

ARTICLE V. DISTRICT USE CLASSIFICATION

Section 5-1. R-1, Single-family residential district.

It is the intent of this section that the R-1 zoning district be established to reserve appropriate land for medium density one-family residential uses. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.

(a) *Permitted uses:* The following uses shall be permitted in the R-1 zoning district:

1. Single-family dwellings excluding mobile homes.

(b) *Conditional uses:* The following uses shall be permitted in the R-1 zoning district subject to the stated conditions:

1. Customary home occupation provided that there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one (1) person in addition to permanent residents of the property is employed; and that not more than twenty-five (25) per cent of the total floor area of the dwelling is used.
2. Churches and private schools, provided that the buildings are placed not less than twenty-five (25) feet from the side and rear property line and that planted buffer strips are created along side and rear property lines.
3. Cemetery, provided that such use consists of a site of at least one-half (1/2) acre; such use has a front yard setback of at least fifteen (15) feet; that such use includes no crematorium and that planted buffer strips are created along side and rear property lines.
4. Public recreation facilities provided that the city council, after public notice and hearing, determines that the facility's location will substantially serve the public convenience and welfare, and will not substantially and permanently injure the appropriate use of neighboring property.
5. Golf courses and related facilities, provided that the land area containing the golf course and related facilities is not less than twenty-five (25) acres. Golf course related facilities include but are not limited to clubhouses, community recreation facilities, golf driving ranges, lounges, pro shops, restaurants.
6. Model homes or real estate community sales centers provided that:
 - (i) Such uses are constructed as a traditional single-family R-1 residential structure or manufactured home;
 - (ii) That no more than one such structure be established per community or development;
 - (iii) That no more than three (3) employees operate at the site;
 - (iv) That commercial use of the structure shall not occur prior to 8:30 a.m. or after 6:00 p.m.; and
 - (v) That such commercial retail use of the structure shall cease upon the later of (1) expiration of twenty-four (24) months from the date of its construction or (2) sale of ninety (90) per cent of the marked lots; and that the structure shall thereafter be utilized as a single-family residence or removed from the site.

(Ord. No. 1985-69, 10-24-85; Ord. No. 1986-59, 11-6-86; Ord. No. 1997-26, 4-17-97; Ord. No. 2000-015, 5-11-00)

Sec. 5-1.1. R-1A, low to medium density residential district.

It is the intent of this section that the R-1A zoning district be established to provide for low to medium density single-family residential uses, including mobile homes, provided that the city council, after public notice and hearing, determines that a proposed area or neighborhood would be suitable for designation as an R-1A district and the permitted uses, therein, will not substantially injure the actual or permitted uses of the neighboring or nearby properties. City council intends only for identifiable neighborhoods or areas to be considered. It is not the intent of council for individual parcels or small portions of identifiable neighborhoods to become R-1A eligible.

Requests for neighborhoods or areas to become R-1A eligible must be submitted to the department of planning and Management for a suitable study. The department of Planning and Management shall evaluate the request and make a recommendation to the planning commission. The department of planning and management shall consider, but not be limited to, the following factors in making their recommendation:

1. Compatibility with comprehensive development plan.
2. Analysis of actual current land uses
3. Analysis of recent property value trends
4. Projections of economic impact of proposed zoning
5. Analysis of possible future uses of property
6. Review of recent building activity
7. Community support/opposition
8. Traffic analysis
9. Size and geographic considerations of neighborhood

The department of planning and management shall forward a report of the study and a recommendation to the Planning Commission within 60 days of receiving a request. The Planning Commission shall advertise the date and time of their meeting when the request shall be considered and shall allow public comment on the request in accordance with their policy. The Planning Commission shall make a recommendation to city council on the suitability of the proposed area for R-1A eligibility.

City council shall consider the recommendation of the planning commission and either approve or disapprove the proposed area as R-1A eligible. If city council approves the area for R-1A eligibility it shall pass a resolution designating such areas or neighborhoods as R-1A eligible and shall affix a map, prepared by the Department of Planning and Management, to the resolution detailing the area designated.

