

TOWN OF YEMASSEE



ZONING ORDINANCE

ARTICLE I	1
AUTHORITY AND ENACTMENT CLAUSE	1
ARTICLE II.....	2
SHORT TITLE	2
ARTICLE III	3
ESTABLISHMENT OF ZONING DISTRICTS.....	3
Section 3.1 District Boundaries.....	3
Section 3.2 Interpretation of District Boundaries	3
Section 3.3 Annexation.....	3
ARTICLE IV	4
APPLICATION OF DISTRICT REGULATIONS	4
Section 4.1 Use of Land Or Structures	4
Section 4.2 Nuisances.....	5
ARTICLE V	6
REQUIREMENTS BY DISTRICT	6
Section 5.1 Single-Family Residential 1 Acre [R1A]	6
Section 5.2 Single-Family Residential 1/2 Acre [R2A].....	8
Section 5.3 Reserved.....	9
Section 5.4 Single-Family Residential 1/4 Acre [R4A].....	11
Section 5.5. General Residential [GR].....	13
Section 5.6 General Residential Townhouse [GRT].....	15
Section 5.7 Mixed Use [MU].....	18
Section 5.8 Light Industrial District [LID]	29
Section 5.9 Planned Unit Development [PUD].....	37
Section 5.10 Conservation Preservation District [CPD].....	53
Section 5.11 Village Commercial District [VCD].....	56
Section 5.12 Regional Commercial District [RCD].....	68
Section 5.13 Office Commercial District [OCD].....	73
Section 5.15 Transitional District [TR]	77
Section 5.16 Agricultural [AG]	83
Section 5.17 Highway Corridor Overlay District [HCOD]	84
Section 5.18 Historic Preservation Overlay District [HPOD]	102
Section 5.19 Telecommunication Towers	112
Section 5.20 Reserved.....	120
Section 5.21 Signs.....	120
Section 5.22 Reserved.....	144
Section 5.23 Reserved.....	144
Section 5.24 Reserved.....	144
Section 5.25 River Protection Overlay District [RPOD]	144
ARTICLE VI	155
ADMINISTRATION.....	155
Section 6.1 Establishment of the Yemassee Planning Commission	155
Section 6.2 Procedures of the Yemassee Planning Commission	156
Section 6.3 Administrative Functions: Yemassee Planning Commission	156
Section 6.4 Establishment of the Historic Preservation Commission.....	157

ARTICLE VII.....	164
APPEALS AND PENALTIES	164
Section 7.1 <i>Establishment of the Zoning Board of Appeals.....</i>	<i>164</i>
Section 7.2 <i>Procedures of the Zoning Board of Appeals.....</i>	<i>164</i>
Section 7.3 <i>Powers of the Zoning Board of Appeals.....</i>	<i>165</i>
Section 7.4 <i>Contempt and Penalty</i>	<i>170</i>
Section 7.5 <i>Appeal: Zoning Board of Appeals to Circuit Court.....</i>	<i>170</i>
Section 7.6 <i>Notice of Appeal; Transcript; Supersede as</i>	<i>170</i>
Section 7.7 <i>Determination of Appeal; Costs.....</i>	<i>170</i>
Section 7.8 <i>Appeal to the Supreme Court.....</i>	<i>171</i>
ARTICLE VIII	172
AMENDMENTS	172
Section 8.1 <i>Authority.....</i>	<i>172</i>
Section 8.2 <i>Requirements for Change</i>	<i>172</i>
Section 8.3 <i>Procedures for Amendments</i>	<i>172</i>
ARTICLE IX	174
LEGAL STATUS PROVISIONS	174
Section 9.1 <i>Conflict With Other Laws</i>	<i>174</i>
Section 9.2 <i>Validity.....</i>	<i>174</i>
Section 9.3 <i>Repeal of Previous Ordinances.....</i>	<i>174</i>
Section 9.4 <i>Effective Date.....</i>	<i>174</i>
ARTICLE X.....	175
DEFINITION OF TERMS	175
Section 10.1 <i>Interpretation of Certain Terms or Words</i>	<i>175</i>
Section 10.2 <i>Definitions.....</i>	<i>175</i>
CLERK OF COUNCIL	182
2ND READING	182
APPROVED AS TO FORM AND CONTENT.....	182

ARTICLE I
AUTHORITY AND ENACTMENT CLAUSE

In pursuance of authority conferred by the General Statutes of *South Carolina Code Section 6-29-330* and for promoting health, safety, and general welfare of the community; lessening congestion in the streets, securing safety from fire, providing adequate light and air; providing for adequate transportation, water, sewerage, schools, parks, and other public improvements; protecting scenic and unique areas, in accordance with a *Comprehensive Plan*; the Town Council of the Town of Yemassee does ordain and enact into law the following Articles and Sections.

ARTICLE II
SHORT TITLE

The Ordinance shall be known and may be cited as *the Town of Yemassee Zoning Ordinance*.

ARTICLE III
ESTABLISHMENT OF ZONING DISTRICTS

Section 3.1 District Boundaries

The boundaries of the District given in *Article V* are shown on a map entitled *Official Zoning Map, Town of Yemassee*, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

- 3.1.1 If, in accordance with the provisions of this Ordinance and 1976 *South Carolina Code of Laws*, changes are made in the District boundaries portrayed on the *Official Zoning Map*, such changes shall be referred to the Planning Commission and promptly entered on the *Official Zoning Map*.
- 3.1.2 The *Official Zoning Map* shall be located in the Town of Yemassee Town Hall and accurate replicas shall be located in all offices of the Hampton and Beaufort County Building Inspections Department.

Section 3.2 Interpretation Of District Boundaries

The boundaries between Districts are, unless otherwise indicated, either the centerline of streets, rights-of-way, lot or tract lines, or such lines extended.

Section 3.3 Annexation

Where town limit boundaries are proposed for change by virtue of annexation, the Town Council will request study and recommendations from the Planning Commission regarding proposed zoning classifications for the area to be annexed prior to referendum for such annexation.

ARTICLE IV
APPLICATION OF DISTRICT REGULATIONS

Section 4.1 Use Of Land Or Structures

No land or structures shall hereafter be constructed, erected, altered, moved, replaced, or subdivided except in conformity with all of the regulations specified for the District in which it is located.

- 4.1.1 No yard or lot existing at the time of passage of this Ordinance shall be reduced in area below the minimum requirements set forth for that District. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements established for the District in which the lot is located.

- 4.1.2 Where a lot of record does not conform to the area requirements of this Ordinance, such a lot may nevertheless be used as a building site provided that said lot requirements are not reduced below the minimum specified for the District or use by more than twenty (20) percent and provided adequate sewage disposal facilities can be provided to serve the lot. Any lot requiring dimensional waivers of more than twenty (20) percent shall be submitted to the Zoning Board of Appeals for approval or denial.

- 4.1.3 Nonconforming uses are declared by this Ordinance to be incompatible with the Districts involved. However, to avoid undue hardship, the lawful use of any building or land use at the time of enactment of this Ordinance may be continued even though such use does not conform to the provisions of this Ordinance, except that the non-conforming building, use, or portions thereof shall not be:
 - A. Changed to another non-conforming use;
 - B. Reused or reoccupied after discontinuance of use or occupancy for a period of six (6) months or more;
 - C. Replaced or reestablished with a similar building or use after physical removal or relocations from its site after passage of this Ordinance;
 - D. Repaired, rebuilt, or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction.

Reconstruction or repair, when legal, must begin within six (6) months after damage is incurred;

E. Enlarged or altered in a way which increases its non-conformity; and

F. Provided the use in no way violates a preexisting Ordinance or regulation of the Town of Yemassee.

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

Section 4.2 Nuisances

See the Town Nuisance Ordinance adopted in the year of 2006

**ARTICLE V
REQUIREMENTS BY DISTRICT**

Section 5.1 Residential 1 Acre [R1A]

The Residential 1 Acre District is designed to primarily provide for single-family detached dwellings on larger lot footprints while limiting density and to discourage encroachment by uses which may be incompatible with such residential use.

5.1.1 Standards for the R1A District

- A. Maximum density: One (1) dwelling unit per acre.
- B. Minimum lot size: 43,560 square feet per dwelling unit.
- C. Maximum building height: Thirty-Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.
- D. Minimum front yard setback: Fifty (50) feet from the street right-of-way line.
- E. Minimum side yard setbacks: Twenty-Five (25) feet from lot lines.
- F. Minimum rear yard setback: Fifty (50) feet from rear property line.

5.1.2 Permitted Uses for the R1A District

- A. Single-family detached dwelling.
- B. Civic provided that:
 - 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 - 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and

3. The use meets the following site, building, and setback requirements:
 - a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.

C. Home occupation, provided:

1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
2. This parking space is sufficient to handle any home occupation-related parking needs;
3. There are no full-time associates or employees who are not members of the household;
4. No signs associated with the home occupation are displayed; and
5. The home occupation does not constitute a nuisance.

Section 5.2 Residential 1/2 Acre [R2A]

The Residential 1/2 Acre District is designed to provide primarily for single-family residential purposes, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.2.1 Standards for the R2A District

Maximum density: Two (2) dwelling units per acre.

- A. Minimum lot size: 21,780 square feet per dwelling unit.
- B. Maximum building height: Thirty-Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.
- C. Minimum front yard setback: Thirty (30) feet from the street right-of-way line.
- D. Minimum side yard setbacks: Twenty-Five (25) feet from lot lines.
- E. Minimum rear yard setback: Thirty (30) feet from rear property line.

5.2.2 Permitted Uses for the R2A District

- A. Single-family detached dwelling.
- B. Civic provided that:
 - 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 - 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and
 - 3. The use meets the following site, building, and setback requirements:

- a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.
- C. Home occupation, provided:
- 1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 - 2. This parking space is sufficient to handle any home occupation-related parking needs;
 - 3. There are no full-time associates or employees who are not members of the household;
 - 4. No signs associated with the home occupation are displayed; and
 - 5. The home occupation does not constitute a nuisance.

Section 5.3 Reserved

Section 5.4 Residential 1/4 Acre [R1A]

The Residential 1/4 Acre District is designed to provide for homogenous residential purposes. The intent of the district is to provide areas primarily for single-family detached dwellings on smaller lot footprints and discourage any encroachment by uses which may be incompatible with such residential use.

5.4.1 Standards for the R4A District

- A. Maximum density: Three (3) dwelling units per acre.
- B. Minimum lot size: 10,890 square feet per dwelling unit

Maximum building height: Thirty-Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.

- C. Minimum front yard setback: Fifteen (15) feet from the street right-of-way line.
- D. Minimum side yard setbacks: Ten (10) feet from lot lines.
- E. Minimum rear yard set back: Ten (10) feet from rear property line.

5.4.2 Permitted Uses for the R4A District

- A. Single-family detached dwelling.
- B. Civic provided that:
 - 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 - 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and
 - 3. The use meets the following site, building, and setback requirements:
 - a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential

District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.

- A. Home occupation, provided:
1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 2. This parking space is sufficient to handle any home occupation-related parking needs;
 3. There are no full-time associates or employees who are not members of the household;
 4. No signs associated with the home occupation are displayed; and
 5. The home occupation does not constitute a nuisance.

Section 5.5. General Residential [GR]

The General Residential District is designed to provide for a variety of residential uses, including single-family, two (2) family and mobile home dwellings. The intent of the District is to provide areas primarily for residential uses, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.5.1 Standards for the GR District

- A. Maximum density: Three (3) dwelling units per acre.
- B. Minimum lot size: 14,520 square feet per dwelling unit.
- C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.

D. Minimum front yard setback: Five (5) feet from the street right-of-way line.

E. Minimum side and rear yard setbacks: Five (5) feet from lot lines.

5.5.2 Permitted Uses for the GR District

A. Single-family detached dwelling.

B. Church, civic, or institutional use, provided that:

1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and
3. The use meets the following site, building, and setback requirements:
 - a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet. Church spires, belfries, cupolas, monuments, chimneys, flag poles cannot exceed the Thirty-five (35) feet requirement; and
 - c. Minimum rear and side yard setbacks: Five (5) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.

C. Home occupation, provided:

1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
2. This parking space is sufficient to handle any home occupation-related parking needs;
3. There are no full-time associates or employees who are not members of the household;
4. No signs associated with the home occupation are displayed; and
5. The home occupation does not constitute a nuisance.

D. Family Day Care Home (See *Article X, Definitions*) as a home occupation in an occupied residence where child day care is regularly provided for no more than six (6) children as a Home Occupation in compliance with the provisions in *Section 5.2.2.C* above.

E. Two (2) family dwelling.

F. Mobile home dwelling provided the same is under skirted around its base with an appropriate material sufficient to provide a visual screen for the underpinnings of the mobile home.

Section 5.6 General Residential Townhouse [GRT]

The General Residential Townhouse District is designed to provide for a variety of residential uses, including single-family, two (2) family homes and Townhouse uses, otherwise known as Townhouse projects. The intent of the District is to provide areas primarily for residential uses, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.5.1 Standards for the GRT District

- A. Maximum density: Three (3) dwelling units per acre with the exception of Townhouses.
- B. Minimum lot size: 14,520 square feet per dwelling unit with the exception of Townhouses.
- C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.
- D. Minimum and Maximum front yard setback: Minimum Zero (0) and Maximum Fifteen (15) feet from the street right-of-way line.
- E. Minimum side yard setbacks: Ten (10) feet from lot lines.
- F. Minimum rear yard setbacks: Thirty (30) feet from the lot lines.
- G. Townhouse projects are allowed to share interior property lines provided that 20' setbacks shall be required on the end unit between Townhouse buildings; further provided that such projects (buildings) shall not exceed 600' parallel to the street providing principal access.
- H. Townhouse buildings cannot consist of more than Six (6) units per building or less than Four (4) units per building.
- I. Townhouse projects must contain parking between the buildings and the roadways.

5.5.2 Permitted Uses for the GRT District

- A. Single-family detached dwelling.
- B. Townhouse Developments
 - 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 - 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and

3. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation; and
 4. Maximum building height: Thirty-five (35) feet.
- C. Church, civic, or institutional use, provided that:
1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and
 3. The use meets the following site, building, and setback requirements:
 - a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet. Church spires, belfries, cupolas, monuments, chimneys, flag poles cannot exceed the Thirty-five (35) feet requirement; and
 - c. Minimum side yard setbacks: Ten (10) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6)

feet in height which extends across the length of the property is required.

D. Home occupation, provided:

1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
2. This parking space is sufficient to handle any home occupation-related parking needs;
3. There are no full-time associates or employees who are not members of the household;
4. No signs associated with the home occupation are displayed; and
5. The home occupation does not constitute a nuisance.

E. Family Day Care Home (See *Article X, Definitions*) as a home occupation in an occupied residence where child day care is regularly provided for no more than six (6) children as a Home Occupation in compliance with the provisions in *Section 5.2.2.C* above.

G. Two (2) family dwelling with the exception of Townhouse Developments.

Section 5.7 Mixed Use [MU]

It is of special and substantial public interest to encourage residential and economic redevelopment of the older section of the town known as “The Olde Towne.” It is, therefore, the intent of the Mixed Use (MU) District to encourage the formation of a compatible and economically healthy environment for

business, financial, service, and professional uses, which benefit from being located in close proximity to each other. Such general business purposes are encouraged in this Section to combine compatibility with residential use. Residential occupancy in this District is to be promoted and encouraged, either in separate buildings or in combination with office, retail, and service uses, and that such uses, in combination or not, shall be scaled and designed to serve both the livability and economic restructuring of the area. The District is designed for a low and medium density residential base, with small-scale office, commercial, and retail uses in renovated or replicated housing, a dynamic mix of uses linked by a common residential character. The Mixed Use (MU) District, thus, anticipates the desirability of mixing land uses and imposes standards to resolve problems associated with mixing, and eliminated the negative aspects of juxtaposing unlike land uses.

5.7.1 Standards for the Mixed Use District

A. Commercial or institutional uses:

1. Maximum Floor-Area Ratio: 0.33. To harmonize with the traditional scale of commercial buildings in the Olde Towne, new commercial buildings shall not contain more than three thousand five hundred (3,500) square feet of gross floor area.
2. Minimum lot area: The minimum lot size of at least one-third ($\frac{1}{3}$) acre (14, 520 square feet).
3. Minimum street frontage: Lots must have a minimum of forty (40) feet of frontage either on a street or on a back lane or shared driveway. However, houses served by rear lanes may front directly onto parks or greens, which shall have perimeter sidewalks. Also, flag lots must possess at least twenty-five (25) feet of frontage on a street.
4. Minimum lot width at building line: The minimum lot width at the building line shall be forty (40) feet.
5. Maximum building height: Thirty-five (35) feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles, water towers, or other structures not intended for human occupancy, with the exception of utility lines.
6. Front yard setback:

- a. Principle buildings: Twelve (12) feet minimum (but six (6) feet to front porches/steps, and twenty (20) feet maximum).
 - b. Attached garage (front-loaded): Twenty (20) feet minimum, no maximum.
 - c. Attached garage (side-loaded): Minimum ten (10) feet from street right-of-way, no maximum.
 - d. Detached garage (front-loaded): Minimum twenty (20) feet behind the front façade of the house.
7. Rear yard setback:
- a. Principal buildings: Thirty (30) feet minimum.
 - b. Accessory buildings: Five (5) feet minimum.
 - c. Rear-loaded garages (all): Minimum twenty (20) feet from paved edge of alley or lane, and nine (9) feet to the alley right-of-way.
8. Side yard setback:
- a. Principal buildings: Twenty (20) foot separation between principal building on adjacent lots; no side yard shall be required on one (1) side if the other side yard is at least twenty (20) feet.
9. The development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in the landscaped natural vegetation.

B. Residential Uses:

- 1. Maximum permitted use density: Three (3) dwelling units per acre.

2. Minimum permitted use lot area: The minimum lot area shall be 14, 520 square feet.
3. Minimum street frontage: Lots must have a minimum of forty (40) feet of frontage either on a street or on a back lane or shared driveway. However, houses served by rear lanes may front directly onto parks or greens, which shall have perimeter sidewalks. Also, flag lots must possess at least twenty-five (25) feet of frontage on a street.
4. Minimum lot width at building line: The minimum lot width at the building line shall be forty (40) feet.
5. Maximum building height: Thirty-five (35) feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles, water towers, or other structures not intended for human occupancy, with the exception of utility towers.
6. Front yard setback:
 - a. Principal buildings: Twelve (12) feet minimum (but six (6) feet to front porches/steps, and twenty (20) feet maximum).
 - b. Attached garage (front-loaded): Twenty (20) feet minimum, no maximum.
 - c. Attached garage (side-loaded): Minimum ten (10) feet from street right-of-way, no maximum.
 - d. Detached garage (front-loaded): Minimum twenty (20) feet behind the front façade of the house.
7. Rear yard setback:
 - a. Principal buildings: Thirty (30) feet minimum.
 - b. Accessory buildings: Five (5) feet minimum.

- c. Rear-loaded garages (all): Minimum twenty (20) feet from paved edge of alley or lane, and nine (9) feet to the alley right-of-way.

8. Side yard setback:

- a. Principal buildings: Twenty (20) foot separation between principal building on adjacent lots; no side yard shall be required on one (1) side if the other side yard is at least twenty (20) feet.
- b. The Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in the landscaped natural vegetation.

5.7.2 Permitted Uses for the Mixed Use District

A. Single-family detached dwelling.

- B. All principal businesses must operate in a permanent structure. No principal business may operate in any non-permanent structure such as a tent, mobile unit, trailer, recreational vehicle, or other temporary building.

C. Church, civic, or institutional use, provided that:

- 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
- 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and
- 3. The development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent

of the lot area must be landscaped or otherwise maintained in the landscaped natural vegetation.

- D. Family Day Care Home (See *Article X, Definitions*) as a home occupation in an occupied residence where child day care is regularly provided for no more than six (6) children as a Home Occupation in compliance with the provisions in *Section 5.5.2.D* above.
- E. Group Day Care Home (See *Article X, Definitions*) as a home occupation in an occupied residence meeting the requirements in *Section 5.2.2.C* above, where child day care is regularly provided for seven (7) to twelve (12) children, as a special exception issued by the Zoning Board of Appeals, with conditions including:
1. A minimum lot size of at least one (1) acre (43,560 square feet);
 2. Proof of licensing and registration with the South Carolina Department of Social Services, including renewals every two (2) years;
 3. A site plan or plat, including floor plans, that includes adequate play areas, fencing, lighting, and driveway/child drop-off areas;
 4. Written agreement to allow outdoor play only between the hours of 8AM and 6PM;
 5. Certification that the facility is clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character, thereof;
 6. No Group Day Care Home shall be conducted in any detached accessory building;
 7. The facility is compatible with the surrounding neighborhood based upon a consideration of the number of persons cared for, potential traffic and noise impacts, location of play, parking, loading and circulation areas, and lighting;

8. Adequate parking including one (1) parking space for the operator and each employee and one (1) additional space for each five (5) children. Parking demand generated by the use shall be met off the street and other than in a required front yard;
9. Signs must be non-illuminated, placed flat against the wall and not exceed one and one-half (1½) square feet in area; and
10. The Group Day Care Home shall be subject to all applicable Town business licenses and other business taxes.

F. Accessory dwelling unit/dependency unit.

G. Service businesses specifically including:

1. Appliance, radio, or television repair shop;
2. Art studios, galleries, museums, and libraries;
3. Barber shop, beauty shop, hair/nail salon, or combination thereof;
4. Bicycle repair and sales shop;
5. Child care center and kindergartens;
6. Community center;
7. Design studio;
8. Dressmaker, seamstress, and tailor;
9. Educational institutions of a business, professional, or scientific nature;
10. Health studios and spas;
11. Indoor theaters;
12. Insurance agency;

13. Jewelry and watch repair shop;
14. Locksmith or gunsmith;
15. Medical, dental, or chiropractic office, and/or clinic, not including veterinary;
16. Office for governmental, professional business, or general purposes;
17. Photographic studio and supply shops;
18. Public utility business office;
19. Public/private schools;
20. Radio and television stations;
21. Real estate agency;
22. School offering instruction in art, music, dancing, drama, or other similar activity;
23. Shoe repair shop;
24. Secretarial and/or telephone answering service; and
25. Travel and ticket agencies.

H. Retail businesses specifically including:

1. Art shops and galleries;
2. Art supply store;
3. Book, magazine, and newspaper shops;
4. Candy store;
5. Clothing store;
6. Drug store or pharmacy;

7. Florist shop;
8. Fruit, nut, food, and/or vegetable store;
9. Furniture stores;
10. Gift, curio, or antique shop;
11. Hair/nail salon;
12. Hardware store;
13. Hobby and/or toy shop;
14. Ice cream shop;
15. Leather goods and luggage shops;
16. Marine and fishing supply shops;
17. Millinery or hat shops;
18. Music store, video store, and/or record shop;
19. Office supply store;
20. Paint store;
21. Photographic or camera supply store;
22. Plant or landscaping materials store;
23. Public/private schools;
24. Sporting goods store;
25. Television, radio, sales, and service;
26. Towel and linen shops;
27. Video/small appliance rental and sales;

28. Variety and sundry shops; and

29. Wearing apparel shops.

- I. Interior apartment dwelling, not to exceed four (4) such units in any one (1) structure.
- J. Bed and Breakfast: A dwelling may be involved in the rental of six (6) rooms or less to overnight guests and offering breakfast meals only to said guests, provided a parking place be provided for each room offered for rent. The parking space provision shall be confirmed by the building official prior to the issuance of a business license for this purpose and use.
- K. Manufactured home dwelling, only if the proposed manufactured home replaces an existing manufactured/mobile home on the subject property. The manufactured home dwelling shall be under skirted around its base with an appropriate material sufficient to provide a visual screen for the underpinnings of the manufactured home.
- L. Combination of residential structure with any use permitted within the classification, provided that all dwelling units have direct access to the street.
- M. Any combination of permitted uses provided all applicable standards are met for each use.
- N. Any other use which the Community Development Director or Planning Commission may find to be similar in character to the uses enumerated in this Section and consistent with the purposes and intent of this Ordinance.

5.7.3 Uses Permitted by Special Exception in the Mixed Use District

- A. Bakeries provided that goods baked on the premises are sold on the premises at retail only.
- B. Duplicating centers including letter and photostat services with work area for such services not visible from adjacent pedestrians walkway.

- C. Meat, fish, and/or poultry shop providing that no slaughtering be permitted. Any cleaning of fish or poultry necessary for such use may be permitted provided cleaning activities are conducted within the principal building enclosure on the premises.
- D. Restaurants (except those that include drive-in, drive-up window service, or curb service), supper clubs, delicatessens, tea rooms, coffee shops, and cafes, where sound or noise shall be in compliance with Town Noise Ordinance, and provided all sound and lights or lighting arrangements used for the purpose of advertising or night operations are directed away from adjoining or nearby residential properties.
- E. Any other use which the Community Development Director or Planning Commission may find to be similar in character to the uses enumerated in this Section and consistent with the purposes and intent of this Ordinance.

5.7.4 Screening of Exterior Storage Areas in the Mixed Use District

- A. Screening requirements for exterior storage areas are as follows:
 - 1. Screening shall be exclusive of driveways and sight lines used for safe automobile ingress and egress;
 - 2. Fences and walls that are used shall be of the same or compatible material, in terms of texture and quality, as the material and color of the principal building. Additional planting material shall be provided so that no more than two-thirds (from 2/3) of the surface area of the fence or wall is visible from the street within three (3) years of erection of the structure. Twenty-five (25) percent of this plant material may be deciduous;
 - 3. Any berms installed shall have a minimum height of one and one half (1½) feet and a minimum crown width of two (2) feet and a side slope of no greater than 2:1, and berms shall be planted and covered with vegetation; and
 - 4. All shrubs installed to satisfy the requirements of this Section shall be locally adapted species expected to reach a

minimum height of thirty (30) inches within three (3) years of planting. All shrubs shall be a minimum of eighteen (18) inches when planted. Vegetation planted on berms may have a reduced minimum mature height provided that the combined height of the berm and the plantings shall be a minimum height of thirty (30) inches in height after three (3) years. Twenty-five (25) percent of all shrubs may be deciduous.

5.7.5 Uses Not Permitted in the Mixed Use District

- A. Any convenience or other high volume commercial business.
- B. Motels and hotels.
- C. Any business involving junk, salvage operations, the open storage of junk and salvage materials, construction vehicles, or more than two (2) trucks maintained on the premises.
- D. Any business that constitutes a nuisance.
- E. Drive-in and drive-thru facilities.
- F. Self-service Laundromat or dry cleaning store.
- G. Package liquor store.
- H. Adult Entertainment Establishments.
- I. Any business, person, entity or service offering Adult Entertainment.

Section 5.8 Light Industrial District [LID]

- 5.8.1 The purpose of this District is to provide a suitable environment for and enhancing the locational flexibility of uses generally classified as research and development, assembly, high technology production, precision manufacturing, and light industry by excluding heavy manufacturing and permitting only those cleaner industries and operations which tend to be less objectionable to the community; and by requiring high performance standards and

tolerating minimal creation of air and water pollution, hazardous waste, and other off-site nuisances.

