

ZONING AND LAND DEVELOPMENT ORDINANCE

**TOWN OF HAMPTON
SOUTH CAROLINA**

Vismor & Associates, Inc.

**ZONING AND LAND DEVELOPMENT ORDINANCE
TOWN OF HAMPTON, SOUTH CAROLINA**

AN ORDINANCE OF THE TOWN OF HAMPTON, SOUTH CAROLINA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE HEIGHT OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

IN ACCORDANCE WITH AUTHORITY CONFERRED BY THE GENERAL STATUTES OF SOUTH CAROLINA, 1976 CODE OF LAWS, TITLE 6, CHAPTER 29 OF THE COMPREHENSIVE PLANNING ENABLING ACT OF 1994, AS AMENDED, AND FOR THE PURPOSE OF PROMOTING PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, APPEARANCE, PROSPERITY, AND GENERAL WELFARE; LESSENING CONGESTION IN THE STREETS; SECURING SAFETY FROM FIRE; PROVIDING ADEQUATE LIGHT, AIR, AND OPEN SPACE; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATION OF POPULATION; FACILITATING THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; PROTECTING AND PRESERVING SCENIC, HISTORIC AND ECOLOGICALLY SENSITIVE AREAS; FACILITATING THE PROVISION OF PUBLIC SERVICES, AFFORDABLE HOUSING, AND DISASTER EVACUATION, IN HARMONY WITH THE COMPREHENSIVE PLAN FOR THE TOWN OF HAMPTON, SOUTH CAROLINA, THE TOWN COUNCIL HEREBY ORDAINS AND ENACTS INTO LAW THE FOLLOWING ARTICLES AND SECTIONS, WHICH SHALL COMPRISE AND BE KNOWN AS **THE ZONING AND LAND DEVELOPMENT ORDINANCE OF THE TOWN OF HAMPTON, SOUTH CAROLINA**, AND SHALL BE APPLICABLE THROUGHOUT THE CORPORATE LIMITS OF THE TOWN, AS NOW OR HEREAFTER ESTABLISHED.

Table of Contents

<u>Title</u>	<u>Page</u>
ARTICLE 1 ESTABLISHMENT OF ZONING DISTRICTS.....	1
Section 1.1 Establishment of Districts.....	2
Section 1.2 Purpose of Districts.....	2
Section 1.3 Establishment of Official Zoning Map	3
Section 1.4 Amendments to the Official Zoning Map	4
Section 1.5 Rules for Interpretation of District Boundaries on the Official Zoning Map	4
Section 1.6 Zoning Annexed Property	5
ARTICLE 2 ZONE DISTRICT REGULATIONS	6
Section 2.1 Establishment of Tables.....	6
Section 2.2 Use of Tables	6
ARTICLE 3 CONDITIONAL USE REGULATIONS.....	13
Section 3.1 Multi-Family Housing, Residential Care Facilities and Group Occupied Dwellings.....	14
Section 3.2 Townhouses.....	14
Section 3.3 Patio and Zero Lot Line Housing	15
Section 3.4 Manufactured Dwellings.....	15
Section 3.5 Home Occupations	18
Section 3.6 Accessory Residential Storage Buildings/Areas	18
Section 3.7 Communication Towers and Antennas.....	19
Section 3.8 Adult Uses.....	21
Section 3.9 Bed and Breakfast Inns	23
Section 3.10 Temporary Uses and Structures.....	24
Section 3.12 Accessory Apartments.....	26
Section 3.13 Mini-Warehouses	27
ARTICLE 4 COMMUNITY APPEARANCE, BUFFERING, LANDSCAPING, AND TREE PROTECTION REGULATIONS	30
Section 4.1 Buffer Areas	30

Table of Contents

<u>Title</u>	<u>Page</u>
Section 4.2 Landscaping	36
Section 4.3 Tree Protection	40
ARTICLE 5 SIGN REGULATIONS.....	43
Section 5.1 Purpose	43
Section 5.2 Applicability and Conformance	43
Section 5.3 Signs on Private Property	43
Section 5.4 Signs in the Public Right-of-Way.....	46
Section 5.5 Temporary Signs	46
Section 5.6 Prohibited Signs	47
Section 5.7 Development Standards.....	48
Section 5.8 Sign Measurement.....	48
Section 5.9 Removal of Signs.....	49
ARTICLE 6 SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS.....	52
Section 6.1 Off-Street Parking	52
Section 6.2 Off-Street Loading	55
Section 6.3 Approval of Parking and Off-Street Loading Plans and Layouts	55
Section 6.4 Parking, Storage or Use of Travel Trailers or Recreational Vehicles in Residential Zones	56
Section 6.5 Parking, Storage and Use of Non-Recreational Vehicles and Equipment in Residential Zones.....	56
Section 6.6 Parked Vehicles/Retail Sales	57
ARTICLE 7 LAND DEVELOPMENT REGULATIONS.....	58
Section 7.1 Purpose	58
Section 7.2 Site Design Standards, Generally.....	58
Section 7.3 Streets and Roads	59
Section 7.4 Curb and Gutter	62
Section 7.5 Shoulders	62

Table of Contents

<u>Title</u>	<u>Page</u>
Section 7.7 Storm Water Drainage Systems.....	64
Section 7.8 Easements.....	65
Section 7.9 Blocks.....	66
Section 7.10 Lots.....	67
Section 7.11 Sidewalks	70
Section 7.12 Areas Subject To Flooding.....	71
Section 7.13 Water Supply.....	72
Section 7.14 Sanitary Sewerage Facilities.....	72
Section 7.15 Fire Hydrants.....	73
Section 7.16 Survey and Markings.....	73
ARTICLE 8 GENERAL AND ANCILLARY REGULATIONS	74
Section 8.1 Application of Regulations	74
Section 8.2 Exceptions and Modifications	74
Section 8.3 Measurements	76
Section 8.4 Number of Principal Buildings/Uses on a Lot	78
Section 8.5 Visibility at Intersections.....	78
Section 8.6 Accessory Buildings and Uses.....	79
Section 8.7 Nonconformities	81
Section 8.8 Erosion and Sediment Control	83
ARTICLE 9 ESTABLISHMENT, POWERS AND DUTIES OF OFFICIALS, COMMISSIONS AND BOARDS RESPONSIBLE FOR ADMINISTRATION OF THIS ORDINANCE	85
Section 9.1 Zoning Administrator.....	84
Section 9.2 Planning Commission	85
Section 9.3 Zoning Board of Appeals (ZBA).....	86
ARTICLE 10 ADMINISTRATION, APPLICATION AND REQUIRED PERMITS.....	91
Section 10.1 Purpose	91
Section 10.2 Responsibility	91

Table of Contents

<u>Title</u>	<u>Page</u>
Section 10.3 Types of Applications.....	91
Section 10.4 Eligible Applicants.....	92
Section 10.5 Application Procedures For Change or Relief.....	93
Section 10.6 Application Procedures to Develop or Alter the Use of Land	96
Section 10.8 Application Requirements and Fees	106
Section 10.9 Required Permits	106
Section 10.10 Types of Required Permits	107
Section 10.12 Sign Permits.....	109
Section 10.13 Occupancy Permits	110
Section 10.14 Grading Permits.....	109
Section 10.15 Inspections for Compliance	110
Section 10.16 Expiration of Permits.....	111
Section 10.17 Complaints Regarding Violations.....	111
Section 10.18 Penalties for Violations	111
Section 10.19 Vested Rights.....	110
ARTICLE 12 DEFINITIONS.....	114
ARTICLE 13 LEGAL STATUS PROVISIONS	126
Section 13.1 Conflict With Other Laws	126
Section 13.2 Validity.....	126
Section 13.3 Repeal of Conflicting Ordinances	126
Section 13.4 Effective Date	126

ARTICLE 1

ESTABLISHMENT OF ZONING DISTRICTS, PURPOSE OF DISTRICTS, AND RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES

Section 1.1 Establishment of Districts

For the purpose of this Ordinance, the Town of Hampton is hereby divided into the following zoning districts:

Map Symbol

SF	Single-Family Residential District
GR	General Residential District
MH	Mobile Home District
GOCD	General Office Commercial District
HC	Highway Commercial District
CC	Core Commercial District
I	Industrial District

Section 1.2 Purpose of Districts

Collectively, these districts are intended to advance the purposes of this Ordinance, as stated in the Preamble. Individually, each district is designed and intended to accomplish the following more specific objectives.

SF, Single-Family Residential District. The SF District is intended to foster, preserve and protect areas of the community in which the principal use of land is for detached, site built single-family dwellings, and limited residential support facilities at low densities.

GR, General Residential District. The GR District is intended to foster, preserve and protect areas of the community for higher density, mixed use residential development. It is intended to accommodate a range of housing which meets the diverse economic and social needs of the population and to provide a protected residential environment. Senior housing, congregate

care and group facilities, cluster subdivisions, town houses, patio homes and similar land conservation housing types are permitted with commonly maintained recreational and open space.

MH, Mobile Home District. The MH District is intended to foster, preserve and protect areas of the community in which the principal use of land is for manufactured housing, parks, or mixed with site-built single-family dwellings and limited residential support uses.

GOCD. General Office Commercial District. The GOCD District is intended to accommodate office, institutional, limited personal service and residential uses in areas whose character is mixed, in transition, or otherwise suitable for limited mixed use development.

HC, Highway Commercial District. The HC District is intended to provide for and promote the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. Toward this end, a wide range of business, commercial and light industrial uses are permitted in this district.

CC, Core Commercial District. The CC District is intended to promote the concentration and vitality of commercial and business uses in Downtown Hampton. This district is characterized by wall-to-wall and lot-line-to-lot-line development, sidewalks, and public parking.

I, Industrial District. The intent of the I District is to provide for development of wholesaling, distribution, storage, processing and manufacturing uses in an environment suited to such uses and operations while promoting land use compatibility within the Town of Hampton.

Section 1.3 Establishment of Official Zoning Map

The boundaries of the use districts established by this Ordinance are shown on the official zoning map, which shall be identified by the signature of the Mayor, attested by the Town Clerk and maintained at Town Hall. The official zoning map and all amendments, certifications, citations and other matters entered on to the official zoning map are hereby made a part of this Ordinance and have the same legal effect as if fully set out herein.

No changes of any nature shall be made on the official Zoning Map or

matters shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided by law.

Section 1.4 Amendments to the Official Zoning Map

Amendments to the official zoning map shall be adopted by Ordinance as provided for by this Ordinance. Promptly after the adoption of an amendment the Zoning Administrator shall alter or cause to be altered the official zoning map to indicate the amendment and the effective date of the Ordinance amending the map.

Section 1.5 Rules for Interpretation of District Boundaries on the Official Zoning Map

Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the following rules shall apply.

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or public utility easements shall be construed to follow such centerlines.
- (2) Boundaries indicated, as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
- (3) Boundaries indicated as approximately following the Town limits shall be construed as following such Town limits.
- (4) Boundaries indicated as parallel to, or extensions of features indicated in Subsections 1 through 3 above shall be so construed.

If distances are not specifically indicated on the official zoning map, or in other circumstances not covered by Subsections 1 through 3 above, the boundaries shall be determined by the use of scale of such map.

- (5) Where uncertainties continue to exist after the application of the

other rules in this Section, appeal for clarification may be taken to the Board of Zoning Appeals.

Section 1.6 Zoning Annexed Property

All the territory which may hereafter be annexed into the Town of Hampton shall be submitted first to the Hampton Planning Commission for zoning designation. Representatives of the annexed territory may request a zoning classification at the time of annexation, but it must be reviewed by the Commission, which shall submit its recommendation as to the type of zoning to be attached to said territory to Town Council.

ARTICLE 2

ZONE DISTRICT REGULATIONS

Section 2.1 Establishment of Tables

The uses permitted in the several zoning districts established by Article 1, the off-street parking requirements, and the dimensional requirements of each are set forth herein. These requirements are presented through the use of tables, in Section 2-2.

Table 1 sets forth use and off-street parking requirements for all districts. Table 2 sets forth lot area, yard, setback, and height requirements for all districts.

Section 2.2 Use of Tables

Where the symbol “**P**” is shown on Table 1, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Ordinance.

Where the symbol “**C**” is shown, the use to which it refers is conditionally permitted in the indicated district, subject to applicable conditions and requirements contained in Article 3, which requirements are referenced by a Section number following each conditionally permitted use.

Where the symbol “**N**” is shown on the table, the use to which it refers is not permitted in the indicated district.

Where a use is not specifically listed on the Table, it shall be understood that the use may be allowed if it is determined by the Zoning Administrator that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified on the Table, and anticipating that new uses will evolve over time, this section establishes the Administrator's authority to compare a proposed use and measure it against those listed on the Table for determining similarity. In determining similarity, the Administrator shall make all of the following findings:

1. The proposed use shall meet the intent of, and be consistent

with the goals, objectives and policies of the Comprehensive Plan;

2. The proposed use shall meet the stated purpose and general intent of the district in which the use is proposed to be located;
3. The proposed use shall not adversely impact public health, safety, and general welfare; and
4. The proposed use shall share characteristics common with, and not be of greater intensity, density, or generate more environmental impact, than those listed in the district in which it is to be located.

Table 1: Schedule of Permitted and Conditional Uses, and Off-Street Parking Requirements, By Zoning District

	SF	GR	MH	GO CD	HC	CC	I	Required Off-Street Parking Space (a)
Residential Uses								
Single-family Detached	P	P	P	P	P	N	N	2.0 spaces per unit
Duplex	N	P	P	P	P	N	N	2.0 spaces per unit
Multi-family, Apartments (Sec. 3.1)	N	C	N	C	C	N	N	2.0 spaces per unit
Townhouses (Sec. 3.2)	N	C	N	C	C	N	N	2.0 spaces per unit
Patio Homes (Sec. 3.3)	N	C	N	C	C	N	N	2.0 spaces per unit
Residentially designed manufactured homes (Sec. 3.4)	N	N	C	N	N	N	N	2.0 spaces per unit
Standard designed manufactured homes (Manufactured home parks only -Sec. 3.4)	N	N	C	N	N	N	N	NA
Manufactured Home Parks (Sec. 3.14)	N	N	C	N	N	N	N	NA
Modular Homes	P	P	P	P	P	N	N	2.0 spaces per unit
Residential Care Home & Facilities (Sec. 3.1)	C	C	C	C	P	N	N	0.4 per bed
Rooming houses, dormitories & group occupied dwellings (Sec. 3.1)	N	C	N	C	P	N	N	1.0 per bedroom
Accessory Uses to Residential Uses								
Bathhouses & Cabanas	P	P	P	P	P	P	N	NONE
Domestic animal shelters	P	P	P	P	P	P	N	NONE
Non-commercial greenhouses	P	P	P	P	P	P	N	NONE
Private garage & carport	P	P	P	P	P	P	N	NONE
Storage building (Sec.3.6) (b)	C	C	C	C	P	C	N	NONE
Swimming pool, tennis courts	P	P	P	P	P	P	N	NONE
Auxiliary shed, workshop	P	P	P	P	P	P	N	NONE
Home Occupations (Sec. 3.5)	C	C	C	C	P	P	N	NONE
Horticulture, gardening	P	P	P	P	P	P	N	NONE
Family day care home	P	P	P	P	P	P	N	NONE
Accessory Apartments (Sec. 3.12)	C	P	N	P	P	C	N	NONE
Agricultural Uses								
Crop farming	P	P	P	P	P	N	P	NONE
Livestock, poultry, swine, horses, etc.	N	N	N	N	N	N	N	NA
Landscaping & Horticulture	N	N	N	N	P	N	P	1.0 per 1000 sq ft GFA
Veterinary Services (domestic)	N	N	N	N	P	N	P	1.0 per 350 sq Ft GFA
Veterinary Services (Livestock)	N	N	N	N	N	N	P	1.0 per 350 sq. ft. GFA
Construction Uses								
Bldg. Construction- general and special trade contractors	N	N	N	N	P	P	P	1.0 per 1,000 sq. ft. GFA
Heavy Construction other than building construction contractors	N	N	N	N	N	N	P	1.0 per 1,000 sq. ft. GFA
Manufacturing Uses								
Food & kindred products	N	N	N	N	N	N	P	1.0 per 500 sq. ft.GFA
Textile mill products	N	N	N	N	N	N	P	1.0 per 500 sq. ft.GFA
Apparel & other finished prod. made from fabric & similar material	N	N	N	N	P	N	P	1.0 per 500 sq. ft. GFA
Lumber & wood products, except furniture	N	N	N	N	N	N	P	1.0 per 500 sq. ft.GFA
Furniture & fixtures	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Printing, publishing, & allied industries	N	N	N	N	P	P	P	1.0 per 500 sq. ft. GFA
Stone, clay, glass, & concrete prods.	N	N	N	N	N	N	P	1.0 per 1,000 sq ftGFA
Fabricated metal products	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Industrial & Commercial machinery & computer equipment	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA

	SF	GR	MH	GO CD	HC	CC	I	Required Off-Street Parking Space (a)
Manufacturing Uses (continued)								
Electronic & other electrical equip. & components, except computer equip.	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Measuring, analyzing, & controlling instruments; photographic, medical, optical goods; watches & clocks	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Transportation, Communications & Utilities								
Motor freight transport. & warehousing	N	N	N	N	N	N	P	1.0 per 500 sq. ft. GFA
Mini-warehouses (Sec. 3.13)	N	N	N	N	C	N	P	1.0 per 6 storage units
U.S. Postal Service	N	N	N	P	P	P	P	1.0 per 250 sq. ft. GFA
Public Transportation Services, Facilities	N	N	N	N	P	P	P	1.0 per 500 sq. ft. GFA
Communications, except towers	N	N	N	N	P	P	P	1.0 per 500 sq. ft. GFA
Communication towers & ant. (Sec. 3.7)	N	N	N	N	N	N	C	NONE
Electric Generation & Facilities	N	N	N	N	P	N	P	1.0 per 500 sq. ft. GFA
Propane Gas Storage (Bulk)	N	N	N	N	P	N	P	1.0 per 500 sq. ft. GFA
Water treatment & storage	P	P	P	P	P	N	P	1.0 per 500 sq. ft. GFA
Sewage Treatment	P	P	P	P	P	N	P	1.0 per 500 sq. ft. GFA
Refuse systems/facilities	N	N	N	N	P	N	P	1.0 per 500 sq. ft. GFA
Recyclable collection	N	N	N	N	P	N	P	1.0 per 50 sq. ft. GFA
Air conditioning supplies	N	N	N	N	P	P	P	1.0 per 500 sq. ft. GFA
Wholesale trade	N	N	N	N	P	P	P	1.0: 5,000 sq. ft. GFA
Retail Trade								
Lumber & bldg. Materials	N	N	N	N	P	N	P	1.0 per 950 sq ft GFA
Paint, glass, & wallpaper	N	N	N	N	P	P	P	1.0 per 800 sq. ft. GFA
Hardware stores	N	N	N	N	P	P	P	1.0 per 350 sq. ft. GFA
Retail nurseries, lawn, & garden supp.	N	N	N	N	P	P	P	1.0 per 350 sq. ft. GFA
Mobile Home dealers	N	N	N	N	P	N	P	1.0 per 600 sq. ft. GFA
General Merchandise stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Food Stores	N	N	N	N	P	P	P	1.0 per 350 sq. ft. GFA
Motor vehicle dealers	N	N	N	N	P	N	P	1.0 per 600 sq. ft. GFA
Auto, home supply stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Gasoline service stations	N	N	N	N	P	N	P	1.0 per 600 sq. ft. GFA
Truck stops	N	N	N	N	P	N	P	NA
Boat dealers	N	N	N	N	P	P	P	1.0 per 600 sq. ft. GFA
Recreational vehicle dealers	N	N	N	N	P	N	P	1.0 per 600 sq. ft. GFA
Motorcycle dealers	N	N	N	N	P	N	P	1.0 per 600 sq. ft. GFA
Apparel & accessory stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Home furniture, furnishings, & equip. stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Eating places- Food & Drink; Restaurants	N	N	N	N	P	P	P	1.0 per 150 sq. ft. GFA
Bars, Lounges, Night Clubs	N	N	N	N	P	P	N	1.0 per 150 sq. ft. GFA
Drug & proprietary	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Liquor Stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Used merchandise, except pawn shops and flea markets	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Pawn shops	N	N	N	N	P	P	N	1.0 per 350 sq ft GFA
Flea markets	N	N	N	N	P	N	P	1.5 per stall
Sporting goods & bicycle shops	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Book Stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Stationary shops	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Jewelry stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Hobby, toy, & game shops	N	N	N	N	P	P	N	1.0 per 350 sq ft GFA
Camera & photography supply	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Gift, novelty, & souvenir shops	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Luggage & leather goods stores	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA

