Improvement means any on-site or off-site roadways, water lines, sewer lines, stormwater facilities, open space, landscaping, street lighting, street furniture, traffic control devices, sidewalks, trails, transportation improvements, parking areas and similar infrastructure and related improvements to be constructed and dedicated for public use, or otherwise providing a public benefit and made available for public use by easement, license or other form of agreement.

Public Space (within a building) means spaces designed for use by the public, such as auditoriums, court rooms, lobbies, entrance halls, etc. These spaces are usually gathering places as opposed to corridors for public use.

(Q)

(R)

Real Property means all real property that is subject to the land use and development ordinances or regulations of the City, as contained in this Unified Development Ordinance, and includes the earth, water, and air above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.

Receiving Waters means bodies of water that receive runoff or wastewater discharges, such as rivers, streams, lakes, estuaries, and ground water.

Reconstruction means to rebuild a structure without increasing its footprint, when the structure has been:

- A. Partially or completely destroyed by any cause (i.e., fire, wind, flood), or
- B. Partially or completely torn down. Reconstruction that also meets the definition of redevelopment is considered redevelopment.

Recreation, Indoor means uses that provide recreation opportunities indoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature. Specifically excluded from the definition are health and exercise clubs and commercial amusement uses. This phrase includes:

- A. Community recreation centers;
- B. Gymnasiums;
- C. Indoor swimming pools; or 4.
- D. Tennis, racquetball, or handball courts.

Recreation, Outdoor means uses that provide recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature (except for golf courses or skate parks, which may be commercial in nature). The phrase "recreation, outdoor" includes public areas for active or passive recreational activities including, but not limited to:

- A. Jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts;

- B. Golf courses (regardless of ownership or membership);
- C. Skate parks, manned or unmanned;
- D. Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking or hiking; or
- E. Other passive recreation-oriented parks, including picnic areas, and garden plots.

Recreational Facilities means facilities or equipment that are used for private or public recreational or natural resource purposes that have a relatively low flood damage potential and do not involve a structure. This includes, without limitation: bicycle, equestrian or pedestrian trails and paths; benches; ball fields; tennis and basketball courts; interpretive facilities; and golf courses.

Recreational Vehicle means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling, Drop-Off means a facility or land use, regardless of name or title, at which recoverable resources, such as newspapers, magazines, glass, metal, plastic materials, tires, grass and leaves, and similar items, except hazardous waste and medical waste are collected, cleaned, sorted, stored, flattened, shredded, dismantled, crushed, bundled, or separated by size, grade, quality, or type, and compacted, baled, or packaged for shipment or delivery for the eventual manufacture of new products.

Recycling and Salvage means any land or structure used for collection, sorting, aggregation, and re-sale (or transfer) of recyclable materials or for the aggregate storage of inoperable man-made equipment, machinery, scrap, or other used or discarded materials having a total cubic volume of at least 700 cubic feet, for the purposes of recycling, re-using, or re-selling components. The phrase does not include "waste transfer stations," (even if they include a separate space for collection of recyclable materials), and does not include facilities where the materials are actually recycled into raw materials (such uses are typically heavy industry). This phrase also does not include yards that are primarily used for storage of materials, but does include:

- A. Recycling centers;
- B. Composting facilities;
- C. Vehicle recycling or scrap metal processing; and
- D. Collection, dismantlement, storage, and salvage of inoperable vehicles, boats, trucks, farm vehicles or equipment, or other types of heavy machinery.

Redevelopment means any modification, expansion, or addition that increases the gross floor or site area of an existing building, structure, site, or parking facility, irrespective of whether a change in land use occurs. Redevelopment is further defined as follows:

- A. Major Redevelopment means a modification, expansion, or addition that increases the gross floor or site area of an existing building, structure, site, or parking facility by at least 15 percent or 3,000 square feet, whichever is less.
- B. Minor Redevelopment means a modification, expansion, or addition that increases the gross floor or site area of an existing building, structure, site, or parking facility by less than 15 percent or 3,000 square feet, whichever is more.

Regional Improvement means an improvement, facility, network or system that exists, is planned, or is designed, primarily to benefit or to serve more than a single subdivision or development, including the future occupants of a parcel proposed for development. Examples of regional improvements include, but are not limited to: traffic signals; major intersection improvements; utilities; arterial road infrastructure and related facilities; street infrastructure serving public facilities (such as schools, parks, libraries, and government offices); bridges; parks; schools; libraries; and public transportation facilities. Regional improvements do not include funding for

operation of services or facilities.

Regulation(s) means the particular requirements contained within an ordinance.

Repetitive Loss means a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

Reserved Strip means a strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public right-of-way.

Restaurant, Drive-In or Drive-Through means a restaurant located either within a retail center, or situated on its own freestanding pad, that is engaged predominately in the preparation and serving of meals. For the purposes of this definition, "predominately" means that the establishment has a "commercial kitchen" so defined within this Division and that food sales constitute at least 50% of the regular source of business to the licensed establishment. Furthermore, the establishment:

- A. Contains a drive-in or drive-through facility;
- B. Primarily serves food that is prepared and packaged within five minutes; and
- C. Customarily serves food in disposable containers.

Restaurant, No Drive-In or Drive-Through means an establishment engaged predominately in the preparation and serving of meals to customers for consumption on-site or off-site, but does not include drive-in or drive-through facilities (but may include designated parking spaces for "curbside pickup" of food ordered in advance if the curbside pickup is a clearly subordinate function to the restaurant's operations). For the purposes of this definition, "predominately" means that the establishment has a "commercial kitchen" so defined within this Division and that food sales constitute at least 50% of the regular source of business to the licensed establishment. These establishments include:

- A. Full-service restaurants;
- B. Limited-service eating facilities; and
- C. Special foodservices.

Re-subdivision means any combination of previously recorded lots or tracts of contiguous land for the purpose of creating additional lots or revising lot lines, including eliminating lot lines.

Riparian Buffer means an area of trees, shrubs, and other vegetation that borders an existing watercourse, wetland, or other water body (including open stormwater conveyances) for the purpose of reducing contamination from surface water runoff.

Runoff means a portion of the precipitation on the land which reaches the drainage system.

(S)

Seasonal Sales means sales of seasonal items by occupants of a commercial or institutional parcel. Seasonal sales are not itinerant vendor sales.

Secondary Drainage Channel means all drainage channels which drain an area of less than 200 acres and the primary benefit is to the development.

Section 1316 of the National Flood Insurance Act of 1968 refers to the act that provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

Self-Storage Facility means an establishment that offers for rental, lease, or ownership of individual bays that are intended for the storage, warehousing, or safe-keeping of goods or possessions, regardless of the duration of such storage, warehousing, or safe-keeping.

Semi-Nude means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel, provided the areola is not

exposed in whole or in part.

Services used alone means commercial services, personal services, and professional services.

Services, Commercial means non-medical services that are, typically provided to the general public without the requirement of an appointment or membership, such as:

- A. Copy centers;
- B. Social services, except those defined elsewhere in this Unified Development Ordinance;
- C. Repair services and shops, except automobile, truck, large appliance, and heavy equipment repair;
- D. Parcel service drop-off locations and mailbox services; and
- E. Laundry and dry-cleaning services with customer pick-up and drop-off (does not include wholesale or centralized dry cleaner processing plants).

Setback means a minimum distance that is required from a lot line to a building, structure, or sign, as the context requires.

Sex Crime means a crime of a sexual nature, such as those set out in S.C. Code of Laws §§ 16-3-615, Spousal Sexual Battery; 16-3-652, Criminal Sexual Conduct in the First Degree; 16-3-653, Criminal Sexual Conduct in the Second Degree; 16-3-654, Criminal Sexual Conduct in the Third Degree; 16-3-655, Criminal Sexual Conduct with a Minor; 16-3-656, Criminal Sexual Conduct: Assaults with Intent to Commit; 16-3-810, Engaging Child for Sexual Performance; 16-3-820, Producing, Directing or Promoting Sexual Performance by Child; 16-17-470, Peeping or Voyeurism.

Sexual Encounter Center means a business or commercial establishment or private club that offers, for the purpose of sexual arousal, pleasure, gratification, or abuse, for any form of consideration, a place where two or more persons may congregate, associate, or consort and observe, view, participate, or engage in specified sexual activities or expose specified anatomical areas.

Sexually Oriented Business means an adult arcade, adult bookstore, adult cabaret, adult novelty store, adult video store, nude model studio, adult motel, adult motion picture theater, or sexual encounter center.

Shallow Flooding Areas (AO or AH Zones) means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Short Term Rentals means a furnished residential unit that is rented out by the property owner for financial gain for a period of no more than 29 consecutive days and not to exceed 72 days in the aggregate during any calendar year.

Shrub means:

- A. A woody plant of less size than a tree, and usually with several stems from the same root;
- B. Perennial plants that reach at least three feet in height; and
- C. Ornamental grasses that reach at least three feet in height.

Sidewalk Sales and Farmers' Markets means sales that are conducted by either the store owner or occupant, outside their store, or by one or more commercial farms, on:

- A. A public sidewalk;
- B. A private sidewalk;
- C. Pedestrian areas adjacent to a sidewalk, such as pedestrian plazas.

Sidewalks sales conducted by other entities are itinerant vendor sales.

Sight Distance Triangle means the triangular area formed by a diagonal line connecting two points located on

intersecting street right-of-way lines (or a right-of-way line and the curb or edge of a driveway).

Sign means any object, device, display, or structure, or part thereof, situated outdoors or indoors, 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.

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

Sign, Advertising means any sign, including but not limited to billboards, which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

Sign, Animated means any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

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

Sign, Building means any sign attached to any part of a building.

Sign, Business means any sign which gives the name of or which directs attention to a lawful uses of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, the name of the business, person, firm, or corporation occupying the premises.

Sign, Changeable Copy means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. a sign in which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Unified Development Ordinance. A sign in which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Unified Development Ordinance.

Sign, Directional means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign Face means the area or display surface used for the message.

Sign Face Area means the sum of the gross display area of a sign. The sign face area is computed by calculating the area of the geometric forms necessary to enclose said face, and excludes any structural or framing elements lying outside of the sign face and not forming an integral part of the display.

Sign, Free-Standing means any nonmovable sign not affixed to a building.

Sign, Identification means a sign giving the nature, logo, trademark, or other identifying symbol; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

Sign, Off-premises means a sign that identifies or communicates a message related to an activity conducted, a service rendered, or a commodity sold, which is not the primary activity, service or commodity provided on the premises where the sign is located.

Sign, On-premises means a sign that identifies or communicates a message related to an activity conducted, a service offered, or a commodity sold, on the premises upon which the sign is located and shall include non-profit event signs.

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

Sign, Political means a temporary sign announcing or supporting political candidates or issues in connection

with any national, state, or local election.

Sign, Portable means a sign designed to be transported, but not limited by means of wheels.

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

Sign, Roof means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of building with a flat roof, the ridge line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof. Signs mounted on the sloping section of a roof or the gable end of a roof shall be classified as a wall sign.

Sign, Roof Integral means a sign whose structure is integrated into the structure of the roof, and is an integral part thereof.

Sign, Temporary means a sign that is used only for a short period of time and is not permanently mounted.

Sign, Wall means any sign attached to and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

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

Single-Family (also called "Single-Family Detached") means dwelling units that are:

A. Located in individual buildings that are constructed on:

1. Individual lots; or
2. Land that is designated as a limited common element in a declaration of condominium.

B. Separated from each other by outside walls; and

C. Intended for the use of a single housekeeping unit.

The term also includes modular homes.

Single-Family Attached means:

A. More than two dwelling units that are designed so that individual units have individual ground-floor access and are separated from each other by unpierced common walls from foundation to roof (e.g., side-by-side duplexes and all types of townhomes); or

B. More than two dwelling units that are designed so that individual units:

1. May or may not have individual exterior doors, but provide no direct access between the first floor and second floor unit (access may be through a common interior foyer that provides access to both units or through separate exterior doors); and
2. Are separated from each other by a floor (e.g., over-under duplexes).

Single-Family Cluster means a development of single-family detached dwelling units that are arranged to provide common open spaces, sized according to minimum open space ratios that are established by this Unified Development Ordinance.

Site Specific Development Plan means a complete plan, plat, or application as defined within this Unified Development Ordinance or the Code of Ordinances. For the purposes of this Unified Development Ordinance, a site specific development plan shall include and be limited to the following: certificate of zoning compliance including approval of a permitted special exception use permit, building permit, demolition permit, variance, summary of plat approval, special exception, planned development, sketch/preliminary plan, development plat, preliminary approval of a certificate of appropriateness, and/or certificate of appropriateness.

Skate Park means a public facility that is designed for use by persons riding skateboards, in-line skates, or roller blades.

Source Water Protection Areas mean the critical areas of protection necessary to prevent the contamination and pollution of the lakes, rivers, streams, springs, and ground water that serve as sources of drinking water.

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to one percent or greater change of flooding in any given year. It is the land area covered by the floodwaters of the base flood on the National Flood Insurance Rate maps. The SFHA is the area where the National Flood Insurance Program's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.