- 5.8.2 The following uses shall be permitted in any LID provided that none of the uses or operations specified in *Section 5.8.4, Prohibited Uses and Operations*, is conducted on the premises either as independent operations or as part of the primary permitted activity. Similar uses shall be considered for inclusion.
- A. All permitted and conditional uses in the Regional Commercial District subject to the same conditions apply in the District;
 - B. Warehouse, wholesale, or distribution operation;
 - C. Workshop for building trades other than carpentry;
 - D. Photocopying, typesetting, or stripping operation; bindery;
 - E. Handicrafts workshop or fine arts studio; and
 - F. Manufacturing, production, processing, assembly, fabrication, packaging, storage, and distribution of the following materials and products plus customarily associated operations:
 - 1. Computers, computer components, and computer accessories including, but not limited to: printed circuit boards, semiconductors, terminals, printers, storage devices, peripheral equipment, and software;
 - 2. Electrical and electronic components and systems for office and consumer use including, but not limited to: audio and video equipment, television sets, radios, telephones, telegraphs, and calculating machines;
 - 3. Small office supplies and machines suitable for sale in stationery store; household cooking equipment;
 - 4. Lighting fixtures, fans, lamp bulbs, and tubes;
 - 5. Cameras and other photographic equipment excluding film and chemicals;

6. Watches, clocks, meters, scales, and other counting and timing devices;
7. Medical, surgical, and dental instruments; optical and ophthalmic instruments, lenses, and eyeglasses; orthopedic and prosthetic appliances;
8. Precision instruments and gauges used for measuring, testing, control, display, and analysis; precision instruments used for communications, search, detection, navigation, and guidance;
9. Magnetic and optical recording media, audio/video tapes and disks;
10. Electronic capacitors, coils, connectors, and resistors for small office and consumer products; electron tubes;
11. Materials for fiber optic process;
12. Sporting and athletic goods; musical instruments; hand-held tools; lawn and garden equipment;
13. Hand held firearms excluding ammunition;
14. Lightweight metal or plastic furniture; drafting equipment, writing, drawing, and marking implements;
15. Vending machines; signs and advertising specialties;
16. Brooms, brushes, and combs; fasteners, buttons, needles, and pins;
17. Games, toys, dolls, figurines, and stuffed animals; small curios, novelty items, and tourist souvenirs;
18. Needlework and textile manufacture or assembly; and
19. Trade shop or tool and die shop.

5.8.3 The following uses shall be permitted in on a conditional basis in the LID, provided that none of the uses or operations specified in *Section 5.8.4, Prohibited Uses and Operations*, are conducted on the

premises either as independent operations or as part of the primary permitted activity.

- A. Laboratory for research, development, experimentation, or testing; or biotechnology operation provided there is no activity exceeding Bio-safety Level II and no use of recombinant DNA;
- B. Textile, fabric, or apparel operation specifically including woven fabric mill, knitting mill, yarn and thread mill, and cut and sew operation provided none of the following occurs on the premises: production of synthetic fibers; printing, dyeing, bleaching, finishing, or waterproofing of materials; water-jet weaving; pulling or scouring of wool; leather tanning or curing of hides;
- C. Carpentry workshop or cabinet making/wood furniture operation provided there is no chemical treatment of wood by immersion or pressure application, or sawing or planing of raw-lumber and provided the operation does not exceed twenty thousand (20,000) square feet.
- D. Printing, lithography, and gravure provided that the operation does not exceed twenty thousand (20,000) gross square feet. If only water-soluble inks or photocopying processes are used, there is no size limitation;
- E. Bulk storage of petroleum or other flammable, volatile, or hazardous materials provided they are used for operations on the premises rather than for distribution; and provided the storage arrangement complies with *Occupational Safety and Health Administration and National Fire Protection Association Standards*;
- F. Cold storage plant provided there is no processing of food other than seafood and shellfish;
- G. Light assembly or fabrication of any product not listed in *Section 5.8.2, Permitted Uses*, or in *Section 5.8.3, Conditional Uses*, provided only finished, previously prepared materials are used including, but not limited to: metal, plastic, rubber, ceramic, glass, wood, fabric, leather, canvas, fur, paper, or paperboard; provided production is carried out primarily with hand

operations or light-duty machines/tool room-type equipment; provided only simple machining, cutting, reshaping, and fastening processes are involved; provided no chemicals, dyes, solutions, or other applicants are used in the production process with the exception of paints and finishes applied with a small brush or jet, cleansers, lubricants, solders, and glues;

H. Campgrounds and Recreational Vehicle Parks provided that:

1. No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days;
2. No overflow camping shall be allowed. When a campground/RV park is full, no more campers or vehicles shall be permitted on the grounds;
3. The campground shall have a minimum size of twenty (20) acres and shall not exceed fifty (50) acres on any single parcel;
4. All permanent structures including cabins in a campground shall be limited to single-story structures in height;
5. No more than eight (8) campsites/RV sites or camping structures including cabins shall be permitted per net acre in any campground;
6. Not less than thirty (30) percent of all campgrounds/RV Parks shall consist of open space which shall contain no camp/RV sites and/or structures;
7. All campgrounds and recreational vehicle parks in the Town of Yemassee shall be in compliance with the *Rules and Regulations Governing Camps* of the *South Carolina Department of Health and Environmental Control* and have a valid permit from same for operation; and
8. All campground facilities shall be served by public water and sewer.

- 5.8.4 Prohibited Uses and Operations: The uses, operations, processes, facilities, and equipment specified below shall not be permitted in any Light Industrial District either as independent operations or as part of the primary permitted activity.
- A. Production for sale as end product or as major component of an end product of chemicals, abrasives, acetylene, acids, asbestos, bleaches, carbon black, caustics, celluloid, chalk, cleaning compounds, dyes, inks, linoleum, oilcloth, paints, polishes, pyroxylin, soda or soda compounds, synthetic resins, turpentine, varnish, or other substances considered by the USEPA to be toxic;
 - B. Production of primary commodities from raw materials, specifically including: metals, plastic, rubber, and paper;
 - C. Primary metal operations including, but not limited to: smelting, refining, rolling, drawing, founding, forging, die casting, and extrusion;
 - D. Manufacture of concrete, cement, brick plaster, gypsum, lime, mortar, asphalt, tar, or other paving or plastering materials;
 - E. Cyanide plating, blast furnace, boiler works, coke oven, punch press over twenty (20) tons rated capacity, drop hammer; distillation of coal, tar, or wood; combustion of coal or high sulfur oil;
 - F. Production of food for distribution (excluding seafood, shellfish, restaurant preparation and bakery serving local community);
 - G. The storage, utilization, or manufacture of materials or products which decompose by detonation including, but not limited to: primary and high explosives; blasting explosives such as dynamite and nitroglycerine; propellants such as nitrocellulose; pyrotechnics and fireworks; unstable compounds such as acetylides, tetrazoles, perchloric acid, nuclear fuels, and fissionable materials;
 - H. Any activity which generates radioactive waste with the exception of waste used or created from medical treatments by physicians or veterinarians. Radioactive waste created from medical treatment must be disposed of in accordance with

South Carolina State Law, Federal Law and reasonable medical standards;

- I. Sanitary landfill and/or on-site storage of waste materials beyond ninety (90) days; and
- J. Mining or extraction of minerals, metals, ores, rock, sand, gravel, coal, oil, or gas.
- K. Adult Entertainment Establishments.
- L. Any business, person, entity or service offering Adult Entertainment.

5.8.5 General Requirements.

- A. Minimum lot size is five (5) acres.
- B. No industrial building or operation in this District shall be situated closer than one hundred (100) feet from the boundary line of any property in an existing residential zoning district or in current residential use (with the exception of a property used as the caretaker's residence).
- C. Industrial uses shall be setback a minimum of fifty (50) feet from any commercial use; one hundred (100) feet from a major thoroughfare; and fifty (50) feet from another industrial use.
- D. Building height shall not exceed thirty-five (35) feet above base flood elevation to a maximum of fifty (50) feet above base flood elevation with prior approval from the Fire Marshal's office.
- E. Maximum building size is two hundred thousand (200,000) square feet per use.

5.8.6 Other Requirements.

- A. All manufacturing, processing, assembly, fabrication, servicing, and repair operations must be carried out within an entirely enclosed building.

- B. All materials, merchandise, and waste/salvage, with the exception of automobiles and other motor vehicles displayed for sale, must be stored within enclosed buildings or completely screened from adjacent properties and public and private roadways by opaque walls, fences, trees and/or shrubbery.
- C. The generation of noise, light/glare, vibration, smoke, gas, odor, dust, dirt, heat or cold, electromagnetic radiation, radioactivity, fire/explosive hazard, condition conducive to the propagation of rodents or insects, or any other potentially injurious or obnoxious condition must not be sufficient to create a nuisance beyond the property boundaries.
- D. Stormwater management shall follow the requirements of the *Beaufort and/or Hampton County Stormwater Management, Best Management Practices* in use at the time of development. There shall also be no discharge into any public or private stream, waterway, body of water, septic or sewage disposal system, or into the ground or air of any liquid, solid, or gaseous materials except in accordance with applicable law.
- E. All activities must be in conformance with the following state and federal acts, regulations and standards, as amended: *Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, Federal Water Pollution Control Act, Occupational Safety and Health Administration General Industry and Construction Standards, South Carolina Pollution Control Act, and South Carolina Stream Standards*; regulations promulgated by the Environmental Protection Agency, Department of Health and Environmental Control, and Centers for Disease Control; all other applicable local, state, and federal laws and guidance's.

Section 5.9 Planned Unit Development [PUD]

5.9.1 The purpose of the PUD District is to encourage flexibility in land planning that will result in improved design, character, and quality of new homogenous and mixed use developments; to promote the most appropriate use of land; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features and open space.

5.9.2 General Requirements

- A. All property that is at least four (4) contiguous acres (rounded up to the nearest one tenth) shall be eligible for the PUD District regulation.
- B. Properties consisting of less than two hundred (200) acres shall not be required to submit a Concept Plan and shall begin the review process with an application and Master Plan. It is recommended, however, for projects less than two hundred (200) acres that are unusually complex or sensitive to submit a Concept Plan to avoid undue delays in the review process. Applicants under two hundred (200) acres will be granted PUD zoning only after acceptance of the Master Plan by Town Council.
- C. The Town of Yemassee Town Council, at its discretion, may waive the acreage requirement of Section 5.9.2 (A) and grant PUD zoning to property having a valid PUD designation from Hampton or Beaufort County. In such instances, the Town PUD designation shall incorporate the zoning regulations and term, if any, as approved by Beaufort or Hampton Counties; provided however, nothing herein shall be construed to preclude the Town Council from changing or adding regulations to any such PUD when, in its sole discretion, it deems such to be necessary and in furtherance of the public interest. To the extent there is any conflict between the regulations imposed by the County and those imposed by the Town, the regulations imposed by the Town shall prevail. All property zoned PUD shall be under single ownership, or if in multiple ownership, then by written consent of all owners who agree to be bound by the District designation and regulations.

- D. The detailed standards set forth herein are minimum requirements and it is the intent of this Section that the Town Council may impose conditions and safeguards in excess of, or in addition to, the specified minimal requirements. Satisfying the minimum requirements set forth herein does not per se indicate that an Applicant is entitled to a zoning change and notice is hereby given to that effect.

5.9.3 General Considerations: Following is a list of general considerations to be reviewed by the Town of Yemassee when analyzing applications for a PUD rezoning.

- A. The Applicant's statement describing the character of and rationale for the proposed development;
- B. The appropriateness of each development area and the development standards proposed for each area;
- C. Land uses proposed are adopted as permitted uses by the Town of Yemassee;
- D. Whether the major components of the PUD are properly located and should be able to continue to function if any of the other phases are not completed, taking into factors such as the infrastructure guarantee procedures described herein;
- E. Compatibility of proposed land uses within the PUD and the surrounding area;
- F. Infrastructure capacity and the effect upon public services;
- G. Conformance with engineering and other technical requirements;
- H. Effects upon public health, safety, and general welfare; and
- I. Residential densities and square footage of commercial usage as they compare to current Town requirements and optimal usage of the land.

5.9.4 Special Considerations: The following list includes special considerations to be made by the Town of Yemassee when reviewing applications for PUD rezoning. Satisfaction of these requirements is not mandatory, but are strongly recommended and desired by the Town of Yemassee. Inclusion of these special considerations within a PUD can increase the ability of the developer to negotiate mitigation of other requirements.

- A. Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc;
- B. Preservation of open space, natural and cultural areas, as well as the creation of active and passive recreation to include greenways, sidewalks, and other pedestrian/bicycle circulation networks that serve to connect significant areas and various land uses;
- C. Enhanced landscaping, deeper buffers, and increased planting along public right-of-ways, open space/recreational areas, and the overall perimeter of the project;
- D. Segregation of vehicular, pedestrian/bicycle circulation networks, and other traffic mitigation measures;
- E. Provision of subsidized affordable housing;
- F. Public benefits and community facilities and the access thereto;
- G. Sensitive treatment of perimeters to mitigate impacts upon adjoining property; and
- H. Placement of utilities underground.

5.9.5 Permitted Uses

- A. Any use permitted in all zoning districts adopted by the Town of Yemassee may be permitted, and any conditional uses allowed in these Districts may be permitted and any other uses as the Council may approve, provided the conditions for such uses are satisfied.
- B. There shall be no areas of a PUD that are unspecified as to the type of land uses that will occupy those particular areas.

5.9.6 Standards

- A. Any property in a PUD District shall be required to adhere to all provisions of the *Town of Yemassee Zoning Ordinance, Development Standards Ordinance*, as well as the Historic Preservation Overlay District, the River Protection Overlay District, as applicable, and the Highway Corridor Overlay District as applicable. The regulations applicable to the uses in an approved PUD shall be those of the most restrictive zoning district where such uses are allowed, unless a waiver or deviation from such restrictions is secured as part of the approved Concept Plan.
- B. External setbacks shall be a minimum of twenty (20) feet for front, rear, and side yards.
- C. Buffer Requirements:
 - 1. Minimum buffer strips of ten (10) feet shall be maintained along all external dimensions of a PUD.
 - 2. Buffer strips shall be in addition to the required external setback. In effect there shall be a minimum thirty (30) feet of total setbacks with the required buffer.
 - 3. No development, parking areas, structures, or accessory buildings, except the required fence and vegetation, shall be placed in the buffer area. Buffer strips shall include vegetative cover and be maintained regularly. In addition, no development, parking areas, structures, or accessory buildings shall be placed in the setback areas.
 - 4. The buffer shall include a vegetative screen of evergreen trees and/or shrubs that will reach six (6) feet in height within twelve (12) months of installation and form a contiguous screen within two (2) years of installation.
 - 5. The Town of Yemassee reserves the right, if it finds substantial needs for screening of the proposed PUD activity, to include within the buffer a six (6) foot high fence made of either brick, finished concrete, mortar, wood, stone,

masonry units, or a combination of the above. The fence shall be fronted by the required vegetative screen.

6. The frontline of the required side yard buffer shall begin where the private property line and the public right-of-way intersect and extend to the rear lot line. The required vegetative screen and the fence, if required, shall begin twenty (20) feet from where the private property line and the public right-of-way intersect and extend to the rear lot line.
7. Required rear yard buffer strips and the fence, if required, shall extend the entire length of the rear lot line.

5.9.7 Application and Concept Plan

- A. A request for the PUD District shall be processed as an amendment to the *Town of Yemassee Zoning Ordinance* and *Official Zoning Map*.
- B. To secure a PUD District designation, an application must be filed with a fee established by the Town.
- C. The application shall contain, at a minimum, a legal description of the property and if in multiple ownership, the written consent of all owners who agree to be bound by the District designation and regulations.
- D. A Concept Plan shall be submitted with the application to the Town's designated planning staff. Applications and Concept Plans will be forwarded to the DRB and designated Planning Commission for recommendation to Town Council in accordance with standard procedural requirements.
- E. The Concept Plan shall contain:
 1. A narrative statement by the Applicant as to the goals of development and a definitive justification of why a PUD designation is necessary to achieve them;
 2. The types of uses proposed for the PUD, either specifically or generally. If general descriptions are used, the uses

deemed applied for shall be those allowed in the most restrictive zoning district where such uses are permitted as a matter of right, and the regulations of such zoning district shall apply. To avoid miscommunication and to encourage ease of administration, Applicants are encouraged to specifically designate the uses it proposes, i.e. single-family residences, offices, business parks, or the like. Sewer treatment plants and utility pads may be permitted in a PUD;

3. The total number of units for residential uses and the total number of acres to include the range of residential lot sizes and the total square footage for commercial uses and institutional uses;
4. A general layout of roadways of major circulation, the anticipated widths thereof, whether they are to be publicly or privately maintained, and a general statement as to the anticipated impact of the PUD project on public roads;
5. A description or list of any proposed waivers or deviations from zoning district regulations, *Development Standards Ordinance* regulations or Overlay District regulations, and what is proposed in their place;
6. Statement(s) from applicable utility service providers (water and sewer, if applicable, telephone and electricity) that service is available to the PUD, or what is required to render services available;
7. A proposed build-out schedule;
8. A statement identifying existing buildings, structures, or other facilities on the property including identification of designated historic properties, as applicable;
9. Proof of notification to adjacent landowners by certified mail of notice of zoning application;
10. Identification, by name, number, and width of existing public rights-of-way on/or adjacent to the property, and the proposed access to such existing rights-of-way;

11. The proposed internal setbacks, vegetative buffer material, and percent open space areas;
12. Proposed stormwater mitigation for deviations from the *Development Standards Ordinance* maximum of ten (10) percent impervious surface;
13. The proposed ownership and maintenance of rights-of-way, drainage systems, water and sewer systems, open space systems, and amenities;
14. A description of known archeological sites or historic structures on the property, and the proposed approach for protecting them and any others that might be discovered during development; and
15. A site map/plan delineating the vicinity of the property; the boundary lines of the property; any rivers, creeks, marshes, and general patterns of wetlands on or adjacent to the property; land uses adjacent to the property; municipal or county boundary lines adjacent to the property; designated historic structures on or adjacent to the property, as applicable; any flood hazard and all Overlay District boundary lines; proposed access to existing roads; and arrangement/layout or land uses, approximate acreage of each land use area, type of use and residential density of each use area.
16. Parking spaces shall be shown on the Concept Plan and shall be calculated with the following minimums:
 - a. -2.0 spaces per single-family or two-family dwelling unit;
 - b. -2.25 spaces per multi-family dwelling unit;
 - c. -3.5 spaces per one thousand (1,000) square feet of retail space;
 - d. -4.0 spaces per one thousand (1,000) square feet of office space; and
 - e. All parking spaces that are to be counted to meet parking requirements must be located on private property.

Parallel parking on streets that the developer anticipates will be maintained by the public cannot be counted in the parking requirements for the proposed development.

- F. The Town Council will consider the Application, Concept Plan, and recommendations from the DRB and Planning Commission. The Town Council shall examine, consider, and address issues relating to financial impacts upon the Town, environmental impacts, and required infrastructure to serve the PUD. The Council may require submission of additional maps, data, or proposed methods of addressing other pertinent matters relative to the development which are reasonably available and where, owing to the nature, size, and location of the proposed development, particular elements critical to the health, safety, and welfare of the community and its citizens. Such elements may be, but are not limited to, environmental impact statements as to specific matters not otherwise required or adequately addressed herein, traffic analysis, hurricane evacuation, other emergency preparedness and response, historical preservation, shoreline erosion, public access, community linkages, public education, and the like. Should additional information be requested by the Town Council, the Town Council may request the review and recommendation of the DRB and Planning Commission relative to the additional information prior to study. When necessary and appropriate to address such issues, the Town may require a Development Agreement as a prerequisite to approving a PUD hereunder, in accordance with the *South Carolina Development Agreement Act*.
- G. Upon approval by the Town Council of the Application and Concept Plan and the adoption of an Ordinance to that effect, property greater than two hundred (200) acres shall be zoned PUD. A zoning of PUD shall not entitle an owner of the affected property any right to develop or engage in any land use or land disturbing activity, other than that in existence as of the time the Concept Plan is approved. Further, initial zoning of PUD does not vest a developer any number of residential units or square footage of commercial/ institutional/industrial space. To engage in development or any land use or land disturbing activity other than that in existence when PUD zoning is approved, an overall Master Plan and subsequent Development Plan(s) must be approved for the areas to be developed or engaged in land disturbing activity. A zoning PUD is not

deemed by the Town to constitute the commencement of activity or use that would abrogate exemptions, tax or otherwise, attendant to silviculture activities.

H. The developer of a PUD may sell or transfer ownership of development tracts within a PUD in accordance with the following procedures and provisions:

1. The developer must submit and have secured approval of a Concept Plan for the PUD;
2. Property covenants and restrictions must accompany the transfer of any development tract within the approved PUD restricting the new owner to the development type, road network, water, sewer approach, and density indicated on the approved Concept Plan;
3. The developer must submit a sworn affidavit from the prospective purchaser of a development tract wherein the purchaser waives rights to the guarantee of the installation of required improvements afforded through this Ordinance for the subdivision of land, and further acknowledges and agrees that an Initial Master Plan and Final Development Plan must be submitted, and a Development Permit awarded, prior to commencement of any development on the tract;
4. The developer must submit a plat for certification for recording by the Development Review Board or its designee, and subsequently record such plat prior to the sale or transfer of any development tract or phase; and
5. This procedure will not be permitted for the sale or transfer of any individual single-family lot or group of lots intended for construction of one (1) single-family dwelling.

5.9.8 Master Plan: A Master Plan shall be developed for all or any portion of the PUD property to be developed. The Master Plan, as well as any fee as may be established by the Town, shall be submitted only to the DRB for a recommendation to the Town Council. The minimum requirements of the Master Plan include:

- A. Multiple copies of the Master Plan to sufficiently distribute to all designated reviewing bodies at the time of submittal;
- B. Proposed arrangement of land uses, including land for public facilities, approximate acreage of each use area or tract, type of use and density (residential use tracts). All specified densities will be construed as maximums, with acceptance of the maximums subject to satisfaction of other provisions with the PUD Ordinance;
- C. A boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor;
- D. The location of primary control points to which all dimensions, angles, bearings, block numbers, and similar data shall be referred;
- E. The proposed name of the development;
- F. Type of land use of all parcels contiguous to the development property;
- G. A map or Site Plan showing:
 - 1. The location, dimensions, descriptions, and flow of existing watercourses and drainage structures within the tract or on contiguous tracts;
 - 2. Location of municipal limits or county lines, and District boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary;
 - 3. Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved roads;
 - 4. Topographic survey of the area being applied for;
 - 5. The location, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the tract, intersecting, or contiguous with its boundaries or forming such boundaries;

6. The location, dimensions, name, and description of all existing or recorded residential lots, parks, public areas, permanent structures, and other sites within or contiguous with the tract; and
 7. The proposed location, dimensions, and description of land(s) for public facilities.
- H. Proposed conceptual street system layout, vehicular and pedestrian, with the written comments of the Town's designated engineer;
- I. Traffic impact analysis and a statement of need for mitigation (if any). If mitigation is required, a statement of proposed mitigation;
- J. Preliminary (master) Drainage Plan and (master) Water and Sewer Plan with the written comments of the Town's designated engineer;
- K. Where applicable, surveyed line delineating the extent of any special District boundary on the development property;
- L. Preliminary comments from affected agencies having approval or permitting authority over elements related to the proposed development, or evidence that a written request for such comments was properly submitted to the agency and a reasonable period of time has elapsed without receipt of such comments. Minimum agency responses include EMS, DHEC, OCRM, fire officials, and school districts (as applicable);
- M. A narrative addressing:
1. The proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements; and when any are to be privately owned, a description of the mechanism to be used to secure their future maintenance, upkeep, and upgrading;
 2. Proposed phasing and time schedule if development is to be done in phases;

3. Proposed phasing and time schedule for lands to be dedicated for public facilities;
4. Proposed internal site planning standards such as typical lot sizes, widths, setbacks, and buffers aimed at addressing potential incompatibility between adjacent land uses and activities;
5. Letters of capability and intent to serve community water supply or sewage disposal service from the affected agency or entity, where applicable; and
6. A statement describing the character of, and rationale for, the proposed Master Plan.

N. Other information or descriptions deemed reasonably appropriate for review.

5.9.9 Upon review of the proposed Master Plan, the Town Council may move to approve or disapprove the Master Plan. The Town Council may request additional study of the Master Plan.

A. Approved Master Plan may be revised subject to the approval of the Town's designated Zoning Administrator, or the Mayor's designee for the following changes:

1. Minor changes in the location of roads or widths of streets or right-of-ways within the Master Plan;
2. Minor changes in the allocation of housing density within the Master Plan so long as the overall approved density of the Master Plan is not increased; and
3. Change in the proposed build-out and phasing schedule.

B. All phases of the PUD will be required to adhere to the latest version of the following standards at the time of Development Plan submittal:

1. Tree and landscaping standards;
2. Stormwater drainage standards;

3. Environmental quality standards;
 4. Town fee adjustments; and
 5. Impact fees (unless otherwise specified in a Development Agreement).
- C. Changes to the Master Plan listed below shall require that a revised Master Plan be submitted for approval.
1. Designation of land uses within a development area or phase;
 2. Building heights, setbacks, and buffers;
 3. Major changes in the location of roads or widths of streets or right-of-ways within the Master Plan;
 4. Major changes in the allocation of housing density within the Master Plan, especially when the overall approved density of the Master Plan is increased; and/or
 5. Lot sizes and dimensions.
- 5.9.10 Development Plans: Development Plans are required to commence activity within any area or phase within the PUD District. Development Plans must be in conformance with the approved Master Plan. To secure a Development Plan approval, the Applicant must submit to the Town any administrative fee as may be established by the Town and the following:
- A. A sufficient amount of black or blue line prints of the Development Plan to be distributed to all reviewing bodies;
 - B. Name and address of owner(s) of land being developed;
 - C. Name of the development, date, north point, and graphic scale;
 - D. Name and seal of registered land surveyor;
 - E. Name of county, location, tax map(s), and parcel(s) number;

- F. Bearings and distances of all lot lines and street lines;
- G. Streets and alleys, rights-of-way, proposed street names, and lot numbers. (Street addresses will be assigned by the applicable County Office of Emergency Preparedness after Development Plan approval and copies are sent to appropriate agencies);
- H. Final traffic mitigation plans (if applicable);
- I. Square foot area of each lot;
- J. Location of all monuments and markers and type indicated;
- K. Location, size, and type of all existing and proposed easements;
- L. Proposed location and designation of parks, playgrounds, school sites, open space, recreation amenity areas, and public facilities where applicable;
- M. Existing railroads, watercourses, streets, highways, city limit lines, transmission lines, water and sewer lines, drainage pipes, ditches, and wetlands within or immediately adjacent to land in the land being developed;
- N. Design, specifications, and profiles of all proposed streets, drainage systems, parking, and parking lots (submit directly to County Engineer);
- O. Layout, design, specifications, and profiles for all proposed water lines and sewer lines or well and septic tank locations, as applicable;
- P. Letters of Intent to serve underground electrical, telephone, or gas from respective utility companies;
- Q. Proposed fire hydrant locations or locations and quantity of other proposed water supply systems for fire protection as required;
- R. Other affected agency final approval, certification, or permits for elements relative to the development such as:

1. DHEC Construction Permits for community water and sewer systems;
 2. DHEC approval of the use of individual wells or community water system in conjunction with septic tanks for those lots the Applicant is making application to record and sell after Development Plan approval;
 3. OCRM signed certification of surveyed Critical Wetland Boundary Line;
 4. OCRM and/or Corps of Engineers Permits for proposed docks, marinas, bulkheads, fill, and the like (where applicable);
 5. Town designated Engineer approval of stormwater drainage systems and road plans;
 6. Local Fire Official having jurisdiction shall certify that development is in compliance with all applicable fire and life safety standards; and
 7. All other applicable regulatory agency approvals.
- S. Two (2) copies of signed final Covenants and Restrictions for the development (where applicable);
- T. Signed statement of any offers of proposed public dedication of streets, drainage system, school sites, open space areas, easements, beach, river, wetland, or historic site access;
- U. Two (2) copies of final Homeowners or Property Owners Association documents addressing ownership and maintenance of all improvements;
- V. Town of Yemassee Overlay District boundary lines (where applicable) denoted directly on the Development Plan;
- W. Tree survey consistent with the provisions of the *Development Standards Ordinance*;

- X. Copies of recorded deeds, plats, or easements clearly documenting legal access to the development; and
- Y. Bond or legal survey, acceptable to the Town, guaranteeing the completed installation of all required improvements to the development and other improvements shown on the Development Plan, or represented in the application, shall be posted with the Town. Such bonds or other surety shall be payable to the Town of Yemassee and equal one hundred twenty-five (125) percent of registered engineers' estimates of construction costs or contractors' executed contracts for submission improvements, whichever is greater. The Applicant shall complete all improvements, including required mechanisms guaranteeing perpetual ownership and maintenance, within twelve (12) months of the date of Development Plan approval. Failure to do so will constitute a violation of the Development Permit and terminate the right to continue development, and shall entitle the Town to act on the posted bond and cause the improvements to be completed on behalf of the lot purchasers in the development. Extension to the twelve (12) month time period afforded for completion of improvements may be granted one (1) time by the Town. Such requests must be submitted prior to the expiration date and accompanied by:
 - 1. An explanation of why the extension is necessary;
 - 2. Signed/dated agreement with the extension by all lot owners in the development to date;
 - 3. Amount of work completed, cost remaining for incomplete work, and time frame for completion of work, certified by a registered engineer; and
 - 4. Amended bond or surety for incomplete work in an amount of one hundred twenty-five (125) percent of the cost of completion and of sufficient duration to secure the completion of the work.