	SF	GR	MH	GO CD	HC	CC	I	Required Off-Street Parking Space (a)
Retail Trade (continued)								
Sewing, needle & piece goods	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Non-store retailers	N	N	N	N	P	P	N	1.0 per 500 sq. ft. GFA
Fuel dealers	N	N	N	N	P	N	N	1.0 per 500 sq. ft. GFA
Gravestones, monuments	N	N	N	N	P	N	P	1.0 per 500 sq. ft. GFA
Adult Uses (Sec. 3.8)	N	N	N	N	C	N	N	1.0 per 500 sq. ft. GFA
Fireworks Stores (Sec. 3.12)	N	N	N	N	C	N	N	1.0 per 350 sq. ft. GFA
Vendors (Sec. 3.11)	N	N	N	N	C	C	C	2 per vendor
Retail uses not listed above	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Finance, Insurance, & Real Estate								
Banks, Mortgage, & Credit Institutions	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Insurance Carriers	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Real Estate	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Personal Services								
Bed & Breakfast Inns (Sec. 3.9)	C	C	C	C	P	C	N	See Sec. 3.9
Hotels & Motels	N	N	N	P	P	P	N	1.5 per rental unit
Laundry, cleaning, & garment services	N	N	N	P	P	P	N	1.0 per 500 sq. ft. GFA
Photographic studios, portraits	N	N	N	P	P	P	N	1.0 per 300 sq. ft. GFA
Beauty shops	N	N	N	P	P	P	N	2.5 per chair or basin
Barber shops	N	N	N	P	P	P	N	2.5 per chair or basin
Shoe repair	N	N	N	P	P	P	N	1.0 per 300 sq. ft. GFA
Funeral Homes	N	N	N	P	P	P	P	1.0 per 150 sq. ft. GFA
Cemeteries	N	N	N	N	P	N	P	NONE
Crematories	N	N	N	N	N	N	P	NA
Tattoo Parlors (Sec. 3.12)	N	N	N	N	C	N	N	NA
Palm Readers & Physics (Sec. 3.12)	N	N	N	N	C	N	N	
Misc. personal services	N	N	N	P	P	P	N	1.0 per 300 sq. ft. GFA
Business & Auto Services								
Advertising Agencies	N	N	N	P	P	P	P	1.0 per 600 sq. ft. GFA
Signs	See Article 5							
Reproduction, Mailing, graphical arts	N	N	N	P	P	P	P	1.0 per 600 sq. ft. GFA
Equipment Rental	N	N	N	P	P	P	P	1.0 per 600 sq. ft. GFA
Offices	N	N	N	P	P	P	P	1.0 per 600 sq. ft. GFA
Computer programming, data processing	N	N	N	P	P	P	P	1.0 per 600 sq. ft. GFA
Junk & Salvage operations	N	N	N	N	N	N	N	
Auto repair, leasing, service	N	N	N	N	P	N	P	1.0 per 400 sq. ft. GFA
Miscellaneous Repairs	N	N	N	N	P	P	P	1.0 per 400 sq. ft. GFA
Amusement & recreation services								
Dance studio & schools	N	N	N	P	P	P	N	1.0 per 200 sq. ft. GFA
Bowling Centers	N	N	N	N	P	N	N	1.0 per 350 sq. ft. GFA
Miscellaneous amusement	N	N	N	N	P	P	N	1.0 per 250 sq. ft. GFA
Physical fitness facilities	N	N	N	P	P	P	N	1.0 per 300 sq. ft. GFA
Public golf courses	P	P	P	N	P	N	N	5.0 per hole
Coin operated amusements	N	N	N	N	P	P	N	1.0 per 350 sq. ft. GFA
Amusement services	N	N	N	N	P	P	N	1.0 per 250 sq. ft. GFA
Golf, tennis, & swimming clubs	P	P	P	P	P	N	N	1.0 per 4 members
Video Rental	N	N	N	P	P	P	N	1.0 per 300 sq. ft. GFA
Pool Parlors (Sec.3.12)	N	N	N	N	C	C	N	1.0 per 350 sq. ft. GFA
Public parks & playgrounds	P	P	P	P	P	P	P	Review of Zoning Administrator
Health Services								
Offices & clinics of doctors	N	N	N	P	P	P	N	1.0 per 150 sq. ft. GFA
Offices & clinics of dentists	N	N	N	P	P	P	N	1.0 per 150 sq. ft. GFA
Offices & clinics of other health practitioners	N	N	N	P	P	P	N	1.0 per 150 sq. ft. GFA

	SF	GR	MH	GO CD	HC	CC	I	Required Off-Street Parking Space (a)
Hospitals	N	N	N	P	P	P	N	0.7 per bed
Medical & dental laboratories	N	N	N	P	P	P	P	1.0 per 500 sq. ft. GFA
Misc. health & allied services	N	N	N	P	P	P	N	1.0 per 500 sq. ft. GFA
Legal Services	N	N	N	P	P	P	N	1.0 per 350 sq. ft. GFA
Educational Services								
Elementary schools	P	P	P	P	P	N	N	2.0 per classroom, plus 5 admin. spaces
Secondary schools	P	P	P	P	P	N	N	2.0 per classroom, plus 2 per Office
Colleges, universities, professional schools	N	N	N	P	P	P	P	5.0 per classroom, plus 2 per Office
Libraries	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Vocational schools	N	N	N	P	P	P	P	5.0 per classroom, plus 2 per Office
Other schools & educational services.	N	N	N	P	P	P	N	5.0 per classroom, plus 2 per Office
Social Services								
Individual & family social services	N	N	N	P	P	P	N	1.0 per 350 sq. ft. GFA
Job training & vocational rehabilitation	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Day care services	N	N	N	P	P	P	N	1.0 per 200 sq. ft. GFA
Other social services	N	N	N	P	P	P	N	1.0 per 500 sq. ft. GFA
Museums, Art Galleries	N	N	N	P	P	P	N	1.2 per 950 sq. ft. GFA
Miscellaneous Services								
Fraternal, professional, political, civic and business organizations	N	N	N	P	P	P	P	1.0 per 250 sq. ft. GFA
Religious Organizations (Sec. 3.12)	C	C	C	C	C	C	C	1.0 per 250 sq. ft. GFA
Engineering, accounting, research mgt. & related services	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Other services, i.e. artists, authors, geologists, etc.	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Executive, legislative, & general govt.								
Courts	N	N	N	P	P	P	N	1.0 per 350 sq. ft. GFA
Public order & safety institutions	P	P	P	P	P	P	P	1.0 per 350 sq. ft. GFA
Correctional Institutions	N	N	N	N	N	N	P	1.5 per jail cell, plus
Fire protection	P	P	P	P	P	P	P	4.0 per bay
Public finance, taxation, & monetary policy	N	N	N	P	P	P	N	1.0 per 350 sq. ft. GFA
Administration & human resources	N	N	N	P	P	P	N	1.0 per 350 sq. ft. GFA
Administration & housing programs	N	N	N	P	P	P	N	1.0 per 350 sq. ft. GFA
Administration of economic programs	N	N	N	P	P	P	P	1.0 per 350 sq. ft. GFA
Accessories to Non-Residential Uses								
Buildings, structures (b)	NA	P	P	P	P	P	P	NONE
Open storage	NA	N	N	N	P	N	N	NA
Temporary Uses (Sec. 3.10)	C	C	C	C	C	C	C	By Review of Zoning Administrator

(a) Refer to Article 6.

(b) Shipping containers shall not be used as accessory storage buildings.

**Table 2
Schedule of Lot Area, Yard, Setback, Impervious Surface Area and
Height Requirements, by District**

	SF	GR	MH	GOCD	HC	CC	I
Minimum Lot Area							
Residential (sq. ft.)	10,000	(D)	6,000	(D)	(D)	NA	NA
Non-residential (sq. ft.)	20,000	12,000	15,000	6,000	6,000	0	20,000
Minimum Lot width (ft.)	80	60	60	60	60	0	150
Minimum Yard & Building Setback(ft.) (A)							
<i>Front</i>	30	25	25	25	25	0	35
<i>Side</i>							
Residential	12	(E)	10	10	10	NA	NA
Non-residential	50	40	40	10	10	0	25
<i>Rear</i>							
Residential	10	(F)	10	15	15	NA	NA
Non-residential	50	40	40	15	15	10	25
Maximum Impervious Surface Ratio	.35	.45	.45	.45	.45	.90	.75
Maximum Density (B)	3	12	6	12	12	NA	NA
Maximum Height (ft.) (C)	35	40	35	40	30	40	NA

Table Notes:

Refer to Section 7.2 for yard and setback modifications.

sq. ft. – square feet

ft. – feet

NA – Not applicable

Table References:

A – Measurement from property line.

B – Number of units per acre.

C -- Measurement from average elevation of the finished grade at the building line to the highest point on the roof.

D – 6,000 sq. ft. for one-family dwelling; 4,000 sq. ft. for each additional dwelling unit.

E –10 feet single-family &, duplex; 10 feet patio homes (one side only); 15 feet for end unit of Townhouse; 25 feet for Multi-family housing.

F -- 40 feet Multi-family; 10 feet all other residential uses.

ARTICLE 3

CONDITIONAL USE REGULATIONS

The regulations contained in this Article are intended to ameliorate the impact and improve the siting of uses, buildings, and projects whose design and/or operational characteristics could adversely affect surrounding property and environmental conditions. To this end, standards and criteria over and above those set forth elsewhere in this Ordinance are imposed herein on all conditional uses listed on Table 1.

	Section Reference
Multi-Family Housing, Residential Care, Group Occupied Dwellings	3.1
Townhouse Projects	3.2
Patio and zero line housing projects	3.3
Manufactured Dwellings	3.4
Home Occupation	3.5
Residential Storage Buildings/Areas	3.6
Communication Towers & Antennas	3.7
Adult Uses	3.8
Bed and Breakfast Inns	3.9
Temporary uses (portable buildings, tents, etc.)	3.10
Vendors	3.11
Accessory Apartments	3.12
Mini warehouses	3.13
Manufactured Home Parks	3.14

Section 3.1 Multi-Family Housing, Residential Care Facilities and Group Occupied Dwellings

Multi-family housing projects consisting of five or more units or two or more residential care facilities, dormitories, rooming houses or group occupied dwellings designed to accommodate 20 or more individuals shall meet the following design standards.

- (1) Buildings shall be set apart not less than 40 feet.
- (2) Not less than 25 percent of the project site shall be designated, landscaped and permanently reserved as usable common open space.
- (3) Buildings shall not exceed 400 feet from end to end.
- (4) Multiple buildings shall be oriented toward common open space, away from adjacent single-family residential uses and off-street parking areas.
- (5) Trash receptacles shall be oriented away and screened from adjacent residential uses.

Section 3.2 Townhouses

Due to the unique design feature of Townhouses, the following supplemental design requirements shall apply:

- (1) Such projects shall have a minimum of 2 acres.
- (2) Not more than six (6) nor fewer than three (3) Townhouses may be joined together, with approximately the same (but staggered) front line.
- (3) Minimum distance between rows of buildings shall be not less than 20 feet.
- (4) Minimum lot width shall be 18 feet.

- (5) Sidewalks not less than six (6) feet in width shall be provided along the front property line of each project, building.
- (6) Projects consisting of 20 or more units shall devote, designate and landscape not less than 15 percent of the project site as usable common open space.

Section 3.3 Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the following supplemental design requirements shall apply:

- (1) Such projects shall have a minimum of 5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit.
- (3) Minimum lot width shall be 40 feet.
- (4) 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.
- (5) At least one side yard extending not less than six (6) feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of six (6) feet.

Section 3.4 Manufactured Dwellings

Section 3.4-1 Setup

Manufactured dwellings, including homes sited for the first time, or homes involving a change in location, where permitted by this Ordinance, shall:

- 1) Bear a seal showing compliance with the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976. Alternatively, the homeowner shall provide a letter from a manufactured home repair contractor licensed by the state of South Carolina certifying that the unit is retrofitted to these standards.

- 2) Be installed in accord with the regulations of the South Carolina Manufactured Housing Board, 23, S.C. Code Ann. Regs. Section 19-425 et seq.; specifically:

(a) Foundations

Foundations shall be in accord with chapter 19, Paragraph 19-425.43A & B in its entirety, as promulgated from South Carolina Code 40-29.

Foundation shall be installed by personnel licensed in accordance with Chapter 19, Paragraphs 425.25, 425.29 and 425.30.

(b) Tie-Down Anchors

Ground anchors shall be installed in accordance with Chapter 19, Paragraph 19-425.43A & B in its entirety as promulgated from South Carolina Code 40-29.

Anchors shall be installed by personnel licensed in accordance with Chapter 19, Paragraphs 425.25, 425.29 and 425.30.

(c) Curtain Walls and Final Installation

Curtain walls (commonly referred to as Skirting or Underpinning) shall be installed in accordance with manufacturer's installation instructions, and regulations promulgated by the S.C. Manufactured Housing Board under S.C. Code Section 40-29. Skirting materials may consist of vinyl, wood, metal or masonry. Curtain walls shall be secured, as necessary, to assure stability, to minimize vibrations, minimize susceptibility to wind damage, and to compensate for possible frost heave. Access opening(s) not less than 24 inches in any dimension and not less than 3 square feet in area shall be provided and shall be located so that any water supply and sewer drain connections located under the

manufactured home are accessible for inspection. Such access panel(s) or door(s) shall be fastened in a manner that does not require the use of special tools to remove or open same.

Before installation of curtain wall, all debris and grass shall be removed from beneath the manufactured home.

Tongues, drawbars and running gear must be removed from the unit.

(d) Steps and Landings

Each exterior door shall have a landing or porch area with minimum measurements of 36 inches by 36 inches. The minimum width of stairway treads shall be 36 inches. If the exterior door is 30 inches or more above the ground, handrails must be installed. Metal or wood stairs shall be securely anchored to the ground. Concrete masonry unit (CMU) steps must be constructed with standard masonry joints consisting of masonry cement.

Section 3.4-2 Habitability Standards

All manufactured homes brought into the Town of Hampton must provide a safe and sanitary living environment. Accordingly, this Section requires compliance with Minimum Habitability Requirements of the Manufactured Housing Board, Chapter 19, Paragraph 19-425-44 as authorized under Code Section 40-29-50, South Carolina Code of Laws 1976, as amended.

Manufactured homes more than 10 years old must submit to the Zoning Administrator the following information:

1. A copy of the certificate of title to the manufactured home, or a copy of the completed application for a certificate of title submitted to DMV of Form 400;
2. Picture of the manufactured home showing all sides of the home and pictures of every room in the home showing walls, floors and ceilings to be in good condition.

Section 3.5 Home Occupations

Home occupations, as defined by this ordinance, shall meet the following requirements, where conditionally permitted by Table 1.

- (1) The home occupation shall be carried on wholly within the principal building, and shall be properly licensed.
- (2) The floor area dedicated to such use shall not exceed 25 percent of the floor area of the principal dwelling.
- (3) No activity shall be conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard.
- (4) There are no retail sales of goods or other business activity which would generate customers or patrons.
- (5) Not more than one (1) person residing on the premises shall be permitted to work on the premises.
- (6) There is no alteration whatsoever of the residential character of the building(s) and/or premises.
- (7) The occupation, profession, or trade shall generate no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.

Section 3.6 Accessory Residential Storage Buildings/Areas

Storage buildings/areas in residential zones shall not be used for the following:

- (1) Storage in connection with a trade.
- (2) Storage of building materials except in connection with active on-site construction.
- (3) Open storage of any material or use other than accessory to

the principal residential use. Open storage or storage buildings or structures shall not be permitted in any front yard or required setback area.

Section 3.7 Communication Towers and Antennas

Where conditionally permitted as a principal use by Table 1, communication towers and antennas shall adhere to the following regulations.

- (1) All new towers shall be mounted on mono-poles, without need for guy wires, and shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- (2) All applicable safety code requirements shall be met, including requirements for lighting, except that strobe lights shall not be permitted.
- (3) Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations. However, if permitted, they shall be done so in muted colors.
- (4) No tower shall be located in any wetlands.
- (5) No tower or antenna shall 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.
- (6) Towers or antennas shall be exempt from the maximum height requirements of this ordinance; provided such uses shall be setback from adjacent property lines in the A-1, A-2, A-3, MH and AC-1 zoning districts one foot for each one foot in height.
- (7) No advertising of any type may be attached to a communication tower.

- (8) Communication towers shall be removed at the operator's expense within 120 days of the date such tower ceases to be used for its intended purpose.
- (9) Permit requirements for the erection or replacement of a tower or antenna shall be accompanied by the following:
 - (a) One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.
 - (b) A site plan drawn to scale showing property boundaries, tower location, tower height, anchors, existing structures, fall zone (as determined by a structural engineer, licensed & certified in South Carolina), photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].
 - (c) A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.
 - (d) Identification of the owners of all antennae and equipment to be located on the site.
 - (e) Written authorization from the site owner for the application.
 - (f) Evidence that a valid FCC license for the proposed activity has been issued.
 - (g) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
 - (h) A written agreement to remove the tower and/or antenna within 120 days after cessation of use.

- (i) A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the Town and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the Town.

Section 3.8 Adult Uses

Section 3.8-1 Location

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

No such use shall be located within 1,000 feet (measured in a straight line and documented on a map drawn to scale) of:

- (1) a church or religious institution,
- (2) public or private schools and educational facilities,
- (3) public parks and recreational facilities,
- (4) public library, governmental or historical building or marker,
- (5) a cemetery,
- (6) another sexually oriented business,
- (7) day care facilities, or
- (8) Residential care homes and facilities.

Section 3.8-2 License Required

It shall be a misdemeanor for a person to operate a sexually oriented business without a valid permit and/or license, issued by the Town for the particular type of business.

- (1) An application for a permit and/or license must be made on forms provided by the Zoning Administrator.

- (2) The premises must be inspected and found to be in compliance with the law by health, fire and building officials.

Section 3.8-3 Expiration of License

Each permit and/or license shall expire at the end of each calendar year and may be renewed only by making application as provided herein.

Section 3.8-4 Fees

The annual fee for a sexually oriented business license shall be five hundred dollars (\$500).

Section 3.8-5 Inspection

- (1) An applicant or permittee and/or licensee shall permit representatives of the Town's police department, health or fire departments or other governmental departments or agencies involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- (2) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

Section 3.8-6 Suspension

The Zoning Administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permittee and/or licensee has:

- (1) Violated or is not in compliance with any section of this Ordinance, or
- (2) Refused to allow an inspection of the sexually oriented business premises as authorized by this Section.

Section 3.8-7 Revocation

The Zoning Administrator shall revoke a permit and/or license if he determines that:

- (1) A permittee and/or licensee gave false or misleading information in the material submitted to the building department during the application process.
- (2) A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.
- (3) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises.
- (4) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.
- (5) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises.
- (6) A permittee and/or licensee is delinquent in payment to the Town for any taxes or fees past due.

Section 3.9 Bed and Breakfast Inns

Bed and Breakfast Inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where conditionally permitted by this Ordinance, shall:

- (1) Be occupied by the resident/owner.

- (2) Only be permitted in older residential structures that are recognized as architecturally, historically or culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience, character, or economic revitalization of the area and /or continued use of the property in question for residential purposes.
- (3) Serve no scheduled meal other than breakfast.
- (4) Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guest rooms above the number of bedrooms in the original structure.
- (5) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
- (6) Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper.
- (7) Be permitted one non-illuminated identification sign, not to exceed four square feet in area.

Section 3.10 Temporary Uses and Structures

1) Permit Required

The Zoning Administrator is authorized to issue a permit for temporary uses and/or structures as specified in this Ordinance. No temporary use or structure may be established without receiving such permit.

2) Type and Location

The following temporary uses and structures and no others may be permitted, subject to the conditions herein.

- a) Except in Residential Districts, tents or other temporary structures for public assembly are allowed for a period not to exceed forty-five (45) days, at intervals of not less than

sixty (60) days. The use of tents for private use is not regulated by this section.

- b) Contractor's office and equipments shed are allowed in any district for a period covering construction phase of a project not to exceed one (1) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.
- c) Portable classrooms are allowed for cultural or community facilities, educational facilities, or religious complexes, for an indefinite period provided all required setbacks for the district in which the structures are to be located shall be met and the portable structure shall be located on the same site as the principal structure.
- d) Garage and Yard Sales shall be permitted in residential districts for not more than two days at intervals of not more than three times a year. Further, no more than one directional off premise sign may be erected and the sale shall discontinue at 6:00 P. M. No public address system shall be used and no new merchandise shall be brought in for the sale.
- e) Portable storage structures may be permitted in any District for a period not to exceed 30 days; provided such temporary structure is not located in any required setback or yard area. Applicable sign regulations notwithstanding, leasing information may be displayed on the temporary structure.
- f) Temporary office trailers for the conduct of business in any non-residential district while the principal building is being expanded, rebuilt or remodeled.

3) Removal

Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

Section 3.11 Vendors

Vendors shall be governed by the following:

- (1) All vending operations shall be located not less than twenty (20') feet from the nearest street right-of-way and provide at least two off-street parking spaces.
- (2) Only one vendor shall be allowed for each one hundred (100') feet of street frontage.
- (3) No portion of a vending operation shall be allowed to occupy or obstruct access to any required off-street parking stall.
- (4) No merchandise, vehicles, structures, signage, etc. shall be left on the site past sundown.
- (5) No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.

Only one sign per vendor shall be allowed, regardless of where it's mounted. Advertising materials attached to or painted onto automobiles are construed to be signs. Signs shall not exceed ten (10) square feet in area and shall meet all applicable sign requirements contained in Article 5.

Section 3.12 Accessory Apartments

Accessory apartments, where permitted as conditional uses, shall meet the following conditions:

- (1) The principal structure (dwelling) must be owner occupied.
- (2) The apartment, whether attached or detached, cannot exceed 50 percent gross floor area of the principal dwelling, or contain more than two bedrooms.
- (3) The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.

- (4) An accessory apartment may be accessory only to a single-family dwelling, and not more than one apartment shall be allowed per dwelling lot.
- (5) Minimum lot size shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment is to be located.
- (6) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 20 feet from the principal dwelling.
- (7) A third off-street parking space shall be required.
- (8) Neither the primary nor the accessory apartment shall be a manufactured home.