Specialty Use means a commercial use that tends to be an indicator of urban blight, particularly when located in close proximity to established residential areas. This phrase includes, but is not limited to:

- A. Tattoo parlors;
- B. Shops where smoking tobacco and other products is permitted, such as a cigar shop or hookah bar;
- C. Shops that principally sell paraphernalia associated with the use of illicit drugs, such as water pipes, roach clips, glass pipes, pipe screens, vaporizers, rolling papers, rolling machines, scales or balances, blacklight-responsive posters, incense, cigarette lighters, whipped-cream chargers and taps, and products claimed to give false negative results for drugs on urinalysis tests;
- D. Consignment stores;
- E. Thrift stores;
- F. Retail stores that stock some sexually related goods but not at the volume where they are classified as a sexually oriented business;
- G. Movie rental stores and theaters that offer some sexually explicit movies but not at the volume where they are classified as sexually oriented businesses;
- H. Pawn shops;
- I. Bail bonds;
- J. Payday loans and check cashing stores; and
- K. Title loans.

Specified Anatomical Areas means and includes any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Criminal Act means any offense which involves unlawful sexual behavior. Specified criminal act also includes any offense involving soliciting for prostitution, prostitution, patronizing a prostitute, pandering, pimping, public indecency, or the distribution or possession of obscene materials.

Specified Sexual Activities means and includes any of the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;
- C. Flagellation, mutilation or torture for purposes of sexual arousal, gratification, pleasure, or abuse; 4. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- D. Excretory functions as part of or in connection with any of the activities set forth in list items 1 through 4 of this definition.

Staff, when used in reference to subdivision plat review, means both the Department of Urban Planning and Development staff and those City employees designated to assist the Department of Urban Planning and Development staff in the technical review of subdivision plans. The term includes, but is not be limited to,

employees of the Public Works and Utilities Department and the Fire Department.

Start of Construction includes Substantial Improvement, and means the date the building permit was issued. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Storage Yard means outdoor storage of operable equipment and building or infrastructure construction materials for off-site projects. Storage yard does not include outdoor storage areas that are associated with an on-site heavy industrial use. The phrase also includes temporary construction offices housed in manufactured buildings.

Storm Drain means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted wastes.

Storm Drainage System means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Drainage Plan means the development plan for one or more lots which shows the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood-plains, waterways, easements, streets and any other information pertaining to the proposed development of the storm drainage system. This site plan can be a part of the required site plan.

Stormwater Best Management Practices (BMPs) means a wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. See also Best Management Practices (BMPs).

Stormwater Management means, for:

- A. Quantitative control, a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by manmade changes to the land;
- B. Qualitative control, a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by stormwater runoff.

Stormwater Management and Sediment Control Plan means a set of drawings, other documents, and supporting calculations submitted by a person as a prerequisite to obtaining a permit to undertake a land disturbing activity, which contains all of the information and specifications required by an implementing agency.

Stormwater Pollution Prevention Plan (SWPPP) means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable. A stormwater pollution prevention plan means the same as a stormwater management and sediment control plan.

Stormwater Runoff means direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer, or other concentrated flow during and following the precipitation.

Street(s) means a public right-of-way affording primary access to abutting property. For the purposes of this chapter, the term "street" shall also mean boulevard, road, lane and other public ways. Streets are divided into

the following categories:

A. Major Streets: Those streets designated by the Florence Area Transportation Study and those streets designated as major at the time of development as determined by the Public Works and Utilities Department and approved by the Planning Commission. Such streets are designed primarily for the movement of large volumes of traffic from one area to another. Major street includes the terms limited-access highway, freeway, thoroughfare, expressway, arterial street and commercial collector street.

1. Arterial Streets: Arterials are the highest order inter-regional streets. They are designed to carry relatively high traffic volumes. The function of arterials is to promote the free flow of traffic. Therefore, parking and direct residential access are usually not available. Collector streets feed arterials, and arterials feed regional roads such as expressways and freeways. Average Daily Traffic (ADT) for arterials is approximately 3,000 - 5,000+ vehicles per day (vpd).
2. Collector Streets (Commercial): The highest order of commercial streets. Distributes traffic between lower-order commercial streets and higher-order streets such as arterials. Average Daily Traffic (ADT) for commercial collector streets is approximately 3,000 - 5,000 vehicles per day (vpd).
3. Expressways: Divided highways usually having two or more lanes in each direction, with partial control of access. Preference is given to through traffic, but there may be access connections with selected public roads at the same grade and some driveways.
4. Freeways: Divided highways usually having two or more lanes in each direction, with full control of access. Preference is given to through traffic.
5. Thoroughfares: Any major street.

B. Minor Streets: A street used primarily for providing direct access to and from abutting property (individual lots) that are internal to a subdivision. Minor street includes the terms residential collector street, minor local street, cul-de-sac, marginal access street, alley and looped drive.

1. Collector Streets (Residential): The highest order of residential streets. Collects and distributes traffic from local residential roadways, such as minor streets or cul-de-sacs, to streets that are designed to carry higher volumes of traffic, such as arterials and other major streets. Carries large traffic volume at fairly high speeds. The function of residential collectors is to promote free traffic flow. Therefore, there is typically no direct access to homes from this level street. Average Daily Traffic (ADT) for residential collector streets is approximately 2,000 - 5,000 vehicles per day (vpd).
2. Cul-De-Sacs: Minor local streets having only one open end and being terminated by a vehicle turnaround. Design of turnaround may vary. Average Daily Traffic (ADT) is approximately 250 vehicles per day (vpd).
3. Local Streets (Sub-Collector Streets): These middle-order facilities are located in subdivisions and neighborhoods and primarily serve abutting land uses. Traffic volumes are typically moderate, with motorists having origin or destination within the immediate neighborhood. These streets feed into collector streets, which then feed into arterials. Average Daily Traffic (ADT) is approximately 1,000 - 2,000 vehicles per day (vpd).
4. Looped Drive: A street that terminates on the same road at two different points, or a street that terminates on itself.
5. Marginal Access Streets: Minor streets which are parallel to and located on the side of an arterial, expressway, freeway, or other major street for service to abutting land uses. Average Daily Traffic (ADT) is approximately 500 - 1,000 vehicles per day (vpd).

Structure means, anything constructed or erected, the use of which requires its permanent location on the ground (or its attachment to something having a permanent location on the ground), including but not limited to: garden walls, fences, signs, kiosks, swimming pools, or similar uses. The term "structure" does not include the word "building" unless the context clearly indicates otherwise. With regard to floodplain management, a structure is a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

Structural soil is tree planting backfill material as described in planting notes and illustrated in the planting

details.

Subdivider means any person who causes:

- A. A parcel of land to be subdivided into two or more lots;
- B. A single lot to be created from two or more lots; or
- C. A modification to the configuration of lots, easements, servitudes, or rights-of-way on an approved plat.

Subdivision means all divisions of a tract or parcel of land into two or more lots for any purpose. The term includes all division of land involving a new street or a change in existing streets, re-subdivision and, where appropriate, relates to the process of subdividing, or to the land or area subdivided.

The following exception is included within this definition only for the purpose of requiring that the Planning Commission or Department of Urban Planning and Development staff be informed, and have record of such subdivision: The division of land into parcels of five acres or more where no new streets and/or new utility line extensions are involved, and each individual lot/parcel fronts on a public road. Plats of such exceptions indicate such facts on the plats.

Substantial Change means any change to the use of property that alters the operational characteristics of the use such that it increases the required parking, or results in increased vehicular or pedestrian traffic that may change the impacts of light, noise, odor, or any other noticeable change in the nature or character of the use.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

Substantial Hardship, as it relates to hardship in meeting the Unified Development Ordinance's historic conservation provisions, means hardship, caused by unusual and compelling circumstances, based on one or more of the following:

- A. The property cannot reasonably be maintained in the manner dictated by the ordinance;
- B. There are no other reasonable means of saving the property from deterioration, or collapse; or
- C. The property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or,
- b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

Substantially improved existing manufactured home park or subdivision means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Surveyor means a registered land surveyor in good standing with the South Carolina Board of Engineers and Land Surveyors and the South Carolina Department of Labor, Licensing and Regulation.

(T)

Tattoo Facility means any room, space, location, area, structure, or business, or any part of these places, where tattooing is practiced or where the business of tattooing is conducted.

Tent Sale/Outdoor Sales Event means sales of items by occupants of a commercial or institutional parcel. The use may or may not include temporary tents. Tent sales and outdoor sales that are offered by businesses that are not occupants of the parcel are itinerant vendor sales or permanent accessory sales depending on their duration.

Thoroughfare Plan means the official Transportation Plan (also known as Florence Area Transportation Study), a part of the Comprehensive Plan and the Planning Commission.

Townhome means three or more attached dwelling units that are arranged in rows with common side walls.

Trailer means a non-motorized transport vehicle with a tongue that is connected by a hitch ball and hauled by an automobile or truck.

A. Commercial Trailer means a trailer used for commercial purposes, which may include, but is not limited to, a utility trailer, concession trailer, auto hauler, horse or livestock trailer, dump or dump body trailer, day freight trailer, refrigerated dry freight trailer, tank trailer, transfer box, gooseneck trailer, logging trailer, lowboy trailer, pole trailer, flatbed trailer, bulk commodity trailer, or semi-trailer.

B. Residential Trailer means a trailer used for non-commercial purposes that has a bed surface of no longer than 15 feet, measured from front to back edge.

Truckload Sale means the sale of various goods outdoors by persons who are not employed by the owners or managers of the parcel on which the sale occurs, or tenants of buildings on the parcel on which the sale occurs.

Turning Radius means the radius (distance from center to edge) measurement of the smallest circle a vehicle can make while turning.

(U)

Unduly means improperly or unjustly. As used in the Floodplain Management Regulations, "unduly" is used to mean that floodplain use shall not improperly or unjustly restrict the capacity of any channels or floodways.

Utilities, Neighborhood means water or wastewater facility that serves an area of one square mile or less (but not individual water wells or individual sewage disposal systems); utility substations or lift stations; local utility distribution or collection facilities, including electric, gas, telephone, water, sewer, and stormwater; and the generation of not more than 250kW of electricity using wind energy conversion systems or ground-mounted photovoltaic arrays. The phrase "utilities, neighborhood" does not include the production of electricity using fossil, biomass, waste, or nuclear fuels, nor the storage of natural gas.

Utility Line means the extension of water or wastewater lines and related facilities constructed in accordance with engineering standards as determined by the Director and accepted by the City for ownership, maintenance, and use.

Utility Line Costs means the actual costs incurred to design and construct a utility line, acquire easements, and other related costs, as approved by the Director, that are reasonable and necessary to provide for the utility line.

Utility Line Reimbursement means the per acre charge imposed under this Unified Development Ordinance against a utility line user to provide the funds for reimbursing the person installing the utility line for the utility line costs incurred.

Utility Line User means a property owner who connects to a utility line constructed by another property owner within 20 years of the date the City accepts the utility line.

Utility Pole means a pole from which utility service lines (e.g., lines for electricity or communications services)

are suspended, or through which they are transitioned from above-ground installations to underground installations, and / or to which street lighting, traffic signals, or civil defense speakers are attached. The phrase "utility pole" includes guy wires and all other components that are necessary for the use and structural support of the utility pole.

(V)

Variance means a grant of relief from a term or terms of this ordinance.

Vehicle Sales, Rental, and Service means uses that sell, rent and perform service on automobiles, light trucks, boats, and motorcycles, where the inventory is stored for any length of time on-site. The phrase does not include auto body (e.g., collision repair), paint or upholstery services.

Vehicle Wash means any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (e.g., as an accessory use to light automobile service/gas station or vehicle sales, rental, and service), or as a stand-alone operation, of any type, on a commercial basis. The definition includes fleet and municipal in-bay automatic and conveyor vehicle wash facilities.

Vested Property Right means the right to undertake and complete the development and use of property under the express terms and conditions of a site specific development plan.

Vested Right means the right to undertake and complete the development of property under the terms and conditions of a site specific development plan as approved in this Unified Development Ordinance, the Vested Rights Act, or other regulations adopted by the City.

Veterinarian, Small Animal means veterinary clinics and hospitals that provide care for small domestic animals such as dogs, cats, and birds. The term does not include large animal and livestock veterinarians.

Veterinarian, Large Animal means an animal hospital or clinic that provides services for horses and other livestock.

Vibration means rapidly fluctuating motions in which an object moves in equal distances from its initial starting point, so that there generally is no "net" movement and that occurs more than eight times in a 24-hour period with a minimum separation of one minute.

Violation means the failure of a structure or other development to be fully compliant with these regulations.

(W)

Waste Transfer Station means the use of land or a facility, regardless of name or title, to unload waste of any kind or type from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. The phrase "waste transfer station" includes a facility for drop-off of recyclable materials (e.g., waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing. The phrase "waste transfer station" does not include a wastewater treatment facility.

Water or Wastewater Facilities, Community Scale means a water or wastewater facility that is designed to provide services to more than one square mile of land area; and the generation of not more than 500kW of electricity using wind energy conversion systems or ground-mounted photovoltaic arrays. This phrase does not include the production of electricity using fossil, biomass, waste, or nuclear fuels, nor the storage of natural gas.

Water Surface Elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wetland means an area where the soil near the surface is inundated or saturated with water either permanently or seasonally, especially if it forms a habitat for wildlife and/or flora.

Wing Wall means a non-structural wall that extends from the wall of a building, often used for screening a portion of the side yard of a building.