5.9.11 Development Plan Approval

- A. A Development Plan shall be submitted to the Development Review Board or its designated agent and such other

professional advisors as the Town may designate. A Development Plan may be approved if:

1. It incorporates all information required by *Section 4.1* hereof as applicable;
2. It complies with the approved Master Plan (*Section 3.1*) in all details;
3. It complies with the provisions of the *Town of Yemassee Zoning Ordinance* and *Development Standards Ordinance* appertaining to the PUD and/or any other Development Agreements, if applicable; and
4. All infrastructure systems have been reviewed and approved by the applicable reviewing authority.

B. Except as otherwise modified herein, the provisions of the *Development Standards Ordinance* in effect at the time of the application shall be applicable.

- 5.9.12 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 5.10 Conservation Preservation District [CPD]

- 5.10.1 The purpose of this District is protecting and conserving sensitive environmental areas, discouraging growth in areas which pose undue hazards to man, and maintaining open space.
- 5.10.2 The CPD for the Town of Yemassee consists of all wetland areas delineated by the South Carolina Ocean and Coastal Resources Management and/or the US Army Corps of Engineers; and any natural land-locked bogs, swamps, lakes, ponds, sinks, or possess unique scenic and recreational value; and any land designated as a wildlife refuge, bird sanctuary, or open land trust by various

National, State or Local governments, preservation groups, or agencies.

5.10.3 The Development Review Board may call upon the advice of Federal or State agencies involved in natural resources preservation in making determinations.

5.10.4 The following uses shall be permitted in the CPD:

- A. Government nature preserves;
- B. Breeding bird and endangered species habitat;
- C. Private dock or boathouse;
- D. Boat marina;
- E. Bait house;
- F. Shoreline protection areas including permitted bulkhead and erosion control devices;
- G. Site or structures acknowledged by the applicable County Council to be of historical significance;
- H. Cemetery, with or without chapel, providing that such use includes no dwelling unit other than for a caretaker. A crematorium shall not be permitted if the abutting property within four hundred (400) feet is used for residential purposes or is zoned for residential use;
- I. Wildlife refuge, including one (1) family or two (2) family dwelling units limited to caretakers employed to maintain and protect the refuge;
- J. Activities related to soil and water conservation, measurement, and control;
- K. Public utility line(s), fire or water tower, or substation;
- L. Publicly owned and/or operated park, open space, recreational facility or use, and the equipment necessary for servicing such use; and

- M. A temporary office and/or storage building during a project involving construction, but not to be used as a dwelling, with the removal of same within thirty (30) days upon completion of the project.

5.10.5 Uses permitted in the CPD shall be required to conform to the following standards:

- A. No Conservation District shall be disturbed or altered in any manner except as provided for in *Subsection (B)* and *(C)*;
- B. Special exception to the provisions of *Subsection (A)* is hereby given for the construction of certain water-related development activities in the Conservation District for which valid permits have been issued by appropriate State and Federal agencies having permitting authority over such activities. Such uses will normally include docks, wharves, piers, marinas, bulkheads, and erosion control devices. In granting this special exception, the Town of Yemassee does hereby reserve the right to impose the provisions of *Subsection (A)* where it is determined that the permitting of such activity by another agency is inconsistent with adopted goals and regulations of the Town of Yemassee aimed at preserving environmental quality;
- C. The Town of Yemassee recognizes that not all wetlands may possess unique scenic, recreational, or wildlife habitat value or that certain wetlands, when improved, may result in enhanced scenic, recreational, and wildlife habitat value. Therefore, the Town may approve alteration of wetlands as a special permit condition, specifying the manner and extent of alteration permitted, based on evaluation of the affected wetland by agencies and experts deemed appropriate by the Town; and
- D. No structures, which impede natural tidal flow and have the effect of reducing the quantity and frequency of water reaching marsh areas, will be permitted except as approved in conjunction with natural resources conservation and related uses.

Section 5.11 Village Commercial District [VCD]

- 5.11.1 The purpose of this District is to encourage the formation and continuance of a healthy environment for commercial uses that are located and sized so as to provide nearby residential areas with convenient shopping and service facilities, promote the location of a mixture of housing types and prices, and stores/offices/workplaces in close proximity to each other to provide a balanced mix of activities, foster a pedestrian-oriented community center, reduce traffic and parking congestion, avoid the development of strip highway commercial development, discourage large regional businesses and other land uses which might compromise the historic commercial character of the District, and accommodate essential public utilities and public safety services.
- 5.11.2 The Planning Commission for the Town of Yemassee shall administer the Village Commercial zoning and corridor standards. The Planning Commission shall review the design of all structures (except those excepted), including habitable structures, walls, fences, light fixtures, and accessories and appurtenant structures and the design of all signs within the Town of Yemassee except those that are located within the Historic Preservation Overlay District. All issues related to the design of structures and signage within the District defined by the Historic Preservation Overlay District Ordinance shall be submitted first to the Town of Yemassee Community Development Department.

5.11.3 Standards for the Village Commercial (VC) District

A. General Requirements:

1. Lot Coverage: Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; a minimum of thirty-five

(35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation.

2. Maximum building height: Thirty-five (35) feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles, water towers, or other structures not intended for human occupancy, with the exception of utility lines.
3. Minimum lot width at the building line: Twenty (20) feet.
4. Building Placement:
 - a. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from zero (0) feet to fifteen (15) feet behind street right-of-way. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback.
 - b. Minimum side yard setback: Zero (0) feet from lot line. However, when a property is located on an intersection of two streets, in order to protect motorists the building must be located within Ten (10) feet from the lot line where the intersection is located.
 - c. Minimum rear yard setback: Thirty (30) Feet.
 - d. Accessory building setbacks: A minimum of five (5) feet from any property except where the accessory buildings are located on an intersection of two streets. Where the accessory building is located at the intersection of two streets it must be located within Ten (10) feet from the lot line where the intersection is located.
 - e. Parking shall be located primarily to the rear of the building; side yard parking shall occupy no more than thirty-five (35) percent of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side yard parking may be modified.

- f. Hedges, garden walls, or living fences may be built on property lines or as the continuation of building walls. A garden wall, living fence, or hedge (min. three (3) feet in height) may be installed along any street frontage adjacent to parking areas.
- g. Parking areas on and access to adjacent lots shall be connected wherever practical.
- h. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on adjacent sites and shall be screened from view by an opaque screen.
- i. Building facades at street frontage lines shall be pedestrian-oriented and pedestrian-scale.

B. Commercial or Institutional Uses:

- 1. Maximum Floor-Area Ratio: 0.25. To harmonize with the traditional scale of commercial buildings in the Olde Towne, new commercial buildings shall not contain more than ten thousand (10,000) square feet of gross floor area.
- 2. Minimum Lot Area: Seven thousand five hundred (7,500) square feet.
- 3. Parking areas on and access to adjacent lots shall be connected wherever practical for commercial or institutional uses.
- 4. All loading berths shall be located at the rear of the building.
- 5. All principal businesses must operate in a permanent structure. No principal business may operate in any non-permanent structure such as a tent, mobile unit, trailer, recreational vehicle, or other temporary building or structure.

C. Residential Uses:

- 1. Maximum Permitted Use Density: Three (3) dwelling units per acre.

2. Minimum Permitted Use Lot Area: 14, 250 square feet.

5.11.4 Permitted Uses for the Village Commercial (VC) District:

- A. Dwelling units located above commercial activities or combination of residential structure within the classification provided that all dwelling units have a separate access.
- B. Two (2) and three (3) family dwellings.
- C. Accessory dwelling unit/dependency unit.
- D. Church, institutional, or civic use.
- E. Family Day Care Home (*See Article X, Definitions*) as a home occupation in an occupied residence where child day care is regularly provided for no more than six (6) children as a Home Occupation.
- F. Group Day Care Home (*See Article X, Definitions*) as a home occupation in an occupied residence, where child day care is regularly provided for seven (7) to twelve (12) children, with conditions, including:
 1. Proof of licensing and registration with the South Carolina Department of Social Services, including renewals every two (2) years;
 2. A site plan or plat, including floor plans, that includes adequate play areas, fencing, lighting, and driveway/child drop-off areas;
 3. No Group Day Care Home shall be conducted in any detached accessory building;

4. Written agreement to allow outdoor play only between the hours of 8AM and 6PM if adjacent to other residences;
5. The facility is compatible with the surrounding neighborhood based upon a consideration of the number of persons cared for, potential traffic and noise impacts, location of play, parking, loading and circulation areas, and lighting;
6. Adequate parking including one (1) parking space for the operator and each employee and one (1) additional space for each five (5) children. Parking demand generated by the use shall be met off the street and other than in a required front yard; and
7. The Group Day Care Home shall be subject to all applicable Town business licenses and other business taxes.]

G. Child Care Center (*See Article X, Definitions*) with conditions, including:

1. Proof of licensing and registration with the South Carolina Department of Social Services, including renewals every two (2) years;
2. A site plan or plat, including floor plans, that includes adequate play areas, fencing, lighting, and driveway/child drop-off areas;
3. No Child Care Center shall be conducted in any detached accessory building;
4. The facility is compatible with the surrounding neighborhood based upon a consideration of the number of persons cared for, potential traffic and noise impacts, location of play, parking, loading and circulation areas, and lighting;
5. Adequate parking including one (1) parking space for the operator and each employee and one (1) additional space for each five (5) children. Parking demand generated by the use

shall be met off the street and other than in a required front yard; and

6. The Child Care Center shall be subject to all applicable Town business license and other business taxes.

H. Service businesses involving the rendering of a personal service or the repair and servicing of small equipment specifically including:

1. Appliance, radio, or television repair shop;
2. Art studios, galleries, museums, and libraries;
3. Bank, savings and loan association, and branches provided a traffic impact analysis is submitted that addresses traffic impacts, and traffic circulation is designed so as to provide safe ingress and egress;
4. Barber shop, beauty shop, nail salons, or combination thereof;
5. Bed and breakfast inns, guest house;
6. Bicycle repair and sales shop;
7. Community center;
8. Design studio;
9. Dressmaker, seamstress, and tailor;
10. Duplicating centers including letter and photostat services;
11. Educational institutions of a business, professional, or scientific nature;
12. Health studios and spas;
13. Indoor theaters;
14. Insurance agency;

15. Jewelry and watch repair shop;
 16. Locksmith or gunsmith;
 17. Medical, dental, chiropractic office, laboratory, and/or clinic, not including veterinary;
 18. Office for governmental, professional business, or general purposes;
 19. Photographic studio and supply shops;
 20. Public or private schools;
 21. Public utility business office;
 22. Radio and television stations;
 23. Real estate agency;
 24. School offering instruction in art, music, dancing, drama, or other similar activity;
 25. Shoe repair shop;
 26. Secretarial and/or telephone answering service; and
 27. Travel and ticket agencies.
- I. Retail businesses specifically including:
1. Art shops and galleries;
 2. Art supply store;
 3. Bakeries provided that goods baked on the premises are sold on the premises at retail only;
 4. Book, magazine, and newspaper shops;
 5. Candy store;
 6. Clothing store;

7. Drug store or pharmacy;
8. Florist shop;
9. Fruit, nut, food, and/or vegetable store;
10. Furniture stores;
11. Gift, curio, or antique shop;
12. Hardware store;
13. Hobby and/or toy shop;
14. Ice cream shop;
15. Leather goods and luggage shops;
16. Marine and fishing supply shops;
17. Millinery or hat shops;
18. Music store, video store, and/or record shop;
19. Office supply and equipment store;
20. Paint store;
21. Photographic or camera supply store;
22. Plant or landscaping materials store;
23. Restaurants (except those that include drive-in, drive-up window service, or curbside service), supper clubs, delicatessens, tea rooms, coffee shops, and cafes, provided that:
 - a. All lights or lighting arrangements used for the purpose of advertising or night operations are directed away from adjoining or nearby residential properties;
24. Shoe store;

- 25. Sporting goods store;
- 26. Television, radio, sales, and service;
- 27. Towel and linen shops;
- 28. Video/small appliance rental and sales;
- 29. Variety and sundry shops; and
- 30. Wearing apparel shops.

- J. Any combination of permitted uses provided all applicable standards are met for each use.
- K. Any other use which the Community Development Director or Planning Commission may find to be similar in character to the uses enumerated in this Section and consistent with the purposes and intent of this Ordinance.

5.11.5 Uses Permitted by Special Exception in the Village Commercial District:

- A. Auto accessory retail store provided there is no storage of wrecked automobiles, scrapped or salvaged auto parts on the premises, and the store does not include any auto repair or installation facilities.
- B. Contractor's office provided there is no storage of equipment, or materials on the premises, and construction vehicle parking is adequately buffered.
- C. Grocery store.
- D. Meat, fish, and/or poultry shop providing that no slaughtering be permitted. Any cleaning of fish or poultry necessary for such use may be permitted provided cleaning activities are conducted within the principal building enclosure on the premises.
- E. Package liquor store.

F. Pet shops, provided all animals are housed within the principal buildings so that no sound is perceptible beyond the premises.

G. Self-service Laundromat or dry cleaning store.

H. Veterinary or pet care clinic/hospital, provided the Board finds that:

1. The clinic or hospital will provide animals no larger than a dog with treatment or medical care on premises and overnight lodging;
2. Structures or equipment will not be located within one hundred (100) feet of any residential zoning district or existing residence;
3. Animals will be contained within the principal building. No animals will be housed or exercised in outside kennels or runs;
4. Buildings in which animals are kept or exercised will be designed and constructed utilizing appropriate soundproofing and ventilation to prevent objectionable sound or odor from being emitted; and
5. All dead animals and refuse will be disposed of in accordance with Town, Hampton or Beaufort County, and other governmental agency regulations; nevertheless, no cremation of animals will occur on the property.

I. Hotels

J. Any other use which the Community Development Director or Planning Commission may find to be similar in character to the uses enumerated in this Section and consistent with the purposes and intent of this Ordinance.

5.11.6 Uses Not Permitted in the Village Commercial District:

A. Any convenience or other high volume commercial business.

B. Motels

- C. Pawn Shops.
 - D. Any business involving junk, salvage operations, and/or the open storage of junk and salvage materials.
 - E. Automobile and other vehicle repair shops.
 - F. Any business that constitutes a nuisance.
 - G. Drive-in and drive-thru facilities, except for banks and financial institutions.
 - H. Adult Entertainment Establishments.
 - I. Any business, person, entity or service offering Adult Entertainment.
- 5.11.7 Architectural Design: Properties within the Historic Preservation Overlay District (HPOD) must be reviewed and receive a Certificate of Appropriateness from the Yemassee Historic Preservation Commission (or another committee or commission which the Mayor Designates) (HPC), certifying that the request is designed in accordance with the Yemassee Historic Preservation Manual (See Section 5.18).
- 5.11.8 Landscaping and Buffers in the Village Commercial District
- A. Bufferyards: The purpose of the bufferyard is to overcome nuisances between adjacent land uses, and promote compatibility. The unique feature of the bufferyard is that it is flexible. It may vary in density based on:
 - 1. What is proposed;
 - 2. What is existing on the adjacent property;
 - 3. View from streets; and
 - 4. The type of bufferyard selected.
 - B. The Planning Commission and/or Historic Preservation Commission shall approve the width and design of bufferyards,

taken into account adjacent land uses and the view from the highway corridor. The width of the street frontage and highway buffer within the Village Commercial (VC) District is permitted to be a minimum ten (10) foot bufferyard.

C. Village Commercial landscaped buffers along street frontages shall be designed using a variety of elements listed below. Refer to trees and plant materials listed in *Section 5.17.8, Highway Corridor Overlay District*, as well as:

1. Hedges;
2. Street trees at various heights and canopies along roadways;
3. Potted plants;
4. Gardens;
5. Hanging baskets;
6. Ponds;
7. Ivy on buildings;
8. Confederate Jasmine;
9. Benches, grass, and ground cover;
10. Thicket of Bamboo;
11. Window boxes; and
12. Fountains.

5.11.9 Lighting: Refer to *Section 5.17.11, Lighting, Highway Corridor Overlay District*.

5.11.10 Screening requirements for exterior storage areas:

A. Screening shall be exclusive of driveways and sight lines used for safe automobile ingress and egress.

- B. Fences and walls that are used shall be of the same or compatible material, in terms of texture and quality, as the material and color of the principal building. Additional planting material shall be provided so that no more than two-thirds ($2/3$) of the surface area of the fence or wall is visible from the street within three (3) years of erection of the structure. Twenty-five (25) percent of this plant material may be deciduous.
- C. Any berms installed shall have a minimum height of one and one half ($1\frac{1}{2}$) feet and a minimum crown width of two (2) feet and a side slope of no greater than 2:1, and berms shall be planted and covered with vegetation.
- D. All shrubs installed to satisfy the requirements of this Section shall be locally adapted species expected to reach a minimum height of thirty (30) inches within three (3) years of planting. All shrubs shall be a minimum of eighteen (18) inches when planted. Vegetation planted on berms may have a reduced minimum mature height provided that the combined height of the berm and the plantings shall be a minimum height of thirty (30) inches in height after three (3) years. Twenty-five (25) percent of all shrubs may be deciduous.
- E. All trash, garbage, or other waste must be retained in sanitary containers located inside the building or within a screening enclosure. Any such enclosure must be located a minimum of five (5) feet from the property line of any residential use or residential zoning district.

5.11.11 Prohibited Uses

- A. Adult Entertainment Establishments.
- B. Any business, person, entity or service offering Adult Entertainment.

Section 5.12 Regional Commercial District [RCD]

- 5.12.1 The purpose of this District is reserving land for business purposes of a regional scope; encouraging the formation and continuance of

a compatible and economically healthy environment for business, financial service, and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial, residential, or other uses capable of adversely affecting the basic commercial character, intent, operations, and functioning of such Districts.

5.12.2 The following uses and similar uses shall be permitted in the RCD:

- A. Retail, wholesale, or storage business involving the sale of merchandise on the premises; except those uses which involve open yard storage;
- B. Club, lodge, union hall, or social center;
- C. Church or religious institution;
- D. Off-street commercial parking or garage;
- E. Hotel, bed and breakfast inns, and motels;
- F. Commercial recreation facility;
- G. Commercial recreation or vocational school;
- H. Eating and/or drinking establishment, drive through windows shall be permitted;
- I. Public utility installation or sub-installation, including water towers;
- J. Office building and/or office for government, professional business, or general purposes;
- K. A horse riding school, horse training facility and/or commercial stables provided the site contains a minimum of three (3) acres and provided that there shall be a minimum area of one (1) acre for the first one (1) to two (2) horses approved for the facility, plus and additional one-half (1/2) acre for each additional horse approved for the facility. Stalls or stable areas should be one hundred forty-four (144) square feet for each horse;

- L. A temporary office and/or storage building during a project involving construction but not to be used as a dwelling with the removal of same within thirty (30) days upon project completion;
- M. Motion picture studio and/or video commercial preparation;
- N. FAX machine services and distribution, photographic, optical goods, and watches/clocks assembly and distribution, provided the structure does not exceed ten thousand (10,000) square feet; and
- O. A mini-warehouse(s) or self-service storage facility(ies), provided such structure(s) is located not less than fifty (50) feet from any residential structure or residential zoned District; such facility shall not be operated during the hours of 10PM and 6AM.

5.12.3 The following uses shall be permitted on a conditional basis in the RCD:

- A. Automobile service station, provided all pumps are setback at least twenty-five (25) feet from the right-of-way line of the street, and parking and/or service areas are separated from adjoining residential properties by suitable visual screen or solid fence or wall at least six (6) feet in height. There shall be a fifty (50) foot setback of all pumps at an automobile service station on a major thoroughfare;
- B. Automobile garage for the repair and servicing of vehicles, provided all operations are conducted within a fully enclosed building and there is no open storage
- C. of wrecked vehicles, dismantled parts, or parts visible beyond the premises;
- D. Newspaper publishing plant, provided that the requirements for parking, loading, and unloading conform to those for industrial buildings;
- E. Automobile carwash, laundry or washateria, provided off-street paved parking area, capable of accommodating not less than one-half (1/2) of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and

maintained on the premises, and for such space to contain at least two hundred (200) square feet per waiting vehicle; and no safety hazard or impediment to traffic movement is created by the operation of such an establishment;

- F. Animal hospital, veterinary clinic, or kennel, provided any structure shall be no closer than two hundred (200) feet to any residential zoning perimeter or residential dwelling; provided all boarding arrangements are maintained within the facility and such noise as will be audible from the use of outside runs or exercise areas be kept at a minimum;
- G. A solid waste transfer facility, site, and accessory uses, including a recycling center, provided such facility is one hundred (100) feet or greater from any residential building and it meets the Development Standards of this Ordinance;
- H. Campgrounds and Recreational Vehicle Parks provided that:
 - 1. No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days;
 - 2. No overflow camping shall be allowed. When a campground/RV park is full, no more campers or vehicles shall be permitted on the grounds;
 - 3. The campground shall have a minimum size of twenty (20) acres and shall not exceed fifty (50) acres on any single parcel;
 - 4. All permanent structures including cabins in a campground shall be limited to single-story structures in height;
 - 5. No more than eight (8) campsites/RV sites or camping structures, including cabins, shall be permitted per net acre in any campground;
 - 6. Not less than thirty (30) percent of all campgrounds/RV Parks shall consist of open space, which shall contain no camp/RV sites and/or structures;

7. All campgrounds and recreational vehicle parks in the Town of Yemassee shall be in compliance with the *Rules and Regulations Governing Camps of the South Carolina Department of Health and Environmental Control* and have a valid permit from same for operation; and
 8. All campground facilities shall be served by public water and sewer.
-
- I. Seafood or shellfish packaging and processing shall be permitted in the RCD provided that the following conditions are met:

There shall be a setback of one hundred fifty (150) feet from the perimeter of any residential or Planned Unit Development District; and

All packaging and/or processing of seafood, shellfish, or sea plants shall meet the provisions of this Ordinance as related to odor, noise, smoke, waster disposal, and other nuisances.

5.12.4 Uses permitted in the RCD shall be required to conform to the following standards:

- A. Minimum lot width, measured at the building line, is one hundred fifty (150) feet;
- B. Maximum building size is ten thousand (10,000) square feet per acre;
- C. Front, side, and rear yard setbacks are as follows: from residential uses, fifty (50) feet; from hotels or motels, fifteen (15) feet; from other commercial uses or industrial uses, twenty (20) feet; from major thoroughfares, fifty (50) feet;
- D. Maximum building height is thirty-five (35) feet above base flood elevation to a maximum of fifty (50) feet above base flood elevation with prior approval from the Fire Marshal's office;
- E. Equipment and materials must be stored within completely enclosed buildings;

- F. All trash, garbage, or other waste must be retained in sanitary containers located inside the building or within a screening enclosure. Any such enclosure must be located a minimum of fifty (50) feet from the property line of any residential use or residential zoning district; and
- G. All loading berths shall be located at the side or rear of the building.

5.12.5 Prohibited Uses:

- A. Adult Entertainment Establishments.
- B. Any business, person, entity or service offering Adult Entertainment.

Section 5.13 Office Commercial District [OCD]

5.13.1 The purpose of this District is to provide a suitable environment for, and enhancing the locational flexibility of, business, professional, and governmental offices and low impact institutional uses and for the purpose of providing a transitional area between intensive commercial uses and residential uses. These purposes are accomplished in the Office Commercial District by fostering a low key commercial character that is more compatible with residential uses, preventing encroachment by trade and higher impact service operations, and requiring high site design standards.

5.13.2 The following uses and similar uses shall be permitted in the OCD:

- A. Single-family dwelling;
- B. Offices for general administrative functions including operations management, sales and marketing, clerical service, personnel management, accounting/finance, data processing, and design/engineering;
- C. Offices for business use including, but not limited to: insurance, real estate, travel, advertising agencies, and business consulting;

- D. Offices for professional use including, but not limited to:
accounting, architecture, engineering, surveying, law, medicine,
chiropractic, and dentistry;
- E. Offices for governmental or institutional purposes;
- F. Bank or financial institution;
- G. Governmental post office;
- H. Radio or television studio excluding telecommunications tower;
- I. School or day care center;
- J. Public emergency service facilities;
- K. Library;
- L. Museum;
- M. Church, synagogue, temple, or other place of worship provided
that such use is housed in a permanent structure;
- N. Club; business or civic association;
- O. Conference center, retreat house;
- P. Clothing tailoring operation;
- Q. Farm or establishment for the growing, care, and harvesting of
field crops and vegetables, but not including processing and
packing of such products, nor the commercial raising, care, or
processing of poultry, cattle, swine, goats, or sheep;
- R. Tree farm, timber area, or forest management area;
- S. Horticultural nursery;
- T. Public parks;
- U. Unlighted, regulation size, or par-three golf course;

V. Cemetery, provided that such use does not include a funeral home or crematorium; and

W. Accessory uses customarily appurtenant to a permitted use.

5.14.3 The following uses shall be permitted on a conditional basis in the OCD:

A. Restaurant provided that it is not located within one hundred (100) feet of the property line of a residential use or zoning district and there is no drive-in window; and

B. Dry cleaning establishment for pick-up and drop-off service only (no dry cleaning or laundering on the premises).

5.14.4 Other Requirements:

A. The sale, rental, repair, or servicing of goods or equipment on the premises shall not be permitted unless such activity is either specifically included as, or clearly incidental and customarily accessory to, a permitted or conditional use;

B. In addition to the specific standards of this Section, all pertinent landscaping, screening, buffering, and parking lot provisions contained in the Highway Corridor Overlay District shall apply (regardless of whether or not the property is located in the HCOD);

C. Equipment and materials must be stored within completely enclosed buildings;

D. All trash, garbage, or other waste must be retained in sanitary containers located inside the building or within a screening enclosure. Any such enclosure must be located a minimum of fifty (50) feet from the property line of any residential use or residential zoning district; and

E. All loading berths shall be located at the side or rear of the building.

5.14.5 Standards:

A. General Requirements:

Lot coverage: Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five percent (65) of the lot area may be used for structures, parking, or otherwise be paved; a minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation.

Maximum building height: Thirty-five (35) feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles, water towers, or other structures not intended for human occupancy, with the exception of transmission or observation towers.

Minimum lot width at the building line: Forty (40) feet.

B. Commercial and Non-Residential Uses:

1. Minimum lot size is one (1/4) quarter acre (10,890 square feet).
2. Maximum building height is thirty-five (35) feet above base flood elevation.
3. Maximum building size is ten thousand (10,000) square feet per acre.
4. No office building or operation in this District shall be situated closer than fifty (50) feet from the boundary line of any property in an existing residential zoning district or in current residential use. Office uses shall be setback a minimum of fifty (50) feet from any commercial use, thirty (30) feet from another office use, and fifty (50) feet from a major thoroughfare.