Section 3.13 Mini-Warehouses

Due to the need to better integrate mini-warehouses into the urban fabric of the community where located outside the industrial district, the following standards shall be observed:

- (15) **Size.** Mini-warehousing sites shall not exceed two (2) acres.
- (15) **Lot Cover.** Lot coverage of all structures shall be limited to 50 percent of the total area.
- (15) **In/Out.** Vehicular ingress-egress shall be limited to one point for each side of property abutting any street lot line.
- (15) **Storage Only.** No business activities other than rental of storage units shall be conducted within or from the units.
- (15) **Storage Space.** The storage space or gross floor area of a single unit shall not exceed 300 square feet.

Section 3.14 Manufactured Home Parks

The establishment and operation of a manufactured home park shall comply with the following design and development standards:

1. The park site shall be not less than three (3) acres, and have not less than 200 feet frontage on a public dedicated and maintained street .
2. The park shall be served by public water and sewer systems, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.
3. All dwelling spaces shall abut upon an asphalt or concrete driveway of not less than eighteen (18) feet in width which shall have unobstructed access to a street.
4. A description of the procedures of any proposed homeowners association or other group maintenance agreement must be submitted to and approved by the Planning Commission.
5. All on-site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than 400-foot intervals. Lots in parks shall be sized and arranged so that there will be at least 50 feet spacing between manufactured homes, and at least 35 feet from the right-of-way of any street or drive providing common circulation.
6. All homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
7. Not less than 10 percent of the park site shall be set aside and developed for common open space and recreation usage.
8. Space Numbers: Permanent space numbers shall be provided on each street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection. 911 address numbers shall be used when appropriate.
9. No manufactured home space shall have direct access to a public street, but shall instead access an internal street system.

10. The maximum number of mobile or manufactured home spaces shall not exceed six (6) per acre.
11. Two parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas.
12. In the development of a park, existing trees and other natural site features shall be preserved to the extent feasible.
13. Buffer areas shall be provided on the perimeter of the park or court in accord with the requirements of Section 4.1.
14. License Required, Revocation: A license shall be requisite to the opening or operation of a manufactured home park and shall be subject to annual renewal.

Said license is issued by the Zoning Administrator and may be revoked by the Zoning Administrator for a violation of this Ordinance or other applicable ordinances and regulations governing the operation of such uses.
15. Site Plan Required: A Site Plan showing the above required data, and in all other respects meeting the minimum requirements for a building permit shall accompany all applications to establish a manufactured home park.

ARTICLE 4

COMMUNITY APPEARANCE, BUFFERING, LANDSCAPING, AND TREE PROTECTION REGULATIONS

The regulations contained in this Article are intended generally to promote land use compatibility between uncomplimentary and incompatible land uses, create an aesthetically pleasing environment and maximize the retention of trees, a valuable natural resource.

Section 4.1 Buffer Areas

Section 4.1-1 Definition

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

Section 4.1-2 Purpose

The purpose of a buffer area is to ameliorate any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

Section 4.1-3 Location

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

Section 4.1-4 Determination of Buffer Area Requirements

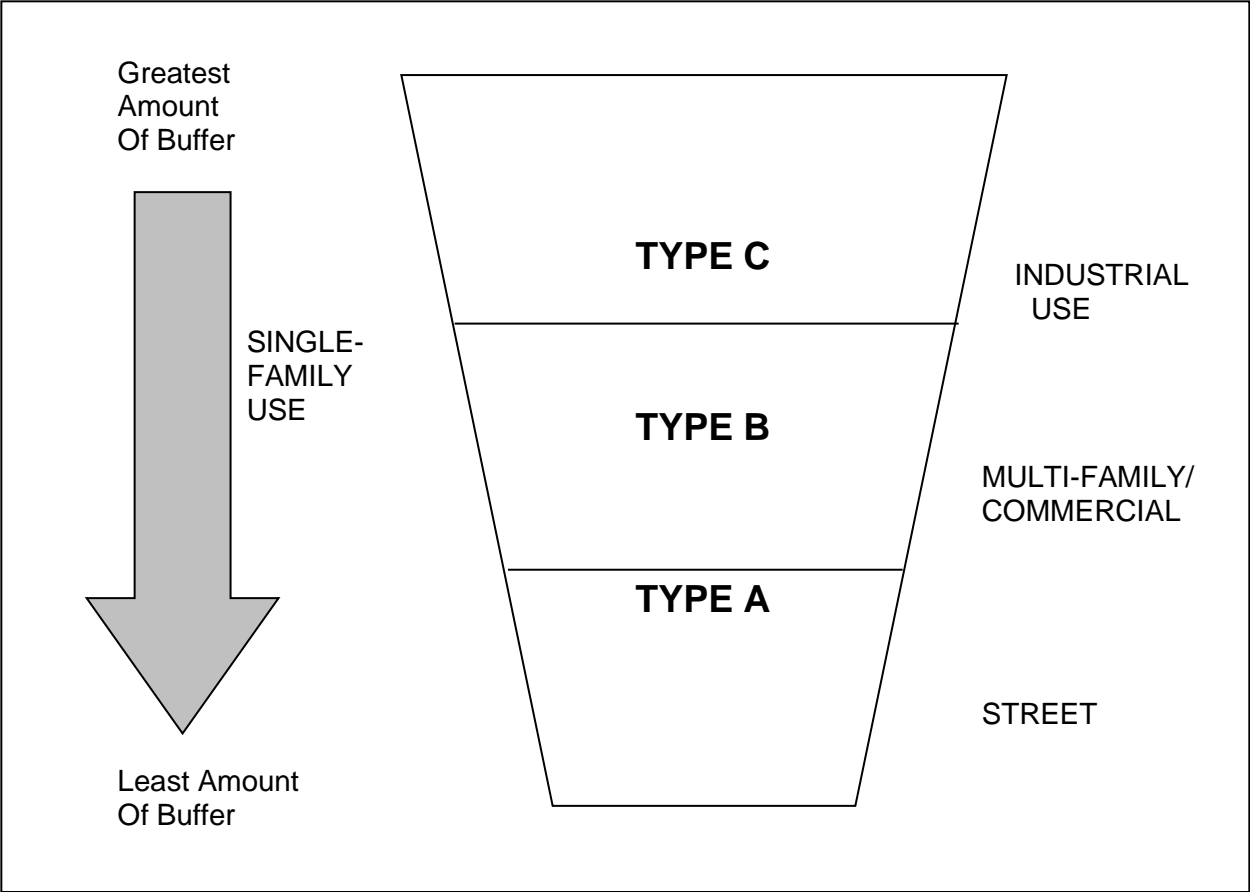
Buffer Areas shall be required under the following circumstances.

- (1) **Type A Buffer Area Required.** Wherever a Multi-family building or non-residential use is proposed, a Type A buffer area shall be provided along the street right-of-way boundary of

the proposed use, separating it from the adjoining street, except for driveways and uses in the CC District.

- (2) **Type B Buffer Area Required.** Wherever a Multi-family building, institutional or commercial use is proposed for a site or lot adjoining a single-family residential dwelling in the SF or GR Districts, with no intervening street, a Type B Buffer Area shall be provided along the boundary of the adjoining residential property line.

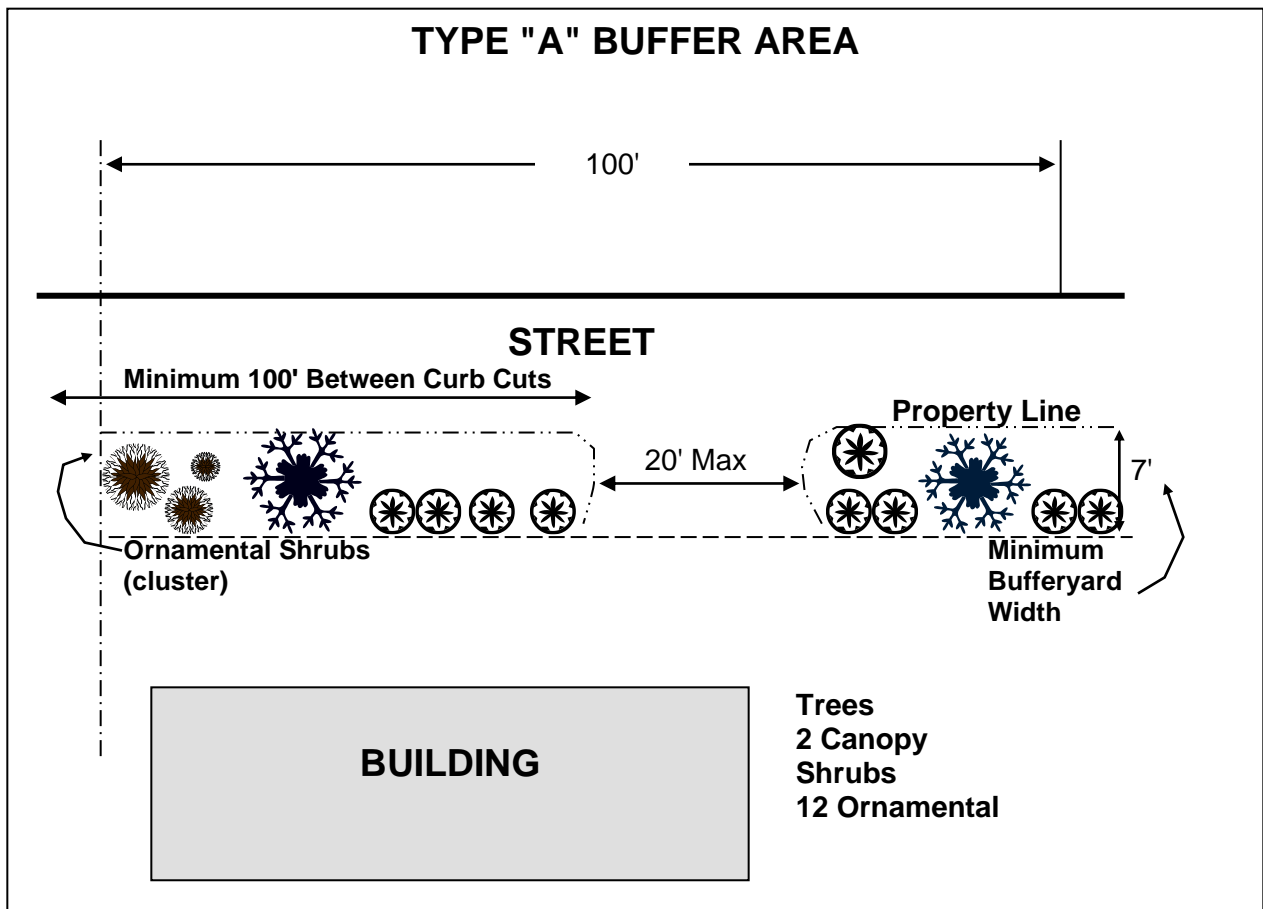
- (3) **Type C Buffer Area Required.** Wherever an industrial, warehouse, or related use is proposed for a site or lot adjoining any residential use in the SF, GR or MH Districts with no intervening street, a Type C Buffer Area shall be provided along the boundary of the adjoining residential property line.



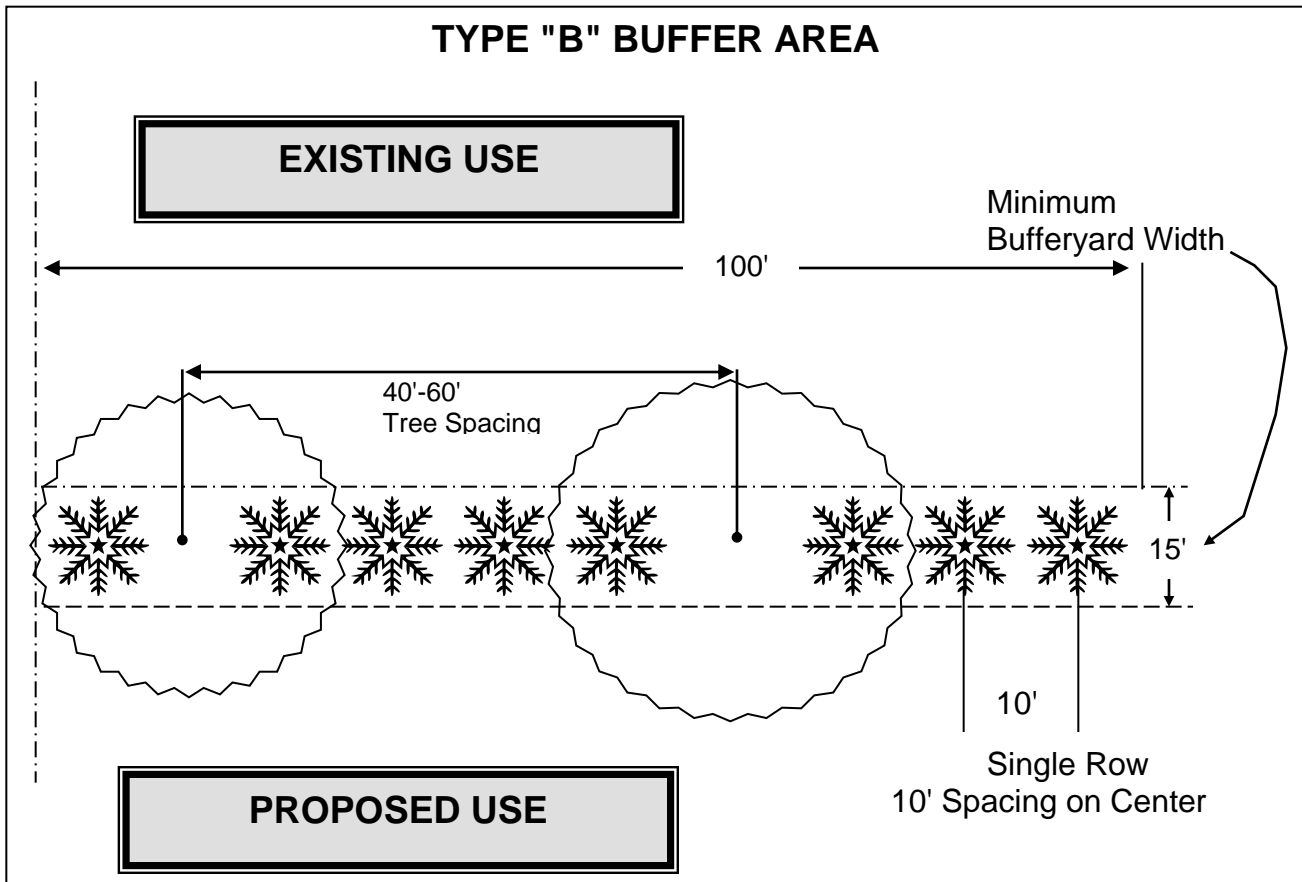
Section 4.1-5 Design Standards

Three types of buffer areas are required by this Ordinance, Type A, Type B, and Type C. A description of each follows:

- (1) **Type "A" Buffer Area.** The Type A Buffer Area consists of low density landscaping and minimal acceptable separation between uses. The buffer area shall be not less than seven (7) feet in width. Per 100 lineal feet of frontage, the buffer area shall consist of a combination of not less than 12 ornamental shrubs, two understory trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival. The following diagram illustrates an example site plan.

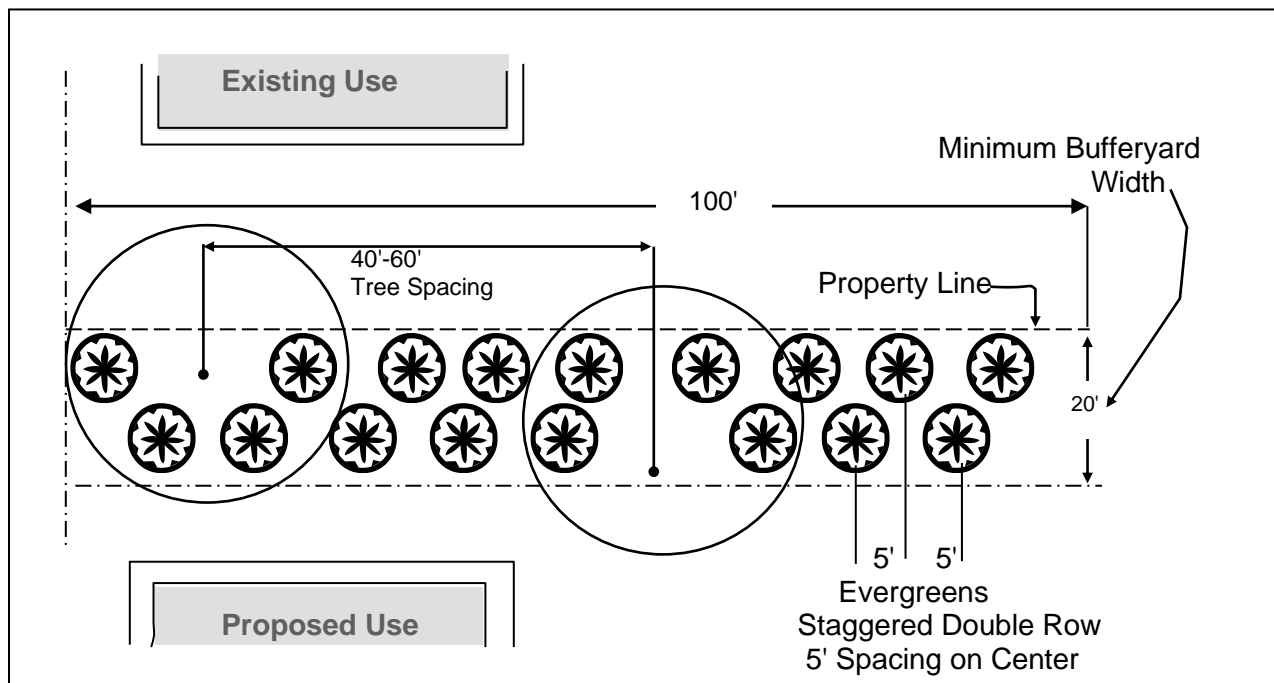


- (2) **Type "B" Buffer Area.** The Type B Buffer Area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 15 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 8 evergreen plants 10 feet on center. The following diagram illustrates an example site plan.



- (3) **Type "C" Buffer Area.** The Type C Buffer Area is a high-density screen intended to exclude all visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 20 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double-staggered row 10 feet on center. The following diagram illustrates an example site plan.

TYPE "C" BUFFER AREA



Section 4.1-6 Buffer Area Specifications

- (1) **Minimum Installation Size.** At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be not less than 6 feet in height, and all deciduous (canopy) trees shall be not less than 8 feet in height, except for ornamental shrubs for Type A Buffer Areas.
- (2) **Minimum Mature Size.** At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging 10 feet in height, and deciduous plant material used for screening shall average 25 feet in height.

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

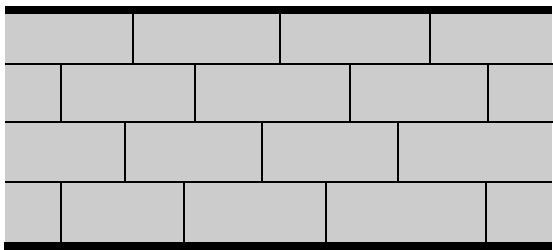
Section 4.1-7 Substitutions

The following substitutions shall satisfy the requirements of this section:

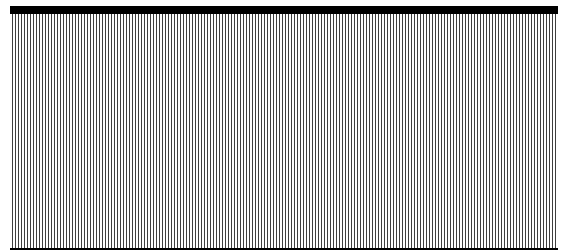
- (1) **Existing Plant Materials.** Existing trees of 4 inches DBH (Diameter Breast High) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Zoning Administrator.
- (2) **Fence or Wall.** Where, owing to existing land use, lot sizes or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, the developer(s) may request and the Zoning Administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the provisions of this Section.

An eight-foot fence or wall, as illustrated below, may be substituted for a Type "B" or "C" Buffer Area.

Fence and Wall Illustrations



Masonry Wall



Wood Stockpile

All fences and walls used as part of the buffer area requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished, as owner deems appropriate. Chain link fences with or without slats are not an acceptable substitute and not permitted as such.

Section 4.1-8 Responsibility

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

Section 4.1-9 Required Maintenance

The maintenance of required buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 4.1-10 Use of Buffer Areas

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

Section 4.2 Landscaping

Section 4.2-1 Definition

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

Section 4.2-2 Purpose.

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

Section 4.2-3 Where Required.

No proposed commercial, institutional, industrial or other non-residential use, multi-family or off-street parking lot containing 12 or more spaces shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure or vehicular use area shall be expanded or enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site. Enlargements involving less than 50 percent shall meet the minimum requirements of the enlargement only. Landscaping is not required for existing uses, nor is it required for uses in the CC District.

Section 4.2-4 Landscaping Plan.