Wireless Telecommunications Facilities means radio or television broadcasting towers, telecommunications towers, and antenna arrays (free-standing or tower mounted). The phrase does not include residential satellite dishes, TV or HDTV antennae, or amateur radio antennae.

Wireless Telecommunications Facilities, Stealth Freestanding Facilities means a tower that blends into its environment and does not resemble a typical telecommunications tower as determined by the Director.

Wireless Telecommunications Facilities, Non-Stealth Facilities means a lattice tower, monopole, or other structure that is widely used to support telecommunications equipment.

Wholesale means the wholesale trade, durable and non-durable, except:

- A. Farm products;
- B. Combustible or hazardous materials, and
- C. Wholesale clubs that are open to the public for membership;

Works as used in the Floodplain Management Regulations means structures in engineering (such as bridges, docks, or embankments) intended for watershed protection and similar uses.

(X)

(Y)

Yard means the area between a lot line and a building. Yards are designated by the lot line to which they relate (e.g., an interior side yard is located between the interior side lot line and the building).

(Z)

Zoning Map means the Official Zoning Map, adopted pursuant to Section 1-2.2.2, Official Zoning Map.

APPENDIX A BEST BUILDING AND SITE DESIGN PRACTICES

Best Management Practices (BMPs) are methods or techniques found to be the most effective and practical means in achieving an objective. In the case of this appendix, the following best practices are those preferred – but not required – by the City as to building and site design. These include the best building and site design practices for:

1. **Small wind energy conversion systems**, which includes the minimum and maximum heights, setbacks, means of access, permitted noise levels, conformance requirements, and other provisions for the installation of wind turbines.
2. **Single-Family Homes and Patio Homes**, which includes standards for front-facing and side-loaded garages, the location of garages relative to the front wall of the home, and the dimensional standards for individual and shared driveways. The purpose of these standards is to address neighborhood character, specifically what are referred to as “snout-houses” where front-facing garages dominant the front elevation of the home and the presence of the auto creates an auto-urban environment.
3. **Manufactured Home Building Standards**, which establish specifications for the average elevation of the manufactured home frame above finished grade and the removal of tow apparatus, requirements for skirting of the space between the finished grade and the finished floor of the manufacture unit, entrance improvements, and building materials and design.
4. **Multi-Family Building Standards**, which set out building standards addressing exterior siding materials; roof types, materials, and pitch; building massing; building wall articulation; building fronts and entries; fenestration; materials and trip, utilities; lighting; landscaping and buffering; and parking.
5. **Overnight Accommodations**, which set out the standards for guest room access, exterior doors, limitations on cooking facilities, and the screening of delivery service areas and air conditioning units.
6. **Truck Stops/Truck Washes**, which establish standards as to the allowable materials and colors of the cladding on front, side, and street-side elevations.

DIVISION A-1.1 ON-SITE ENERGY EFFICIENT SOLUTIONS

A. **Small Wind Energy Conversion Systems** (wind turbines) that are designed to generate 100 kW or less are permitted if it is demonstrated that:

1. The following standards are met:
 - a. Maximum Height: 120 feet to the top of the rotor blade at its highest point.
 - b. Minimum Height of Rotors on Horizontal Axis Turbine: 30 feet.
 - c. Minimum Setbacks: Equal to the height of the tower measured from all:
 1. Property lines; and
 2. Overhead utility lines (except those connecting to the principal building).
 - d. Access: Shall be limited by:
 1. A six-foot high fence around the base of the tower;
 2. Limiting tower climbing apparatus to not lower than 12 feet above the ground; or
 3. A design that does not include climbing apparatus because the turbine is lowered for service.

- e. Noise. Noise levels from the generator shall not exceed 40 dBA at the property line.
- f. Adjacent Property Protection. Generators shall not produce detrimental electromagnetic interference on adjacent properties.
- g. Conformance with Community. Wind turbines shall be painted a non-reflective, non-obtrusive color that conforms to the environment and architecture of the community.
- h. No Advertisement. Small wind energy conversion systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind turbine.
- i. Warning Signs. Appropriate warning signage (e.g., electrical hazards) shall be placed on wind turbine towers, electrical equipment, and small wind energy conversion systems.

DIVISION A-1.2 SPECIAL BUILDING STANDARDS

Sec. A-1.2.1 Single Family Detached Building Standards

A. Single-Family Homes and Patio Homes.

1. Generally. The standards of this Section apply to single family and patio homes within cluster and planned developments.
2. Front-Facing Garages. The impact of garage doors on the street shall be mitigated in any of the following ways:
 - a. Proportion. The total width of front-facing garage doors is not more than 45 percent of the width of the front elevation of the principal building.
 - b. Alley Access. Vehicular access to the property is provided via an alley.
 - c. Backyard Garage. A driveway may pass alongside the principal building to access an attached or detached garage that is set back at least 25 feet behind the front building line.
3. Individual Driveways. Individual driveways shall meet the following standards:
 - a. Minimum Width: 12 feet.
 - b. Maximum Width: 14 feet.
 - c. Minimum Setback from Property Line: 2 feet.
 - d. Minimum Parking Court Dimensions: 25 feet deep by 18 feet wide.
4. Shared Driveways. Shared driveways shall meet the following standards:
 - a. Minimum Width: 14 feet.
 - b. Maximum Width: 18 feet.
 - c. Minimum Setback from Property Line: 2 feet.
 - d. Minimum Parking Court Dimensions: 25 feet deep by 36 feet wide.
5. Attached Front-Facing Garages. A garage door may be located on the front of a building if it is set back at least six feet behind:
 - a. The front building line; or
 - b. The front plane of a substantial building element (e.g., a covered porch, balcony, enclosed cantilevered space) that is at least 80 percent of the width of the garage door.
6. Side-Loaded Garages.

- a. Orientation. Attached garages may be oriented so that the plane of the door is angled at least 45 degrees perpendicular to the front property line, provided that:
 1. The turning radius into the garage is not less than 17 feet.
 2. The side of the garage that faces the street either includes windows; or is buffered from the street with at least:
 - a. One shade or evergreen tree; or
 - b. Two ornamental trees.
 3. Location. Attached garages may be located on the same line as the front wall of the home, provided that they are lower in height than the highest point of the home.

Sec. A-1.2.2 Manufactured Home Building Standards

A. **Generally.** The standards of this Section apply to manufactured homes in manufactured home parks and subdivisions.

B. **Unit Specifications.** All manufactured homes shall meet the following specifications:

1. The average elevation of the manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet from the top of the foundation pad.
2. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the unit.

C. **Skirting.** The space between the finished grade of the property on which a manufactured home is located and the exterior edges of the finished floor of the unit must be skirted with rock, brick, vinyl, or concrete masonry construction installed on a concrete footing so there is not a visible gap between the finished floor and the ground. All skirting materials shall be compatible in appearance with the home and shall allow for adequate ventilation and drainage. The skirting must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the unit and totally screens the crawlspace under the unit.

D. **Entrance.** A shaded entrance such as a covered patio shall be installed above the front door.

E. **Materials.**

1. Exterior Walls. The outside walls of the home shall not be of vinyl or metal material.
2. Roofing. Roofing materials shall not be vinyl, corrugated metal, or an untreated metal panel.

F. **Design.**

1. Roof Pitch. The roof pitch shall be a minimum of 7/12; and
2. Roof Overhang. Roof overhang is a minimum of 12 inches.

Sec. A-1.2.3 Multi-Family Building Standards

A. **Generally.** The standards of this Section apply to all multi-family developments.

B. **Building Standards.**

1. Exterior Siding Materials. The exterior portions of any building shall comply with the following standards:
 - a. Siding material shall consist of a masonry material, including brick, stone, cast stone, synthetic stone, stucco, architectural concrete block, or cement siding. Siding material shall be consistent and uniform. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided it is identical in appearance and of equal or greater durability to natural stone.

- b. Heavy masonry materials shall extend to grade and be located below lighter materials, e.g. stucco or cement siding.
- c. A vertical change of materials shall occur at an interior corner or shall not occur at an exterior corner or within four feet of an exterior corner. Horizontal changes of material from brick or stone to another material shall include a stone cap or a brick sill. Horizontal changes of materials using a stone cap or brick sill shall not have the cap or brick sill interrupted by window or door openings. In all other cases, the material above the brick or stone shall extend over the top edge of the masonry with trim or siding.
- d. Masonry openings in a brick or stone façade shall have a stone lintel, a stone or brick arch, or a brick soldier course.
- e. Siding shall be a minimum of 75 percent brick. Buildings with brick on the front facade only and buildings with first floor brick and second floor lap siding are prohibited.
- f. Prohibited siding materials including External Insulating Finishing System ("EIFS"), metal siding, metal trim, smooth-faced or stained cinder block, painted concrete block, plasticized materials, vinyl, rough-sawn wood, board and batten wood, tilt-up concrete panels, standard single or double tee concrete systems, field-painted or pre-finished standard corrugated metal siding,
- g. All exposed bricks shall not be laid in a stack bond pattern. All joints shall be tooled. Brick panel veneer systems are permitted.
- h. The maximum allowable exposure of lap siding is eight inches.
- i. Applied trim materials shall consist of brick, painted wood, vinyl, or other painted materials that exhibit wood-like properties. Metal, block stone, and concrete are prohibited. Wrought iron handrails are permitted.
- j. Foundations shall not have greater than an eight-inch exposure or shall be faced in brick or stone veneer. Exposed block, stucco, and concrete are prohibited.
- k. The rehabilitation of existing buildings shall comply with these exterior siding materials requirements. Use of alternate exterior materials for the rehabilitation of existing buildings is subject to approval by the Planning Commission.

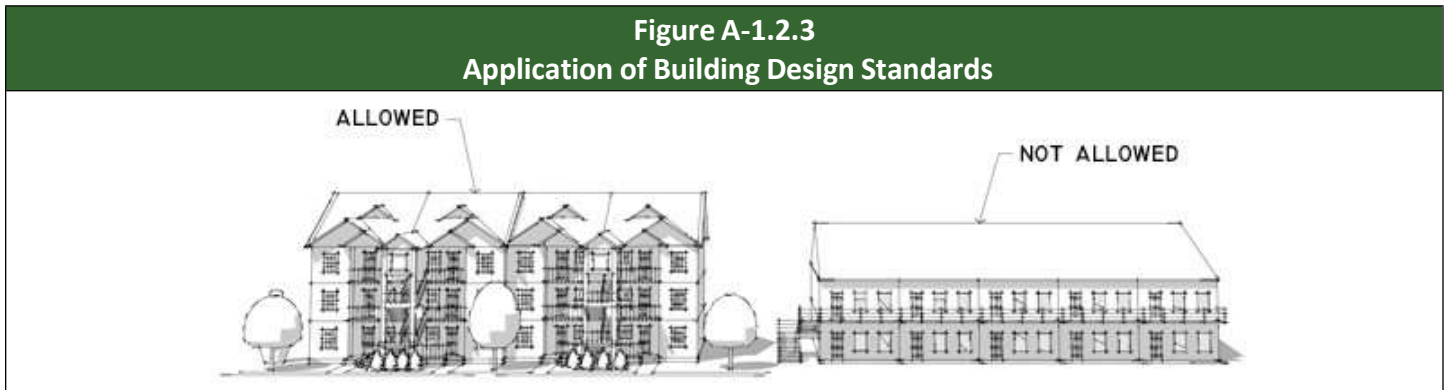
2. Roofs.

- a. The main roof of all buildings shall be gabled, hipped, mansard, gambrel, or a combination thereof. Flat roofs, curving roofs, and shed roofs are prohibited.
- b. Pitched roofs shall have a minimum slope of six feet vertical rise for every 12 feet of horizontal run on the primary roof of the building.
- c. Roof overhangs shall be of no less than eight inches and no more than 24 inches from the building facade.
- d. Eave lines shall be consistent, largely unbroken, and horizontal. All eaves shall be architecturally detailed with one or more of the following elements: detail molding, crown molding, built-up fascia, or frieze board.
- e. Roofs shall contain at least one roof projection for every 100 linear feet of building frontage. Roof projections may include cupolas, dormers, balustrade walks, chimneys, or gables.
- f. Roofs shall be constructed of asphalt shingles or a material that resembles asphalt shingles (i.e. metal roofing; roofing that resembles shake shingles). Slate and clay and concrete tile roofs are permissible.
- g. No rooftop mechanical equipment or window/wall mounted air conditioning units shall be visible from the street level.