C. Residential Uses:

1. Minimum permitted use lot area: 14, 520 square feet.
2. Maximum permitted use density: Three (3) dwelling units per acre.
3. Minimum permitted use lot area: 14,520 square feet.

5.14.6 Additional Sign Standards:

- A. In addition to the provisions of the *Town of Yemassee Sign Ordinances*, the following provisions shall apply to signs in the OCD:
 - 1. Internally illuminated and neon signs shall not be permitted;
 - 2. If a sign is to be illuminated, a white, stationary light directed solely at the sign shall be used (except for backlit signs, below). Illuminated signs shall not have a light-reflecting background but may use light reflecting lettering; and
 - 3. Backlighting of signs (see *Article X, Definitions*) shall be permitted provided the sign is opaque and the rear surface is not reflective.
- B. Exterior lighting shall be designed and arranged so as to minimize glare and reflection. Lighting shall be low-intensity, shielded from adjacent parcels, and directed away from any adjacent residential use or zoning district. The Applicant shall submit plans for approval to the Development Review Board indicating the location and type of each exterior light.

5.14.7 Prohibited Uses

- A. Adult Entertainment Establishments.
- B. Any business, person, entity or service offering Adult Entertainment.

Section 5.15 Transitional District [TR]

- 5.15.1 The intent of the Transitional (TR) District is to establish flexible land uses for properties annexing into the Town of Yemassee with no immediate development plans. This district establishes performance standards for the formation and continuance of a healthy and diverse mixed- use community to meet the changing needs of Yemassee, while maintaining the Town's Comprehensive Plan.

5.15.2 Permitted Uses for the Transitional (TR) District:

- A. Single-family attached or detached dwelling;
- B. Two (2) and Three (3) family dwellings;
- C. Accessory dwelling unit/dependency unit;
- D. Church, other place of worship, institutional, or civic use;
- E. Home occupation, provided:
 - 1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 - 2. This parking space is sufficient to handle any home occupation-related parking needs;
 - 3. There are no full-time associates or employees who are not members of the household;
 - 4. No signs associated with the home occupation are displayed; and
 - 5. The home occupation does not constitute a nuisance.
- G. Family Day Care Home (*See Article X, Definitions*) as a home occupation in an occupied residence where child day care is regularly provided for no more than six (6) children as a Home Occupation.
- H. Group Day Care Home (*See Article X, Definitions*) as a home occupation in an occupied residence, where child day care is regularly provided for seven (7) to twelve (12) children, with conditions, including:
 - 1. Proof of licensing and registration with the South Carolina Department of Social Services, including renewals every two (2) years;
 - 2. A site plan or plat, including floor plans, that includes adequate play areas, fencing, lighting, and driveway/child drop-off areas;
 - 3. No Group Day Care Home shall be conducted in any detached accessory building;
 - 4. Written agreement to allow outdoor play only between the hours of 8AM and 6PM if adjacent to other residences;
 - 5. The facility is compatible with the surrounding neighborhood based upon a consideration of the number of

persons cared for, potential traffic and noise impacts, location of play, parking, loading and circulation areas, and lighting;

6. Adequate parking including one (1) parking space for the operator and each employee and one (1) additional space for each five (5) children. Parking demand generated by the use shall be met off the street and other than in a required front yard; and
7. The Group Day Care Home shall be subject to all applicable Town business licenses and other business taxes.
- I. Any other use which the Community Development Director or Planning Commission may find to be similar in character to the uses enumerated in this Section and consistent with the purposes and intent of this Ordinance.

5.15.3 Uses Permitted by Special Exception in the Transitional (TR) District:

- A. Child Care Center with thirteen (13) or more children as a special exception issued by the Zoning Board of Appeals, with conditions, including:
 1. Proof of licensing and registration with the South Carolina Department of Social Services, including renewals every two (2) years;
 2. A site plan or plat, including floor plans, that includes adequate play areas, fencing, lighting, and driveway/child drop-off areas;
 3. Written agreement to allow outdoor play only between the hours of 8AM and 6PM;
 4. The facility is compatible with the surrounding neighborhood based upon a consideration of the number of persons cared for, potential traffic and noise impacts, location of play, parking, loading and circulation areas, and lighting;
 5. Adequate parking including one (1) parking space for the operator and each employee and one (1) additional space for each five (5) children. Parking demand generated by the use shall be met off the street and other than in a required front yard;
 6. Signs must be non-illuminated, placed flat against the wall, and not exceed 1½ square feet in area; and

- 7. The center shall be subject to all applicable Town business licenses and other business taxes.
- B. Agricultural use and structures pertaining to such use, provided that no such use shall involve the slaughtering or processing of poultry or livestock for volume commercial sale.
- C. Forest, tree farm, game preserve, or other conservation purpose.

5.15.4 Uses Not Permitted in the Transitional District:

- A. Manufactured homes or manufactured home park;
- B. Any business involving junk, salvage operations, and/or the open storage of junk and salvage materials;
- C. Automobile, and other vehicle repair shops;
- D. Telecommunication towers;
- E. Mining/Resource extraction;
- F. Jails, prisons, work release or other similar facilities; and
- G. Any business that constitutes a nuisance.
- H. Adult Entertainment Establishments.
- B. Any business, person, entity or service offering Adult Entertainment.

5.15.5 Standards for the Transitional (TR) District:

- A. General Requirements:
 - 1. Maximum building height: Thirty-five (35) feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles, water towers, or other structures not intended for human occupancy, with the exception of transmission or observation towers;
 - 2. Minimum front yard setback: thirty (30') feet. Minimum side yard setback: fifteen (15') feet. Minimum rear yard setback: twenty (20') feet. The Planning Commission shall have discretion to adjust the front, side, and rear setbacks in the case of jurisdictional wetlands or to preserve existing specimen trees;

3. Minimum lot width at the building setback line for newly created parcels shall be a distance of one hundred fifty (150') feet. Newly created parcels are subject to the one thousand five hundred (1,500) foot distance requirement between access points along arterial roadways within the parcel frontage;

B. Residential Uses:

1. Minimum Lot Area: one (1) acre;
2. Maximum Density: one (1) dwelling unit per acre; and
3. Lot Coverage/Open Space: Development of the site shall not exceed the surface coverage ratio of fifty (60%) percent impervious to fifty (40%) percent pervious. No more than fifty (60%) percent of the lot area may be used for structures, parking, or otherwise be paved; a minimum of fifty (40%) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;

C. Institutional or Non-Residential Uses:

1. Minimum Lot Area: Five (5) acres;
2. Maximum Floor-Area Ratio: 0.25;
3. Buildings shall not contain more than ten thousand (10,000) square feet of gross floor area;
4. Lot Coverage/Open Space: Development of the site shall not exceed the surface coverage ratio of fifty (50%) percent impervious to fifty (50%) percent pervious. No more than fifty (50%) percent of the lot area may be used for structures, parking, or otherwise be paved; a minimum of fifty (50%) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
5. Parking areas on and access to adjacent lots shall be connected wherever practical;
6. Mechanical equipment at ground level shall be screened from view by an opaque screen; and
7. Building facades at street frontage lines shall be pedestrian-oriented and pedestrian scale. Building design shall be "Yemassee Character" and consistent with major design elements in the Yemassee Preservation Manual.

8. Screening requirements for exterior storage areas:
 - a. Screening shall be exclusive of driveways and sight lines used for safe automobile ingress and egress;
 - b. Fences and walls that are used shall be of the same or compatible material, in terms of texture and quality, as the material and color of the principal building. Additional planting material shall be provided so that no more than two-thirds (2/3) of the surface area of the fence or wall is visible from the street within three (3) years of erection of the structure. Twenty-five (25) percent of this plant material may be deciduous; and
 - c. All trash, garbage, or other waste must be retained in sanitary containers located inside the building or within a screening enclosure. Any such enclosure must be located a minimum of twenty (20) feet from the property line of any residential use or residential zoning district.

5.15.6 To encourage the formation and continuance of a healthy and diverse mixed use community, the Town of Yemassee will consider rezoning from Transitional (TR) to Regional Commercial, Village Commercial, Mixed Use, Planned Unit Development, or other Town zoning districts, when a full range of public facilities and services exists to serve development, and where it is likely and desirable to extend such type development, The Town of Yemassee has the sole discretion with regards to rezoning approvals, after consideration of the following standards:

- A. Allowed uses under the selected zoning category are consistent with the Town comprehensive plan and the evolving character of the neighborhood;
- B. Densities and intensities of all future development consistent with adopted stormwater management and drainage regulations;
- C. Adequate multi-modal transportation systems exist, including bicycle and pedestrian sidewalks/trails; distribution of site traffic through various access points; connectivity with adjacent land uses; and funded road improvements;
- D. Reduction in transportation impacts by developing mixed uses which place residential units in close proximity to economic centers, jobs, and other public uses;

- E. Increased useable open space beyond the minimum open space required by the Town of Yemassee;
- F. Protection of the natural features and resources;
- G. Provision of affordable housing, redevelopment of underutilized properties and infill development that creates a better environment than what can be accomplished under TR permitted uses and standards;
- H. The character of the area or adjacent land use has changed enough to warrant a different zoning district;
- I. The proposed change is compatible with surrounding development in terms of land uses, appropriate buffers, setbacks, development density/intensity, visual, and traffic impacts;
- J. Provision of economic diversity by providing skilled labor jobs;
- K. Letters/studies indicating adequate roads and verifying availability of public water and public sewer;
- L. Letters from appropriate agencies verifying adequacy of police, emergency service, and fire facilities; and
- M. Letters of verification from the school board to demonstrate adequate school capacity.”

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 5.16 Agricultural [AG]

The Agricultural District is designed to provide for agricultural, forestry, and low-density residential uses. The intent of the District is to provide for the conservation of cultivated, forested, or pastoral land, discourage premature and isolated high-density development, and to provide for low-density residential uses associated with agricultural activity.

5.16.1 Standards for the AG District

- A. Maximum density: One (1) dwelling unit per acre.
- B. Maximum lot size: One (1) acre per dwelling.

5.16.2 Permitted Uses for the AG District

- A. Single-family dwelling.
- B. Mobile home dwelling provided the same is under skirted around its base with an appropriate material sufficient to provide a visual screen for the underpinnings of the mobile home.
- C. Agricultural use and structures pertaining to such use, provided that no such use shall involve the slaughtering or processing of poultry or livestock for volume commercial sale. Dense livestock and poultry are prohibited.
- D. Forest, tree farm, game preserve, or other conservation purpose.

5.16.3 Prohibited Uses

- A. Adult Entertainment Establishments.
- B. Any business, person, entity or service offering Adult Entertainment.

Section 5.17 Highway Corridor Overlay District [HCOD]

- 5.17.1 The purpose of the Highway Corridor Overlay District (HCOD) is to provide for the safe and efficient use of these highways; to minimize congestion and the number of traffic conflict points; to enhance the quality of development; to protect and enhance the area's unique aesthetic character and natural environment; to reduce unnecessary visual distractions; and to encourage the design of architecture, signage, and lighting which is harmonious with the natural and man-made assets of the Low Country. The Highway Corridor is defined as five hundred (500) feet in depth beginning at the highway right-of-way line or to the rear of the property line fronting the designated highway, whichever is less. The HCOD shall apply to US Highways 17, 17A and 21, Interstate Highway 95, and South Carolina Highway 68, except where those roads are within or immediately adjacent to the Historic Preservation Overlay District (HPOD). For those roads within or immediately adjacent to the HPOD, the terms of the HCOD relative

to temporary construction trailers, lighting, and landscaping shall remain applicable. Please refer to *Section 5.11, Village Commercial District*, for all other highway corridor standards within the HPOD.

5.17.2 The Planning Commission for the Town of Yemassee shall administer the Highway Corridor Overlay District until such time as a separate board is established for the same. The Planning Commission shall review the design of all structures (except those excepted), including habitable structures, walls, fences, light fixtures and accessories, appurtenant structures, and the design of all signs within the Town of Yemassee except those that are located within the Historic Preservation Overlay District. All issues related to the design of structures and signage within the District defined by the *Historic Preservation Overlay District Ordinance* shall be submitted first to the Town of Yemassee Community Development Department.

5.17.3 Boundaries of the HCOD

- A. The boundaries of the HCOD are to be depicted on a map or series of maps entitled, "*Official Zoning Map, Town of Yemassee*" that together with all explanatory matter thereon is hereby adopted by reference and declared to be part of this Ordinance.
- B. Where uncertainty exists as to the boundaries of a District as shown on the *Official Zoning Map*, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of right-of-way lines of streets, highways, utility, or other easements shall be construed to follow such lines;
 - 2. Boundaries indicated as approximately following plotted lot or tract property lines shall be construed as following such lines; and
 - 3. Boundaries indicated, as approximately following the incorporated areas or Town limit lines, military reservation boundaries, special service area, or tax district area lines, as amended from time to time, shall be construed to follow such lines.

5.17.4 General Requirements:

- A. Land uses permitted within the HCOD shall be as prescribed by the zoning districts underlying the HCOD.
- B. All development, including signage, as defined in this Ordinance shall be subject to the provisions of the HCOD, with the following exceptions, which shall be in addition to, rather than in place of, the requirements for the underlying zoning district:
 - 1. Individual parcels in or designated for single-family residential use and family property (i.e., parcels in residential use by members of the same family). The establishment of a single-family use on such parcels, however, shall be subject to the seventy-five (75) foot front yard setback on an existing parcel of record and subject to the one thousand five hundred (1,500) foot distance requirement between access points for newly created parcels;
 - 2. Newly created single-family parcels within subdivisions, which shall be subject to the standard setback of ten (10) feet from the property line where an existing twenty-five (25) foot landscaped buffer is already established for the entire subdivision, under the provisions of this Ordinance and subject to the one thousand five hundred (1,500) foot distance requirement between access points; and
 - 3. Mobile home parks, which shall be subject to their standard setback from the property line where an existing twenty-five (25) foot landscaped buffer is already established, under the provisions of this distance requirement between access points.
- C. If a parcel extends beyond the boundaries of the HCOD, then development at any location within the entire parcel shall be subject to review.
- D. The Planning Commission will review development within the five hundred (500) foot corridor. The Community Development Director will waive review of development that, in its determination, will not be visible from the highway.

- E. Manufactured or mobile homes are not permitted for use on property within the HCOD with the exception of exempted uses in *Section 5.17.4.B* and for use as a temporary, on-site construction facility, whereby a trailer may be used on the property only during the life of the construction project. Modular buildings are permitted for residential or commercial use within the HCOD. (*See Article X, Definitions for performance standards*). Mobile or manufactured homes are not permitted for use as commercial structures within the HCOD, other than for a temporary construction facility.
- 5.17.5 A minimum distance of one thousand five hundred (1,500) feet shall be maintained between all access points onto the corridor, including private driveways, roads, and public right-of-way. Spacing will be measured from the midpoint of each driveway. If the existence of jurisdictional wetlands precludes compliance with this provision, the Planning Commission shall have discretion as to the placing of an alternative access point; however, no additional curb cuts on the subject parcel should result from having the alternative access point. This minimum distance applies with the following exceptions:
- A. Access may be granted to a parcel of record existing at the time of adoption of the HCOD provided that the property owner demonstrates that (s)he has made significant but unsuccessful efforts to establish alternative access, including, but not limited to, the following methods: joint access with adjoining properties, access from adjacent roads and the establishment of frontage roads; and
 - B. Where the South Carolina Department of Transportation has established nodes along the right-of-way of the US Highway 95 and its access points spaced less than one thousand five hundred (1,500) feet apart may be used provided that they are spaced at least one thousand two hundred (1,200) feet apart.
- 5.17.6 The following standards shall apply to property within the HCOD:
- A. The minimum front yard setback from the right-of-way shall be seventy-five (75) feet for all primary and accessory structures, but not including accessory structures such as walls, fences, trellises, and other landscape structures.

- B. The minimum side yard setbacks from the property line shall be fifteen (15) feet.
- C. The Planning Commission shall have discretion to adjust the front, side, and rear setbacks in the case of jurisdictional wetlands or to preserve existing specimen trees.
- D. The minimum lot width at the building setback line for newly created parcels shall be a distance of one hundred fifty (150) feet. Newly created parcels are subject to the one thousand five hundred (1,500) foot distance requirement between access points from the highway.

5.17.7 In addition to the existing standards of the *Town of Yemassee Zoning Ordinances* regarding subdivisions, the following requirements pertain to the HCOD:

- A. Newly created subdivisions are subject to the one thousand five hundred (1,500) foot distance requirement between access points from the highway;
- B. No subdivision of land which would create parcels fronting on the highway shall be approved unless it is established prior to subdivision approval how access will be provided to each parcel in compliance with the one thousand five hundred (1,500) foot distance requirement, (i.e., frontage roads, shared access drives, and others);
- C. Newly created parcels must have sufficient depth to allow for the required twenty-five (25) foot highway buffer and setback required herein;
- D. A permanent twenty-five (25) foot highway buffer, as required in the HCOD, shall be provided for in all new residential subdivisions; and
- E. If existing platted commercial subdivisions contain dedicated open space, such open space may be used to meet the landscaping requirements for the highway buffer.

5.17.8 Landscaping and Buffers

A. General Requirements

1. For the purposes of this Ordinance, “landscaped area” shall include all pervious areas containing existing or installed vegetation and water features. The use of existing vegetation and plant species native to the Low Country region is encouraged in the landscaped areas.
2. The Planning Department shall review plant selections and landscaping designs only to ensure conformance with the specific requirements of this Section. Plant materials used for installation shall conform to the standards established by the American Association of Nurserymen in the *American Standard for Nursery Stock* provisions. All landscaping required by this Section and shown on the approved application shall be maintained in good condition by the property owner. Plant material that has died or is in an unacceptable condition shall be replaced within four (4) weeks of notification from Town staff of the problem. If the plants are not replaced within that time period, the plants shall be replaced by the Town and the property owner billed for the expense.

B. Highway Buffers

1. A minimum twenty-five (25) foot wide landscaped buffer shall be established parallel to the entire front of the property along the highway right-of-way. The buffer shall contain only vegetative landscaping materials, except for the uses listed below:
 - a. Vehicular access drives placed approximately perpendicular to the right-of-way;
 - b. Foot and bicycle paths;
 - c. Walls and fences less than six (6) feet in height;
 - d. Landscaping sculpture, lighting fixtures, trellises, and arbors;
 - e. Bus shelters;

- f. Signage;
 - g. Water, sanitary sewer, electrical, telephone, natural gas, cable, and other service lines provided that they are placed approximately perpendicular to the right-of-way. Where existing lines or planned lines must run parallel to the right-of-way, an equivalent amount of buffer may be required beyond the twenty-five (25) feet if the character of the buffer is greatly disturbed. To the extent possible, such service lines should be consolidated with vehicular access routes;
 - h. Electrical, telephone, gas, water supply, sewage disposal, and other utilities may be constructed within the required buffer area and after installation of such services and to meet the requirements of this Section, the developer shall be required to restore the buffer area as approved by the Town; and
 - i. Where existing or created lagoons and drainage swales will occupy a substantial portion of the highway buffer because of natural land forms or drainage patterns, additional buffer depth may be required to achieve the visual softening intent of this Section. If the development is proposed for an existing platted lot and the size of the lot makes adherence to these standards impractical, the Planning Commission may relax these standards as reasonably necessary to be consistent with the *Town of Yemassee Zoning Ordinances*.
2. No tree six (6) inches in diameter at four (4) feet diameter breast height (dbh) or larger may be removed from the highway buffer except for access drives, sight triangles, and diseased trees, as approved by the Planning Commission. Where groupings of native shrubs are present, their preservation with minimal disturbance is strongly encouraged.
- C. Landscaping: The purpose of the landscaping requirements is to achieve at maturity a semi-continuous and semi-opaque vertical plane of tree canopy, understory trees, and shrubbery coverage in order to soften the appearance of structures and

parking lots visible from the highway, to screen headlight glare on and off site, and to mitigate commercial lighting as seen by neighboring properties and from the highway. Natural appearing landscape forms are encouraged.

1. The following list contains overstory and understory trees that are found in the Low Country region and are recommended for use in meeting the landscaping requirements of the HCOD:

A. BROAD-LEAVED OVERSTORY TREES

1. American Beech	<i>Fagus grandifolia</i>
2. American Elm	<i>Ulmus americana</i>
3. American Sycamore	<i>Platanus occidentalis</i>
4. Ashleaf Maple	<i>Acer negundo</i>
5. Black Oak	<i>Quercus velutina</i>
6. Black Gum	<i>Nyssa sylvatica</i>
7. Eastern Cottonwood	<i>Populus deltoides</i>
8. Honeylocust	<i>Gleditsia tricanthos</i>
9. Laurel Oak	<i>Quercus laurifolia</i>
10. Live Oak	<i>Quercus virginiana</i>
11. Pecan	<i>Carya illinoensis</i>
12. Palmetto (>20 feet)	<i>Sabal palmetto</i>
13. Pignut Hickory	<i>Carya glabra</i>
14. Pumpkin Ash	<i>Fraxinus profunda</i>
15. Shumard Oak	<i>Quercus shumardii</i>
16. Southern Magnolia	<i>Magnolia grandiflora</i>
17. Southern Red Oak	<i>Quercus falcata</i>
18. Swamp Chestnut Oak	<i>Quercus michauxii</i>
19. Sweet Gum	<i>Liquidamber styraciflua</i>
20. Water Tupelo	<i>Nyssa aquatica</i>
21. White Oak	<i>Quercus alba</i>
22. Willow Oak	<i>Quercus phellos</i>

B. CONE-BEARING OVERSTORY TREES

1. Bald Cypress	<i>Taxodium distichum</i>
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- | | |
|--------------------|----------------------------------------------|
| 2. Loblolly Pine | <i>Pinus taeda</i> |
| 3. Long Leaf Pine | <i>Pinus palustris</i> |
| 4. Pond Cypress | <i>Taxodium distichum</i> var. <i>nutans</i> |
| 5. Pond Pine | <i>Pinus serotina</i> |
| 6. Slash Pine | <i>Pinus elliotii</i> |
| 7. Short Leaf Pine | <i>Pinus echinata</i> |
| 8. Spruce Pine | <i>Pinus glabra</i> |

C. UNDERSTORY TREES

- | | |
|------------------------------|-----------------------------|
| 1. Allegheny Chinkapin | <i>Castanea pumila</i> |
| 2. American Holly | <i>Ilex opaca</i> |
| 3. American Plum | <i>Prunus americana</i> |
| 4. Bigleaf Snowbell | <i>Styrax grandifolia</i> |
| 5. Bitternut Hickory | <i>Carya cordiformis</i> |
| 6. Black Cherry | <i>Prunus serotina</i> |
| 7. Black Willow | <i>Salix nigra</i> |
| 8. Blackjack Oak | <i>Quercus marilandica</i> |
| 9. Bluejack Oak | <i>Quercus incana</i> |
| 10. Buckthorn Bumelia | <i>Bumelia lycioides</i> |
| 11. Cabbage Palmetto(<19 ft) | <i>Sabal palmetto</i> |
| 12. Carolina Ash | <i>Fraxinus caroliniana</i> |
| 13. Carolina Basswood | <i>Tilia caroliniana</i> |
| 14. Carolina Buckthorn | <i>Rhammus caroliniana</i> |
| 15. Carolina Laurelcherry | <i>Prunus caroliniana</i> |
| 16. Carolina Silverbell | <i>Halesia carolina</i> |
| 17. Chicksaw Plum | <i>Prunus angustifolia</i> |
| 18. Coastal Plain Willow | <i>Salix caroliniana</i> |
| 19. Common Elderberry | <i>Sambucus canadensis</i> |
| 20. Common Hoptree | <i>Ptela trifoliata</i> |
| 21. Common Persimmon | <i>Diospyros virginiana</i> |
| 22. Common Sweetleaf | <i>Symplocus tinctoria</i> |
| 23. Crepe Myrtle | <i>Lagerstroemia indica</i> |
| 24. Dahoon Holly | <i>Ilex cassine</i> |
| 25. Devilwood | <i>Osmanthus americanus</i> |
| 26. Eastern Coralbean | <i>Erythrina herbacea</i> |
| 27. Eastern Hornbeam | <i>Ostrya virginiana</i> |
| 28. Eastern Redbud | <i>Cercis canadensis</i> |
| 29. Eastern Red Cedar | <i>Juniperus virginiana</i> |
| 30. Flatwoods Plum | <i>Prunus unbellata</i> |
| 31. Florida Basswood | <i>Tilia floridana</i> |

32. Florida Maple	<i>Acer barbatum</i>
33. Flowering Dogwood	<i>Cornus florida</i>
34. Fringetree	<i>Chionanthus virginicus</i>
35. Green Ash	<i>Fraxinus pennsylvanica</i>
36. Hercules Club	<i>Zanthoxylum clava-herculis</i>
37. Ironwood	<i>Carpinus caroliniana</i>
38. Littlechip Hawthorn	<i>Crataegus spathulata</i>
39. Loblolly Bay	<i>Gordonia lasianthus</i>
40. Mockernut Hickory	<i>Carya tomentosa</i>
41. Myrtle Oak	<i>Quercus myrtifolia</i>
42. Overcup Oak	<i>Quercus lyrata</i>
43. Parsley Hawthorn	<i>Crataegus marshallii</i>
44. Pawpaw	<i>Asimina triloba</i>
45. Planer Tree	<i>Planera aquatica</i>
46. Possumhaw Holly	<i>Ilex decidua</i>
47. Post Oak	<i>Quercus stellata</i>
48. Red Buckeye	<i>Aesculus pavia</i>
49. Red Maple	<i>Acer rubrum</i>
50. Red Mulberry	<i>Morus rubra</i>
51. Redbay	<i>Persea borbonia</i>
52. River Birch	<i>Betula nigra</i>
53. Sand Hickory	<i>Carya pallida</i>
54. Sassafras	<i>sassafras albidum</i>
55. Sourwood	<i>Oxydendrum arboreum</i>
56. Southern Bayberry	<i>Myrica cerifera</i>
57. Southern Crab Apple	<i>Malus angustifolia</i>
58. Southern Red Cedar	<i>Juniperis silicicola</i>
59. Sparkleberry	<i>Vaccinium arboreum</i>
60. Sugarberry	<i>Celtis laevigata</i>
61. Swamp Cottonwood	<i>Populus heterophylla</i>
62. Sweetbay	<i>Magnolia virginiana</i>
63. Tough Bumelia	<i>Bumelia tenax</i>
64. Turkey Oak	<i>Quercus laevis</i>
65. Water Hickory	<i>Carya aquatica</i>
66. Water Oak	<i>Quercus nigra</i>
67. Waterlocust	<i>Gleditsia aquatica</i>
68. Wax Myrtle	<i>Myrica cerifera</i>
69. Windmill Palm	<i>Trachycarpus fortunei</i>
70. Witch Hazel	<i>Hamamelis virginiana</i>
71. Yaupon Holly	<i>Ilex vomitoria</i>

2. For every one hundred (100) linear feet (or portion thereof)
of frontage on the highway, a minimum of six (6) broad-
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leaved overstory trees, seven (7) understory trees, and thirty (30) shrubs are required in the buffer. The plant materials shall be generally distributed along and throughout the buffer in order that there not be significant gaps without plantings (except as required at sight triangles and road intersections).

3. Three (3) cone-bearing overstory trees may substitute for one (1) broad-leaved overstory tree. However, for each substitution of three (3) cone-bearing overstory trees, one (1) additional understory tree shall be required.
4. Existing, as well as installed, vegetation may be included in meeting the requirement, but if there is not sufficient distribution within the buffer, then additional plantings will be required; i.e. existing healthy trees which are grouped closely together (such that the canopies are closely intertwined) shall be considered as a group rather than tallied individually. Appropriate credit shall be allocated at the discretion of the Community Development Director.
5. Existing evergreen or deciduous understory trees may be counted for credit to meet the requirements; however, understory trees to be newly planted must be evergreen.
6. Installed overstory trees used to meet this requirement shall be at least two and one half (2½) caliper inches and ten (10) feet tall when planted. Installed understory trees used to meet this requirement shall be at least one (1) caliper inch and eight (8) feet tall when planted. Installed shrubs used to meet this requirement shall be at least two and one half (2½) feet tall when planted.
7. Where commercial parking areas would be visible from the highway, additional vegetation, walls, fences, berms, or some combination shall be used to screen those areas. The effectiveness of proposed screening materials shall be subject to the review and discretion of the Planning Commission. This provision shall not apply to those commercial uses exempted for the outside display of merchandise, except for any commercial parking areas that are part of such uses.