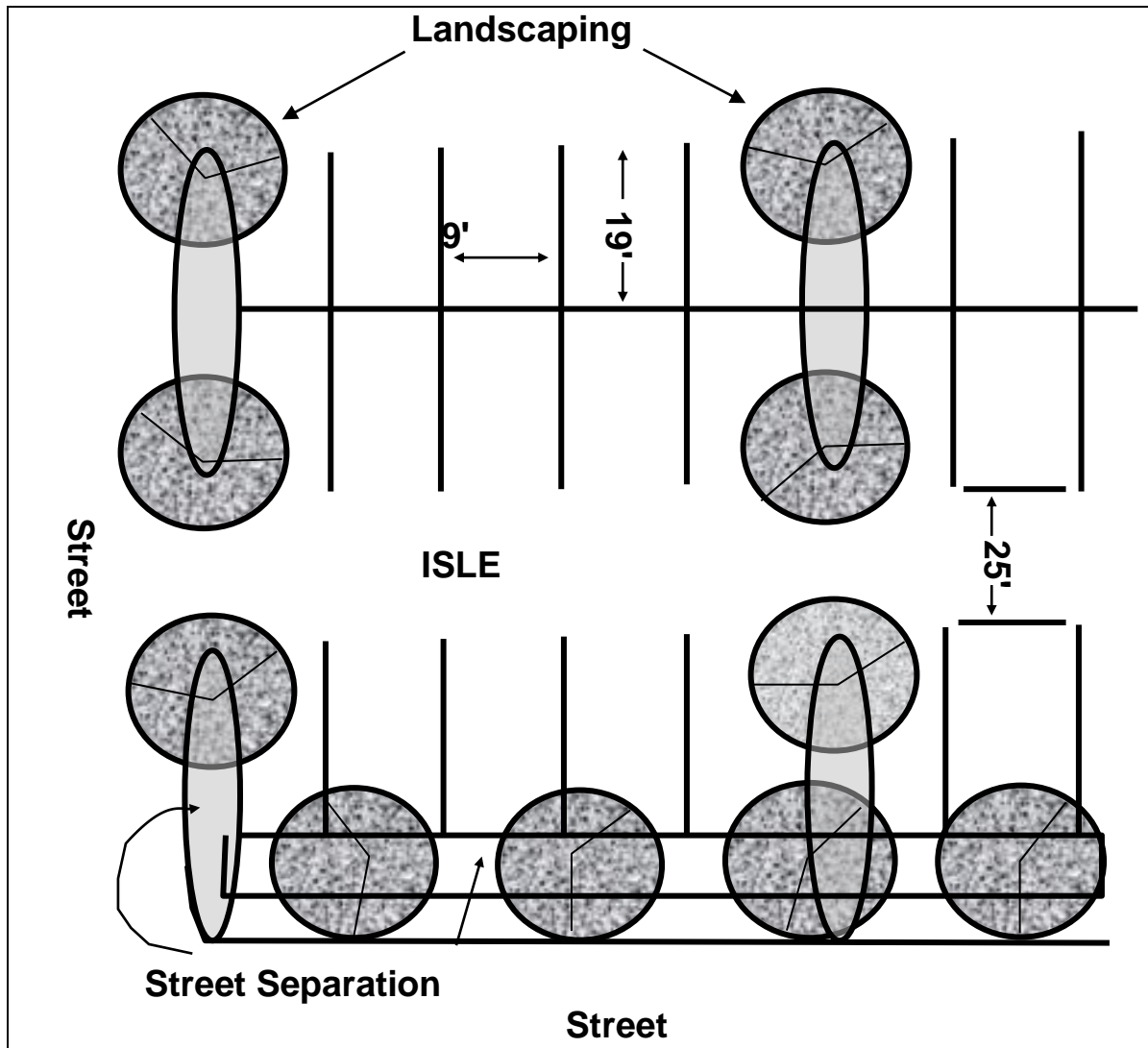
A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
- (3) Identify all existing trees 12" DBH (Diameter Breast High).

Section 4.2-5 Landscaping Requirements.

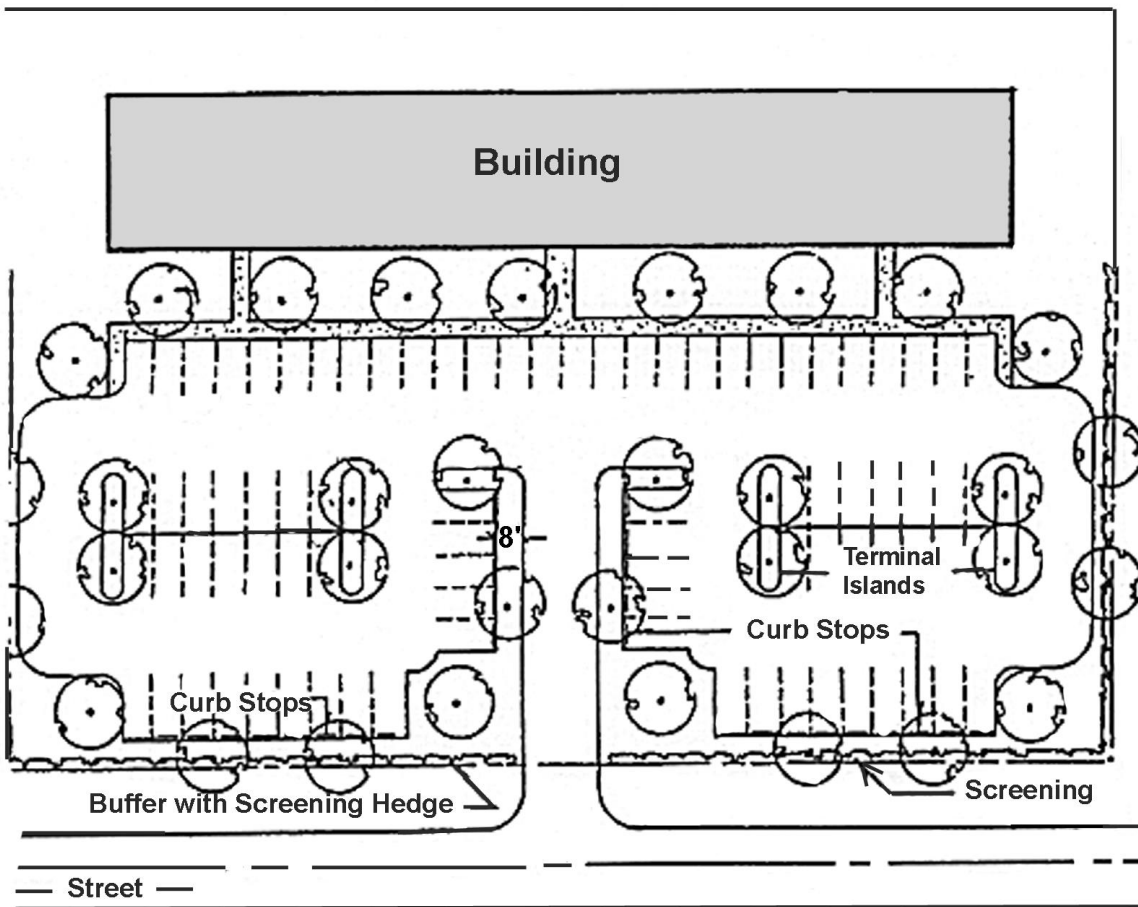
Required landscaping shall be provided as follows:

- (1) **Along the outer perimeter of a lot or parcel**, where required by the buffer area provisions of this Article to buffer and separate incompatible land uses. The amount specified shall be as prescribed by **Section 4-1, Buffer Areas**.
- (2) **Within the interior**, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 12 or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site and separate the building from the vehicular surface area, and the vehicle surface area from adjacent property.



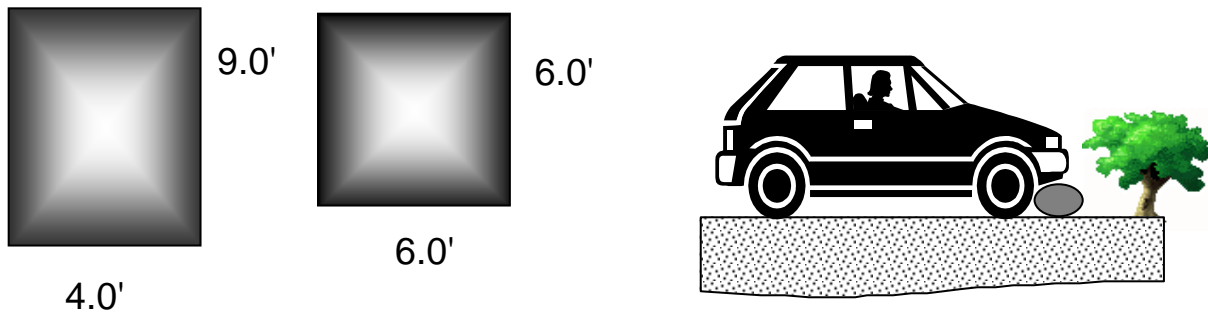
At a minimum, interior lot landscaping shall be provided in the following amounts:

<u>Use</u>	<u>% of Lot</u>
Institutional	18%
Industrial/wholesale/storage	12%
Office	15%
Commercial-retail-service	10%
Multi-family Projects	25%



Section 4.2-6 Landscaped Areas

- (1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.
- (2) Landscaped areas must be at least 36 square feet in size.



Section 4.2-7 Required Maintenance

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

Section 4.3 Tree Protection

Section 4.3-1 Purpose

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

Section 4.3-2 Protected Trees

Any tree, except a pine tree, measuring 12" DBH (Diameter Breast High) shall constitute a "significant tree" for purposes of this section and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any tree in violation of the terms of this section.

Section 4.3-3 Tree Survey

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

Section 4.3-3 Site Design

The design of any land development project or subdivision shall take into consideration the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell such significant trees, of which no more than 25 percent may be removed to accommodate a proposed use or development.

The site design shall be presented on a site plan showing:

- (1) Existing location and size of all significant trees;
- (2) Trees to be removed;
- (3) Trees to be preserved;
- (4) Areas to be cleared; and
- (5) Areas for proposed structures and improvements.

Site plan approval by the Zoning Administrator shall be prerequisite to the issuance of a building permit.

Section 4.3-4 Tree protection and Replacement

- (1) **Prior to Development.** Where a building permit has not been issued, the destruction of any significant tree, as defined by this Ordinance, without prior approval of the Zoning Administrator, which approval shall not be unreasonably withheld, shall be prohibited.
- (2) **During Development.** During development, a minimum protective zone, marked by barriers, shall be established (erected) at the "drip line" and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage materials within this protected zone.

Section 4.3-5 Exceptions

Individually owned lots less than two acres in size.

Section 4.3-6 Significant Trees Removed Without Permits

Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accordance with a replacement schedule approved by the Zoning Administrator, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

- (1) Combined DBH of replacement trees is equal to or greater than the DBH of the tree removed or;
- (2) individual replacement trees are of the largest transplantable DBH available.

ARTICLE 5

SIGN REGULATIONS

Section 5.1 Purpose

The purpose of this Article 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 community environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

Section 5.2 Applicability and Conformance

This Article regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

From and after the adoption of this Ordinance, no sign may be erected or enlarged in the Town unless it conforms to the requirements of this Article.

Section 5.3 Signs on Private Property

Signs shall be allowed on private property in the Town in accord with Table 3. 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. Special conditions may apply in some cases. 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.

Although permitted under the previous paragraph, a sign designated by an "A" on Table 3 shall be allowed only if in compliance with the conditional requirements of Table 4.

**Table 3
Regulation of signs
By Type Characteristics and Zoning District**

Sign Type	SF GR	MH	GOCD	CC	HC	I	INS (3)
Permanent							
<i>Freestanding</i>							
Principal	(1)	(1)	(1)	(4)	P	P	P
Incidental	A	A	A	A	A	A	A
<i>Building</i>							
Canopy	N	N	N	P	P	P	N
Identification	A	A	A	A	A	A	A
Incidental	N	N	N	A	A	A	A
Marquee	N	N	N	P	P	N	N
Projecting	N	N	N	P	P	N	N
Roof	N	N	N	N	N	N	N
Wall	N	N	N	P	P	N	N
Window	N	N	N	A	A	A	N
Temporary (2)							
A-Frame (sandwich board)	N	N	N	A	P	N	N
Banner	N	N	N	P	P	P	P
Posters	A	A	A	A	A	A	A
Portable	N	N	N	N	P	N	N
Inflatable	N	N	N	N	N	N	N
Pennant	N	N	N	N	P	N	N
Identification	P	P	P	P	P	P	P
Political	A	A	A	A	A	A	A
Sign Characteristics							
Animated	N	N	N	N	N	N	N
Changeable Copy	N	N	N	A	A	A	A
Illumination Indirect	A	A	A	A	A	A	A
Illumination Internal	A	A	A	A	A	A	A
Illumination, Exposed bulbs or neon	N	N	N	N	N	N	N

- 1 - Subdivision and/or residential project identification signs only.
- 2 - See Section 5.5
- 3 - This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts e.g. churches, school, parks, governmental buildings, etc. and includes historical markers.
- 4- Free-standing signs are allowed only where the established front yard setback is greater than 30 feet; and such signs are in accord with the requirements of Table 4.

A - Allowed without a permit.
P - Sign permit required.
N - Not allowed

**Table 4
Number, Dimension and Location of Permitted Signs,
By Zoning district**

	SF GR	MH	GOCD	CC	HC	I	INS (B)
Freestanding Signs - Number Permitted Per Developed Lot (C)							
Principal	(A)	(A)	1	1	(E)	(E)	1
Incidental	1	1	1	1	2	2	2
Maximum Sign Area (s.f.) (D)	20	20	24	60	(F)	(F)	12
Minimum Setback from Property Line	5'	5'	5'	0	5'	5'	5'
Maximum Height (G)	12'	12'	12'	20'	24'	24'	12'
Building Signs							
Number Permitted	1	1	1	NA	NA	NA	1
Maximum Sign Area (s. f.)	2	2	12	NA	NA	NA	12
Maximum Wall Area (%)	NA	NA	NA	25	25	25	NA
Temporary Signs	See Section 5.5						

Table Notes:

NA= Not Applicable

s.f.= square feet

- (A) - One identification sign is permitted at the entrance of a subdivision or residential project.
- (B) - 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, governmental buildings, etc.
- (C) - Signs are not allowed on undeveloped or vacant lots. However, 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.
- (D) - Incidental signs greater than two square feet in area shall be counted against the maximum sign area of a principal freestanding sign.
- (E) - One per lot, plus one for lots with more than 400 feet of street frontage on the same street, in accord with the requirements of (F) below.
- (F) - 60 sq. ft. per lot, plus one square foot sign area per one linear foot of street frontage for lots fronting on U.S. Highway 278 with over 400 linear feet street frontage, not to exceed 378 square feet. The additional sign area may be combined with the sign area allotted to the first 400 feet of street frontage, or erected as a separate freestanding sign, with the total sign area divided among the signs at the discretion of the owner/applicant.
- (G)- Free standing signs only.

Section 5.4 Signs in the Public Right-of-Way

No sign shall be allowed in the public right-of-way, except for the following:

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, convey holiday greetings, and direct or regulate pedestrian or vehicular traffic;
2. Informational signs of a public agency or utility regarding its facilities;
3. Church signs, in accord with state law;
4. Historical signs and markers;
5. Emergency signs; and
6. Directional signs of a temporary nature not to exceed three (3) square feet in area and 24 hours in duration for such events as yard sales, auctions, public gatherings, etc.

Section 5.5 Temporary Signs

Sign Type	Display Period	Display Intervals	Dimensions	Conditions
A-Frame	daylight hours only	off-hours	12 sq. ft.	A
Banners and Pennants	30 days	6 months	None	B
Portable	30 days	11 months	32 Sq. Ft.	C
Posters	7 days	None	6 sq. ft.	D
Identification	90 days, or project completion	None	24 sq. ft.	E
Political	60 days prior to election	Not Applicable	32 sq. ft.	F

Notes to Table

- 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. Portable signs shall be limited to one per establishment or lot, whichever is less, shall have no colored or flashing lights, shall not be wired so as to obstruct pedestrian or vehicular traffic or pose any potential for hindrance (e.g. exposed drop cord), shall not exceed 6 feet in height, shall be anchored in accord with Town building code, and shall not be converted to a permanent sign.
- D. 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 (5) feet from a street or curb.
- E. Temporary subdivision and work under construction identification signs shall adhere to the Development Standards of Section 5.7.
- F. Political signs shall be removed within 7 days of an election.

Section 5.6 Prohibited Signs

All signs not expressly permitted by 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, 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.

Section 5.7 Development Standards

1. Visual Area Clearance

No sign shall be located within a vision clearance area, Section 8.5.

2. 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 Area Clearance Illustration, 4).

3. 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 8 feet above the ground. (See Area Clearance Illustration, 4).

4. Sign Materials; Code Compliance

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.

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 engaged as sign painters.

5. Sign Illumination

Illuminated signs shall not directly shine on abutting properties. 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.

Section 5.8 Sign Measurement

1. Sign Face Area

1. The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face (Illustration 1). Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, freestanding sign is counted.
2. For signs on a base material and attached without a frame, such as a wood board or Plexiglas 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 (Illustration 2).
4. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (Illustration 3).
5. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
6. For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.

2. Clearances

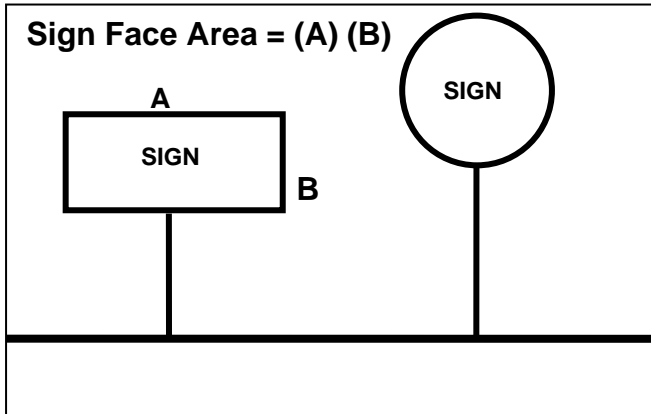
Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (Illustration 4).

Section 5.9 Removal of Signs

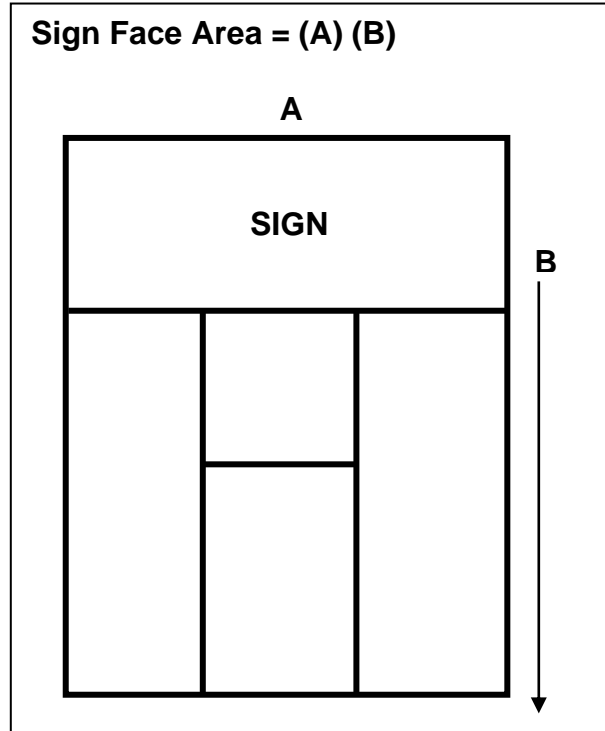
1. The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, except those declared abandoned or dilapidated, which shall be removed or remedial action taken upon notification by the Zoning Administrator.

Sign Measurement Illustrations

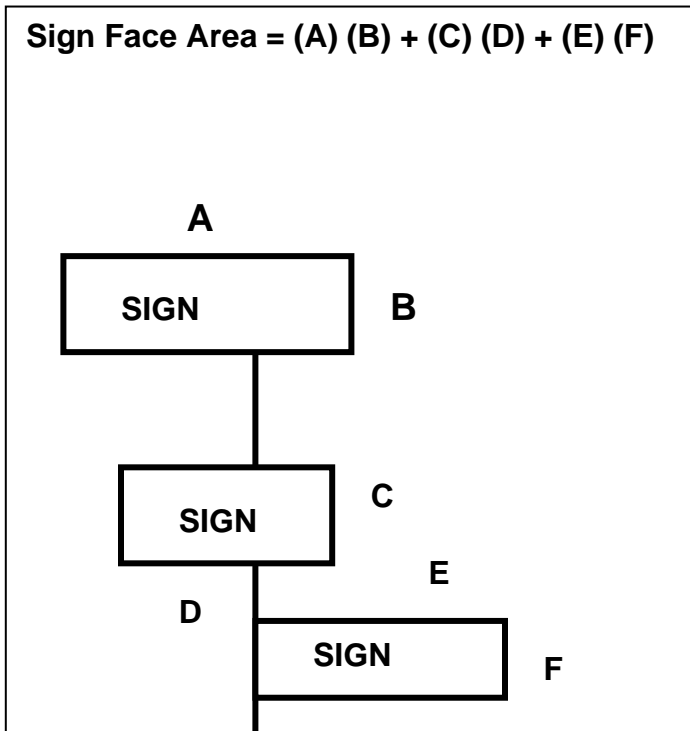
1.



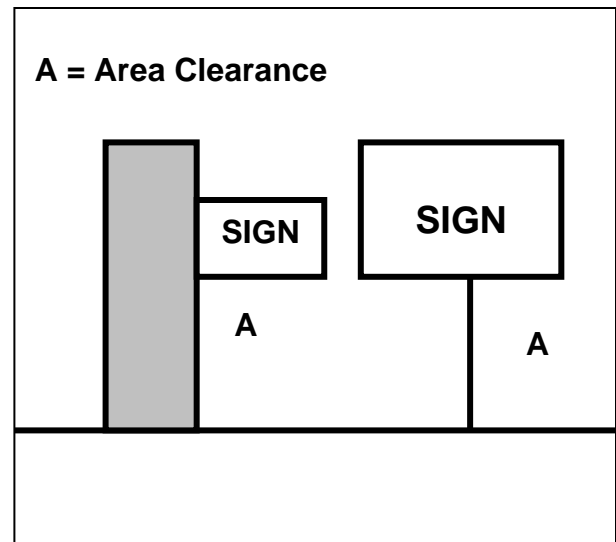
2.