3. Building Massing.

- a. Plain, monolithic structures with long, monotonous, unbroken wall surfaces of 50 feet or more are prohibited. At least every 50 linear feet, wall planes shall be offset at least four feet for which the offset

should penetrate the roofline. See **Figure A-1.2.3, Application of Building Design Standards.**



- b. The maximum length of any building shall be 200 feet; carports and garages shall be a maximum of 120 feet. Any building that is longer than 100 feet shall provide no less than 10 linear feet of pedestrian arcade or covered porch and shall be designed to appear as multiple structures through the use of varied roof forms, building projections, vertical or horizontal offsets, or architectural details.
 - c. Any portion of a building closer than 50 feet from a common property line that abuts a residential district or an existing or new neighborhood shall be no higher than 12 feet above the highest point of the closest existing residential structure. This does not apply if the residential structure is located across a street from the development or if it is within the same development proposal.
 - d. The apparent exterior floor-to-floor height of each story of a building shall be limited to 12 feet. Individual floors shall be delineated on the building facade through the use of window placement and horizontal details. Interior floor-to-floor heights may exceed 12 feet.
 - e. No primary eave line shall be greater than 35 feet above grade.
 - f. Buildings shall have at least one building projection on the front facade below the eave line. Building projections consist of stoops, bay windows, covered porches, extruded entrances, and pedestrian arcades. With exception of pedestrian arcades, building projections shall not extend more than six feet from the face of the building.
 - g. Individual building walls shall be primarily rectilinear and simplified in form. With the exception of bay projections, curved walls or non-ninety-degree corners are prohibited. Front facades shall have a predominant plane from the ground to the eave and shall not be dominated by building projections.
 - h. Porches and arcade columns shall be not less than six feet wide in any direction. Metal columns are prohibited. Columns shall contain a base and a capital and shall generally align with story heights.
 - i. The building back shall not face public street right-of-way.
4. Building Articulations. Building walls shall include articulations, which shall include, but shall not be limited to, the following:
- a. Porch
 - b. Stoop
 - c. Balcony
 - d. Windows
 - e. Window casing
 - f. Window sill
 - g. Bay window

- h. Doorway
- i. Door trim
- j. Cornice
- k. Roof brackets
- l. Lintels
- m. Brick or masonry patterns
- n. Coins
- o. Columns
- p. Pilasters
- q. Piers
- r. Row locks and sills
- s. Soldier courses
- t. Keystones
- u. Shutters
- v. Material patterning/elements

5. Building Fronts and Entries.

- a. A building shall have at least one building front. Each building façade classified as a building front shall contain at least one front door or front entrance. Front doors and front entrances shall be detailed as the obvious front entry to the building or dwelling unit.
- b. A front door shall be an entry, located on a building front that provides entry to the enclosed building space of an individual dwelling unit or the enclosed building corridor providing access to one or more dwelling units. A front door shall be detailed by an entry surround and/or columns supporting an arch, a roof, and/or a second-story porch.
- c. A front entrance shall be an entry, located on a building front that provides entry to an unenclosed building corridor providing access to one or more dwelling units. A front entrance shall be detailed by columns supporting an arch, a roof, and/or a second-story porch.

6. Fenestration.

- a. Windowed doors shall contain a solid border a minimum of six inches wide and shall also contain mullions or divided lights not exceeding six inches in any direction. Flat doors are prohibited.
- b. Primary doors shall not exceed 42 inches in width and 84 inches in height. Oversized doors are prohibited.
- c. Windows located on a building front shall be single-hung, double-hung, casement, awning, or fixed windows. A maximum of two different window types is allowed on each building front.
- d. Glass shall be clear or tinted. Reflective glass is prohibited. Frosted glass shall be permitted only in appropriate applications, such as bathroom windows or locations where privacy is needed due to building spacing or nearby rights-of-way.
- e. All windows shall be vertically proportioned with a height to width ratio between 3:2 and 5:2. Transom windows are not subject to vertical proportions and do not count in the overall window proportion. Slit windows, strip windows, and ribbon windows are prohibited.
- f. Windows shall be provided on at least 10 percent but no more than 50 percent of the front facade. Blank facades are prohibited. Windows shall generally be spaced in an even rhythm. Windowless sections of the front facade shall not exceed 30 feet in width.
- g. All windows shall be rectilinear, provided however, that arch top windows are permitted. Triangular or

otherwise angular windows are prohibited. Round windows are permitted as accent windows in locations such as gables.

- h. Primary windows shall be at least 24 inches wide and at least 36 inches tall. Picture windows shall be no wider than five feet and no taller than seven and one-half feet.
 - i. Shutters shall be constructed of wood, vinyl, or a material with wood-like properties, shall be sized to fit the window, and shall have horizontal slats, vertical boards, or raised-paneled. Shutter colors shall be equal to or similar to earth tone colors.
 - j. On brick walls all windows shall have sill and header trim details. On non-brick walls all windows shall have sill or header trim details.
 - k. The bottom of windows shall be at least 20 inches above grade.
7. **Materials and Trim.** The elevations of all buildings shall be treated so that they have a similar level of quality and architectural interest when viewed from any direction, street, side, or rear in terms of materials and trim. The design of buildings shall provide consistent architectural details on all building walls. The majority of a building's architectural features and treatments shall not be restricted to a single façade.
8. **Utilities.** All utilities shall be placed underground. Furthermore, utility meters shall not be located on a building front and if on a side façade shall be fully screened from public view.
9. **Lighting.** All lighting for multifamily developments shall adhere to the requirements and restrictions set out in [Division 4-11.1, Lighting](#). Additional requirements include:
- a. All multifamily developments shall provide streetlights, parking lot lighting, pedestrian lighting, and indirect building lighting.
 - b. Streetlights shall be evenly spaced along public streets with a maximum spacing of 100 feet on-center.
 - c. Lighting shall be provided for all parking areas, which shall not exceed 25 feet in height and shall be placed uniformly so as to provide adequate lighting across the parking surface.
 - d. Lighting for pedestrians shall be provided for all high volume pedestrian areas, including building entries; along sidewalks, walkways, or paths; and around common open spaces.
 - e. Indirect building lighting shall be provided within no more than 10 feet of all buildings. Such lighting shall be designed and installed in a manner so as not to cause glow or glare in the windows of individual dwelling units.
 - f. Exterior fixtures with exposed bulbs are prohibited.
10. **Landscaping.** All landscaping for multifamily developments shall be in accordance with the standards and requirements of [Article 10, Landscaping and Buffering](#). Additional requirements include:
- a. A foundation planting area with a minimum width of five feet shall be provided continuously along building fronts and those facades that face a parking lot, driveway, or are visible from a public street. Such foundation planting area shall be permanently planted with trees spaced no more than each 15 feet and shrubs with a mature height of no less than three feet or more than four feet. Annual or perennial flowerbeds may account for up to 10 percent of the foundation planting area.
 - b. Trees shall be planted along all public or private streets, as well as all driveways and access drives. Trees with a minimum caliper of three inches and a minimum height of 10 feet at planting shall be spaced no more than each 20 feet.
 - c. All medians shall be landscaped with no less than one shade tree and eight shrubs for each 180 square feet of landscape surface, or portion thereof. Ground cover shall be used on the rest of the landscape surface.
11. **Bufferyards.** All bufferyards shall be in accordance with the standards and requirements of [Division 4-10.3, Bufferyards](#).
12. **Parking.** The required parking for multifamily developments shall be in accordance with the standards

and requirements of [Article 9](#), Parking and Loading.

Sec. A-1.2.4 Overnight Accommodations

- A. **Access.** Guest rooms shall only be accessible through interior corridors.
- B. **Exterior Doors.** Entrance through exterior doors shall be secured and accessible only to guests and employees.
- C. **Cooking Facilities.** Guest rooms may not contain any cooking facility.
- D. **Delivery Service Areas.** Delivery service areas shall be screened from the view of any right-of-way or residential district or use by masonry walls with a minimum height of six feet.
- E. **Air Conditioning Units.** Air conditioning units shall not be visible to the exterior of the building or to any rights-of-way or residential district or use.

Sec. A-1.2.5 Truck Stop / Truck Wash Building Development Standards

- A. **Cladding Color.** Colors of cladding on the front, side, and street side facades shall be integral to the cladding.
- B. **Cladding Materials.** Cladding materials for the front, side, and street side facades shall be limited to:
 - 1. Masonry (including brick and split-face concrete blocks);
 - 2. Stucco;
 - 3. Cementitious siding; and/or
 - 4. Combinations of these materials; or
 - 5. Other similar materials approved by the Plan Commission.
- C. **Prohibited Cladding Materials.** The following materials are prohibited on the front, side, and street side facades:
 - 1. Metal;
 - 2. Vinyl;
 - 3. Smooth concrete block (painted and unpainted); and
 - 4. Plastic.

APPENDIX B PLANT LISTS

DIVISION B-1.1

Recommended Plant List for Development Landscaping and Bufferyard Landscaping, which suggests trees and shrubs suitable for use in the City. Individual plant characteristics should be taken into consideration when selecting species for particular locations (right plant, right place). Characteristics to take into consideration should include, but not limited to, growth habits, cultural requirements, fruiting habits, presence of thorns, pest resistance, odor, etc.

Table B-1 Recommended Plant List for Development and Bufferyard Landscaping		
Common Name	Botanical Name	Recommended Varieties
Large Trees (Deciduous) (30 feet and up)		
Red Maple	<i>Acer rubrum</i>	'October Glory', 'Red Sunset'
River Birch	<i>Betula nigra</i>	'Heritage', 'Dura-Heat'
Hackberry	<i>Celtis laevigata</i>	
Green Ash	<i>Fraxinus pennsylvanica</i>	
Japanese Gingko	<i>Gingko biloba</i>	'Autumn Gold'
Japanese Crape Myrtle	<i>Lagerstromia fauriei</i>	'Fantasy', 'Townhouse'
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	
Black Gum	<i>Nyssa sylvatica</i>	
Sweetgum	<i>Liquidambar styraciflua</i>	
Tulip Poplar	<i>Liriodendron tulipifera</i>	
Sycamore	<i>Platanus occidentalis</i>	
Water Oak	<i>Quercus nigra</i>	
Nuttall Oak	<i>Quercus nutallii</i>	
Willow Oak	<i>Quercus phellos</i>	'Hightower'
Pondcypress	<i>Taxodium ascendens</i>	
Baldcypress	<i>Taxodium distichum</i>	
Lacebark Elm	<i>Ulmum parvifolia</i>	'Bosque', 'Allee', 'Athena'
Zelcova	<i>Zelcova serrata</i>	'Green Vase'
Large Trees (Evergreen) (30 feet and up)		
Deodar Cedar	<i>Cedrus deodara</i>	
Atlantic White Cedar	<i>Chamaecyparis thyoides</i>	
Japanese Cedar, Cryptomeria	<i>Cryptomeria japonica</i>	'Radicans', 'Yoshino'
Eastern Red Cedar	<i>Juniperus virginiana</i>	
Southern Magnolia	<i>Magnolia grandiflora</i>	'Alta', 'Brackens Brown', 'Hasse', 'DD Blanchard', 'Claudia Wannamaker'
Longleaf Pine	<i>Pinus palustris</i>	
Loblolly Pine	<i>Pinus taeda</i>	
Darlington Oak (semi-evergreen)	<i>Quercus hemisphaerica</i>	

Live Oak	<i>Quercus virginiana</i>	
Small Trees (Deciduous) (10 to 30 feet)		
Southern Sugar Maple	<i>Acer floridanum</i>	
Trident Maple	<i>Acer buergerianum</i>	
Japanese Maple	<i>Acer palmatum</i>	Many available
Red Buckeye	<i>Aesculus pavia</i>	
Serviceberry	<i>Amelanchiar arborea</i>	'Autumn Brilliance'
Ironwood, American Hornbeam	<i>Carpinus caroliniana</i>	
Redbud	<i>Cercis canadensis</i>	'Forest Pansy', 'Ruby Falls'
Oklahoma Redbud	<i>Cercis reniformis</i>	'Oklahoma'
Chinese Fringetree	<i>Chionanthus retusus</i>	
Fringetree	<i>Chionanthus virginicus</i>	
Flowering Dogwood	<i>Cornus florida</i>	'Cherokee Princess', 'Cherokee Brave', 'Cloud 9', others
Kousa Dogwood	<i>Cornus kousa</i>	
Carolina Silverbell	<i>Halesia tetraptera</i>	
Crape Myrtle	<i>Lagersroemia hybrids</i>	Many available – Hybrid varieties are preferred
Star Magnolia	<i>Magnolia stellata</i>	
Saucer Magnolia	<i>Magnolia soulangiana</i>	
Japanese Snowbell	<i>Styrax japonicas</i>	'Emerald Pagoda' (heat tolerant), 'Pink Chimes', others
Chastetree	<i>Vitex agnus-castus</i>	
Small Trees (Evergreen) (10 to 30 feet)		
Pindo Palm, Jelly Palm	<i>Butia capitata</i>	
Loquat	<i>Eriobotrya japonica</i>	
American Holly	<i>Ilex opaca</i>	
Yaupon	<i>Ilex vomitoria</i>	'Shadow', 'Pendula', others
Topal Holly	<i>Ilex x attenuate</i>	'Savannah', 'Fosters', 'Greenleaf'
'Nellie Stevens' Holly	<i>Ilex x 'Nellie R. Stevens'</i>	
Southern Magnolia (select varieties)	<i>Magnolia grandiflora</i>	'Little Gem', 'Teddy Bear'
Sweet Bay	<i>Magnolia virginiana</i>	
Waxmyrtle	<i>Myrica cerifera</i>	
Palmetto Palm	<i>Sabal palmetto</i>	
Large Shrubs (Deciduous) (Over 8 feet)		
Flowering Quince	<i>Chaenomeles speciosa</i>	
Forsythia	<i>Forsythia x intermedia</i>	'Lynwood Gold'
Rose of Sharon	<i>Hibiscus syriacus</i>	Many available
Winterberry	<i>Ilex deciduas</i>	'Winter Red'
Chinese Snowball Bush	<i>Viburnum macrocephalum</i>	
Doublefile Viburnum	<i>Viburnum plicatum var. tomentosum</i>	Many available
Large Shrubs (Evergreen) (Over 8 feet)		
Chinese Holly	<i>Ilex cornuta</i>	'Burford', 'Fineline', 'Needlepoint', others available
Yaupon Holly	<i>Ilex vomitoria</i>	
Anise Tree	<i>Illicium parviflorum</i>	
Chinese Juniper	<i>Juniperus chinensis</i>	'Spartan', 'Hetzii', 'Hetzii Columnaris'
Hollywood Juniper	<i>Juniperus chinensis 'Torulosa'</i>	'Torulosa'
Loropetalum	<i>Loropetalum chinensis</i>	'Zhuzhou Fuchsia', others available
Waxmyrtle	<i>Myrica cerifera</i>	
Fortune Tea Olive	<i>Osmanthus x fortune</i>	