8. Trees and shrubs shall not be pruned in any manner that would significantly diminish the desired softening character of the buffer except in accordance with standard horticultural practice. Trees shall not be limbed-up from the ground more than six (6) feet to the lowest branches except as required within sight triangles at intersections or to provide adequate light for understory plantings.
9. Existing evergreen or deciduous understory trees may be counted for credit to meet the requirements; however, understory trees to be newly planted must be evergreen.

D. Other Buffer and Landscaping Standards

1. **Perimeter Buffer:** Landscaped buffers at least ten (10) feet in width shall be maintained along the side and rear property boundaries. These buffers may be penetrated for vehicular and pedestrian passageways linking adjoining properties provided the passageways are placed approximately perpendicular to these buffers.
2. **Foundation Buffer:** A landscaped buffer at least eight (8) feet wide shall be maintained between any structure, parking, or driving area, except for loading areas and areas where drive through facilities are utilized. This space is to be reserved for plant material, either existing or planned. No such space is required at the rear or other sides of the building, but is encouraged. Sidewalks and handicap ramps may be placed adjacent to the buffer on either side. The buffer may be penetrated to provide for access to the building and is not required in loading areas.
3. **Walls and Fences:** Any opaque or partially opaque walls or fences installed along the front of the property, including those used for screening of parking areas, must be softened with landscaping materials.
4. Frontage roads shall be located behind the front buffer.
5. Parking lots shall include landscaped medians and landscaped peninsulas as follows:

- a. A minimum of five (5) foot wide landscaped median shall be installed alongside (perpendicular to) parking spaces on the interior portion of a parking lot with more than one (1) parking bay. Wheel stops shall be placed within all parking spaces at the standard distance from every landscaped median to protect plantings. Shrubs and/or trees shall be installed in the median to provide for semi-continuous planting along the median. Shrubs shall be at least one (1) foot in height at installation and reasonably projected to grow at least two (2) feet in height within three (3) years; and
- b. A minimum nine (9) by twenty (20) foot landscaped peninsula shall be installed parallel to the parking spaces every eight (8) or fewer spaces and at the end of the parking aisle in order to separate the last space from any adjacent travelways. Each landscaped peninsula shall contain one (1) broad-leaved overstory tree with a minimum size of two and one half (2½) caliper inches at dbh and a minimum height of ten (10) feet.

5.17.9 Architectural Design

- A. It is the intent of this Section to encourage architecture that is unobtrusive and of a design, material, and color that blend harmoniously with the natural surroundings and the form and scale of neighboring architecture, provided the latter conforms to the intent of this Section. Architectural review is not meant to stifle innovative design or diversity, but to safeguard property values, maintain the architectural heritage of Yemassee and the “Lowcountry of South Carolina” design elements and long-term economic assets through quality design and development.
- B. The Planning Commission shall review elements of design, including form, mass, scale, proportion, height, texture, color, architectural style, individual architectural elements, orientation, or specific location upon the site. If the Planning Commission disapproves a design, the Planning Commission must establish significant justification for such denial in accordance with the intent of this Section. The Planning Commission may require adjustments to the design and site location of proposed structures and reasonable conditions may be attached to an approval.

C. General Principles.

1. Architectural styles should be reflective of, or at least compatible with, architectural styles that exemplify the unique character of the Low Country region and conform to general standards of architectural quality.
2. Multi-unit developments shall utilize a consistent or at least stylistically compatible palette of scale, forms, colors, materials, and textures.
3. Accessory structures should be architecturally compatible with primary structures.
4. The maximum building height is thirty-five (35) feet. Unoccupied architectural features, such as cupolas and steeples, shall be reviewed on a case-by-case basis and will require approval by the Yemassee Fire Marshal prior to Planning Commission review.
5. Appropriate Exterior materials and Architectural Elements: Only the exteriors of structures are subject to review. The following are some materials and elements that are considered compatible and appropriate for primary and accessory structures. Other materials and elements consistent with the General Principles outlined above will also be considered by the Planning Commission:
 - a. Siding: Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, faced concrete block, and artificial siding which closely resembles painted wood clapboard. Wood siding may be painted, stained, weathered, or left natural;
 - b. Roofs: Wood shingles, slate shingles, multi-layered asphalt shingles, metal raised seam, or tiles, and the use of pitched roofs (four (4) and twelve (12) pitch or greater), roof overhangs, covered porches, canopies, awnings, trellises, gazebos, and open wood fences;

- c. The use of pitched roofs, roof overhangs, covered porches, canopies, awnings, trellises, gazebos, and open wood fences are encouraged; and
 - d. Colors considered to be compatible with the Low Country or coastal vernacular palette are earth tones (i.e., greens, tans, light browns and terra cotta), grays, pale primary and secondary colors (with less than fifty (50) percent color value), white and cream tones, and oxblood red.
6. Any accent color (i.e., black, dark blue, grays, and other dark or strong colors) may be used on a limited basis as an architectural motif and will be allowed according to the discretion of the Planning Commission and on the merits of its use in the overall design, and the use of corporate logos will be considered on a case-by-case basis.
- D. Inappropriate Exterior Materials and Architectural Elements:
The following materials and elements are considered incompatible and inappropriate for primary and accessory structures:
- 1. Plywood, cinderblock, unfinished poured concrete, unlaced concrete block, and plastic or metal not closely resembling painted wood clapboard;
 - 2. Partial (less than three (3) sides) mansard roofs, flat roofs without a pediment, and long unarticulated roofs;
 - 3. Long, unarticulated, or blank facades;
 - 4. Incongruity of architectural details or color contrasts resulting in a clearly disturbing appearance;
 - 5. Unscreened chain link or woven metal fences;
 - 6. Use of reflective materials as the main building material or texture; and
 - 7. Use of highly reflective glass.

- E. Accessory Buildings: The design of accessory buildings should reflect and coordinate with the general style of architecture inherent in the primary structure on the property.

5.17.10 Signs, RESERVED. See *Section 5.21, Signs, Town of Yemassee Zoning Ordinance*.

5.17.11 Lighting

- A. Any lighting used to illuminate parking areas, access drives, or loading areas shall be of such a design or level of illumination so as to minimize the amount of ambient lighting perceptible from adjacent properties and that would impair the vision of motorists on the corridor.
- B. Exterior architectural, display, and decorative lighting visible from the corridor shall be generated from concealed light source, low-level light fixtures.
- C. All interior lighting shall be so designed to prevent the light source or high levels of light from being visible from the corridor.
- D. Entrances into developments from the highway may be lighted for traffic safety reasons provided such lighting does not exceed the foot-candle requirements for lighting walkways and streets, per *Section 4.23.3.C.2.4* of the *Town of Yemassee Zoning Ordinance*. Lighting poles mounted within fifty (50) feet from the highway right-of-way may not exceed a height of twenty (20) feet, and only forward-throw or Type IV lights may be used to light entrances.
- E. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:
 - 1. Fixture (Luminaire): Any light fixture shall be a cutoff luminaire whose source is completely concealed with an opaque housing and shall not be visible from any street. This provision includes lights on mounted poles as well as architectural display and decorative lighting visible from the corridor;

2. Light Source (Lamp): Only incandescent, fluorescent, metal halide, mercury vapor, or color corrected, high-pressure sodium light may be used. The same type must be used for the same or similar type of lighting on any one (1) site or Planned Unit Development. No colors other than white or off-white (i.e., light yellow tones) may be used for any lighting source for the lighting of signs, structures, or the overall site;
3. Mounting: Fixtures must be mounted in such a manner that the cone of light does not cross the property line of the site. The minimum mounting height for a pole shall be twelve (12) feet; and
4. Illumination Levels: All site lighting shall be designed so that the level of illumination as measured in foot-candles (*fc*) at any one (1) point meets the following standards. Minimum and maximum levels are measured at any one (1) point.
 - a. Average level is not to exceed the calculated value, and is derived using only the area of the site included to receive illumination. Points of measurement shall not include the area of the building or areas that do not lend themselves to pedestrian traffic. Also, if the major portion of the lighting design is to be in the front of a building, the average level should not be affected by adding a light or two (2) in the back of the same building, which would lower the average of the intended area for lighting; and
 - b. Illuminations levels are as follows:

Location or Type of Lighting	Minimum Level Foot-candles (<i>fc</i>)	Average Level Foot-candles (<i>fc</i>)	Maximum Level Foot-candles (<i>fc</i>)
Canopy Area Lighting	2.0	12.0	20.0
Commercial Parking Lots	0.2	1.5	10.0
Residential Parking Lots	0.2	1.0	8.0
Walkways and Streets	0.2	1.0	10.0
Landscape/Decorative	0.0	0.5	5.0

- F. Canopy Area Lighting: All development that incorporates a canopy area over fuel sales, automated bank machines, or similar installations shall be required to providing lighting for the canopy area meeting the standards in the Illumination Table above. For the purposes of this Section, the canopy area shall be defined as that area immediately below the canopy. Remaining areas shall be lighted according the applicable standard in Illumination Table above.
- G. Lighting Plan: A site Lighting Plan shall be submitted at one (1) inch equals twenty (20) feet scale minimum and shall include at a minimum:
 - 1. Location and mounting information for each light;
 - 2. Illumination calculations showing light levels in foot-candles at points located on a ten (10) foot center grid, including an illustration of the areas masked out per the requirements above regarding points of measurements;
 - 3. A fixture schedule listing fixture design, type of lamp, and wattage of each fixture; and number of lumens after using eighty-five (85) percent depreciation for both metal halide and high pressure sodium of initial output;
 - 4. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values; and
 - 5. An illumination summary, including the minimum, average, and maximum foot-candle calculations (array values) and the total number of array points (points used on the ten (10) foot grid for the calculation).

5.17.12 Other Requirements

- A. All trash receptacles, dumpsters, ductwork, fixed operating machinery, and other such utility equipment shall be either screened from view or located so that they are not visible from the highway, and shall be located not less than ten (10) feet from side and rear property lines.
- B. There shall be no outside display of merchandise except for automobiles, trucks, boats, tractors, outside landscape

structures (i.e., garden sheds, arbors, gazebos, etc. but not outdoor furniture), plant materials, and agricultural products.

- C. Outside storage of other merchandise is permitted only at the rear of the property or behind completely opaque walls and screens.
- D. Any existing commercial or industrial use presently not conforming to the site design standards, general standards, landscaping, lighting, and sign standards of this Section shall be brought into compliance if the use is changed, expanded, or altered. Land use discontinued for more than six (6) months shall conform to the landscaping, sign, lighting, and site design provisions of this Section as reasonably related to existing site constructs, at the discretion of the Planning Commission.

Section 5.18 Historic Preservation Overlay District [HPOD]

- 5.18.1 The purpose of this District is to promote the educational, cultural, and general welfare of the public through the preservation, protection, and enhancement of the old, historic, and/or architecturally-worthy structures and areas of the Town; to maintain such structures as visible reminders of the history and cultural heritage of the Town, the State, and Nation, according to the standards set forth in the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.
- 5.18.2 The HPOD for the Town of Yemassee has authority under *South Carolina Code of Laws, Title 6, Chapter 29, Section 870, and 940*.
- 5.18.3 The HPOD for the Town of Yemassee, including Subsections, shall be designated on the Town's *Official Zoning Map(s)* and is referred to as "Olde Towne" with the following clarifications, additions, and exceptions:
 - A. Where the boundaries are designated at specific roads, the center lines of the rights-of-way of those roads shall be deemed said boundaries; and

- 5.18.4 To provide guidance for consistency of standards within HPOD, and to identify desirable goals and objectives for the Yemassee HPOD, the *Yemassee Preservation Manual* will be prepared for the Town and adopted for use by the HPC and Town Council. Until it is prepared and adopted the HPC shall use the Town of Bluffton Manual.
- A. The manual shall be used by the HPC in the exercise of its authority granted under this Ordinance for review of properties.
 - B. To ensure that the purpose of this Ordinance is achieved, the HPC shall strive to ensure that all new construction complements the surrounding area and that the HPOD's look, feel, and ambiance is preserved. To accomplish this goal and purpose, the manual will indicate guidelines for design and materials similar to that used on structures within in which the construction is to be performed.
- 5.18.5 Definitions of terms used within this Section include the following:
- A. Alteration: Any change in the external architectural features of any structure within the HPOD or interior changes of any structure included in the NRHP or local historic register, if, and only if, that interior feature is specifically included in NRHP historic designation.
 - B. Historic Preservation Commission (HPC): The appointed board that recommends the designation of and regulates changes to the Yemassee HPOD and structures. Until such time as this commission is created all duties of this commission shall be exercised by the YPC.
 - C. Building Code: Those standards adopted by local governments to regulate the construction of buildings. In Yemassee, these refer to those building codes in effect for Hampton and/or Beaufort County as well as all codes appropriate for government-funded buildings.
 - D. Building Permit: A permit required for construction of new buildings or for alterations of the interior or exterior of a structure for five hundred (500) dollars or more.

- E. Certificate of Appropriateness: The document issued by the Yemassee HPC following the review proscribed in this Section, certifying that the proposed actions by an Applicant are found to be acceptable in terms of design criteria relating to the individual property or the HPOD(s). A Certificate of Appropriateness will only be required for those activities which require a building permit or for demolition.
- F. Certified Historic Structure: For the purpose of federal or state preservation incentives, any structure subject to depreciation, as defined by the *Internal Revenue Code*, that is listed individually in the *National Register of Historic Places* or located within a registered NRHP District and certified by the Secretary of the Interior as being of historical significance to the District.
- G. Contiguity: Calculated by sight lines to the subject application (i.e., a property may be contiguous by line of sight across a street or cove or through the open yard of adjacent properties).
- H. Demolition: The destruction of a building or structure. Demolition within either sub-district of the HPOD requires a Certificate of Appropriateness.
- I. Demolition by Neglect: The destruction of a building or structure through abandonment or lack of maintenance.
- J. Exterior Architectural Appearance: Architectural character, general composition, and general arrangement of the exterior of the structure, including the kind, color, and texture of the building material, type, and character of all windows, doors, light fixtures, signs, and appurtenant elements, visible from the street or public thoroughfare.
- K. Historic Preservation Overlay District (HPOD): An area designated by the Yemassee Town Council upon the recommendations of the Yemassee HPC.
- L. Historic Property: Any place, building, structure, fixture, or similar object that has been individually designated as a contributing property within an HPOD.

- M. Notable Properties: Those individual structures, sites, and properties located within the YCN that are deemed to embody a particularly high degree of significance and, therefore, are subject to YPS standards, guidelines, and procedures.
- N. Ordinary Maintenance or Repair: General repair to a structure or building which could be considered regular day to day necessities in keeping a structure or building in operable or living condition, and which prevents hazards to the public.
- O. Plans: Scale drawings in plan view and elevations, site surveys, and drawings containing all the information necessary to demonstrate the alterations proposed by the Applicant to receive a Certificate of Appropriateness.
- P. Preservation: The saving from destruction, deterioration, or demolition of old and historic buildings, sites, structures, and objects, and providing for their continued use by means of restoration, rehabilitation, or reuse. Specifically, “the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include stabilization work where necessary, as well as ongoing maintenance of the historic building materials” (Secretary of the Interior).
- Q. Rehabilitation: The act or process of returning a property to a state of utility through repair or alteration which makes possible and efficient contemporary use while preserving those features of the property which are significant to its historical, architectural, and cultural values.
- R. Restoration: “The act or process of accurately recovering the form and details of a property which are significant to its historical, architectural, and cultural values” (Secretary of the Interior).
- S. Structures: Anything existing, constructed, or erected with a fixed location in or on the ground, such as walls, fences, all signs, light fixtures, steps, or relevant elements thereof.

T. Substantial hardship: A hardship caused by unusual and compelling circumstances other than entirely economic. The hardship must be proven by the Applicant.

5.18.6 The HPC may recommend the designation of a structure or District as historic, and therefore subject to the standards included in this Ordinance if the structure or District meets any of the criteria listed below. Such designation will become official and so noted on the *Official Zoning Map* following notification of property owner(s), two (2) successful readings, and a public hearing by Town Council.

- A. It has significant character, interest, or value as part of the development or heritage of a community;
- B. It is the site of an historic event with a significant effect upon society;
- C. It exemplifies the cultural, political, economic, social, or historic heritage of the community;
- D. It portrays the environment in an era of history characterized by a distinctive architectural style;
- E. It embodies those distinguishing characteristics of an architectural type or engineering specimen;
- F. It is the work of a designer whose individual work has significantly influenced the development of Yemassee;
- G. It contains elements of design, detail, materials, or craftsmanship which represent significant innovation;
- H. By being a part of or related to a cove or other distinctive area, it should be developed or preserved according to a plan based on an historic, cultural, or architectural motif;
- I. Owing to its unique location or singular physical characteristic, it represents an established and familiar feature of the neighborhood, community, or Town; or
- J. It has yielded or may be likely to yield information important in pre-history or history.

5.18.7 General Requirements of the HPOD

- A. Evidence of approval by the HPC shall be a Certificate of Appropriateness issued by the HPC. Such certificates shall be a statement signed by the Chairman of the HPC stating that the demolition or changes in the exterior, or the appearance of the proposed construction, reconstruction, alteration, or restoration for which the Certificate is required has been made and approved by the HPC.
- B. Repairs and maintenance to existing buildings, which do not alter exterior appearance, may be exempted by the Mayor or his designee and need not be approved by the HPC.
- C. No structure within the HPOD may be erected, demolished, or removed, in whole or in part, nor may the exterior architectural character of structures be altered until after receipt of a Certificate of Appropriateness has been issued for the project.
- D. No structure may encroach onto the sidewalk or street right-of-way.
- E. A Certificate of Appropriateness shall be required for all permanent window signs displaying business name, proprietor, or logo. A Certificate of Appropriateness shall not be required for temporary signs (e.g., going out of business signs), standards signs (e.g., Open, Welcome, hours of operation, or credit card decals), and components of portable sign, which change regularly (e.g., menu boards on easels). The non-exchangeable components of portable signs, however, shall be subject to review.
- F. No structure over fifty (50) years old within the limits of the Town, but outside the HPOD, may be demolished or removed in whole or in part, nor may the exterior of any such structure be changed until a Certificate of Appropriateness has been issued by the HPC.
- G. Signage regulations for permitted signs will be included in the manual. Existing signs are considered as grand fathered and cannot be enlarged or replaced unless in compliance with the manual.

1. The following signs are not permitted in the HPOD:
 - a. Neon signs;
 - b. Signs with flashing lights, internally lit signs, backlit signs, or halo signs;
 - c. Signs painted on or attached to trees, fence posts, rocks, or other natural features, telephone or utility poles, or painted on the roof of buildings visible from any public thoroughfare;
 - d. Portable signs (signs that are not permanently affixed to a building, structure, the ground, or which is attached to a mobile vehicle);
 - e. Inflatable signs;
 - f. Abandoned or dilapidated signs (as determined by the Mayor or his designee); and
 - g. Small temporary signs for more than fourteen (14) days, with the exception of real estate and political campaign signs.
2. Signs determined to be not in compliance must be removed, failure to remove will result in a per-day fine in compliance with the *Town of Yemassee Codes*.

H. Telecommunications towers are not permitted in the HPOD.

I. Satellite dishes must not be prominently visible from the street in the HPOD.

5.18.8 Conceptual Review Process

- A. Prior to the preparation of working drawings and specifications, or calling for proposals or bids from contractors, prospective property developers, owners, or agents shall prepare preliminary drawings and outline specifications, including color samples for outside work, overall dimensions (height, width, length, and a comparison with all adjacent structures) for review and informal discussion with the Mayor or his designee

and/or the Planning Staff. The purpose of this review will be to acquaint the developer, owner, or agent with the standards of appropriateness of design that are required for the proposed development.

- B. The pre-application review shall not require formal application, but does require notice to be given to the Mayor or his designee and subsequent notification to the Chairman of the HPC or the Mayor's designee at least ten (10) working days before the date of the meeting at which the preliminary drawings are to be discussed. All working drawings, plans, and specifications submitted at this meeting shall be in duplicate, prepared in a form suitable for filing.

5.18.9 Certificate of Appropriateness Hearings

- A. The HPC shall meet monthly to hear all applications for permits to build, alter, or demolish any building or structure located in the Yemassee HPOD for which a Certificate of Appropriateness is required.
- B. Applications shall be submitted to the office of the Mayor ten (10) working days prior to a regularly scheduled HPC meeting date.
- C. Three (3) copies of all plans and drawings shall be submitted for any and all alterations and/or additions to existing structures and for all new buildings to be constructed and shall contain the following:
 - 1. Drawings consisting of plans and exterior elevations drawn to scale and signed by the architect or draftsman. The drawings shall be in sufficient detail to show architectural design, proposed materials, textures, and colors;
 - 2. A site layout showing all improvements planned for the property, including walls, walks, terraces, plantings, accessory buildings, signs, lights, and other elements;
 - 3. A Site Plan with existing adjacent buildings shown;
 - 4. Samples of building materials;

5. Photographs of the structure and all improvements on the property (walls, sidewalks, gardens, and such). Photographs are to show all sides of the structure and adjacent properties. For new construction, photographs of any improvements on the property and of adjacent properties are required; and
 6. Submittals for review by the Mayor, for projects considered as maintenance, will require plans considered appropriate by the the Mayor or his designee to adequately depict the proposed project.
- D. Applications shall be reviewed for appropriateness for the sub-district in which it is located as determined by the standards included in the *Yemassee Preservation Manual*.
- E. In cases where structures are on the *NRHP* and/or under the preview of the SC Department of Archives and History, whereby architectural changes/restoration/repair require the sanction of either of those entities, evidence of such approval shall serve as the basis for HPC approval. Absence such evidence, the HPC shall serve as the approving entity.
- F. Approved plans and drawings shall be stamped with a Certificate of Appropriateness and one (1) set of approved drawings filed with the applicable County Building Code Inspector's office, one (1) set filed with the application in the HPC offices, and one (1) set returned to the Applicant.
- G. If the HPC fails to take action on any application within forty-five (45) days after receipt of the application, the application shall be deemed to be approved, except where written agreement has been made for expansion of the time limit.
- H. When a Certificate of Appropriateness has been issued, the Town's designated Compliance Official shall inspect the alteration or construction in a timely manner and shall report to the HPC all work not in accordance with the Certificate or violating any Ordinance of the Town. The property owner shall be required to have a copy of the Certificate on the premises during construction to facilitate the inspections.

- I. The HPC shall notify the Town Council of all violations or work done not in accordance with the Certificate of Appropriateness. The Mayor or his designee issues a “stop work order” to halt all construction on the project and notify the property owner and the Town Planner in writing of the violations and what actions should be taken to comply with the Certificate. Persons in violation shall be subject to penalties described in the *Municipal Code of the Town of Yemassee*.

- J. When a Certificate of Appropriateness is denied, the HPC shall state its reasons in writing and transmit them to the Applicant and the Mayor or his designee. The Applicant may make alterations to the project and reapply to the HPC and the re-application shall be heard at the next meeting, or the Applicant may appeal the HPC’s decision to the Circuit Court pursuant to *South Carolina Code Sections 6-29-900, 6-29-930, and 6-29-940*. Any appeal by an Applicant of the denial of a Certificate of Appropriateness, whether upon the original application or re-application, shall be made in accordance with the *South Carolina Code of Law Sections* set forth herein.

5.18.10 Demolition

- A. Upon receiving an application concerning a building or structure which is at least fifty (50) years old and is within the limits of the Town, but outside the HPOD, the HPC shall, within forty-five (45) days after receipt of the application, either approve such application, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition or alteration for a designated period, which shall not exceed one hundred eighty (180) days from the receipt of the application. The HPC shall notify the Applicant of such postponement. The HPC shall use the factors listed in *Section 5.18.6* to determine the importance of preserving the structure and the level of public interest.

- B. In all applications involving the demolition or partial demolition of a structure, provisions shall be made for a public hearing as set forth in this Ordinance.

- C. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the HPC may call on the Mayor or his designee to provide a report on the state of repair and structural stability of the structure under consideration.
- D. Within the period of postponement of the demolition or alteration of any building within the Yemassee Preservation District, the HPC shall take steps to ascertain what the Town Council can or may do to preserve the building, including consultation with private civic groups, interested private citizens, and other public boards or agencies, and investigation of the potential use of the power of clear historic and architectural significance and clearly in the interest of the general welfare of the Town. The HPC shall then make recommendations to the Town Council.

5.18.11 Exclusions

- A. Ordinary maintenance and repair of any of the existing features of a structure that does not involve a change in design, type of materials, or outward appearance shall be exempt from the review and approval requirements of this Section.
- B. Nothing in this Section shall be construed to prevent the construction, reconstruction, alteration, or demolition of any elements of a structure which authorized municipal officers certify as required to protect public safety.

5.18.12 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 5.19 Telecommunication Towers

- 5.19.1 The purpose of this Ordinance is to address the rapid development of wireless communications technology and the increased demand for wireless communications services for the public. The Town Council recognizes that the need may arise for communication towers to be sited within the Town to keep pace with this growing demand for services and desires to enact

development regulations that will address the placement and construction of communication towers in a manner which protects the health, safety, and welfare of the citizens of Yemassee and preserves the aesthetic character of the Town, as well as, protect residential areas and land uses from potential adverse impacts of communications towers through design, siting, and landscape screening.

5.19.2 The following definitions shall apply:

- A. A communication tower shall be defined as a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes or by a commercial entity above ground in a fixed location, freestanding, guyed, or on a building. This does not include private home-use television reception antennae and satellite dishes, or communication towers for amateur radio operation licensed by the Federal Communications Commission.
- B. Telecommunications shall be as defined in the *Federal Telecommunications Act of 1996* as the transmission between or among points specified by the users of information of the user's choosing, without change in the form of content or other information as sent and received.
- C. A tower's fall zone shall be defined as the area within which a communications tower can be predicted to collapse in the event of failure, plus the area surrounding the tower in which the public's health, safety, welfare, or property may be affected as a result of a collapse in the event of failure.

5.19.3 Communication towers shall not be allowed as a permissible use in the Historic Preservation Overlay District (both sub-districts), the Highway Corridor Overlay District, or the River Protection Overlay District. New freestanding communication towers shall be allowed only by special exception provided that the Applicant:

- A. Supplies a written narrative demonstrating:
 - 1. That existing towers and building do not technologically afford the Applicant the ability to provide service to the service area of the Applicant or service provider; and

2. That the geographical boundaries of the proposed service area cannot technologically be divided to avoid the necessity for a freestanding tower/antenna.
 - B. Includes a detailed Site Plan siting the communication tower and/or communication antenna, with one (1) of the following zoning categories:
 1. Limited Industrial;
 2. Village Commercial; or
 3. PUD (as negotiated in the respective Concept Plan).
- 5.19.4 The maximum height of a communication tower within these zoning districts is limited to one hundred eighty (180) feet as measured from existing grade/base flood elevation at its base to the highest point of the tower or antenna, except that in the Light Industrial zoning district, heights over one hundred eighty (180) feet, to a maximum height of three hundred (300) feet, may be permitted as a special exception to review and approve by the Zoning Board of Appeals.
- 5.19.5 In addition to the criteria for special exception permits set above, the Zoning Board of Appeals shall, in considering applications for special exception permits relating to height of communication towers, consider the following factors:
- A. Whether the Applicant has demonstrated that additional height in the Limited Industrial zoning district is necessary for service to occupants of an area within the Town;
 - B. Whether the height of the proposed tower will not substantially detract from the aesthetic and neighborhood character or impair the use of neighboring properties; and
 - C. Whether all other provisions of this Ordinance have been met.
- 5.19.6 Application for special exceptions shall be reviewed by the Planning Commission before being considered by the Zoning Board of Appeals. The Planning Commission may make recommendations to the Zoning Board of Appeals prior to the Zoning Board of Appeals acting upon the application. The

Planning Commission has no requirement to make a recommendation to the Zoning Board of Appeals and the failure of the Planning Commission to do so does not prevent the Zoning Board of Appeals from acting upon the application. The Zoning Board of Appeals has no requirement to follow the recommendation of the Planning Commission should be taken into consideration to the extent deemed appropriate by the Zoning Board of Appeals in the making of its final determination. Any application for a special exception shall be deemed an application for a variance; and, unless otherwise provided for herein, the Applicant shall comply with the *Town of Yemassee Zoning Ordinances* as related to applications for variances from zoning.