3.



4.



2. Non-conforming permanent signs shall be removed or brought into conformity whenever the following occurs:
 - a. Property changes ownership and the name of the business is to be changed, or
 - b. The occupancy classification of the building is changed.
3. Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable 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 these regulations.
4. Any nonconforming temporary sign shall be removed or brought into conformity no later than sixty (60) days following the effective date of this Ordinance.
5. 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 thirty (30) days time. Upon failure to comply with such notice, the Zoning Administrator 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.

ARTICLE 6

SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS

The provisions of this Article shall supplement the off-street parking requirements contained in Table 1 of this Ordinance

Section 6.1 Off-Street Parking

Section 6.1-1 General Requirements

- (1) Where application of the requirements of Table 1 result in a fractional space requirement, the next larger requirement shall apply, except that off-street parking shall not be required in the CC District.
- (2) Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten 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 facilities provided to comply with the provisions of this Ordinance shall not be reduced below the requirements of this Ordinance.

Section 6.1-2 Land To Provide Parking

The land to provide off-street parking must be contiguous to and under the same ownership or lease agreement as the principal use for which the off-street parking is to be provided.

Section 6.1-3 Design Standards

Where off-street parking for more than ten (12) vehicles is required, the following design and development standards shall apply:

(1) Parking Dimensions

Parking stalls shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of ten percent (10%) of the total number of stalls may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking stalls shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle width shall be as follows:

90 degree parking	25 feet
60 degree parking	18 feet
45 degree parking	13 feet

(2) Construction, Paving

Where 12 or more off street parking stalls are required by this ordinance, such stalls and all ingress and egress drives shall be surfaced with an all-weather, impervious surface material, approved by the Zoning Administrator.

(3) Drainage

Parking lots shall be designed so as not to drain into, across public sidewalks, or on to adjacent property, except into a natural watercourse or a drainage easement.

(4) Separation From Walkways and Streets

Off-street parking spaces shall be separated from walkways, sidewalks, streets, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Zoning Administrator. (See Section 4.2-6)

(5) Entrances and Exits

Landscaping, curbing or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. Except for single-family homes and duplexes, off-street parking areas shall be designed so that all

movement on to a public street is in a forward motion. Entrance and exit driveways to public streets in the vicinity of street intersections must be located at least forty (40) feet, measured along the curblines, from the intersection of the nearest curblines.

(6) Marking

Parking lots shall be marked by painted lines, curbs or other means to indicate individual spaces. Signs or markers, as approved by the Zoning Administrator, shall be used as necessary to ensure efficient traffic operation of the lot.

(7) Lighting

Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas.

(8) Landscaping

Off-street parking areas shall be landscaped in accord with the provisions of Section 4-2.

Section 6.1-4 Maintenance

All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations.

Section 6.1-5 Parking Space For The Physically Handicapped

When off-street parking is required for any building or use, except for residential dwellings with fewer than 20 units, parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following formula:

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

Parking spaces for the physically handicapped shall measure 12 feet by 20 feet or 8 feet in width, with an adjacent access isle 8 feet in width, and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps and walkways.

Section 6.2 Off-Street Loading

All uses except those located in the CC District, shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street, or walk.

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

Section 6.3 Approval of Parking and Off-Street Loading Plans and Layouts

Designs and plans for areas to be used for off-street parking and off-street loading shall be subject to approval by the Zoning Administrator, who may withhold a permit or take other action if the layout of either would create avoidable safety or traffic congestion problems, pending acceptable modification of the layout, or appeal to the Board of Zoning Appeals.

Section 6.4 Parking, Storage or Use of Travel Trailers or Recreational Vehicles in Residential Zones

Not more than one recreational vehicle or boat shall be parked or stored in any required front or side yard setback area or within 5 feet of the rear lot line in a residential district; however, such use may be parked anywhere on a residential premise for a period not to exceed twenty-four (24) hours during loading or unloading, and recreational vehicles may be used for temporary lodging, up to seven (7) days.

Section 6.5 Parking, Storage and Use of Non-Recreational Vehicles and Equipment in Residential Zones

- (1) Up to but not exceeding two automobiles, trucks or trailers of any kind or type, without current license plates, may be parked or stored in any residential zone up to 45 days. Unlicensed vehicles parked more than 45 days must be in completely enclosed buildings.
- (2) Within any Residential Zone, the owner or occupant of a dwelling unit may park one commercial motor vehicle with a carrying capacity of not more than two tons.



- (3) Trailers, implements and equipment for commercial use also may be parked or stored on the same lot as a dwelling in any residential zone; provided such uses shall be parked or stored in completely enclosed buildings.

Section 6.6 Parked Vehicles/Retail Sales

Not more than one vehicle for sale may be permitted on a lot or parcel other than the premises of a licensed vehicle dealer. No merchandise shall be displayed and no retail sales shall be permitted from the beds of trucks or other vehicles.

ARTICLE 7

LAND DEVELOPMENT REGULATIONS

Section 7.1 Purpose

The purpose of this Article is to promote harmonious, orderly, and progressive development of land in pursuit of public health, safety, economy, good order, appearance, convenience, morals, and the general welfare. In furtherance of this general intent, the regulation of land development is authorized by the State of South Carolina (6-29-1120),

1. To encourage sound and stable development;
2. To assure the provision of required streets, utilities, and other facilities and services to new land development;
3. To assure the provision of safe and convenient traffic access and circulation, both vehicular and pedestrian in and through new land developments;
4. To assure the provision of public open space and building sites in new land developments through the dedication or reservation of land for recreation, education, transportation, and other public purposes; and
5. To assure, in general, the development of new areas in harmony with the Comprehensive Plan.

Section 7.2 Site Design Standards, Generally

A. Site Analysis

An analysis shall be made of characteristics of the development site, such as geology and soil, topography, ecology, existing vegetation, structures, and road networks, visual features, and past and present use of the site. (Refer to Table 6)

B. Site Design, Generally

Site design shall take into consideration all existing local and regional plans, and shall be based on the site analysis. To the extent practical, development shall be located to preserve any natural features on the site, to avoid areas of environmental sensitivity, to minimize negative impacts and alteration of natural features, to avoid adversely affecting ground water and aquifer recharge, to reduce cut and fill, to avoid unnecessary impervious cover, to prevent flooding, to provide adequate access to lots and sites, and to mitigate adverse effects of noise, odor, traffic, drainage, and utilities.

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

1. Unique and/or fragile areas, including wetlands as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1972, as determined by the U.S. Corps of Engineers.
2. Flood plain areas, as determined by FEMA (Federal Emergency Management Agency) and delineated on Flood Boundary and Floodway Maps for Hampton County, except as provided herein and in related regulations.
3. Habitats of endangered wildlife, as identified on federal and state lists.
4. Historically significant structures and sites, as listed on federal, state, and/or local lists of historic places.

Section 7.3 Streets and Roads

1. Circulation System Design

The street system shall be designed to permit the safe, efficient, and orderly movement of traffic; to have a simple and logical pattern; to respect natural features and topography; to

present an attractive streetscape; and to permit linkage of major collector streets and subdivisions.

2. Layout and Alignment

- a. Proposed streets shall be coordinated with the street system in the surrounding area and where possible shall provide for the continuation of existing streets abutting the development.
- b. All streets shall be opened to the exterior property lines of the development unless permanently terminated by a vehicular turnaround or intersection with another street.
- c. Reserve strips controlling access to streets are prohibited except where their control is placed with the Town, under conditions approved by the Planning Commission.

3. Alleys

Alleys , where provided, shall have a pavement width of not less than 18 feet and right-of-way width of not less than 40 feet.

4. Cul-de-sacs

- a. Turn-arounds shall be provided at the closed end of a street and shall have a minimum radius of fifty (50) feet. Pavement width shall have a minimum curb radius of forty (40) feet. A landscape center island may be provided, if accompanied by a permanent maintenance agreement acceptable to the Town.
- b. Temporary dead-end streets which extend for a greater distance than the depth of one abutting lot shall be provided with a temporary turn-around conforming to the illustration in this Section.

5. Intersections

- a. No more than two streets shall intersect at any one point.
- b. All streets shall intersect between 70 and 110 degrees.
- c. Streets entering upon opposite sides of a given street shall have their center lines directly opposite or shall be off set a minimum distance of 200 feet for residential access and collector streets and 600 feet for arterial streets, measured along the centerline of the streets being intersected.
- d. Street intersections shall be located at least 200 feet from the right-of-way of any railroad track, measured from the centerpoint of the intersection to the railroad right-of-way line nearest the intersection.
- e. Private driveways shall not intersect a public street within 50 feet of an intersection, measured from the street right-of-way.

6. Right-of-way and Pavement Widths

Residential streets shall have pavement width of not less than 22 feet and right-of-way width of not less than 50 feet.

7. Required Improvements

All subdivisions involving the creation of a new street or road, shall be constructed in accord with the minimum standards for street and road design specified herein.

- a. Construction Specifications, Generally

All streets and roads to be dedicated for public use shall be constructed in accord with the South Carolina Standard Specifications For Highway Construction Manual, Latest Edition. Specifically:

Earthwork shall comply with Section 200.

Base and Subbases shall be constructed in accord with Section 300, as applicable to the proposed base course, excluding sand-clay base course. Minimum subbase shall consist of crush and run material.

Paving shall be constructed in accord with Sections 400 and 500, as applicable to the proposed paving material, but shall not consist of Bituminous surfacing 1, 2, and 3.

Section 7.4 Curb and Gutter

1. Requirement

Curb and gutter shall be required and installed along both sides of all streets.

2. Construction Specifications

Curbs and gutters shall be constructed in accordance with Section 720 of the Standard Specifications for Highway Construction Manual, latest Edition.

3. Design Specifications

Acceptable curb types are illustrated on a Standard Drawing (#720-1) of SCDOT, detailing concrete Islands and Curbs.

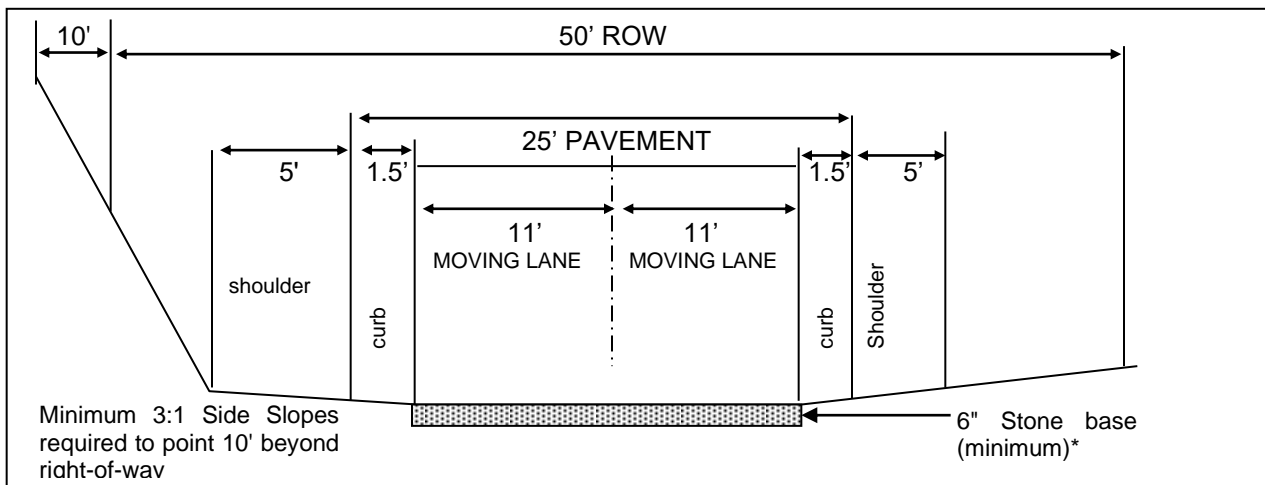
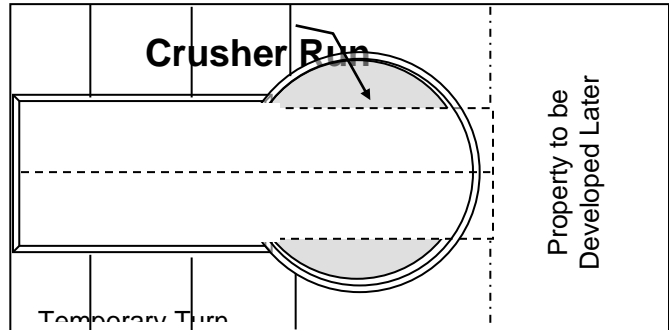
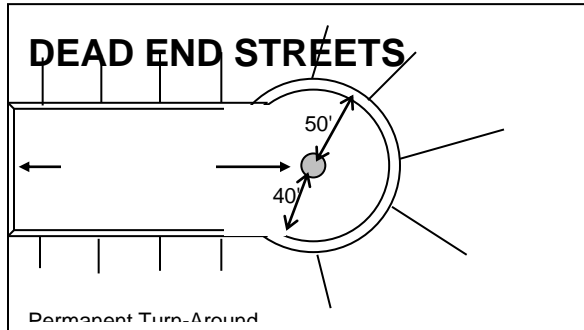
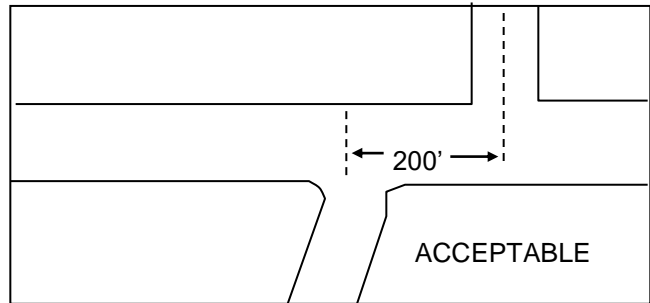
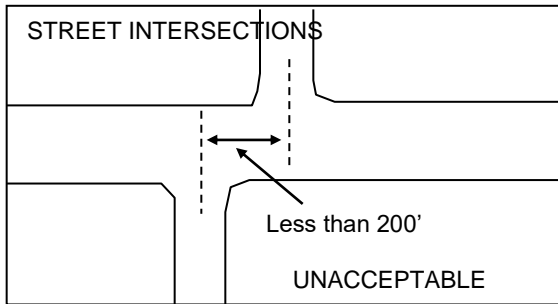
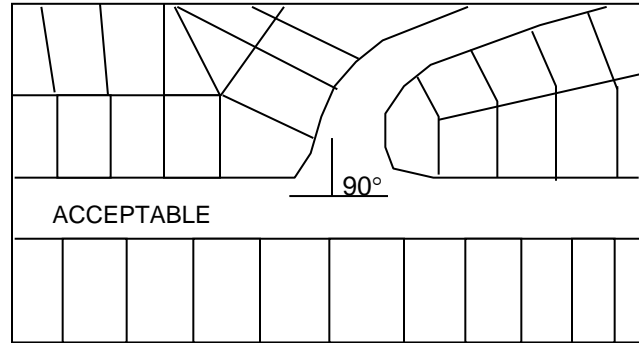
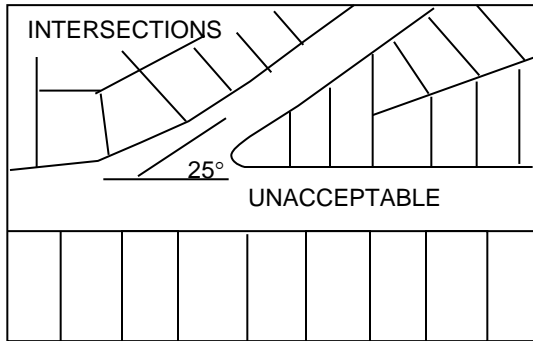
4. Transition

The transition from one type to another shall be made only at street intersections.

Section 7.5 Shoulders

Shoulders shall consist of stabilized turf or other material acceptable to the Zoning Administrator and shall be prepared in compliance with Section 209 of the Standards Specifications Manual previously referenced.

STREET CONSTRUCTION ILLUSTRATIONS



*Soils Engineer Recommendation

Section 7.6 Signage and Names

1. Street Signs

- a. Design and placement of traffic signs shall follow state regulations or the requirements specified in the Manual of Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation. Responsibility for the cost of the signs shall rest with the developer.
- b. At least one street name sign shall be placed at each street intersection. Signs shall be installed under streetlights, where possible, and free of visual obstruction. The design of street name signs shall be uniform in size and color, and subject to approval by the Zoning Administrator and/or the Utilities Director.

2. Names

- a. New Streets. Street names shall be subject to approval by the Hampton county Planning Commission and Hampton County 911 Addressing. Proposed street names shall be substantially different in sound and spelling from existing streets in the Town unless at a future date plans call for a tie-in between the proposed street and an existing street. Where such streets are in obvious alignment with an existing street, it shall be given the same name as the existing street.
- b. New Subdivisions and Land Developments. Subdivision and development names shall be subject to the approval of the Planning Commission and shall not duplicate the name of any recorded subdivision or development.

Section 7.7 Storm Water Drainage Systems

1. Best Available Technology

The best available technology shall be used to minimize off-site

storm water runoff, increase on-site infiltration, encourage natural filtration function, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces, and swages.

2. System Improvements

An adequate drainage system, including necessary open ditches, pipes, culverts, storm sewers, curbs, gutters, intersectional drains, drop inlets, bridges and other necessary appurtenances shall be installed by the developer according to plans and specifications approved by the zoning Administrator.

3. Existing Drainage Areas, Courses

No land development or subdivision shall be approved within an existing drainage area or storm water course unless plans and measures for rerouting the course are first submitted to and approved by the Zoning Administrator.

Section 7.8 Easements

1. Drainage Easements

- a. Where a subdivision or development is traversed by a water course, drainage way, channel, or stream, adequate areas for storm water or drainage easements shall be allocated, conforming substantially with the lines of such water course, and not less than 20 feet wide or of sufficient width, as determined by the Zoning Administrator, to carry off storm water and provide for maintenance and improvements of the water course.
- b. The location of any surface drainage course shall not be changed without the approval of the Zoning Administrator.

2. Utility Easements

- a. Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be coordinated with the public and private utilities involved.
- b. Where provided along side or rear lot lines, utility easements shall be not less than 20 feet in width. No structures or trees shall be placed within such easements.

2. Access Easements (See Flag Lots and Access Easements)

3. Maintenance

- a. Easements shall be maintained by the property owner(s) and may be used to satisfy yard requirements, unless specifically accepted for public maintenance by the Town, county or utility with lines in such easement.
- b. Covenant restrictions placed in the deed of a lot which contains a utility easement shall stipulate that the Town, county or utility provider with lines in such easement shall have full right of access.

Section 7.9 Blocks

1. Residential

- a. Block lengths shall be appropriate to topographic conditions and density to be served, but shall not exceed 1,000 feet in length, or be less than 300 feet in length.
- b. Blocks should be of sufficient width to allow for two tiers or lots of appropriate depth, except where reverse frontage lots are required along a major street, or where prevented by size, topographical conditions, or other inherent conditions of the property.

2. Commercial and Industrial

Blocks intended for commercial or industrial development may vary from the standards of design detailed above in favor of dimensions more suitable to their prospective use; provided such blocks permit adequate traffic circulation.

Section 7.10 Lots

1. Accessibility

All lots shall be accessible by a street.

2. Design

The lot size, width, depth, shape, grade, and orientation shall be in proper relation to street and block design, to existing and proposed topographical conditions, and for the type of development and use contemplated.

3. Dimensions

All lots shall meet the minimum lot area and dimensional requirements of the zoning district in which they are located, and shall have street frontage not less than the minimum width requirements of Table 2, except for lots located on cul-de-sacs or curves less than 90 degrees.

4. Flag Lots and Access Easements

The creation of flag lots or access easements shall not be allowed except under the following conditions:

- a. To permit full use of an existing lot of record;
- b. To overcome unusual topographic conditions or existing lot configurations.

When meeting the above, as determined by the Zoning Administrator, flag lots shall be created and access easements

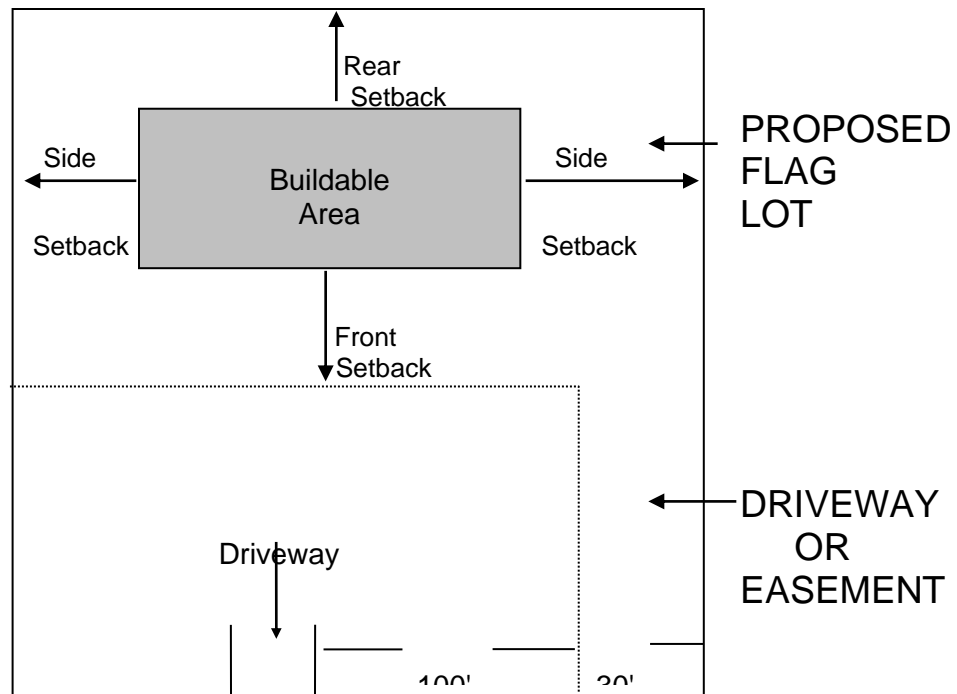
shall be permitted in accord with the following development standards:

a. Creation of Flag Lot or Access Easement to Permit Full Use of an Existing Lot of Record.