Table B-1
Recommended Plant List for Development and Bufferyard Landscaping

Common Name	Botanical Name	Recommended Varieties
Fragrant Tea Olive	<i>Osmanthus fragrans</i>	
Chinese Podocarpus	<i>Podocarpus macrophyllus</i> var. <i>maki</i>	
Cleyara	<i>Terstroemia gymnanthera</i>	
'Emerald' Arborvitae	<i>Thuja occidentalis</i> 'Emerald'	
'Chindo' Viburnum	<i>Viburnum awabuki</i> 'Chindo'	
Medium Shrubs (Deciduous) (4 to 8 feet)		
Butterfly Bush	<i>Buddleia davidii</i>	Many available
American Beautyberry	<i>Callicarpa Americana</i>	
Sweetshrub, Carolina Allspice	<i>Calycanthus floridus</i>	'Michael Lindsey', 'Hartlage Wine', 'Athens', others available
Sweet Pepperbush, Clethra	<i>Clethra alnifolia</i>	'Ruby Spice', 'Chattanooga'
Bigleaf Hydrangea	<i>Hydrangea macrophylla</i>	Many available
Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>	'Alice', 'Snowflake', dwarf varieties available ('Sikes Dwarf', 'Pee Wee')
Virginia Sweetspire, Itea	<i>Itea virginiana</i>	'Henry's Garnet'
Double Reeves Spirea	<i>Spirea canoniensis</i> 'Lanceata'	
Vanhoutte Spirea	<i>Spirea x vanhouttei</i>	
Weigela	<i>Weigela florida</i>	'Wine and Roses'
Medium Shrubs (Evergreen) (4 to 8 feet)		
Abelia	<i>Abelia grandiflora</i>	Many available
Japanese Aucuba	<i>Aucuba japonica</i>	
Wintergreen Barberry	<i>Berberis julianae</i>	
Japanese Camellia	<i>Camellia japonica</i>	Many available
Sasanqua Camellia	<i>Camellia sasanqua</i>	Many available
Fatsia	<i>Fatsia japonica</i>	
Gardenia	<i>Gardenia jasminoides</i>	'Kleims Hardy', 'Mystery', 'August Beauty', others available
Chinese Holly	<i>Ilex cornuta</i>	'Dwarf Burford'
Japanese Privet	<i>Ligustrum japonicum</i>	'Recurvifolium', 'East Bay', 'Lake Tresa'
Loropetalum	<i>Loropetalum chinensis</i>	'Ruby', 'Burgundy'
Leatherleaf Mahonia	<i>Mahonia bealei</i>	
Banana Shrub	<i>Michelia figo</i>	
Pittosporum	<i>Pittosporum tobira</i>	'Louisiana Compact', 'Variegata'
Azaleas – Southern Indica Varieties	<i>Rhododendron</i> spp.	'Formosa', 'G.G. Gerbing', 'George Tabor'
Rosemary	<i>Rosmarinus officinalis</i>	
Dwarf palmetto	<i>Sabel minor</i>	
Sandwanka Viburnum	<i>Viburnum suspensum</i>	
Tinus viburnum, Laurustinus	<i>Viburnum tinus</i>	'Spring Bouquet', 'Compactum'
Small Shrubs (Deciduous) (2 to 4 feet)		
Japanese Barberry	<i>Berberis thunbergii</i>	'Crimson Pygmy'
Sweet Pepperbush, Clethra	<i>Clethra alnifolia</i>	'Hummingbird', 'Sixteen Candles'
Dwarf Fothergilla	<i>Fothergilla gardenia</i>	
Dwarf Hydrangeas	<i>Hydrangea macrophylla</i>	'Pia', 'Penny Mac', others available
Virginia Sweetspire	<i>Itea virginica</i>	'Little Henry'
Japanese Spirea	<i>Spirea japonica</i> , <i>Spirea x bumalda</i>	'Goldflame', 'Gold Mound', 'Shirobana', 'Little Princess', 'Magic Carpet'
'Snowmound' Spirea	<i>Spirea nipponica</i>	'Snowmound'
Small Shrubs (Evergreen) (2 to 4 feet)		
Abelia	<i>Abelia</i> sp.	'Rose Creek', 'Little Richard'
Dwarf Aucuba	<i>Aucuba japonica</i>	'Nana'
Creeping Gardenia	<i>Gardenia radicans</i>	

Table B-1 Recommended Plant List for Development and Bufferyard Landscaping		
Common Name	Botanical Name	Recommended Varieties
Chinese Holly	Ilex cornuta	'Carissa', 'Rotunda'
Dwarf Yaupon Holly	Ilex vomitoria	'Schillings', 'Nana', 'Bordeaux'
Chinese Juniper	Juniperus chinensis	'Old Gold', 'Gold Lace' 'Nick's Compact', 'Sargentii'
Dwarf Nandina	Nandina domestica	'Gulfstream', 'Harbor Dwarf', 'Moon Bay'
Dwarf Pittosporum	Pittosporum tobira	'Wheeler's Dwarf', 'Cream de Mint'
Azaleas	Rhododendron hybrids	Satsuki, Gumpo, and Encore varieties
Groundcovers (for sun)		
Dianthus, Cheddar Pinks	Dianthus gratianopolitanus & hybrids	'Bath's Pink', 'Firewitch', 'Fire Star'
Daylily	Hemerocallis hybrids	Many available
Shore Juniper	Juniperus conferta	'Blue Pacific'
Creeping Juniper	Juniperus horizontalis	'Blue Harbor', 'Blue Chip'
Andorra Juniper	Juniperus horizontalis 'Plumosa'	
Blue Rug Juniper	Juniperus horizontalis 'Wiltonii'	
Moss Phlox, Thrift	Phlox subulata	Many available
Stonecrops	Sedum spp.	Many available
Groundcovers (for shade)		
Holly Fern	Cyrtomium falcatum	
Autum Fern	Dryopteris erythrosa	
Dwarf Gardenia	Gardenia radicans	
Liriope	Liriope muscari	Many available
Spreading Liriope	Liriope spicata	Many available
Mondgrass	Ophiopogon japonicus	'Nana', 'Arabicus'
Asiatic or Star Jasmine	Trachelospermum asiaticum	
TABLE NOTES:		

DIVISION B-1.2

Recommended Plant List for Rain Gardens and Bioretention Areas, which suggests trees, shrubs, and herbaceous vegetation suitable for use in rain gardens and bioretention basins within the City. Soil conditions within these areas can alternate between wet and dry, creating tough growing condition for many plants. The following plants are adapted to such areas; however, some plants will tolerate more moisture than others. Each plant is marked according to its flooding tolerance: **3** is tolerant of extended flooding; **2** is tolerant of brief flooding; and **1** is tolerant of extended drought once established. Additional characteristics to take into consideration should include, but not limited to, growth habits, cultural requirements, fruiting habits, presence of thorns, pest resistance, odor, etc.

Table B-1 Recommended Plant List for Rain Gardens and Bio-retention Basins		
Common Name	Botanical Name	Flood and Drought Tolerance
Trees (Deciduous)		
Red Maple	Acer rubrum	2
Red Buckeye	Aesculus pavia	2
River Birch	Betula nigra	1,3
Ironwood, American Hornbeam	Carpinus caroliniana	1,3
Redbud	Cercis Canadensis	1,2
Fringetree	Chionanthus virginicus	2

**Table B-1
Recommended Plant List for Rain Gardens and Bio-retention Basins**

Common Name	Botanical Name	Flood and Drought Tolerance
Green Ash	Fraxinus pennsylvanica	3
Possumhaw	Ilex decidua	1,3
Sweetgum	Liquidambar styraciflua	1,2
Tulip Poplar	Liriodendron tulipifera	1,2
Willows	Salix sp.	3
Pondcypress	Taxodiom ascendens	1,3
Baldcypress	Taxodium distichum	1,3
Trees (Evergreen)		
Altantic White Cedar	Chamaecyparis thyoides	1,3
Dahoon Holly	Ilex cassine	1,2
American Holly	Ilex opaca	1,2
Southern Magnolia	Magnolia grandiflora	1,2
Sweet Bay	Magnolia virginica	3
Black Gum	Nyssa sylvatica	2
Devilwood	Osmanthus amercanus	1,2
Loblolly Pine	Pinus taeda	1,3
Swamp Laurel Oak	Quercus laurifolia	3
Shrubs (Deciduous)		
Chokeberry	Aronia arbutifolia	1,3
American Beautyberry	Callicarpa Americana	2
Sweet Shrub	Calycanthus floridus	2
Buttonbush	Cephalanthus occidentalis	3
Sweet Pepperbush	Clethra alnifolia	2
Fothergilla	Fothergilla gardenia	2
Winterberry	Ilex verticillata	3
Virginia Sweetspire	Itea virginica	3
Spicebush	Lindera benzion	2
Arrowwood	Viburnum dentatum	2
Possumhaw Viburnum	Viburnum nudum	3
Shrubs (Evergreen)		
Inkberry	Ilex glabra	2
Yaupon	Ilex vomitoria	1,2
Florida Anise	Illicium floridanum	3
Yellow Anise	Illicium parviflorum	1,2
Coastal Leucothoe	Leucothoe axillaris	2
Wax Myrtle	Myrica cerifera	1,2
Dwarf Palmetto	Sabal minor	3
Saw Palmetto	Seronoa repens	1,2
Perennials, Grasses, and Sedges		
Big Bluestem	Andropogon gerardii	1,2
Astilbe	Astilbe spp.	2
Swamp Milkweed	Asclepias incarnate	3
Butterfly Milkweed	Asclepias tuberosa	1
Climbing Aster	Aster carolinianus	3
Lady Fern	Athyrium filix-femina	2
Canna Lily	Canna glauca	3
Golden Canna Lily	Canna flaccid	3
Tussock Sedge	Carex stricta	3
River Oats	Chasmanthium latifolium	1,3

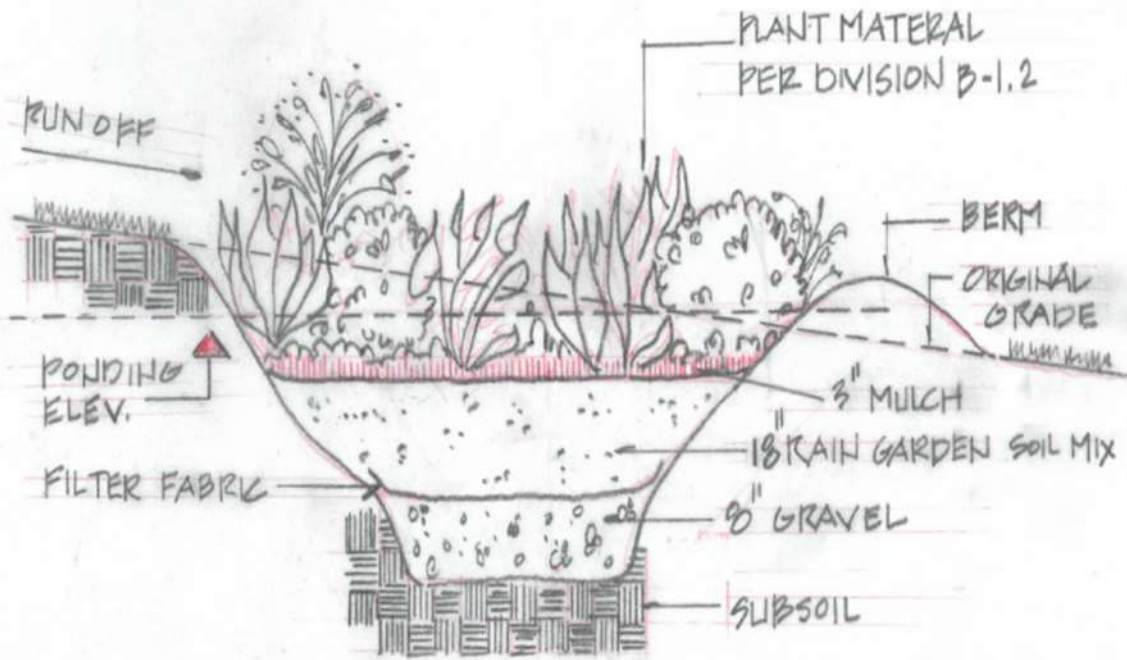
Turtlehead	Chelone glabra	3
Green and Gold	Chrysogonum virginium	2
Mouse Ear Coreopsis	Coreopsis auriculata	2
Tickseed	Coreopsis lanceolata	1,2
Joe Pye Weed	Eupatorium fistulosum	3
Swamp Sunflower	Helianthus angustifolius	3
Daylily	Hemerocallis spp.	1,2
Texas Star, Rosemallow	Hibiscus coccineus	3
Swamp Mallow	Hibiscus moscheutos	3
Blue Flag Iris	Iris virginica	3
Soft Rush	Juncus effuses	3
Blazing Star, Gayfeather	Liatris spicata	2
Cardinal Flower	Lobelia cardenalis	3
Blue Lobelia	Lobelia siphilitica	3
Bee Balm	Monarda spp.	1,2
Muhly Grass, Sweetgrass	Muhlenbergia cappillaris	1,2
Sensitive Fern	Onoclea sensibilis	3
Cinnamon Fern	Osmunda cinnamomea	3
Royal Fern	Osmunda regalis	3
Panic Grass	Panicum virgatum	1,3
Obedient Plant	Physostegia virginiana	2
Solomon's Seal	Polygonatum biflorum	2
Black-Eyed-Susan	Rudbeckia hirta	1,2
Cutleaf Coneflower	Rudbeckia lanciniata	1,2
Little Bluestem	Schizachyrium scoparium	1,2
Goldenrod	Solidago spp.	3
Indiangrass	Sorghastrum nutans	1,2
Ironweed	Veronia noveborascensis	3

DIVISION B-1.3

Recommended Stormwater and Infiltration Detention Basins: Best Management Practices (BMPs) are methods or techniques found to be the most effective and practical means in achieving an objective. In the case of this appendix, the following best practices are those preferred – but not required – by the City as to stormwater and infiltration design.