5.19.7 The following development standards shall apply to all communications towers constructed subsequent to the effective date of this Ordinance:

A. Setbacks:

1. Communication towers shall be set back a distance equal to the height of the tower plus fifty (50) feet from any residential structure. This setback may be waived or reduced by the owner of the affected residential structure through a notarized affidavit.
2. Communication tower setbacks from all lot lines shall be a minimum of twenty (20) feet plus the linear measurement of the tower's fall zone as certified by a registered engineer.
3. Guy wire anchors, equipment buildings, and other facilities supporting communication towers shall satisfy the minimum setback requirements in the underlying zoning District.
4. All setback distances for towers shall be measured from the outermost edge of the base of the tower.

B. Communication towers shall only be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agency. Nighttime strobe

lighting shall not be incorporated unless required by state or federal regulations.

- C. Communication towers shall have either a galvanized steel or neutral color finish unless otherwise required by the Federal Aviation Administration.
- D. No commercial signs or advertising shall be placed on communication towers. Communication towers shall be allowed to contain signs pertaining to trespassing and to have emergency or other information required by state or federal regulations posted on them.
- E. Communication towers shall be enclosed by security fencing not less than six (6) feet in height. Razor wire shall not be permitted on fences. Access to communication towers shall be through a lockable gate.
- F. The visual impacts of communication towers shall be mitigated to the extent reasonably possible. At a minimum, the following landscaping requirements shall be met in order to screen the tower and support facilities from adjacent properties and roadways:
 - 1. A continuous hedge of evergreen shrubs, at least thirty-six (36) inches high at planting, shall be planted a maximum of three (3) feet apart around the outside perimeter of the security fence around the tower site, except for access driveways. These shrubs shall have an expected height of at least twelve (12) feet at maturity. At least one (1) row of broad-leaved overstory trees with a minimum caliper of one and three fourths ($1\frac{3}{4}$) inches at the time of planting shall be installed, at a maximum spacing of twenty-five (25) feet, within a fifty (50) foot radius of the tower; and
 - 2. Existing native vegetation shall be preserved where possible to meet these screening requirements.
- G. These requirements may be waived or reduced in those instances where the Applicant provides written, notarized statements from adjacent property owners agreeing to a waiver or reduction in landscaping requirements. In no instance shall these landscaping requirements be waived or reduced along

any public roadway, nor along portions of the tower site that can be seen from any public roadway.

5.19.8 The following requirements apply to roof-mounted communication towers:

- A. No tower may be located on any residential structure; and
- B. A roof-mounted tower shall not extend more than twenty (20) feet above the highest part of the structure.

5.19.9 Co-location requirements:

- A. An Applicant for a new communication tower shall have made a reasonable attempt to co-locate proposed antenna(s) on existing towers, buildings, or other structures. A communication tower shall not be approved unless the Applicant provides written documentation that no existing structure is available or sufficient to accommodate the proposed antenna(s) by providing evidence of any of the following:
 - 1. Existing structures located within the geographic area in which the Applicant's antenna must be located are of insufficient height to meet the Applicant's technical design requirements;
 - 2. Existing structures do not have sufficient structural strength to support the Applicant's proposed antenna;
 - 3. The Applicant's proposed antenna would cause electromagnetic interference with antennae on existing structures, or antennae on existing structures would cause interference with the Applicant's proposed antenna; and/or
 - 4. The fees, costs, or other contractual provisions required by the owner of the existing structure for co-location or the engineering costs to adapt an existing structure for co-location are unreasonable given current market rates in the region.
- B. The Applicant shall be required to allow other users to co-locate on the proposed communication tower when constructed. Communication towers below one hundred eighty (180) feet in

height shall provide space for at least one (1) co-location.
Communication towers over one hundred eighty (180) feet in height shall provide space for at least two (2) co-locations.
Communication towers over two hundred twenty (220) feet in height shall provide space for at least four (4) co-locations. All communication towers shall be structurally engineered to support the appropriate number of co-locations.

- 5.19.10 A communication tower not used for communication purposes for a period of one hundred twenty (120) consecutive days shall be presumed to be abandoned, and the owner of such tower shall notify the Town and remove the tower and all associated structures, equipment, foundations, and other improvements within sixty (60) days. Removal costs shall be the responsibility of the tower owner. The tower owner may apply to the Town for a one (1) time extension of an additional one hundred twenty (120) days upon proof that a licensed antenna will be in use on the structure prior to the end of the one hundred twenty (120) day extension period.
- 5.19.11 All applications for new communication towers shall include the following items:
- A. A scaled Site Plan (no more than one (1) inch equals fifty (50) feet), sealed by a South Carolina registered engineer, showing the boundaries of the property involved, the location of the proposed tower, guy anchors (if any), required landscaping, existing and proposed buildings and other improvements, parking, driveways, fences, and setbacks of existing and proposed structures from adjacent properties, residential structures, and road rights-of-way. Adjacent land uses shall also be noted on the Site Plan;
 - B. A map of the geographic area in which the Applicant's antenna must be located to reasonably serve the Applicant's coverage area, showing all existing and approved tower sites and all other structures equal to or greater than seventy-five (75) percent of the height of the proposed tower within this area;
 - C. Written documentation that co-location on existing towers or structures in the vicinity of the proposed tower was attempted by the Applicant but found unfeasible with reasons explained. This documentation should include verification by a

professional engineer that no alternative to the construction of a new tower exists;

- D. Copies of all applicable submissions made by the Applicant to any state or federal regulatory agency relative to the proposed project;
- E. Elevation drawings showing the height and design of the tower, materials to be used, color, and lighting. For applications requiring special exception review, the Applicant shall also submit visual renderings of the proposed tower as it will look from public roadways and adjacent non-commercially zoned areas;
- F. A sealed report from a professional engineer registered in South Carolina that describes the tower height and design and that demonstrates the tower's compliance with the structural requirements of the *Standard Building Code* and the co-location requirements of this Ordinance. The engineering report shall further certify that the tower will satisfy minimum wind load standards imposed by the American Society of Consulting Engineers and shall certify the tower's fall zone;
- G. A notarized affidavit that states the Applicant's willingness to allow co-location on the proposed tower at a fair market rate and in a timely manner to any other service provider licensed by the Federal Communications Commission for the Town of Yemassee market area;
- H. Identification of the owners of all antennae and equipment to be located on the site;
- I. Written authorization from the owner of the site, if different from the tower owner, to apply for approval of the proposed tower; and
- J. To insure removal of any abandoned tower, antennae, accessory structure, or equipment, a performance bond in the amount of the anticipated removal costs as determined by a South Carolina registered engineer.

- 5.19.12 If any portion of this Ordinance is found to be in violation of the state or federal constitution, or found unlawful, the remaining provisions of this Ordinance are considered lawful and valid.

Section 5.20 Reserved

Section 5.21 Signs

- 5.21.1 The purpose of these sign regulations are to: encourage the effective use of signs as a means of communication in the Town of Yemassee; to maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This Sign Ordinance is adopted under the zoning authority of the Town in furtherance of the more general purposes set forth in the Town of Yemassee Zoning Ordinance.
- 5.21.2 A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance.
- A. The effect of this Ordinance as more specifically set forth herein, is:
1. To established a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance;
 2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;
 3. To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;
 4. To prohibit all signs not expressly permitted in this Ordinance; and

5. To provide for the enforcement of the provisions of this Ordinance.

B. Legal Signs

1. Any permitted sign, which complies with the provisions of this Section, and any subsequent amendment hereto, is hereby deemed to be a legal sign. Any proposed alteration to or relocation of such sign shall require a new permit pursuant to this Section, unless the proposed alteration is specifically exempt in *Section 5.21.6*.
2. Any legal sign which does not comply with the provisions of this Section solely due to the enactment of an amendment shall, upon the effective date of such amendment, become a non-conforming sign and subject to the provisions of *Section 5.21.19*.

5.21.3 Words and phrases used in this Ordinance shall have the meanings set forth in this Section. Words and phrases not defined in this Section but defined in the *Town of Yemassee Zoning Ordinance* shall be given the meanings set forth in such Ordinance. Principles for computing sign area and sign height are contained in *Section 5.21.4*. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

8. Definition of Terms

1. Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
2. 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 (1) or more edges. National flags, State or municipal flags, or the official flag of any institution or business shall not be considered banners.
3. Beacon: Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zone lot as the light source; also, any light with one (1) or more beams that rotate or move.

4. Building Marker: Any sign indicating the name of a building, date, and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
5. Building Sign: Any sign attached to any part of the building, as contrasted to a freestanding test.
6. Canopy Sign: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
7. Changeable Copy Sign: 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 (8) times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this Ordinance.
8. Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
9. Director: The Community Development Director of the Town or his or her designee.
10. Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
11. Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

12. Incidental Sign: 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 detectives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
13. Lot: Any piece, parcel of land, or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.
14. Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designated and constructed to provide protection from the weather.
15. Non-conforming Sign: Any sign that does not conform to the requirements of this Ordinance.
16. 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, designated to move in the wind.
17. Person: Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.
18. Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
19. Principal Building: The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

20. Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.
21. Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the *Town of Yemassee Zoning Ordinance*.
22. Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
23. Roof Sign, Integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6).
24. Setback: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.
25. Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
26. Street: A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.
27. Street Frontage: The distance for which a lot line of a zone lot adjoins a public street, from one (1) lot line intersecting

said street to the furthest distant lot line intersecting the same street.

- 28. Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- 29. Temporary Sign: Any sign that is used only temporarily and is not permanently mounted.
- 30. Wall Sign: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, 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 (1) sign surface.
- 31. Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.
- 32. Zone Lot: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

5.21.4 The following principles shall control the computation of sign area and height area:

- A. Computation of Area of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the *Town of Yemassee Zoning Ordinance* regulations and is clearly incidental to the display itself;

B. Computation of Area of Multi-faced Signs: The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces; and

1. Computation of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of the following;
2. Existing grade prior to construction; or
3. The newly established grade after construction, exclusive of any filing, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

5.21.5 The following signs are prohibited:

- A. Off-premise signs (see *Section 5.21.12, PUD, Off-premise Signs*) except special event signs (see *Section 5.21.8, Temporary Signs*);
- B. Sandwich board and pedestal signs, unless within the Yemassee Historic Preservation District (HPOD) or Highway Corridor Overlay District (HCOD) and approved by either the Historic Preservation Commission or Planning Commission as appropriate;
- C. A sign which contains any flashing or animated lights, gives the appearance of animation or movement, or contains a message board which utilizes individual bulbs or electronic means to produce the message, excluding time and temperature signs;

- D. Any sign that projects above the peak of a roof, or above the top of an awning or canopy on which it is erected;
- E. Any sign which exhibits statements, words, or pictures of an obscene or pornographic nature;
- F. Internally illuminated signs, neon signs, or signs which contain a visible light source;
- G. Vehicle signs;
- H. Any sign which emits a sound, odor, or visible matter;
- I. Any sign which obstructs free ingress/egress from a required door, window, fire escape, or other required exit way;
- J. Any sign and or sign structure which obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign;
- K. Signs using the words “stop,” “danger,” or any other word, phrase, symbol, or character in a manner that might reasonably mislead, confuse, or distract a vehicle driver;
- L. Except as otherwise provided, no sign whether temporary or permanent, except by a public agency or with the approval of the Town and upon issuance of an Encroachment Permit, is permitted within any street right-of-way;
- M. Signs painted on, or attached to trees, rocks, or other natural features, telephone, or utility poles;
- N. No sign of any kind shall be erected or displayed in any salt marsh areas or on any land subject to periodic inundation by tidal salt water;
- O. Abandoned or dilapidated signs;
- P. Portable signs, except as provided for in *Section 5.21.8*;
- Q. Attention-getting devices, including searchlights, spinners, streamers, balloons and similar devices, fluttering signs, e.g.,

pennants, banners, ribbons, balloons, and other aerial devices;
and

R. Signs in residential districts advertising commercial uses, except institutional signs, and signs advertising non-conforming uses.

5.21.6 The following signs are exempt from the regulations of this Ordinance, provided they are not located within the public right-of-way without and encroachment agreement:

- A. Real estate signs (subject to *Section 5.21.8*);
- B. Individual political signs (subject to *Section 5.21.8*);
- C. Nameplates of four (4) square feet or less;
- D. Residence signs or street address numbers, not exceeding four (4) square feet in size;
- E. Signs located on property within those portions of PUD Districts where vehicular access by the general public is restricted by a security gate staffed twenty-four (24) hours each day by a security guard and where such signs are not visible from any public street, beach, or navigable waterway;
- F. Signs directing and guiding traffic and parking on private property which do not exceed one and one-half (1½) square feet in area and bear no advertising matter;
- G. Projecting signs displaying the name of the business and having an area of two (2) square feet or less when located under a pedestrian canopy;
- H. Buses, taxicabs, and similar common carrier vehicles which are licensed or certified by a public body or agency;
- I. Signs used for bona fide navigational aids;
- J. Construction signs;
- K. Official notices posted by any court, public agency, or officer;
- L. Historic Plaques;

- M. Traffic, directional, warning, or informational signs authorized by any public agency;
- N. Flags and insignia of the United States or the State of South Carolina which are five (5) feet by eight (8) feet or smaller, with a maximum flagpole height of thirty (30) feet when displayed in connection with a commercial use. Government buildings are exempt from the size and height limitations. Official flags limited to three (3) per establishment; and
- O. Official notices issued by any court, public agency, or public office, including signs erected on behalf of, or pursuant to, the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

5.21.7 Provisions Applicable to All Signs:

- A. Setbacks from right-of-way: All freestanding signs shall be set back:
 - 1. Yemassee Historic Overlay District, including South Carolina Highway 68: At least five (5) feet from the public right-of-way, unless conditions exist so as to make this impractical within the Yemassee Historic Preservation Overlay District, this setback may be reduced by the Historic Preservation Commission provided such reduction does not create a hazard to motorists or pedestrians and that no portion of the sign is located in the right-of-way.
 - 2. U. S. Highway(s) 95: At least ten (10) from the public right-of-way.
 - 3. Signs shall not be located within the vision clearance triangle at street intersections. The vision clearance triangle shall be determined by measuring back fifteen (15) feet from the intersecting rights-of-way and connecting the two (2) points.
- B. Sign Illumination: The brightness of an illuminated sign shall not exceed thirty (30) foot candles at any one (1) point on the sign face. Illumination shall be by an externally located steady stationary light source, shielded and directed solely at the sign.

Light sources to illuminate signs shall neither be visible from any street right-of-way nor cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties. Spot-lighting of signs shall be restricted to not more than one (1) shielded light fixtures per side for sign faces up to forty (40) square feet. Signs shall not have light-reflecting backgrounds but may use light reflective lettering. Colored lamps are not permitted.

5.21.8 Temporary Signs:

A. The following signs shall require the issuance of a Temporary Sign Permit by the Zoning Administrator prior to their erection. The permit shall cite the length of time any such sign may be displayed.

1. Temporary and seasonal produce stands. The total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed ten (10) feet in height; and
2. Temporary signs announcing a civic, philanthropic, educational, or religious event. Such signs shall not exceed thirty-two (32) square feet per sign face or eight (8) feet in height. Such signs shall not be erected more than fourteen (14) days prior to the event and shall remove within five (5) days after the event.

B. Real estate or project signs shall be allowed without a permit provided the following restrictions for the type of sign used are met:

1. For single-family residential lots or units, one(1) real estate sign, not exceeding five (5) square feet in sign area per face and ten (10) square feet in total sign area, and if freestanding, not exceeding four (4) feet in height, shall be permitted. Property with two (2) or more street frontages shall be permitted one (1) additional sign per frontage. If a framed metal freestanding sign is not used, then a single post sign may be used, not to exceed eight (8) feet in height and six (6) square feet in total sign area;
2. For single-family subdivisions, multi-family, commercial, and industrial developments, one (1) real estate or project

sign not exceeding forty-eight (48) square feet in sign area per face and ninety-six (96) square feet in total sign area, and if freestanding, not exceeding eight (8) feet in height, shall be permitted. Property with two (2) or more street frontages shall be permitted one (1) additional sign per frontage;

3. Project signs shall not be erected prior to issuance of a building permit and shall be removed prior to issuance of the final Certificate of Occupancy; and
4. Real estate signs shall be removed within thirty (30) days of the rent, sale, or lease of a property.

C. Political signs shall be allowed without a permit provided the following restrictions for the type of sign used are met:

1. Such signs shall not be located on public property or in public rights-of-way. Signs must be confined wholly to placement on private property, with permission of the property owner;
2. Signs shall not be erected earlier than sixty (60) days prior to the election or referendum to which they apply;
3. Signs shall be removed within five (5) days after the election or referendum to which they apply. Signs for candidates in a runoff election may be maintained until the final election to which the signs apply; and
4. Signs shall not exceed six (6) square feet per sign face, and shall not exceed a height of four (4) feet.

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5.21.9 Freestanding Signs:

A. The area and quantity of any freestanding sign for which a permit is required should conform to the following requirements. Planned Unit Developments (PUD), which because of their composition may qualify for more than one (1) category, may apply the appropriate category to the various individual portions of the Planned Unit Development. The total number of signs for any individual development may not exceed the total number allowed as noted below:

Type of Development	Quantity of Signs Allowed	Maximum Area per Sign	Maximum Faces per Sign	Maximum Area per Face
Residential 500+ Units	One (1) per Entrance	240 SF	4 Faces	120 SF
Residential Up to 300 Units	One (1) per Entrance	80 SF	4 Faces	40 SF
Non-residential 100,000+ SF	Four (4) Signs Maximum	480 SF	4 FACES	120 SF
Non-residential 40,000 to 100,000 SF	Three (3) Signs Maximum	320 SF	4 Faces	80 SF
Non-residential 2,500 to 40,000 SF	Two (2) Signs Maximum	160 SF	4 Faces	40 SF
Non-residential Upto 2,500 SF	One (1) Sign Allowed	40 SF	2 Faces	40 SF

1. A residential development approved for more than five hundred (500) dwelling units shall be allowed one (1) freestanding sign per entrance. Each sign shall have no more than two hundred forty (240) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed one hundred twenty (120) square feet.
2. A residential development approved for five hundred (500) dwelling units or less, but more than three hundred (300) dwelling units, shall be allowed one (1) freestanding sign per entrance. Each sign shall have no more than one hundred sixty (160) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed eighty (80) square feet.
3. A residential development approved for three hundred (300) dwelling units or less shall be allowed one (1) freestanding sign per entrance. Each sign shall have no more than eighty (80) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed forty (40) square feet.
4. A commercial, institutional, or industrial development approved for more than one hundred thousand (100,000) square feet of gross floor area shall be allowed no more than four (4) freestanding signs. Each sign shall have no more than a total of four hundred eighty (480) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed one hundred twenty (120) square feet.
5. A commercial, institutional, or industrial development approved for one hundred thousand (100,000) square feet or less, but more than forty thousand (40,000) square feet of gross floor area shall be allowed no more than three (3) freestanding signs. Each sign shall have no more than a total of three hundred twenty (320) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed eighty (80) square feet.

6. Commercial, institutional, or industrial development approved for forty thousand (40,000) square feet or less, but more than two thousand five hundred (2,500) square feet of gross floor area shall be allowed no more than two (2) freestanding signs. Each sign shall have no more than one hundred sixty (160) square feet of sign face divided among not more than four (4) sign faces containing copy. No single sign face shall exceed forty (40) square feet.
 7. A commercial, institutional, or industrial development approved for two thousand five hundred (2,500) square feet or less of gross floor area shall be allowed one (1) freestanding sign. Said sign shall have no more than forty (40) square feet of sign face divided between not more than two (2) sign faces containing copy. If an Applicant in this category shall waive the right to have a freestanding sign, the Applicant shall be permitted to exceed the size limitations of *Section 5.21.10* by fifty (50) percent.
- B. The maximum height of any freestanding sign above the average grade elevation of the nearest public way or within a twenty (20) foot radius of the sign shall not exceed the following:
1. Eight (8) feet where the sign face does not exceed forty (40) square feet;
 2. Ten (10) feet where the sign face does not exceed sixty (60) square feet; and
 3. Twelve (12) feet where the sign face exceeds sixty (60) square feet.
- C. The bottom edge of the sign shall not exceed four (4) feet in height from the lowest grade elevation at the base of the sign.
- D. The maximum width of any freestanding sign shall not exceed the following:
1. Fifteen (15) feet where the sign face does not exceed forty (40) square feet;

2. Twenty (20) feet where the sign face does not exceed sixty (60) square feet; and
 3. Twenty-five (25) feet where the sign face exceeds sixty(60) square feet.
- E. The maximum depth of any freestanding sign shall not exceed twenty-five (25) percent of the width.
- F. The area of a sign structure for any freestanding sign is limited to the same number of square feet as the sign face that it supports.
- G. All freestanding signs fronting on a street right-of-way shall be required to meet the setback standards in *Section 5.21.7*.
- H. Freestanding signs shall be separated by a distance of no less than two hundred (200) foot intervals along each street frontage of the premises. In the event that a street frontage of less than two hundred (200) feet exists for any premises, only one (1) sign shall be permitted along that frontage, notwithstanding that a greater number of signs may appear to be permitted by this Section.
- I. In lieu of a freestanding sign, a development may use signs on entrance structures such as fences or walls. The number of sign faces is limited to two (2) per entrance, on either side of the entrance, and confined to the entrance area. The distance between sign faces shall not exceed one hundred (100) feet. Such signs are subject to the size limitations of this Section.

5.21.10 Wall Signs:

- A. The total area of wall signs shall not occupy more than ten (10) percent of the area of the wall upon which they are placed with the maximum size of any one (1) sign limited to forty (40) square feet.
- B. No more than two (2) signs may be placed on any one (1) façade of any one (1) building except that shopping centers shall be permitted two (2) signs per tenant space, per tenant façade, provided only one (1) such tenant sign per tenant façade is

visible from any street right-of-way. Such tenant signs shall only be permitted in lieu of building signs.

- C. Wall signs must be contained within any single wall panel, window, door, or other architectural component upon which they are placed.
- D. Tenant façade signs must be located on the façade of the tenant space being identified.

5.21.11 Automotive Service Station/Convenience Market Signs: The following sign standards apply to automotive service station and convenience markets:

- A. Freestanding and Wall Signs: One (1) freestanding sign and one (1) wall sign shall be permitted. Such signs shall meet total height and area requirements as set forth in *Section 5.21.9, Freestanding Signs*, and *Section 5.21.10, Wall Signs*.
- B. Gasoline Pump Signs: Signs on gasoline pumps must be an integral part of the pump structure.
- C. Product or Service Advertising
 - 1. No more than four (4) product/service advertisements shall be allowed.
 - 2. Signs must be grouped on one (1) sign structure per street frontage.
 - 3. Individual product/service advertisements shall not exceed four (4) square feet in size.
 - 4. None of the allowable signs on the same structure shall be duplicates.
 - 5. Fuel Price Signs: One (1) double-face sign per street frontage, not to exceed twelve (12) square feet total area.
 - 6. Rack or Cabinet Signs: Includes those signs, which are an integral part of a rack or cabinet, such as display of oil, wiper blades, etc.

7. Attention-getting Advertising Media: Banners, streamers, whirligigs, flashing, intermittent electrical or iridescent devices, and similar attention-getting advertising media are prohibited.
8. Signs Located on Buffer Wall: No sign for an automotive service station shall be placed, painted, or otherwise erected on any buffer wall.
9. Signs Interfering with Site Distance: No sign or sign structure shall be positioned in such a manner that it interferes with any recognized vehicular sign, distance needs, or requirements.

5.21.12 Planned Unit Development: Off-premise Directional Signs

- A. Planned Unit Developments may erect freestanding off-premise directional signs on property within the boundaries of the Planned Unit Development for the purpose of directing vehicular traffic to destinations within the development.
- B. Off-premise directional signs which are viewed from any public street shall meet the following requirements:
 1. Copy shall be limited to the name of the development and qualified facilities, the direction vehicles must turn, and the distance to the turn. Graphics shall be limited to a logo and directional arrow;
 2. Such signs must be located within one (1) mile of the intersection where vehicles must turn to reach the development. No more than two (2) signs shall be placed in any one (1) direction from such intersection with no more than three (3) signs for any one (1) development; and
 3. Total area of all signs for any one (1) development shall not exceed two hundred (200) square feet of sign face with no single sign face greater than eighty (80) square feet. Sign height, width, depth, and structure shall meet the requirements of *Section 5.21.9* and *Section 5.21.10*.

C. Off-premise directional signs which are viewed from private streets internal to the development shall meet the following requirements:

1. Such signs shall be limited to twenty (20) square feet of sign face;
2. Such signs must be located within two hundred (200) feet of an intersection with no more than one (1) sign viewed from any one (1) direction; and
3. Copy for such signs shall list only destinations with directional arrows.

5.21.13 Planned Unit Development: Off-premise Identification Signs: A Planned Unit Development (PUD) whose primary entrance (right-of-way or easement) is located on a public street but is not within the boundary of the PUD, shall be allowed one (1) off-premise identification sign. The sign shall be located within the right-of-way or easement for the entrance road and shall be solely for identifying the entrance to the PUD. Such sign shall be subject to the standards of *Section 5.21.9*.

5.21.14 Directory Signs: If visible from any street right-of-way the number, location, and area of directory signs shall be within the limits established by *Section 5.21.9* and *Section 5.21.10*.

5.21.15 Submission Requirements: The following information shall be submitted with an application for a Sign Permit:

- A. An application form as published by the Director and appropriate fee. Eight (8) copies of the complete application form and all attachments outlined in *Sections 5.21.15.B*, *5.21.15.C*, and *5.21.15.D* are required when the Sign Permit goes before either the Historic Preservation Commission or Planning Commission;
- B. Three (3) scaled drawings of the proposed sign showing front and side elevations, materials to be used, and colors to be used;

- C. For freestanding signs, a survey showing property lines, proposed sign location, a Landscaping and Lighting Plan, or a written statement stating there will be none, and any existing site improvements; and
- D. For wall signs, a scaled drawing showing the entire wall or tenant space façade, the proposed sign location, and any existing wall signs.

5.21.16 Action by Director

- A. Minor Signs: The Director may approve any sign that meets the following criteria:
 - 1. The proposed sign is not located within the Historic Preservation Overlay District, Highway Corridor Overlay District, or in a Planned Unit Development where the Planning Commission has requested review; and
 - 2. The proposed sign meets all the requirements of *Section 5.21*.
- B. All other signs shall be considered major signs and shall require approval from the appropriate review board prior to issuance of a permit by the Director.
- C. The Director may approve, approve with conditions, or deny a permit for a proposed sign.

5.21.17 Approval by a Review Board

- A. The appropriate review board (Planning Commission or Historic Preservation Commission) must first approve any sign or sign alteration that does not meet the criteria for approval by the Director as a minor sign before a permit is issued.
- B. The review board may disapprove the sign or sign alteration for aesthetic or placement reasons even if the sign complies with all the requirements of this Section.