A flag lot (one) or access easement may be created from an existing lot or record to allow full and complete development thereof, provided:

- (1) The existing lot of record meets all zoning requirements specified for the respective zone in which it is located, both before and after subdivision.
- (2) The “flag” section of the flag-shaped lot or a second lot accessed by the access easement shall meet or exceed the requirements specified for the respective zone. The area of the access driveway of the flag lot or access easement shall not be included in computing minimum lot area requirements. Title to the access driveway must be conveyed by general warranty deed in the same manner as title to the “flag” portion of the lot, or in the case of an easement, recorded with the deed to the accessed lot.
- (3) The driveway section of the flag lot shall be not less than 30 feet wide, and shall be located no closer than 100 feet of an existing driveway (curb cut) measured from the edge of the nearest driveway.
- (4) Once subdivided to include a flag lot, the existing lot of record shall not be further subdivided for a period of 12 months from and after the creation and recording of the flag lot.

EXISTING LOT OF RECORD



- b. Creation of Flag Lot to overcome unusual natural or topographic conditions or existing lot configurations.

Flag lots may be created in new subdivisions where natural or topographic conditions or existing lot configurations create access problems, provided:

- (1) Access driveways shall be not less than 30 feet wide, and shall front for at least 30 feet on a public street.
- (2) Flag lot access driveways shall be separated by the required minimum lot width for the zoning district in which the flag lot is to be created, measured from the front property line.
- (3) Use of flag lot driveways by adjoining lots on either side of the driveway is encouraged as a means of limiting curb cuts, but a flag lot driveway shall not be used to access a second flag lot.

(4) The area of an access driveway shall not be counted when computing the minimum area of a lot as required by Table 2.

(5) Flag lots shall access paved public streets only.

Access easements shall not be permitted in new subdivisions.

5. Double Frontage Lots

Residential reverse frontage lots shall have a minimum rear yard of 50 feet, next to the arterial street, measured from the shortest distance of the proposed back building line to the street right-of-way and shall within such rear yard and immediately adjacent to the right-of-way, have a non-access planting screen easement of at least 20 feet in depth.

6. Alignment

Side lot lines shall be aligned at approximately right angles to straight street lines and radial to curved street lines.

Section 7.11 Sidewalks

1. Where Required

Sidewalks shall be required on one side of each street in all subdivisions containing 10 to 39 lots and on both sides of all subdivisions containing 40 or more lots. Sidewalks also shall be required to continue a walk on an existing street to link said subdivision to nearby schools and public recreation areas, if within 800 feet of such facilities.

2. Design Specifications

Sidewalks shall be placed parallel to streets, and within the street right-of-way, with exceptions permitted to preserve natural features or to provide visual interest.

3. Construction Specifications

- a. Sidewalks shall be at least five feet wide and four inches thick except at points of vehicular crossings, where they shall be at least six inches thick. At vehicular crossings, sidewalks shall be reinforced with welded wire fabric mesh or an equivalent.
- b. Sidewalks shall be installed in accord with Section 720 of the Standard Specifications for Highway Construction Manual, latest Edition.
- c. Graded areas shall be planted with grass or treated with other suitable ground cover.

Section 7.12 Areas Subject To Flooding

If the area being developed, or any part thereof, is located within the boundary of a designated Flood Plain, as delineated on FEMA Maps for Hampton County, adequate plans and specifications for protection from flooding shall be provided as herein required:

1. Not To Be Expanded

Any plat which contains land subject to flooding shall be accompanied by evidence that no appreciable expansion of the area subject to flooding would result from the proposed land development, and that the proposed development will be adequately protected from inundation without appreciable interference with the flow of any watercourse or into an impounding basin.

All such evidence including surveys and specifications shall be submitted with the Final Plat, and no final Plat shall be approved in the absence thereof.

In no case shall any fill, levee, or other protective works be approved unless sufficient compensating adjustments of waterways, ditches, or impounding basins are made to prevent any appreciable expansion of flood hazard areas.

2. Streets Subject to Flooding

All streets shall be constructed so that the centerline will not be flooded by a 10-year storm frequency, and approved by the County of jurisdiction.

Section 7.13 Water Supply

1. Approval Required

All developments and subdivisions shall be provided with water supplies and systems conforming to the requirements, rules, and policies of the South Carolina Department of Health and Environmental Control (DHEC), and the Town of Hampton.

2. System Approval Required

Improvement plans and specifications for all water supply systems for which the developer is responsible shall be submitted for approval with the Preliminary Plat.

3. System To Include Fire Hydrants

Fire hydrants shall be installed by the developer in accordance with Section 7-16.

Section 7.14 Sanitary Sewerage Facilities

1. Approval Required

All land developments and lots within subdivisions shall be provided with sanitary sewerage facilities conforming to requirements, rules, and policies of the South Carolina Department of Health and Environmental Control (DHEC), and the Town of Hampton. Said facilities shall be "stubbed out" prior to road surfacing.

2. System Approval Required

Improvement plans and specifications for all disposal systems for which the developer is responsible shall be submitted for approval with the Preliminary Plat.

Section 7.15 Fire Hydrants

Fire hydrants shall be installed where the available public water system is adequate to handle fire flow, as required by Section 7.14, Water Supply. Where provided, hydrants shall be spaced throughout the subdivision to maintain a 500' radius between hydrants. The location and spacing of hydrants shall be approved by the Town Fire Chief.

Section 7.16 Survey and Markings

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

Section 7.17 Street Lighting

Street lighting shall be provided in all subdivisions at street intersections, and between intersections where the distance is 800 feet or more; provided that such spacing between intersections shall be not less than 200 feet between street lights. The maximum height of street lights shall be 25 feet. Street lighting shall be properly shielded so as not to create a hazard to drivers or a nuisance to residents.

ARTICLE 8

GENERAL AND ANCILLARY REGULATIONS

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

Section 8.1 Application of Regulations

The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this Ordinance.

No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Ordinance shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

Section 8.2 Exceptions and Modifications

1. Setbacks - Corner Lots

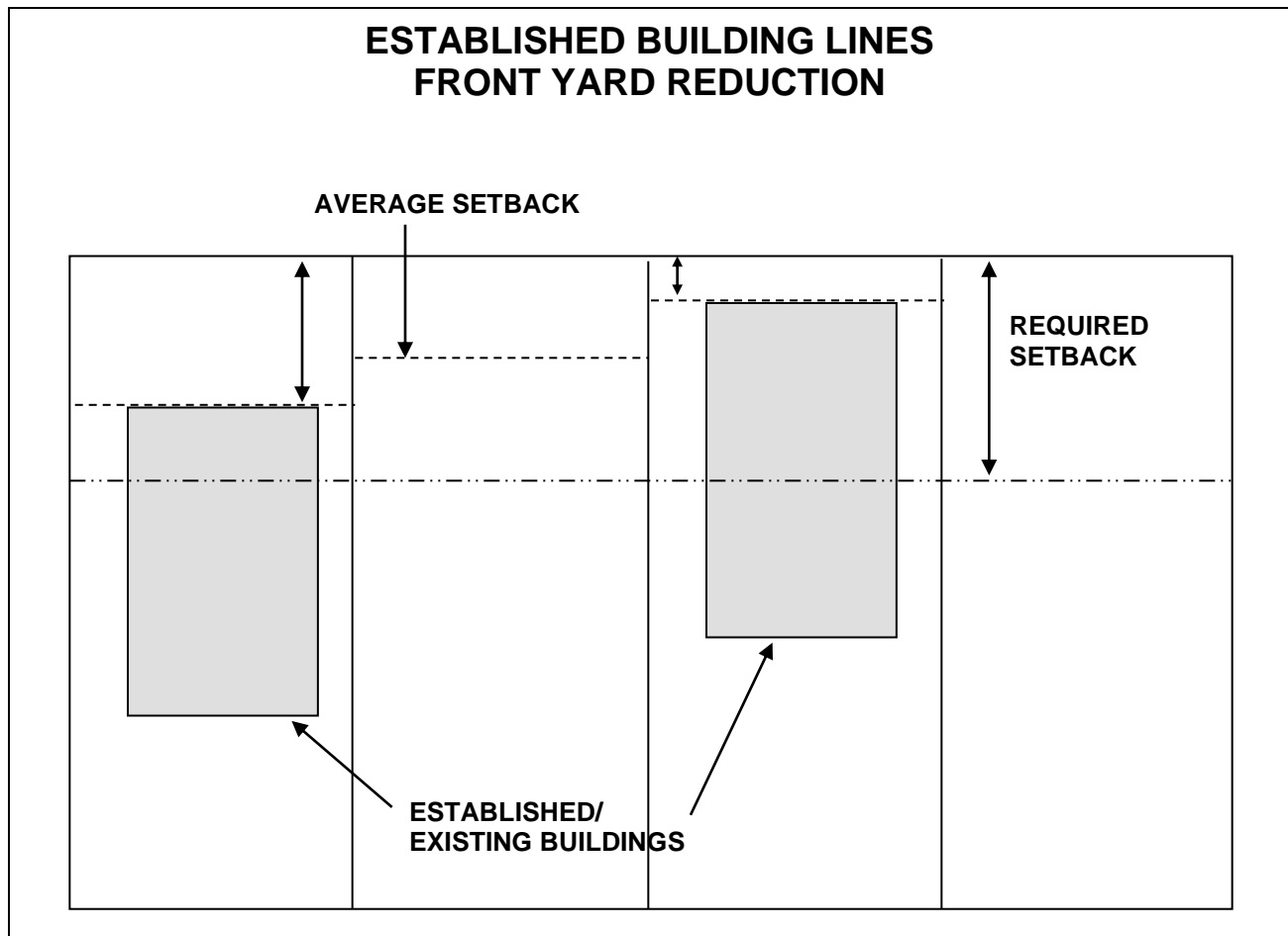
The setback from the street upon which the principal building will face shall be the minimum required front yard. The setback from the street upon which the side of the building will face shall be the minimum required front yard setback for the street upon which it is contiguous.

2. Setbacks - Through or Double Frontage Lots

Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.

3. Setbacks - Partially Developed Areas

Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of said existing front yard setbacks without written approval of contiguous property owners.



4. Setbacks – Multiple Buildings on Lot

Whenever more than one main building is to be located on a lot, the required yards shall be maintained around the group of buildings and buildings shall be separated by a horizontal distance that is at least equal to the height of the highest adjacent building.

5. Height

The height limitations of this Ordinance shall not apply to the following:

- | | |
|---------------|------------------------------|
| Belfries | Elevated water tanks |
| Chimneys | Ornamental towers and spires |
| Church spires | Public Monuments |
| Cupolas | Public utility poles |
| Domes | Smoke stacks |

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

6. Projections

The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.

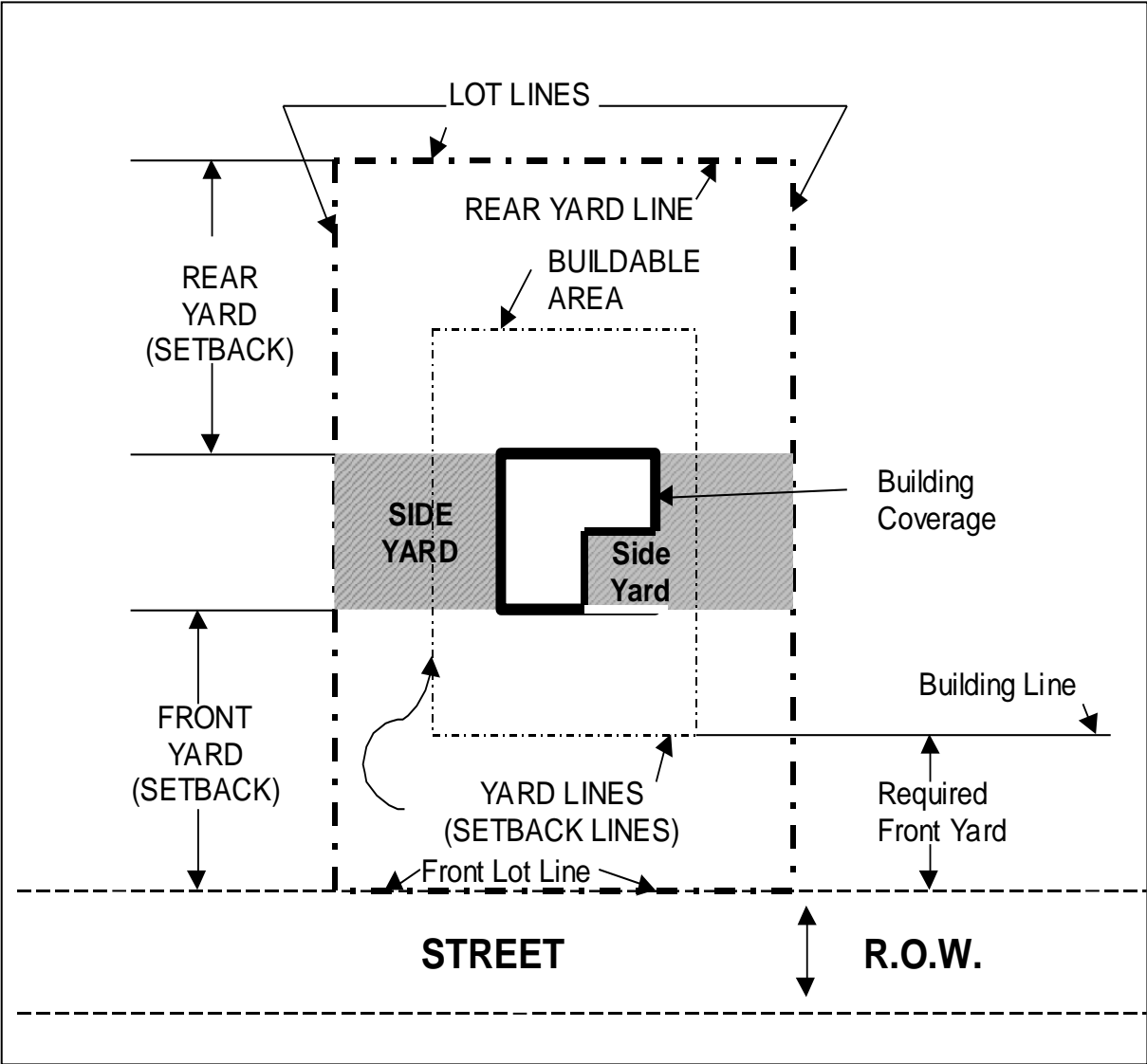
Steps and heating and cooling units may project into a required yard a distance not to exceed 5 feet but no closer than three feet of a property line.

Section 8.3 Measurements

1. Yards, Setbacks, Buildable Area

The required front, side, and rear yards for individual lots, as set forth for by Table 2 shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall

be known as the “buildable” area within which the approved structure(s) shall be placed.



2. Height

The height of a building or structure shall be measured from the base of the structure to the highest point of the building or structure.

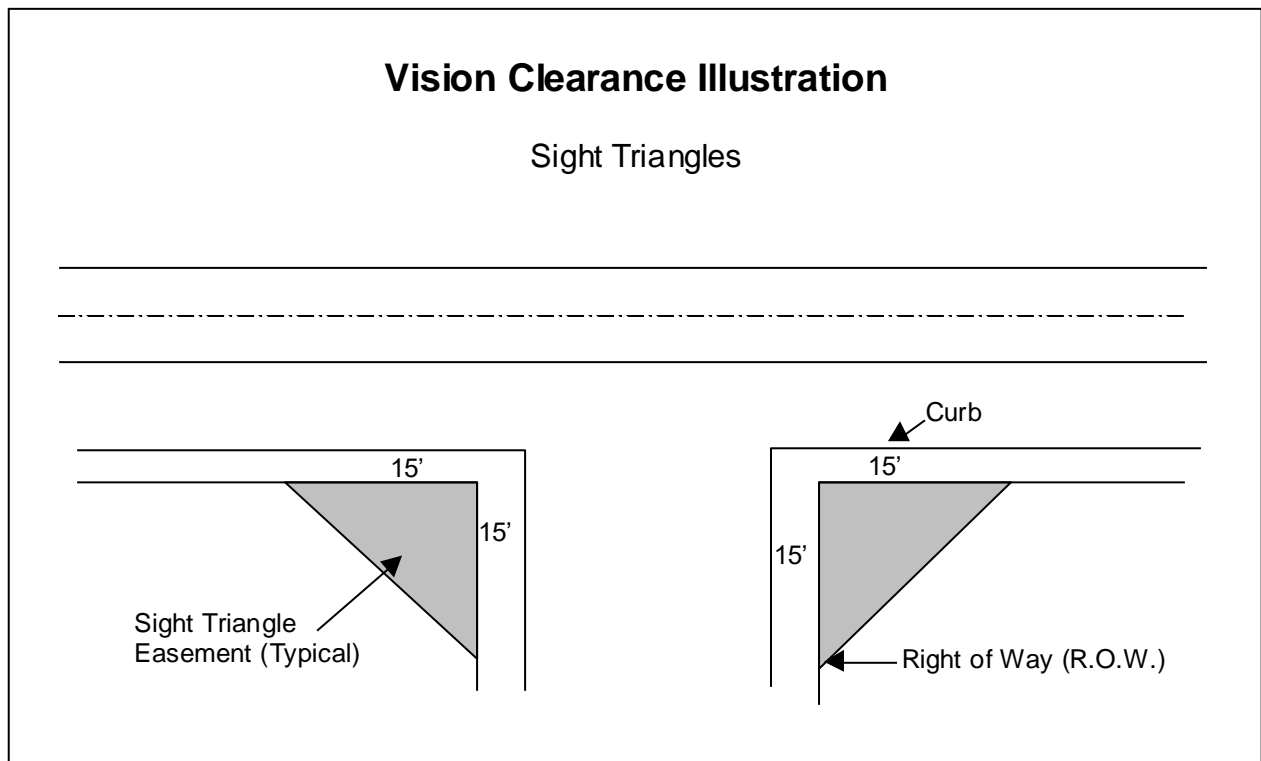
Section 8.4 Number of Principal Buildings/Uses on a Lot

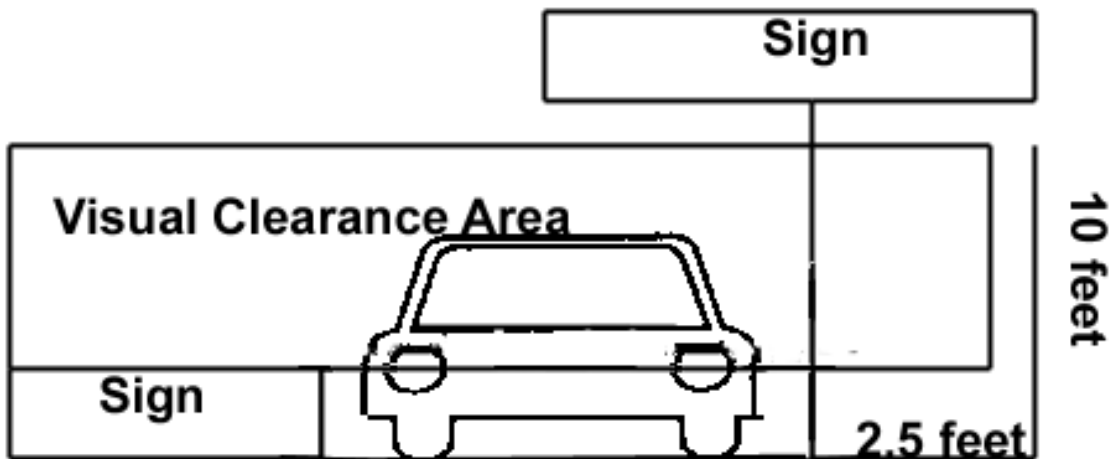
No more than one single-family dwelling, residentially designed manufactured home or duplex shall be allowed on a single lot or parcel.

There is no limit on the number of other principal buildings or uses; provided all setback and other applicable requirements of this Ordinance are met.

Section 8.5 Visibility at Intersections

On any corner lot in any district, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of two and a half (2 ½) feet and ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the following vision clearance illustrations. However, poles and support structures less than 12" in diameter may be permitted in such areas.





Section 8.6 Accessory Buildings and Uses

Section 8.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 8.6-2 Requirements Applicable to All Accessory Uses

1. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 12 feet in height.
2. No accessory building may be located in a required front yard. Where an accessory building is erected in the required rear yard on a corner lot, it shall not be located closer to any street than the required front yard distance.
3. No accessory use shall occupy any part of a buffer area.

Section 8.6-3 Requirements Applicable To Specific Accessory Uses

Requirements applicable to Specific Accessory Uses are as follows:

1. Off-Street Parking and Loading Space

Paved off-street parking and loading spaces, not to include parking structures, are permitted in all required yards and setback areas, but no closer than 5 feet to a residential property line and two feet to any other property line.

2. Free-Standing Signs

Free-standing signs are permitted in all required yards, but no closer than 5 feet of a property line.