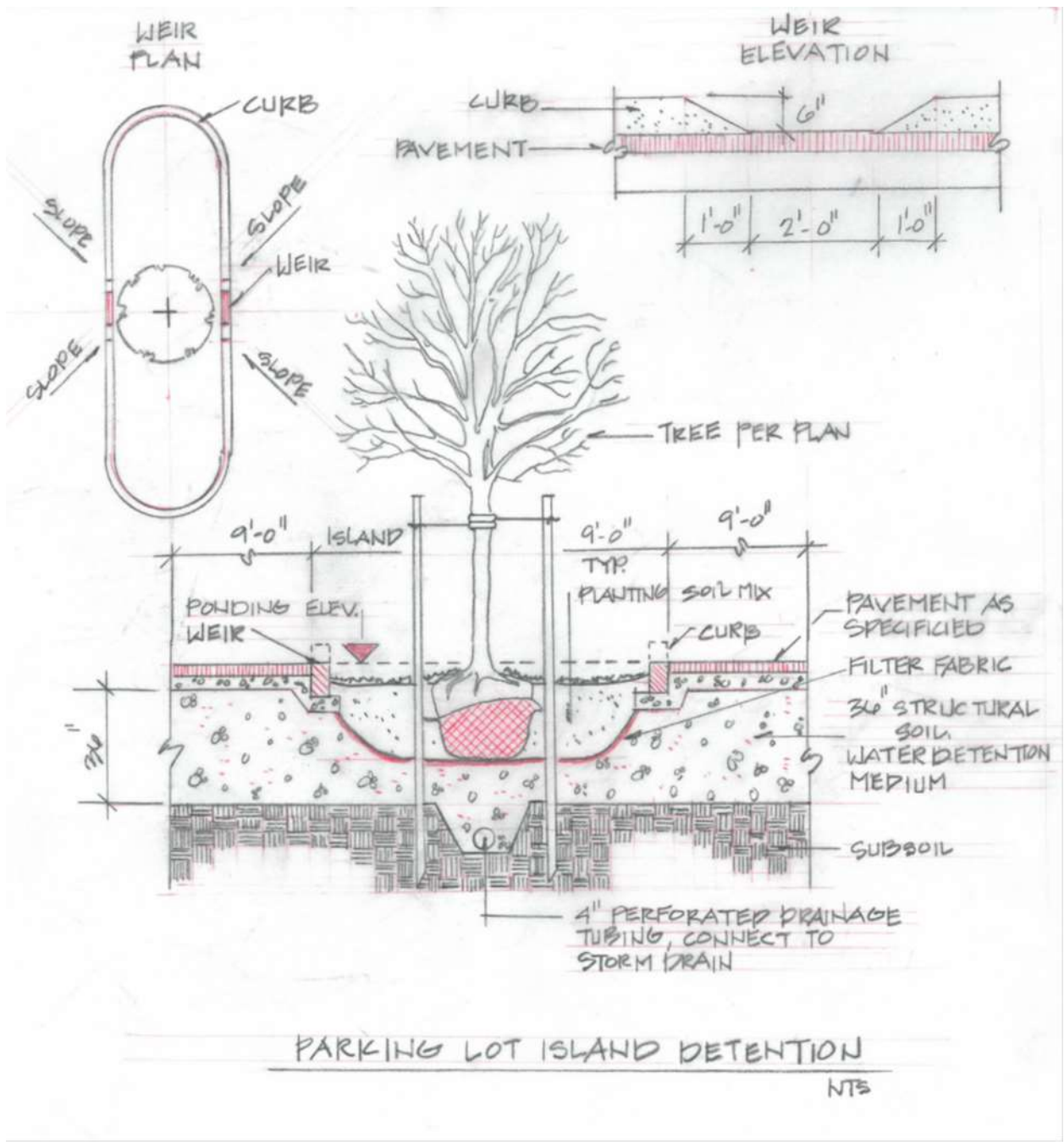
Stormwater infiltration, bioretention and rainwater gardens are landscaped features to provide detention of stormwater and treatment of runoff on site. These are typically effective (but not limited to) in and around parking lots. Rain gardens are landscape depressions designed to receive stormwater runoff and remove some pollutants while recharging the water table. They are typically utilized in residential areas. These BMP's enhance the quality of downstream waters by filtering runoff, as well as temporarily detaining stormwater within the planting medium for days. This unseen detention allows for a reduction of size or elimination of detention ponds / basins on site. Following South Carolina DHEC design criteria calculations and specifications within the Storm Water Management Handbook will demonstrate surface area, volume detained, hydraulic draw down time etc.

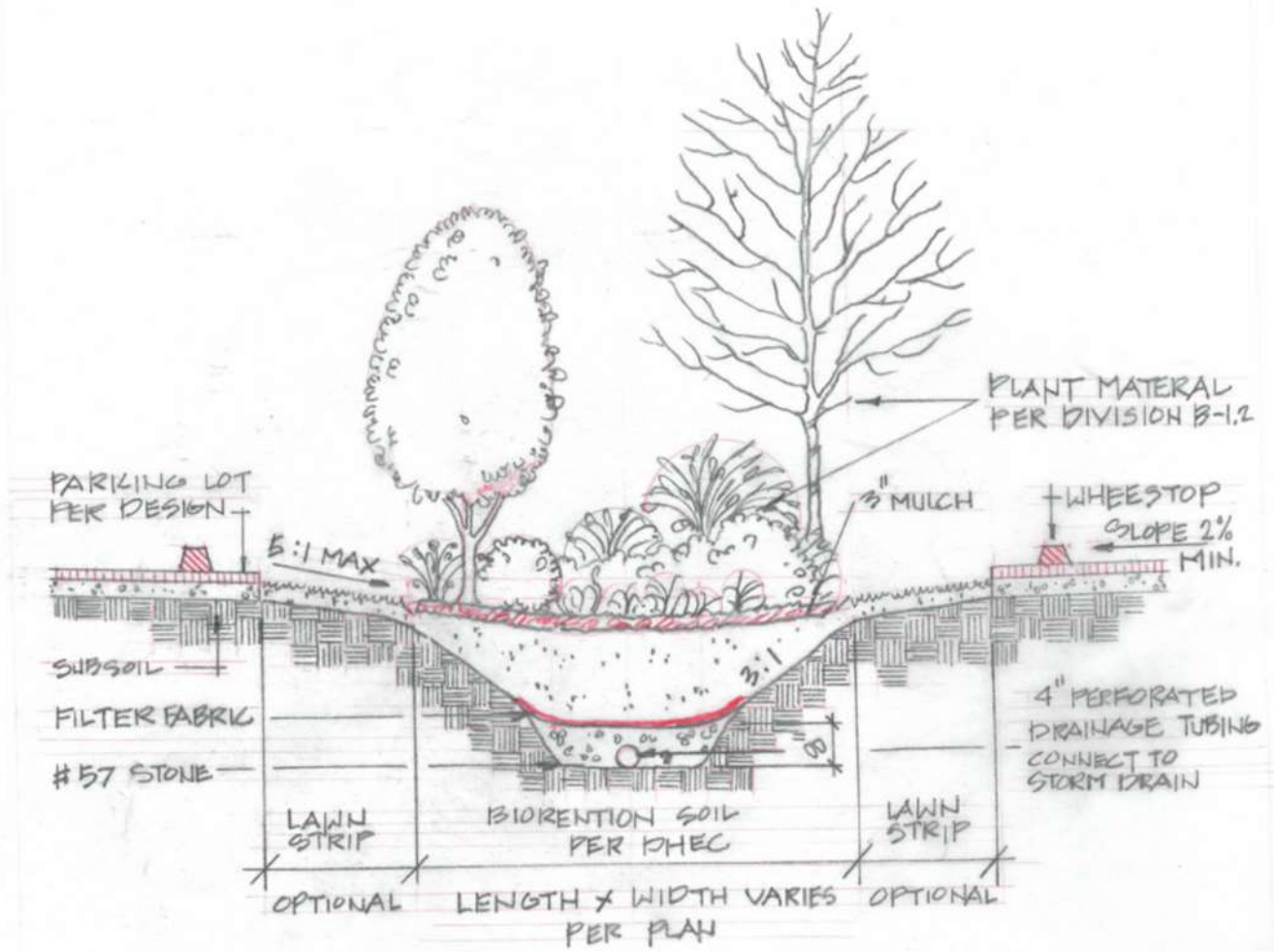
The following details are suggested applications.



RAINGARDEN INFILTRATION

NTS



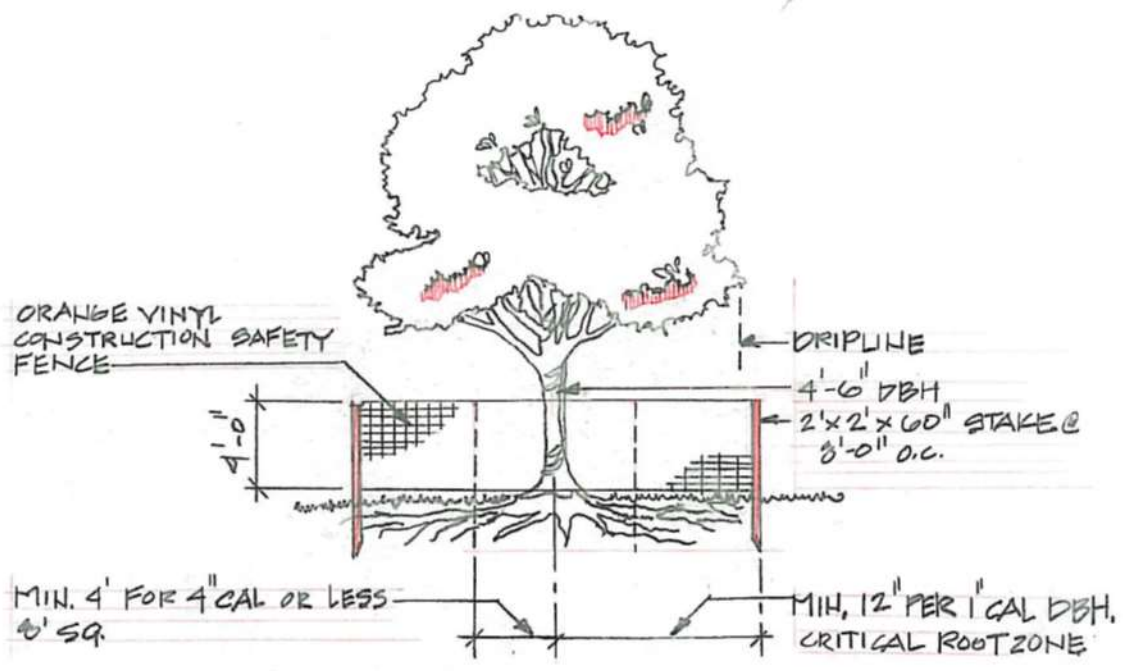


APPENDIX C PLANTING DETAILS

Best Management Practices (BMPs) are methods or techniques found to be the most effective and practical means in achieving an objective. In the case of this appendix, the following best practices are those required by the City as to planting and landscape design, to insure successful long term establishment of plant materials.