5.21.18 Sign Maintenance: If the Community Development Director or designee determines any sign to be unsafe, unsightly, insecure, a menace to the public, or constructed, erected, or maintained in

violation of the provisions of these regulations, notice shall be given to the property owner and the business proprietor. If the violation is not corrected within fifteen (15) days after such written notice, such sign may be removed by the Town of Yemassee. The Community Development Director may cause any sign which is an immediate peril to persons or property to be removed summarily and without any advance notice thereof to said Applicant and at the expense of said owner. Any permit issued under this Section, shall by, and upon receipt and acceptance of the owner, authorize removal, under the aforementioned conditions above, at the expense of the permitted.

5.21.19 Expiration of Permit: A Sign Permit shall expire after ninety (90) days from the date of its issuance unless the sign, and all items required by the permit, have been completed in compliance with the permit.

5.21.20 Non-conforming Signs

A. Non-conforming signs may continue in operation and maintenance, provided that non-conforming signs shall not be:

1. Changed to or replaced with another non-conforming sign. However, this provision shall not prohibit a change in copy or graphics on the sign face of the sign;
2. Structurally altered so as to extend their useful life;
3. Expanded;
4. Relocated, except in compliance with this Section; and
5. Reestablished after damage or destruction of more than fifty (50) percent of the replacement value of the same type sign at the time of such damage or destruction.

B. With the exception of *Section 5.21.20.A.5*, this Section shall not prevent repairing or restoring to a safe condition any part of a sign or sign structure, or normal maintenance operations performed on a sign or sign structure.

C. Signs made non-conforming due to condemnation. When a sign is located on property which is condemned for right-of-way acquisition, one (1) of the following standards shall apply:

1. A sign which is not located in, and does not overhang the new right-of-way, may remain in place, subject to *Section 5.21.20.A*
2. When a sign located on a state or federal aid highway must be relocated off the new right-of-way, it shall, at a minimum, comply with state standards for such relocation; and
3. When a sign located on a town street must be relocated off the new right-of-way, it shall comply, as near as possible, with the setbacks for such sign established in this Section.

5.21.21 Signage in the Historic Preservation Overlay District: The HPOD Ordinance describes the types of signs allowed in the District (both sub-districts), their placement, location, size, materials, and maintenance. Types of permitted temporary signs are also described. Flexibility is allowed with regard to style, color, and lettering.

A. Permitted Signs: The following table presents those signs, which are permitted in the HPOD, including their size and placement. Free standing signs within the Yemassee Historic Preservation Overlay District shall be located at least five (5) feet from the public right-of-way, unless conditions exist so as to make this impractical within the Yemassee Historic Preservation Overlay District, this setback may be reduced by the Historic Preservation Commission provided such reduction does not create a hazard to motorists or pedestrians and that no portion of the sign is located in the right-of-way.

B.

TYPE	PLACEMENT	SIZE
Projection Sign – a “tavern sign” hanging from brackets and set at a ninety (90) degree angle from the surface of the building.	NO CLOSER THAN EIGHTEEN (18) INCHES TO A VERTICAL PLANE AT THE STREET CURB LINE. MAY NOT EXTEND MORE THAN FOUR (4) FEET FROM BUILDING SURFACE. MINIMUM OF EIGHT (8) FEET BETWEEN SIDEWALK AND SIGN BOTTOM. BRACKET MOUNTING HEIGHT: MULTI- STORY BUILDINGS, A MAXIMUM OF THE SILL OF A SECOND FLOOR WINDOW; SINGLE STORY BUILDINGS, BOTTOM OF	Not to exceed one and one half (1½) feet by two and one half (2½) feet.

	SIGN IS LEVEL WITH THE TOP OF DOOR.	
Window Sign.	Shall be located within eighteen (18) inches of the top or bottom of the frame of display window where centerline of sign is five (5) foot, six (6) inches of sidewalk.	Not to exceed twenty-five (25) percent total display window. Average height of lettering not to exceed six (6) inches.
Freestanding on-premise signs except those in the Highway Corridor Overlay District (HCOD).	Not to exceed five (5) feet in height.	Not to exceed five (5) square feet per side.
Freestanding on-premise signs within the Highway Corridor Overlay District along South Carolina Highway 46.	Not to exceed eight (8) feet in height.	Not to exceed twenty-five (25) square feet.
Wall Sign(s).	No more than two (2) signs may be placed on any one (1) façade of any one (1) building except that shopping centers shall be permitted two (2) signs per tenant space, per tenant façade, provided only one (1) such tenant sign, per tenant façade, is visible from any street right-of-way. Such tenant signs shall only be permitted in lieu of building signs. Tenant façade signs must be located on the façade of the tenant space being identified.	The total area of wall signs shall not occupy more than ten (10) percent of the area of the wall upon which they are placed with the maximum size of any one (1) sign dependant upon Historic Preservation Commission approval.
Awning Signs.	SIGNAGE ALLOWED ON VALENCE ONLY.	Lettering not to exceed nine (9) inches in height. Minimum of one half (1/2) inch between letters and top and bottom of valence.
Signs placed on easels.	Permitted within property boundaries and only during business hours.	Not to exceed twenty (20) percent display area. Not to exceed five (5) feet in height. Message is not to exceed four (4) feet from sidewalk.
Sandwich boards or pedestal signs.	Permitted within property boundaries and only during business hours, unless prior approval is given by the The Mayor or his designee. Shall be placed to limit encroachment. Shall not cover more than fifty (50) percent of the sidewalk. Shall not impede normal traffic flow or the passage of handicapped persons.	Not to exceed five (5) feet in height. Not to exceed eight (8) square feet in size.
Flags and insignia of the United States or State of South Carolina Government buildings are exempt from the size and height limitations.	Five (5) feet from street right-of-way. Official flags limited to three (3) per establishment.	Five (5) feet by eight (8) feet or smaller, maximum flagpole height of thirty (30) feet when displayed in connection with a commercial use.
Decorative Flags.	One (1) decorative flag per establishment.	Decorative flags not to exceed fifteen (15) square feet.

Street banners advertising public events.	May be placed a maximum of twenty-one (21) days prior to an event. Must be removed within five (5) working days of the event's conclusion.	Not to exceed three (3) feet in depth.
Temporary signs bringing attention to a new business.	Limited to fifteen (15) working days from opening and must be removed at the close of business of the fifteenth (15 th) day.	Not to exceed five (5) feet in height. Minimum of twelve (12) feet of street right-of-way.

B. Non-permitted Signs: The following signs are not permitted in the HPOD:

1. Signs painted onto or directly attached to the side of a building;
2. Neon signs;
3. Signs with flashing lights, internally lit signs, backlit signs, or halo signs;
4. Signs painted on or attached to trees, fence posts, rocks, or other natural features, telephone or utility poles, or painted on the roof of buildings visible from any public thoroughfare;
5. Portable signs (signs that are not permanently affixed to a building, structure, or the ground, or which is attached to a mobile vehicle;
6. Streamers or flags;
7. Inflatable signs;
8. Abandoned or dilapidated signs (as determined by the Community Development Director);
9. Small temporary sign for more than fourteen (14) days, with the exception of real estate and political campaign signs; and
10. Other signs prohibited throughout the Town as identified in the *Town of Yemassee Sign Ordinance*.

C. Traditionally, the signs in an historic district are painted wood, either flat or carved, hung from, or mounted on wrought iron brackets. The Ordinance states, "*Special*

consideration will be given to projects that embody the spirit of the Town of Yemassee and its eclectic nature". The following conditions shall apply to signs in the HPOD:

1. Should be mounted with the least damage to historic materials;
2. Should be placed to complement the building and not obscure architectural detail;
3. Should be appropriate to the façade and not predate the structure; and
4. Should be in proportion with the building or structure.

D. Violations: Signs determined to be not in compliance must be removed. Failure to remove will result in a per-day fine in compliance with the Town of Yemassee Municipal Codes.

Section 5.22 Reserved

Section 5.23 Reserved

Section 5.24 Reserved

Section 5.25 River Protection Overlay District [RPOD]

5.25.1 Standards prescribed in this Section shall apply to all building, development, and site alteration in the River Protection Overlay District, and shall apply to all property in this District, regardless of use or ownership, except as provided below:

- A. The establishment of a single-family use on individual parcels in or designated for single-family residential use and family property (i.e., parcels in residential use by members of the same family) shall be subject to all provisions except those in *Section 5.25.17* regarding stormwater management. Residential subdivisions approved after the effective date of the Ordinance are subject to all provisions.
- B. Existing agricultural activities are exempt from the buffer zone requirement of this Section. Agricultural activities within fifty (50) feet of the Critical Line that result in the discharge of sediments, nutrients, pesticides, or other non-point source

pollutants are strongly encouraged to prepare a mitigation plan that utilizes *Best Management Practices* to minimize or avoid continued discharge of pollutants into the ORW. The applicable County Engineer will provide technical assistance in the design of an appropriate mitigation plan.

- C. Existing structures within the setback can be expanded, repaired, restored, or rebuilt. Reconstruction/expansion into the one hundred (100) foot setback of the horizontal area in the direction of the critical line may be approved by the Zoning Board of Appeals according to the provisions of *Section 5.25.11*.

5.25.2 All property within this Overlay District is also subject to the requirements of a base-zoning district included elsewhere in *Article V*. In cases where standards prescribed in the River Protection Overlay District differ from those prescribed in the base-zoning district or in any other applicable local, state, or federal regulation, the more restrictive standard should be.

5.25.3 The Yemassee River Protection Overlay District consists of:

- A. That portion of the following bodies of water listed below which are contained within the Critical Area as defined by South Carolina Office of Ocean and Coastal Resource Management (OCRM); and
- B. As well as the land, abutting those waters extending one hundred fifty (150) feet perpendicular to and in a horizontal plane from the OCRM Critical Line. In situations where the OCRM Critical Area extends inland, as in the case of coves, the River Protection Overlay District shall terminate at a point determined by OCRM, e.g. where the Critical Line effectively merges.

5.25.4 The following Outstanding Resource Waters are included in the District:

- A. The entire stream or tributary located within the Town which includes Combahee River; Huspah Creek; Pocotaligo River & the Stoney Creek .

- 5.25.5 Site Plans and Subdivision Plats submitted to the Mayor, his designee or Development Review Board must delineate the OCRM Critical Line and the buffer zone and appropriate setback line when these are located on the parcel. All Site Plans to be used during construction for any land clearing, grading, or earthmoving activities shall clearly show the buffer zone and appropriate setback line.
- 5.25.6 In order to protect and conserve the waters located in this District, a buffer strip of existing or planted vegetation is maintained within the District, extending one hundred (100) feet perpendicular to and in a horizontal plane from the OCRM Critical Line.
- 5.25.7 In order to maintain all four (4) of the following objectives; it is encouraged that the required buffer remain an undisturbed natural area. The objectives of this buffer strip are to:
- A. Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the waters;
 - B. Minimize erosion and help stabilize the stream bank;
 - C. Provide a natural habitat for flora and fauna that exist in this important transaction area between wetland upland areas; and
 - D. Encourage the retention of the visual character of the water bodies.
- 5.25.8 Cutting, pruning of branches, and removal of vegetation, as provided below, is permitted provided that vegetative cover is immediately replaced and maintained throughout the buffer to prevent the creation of bare ground.
- A. If the landowner can clearly demonstrate that runoff from the property will be effectively diverted away from the Critical Line and/or treated through sediment reduction and nutrient and pollutant removal *Best Management Practices (BMP's)* so that the nutrients, sediments, and potentially harmful or toxic substances in runoff are removed prior to discharge into tile or waters, then cutting, removal, and planting of vegetation according to a plan prepared by, or for the landowner will be

allowed following review and approval of the plan by the Development Review Board.

- B. Plans will be reviewed by the Development Review Board to ensure tile proposed *Best Management Practices* are appropriate for the site and are adequately designed to provide effective treatment of any runoff from the site during and after construction, and that the proposed vegetation removal and replacement plan will provide the remaining objectives of the buffer.

Note: Acceptable *Best Management Practices* for erosion control, sediment reduction, and nutrient and pollutant removal can be found in “*A Guide to Site Development and Best Management Practices for Stormwater Management and Sediment Control Handbook for Land Disturbance Activities*”, both of which are distributed by SCDHEC.

- C. If runoff from the property flows toward the Critical Line, without being diverted and/or treated through engineered *Best Management Practices*, then two-thirds ($\frac{2}{3}$) of the total buffer zone area shall remain in a naturally vegetated state, except to allow for the uses specified in *Section 5.28.8.D* below, in order to maintain the water quality function of the buffer. In areas which have been previously cleared, it is encouraged that trees be planted and the buffer return to maritime forest. For parcels that are to be subdivided, the entire buffer zone shall remain in a naturally vegetated state until the subdivided lots are approved for building permits.
- D. In order to accommodate for landowner view, one-third ($\frac{1}{3}$) of the total buffer zone area, to be selected by the landowner, can be selectively cleared and selectively landscaped, provided that no more than a maximum contiguous area measuring seventy-five (75) feet in a horizontal distance parallel to the Critical Line occurs at any one (1) location.

1. Selective clearing means the clearing of all trees except:
 - a. Evergreen trees sixteen (16) inches or greater dbh;
 - b. Hardwood trees eight (8) inches or greater dbh; and

- c. Dogwood, Redbud, and Magnolia trees four (4) inches or greater (dbh).
 - 2. Selective landscaping means that the understory and groundcover can be replaced only with landscaping vegetation (including grass) that requires no chemical treatment for survival or maintenance. In addition, non-permanent structures, such as gazebos, trellises, and decks, can be located within the one-third ($\frac{1}{3}$) selectively cleared area if setback thirty-five (35) feet from the Critical Line.
- E. Single-family property owners may remove, and other owners may remove upon Development Plan approval, any tree less than twenty-four (24) inches (dbh) in diameter in the buffer to accommodate permitted development specified in *Section 5.25.9* below.
- F. Property owners may remove any dead, diseased, unsafe, or fallen tree.
- 5.25.9 No development is permitted in the buffer with the exception of the following seven uses. Accordingly, sections of the buffer may be cleared, as defined above in *Section 5.25.8.C*, in order to accommodate these uses provided that the minimum land area required to serve the purpose is disturbed and that proper erosion control measures are in place during the period of disturbance:
- A. Pedestrian and/or vehicular access ways leading to docks, fishing piers, boat landings, other approved water/marsh uses, provided that only permeable (excluding bare ground) or semi-permeable paving materials (such as open lattice block pavers) are used for vehicular access ways;
 - B. That portion of docks, fishing piers, boat landings, or other approved water/marsh uses that by design must tie into the high ground adjacent to the marsh/water;
 - C. Use of grassed swales rather than drainage pipes is required unless a drainage pipe is an outfall from a detention, retention, or filtration system. Additional alterations associated with water diversion and treatment as approved under this Section;

- D. Approved flood control (from rising waters or tidal surge) and erosion control devices and other activities related to soil and water conservation. All erosion control devices must be properly installed prior to any disturbance to the soil, and must be properly maintained until vegetation is adequately established;
 - E. Utility lines, which must cross the buffer area, provided that such lines are buried underground within the buffer area and the area is replanted with vegetation. This provision applies to water, sewer, electric, gas, cable, telephone, and irrigation lines. This requirement can be waived if the applicable County Engineer determines that burial of lines would pose unreasonable technical or financial burdens. In such a case, utility lines must be placed approximately perpendicular to the line of the buffer;
 - F. Installation of playground equipment, benches, picnic tables, or other similar outdoor furniture related to recreational or incidental residential use provided the ground surface remains permeable; and
 - G. Roads leading to bridges or causeways that cross the waterway provided the roads are configured to minimize disturbance into the buffer, and provided all shoulders are grassed or runoff is effectively diverted away from the Critical Line, i.e. curb and gutter, and treated prior to discharge into the ORW.
- 5.25.10 The following uses within the River Protection Overlay District shall be set back a minimum of one hundred (100) feet from the South Carolina OCRM Critical Line:
- A. Detached single-family residential dwelling units;
 - B. All uses customarily accessory to single-family residential property that contribute nutrients, sediments, and potentially harmful or toxic substances to runoff, including vehicular garages, driveways, and septic systems. With respect to individual on site sewage disposal systems, it is strongly encouraged that the system be located on that portion of the property, outside the one hundred (100) foot buffer zone, that allows for the maximum vertical distance, up to twenty-four (24) inches, between the bottom of the trench and the seasonal

high water table. Regular septic tank pump outs are also encouraged to reduce risk of system failure;

- C. New agricultural uses including the growing, care, and harvesting of field crops, fruit and nut trees, timber, and livestock, except the processing and packing of same and open storage of manure or similar which are subject to the one hundred fifty (150) foot setback as provided below;
 - D. Regulation golf courses including all areas that are regularly mowed and/or chemically treated, sand traps, and accessory (non-habitable) structures and facilities such as storage sheds, signs, and ball washing machines;
 - E. Non-commercial recreational parks and playgrounds;
 - F. Built and landscaped structures associated with the use and enjoyment of nature preserves and wildlife refuges (such as boardwalks and interpretative features);
 - G. Uses specified in *Section 5.25.9*, however utility lines need not be buried underground landward of the buffer (unless otherwise required); and
 - H. Drainage systems and retention ponds (with the exception of *Section 5.25.9*).
- 5.25.11 For existing platted and recorded single-family residential lots, a variance can be obtained for the setback under the following conditions:
- A. For situations where an existing platted and recorded lot does not provide the appropriate depth for the construction of a single-family dwelling given the setback, the setback will either:
 - 1. Be adjusted by the Zoning Board of Appeals from one hundred (100) feet down to an appropriate distance to a minimum of fifty (50) feet from the Critical Line; or
 - 2. Be established through the waiver process, as described in *Section 5.25.11*, to determine the maximum allowable setback that will accommodate construction of the structure.

Nothing in this Section shall render an existing lot unbuildable.

- B. Application to the Zoning Board of Appeals for a waiver will follow normal Development Permit procedures and the Applicant must:
 - 1. Apply for the waiver two (2) weeks prior to review;
 - 2. Post a public notice to that effect (obtained from the Zoning and Development Administrator); and
 - 3. Provide the most recent (within the last thirty-six (36) months) OCRM certification of the Critical Line to the Zoning and Development office.
- C. For situations where existing adjacent houses in a subdivision of a Planned Unit Development create a de facto setback, a waiver can be obtained through the waiver process, as described in *Section 5.25.11*; and
- D. In either case, the remaining buffer shall be subject to the water quality treatment requirements of the buffer zone as provided for in *Section 5.25.8.A* or *Section 5.25.8.B*.

5.25.12 The following uses within the River Protection Overlay District shall be set back a minimum of one hundred fifty (150) feet from the South Carolina OCRM Critical Line:

- A. Multi-family and attached single-family uses;
- B. All uses customarily accessory to residential property, that contribute nutrients, sediments, and potentially harmful or toxic substances to runoff, including vehicular garages and driveways serving multi-family or attached single-family dwelling units;
- C. Non-commercial clubs, lodges, community centers, research centers, museums, and conservation/nature oriented schools, less than or equal to four thousand (4,000) square feet;
- D. Parking lots and accompanying access drives and maneuvering lanes serving boat landings and other non-residential uses

provided each parking lot contains space for no more than six (6) automobile parking stalls or one thousand (1,000) square feet (whichever is greater) and provided such parking lots are separated from each other by at least fifty (50) feet of vegetated buffer; and

E. Two (2) lane local roads, the purpose of which is primarily to provide access service to abutting residential property rather than to provide for through traffic.

5.25.13 All other uses, not specified in *Sections 5.25.10, 5.25.11, 5.25.12, and 5.25.13* above, shall be set back a minimum of one hundred fifty (150) feet from the South Carolina OCRM Critical Line.

5.25.14 A waiver for *Sections 5.25.11, 5.25.12, or 5.25.13* may be approved by the Zoning Board of Appeals provided the landowner can demonstrate that the required set back is impractical for the proposed development, the development proposal creates the minimal amount of impervious surface necessary for the proposal, the proposal provides sufficient treatment of runoff prior to discharge into the or, during and after construction, and the proposal meets the remaining intent of the Ordinance.

5.25.15 Docks, piers, and boat landings are to be used for non-commercial purposes only, i.e., no fee or rent may be charged except to a resident of an on-site residential community and said facilities are not to be used in connection with commercial uses or structures such as a processing plant, fish market, restaurant, or a commercial marina. However, a commercial fisherman may launch and come ashore from public boat landings, or a dock attached to his/her private residence or a dock that he/she has pre-approved access from the owner. Existing docks, piers, and boat landings in commercial uses are allowed to remain in operation regardless of ownership, provided that there is no increase in impact.

A. Docks must be for the exclusive use of occupants/owners/guests of residential dwelling units on waterfront lots or occupants/owners/guests of residential dwelling units in an on-site residential community where the dock serves that community exclusively. Shared multiple user docks are encouraged over multiple single user docks.

- B. Docks (other than community docks) must be connected with adjacent waterfront lots that have seventy-five (75) feet of water frontage along the marsh/water edge and at cast seventy-five (75) feet of frontage along the water between extended property lines. Lots with less than this required frontage but with at least fifty (50) feet of frontage both on the marsh edge and along the water between the extended property lines may be eligible to share a dock with adjacent property.
 - C. There may be no habitable structures located on the dock, fishing pier, boat landing, nor elsewhere upon waters in this District. Only open shelters and limited storage (e.g., for water skies, anchors, fishing equipment) are permitted.
 - D. Pumping of fuel is not permitted at docks, fishing piers, boat landings, nor elsewhere upon waters in this District, except for existing docks, piers, marinas, and boat landings in commercial use.
 - E. Utility lines which must cross the water/marsh to serve facilities on the opposite side of the water/marsh shall be submerged below the surface or buried underground. This requirement can be waived if the applicable County Engineer determines that burial of lines would pose unreasonable technical or financial burdens. In such a case, utility lines must be placed in a configuration that minimizes impact.
 - F. Prior to construction of any dock, pier, or boat landing in the River Protection Overlay District, in addition to the OCRM permit, the Applicant must receive a permit or approval from the Building Codes Department or Development Review Board stating that the proposed construction complies with the pertinent provisions of this Section.
- 5.25.16 Projects, which received approval from OCRM prior to the establishment of this Overlay District, are exempt from this Section.
- 5.25.17 Any and all development located within the River Protection Overlay District shall pay special attention to stormwater management system designs with respect to the environmental quality of the stormwater discharge leaving the development. Therefore, peak discharge rates for stormwater management systems shall not exceed the pre-development peak discharge rate

for the mean annual storm event for a twenty-four (24) hour duration for a two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) year return period. The stormwater management facilities shall be designed to entrap or settle silt. Other erosion control devices may be required to ensure that excessive siltation does not occur and does not exceed pre-development siltation of the Outstanding Resource Waters.

- A. As an alternative to providing for a pre-development peak discharge rate for the mean annual storm event for a twenty-four (24) hour duration for a fifty (50) and one hundred (100) year period; designs for the fifty (50) and one hundred (100) year storm events may be approved by the applicable County Engineer if the design engineer demonstrates the following for unstabilized sites:
 - 1. Adequate sediment basins and retention areas for the twenty-five (25) year storm event, which exceeds OCRM current requirements;
 - 2. Design based on site specific soil condition; and
 - 3. Appropriate and additional use of sediment control practices such as silt fence, rock, check dams, raised catch basins, and other accepted *Best Management Practices*.
- B. When the site is stabilized, stormwater facilities shall be designed to accommodate the two (2), five (5), ten (10), and twenty-five (25) year design event. The design engineer shall indicate the impact of the fifty (50) and one hundred (100) year flood events in the design considerations.
- C. These stormwater management facilities must be installed and/or constructed and be in place prior to any building construction.
- D. Stormwater runoff from any bridge or road crossing a waterway must first be routed through an approved detention, retention, filtration, and/or swale system before being discharged into the river/marsh system, unless the applicable County Engineer determines that this provision is technically impractical.

5.25.18 All use of herbicides, pesticides, or fertilizers must be in full compliance with the *Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)*; *South Carolina Pesticide Control Act*; and *South Carolina Fertilizer Law*; and in strict accordance with pesticide label instructions in order that there be a “no adverse effect level” of surface runoff or airborne drift of these materials beyond the area of direct application. The practice of natural pest control management and the use of natural fertilizer and herbicides are strongly encouraged.

5.25.19 The provisions of *Section 5.25* will be evaluated by the applicable County no later than one (1) year from the effective date to determine if modifications should be made based on the review of any new information.

Section 5.26 **Reserved**

ARTICLE VI ADMINISTRATION

Section 6.1 Establishment of the Yemassee Planning Commission

6.1.1 The Planning Commission of the Town of Yemassee (“YPC”) is hereby established under the provisions of *Title 6, Chapter 29* of the *South Carolina Local Governments Comprehensive Planning Enabling Act of 1994*, replacing the Development Review Board (DRB).

6.1.2 Membership of the YPC shall be as follows:

- A. The YPC shall be composed of seven (7) voting members;
- B. YPC members maintain residence or are freeholders within the Town limits of Yemassee;
- C. All members shall be appointed to three (3) and four (4) year staggered terms by the Town Council, and after that time until their successors are appointed;
- D. A vacancy in the membership must be filled for the unexpired term by appointment of Town council;

- E. The Town may remove any member of the YPC for cause; and
- F. None of the members shall hold any other public office or position in the Town, Hampton or Beaufort County.

Section 6.2 Procedures of the Yemassee Planning Commission

- 6.2.1 The YPC shall elect one (1) of its members Chairman, who shall serve for two (2) years, until (s)he is re-elected, or their successor is elected and qualified.
- 6.2.2 The YPC shall appoint a secretary who may be an officer of the Town.
- 6.2.3 The YPC shall adopt rules of procedure in accordance with the provisions of this Ordinance.
- 6.2.4 Meetings of the YPC must be held at least once (1) per month, unless there is no business before it.
- 6.2.5 Meetings may be held at the call of the Chairman and at such other times as the YPC may determine.
- 6.2.6 Public notice of all meetings of the YPC shall be provided to interested citizens.
- 6.2.7 The YPC shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the YPC and must be a public record.

Section 6.3 Administrative Functions: Yemassee Planning Commission

- 6.3.1 The YPC prepares and periodically revises the *Town of Yemassee Comprehensive Plan*, as well as all Development Plans and programs for the Town and all implementation measures required to carry out the goals of the *Comprehensive Plan*, including:
 - A. Zoning ordinances, defined below;

B. Subdivision regulations; and

C. An official map.

- 6.3.2 Ordinances to protect and preserve the Town's appearance and resources, such as landscaping, and historic preservation Ordinances.
- 6.3.3 The YPC may prepare and recommend revised zoning ordinances or amendments to the Ordinance to the Town Council and review and make recommendations concerning amendments to the *Town of Yemassee Zoning Ordinance*.
- 6.3.4 The YPC administers land development regulations and landscaping, highway corridor overlay, historic district, and other similar regulations, as applicable under this Ordinance and amendments.
- 6.3.5 The YPC must catalog public improvements needed in the Town, place them in a logical chronological order, and rank them. An annual list of priority projects should be forwarded to the Town Council.
- 6.3.6 All requests for variances (*See Section 7.3.1.B*) shall be forwarded to the Zoning Board of Appeals as only the Zoning Board of Appeals may grant variances.