3. Buildings, Sheds, and Structures for Dry Storage; Greenhouses

Building sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than 3 feet to a residential property line.

4. Domestic Animal Shelters and Pens

Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than 10 feet from any side or rear residential property line.

5. Swimming Pools, Tennis Courts, Recreational Uses

These uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than 10 feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.

6. Ground Supported Communication and Reception Antennas

These uses may be located in required rear and side yards only, but no closer than 5' to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.

7. Fences and Walls

Fences and walls are allowed within required yards and setback areas, and may extend to the property line; provided

that when located within a required front yard in a Residential District, fences and walls in excess of 4.0' in height must be of decorative nature and open design. A chain link fence in excess of 4.0' is prohibited in the front yard.

Section 8.7 Nonconformities

Section 8.7-1 Continuation

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted construction in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued (Grand Fathered) even though such use, building, or structure does not conform with the provisions of this Ordinance.

Section 8.7-2 Modification

A proposed change or modification of a nonconforming use shall be governed by the following:

1. Change of Nonconforming Use

Change of an existing nonconforming use to another nonconforming use shall not be permitted.

2. Enlargement or Expansion of Nonconforming Use

Enlargement or expansion of a nonconforming building or structure shall be permitted; provided such enlargement shall meet all applicable setbacks, buffer area, and off-street parking requirements for the district within which it is located.

3. Repair or alteration of Nonconforming Use, Building, or Structure

The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by Subsection 2 above.

4. Replacement of Nonconforming Use

A building permit for the replacement of a nonconforming building or structure where damaged or destroyed must be initiated within 6 months of the time of the damage or destruction or forfeit the right of replacement.

Replacement, if initiated within 6 months of the time of damage or destruction, shall adhere to all applicable requirements of Table 2. Replacement of a nonconforming mobile or manufactured home once removed from a lot or parcel shall be accomplished within 30 days of removal or forfeit nonconforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of Section 3.4 of this Ordinance.

Section 8.7-3 Discontinuance

No building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

Section 8.7-4 Existing Lot of Record

Where the owner of a lot of record at the time of the adoption of this ordinance does not own sufficient land to meet the setback requirements of this Ordinance, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 20%. Setback reductions greater than 20% shall be referred to the Board of Zoning Appeals for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

Section 8.8 Erosion and Sediment Control

No development shall be undertaken that directly or indirectly increases the erosion of land or its potential for erosion.

(1) Existing Uncovered Areas

All uncovered areas not actively being developed on the effective date of this Ordinance, which resulted from previous land disturbing development activities, and which exceed one contiguous acre, and are causing offsite visual evidence of erosion or sedimentation, shall be provided with a ground cover or other protective measures sufficient to restrain accelerated erosion and control off-site sedimentation.

(2) Erosion Control During Construction

The developer shall take all reasonable measures to reduce soil loss and contain sediment during construction. Exposed soil shall be stabilized within one (1) month of exposure.

(3) Ground Cover Requirements

To help retain sediment generated by land-disturbing development activities within the boundaries of the development tract, the developer shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion within thirty (30) calendar days following completion of such development.

(4) Construction of Buffer Strips

No land-disturbing activity except recreational uses with grasses and other vegetation shall be permitted in proximity to a water body unless a vegetated strip is provided along the margin of the watercourse of sufficient width to prevent sediment from leaving the site and entering the watercourse. The strip shall be inspected for approval by the Zoning Administrator.

(5) Graded Slopes and Fills

The angle for graded slopes and fills on sites meeting the requirements of this section shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed shall be stabilized sufficiently to restrain erosion within thirty (30) calendar days of completion of any phase of grading.

ARTICLE 9

ESTABLISHMENT, POWERS AND DUTIES OF OFFICIALS, COMMISSIONS AND BOARDS RESPONSIBLE FOR ADMINISTRATION OF THIS ORDINANCE

Section 9.1 Zoning Administrator

The Zoning Administrator is hereby designated and duly charged with the authority to administer and enforce the provisions of this Ordinance.

The Zoning Administrator shall accept and examine all applications for construction, land use or reuse, and shall issue permits where such applications are in accord with the provisions of this Ordinance and applicable building codes. He shall direct parties in conflict with this Ordinance, and cause to be kept records and files of any and all matters referred to him.

If the Zoning Administrator finds that any one of the provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

Section 9.2 Planning Commission

Section 9.2-1 Establishment

The Hampton Planning Commission is hereby reestablished under the provisions of the S.C. Code, §6-29-320.

Section 9.2-2 Powers and Duties of the Planning Commission

The Planning Commission shall have the powers and duties provided in S.C. Code Section 6-29-310, et seq.

Section 9.2-3 Composition of the Commission

The Planning Commission shall consist of five (5) members appointed by Town Council for overlapping terms of four years.

To the extent possible, membership should be representative of the racial and gender composition of the Town, and represent a broad cross section of the interests and concerns of the Town. No member shall be the holder of an elected public office in the Town of Hampton.

Members shall serve until their successors are appointed and qualified.

Section 9.2- 4 Removal of Members

Members of the Planning Commission may be removed at any time by Town Council for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the Freedom of Information Act, S.C. Code, §30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

Section 9.2- 5 Organization and Rules of Procedure

The Planning Commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code, §6-29-360.

Section 9.3 Zoning Board of Appeals (ZBA)

Section 9.3- 1 Establishment

The Zoning Board of Appeals is hereby reestablished as authorized under the S. C. Code of Laws Code, § 6-29-780. Said Board shall consist of five (5) members, who shall be citizens of the Town of Hampton and shall be appointed by the Town Council for overlapping terms of three (3) years. Any vacancy in the membership shall be filled for the remainder of the term in the same manner as the original appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board.

Section 9.3-2 Proceedings

The Zoning Board of Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected and appoint a secretary, who may be a municipal Officer, an employee of the Town, or a member of the Zoning Board of Appeals. The Board shall adopt rules and by-laws in accordance with the provisions of this Ordinance and of the General Statutes of South Carolina, Title 6, Chapter 29, Article 5, Code of Laws of S.C., 1976 as amended. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

Section 9.3- 3 Decisions

The concurring vote of at least three (3) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. On all appeals, applications and matters brought before the Zoning Board of Appeals, the Board shall inform in writing all the parties involved in its decisions and reasons thereof.

Section 9.3- 4 Appeals, Notice, Hearing

Appeals to the Board may be taken by any person aggrieved or by an officer, department, board or bureau of the Town. Such appeal shall be taken within thirty (30) days from the date that the decision is rendered, as provided by the rules of the Board, by filing with the Zoning Administrator and with the Zoning Board of Appeals notice of said appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

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

from, unless the Zoning Administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The Board shall hold a public hearing and establish a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the Town at least fifteen (15) days in advance of the scheduled hearing date. At the hearing any party may appear in person or by agent or attorney. Notice shall also be posted on the affected property, with at least one such notice being visible from each public thoroughfare that abuts the property.

It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator and that questions shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Zoning Administrator.

Section 9.3- 5 Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by the Zoning Administrator in the enforcement of this Ordinance.
- (2) To hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provision of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and
5. the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

Where an application for a variance is within a Flood Hazard Area, the Board, in addition to the above, shall consider the following in its deliberations:

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger to life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage;
4. the importance of the services provided by the proposed facility;
5. the necessity of the facility to a waterfront location, in the

case of a functionally dependent facility;

6. the availability of alternative locations, not subject to flooding or erosion damage;
 7. the safety of access to the property in times of flood;
 8. the expected heights, velocity, duration, rate of rise, and sediment transport of flood waters; and
 9. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities.
- (3) All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board, which must be delivered to parties of interest by certified mail.
- (4) In exercising the above powers, the Zoning Board of Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the Circuit Court having jurisdiction.

ARTICLE 10

ADMINISTRATION, APPLICATION AND REQUIRED PERMITS

Section 10.1 Purpose

This Article sets forth the procedures required for obtaining building permits, sign permits, and certificates of occupancy. It also establishes procedures for processing land development applications, and defines the duties, powers, and limitations of officials, departments, commissions, boards, and other groups, which are or may be involved in the administration and enforcement of this Ordinance.

Section 10.2 Responsibility

All requests for permits and licenses required by this Ordinance, and legislative change of relief from the terms of this Ordinance shall be in the form of an application. The provisions of this Article shall govern the basic requirements for processing different types of applications from initiation to final action and issuance of a permit.

It shall be the responsibility of the Zoning Administrator or his designee to administer the requirements for processing applications and issuing permits in accord with the provisions of this Ordinance.

It shall be the responsibility of an applicant to provide the required information to process a permit application, secure or renew a license, and present facts about circumstances which would justify a proposed change or modification to the terms and/or application of this Ordinance.

Section 10.3 Types of Applications

Types of applications for processing matters subject to the requirements of this Ordinance include:

Applications to Develop or Alter the Use of Land

This includes the changing of land characteristics through redevelopment, construction, subdivision into parcels and all land use and other

development activity. Applications to develop or alter the use of land are classified for administrative purpose into four (4) categories.

1. **Minor Subdivision** – is one which (a) does not involve the creation of more than five (5) lots, (b) is no larger than 10 acres, and (c) does not involve the creation of any new street or substantial change of an existing street.
2. **Major Subdivision** – is any subdivision other than an exempt or minor subdivision.
3. **Land Development** – is any land development or land altering activity requiring a permit from the Town, other than a subdivision or Major Land Development.
4. **Major Land Development** – includes business and industrial parks, shopping centers, multiple occupancy buildings, and other developments defined by this Ordinance.

Applications for Change or Relief

This includes applications for changes to and/or relief from any part or provision on this Ordinance, of which there are three types of applications:

1. **Amendment** – is a change to the text or map of the Ordinance.
2. **Variance** - is an adjustment or modification of any regulation alleged to impose on unnecessary hardship on the use or development of land.
3. **Appeal** – is a petition by an applicant to reverse or modify a decision of an administrative officer, board, commission or council.

Section 10.4 Eligible Applicants

Parties and individuals required and/or eligible to initiate an application to alter, develop, subdivide or utilize land for purposes and activities regulated by this Ordinance, or to seek relief from or change requirements of this Ordinance are identified on Table 5.

Parties not listed may petition the Planning Commission and/or Council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner.

Table 5 Applicant Requirements/Eligibility					
	Applicants To Develop or Alter Use of Land	Applicants for Change and/or Relief From Ordinance Requirements			
Eligible Applicants		Amendment Text Map		Variance	Appeal
Property Owners	YES	NO	YES	YES	YES
Agent of Property Owner	YES	NO	YES	YES	YES
Option Holder	YES	NO	YES	NO	NO
Aggrieved Person or Party	NO	NO	NO	NO	YES
Zoning Administrator	NO	YES	YES	NO	NO
Planning Commission	NO	YES	YES	NO	YES
Governing Council	YES	YES	YES	YES	YES

Section 10.5 Application Procedures For Change or Relief

Step 1. Administrative Examination

Upon receipt of an application, the Zoning Administrator shall examine it for completeness, and shall, within ten (10) days, either return the application for additional information or forward it to the responsible governmental authority for review and action.

Step 2. Public Notice

All Applications

Public notice shall include announcing the application for change or relief in a newspaper of general circulation in the Town of Hampton at least 15 days

prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the change and the time, date, and place of the hearing.

Application for Zoning Map Change

In addition to the above, notice of an application for a map change (amendment) shall include posting the affected property. Such notice shall be posted at least 15 days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, and time, date, and place of the hearing.

Application for a Variance

In addition to public notice in a newspaper of general circulation, notice of an application for a variance shall be given to all parties of interest.

Step 3. Public Hearing

The Planning Commission shall conduct a public hearing on all applications for change involving the text of the Zoning Ordinance and the Zoning Map.

The Hampton Zoning Board of Appeals (ZBA) shall conduct a public hearing on all applications for relief involving variances and appeals.

Step 4. Review and Action

By The Planning Commission

1. The Planning Commission shall act on a completed application within forty-five (45) days after receipt thereof (1) to defer not more than 30 days or (2) to recommend either denial or approval. The decision shall be determined by a majority of those voting. Failure to act within said time frame shall constitute a recommendation of approval.
2. The Commission shall evaluate the proposed amendment and prepare a report relative to the following:
 - a. How it relates to and affects the Comprehensive Plan.

- b. Changes in conditions since the adoption of the Plan or Ordinance.
- c. The need to correct an error or deficiency in the Ordinance or the Plan.
- d. Any benefits which would be derived from the amendment.
- e. Any cost to the government generated by the amendment in terms of expenditures for public improvements, facilities, and services.

The Commission shall forward its report, together with a recommendation, to Town Council for final action.

By the Town Council

Hampton Town Council shall consider the recommendation of the Planning Commission and vote to approve, deny, or modify the proposed amendment, refer it back to the Planning Commission for further study, or take other action as it may deem necessary.

By the Zoning Board of Appeals

Applications for a variance shall be evaluated by the Zoning Board of Appeals in accord with the conditions prescribed by Section 9.3-5 of this ordinance.

Step 5. Notification

All applicants for change or relief from the provisions of this Ordinance shall be notified in writing of final action.

An approved amendment by Town Council shall become effective immediately after such adoption and any such amendment to the zoning map(s) shall be made by the Zoning Administrator within seven days thereafter.

An approved variance or appeal shall be accompanied by an order of the Zoning Board of Appeals to direct the issuance of a permit.

Step 6. Appeals

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals or Town Council may appeal the decision to Circuit Court in and for the County of Hampton by filing with the Clerk of said Court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law, or where land is the subject of a decision, by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-825 of the Code of Laws of South Carolina. Such appeal shall be filed within thirty (30) days after a decision of the respective body has been rendered.

Step 7. Consideration of Denied Applications

Neither the Planning Commission, Town Council, nor the Board of Zoning Appeals shall reconsider an application for change or relief to the same lot, parcel or portion thereof, within a period of one year from the date of final determination and notification.

Section 10.6 Application Procedures to Develop or Alter the Use of Land

The applicant shall request from the Zoning Administrator a determination of application and permit processing requirements. The administrator shall, in turn, evaluate the nature of the applicant's request, and direct the applicant accordingly.

Section 10.6.1 Application Procedures for Land Development Projects

Applications for land development projects, defined herein, shall include filing the necessary forms required by Section 10.10 and submitting the permit data required by Table 6.

Section 10.6.2 Application Procedures for Subdivision and Major Land Development Projects

The application process consist of three phases:

1. pre-application,
2. application, and
3. review.

1. Pre-Application (optional)

For the purpose of securing advise in the formative stages of development design, expediting applications, and reducing development costs, the developer is encouraged to request a pre-application conference and/or submit a sketch plan for review and consultation, as follows.

A. Pre-Application Conference

At the request of the applicant, the Zoning Administrator shall arrange a pre-application conference to discuss requirements of this Ordinance, land development practices, proposed plans of the applicant, applicable provisions of the Comprehensive Plan, and related matters. The Administrator may invite to the conference or consult with other department heads and affected agencies.

B. Sketch Plan

In addition or as an alternative to the pre-application conference, the applicant may request an informal review of a sketch plan for the proposed subdivision. All data, correspondence and other information relating to a preliminary sketch plan shall be kept strictly confidential. Information concerning a proposed development becomes available to the public only in the event of the submittal of a concept plan application or a preliminary plat application.

The sketch plan shall be reviewed on the basis of its relationship to the comprehensive plan, suitability of the site for development, availability of necessary services and facilities, and design, improvements, dedications and reservations required by these regulations.

2. Application

Applications will be assigned to one of the following four categories, as determined by the Administrator, and processed accordingly:

- a. An exempt subdivision,
- b. A minor subdivision,
- c. A major subdivision, or
- d. A major land development project .

The designated responsibility for reviewing and approving each of the above is as follows:

Exempt Subdivisions	Zoning Administrator
Minor Subdivisions	Zoning Administrator
Major Subdivisions	Planning Commission
Major Land Development Project	Planning Commission

A. Exempt Subdivisions

Applicants of subdivisions exempt from the requirements of this Ordinance shall nonetheless submit to the Zoning Administrator three copies of said exempt plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. The Zoning Administrator shall indicate such exempt status on each copy of the plat for recording: **“This plat is exempt from the requirements of the Hampton Zoning and Land Development Ordinance”** and signed by the Zoning Administrator.

While not constituting a subdivision, existing plats and lots to be recorded also shall bear the above plat notations.

B. Minor Subdivisions

1. Applicants requesting approval of a proposed minor subdivision, as defined by this Ordinance, shall submit to the Zoning Administrator three (3) copies of a plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, the prescribed

fee, and evidence that no taxes or assessments are outstanding against the property.

2. The Zoning Administrator shall review the application for compliance with the requirements of this Ordinance and if found to be in compliance will instruct the applicant to prepare a Final Plat, including all requirements for final plat approval, Table 6.
3. Action on the Final Plat shall be taken by the Zoning Administrator and so noted for recording.

The Zoning Administrator shall act on said plat within 30 days or the plat shall be deemed approved and a certificate of approval issued on demand.

Action by the Zoning Administrator may be appealed to the Planning Commission by any party in interest, and shall be acted on by the Commission within 45 days.

C. Major Subdivisions

Applications requesting approval of a Major Subdivision, as defined by this Ordinance, shall submit a Preliminary Plan and a Final Plat in accord with the following procedures (steps):

PRELIMINARY PLAN APPROVAL

Step 1 Plan submission and Review

The applicant shall submit to the Zoning Administrator 6 paper copies of the Preliminary Plan, together with all materials stipulated by Section 10.9.

The Zoning Administrator shall review the plat for compliance with the requirements of the Ordinance, and submit copies to all affected agencies for review and comment.

Upon completion of these reviews, the Administrator shall forward the Preliminary Plan to the Planning Commission, together with all staff and agency comments and recommendations. The Planning Commission shall act on the

application within 60 days of receipt of the application. In its deliberation, the Planning Commission shall approve, approve conditionally, or disapprove the Plan. If the Preliminary Plat is disapproved or approved conditionally, the reasons for such action shall be conveyed to the applicant. The reasons for disapproval shall refer specifically to those parts of the Comprehensive Plan or ordinance or regulation with which the plan does not conform. On conditional approval, the Commission may require the applicant to resubmit the preliminary plan with all recommended changes before approving said plan.

If the preliminary plan is found to conform to all requirements of the ordinance, approval shall be given by the Planning Commission and a certificate of preliminary plat approval shall be inscribed on the plat as follows: "**Pursuant to the Land Development Regulations of Town of Hampton, South Carolina, all requirements for preliminary plan approval having been fulfilled, this preliminary plan was given approval by the Hampton Planning Commission _____ 20__.** This certificate of preliminary plan approval shall expire and be null and void on _____, 20__." This certificate may be executed on behalf of the Hampton Planning Commission by the Zoning Administrator.

Step 2 Effect of Preliminary Plan Approval

Preliminary Plan approval shall confer upon the applicant a vested right (see Section 10.18 Vested Right):

1. To proceed under the supervision of the Town, with the installation of site improvements; and
2. To proceed with the preparation of a Final Plat.

Preliminary Plan approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision. Lots may be pre-sold however, provided the applicant developer has guaranteed the final installation of all required improvements.

Revocation of preliminary plan approval may occur, following due public notice and a hearing by the Planning Commission, if the commission finds that a material change in conditions involving the subdivision has occurred which would adversely affect public health, safety or welfare.

Step 3 Final Plat Approval

Final Plat approval is an administrative action. No public notice or hearing is required in connection with approval proceedings involving the Final Plat.

An applicant requesting Final Plat approval shall submit to the Zoning Administrator a letter requesting final plat review and approval, all applicable processing and recording fees, six (6) paper copies and one reproducible copy of the Final Plat, which shall show all streets and utilities in exact location, identifying those portions already installed and, where approved by the Planning Commission, those to be installed and/or certified in the amount of improvement guarantees required to assure completion of those improvements not yet installed.

Final Plat approval shall be granted or denied within 45 days after submission of a complete application to the Zoning Administrator or within such further time as may be consented to by the applicant.

No subdivision or major land development plat, portion, or phase thereof shall be accepted for recording by the RMC register of mesne conveyance until it has been approved by the Planning Commission or Zoning Administrator, and so indicated on the plat by the signature of the authorized agent. No such signature shall be affixed to the plat until the developer has completed all required improvements or has posted a performance guarantee in accord with the requirements of Section 10.7.

Step 4 Effect of Final Plat Approval

Final Plat approval confers upon the applicant the following rights:

1. To record the plat with the RMC office, and
2. To proceed with the sale and/or transfer of lots and parcels in accord with the approved and recorded plat.

Step 5 Recording

Upon approval of a final plat and within 30 days of the satisfaction of all requirements, conditions and contingencies of such approval, the applicant developer shall have the official copy of the final plat recorded in the RMC office.

One paper copy of the approved final plat, along with all certifications inscribed thereon, shall be retained by the zoning Administrator.

D. Major Land Development Project

No building permit shall be issued for a shopping center; apartment or condominium complex; commercial, business, industrial park; manufactured home park; or other multi-use or multi-occupant project, unless and until an applicant for such use submits to the Zoning Administrator the information required by Table 6 for Major Land Developments. The Planning Commission shall evaluate the application in relation to the following design and improvement criteria.

1. Ingress and egress to the project site shall be designed to maximize automotive and pedestrian safety and facilitate traffic flow.
2. Off-street parking, off-street loading, refuse, and service areas shall be designed to minimize their visual and physical impact on neighboring property. Where a project will create a need for

100 or more off-street parking spaces, a traffic impact analysis shall be required.