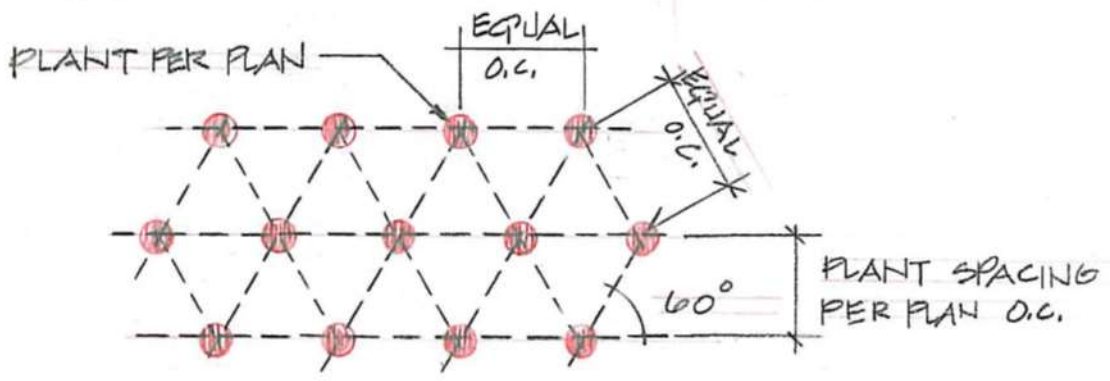
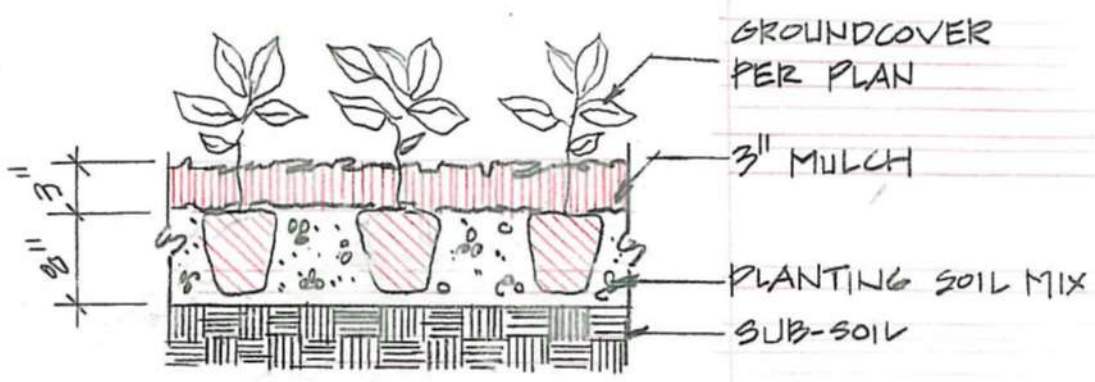
PLANTING NOTES

1. ALL PLANT MATERIALS SHALL BE IN ACCORDANCE WITH THE AMERICAN STANDARDS FOR NURSERY STOCK (ANSI Z60.1-2004).
2. FOR SHRUBS AND TREES DIG PLANTING HOLE A MINIMUM OF 2X THE WIDTH OF THE ROOTBALL. SCARIFY THE SUBGRADE AND SIDES OF PLANTING HOLE WHEN IN CLAY SOILS.
3. PROVIDE A COMPACTED BASE UNDER ROOTBALL AS SHOWN; PLACE TOP OF ROOTBALL 1" ABOVE FINISH GRADE.
4. LIFT AND SET TREE BY ROOTBALL ONLY. DO NOT LIFT USING THE TREE TRUNK AND DO NOT USE TRUNK AS A LEVER.
5. FOR BALLED AND BURLAPED TREES AND SHRUBS; REMOVE TOP 1/3 OF BURLAP, STRAPS AND WIRE. FOR CONTAINER PLANTS; REMOVE CONTAINER AND UNTWIST ANY GIRDLING ROOTS.
6. BACKFILL AROUND ROOTBALL WITH PLANTING SOIL MIX OR STRUCTURAL SOIL AS SPECIFIED.
7. PLANTING SOIL BACKFILL SHALL CONSIST OF: 1/3 BY VOLUME (33%) PASTEURIZED, Ph BALANCED COMPOSTED COW MANURE; 1/3 BY VOLUME (33%) TOPSOIL OR MANUFACTURED TOPSOIL; 1/3 BY VOLUME (33%) NATIVE SUBSOIL.
8. STRUCTURAL SOIL BACKFILL SHALL CONSIST OF: 4/5 BY VOLUME (80%) CRUSH ANGULAR STONE (GRANITE) GRADED FROM ¾" – 1 ½" DIAMETER; AND 1/5 BY VOLUME (20%) Ph BALANCED HEAVY CLAY LOAM; THOROUGHLY MIXED AND COMPACTED IN PLACE TO 85% MODIFIED PROCTOR MAXIMUM DRY DENSITY. (Structural soil volume may be used for stormwater detention following DHEC calculations).
9. CONSTRUCT AN EARTH SAUCER AROUND ROOTBALL AS A WATER RETENTION BASIN.
10. WATER PLANT HOLE THOROUGHLY TO SETTLE PLANTING SOIL BACKFILL AND REMOVE VOIDS.
11. STAKE TREES WITH 2" X 2" WOOD STAKES SUFFICIENT IN LENGTH TO BE DRIVEN INTO UNDISTURBED SOIL A MINIMUM OF 18" AND TO GUY TO TREE TRUNK BELOW THE FIRST BRANCHES. STAKES SHOULD BE SPACED EQUALLY ACROSS FROM AND IN LINE WITH THE TRUNK PARALLEL TO THE PREVAILING WIND.
12. APPLY 3" MULCH AS SPECIFIED. LEAVE A 2" SPACE AROUND THE TRUNK FOR AIR CIRCULATION.
13. DO NOT PRUNE TREES OR LARGE SHRUBS UNLESS DIRECTED BY ARBORIST.
14. PRUNING SHALL BE LIMITED TO DEAD, DISEASED OR BROKEN BRANCHES; AND BE IN ACCORDANCE WITH ANSI A300 SPECIFICATIONS.
15. REMOVE IMMEDIATELY FROM SITE ANY DEAD OR REJECTED PLANT MATERIALS.

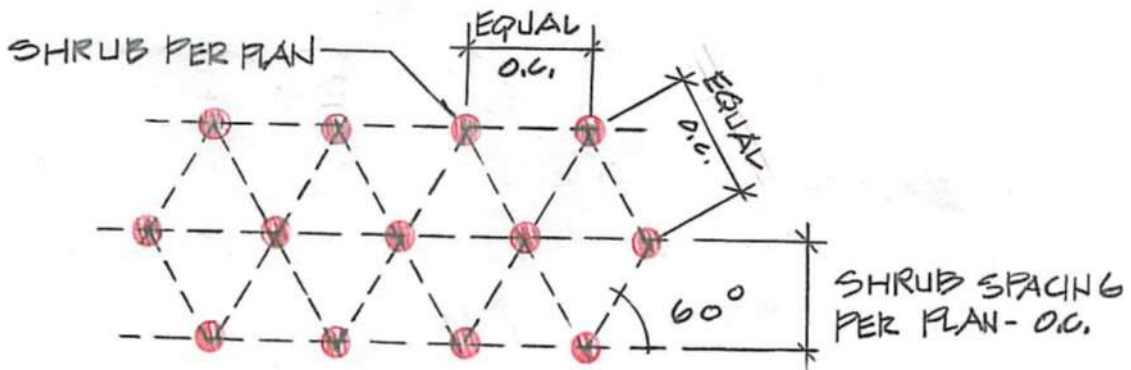
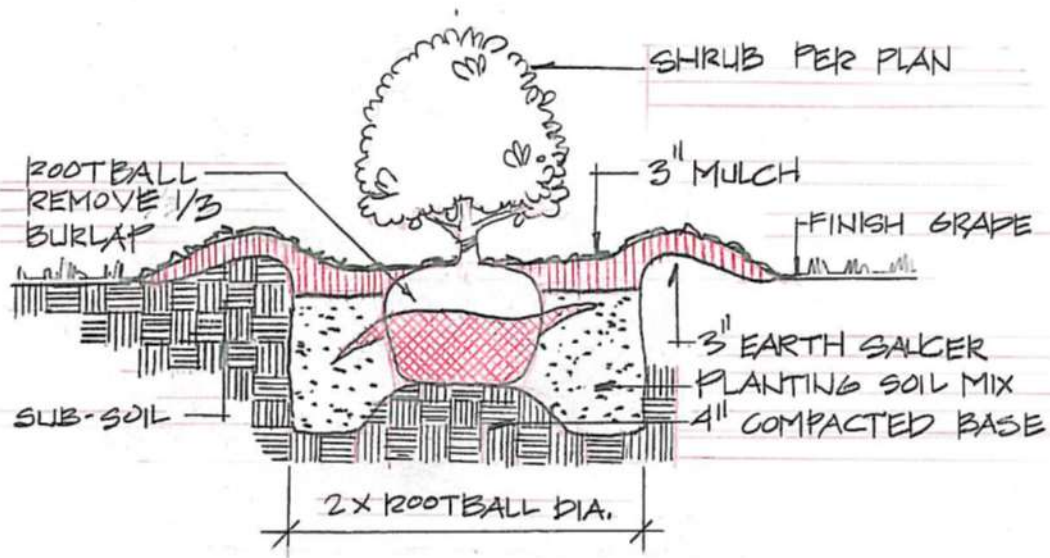


TREE PROTECTION FENCING

N.T.S.

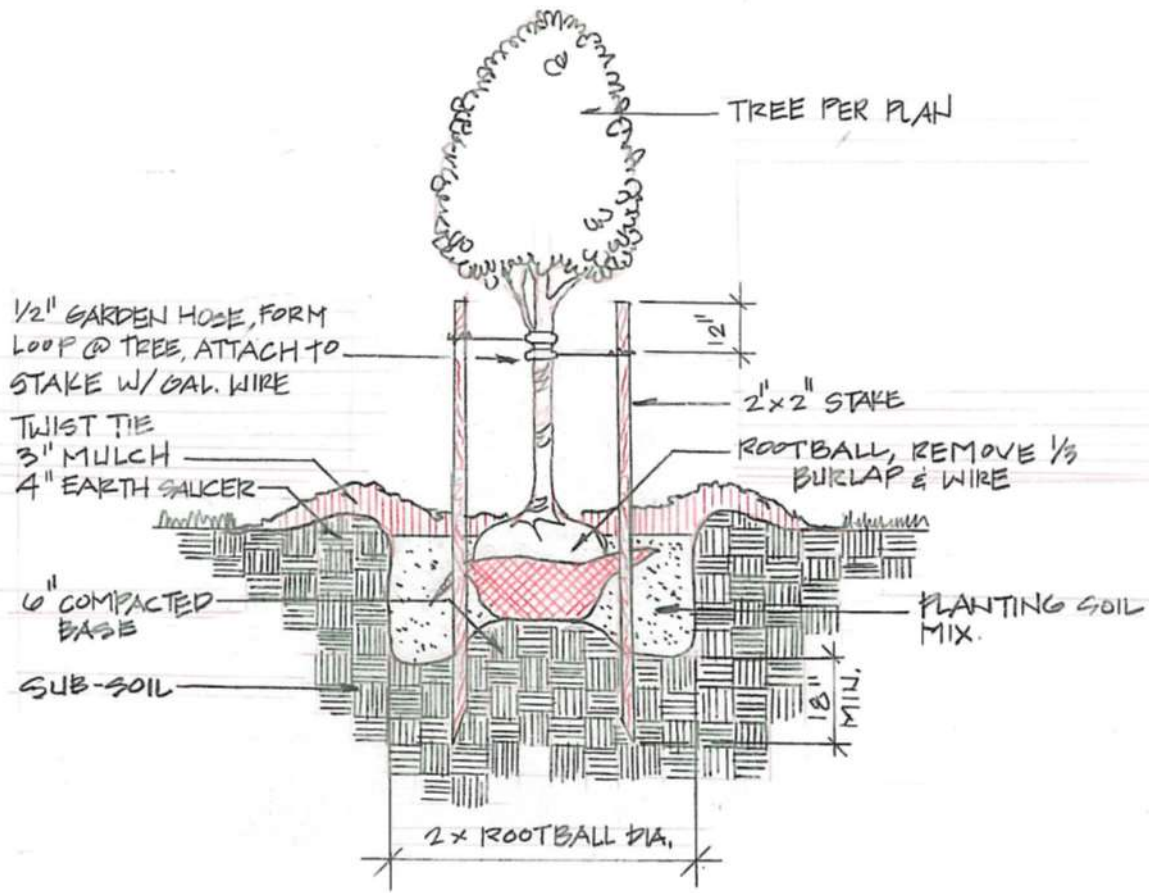


GROUND COVER PLANTING
PERENNIALS NTS.