Section 6.4 Establishment of the Historic Preservation Commission

- 6.4.1 A review board for historic preservation is hereby established, called the Yemassee Historic Preservation Commission (HPC). The HPC shall consist of seven (7) members with a demonstrated interest, competence, or knowledge in historic preservation. Until this commission is appointed by the Town Council its function shall be exercised by the YPC.
- A. All HPC members shall be residents of the Town of Yemassee or freeholders within the Town.
- B. The HPC shall be composed of seven persons who reside in the Town or are freeholders in the Town:

- C. All members shall initially be appointed to two (2) and three (3) year staggered terms by the Town Council. Thereafter, all members shall serve two (2) year terms with a maximum of two (2) consecutive terms. HPC members may be re-appointed and serve additional terms after being off the HPC for a minimum of two (2) years. Any vacancy on the HPC shall be filled for the expired term. Board members shall serve after their term expires until their successors are appointed.
- D. Members of the HPC cannot hold any other public office or position in the Town of Yemassee.
- E. Members may be removed for cause by the Town Council. Cause includes missing three (3) consecutive regularly scheduled meetings or more than one-third ($\frac{1}{3}$) of the regularly scheduled meetings in any one (1) calendar year.
- F. Town Council, upon recommendation of the Mayor or his designee, may also appoint an architect or individual with demonstrated architectural or historic preservation to serve as a professional advisor to the HPC. The professional advisor shall serve for one (1) year and not be a voting member of the HPC.
- G. Members of the HPC shall serve without compensation but may be reimbursed for expenses incurred while representing the HPC, if approved by the Town Council. The professional advisor may be compensated, if approved by the Town Council.
- H. The Mayor, or his designee may serve as staff for the HPC.
- I. All members of the HPC shall attend training as determined by the Town upon the direction of the Mayor, or his designee.

6.4.2 Procedures of the Historic Preservation Commission

- A. The HPC shall elect one (1) of its members Chairman and one (1) member Vice-Chairman, who shall serve for two (2) years, until (s)he is re-elected, or his successors are elected and qualified.
- B. The HPC shall appoint a secretary who may be an officer of the Town.

- C. The HPC shall adopt rules of procedure in accordance with the provisions of this Ordinance.
 - D. Meetings of the HPC must be held at least once (1) per month, unless there is no business before it. A detailed description of Certificate of Appropriateness hearings is included in *Section 5.18.8*.
 - E. Meetings may be held at the call of the Chairman and at such other times as the HPC may determine.
 - F. A majority of members shall constitute a quorum. A quorum must be present before any business can be conducted other than rescheduling the meeting.
 - G. Public notice of all meetings of the HPC shall be provided.
 - H. The HPC shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the HPC and must be a public record.
 - I. Any member of the HPC who has a direct or indirect interest in any property which is the subject matter of, or is affected by decisions of the HPC, shall disqualify him/her self from participation in the discussion, decision, and proceedings concerning that property.
- 6.4.3 The HPC shall perform the following functions:
- A. Review properties for inclusion in the HPOD and recommended appropriate zoning changes to the Town Council for those properties considered qualified for inclusion. The following criteria will be used during the review:
 - 1. The property has significant character, interest, or value as part of the development or heritage of a community;
 - 2. It is the site of an historic event with a significant effect upon society;

3. It exemplifies the cultural, political, economic, social, or historic heritage of the community;
 4. It portrays the environment in an era of history characterized by a distinctive architectural style;
 5. It embodies those distinguishing characteristics of an architectural type or engineering specimen;
 6. It is the work of a designer whose individual work has significantly influenced the development of Yemassee;
 7. It contains elements of design, detail, materials, or craftsmanship which represent significant innovation;
 8. By being a part of or related to a cove or other distinctive area, it should be developed or preserved according to a plan based on an historic, cultural, or architectural motif;
 9. Owing to its unique location or singular physical characteristic, it represents an established and familiar feature of the neighborhood, community, or Town; and/or
 10. It has yielded or may be likely to yield information important in pre-history or history.
- B. For structures within the HPOD, the HPC shall review and approve, approve with conditions, or deny petitions for: alteration of building exteriors; additions of accessory structures; demolition of structures; and new construction.
1. In passing upon an application to demolish or demolish in part, or remove, or alter the exterior architectural appearance of any existing structure, the HPC shall consider, among other things, the historic, architectural, and aesthetic features of such structure, the nature and character of the surrounding area, the use of such structure, and its importance to the Town.
 2. In passing upon an application for new construction in the HPOD, the HPC shall consider, among other things, the general design, the character and appropriateness of design, scale of buildings, arrangement, texture, materials, and color

of the structure in question, and the relation of such elements to similar features of structures in the immediate surroundings. The HPC shall not consider the interior arrangement or interior design; nor shall it make requirements except for the purpose of preventing developments which are not in harmony with the prevailing character of the HPOD or which are obviously incongruous with this character.

3. The HPC may refuse to grant a Certificate of Appropriateness for the erection, reconstruction, alteration, demolition, partial demolition, or removal of any structure within the HPOD, which in the opinion of the HPC would be detrimental to the interests of the Town.
4. Upon receiving an application concerning a building or structure which is at least fifty (50) years old and is within the limits of the Town, but outside the HPOD, the HPC shall, within forty-five (45) days after receipt of the application, either approve such application, or find that the preservation and protection of historic places and the public interest will be best served by postponing the demolition or alteration for a designated period, which shall not exceed one hundred eighty (180) days from the receipt of the application. The HPC shall notify the Applicant of such postponement.
 - a. In all applications involving the demolition or partial demolition of a structure, provisions shall be made for a public hearing as set forth in this Ordinance.
 - b. In any case involving the demolition or partial demolition of a structure, before granting approval or requiring a postponement, the HPC may call on the Mayor or his designee to provide a report on the state of repair and structural stability of the structure under consideration.
 - c. Within the period of postponement of the demolition or alteration of any building within the Yemassee Preservation District, the HPC shall take steps to ascertain what the Town Council can or may do to preserve the building, including consultation with private civic groups, interested private citizens, and other

public boards or agencies, and investigation of the potential use of the power of eminent domain when the preservation of a given building is of a clear historic and architectural significance and clearly in the interest of the general welfare of the Town. The HPC shall then make recommendations to the Town Council.

5. In case of disapproval of any project, the HPC shall make its reasons known in a written statement to the Applicant. The HPC must give verbal or written advice to the Applicant and make recommendations in regards to the appropriateness of design, arrangement, texture, material, color, and other comments as appropriate concerning the property involved. The HPC at its sole discretion, may choose to give either verbal or written advice to the Applicant.
 6. Among other grounds for considering a design inappropriate and requiring disapproval and re-submission on are the following defects: arresting and spectacular effects; violent contrasts of materials or colors; intense or lurid colors; a multiplicity or incongruity of details resulting in a restless and disturbing appearance; the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure; in the case of repair, remodeling, or enlargement of an existing building or with the prevailing character of the neighborhood, in the case of a new building.
 7. In exercising the authority granted the HPC under this Ordinance, the HPC may call upon the advice of any professionals it deems appropriate and any costs incurred for such consultation may be paid for with funds approved for such use by the Town Council in advance of the occasion.
- C. Maintain or ensure the maintenance of an historic properties inventory for the entire Town and ensure that it is available to the public.
- D. Review properties within the YCN and identify those individual structures, sites, and properties that are deemed to embody a particularly high degree of significance and, therefore, should be subject to YPS standards, guidelines, and

procedures. The HPC shall then recommend the appropriate zoning changes to the Town Council for those properties.

- E. The HPC shall prepare an annual report to the Town Council concerning historic preservation in the Town, including a full report of all projects submitted.
- F. The HPC shall have the opportunity to comment on National Register nominations proposed for any structure within its jurisdiction.
- G. The HPC shall serve as the reviewing body for the Yemassee Highway Corridor Overlay District until such time as a separate body is formed for that function. Review shall be in accordance with the above format, as appropriate.
- H. The HPC shall perform other duties as stipulated in the *Town of Yemassee Zoning Ordinance* or as assigned by the Town Council.

**ARTICLE VII APPEALS
AND PENALTIES**

Section 7.1 Establishment of the Zoning Board of Appeals

- 7.1.1 The Zoning Board of Appeals of the Town of Yemassee is hereby established.
- 7.1.2 Membership of the Board shall be as follows:
 - A. The Board shall be composed of five (5) persons who maintain residence or who are freeholders within the Town Limits of Yemassee.
 - B. All members shall be appointed to three (3) and four (4) year staggered terms by the Town Council, and after that time until their successors are appointed.
 - C. A vacancy in the membership must be filled for the unexpired term by appointment of Town Council.
 - D. The Town may remove any member of the Board for cause.
 - E. None of the members shall hold any other public office or position in the Town, Hampton or Beaufort County.

Section 7.2 Procedures of the Zoning Board of Appeals

- 7.2.1 The Board shall elect one (1) of its members Chairman, who shall serve for one (1) year, until (s)he is re-elected, or their successor is elected and qualified. The Board shall appoint a secretary who may be an officer of the Town.
- 7.2.2 The Board shall adopt rules of procedure in accordance with the provisions of this Ordinance.
- 7.2.3 Meetings of the Board must be held at the call of the Chairman and at such other times, as the Zoning Board of Appeals shall be provided by publication in a newspaper of general circulation in the municipality or counties.
- 7.2.4 At such time as the Applicant for approval of the special exception or variance makes his request, the Zoning Administrator shall

provide the Applicant or his designated representative with an adequate number of notice of public hearing signs to allow the Applicant or his designated representative to properly post and maintain on the property a notice of public hearing at least fifteen (15) days prior to the date of the public hearing. Only such signs as provided by the Zoning Administrator shall be used, and such signs must be placed in conspicuous places on the affected premises. Failure to comply with the posting requirement will result in the removal of the application from the public hearing agenda and forfeiture of the application fee. All signs must be removed within thirty (30) days after the public hearing.

- 7.2.5 The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the Board and must be a public record.

Section 7.3 Powers of the Zoning Board of Appeals

- 7.3.1 The Zoning Board of Appeals shall function in strict accordance with and pursuant to this Ordinance and shall have the following powers:
- A. To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the *Town of Yemassee Zoning Ordinance*;
 - B. To hear and decide appeals for variance from the requirements of the *Town of Yemassee Zoning Ordinance* when strict application of the provisions of the Ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:
 - 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - 2. These conditions do not generally apply to other property in the vicinity;

3. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the District will not be harmed by the granting of the variance.
 - a. 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 non-conforming use of land, or to change the zoning district boundaries shown on the *Official Zoning Map*. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. Other requirements are prescribed by the *Town of Yemassee Zoning Ordinance*.
 - b. The Town by Ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given District, and if it does permit such a variance, it may require the affirmative vote of two-thirds ($\frac{2}{3}$) of the Board members present and voting. Notwithstanding any other provision of this Section, the Town may overrule the decision of the Board concerning a use variance.
 - c. In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.
- C. To hear and decide only such applications for special exceptions as the Zoning Board of Appeals is specifically authorized to pass upon under the terms of this Section; to decide such questions as are involved in determining whether special exceptions should be approved; to prescribe appropriate conditions and safeguards in conformity with this Section; and

to deny special exceptions when not in harmony with the intent and purpose of this Section. Proceedings and required findings for special exceptions include the following:

1. A written application for approval of a special exception shall be submitted, indicating the Section of this Ordinance under which the approval is sought and stating the grounds on which it is requested;
2. When an application for approval of a special exception is initiated, a fee shall be paid for each application for administrative and advertising expenses involved. The fee for each application shall be based upon the adopted fee schedule;
3. Notice of public hearing shall be in conformity with *Section 7.2.4* of this Ordinance;
4. The public hearing shall be held. Any party may appear in person or by agent or attorney;
5. The Zoning Board of Appeals shall make a finding that it is empowered to grant the special exception, and that the application is to grant the special exception, and that the granting of the special exception will not adversely affect the public interest;
6. The regulations of this Section setting forth specific standards to be met prior to the establishment of any special exception shall be binding upon the Zoning Board of Appeals, and no variance to such requirements shall be granted;
7. The Zoning Board of Appeals shall grant no approval for special exception for the establishment of any use or structure which also necessitates the granting of a variance;
8. The Zoning Board of Appeals may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both;
9. In considering requests for special exceptions, the Zoning Board of Appeals shall grant a permit authorizing a special

exception only upon an affirmation finding by the Board that:

- a. All requirements for such special exception will be met;
- b. The proposed special exception is consistent with the spirit, purpose, and intent of the *Comprehensive Plan of the Town of Yemassee* and this Section;
- c. The proposed special exception will not substantially and permanently injure the use of the neighboring property for those uses which are permitted in such District;
- d. The adjacent streets and highways are adequate to carry the additional traffic generated by the proposed special exception; and
- e. No undue traffic congestion or hazardous traffic conditions will be created by the proposed special exception.

10. The effects of failure to meet these conditions are as follows:

- a. Violation of conditions and safeguards of the Zoning Board of Appeals prescribed in conformity with this Section, when made a part of the terms under which approval of the special exception is granted, shall be deemed a violation of this Section, punishable under the penalties established in the *Town of Yemassee Zoning Ordinances*;
- b. Failure to begin and/or complete an action for which approval is required within the time limit specified, when such time limit is made a part of the terms under which the approval is granted, shall void the approval. Unless specified otherwise by the Board, failure to begin action within twelve (12) months from the date of approval shall void the approval. An extension may be granted by the Board, not to exceed six (6) months; and

- c. Appeals to the Board may be taken by any person aggrieved or by any officer, department, Board, or bureau of the Town or applicable County. The appeal must be taken within thirty (30) days of the date the appealing party has received actual notice of the action from which the appeal is taken by filing with the officer from whom the appeal is taken and with the Zoning Board of Appeals notice of appeal specifying the grounds of it. The officer from whom the appeal is taken immediately shall transmit to the Board all the papers constituting the record upon which action appealed from was taken.
- 7.3.2 An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificates stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- 7.3.3 The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give at least fifteen (15) days public notice of it in a newspaper of general circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.
- 7.3.4 In exercising the above power, the Zoning Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board in the execution of the duties specified in this chapter may subpoena witnesses and in case of contempt may certify this fact to the applicable Court of Common Pleas.
- 7.3.5 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.

Section 7.4 Contempt and Penalty

In case of contempt by a party, witness, or other person before the Zoning Board of Appeals, the Board may certify this fact to the Circuit Court of the county in which the contempt occurs and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

Section 7.5 Appeal: Zoning Board of Appeals to Circuit Court

A person who may have a substantial interest in any decision of the Zoning Board of Appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the Board to the Circuit Court in and for the applicable County by filing with the Clerk of the Court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the Board is mailed.

Section 7.6 Notice of Appeal; Transcript; Supersede as

- 7.6.1 Upon the filing of the appeal, the Clerk of the Circuit Court shall give immediate notice of it to the Secretary of the Board and within thirty (30) days from the time of the notice the Board shall file with the clerk a certified copy of the proceedings held before the Zoning Board of Appeals, including a transcript of the evidence heard before it, if any, and the decision of the Board including its findings of fact and conclusion.
- 7.6.2 The filing of an appeal in the Circuit Court from a decision of the Board shall not ipso facto act as a supersedeas, but the judge of the Circuit Court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.

Section 7.7 Determination of Appeal; Costs

At the next term of the Circuit Court or in chambers, upon ten (10) days notice to the parties, the presiding judge of the Circuit Court of the applicable county shall proceed to hear and pass upon the appeal on the certified record of the Board proceedings. The findings of fact by the Zoning Board of Appeals shall be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence. In the event the judge determines that the certified

record is insufficient for review, the matter may be remanded to the Zoning Board of Appeals for rehearing. In determining the questions presented by the appeal, the court shall determine only whether the decision of the Board is correct as a matter of law. In the event that the decision of the Board is reversed by the Circuit Court, the Board is charged with the costs, and the costs must be paid by the governing authority, which established the Zoning Board of Appeals.

Section 7.8 Appeal to the Supreme Court

A party in interest who is aggrieved by the judgment rendered by the Circuit Court upon the appeal may appeal in the same manner as provided by law for appeals from other judgments of the Circuit Court in law cases.

ARTICLE VIII AMENDMENTS

Section 8.1 Authority

This Ordinance, including the *Official Zoning Map*, may be amended from time to time by the Yemassee Town Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation.

Section 8.2 Requirements for Change

When public necessity, convenience, general welfare, or good zoning practice justifies such action, and after the required review and report by the Planning Commission, the Town Council may undertake the necessary steps to amend the *Town of Yemassee Zoning Ordinance*.

Section 8.3 Procedures for Amendments

- 8.3.1 A proposed amendment to the *Town of Yemassee Zoning Ordinance* may be initiated by the Town Council, the Planning Commission, or by application by the owners of the property to be changed, provided, however, that action shall not be initiated for a zoning amendment requesting the same change in District classification affecting the same parcel or parcels or any part thereof more often than once (1) every twelve (12) months.
- 8.3.2 All papers and other data submitted by the Applicant on behalf of the amendment request shall be transmitted to the Planning Commission.
- 8.3.3 The Planning Commission, at regular meetings, shall review and prepare a report, including its recommendation, for transmittal to the Town Council.
- 8.3.4 Before enacting an amendment to this Ordinance, the Town Council shall hold a public hearing; notice of the time and place of which shall be published in a newspaper of general circulation in the Town at least fifteen (15) days in advance of the scheduled public hearing date.
- 8.3.5 Following final action by the Town Council, any necessary changes shall be made in the *Official Zoning Map*. A record of the type and

date of such change shall be maintained at the Town Hall and in the offices of the joint Planning Commission.

**ARTICLE IX
LEGAL STATUS PROVISIONS**

Section 9.1 Conflict With Other Laws

- 9.1.1 Whenever the provisions of this Ordinance impose more restrictive standards than are required under other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by the Ordinance, the provisions of such statute shall govern.

- 9.1.2 The within Ordinance makes reference to certain positions that currently do not exist within the governance structure selected by the citizens of the Town of Yemassee. The ordinance may also refer to Commissions and other bodies not yet appointed by the Town Council. Whenever duty, responsibility and/or authority is given to a position not yet created or if created not filled by the Council then such duty, responsibility and authority shall be exercised by the Mayor until such time as the position is created and or filled. Whenever duty, responsibility and/or authority is given to a Commission, Board or other body created by or the positions filled by the Town Council, then such duty, responsibility and authority shall be exercised by the Town Council until such time as of the Commission, Board or other body is created and or appointed.

Section 9.2 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 9.3 Repeal of Previous Ordinances

Existing Ordinances or parts of Ordinances covering the same matters as embrace in this Ordinance are hereby repealed, and all Ordinances and parts of Ordinances consistent with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 9.4 Effective Date

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

ARTICLE X DEFINITION OF TERMS

Section 10.1 Interpretation of Certain Terms or Words

Except as specifically defined herein, all works in this Ordinance have the customary dictionary definitions. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

- 10.1.1 Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- 10.1.2 The word “shall” is always mandatory.
- 10.1.3 The word “may” is permissive.
- 10.1.4 The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 10.1.5 The word “Planning Commission” refers to the Town of Yemassee Planning Commission.
- 10.1.6 The words “used” or “occupied” as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.
- 10.1.7 The word “lot” includes the word “plot” or “parcel”.
- 10.1.8 The word “structure” includes the word “building”.

Section 10.2 Definitions

- 10.2.1 Accessory Dwelling Unit/Dependency Unit: A second dwelling unit either added to or in a single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. The accessory dwelling unit can also be located on the second floor of a retail or office building. The maximum size for an accessory dwelling unit/dependency unit is eight hundred (800) square feet.

- 10.2.2 Adult Entertainment. Performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performance are characterized by the display or exposure of specific anatomical areas.
- 10.2.3 Adult Entertainment Establishments. Any commercial establishment which has as one of its principal business purposes which offers for sale of any book, publication, or film which depicts nudity, or sexual conduct or engages in services such as bath houses, massage parlors, wrestling parlors or like activities including a night club, cabaret, lounge or other establishment which features adult entertainment.
- 10.2.4 Agricultural Use: The use of land or property to raise, harvest, or store crops, feed, breed, or manage livestock, or to produce plants, trees, fowl, or animals, including the preparation of the products raised thereon and disposed of by marketing or other means.
- 10.2.5 Automobile Service Station: Buildings and premises on any parcel or lot where gasoline, oils and greases, batteries, tires, and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation) where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and permitting the sale of cold drinks and packaged goods as accessory only to the principle operation.
- 10.2.6 Yemassee Historic Small Home Program: A program of affordable and historically correct housing plans that are pre-approved by the Town of Yemassee Planning Commission, Historic Preservation Commission, and applicable County Building Inspections Department.
- 10.2.7 Buffer, Landscaped: A strip of required yard space adjacent to the boundary of a property or District which is to be landscaped for its full width, in grass or other plant materials, and on which is placed a screen of sufficient width and height to render it visually solid for length of the developed portion of the property. The required screen is to be permanently maintained and shall be composed of either compact or dense evergreen plant materials, and appropriate wall or fence, or a combination of fence and plant material.

- 10.2.8 **Building**: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure or any person, process, equipment, or goods.
- 10.2.9 **Building Alteration**: Any change in the supporting members of a building (such as bearing walls, columns, or girders), any addition or reduction to a building; any change in use, any increase in use intensity, or any relocation of a building from one (1) location or position to another.
- 10.2.10 **Building Height**: The vertical distance from the average grade of a structure at ground level to the top of the highest roof beam of the roof, provided that chimneys, spires, and other permitted appendages are not included in the height measurement.
- 10.2.11 **Child Care Center**: A facility which regularly receives thirteen (13) or more children for day care more than two (2) days per week.
- 10.2.12 **Density**: The number of dwelling units per acre of land developed or used for residential purposes, expressed in units per gross acre.
- 10.2.13 **Development**: Except where the context otherwise requires and in the absence of a more limiting provision “development” means the performance of any building or mining operation, the making of any material change in the use of any structure or land, or the division of land into two (2) or more parcels, lots, building sites, or building units
- 10.2.14 **District**: The term applied to various geographical areas of the Town of Yemassee for purposes of interpreting the provisions of this Ordinance. The Districts are designated with the use of symbols on the *Official Zoning Map*. Regulations controlling land use in the various Districts within the Town are set forth in *Article V* of this Ordinance. The terms “district” and “zoning district” are synonymous and are used interchangeably throughout this Ordinance.
- 10.2.15 **Dwelling**: A building or portion of a building arranged or designed to provide living quarters for one (1) family. The terms “dwelling” and “residence” shall be interchangeable.

- A. Interior Apartment Dwelling: Any dwelling, which is constructed within or is otherwise attached to a dwelling or other non-residential structure.
- B. Mobile Home Dwelling: A one (1) family detached dwelling of vehicular, portable design, built on a chassis and used without a permanent foundation.
- C. Modular Dwelling: A one (1) family detached dwelling made of prefabricated materials or parts, which is designed to be constructed onto a permanent foundation.
- D. Single-Family Dwelling: A one (1) family detached dwelling other than a mobile home designed for or occupied by one (1) family.
- E. Two (2) or Three (3) Family Dwelling: An attached or semi-detached dwelling designed for or occupies by two (2) or three (3) families in separate dwelling units living independently or each other.

10.2.16 Dwelling Types:

- A. Attached: A dwelling in a group of two (2) or three (3) dwellings having a common party wall with one (1) or more dwellings, or a dwelling having a common party wall with a non-residential structure.
- B. Detached: A dwelling with no common party walls with another dwelling or structure.
- C. Semi-Detached: A dwelling which appears visually contiguous with one (1) or more dwellings but which technically has no common party walls with other dwellings.

10.2.17 Dwelling Unit: A building, or portion thereof, providing complete and permanent living facilities for one (1) family.

10.2.18 Family: One (1) or more persons living together as a single housekeeping unit in a dwelling unit.

10.2.19 Family Day Care Home: An occupied residence where child day care is regularly provided for no more than six (6) children,

including children living in the home and children received for day care that are related to the resident care giver. Provided, however, that an occupied residence in which child day care is regularly provided only for a child or children related to the resident care giver, or only for the child or children of one (1) unrelated family, or only for a combination of such children is not a family day care home.

- 10.2.20 Flag lots: A lot with a developable area connected to a public road by a narrow strip of land that includes a driveway; sometimes also refers to a landlocked lot that is connected to a public road only by a narrow right-of-way easement.
- 10.2.21 Floor-Area Ratio: Ratio of gross floor area of building(s) on a lot by the area of the lot.
- 10.2.22 Freestanding Sign: A detached sign, which shall include any sign supported by uprights or braces placed upon, in, or supported by the ground and not attached to any building.
- 10.2.23 Gross Floor Area: The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of the walls separating two (buildings), excluding attic areas with a head room of less than seven (7) feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, vehicle parking structures, basement space, or porches, patios, breezeways, sun porches, and other similar structural additions that are unenclosed or enclosed with screening.
- 10.2.24 Group Day Care Home: A facility, generally within a dwelling unit, which regularly provides child day care for at least seven (7) but no more than twelve (12) children, including the children of the caregiver, younger than ten (10) years old living in the home and children who are related to the resident caregiver.
- 10.2.25 Home Occupation: Any use of principal or accessory buildings clearly incidental and secondary to their uses for residential purposes and which does not change the character thereof, within a residential area subject to the conditions of this Ordinance.

- 10.2.26 Lot: A small developed or underdeveloped tract or parcel of land suitable for building purposes and legally transferable as a single unit of land.
- 10.2.27 Lot of Record: A legally recorded lot (*See Section 10.2.20*).
- 10.2.28 Manufactured homes: The term is defined in S.C. Code 40-29-20(9) as a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it.
- 10.2.29 Mobile home: Any vehicle or portable structure in excess of thirty-five (35) feet in length having chassis, wheels, jacks, axles and so designed as to permit single-family occupancy for dwelling or sleeping purposes. The term mobile home includes the term house trailers.
- 10.2.30 Mobile home communities: Premise where two (2) or more mobile homes are parked for living and/or sleeping purposes, or where spaces are set aside, or offered for sale, or rent for mobile home living or sleeping purposes, including any land, building, structure, or facility used by occupants on such premises.
- 10.2.31 Mobile home Park: Same as "mobile home community."
- 10.2.32 Mobile home space: A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.
- 10.2.33 Modular homes: 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. SC Code 23-43-20(2).
- 10.2.34 Non-conforming Use: A use of land, building, or structure lawfully existing at the time this Ordinance or subsequent amendment

hereto became effective, which does not conform to the use requirements of the District in which it is located.

- 10.2.35 Nuisance: Any activity which is judged by the Town Council or the appropriate agency thereto to emit noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation, or other injurious or obnoxious conditions beyond the premises of such activity, or which poses a documented threat to water or wetlands within the Town limits of Yemassee.

- 10.2.36 Parking Space: A space provided within any public or private open area used for the express purpose of parking automobiles or other vehicles, of not less than nine (9) feet by eighteen (18) feet.

- 10.2.37 Residential Use: Any use occurring within a building or portion of a building to provide living quarters for one (1) or more families.

- 10.2.38 Right-of-Way: Land subject to use as a street, alley, crosswalk, drainage, or other public purposes.

- 10.2.39 Setback: A required yard between a street right-of-way or lot line and the principal building on a lot.

- 10.2.40 Shingle Sign: A display sign which is attached directly to any building wall and which extends more than twelve (12) inches from the face of the wall.

- 10.2.41 Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

- 10.2.42 Structure: Anything constructed, erected, or established including, but not limited to the following: buildings, signs, sea walls, mobile homes, fences, screen enclosures, and patio walls.

- 10.2.43 Subdivision: All divisions of a tract parcel of land into two (2) or more lots, building units, or other division, for the purpose, whether immediate or future, of sale, lease, transfer, or resale, including the act or re-subdividing previously subdivided property.

- 10.2.44 Townhouse or Town home: A row of homes which share common walls.

- 10.2.45 Wall Sign: Any sign erected against the wall of any building, or displayed on windows or doors, or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or door and which sign is mounted at a distance measured perpendicular to said wall not greater than twelve (12) inches.
- 10.2.46 Variance: See Section 6.2.4 and other portions as specified in the code.
- 10.2.47 Visual Screen: A visually solid device, which effectively blocks the view of the object or objects required to be screened.
- 10.2.48 Yard: The space between a principal building on a lot and each lot line or street right-of-way bordering the lot.

Attest By:

Clerk of Council

1st reading _____

2nd reading _____

Public Hearing _____

Final Reading _____

Approved as to Form and Content

Roberts Vaux, Town Attorney