3. Street right-of-way, and pavement design and construction shall be adequate to accommodate the type and volume of traffic anticipated. Where the Zoning Administrator, using the IDT, Trip Generation Manual, latest edition, determines that a major land development will generate in excess of 1,600 AVT (average vehicle trips per day) on a Collector Street or 3,000 on an Arterial Street, the planning commission may require modifications of the project, as necessary to mitigate the potential impact on the traffic flow and carrying capacity of the impacted street(s).
4. The project shall be designed in harmony with its physical surroundings and in such manner as to ensure land use compatibility.
5. Where the project will create a need for off-site improvements, including improvements to streets, drainage systems, sidewalks, and curbs, the Planning Commission may require the installation of such improvements as a condition of approval.

If, upon review of these standards, the project is determined to be in compliance, the Planning Commission shall approve the land development application and cause the issuance of a building permit.

Approval of an application for a Major Land Development Project shall confer upon the applicant developer a vested right to proceed with the project, as approved (see Section 10.18 Vested Right).

Any proposed change to an approved project shall be resubmitted to the Planning Commission and reevaluated in light of the above.

Section 10.7 Performance Guarantee

Section 10.7-1 Policy

It shall be the general policy of the Town of Hampton that all improvements required by this ordinance be completed prior to final plat approval. However, recognizing that completion of all required improvements prior to obtaining final plat approval may not in some cases be feasible, practical, or financially possible, this section provides a mechanism by which final approval may be granted, contingent upon certain required improvements being completed as and when specified by the planning commission and upon the applicant providing financial guarantees for the completion of such other required improvements.

Section 10.7-2 Financial Guarantees

Where final plat approval is requested by the applicant-developer prior to the completion of all required improvements, the Zoning Administrator shall recommend to the Town Council financial guarantees of such type and in such amounts (not less than 125 percent of cost of materials and installation) sufficient to guarantee with reasonable certainty that the required improvements will be completed as and when required by the Town Council. Said financial guarantees to be used for such purposes may include one or more of the following types, if approved by the Town Attorney and acceptable to the Town Council:

Security Bond from a surety bonding company authorized to do business in South Carolina.

Letter of Credit from a bank or other reputable institution.

Escrow Account where applicant may deposit cash, or other instruments readily convertible into cash at face value, with the Town in escrow with a bank.

Improvement Guarantee or agreement acceptable to the Town.

Contract for Completion. The applicant may deliver to the Town a contract for completion of the required improvements executed by the applicant and a qualified responsible and duly licensed contractor together with an executed performance bond issued by such surety as the Town Council may approve. Along with said contract and performance bond, the applicant shall deliver to the Town the right and option to enforce the terms and conditions of the contract and the

performance bond.

Other Financial Assurances. Such other financial assurances that the Town Council finds will reasonably guarantee the satisfactory completion of the required improvements as and when required.

Any document providing such financial guarantee required by the Town Council under this section shall be in such form and substance as specified by and satisfactory to the Town Attorney. The required financial guarantee (completed and fully executed) shall be a condition of Final Plat approval.

Section 10.7-3 Option To Refuse Guarantee

The Town Council shall have the right to refuse any of the optional financial guarantees and require construction and installation of all improvements by the developer, where:

1. Past performance of the developer is unsatisfactory,
2. The selected option is unacceptable, or
3. For other reasons so stated.

Section 10.7-4 Allocation of Guarantee

Any funds received from financial guarantees required by this Section shall be used only for the purpose of making the improvements for which said guarantees are provided. When the improvements or any part thereof have been completed in conformity with these regulations, a commensurate portion of the cost will be released and returned to the developer.

Section 10.7-5 Default of Guarantee

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

Section 10.7-6 Extension of Guarantee

If it appears to the developer that he may not complete construction of the required improvements before expiration of his Improvement Guarantee, it shall be his obligation, at least 45 days prior to the expiration period, to submit an extended guarantee request. Such extension, if approved by the Town Attorney and Town Council, shall be for a period of six months. A maximum of two such extensions shall be allowed.

Section 10.7-7 Deviations

Regulations governing Subdivisions and Major Land Developments defined by Section 10.3 are the minimum required for achieving the objectives of Section 7.1. However, where a regulation would cause demonstrably unique and undue hardship as it applies to any given aspect of a project, except minimum lot and building setback requirements, the planning commission, by a majority vote of its membership present, may deviate from the strict application of the regulations; provided the action of the commission does not nullify the stated objectives of Section 7.1. In granting a deviation to the regulations, the planning commission may impose conditions that will help secure the objectives of the particular regulation being deviated. A complete record of the reasons for the approval of a subdivision or major land development shall be entered into the official minutes of the planning commission.

Deviations from minimum lot area and setback requirements shall be treated on an individual lot-by-lot basis, as variances, subject to an appeal by the applicant to the Zoning Board of Appeals.

Section 10.8 Application Requirements and Fees

All applications shall be filed on forms provided by the Town and contain or be accompanied by the information required on Table 6.

Fees to help cover the cost of processing land development and subdivision applications shall be as established by Town Council. A schedule of all required fees is available at Town Hall.

Section 10.9 Required Permits

No building or development activity, including the following, shall be commenced until all required permits have been issued:

1. Building activity not specifically exempt by this ordinance.
2. Changing the use of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot.
3. Installation of any sign for which a permit is required.
4. The establishment of a temporary use.
5. Electric or gas utility companies and/or cooperatives extending service or utilities to a given site.

No building, structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates and permits have been issued certifying compliance with the requirements of this Ordinance and related codes and regulations.

No permits inconsistent with the provisions of this Ordinance shall be issued unless accompanied by an approved variance.

The provisions of this Section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, crossarms, guys, wire, cable and drops.

Section 10.10 Types of Required Permits

One or more of the following permits shall be required in advance of any land alteration or development in the Town of Hampton:

- Building Permit
- Sign Permit
- Occupancy Permit
- Grading Permit

Failure to obtain a required permit shall be a violation of this Ordinance, and punishable under Section 10.17.

Section 10.11 Building Permits

A building permit shall be required of all proposed building and/or development activity unless expressly exempt by the Town Building Code.

**Table 6
Information Required To Support Application**

Type of Application	Information Required
<u>LAND SUBDIVISION</u>	
Minor Subdivision	<p>Three (3) copies of plat, at scale not less than 1" = 200', sheet size 18" x 24", not to exceed 24" x 36", showing or specifying:</p> <ol style="list-style-type: none"> 1. All information required of General Property and Closing Surveys, in accord with the <u>Minimum Standards Manual for the Practice of Land Surveying in South Carolina</u>, promulgated under authority of the Code of Laws of South Carolina 1976, 40-21-110; 2. Land acreage; number of lots, and minimum lot size; 3. Drainage, erosion and sediment control plan by qualified professional showing all structures and easements; 4. Tax parcel number of property to be subdivided; 5. Minimum front and rear yard setback lines and zoning classification; 6. Utilities on and adjacent to tract, and proposed connections; 7. Land within flood plain; and 8. All existing physical features within or adjoining the tract, including lakes, streams, ditches etc.
Major Subdivision: Preliminary Plat	<ol style="list-style-type: none"> 9. All requirements listed above. 10. Proposed layout and dimension of all streets, rights-of-way, pavement widths, lot lines, and easements, specifying purpose of easements; 11. Detailed street cross section and center line showing profiles for each street at minimum scale of 1' = 50'; 12. A tentative road plan where only part of an existing tract in which a developer has an interest is proposed for development; 13. Location and identification of off-site streets, public facilities, major physical features, names of owners and subdivisions contiguous or in proximity to the subdivision; 14. Contour lines at vertical intervals of at least five (5) feet and the location and elevation of the benchmark to which contour elevations refer, recorded at survey quality points; 15. In case of a re-subdivision, the name and all portions of the previous recorded subdivision, together with the changes shall be indicated.

Major Subdivision: Final Plat	<p>16. All information required above, including plat revisions as required by the Planning Commission;</p> <p>17. Exact locations, bearings and distances of all political lines, tract boundary lines, pavement widths, right-of-way widths, road centerlines, easements, lot lines, monuments and markers;</p> <p>18. Type of water supply and sewerage connection;</p> <p>19. Street treatment - paved;</p> <p>20. Certificates of survey accuracy, ownership and dedication, and final approval by the Planning Commission;</p> <p>21. Supporting documents, to include the following:</p> <ol style="list-style-type: none"> Final detailed as built plans for all improvements, A copy of all restrictions (covenants) to run with land, DHEC approval of water and sewer systems;
<u>LAND DEVELOPMENT</u>	<p>1. Information required by 1, 6, 7, and 9.</p> <p>2. Location of all proposed structures, including free standing signs;</p> <p>3. Required off-street parking;</p> <p>4. All information specified by Article 3, Conditional Uses, as applicable.</p>
<u>MAJOR LAND DEVELOPMENT</u>	<p>1. All information required for preliminary and final plat approval</p> <p>2. Location of all proposed structures, including free standing signs;</p> <p>3. All information required by Articles 4, 5 and 6 if the Zoning Ordinance</p> <p>4. All information specified by Article 3, Conditional Uses, of the Zoning Ordinance, as applicable.</p>
AMENDMENT	<p>1. Draft new text to be added and existing text to be deleted;</p> <p>2. State reasons for change</p>
VARIANCE	<p>1. State nature of variance;</p> <p>2. Provide evidence of unnecessary hardship;</p> <p>3. State necessity of variance</p>
APPEAL	State reasons for appeal, with specific reference to action being appealed.

Section 10.12 Sign Permits

Where a sign permit is required by Article 5 of this Ordinance, the permit application shall be accompanied by the following:

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

4. Correct size, shape, configuration, face area, height, nature, number, and type of sign to be erected, including the size of letters and graphics.
5. The value of the sign and sign structure.
6. Signs exceeding thirty-six (36) square feet in area shall be accompanied by a drawing and written certification from a registered South Carolina engineer or architect that the sign 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 building or other construction codes and the requirements of this Ordinance.
7. The Zoning Administrator may waive any of the informational requirements listed above deemed unnecessary to process an application.

Section 10.13 Occupancy Permits

It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until an Occupancy Permit has been issued stating that the proposed use of the building or land conforms to the requirements of this Ordinance and the Town Building code.

Section 10.14 Grading Permits

A grading permit shall be required prior to any land disturbing activity covered by the South Carolina Stormwater Management and Sediment Reduction Regulations, which regulations are hereby adopted by reference and made a part of this Ordinance.

Section 10.15 Inspections for Compliance

The Zoning Administrator may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain

compliance with the provisions of this Ordinance and to ascertain compliance with approved permit applications, plats, plans, and/or certificates.

Section 10.16 Expiration of Permits

If the work described in any building or sign permit has not begun within one year from the date of issuance thereof, said permit shall expire. It shall be canceled and written notice thereof shall be given to the owner/developer, unless extended by the Zoning Administrator upon application by the owner/developer.

Section 10.17 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the Zoning Administrator shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

Section 10.18 Penalties for Violations

Where any building, structure, or sign is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is used in violation of this Ordinance, the Zoning Administrator may in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful activity; to correct or abate the violation or to prevent the occupancy of the building, structure, or land.

Any person violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

Section 10.19 Vested Right

1. Definition

'Vested right' means the right to undertake and complete the development of property under the terms and conditions provided in this Article.

2. Duration

A vested right is established for two years upon the approval by the Zoning Administrator, Planning Commission and/or Town Council, as applicable, of a Subdivision, or a Land Development.

A vested right may be extended at the end of the vesting period for an additional 12 months, or 36 months for a phased development plan, upon request by the applicant and a determination by the Planning Commission that there is just cause for extension and that the public interest is not adversely affected.

A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code.

3. Amendment

A vested site specific development plan or vested phased development plan may be amended if approved by the Planning Commission or Town Council, as applicable, pursuant to the provisions of this ordinance.

4. Revocation

A vested right to a site specific development plan or phased development plan is subject to revocation by the Planning Commission or Town Council, as applicable, upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

5. Applicability of Other Regulations

A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the

building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;

A vested site specific development plan or vested phased development plan is subject to subsequent local governmental 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;

A change in the zoning district designation or land use regulations made subsequent to vesting that affect real property does not operate to affect, prevent, or delay development of the real property under a vested site specific development plan or vested phased development plan without consent of the landowner;

The Zoning Administrator, Planning Commission or Town Council, as applicable, must not require a landowner to waive his vested rights as a condition of approval of a site specific development plan or a phased development plan.

6. Vested Right to Run with Property

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 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. This Section does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This Section does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

ARTICLE 12

DEFINITIONS

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel".

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied". An intended project shall be defined as one where substantial monies have been spent towards the goal of the project.

The word "map" or "zoning map" shall mean the Official Zoning Map of the Town of Hampton, South Carolina.

The term "Planning Commission" refers to the Planning Commission for the Town of Hampton. The term Council, Mayor and Council, or Town Council shall mean the legally elected governing body of the Town of Hampton. The term " Zoning Board of Appeals" refers to the Zoning Board of Appeals for the Town of Hampton.

Animal Shelter, Domestic - A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals and fowl of any kind, are boarded or kept.

Buildable Area - That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons or property.

Building, Accessory - A subordinate structure on the same lot and detached from the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, domestic animal shelters, pool houses, etc., when detached from the principal building, and carports attached to the principal building when at least 75 percent open or unenclosed.

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

Canopy Tree - A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

Day Care Services - Day care services shall mean and include any home, center, agency or place, however styled, where children, elderly, handicapped or other persons not related to the operator are received for custodial care, whether for compensation, reward, or otherwise during part of or all day or night and upon any number of successive days or nights.

Conditional Use - A use of land or structure which is permitted in a district under conditions specified in the zoning ordinance.

Density - The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per net

acre; that is, per acre of land devoted to residential use and common open space exclusive of land utilized for streets, parks, playgrounds, school grounds, or other public uses.

Developed Lot - Any lot or parcel containing over \$20,000 in improvements, other than a sign.

Dwelling - A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment - (See dwelling, multi-family)

Dwelling, Detached - A single dwelling unit surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex - A building containing two dwelling units.

Dwelling, Group Occupied - A dwelling unit occupied by five (5) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Manufactured Home - A factory built home built after the enactment of and bearing a label of compliance with the Federal Manufactured Home Construction and Safety Standards Act, effective June 15, 1976 (HUD Code).

Dwelling, Multi-Family - A building containing three (3) or more dwelling units.

Dwelling, Patio House - A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero lot line dwellings.

Dwelling, Residential Designed Manufactured Home - A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code, 6-15-76, and which:

- a. Has a minimum width over 20 feet (multiple-section);
- b. Has a minimum of 900 square feet of enclosed living area;

- c. Has a minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
- d. Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
- e. Has a roof overhang of not less than eight (8) inches.

Dwelling, Single-Family - A building containing one dwelling unit.

Dwelling, Standard Designed Manufactured Home - A single family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, 6-15-76, and which does not meet the definition of a *Residential Designed Manufactured Home*.

Dwelling, Townhouse - A series of attached dwelling units on separate lots, which may or may not have a common roof and are separated from each other by common vertical walls.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, Zero Lot Line - A zero lot line dwelling is a single-family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio house.

Family - One or more persons related by blood, marriage, adoption or guardianship, and not more than four (4) persons not so related, except that nine (9) mentally or physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws, including approval or licensing of the home in which they are located by a state agency for that purpose.

Family Day Care Home - A family day care home is one in which care is given by a family member and no others during the day only for one and not more than 12 children, including the day care parents' own children.

Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Garage, Private - (As defined by the Standard Building Code.)

Home Occupation - Any occupation conducted for gain within a dwelling by a member or members of the family residing in the dwelling.

Junk and/or Salvage - Any materials consisting of waste, discarded or salvage matter which is bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than seventy-two (72) hours whether for repair or not. The term junk shall also mean, but not be limited to old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material.

Junk and/or Salvage Yard - Any premises where salvage or junk as defined herein are found and have been permitted to remain with the consent of the owner, lessee, or person(s) responsible for maintenance of such premises.

Lot - A parcel of land considered as a unit. The terms "lot", "lot of record", "property", or "tract", whenever used in this Ordinance are interchangeable.

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

Lot of Record - A lot, the boundaries of which are filed as legal record.

Lot Area - The area contained within the boundary line of a lot.

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

Manufactured Home Park - A lot or parcel with space, improvements and utilities for the long-term parking of two (2) or more mobile or manufactured homes which may include services and facilities for the residents.

Mini Warehouses - A building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private, dead storage of personal goods, materials and equipment. Shipping containers, whether attached or detached, shall not be permitted for use as mini warehouses.

Modular Building Unit or Modular Structure - Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the Modular Building's Construction Act (23-43-10 of the S. C. Code of Laws), said building unit or structure may be located in any of the Town's several zoning districts.

Nonconformity - A nonconformity is any lot of record, use, building, structure or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

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

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

Adult Uses - For purposes of this Ordinance, adult uses shall mean and include the following:

- (1) **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

(2) **Adult Bookstore or Adult Video Store.** A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities"

(3) **Adult Cabaret/Theatre.** A nightclub, bar, restaurant, theatre, or similar commercial establishment which regularly features:

Persons who appear in a state of nudity; or performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

(4) **Adult Motel.** A hotel, motel or similar commercial establishment which offers accommodations to the public with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(5) **Sexual Encounter Center.** A business or commercial enterprise that, as one of its primary business purposes, offers activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Sign - 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. United States flags are not signs.

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

Sign, Animated - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

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

Sign, Banner - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Building - Any sign attached to any part of a building.

Sign, Changeable Copy - 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 on 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 Ordinance.

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

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

Sign, Incidental - 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, Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

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

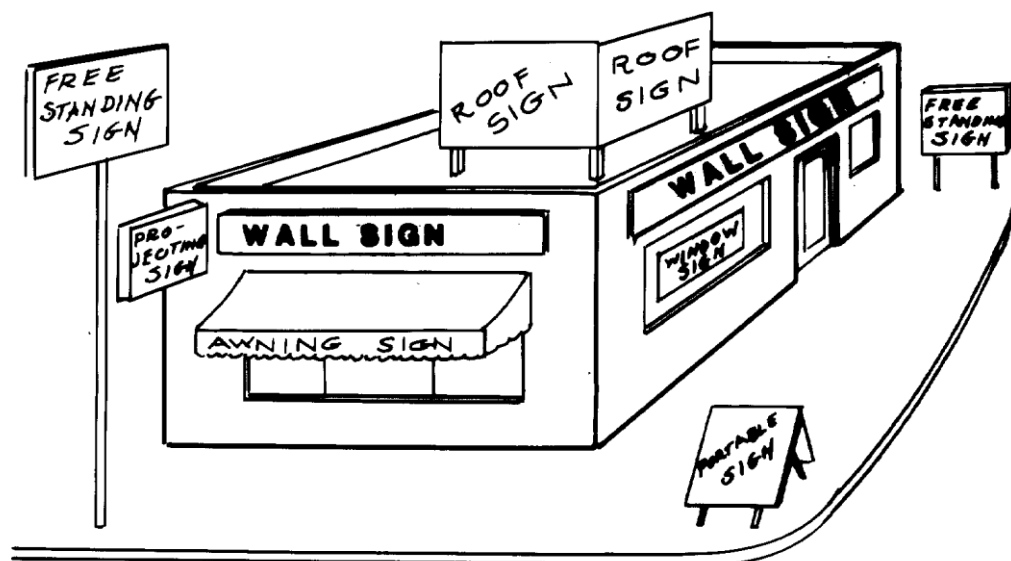
Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

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

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

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

Sign, Temporary - A sign that is used only for a short period of time and is not permanently mounted.



SIGN TYPES

Sign, Wall - 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 - 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.

Specified Anatomical Areas. The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified Sexual Activities. Includes any of the following:

- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (c) Masturbation, actual or simulated; or
- (d) Excretory functions as part of or in connection with any of the activities set forth in a. through c. above.

Street - Any thoroughfare or space more than 18 feet in right-of-way width, which has been dedicated, deeded or designated for vehicular traffic, public or private.

Street, Arterial. A street with signals at important intersections and stop signs on side streets, and which collects and distributes traffic.

Street, Collector. A street that penetrates neighborhoods and collects and distributes traffic between lower order Residential Access Streets and higher order arteries.

Street, Residential Access. A street designed principally to provide vehicular access to abutting residential property.

Structure - (As defined by the Standard Building Code.)

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

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

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

1. Involves the division of land into parcels of five (5) acres or more where no new street is involved; or
2. Includes the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this Ordinance and other applicable regulations.
3. Involves cemetery lot.
4. Addition of property to an existing lot of record.
5. Includes the division of land by will or inheritance under the statute of descent and distribution, or by gift conveyed by deed. Such exemption shall be limited to the conveyance of land from one member to another member of the same immediate family (mother, father, children, grandchildren, brothers, sisters).
6. Involves the creation of a single lot from an existing lot or parcel.

Travel Trailer or Recreational Vehicle - A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary

use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit.

Understory Tree - A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Use, Accessory - See Building, Accessory.

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

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

Variance - A modification of the area regulations of this Ordinance, granted by the Zoning Board of Appeals.

Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

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

Yard, Rear - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Required - That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Ordinance.

Yard, Side - A yard extending the full length of the lot in the area between the side lot line and a side building line.

Zoning District - A specifically delineated area or district in the Town within which regulations and requirements govern the use, placement, spacing and size of land and buildings.

ARTICLE 13

LEGAL STATUS PROVISIONS

Section 13.1 Conflict With Other Laws

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Section 13.2 Validity

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 13.3 Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 13.4 Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption by the Mayor and Town Council of the Town of Hampton.

ENACTED AND ORDAINED into an Ordinance this 16th day of March, 2010.

Mayor, John B. Rhoden

Clerk , Lynn Sanders