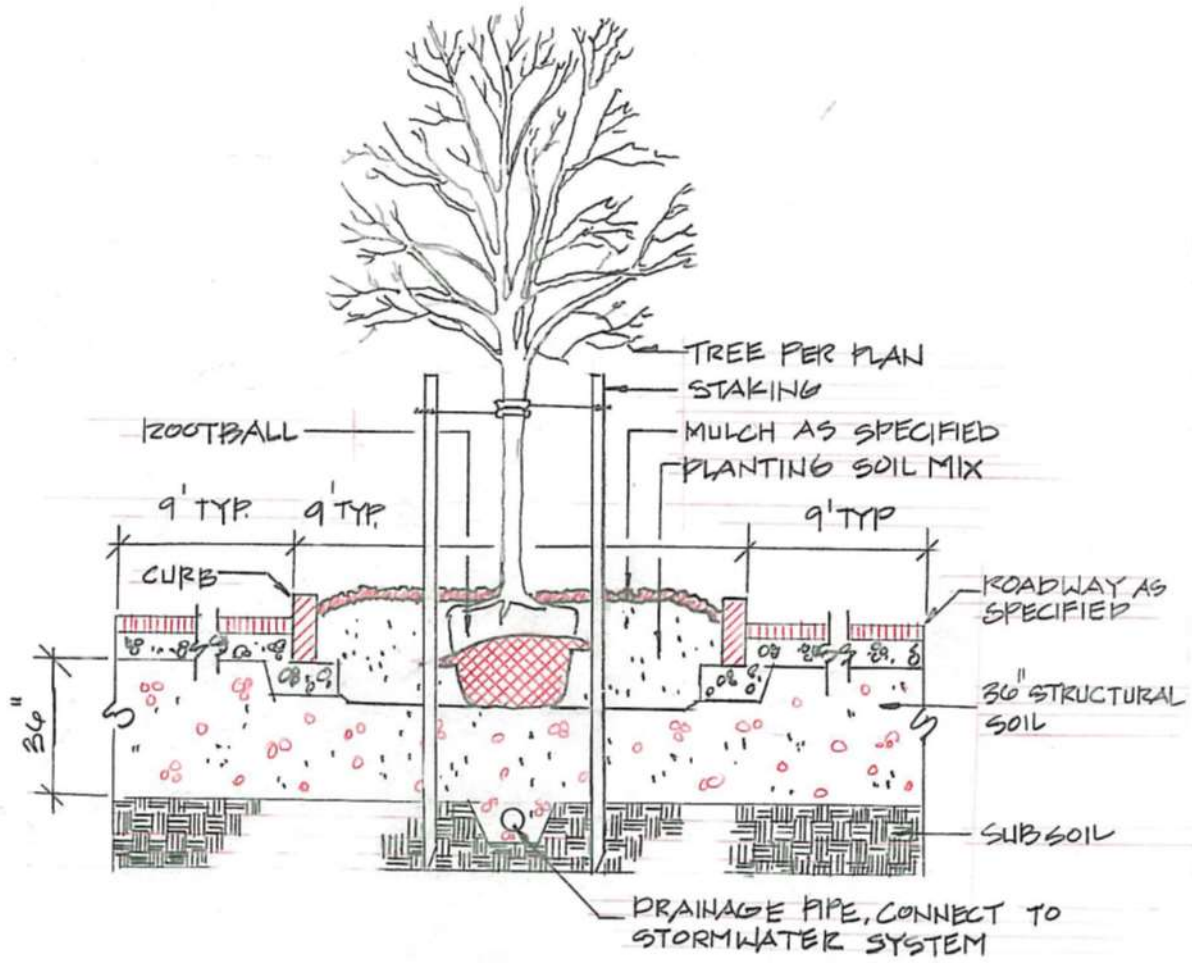
SHRUB PLANTING

NTS



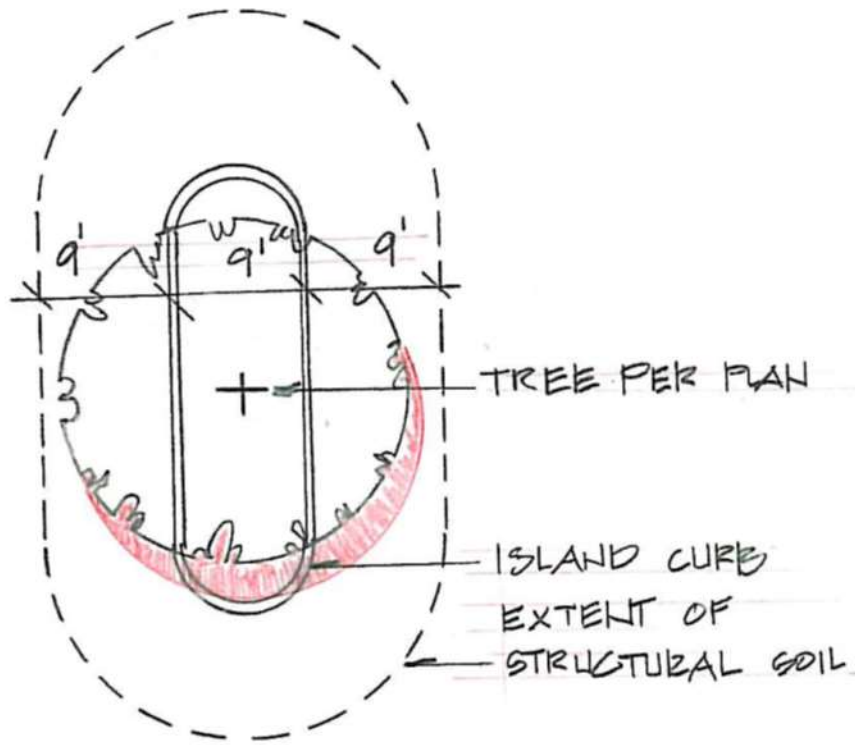
TREE PLANTING

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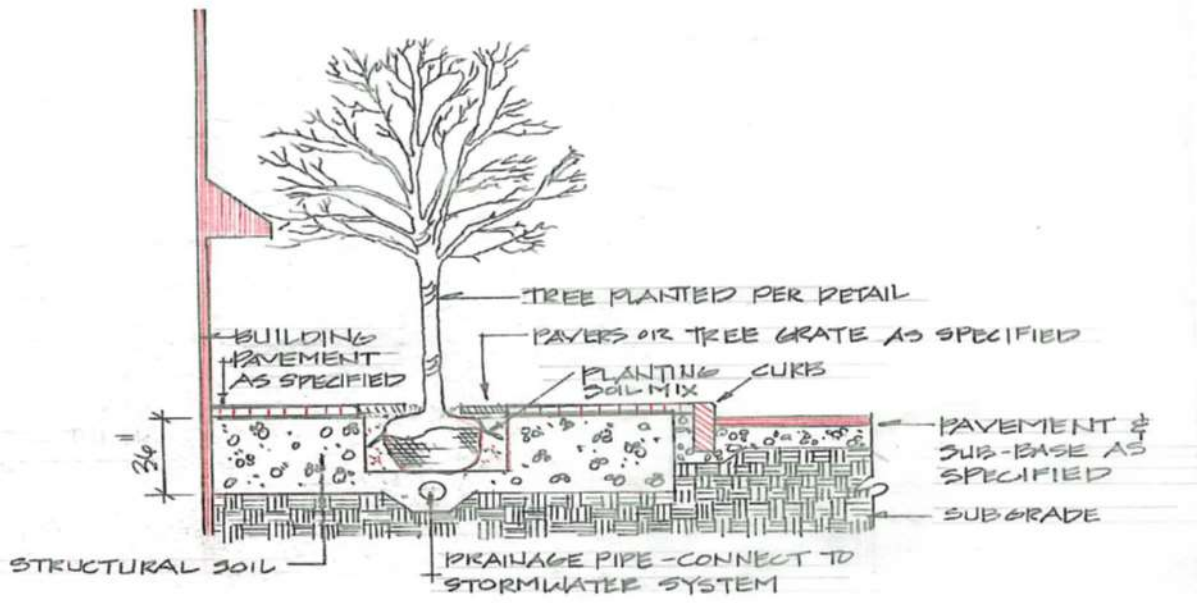
TYPICAL PARKING LOT ISLAND
TREE PLANTING

NTS.



PLAN VIEW - TREES IN PARKING LOT & PLAZAS

NTS



STREET TREE WITHIN SIDEWALK

NTS.

APPENDIX D PLAT CERTIFICATION FORMS

Division D-1

CITY OF FLORENCE
CLOSE-OUT PACKAGE CHECKLIST

SUBDIVISION NAME _____

PROJECT ENGINEER _____

ITEMS

1. Engineer's Letter/Certificate of Completion of water, sewer, storm drainage, and/or road construction to the City.
2. Three sets of record drawings. Four if county close-out package is also applicable.
3. Owner's Guarantee and Warranty on water and/or sewer Affidavit form.
4. Instrument of Conveyance on water, sewer, easements, storm drainage, streets and traffic control devices to the City.
5. DHEC permits to operate water and sewer system.
6. Verification of street acceptance by County; or letter of acceptance from SCDOT if an encroachment permit was involved. **(NOT APPLICABLE ON SOME SUBDIVISIONS)**
7. Recorded copies of easements and deeds, if the City needs interests in real property. **(NOT APPLICABLE ON SOME SUBDIVISIONS)**
8. Guarantee of Road Repaving.
9. Accuracy of Land Survey.
10. Certificate of Ownership, Dedication, and Taxes Paid.
11. Acceptance of Design and Installation of Streets, Utilities, and Other Required Improvements.
12. Certificate of Non-Revision Verification.

Is Escrow Involved? Yes () No () Amount _____

Status _____

STATE OF SOUTH CAROLINA)
CITY OF FLORENCE)
FLORENCE COUNTY)

**OWNER'S GUARANTEE
AND WARRANTY**

Personally appeared before me _____ who
being duly sworn deposes and says he/she is the president of _____
and that he/she warrants materials, equipment and construction of the water system, sewer system and water
and sewer service appurtenances to serve _____ residential lots as shown on
Plans by _____ for _____
Subdivision, located in the City of Florence, South Carolina on Tax Map _____.

This warranty is to the City of Florence against any failure of the equipment and construction of
said water and sewer systems for a period of twelve (12) months from date of this warranty.

Further, he/she warrants that all fees have been paid in connection with the water and sewer
systems of said project and that there are no outstanding debts and he/she agrees to hold the City of Florence
harmless in each instance. These warranties are given pursuant to Section 12-106 of the Florence Code.

OWNER

DATE

Sworn to before me this _____ day of
_____, 20____

Notary Public for South Carolina
My Commission Expires: _____

STATE OF SOUTH CAROLINA)
CITY OF FLORENCE)
COUNTY OF FLORENCE)

CONVEYANCE

WHEREAS, pursuant to the provisions of and subject to the terms of a City of Florence Unified Development Ordinance adopted _____20____, entitled " _____ does hereby wish to convey unto the City of Florence the following: _____

NOW, THEREFORE, Know All Men by these Presents, that for and in consideration of the sum of _____dollars paid by the City of Florence, a municipal corporation in the State of South Carolina, to _____, Grantor, the Grantor has and by these present does hereby release, set over and convey unto the City of Florence, its successor and assigns forever:

All of its right, title, and interest in and to: (the easements, all streets, water system improvements, sewer system improvements, storm drainage improvements, and traffic control devices) in the subdivision known as _____ as shown on the plat prepared by _____ dated _____, which is attached hereto and made a part and parcel hereof.

DATED this _____ day of _____, 20____, by the signed, sealed and delivered in the presence of:

WITNESSETH:

GRANTOR

WITNESS

Sworn to before me this _____ day of _____, 20____

WITNESS

Notary Public for South Carolina
My Commission Expires: _____

**CITY OF FLORENCE
CONTRACT
GUARANTEE OF REPAVING**

The undersigned Developer, _____, hereby
agrees to repave any street which fails to withstand the traffic of heavy construction vehicles during the
construction of houses within the _____

Subdivision/Property; in the event that it is necessary for the Developer to pave the subdivision streets prior to
construction of sixty-six percent (66%) of the houses.

It is agreed that this Contract shall automatically be fulfilled and terminated when ninety percent (90%)
of all houses are built and lots sold, or after four (4) years of the date of Final Plat Approval unless the City
Engineer determines that the street pavement has failed, in which event the Developer shall be officially notified.

DATED THIS _____ day of _____, 20____.

Developer

Subdivision Engineer

CERTIFICATE OF ACCURACY OF LAND SURVEY
(Must Accompany the Final Plat)

I hereby certify that the plan and described hereon for _____

Subdivision/property/plat represents a true and correct survey, that the monuments shown have been placed in accordance with specifications set forth in the City of Florence Unified Development Ordinance, and that the survey was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and meets or exceeds the requirements for a Class A Survey.

Date

Surveyor

Date

Owner

Surveyor's Signature and Number

CERTIFICATE OF OWNERSHIP, DEDICATION, AND TAXES PAID
(Must Accompany the Final Plat)

I hereby certify that I am the owner of the property shown and described hereon as _____ Subdivision, and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, public and private use as noted. I also certify that all current state, county and city taxes or other assessments relative to this property have been paid.

Date

Owner

**CERTIFICATE OF
ACCEPTANCE OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES,
AND OTHER REQUIRED IMPROVEMENTS
(Must Accompany the Final Plat)**

I hereby certify that all streets, utilities and other improvements required by the City of Florence Unified Development Ordinance have been installed in an acceptable manner and according to City specifications and standards in _____

Subdivision; or that a guarantee of installation of the required improvements, in an amount and manner satisfactory to the City of Florence, has been received.

DATED THIS _____ day of _____, 20____.

Subdivision Engineer

City Engineer Division Manager

City Manager

CERTIFICATE OF NON-REVISION VERIFICATION

I hereby certify that the plan shown and described hereon for _____

Subdivision/property/plat represents no revisions from the development plat to final plat stage and that the final plat is submitted in accordance with the specifications set forth in the City of Florence Unified Development Ordinance.

Date

Subdivision Surveyor

Date

Owner