The adopted resolution and map shall be sent to the Planning Commission for their use in considering applications for rezoning. After an area has been designated as R-1A eligible, all rezoning requests for individual parcels within the area shall be processed in accordance with Article VII, section 7.3(b). Individual parcels located within an area or neighborhood that has been denied R-1A eligibility may not submit a request to become R1-A eligible. Areas or neighborhoods that have been denied R-1A eligibility may not apply for reconsideration for one year after the date of the initial request.

These regulations will encourage a diversity of affordable housing types and continuance of a stable, healthy environment for one-family dwellings, including mobile homes and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the character of the district.

- (a) Permitted uses: The following uses shall be permitted in the R-1A zoning district:

1. All uses allowed in the R-1, Single-family district.
2. Mobile homes, excluding mobile home parks.

Uses allowable in the R-1 zoning district shall be subject to the requirements of Section 6-1; otherwise, uses permitted in the R-1A zoning district shall be required to conform to the following standards and shall be inspected by the Building Department and Department of Planning and Management for compliance:

- (a) The home is placed on a lot of record containing at least six thousand (6,000) square feet per dwelling unit.
- (b) The home must be placed on a permanent foundation and be equipped with an opaque solid curtain-wall which meets all applicable building, code, and wind load requirements. The curtain-wall must be constructed either of brick or of concrete block.
- (c) The required setbacks are as follows:
 - Front: Twenty (20) feet
 - Side: Ten (10) feet
 - Rear: Twenty (20) feet

Section 4-7 shall apply when proposed use is intended to be placed on a substandard lot of record.

- (d) A minimum of two (2) off-street parking space (whether paved or unpaved) shall be provided for the lot of record (on-street parking prohibited).
- (e) All mobile homes must conform to FEMA and HUD standards, including wind and seismic loads. It is the responsibility of the applicant to present proof of the loading requirements.
- (f) All improvements, including, but not limited to, room additions, decks, steps, handrails, etc., must conform to all relevant building codes.
- (g) All mobile homes must have a pitched roof, constructed out of suitable material.

(Ord. No. 1996-22, 5-9-96; Ord. No. 1997-19, 3-27-97; Ord. No. 2000-088, 12-28-00)

Sec. 5-2. R-2, Multi-family residential district:

It is the intent of this section that the R-2 zoning district be established and reserved for medium-to-high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single and multi-family dwellings and to discourage any encroachment of commercial, industrial or other uses capable of adversely affecting the residential character of the district.

- (a) *Permitted uses* : The following uses shall be permitted in the R-2 zoning district:
 1. Multi-family dwellings.
 2. All uses permitted in the R-1 zoning district.
 3. Shared dwellings.
- (b) *Conditional uses* : The following uses shall be permitted in any R-2 zoning district subject to the stated conditions:
 1. All conditional uses permitted in the R-1 zoning district as shown in section 5-1(b), providing the applicable conditions are met.
 2. Town, row or patio houses provided that all conditions of subsection (c) are

met as determined by the planning official.

(c) *Special additional regulations for town or row houses:* In order to promote the general welfare of the city through the appropriate intermingling of town or row houses with other housing types, the following regulations shall be applied to town houses or row houses:

1. *Lot widths :* The minimum width of the portion of the lot on which each town house unit is to be constructed shall be eighteen (18) feet. Where common parking is provided, the minimum lot width may be reduced to fourteen (14) feet. Where side yards are hereinafter required, the minimum lot width shall be increased accordingly.

2. *Front and rear yard depth requirements :*

a. The front yard depth shall conform to the area regulations of the use district where located; provided that a minimum twenty-five (25) foot setback shall be required on interior units and a minimum twenty (20) foot setback shall be required on end units where automobile parking or storage within the residence with entry from the front. If parking can be accommodated on end or rear of units or on property held in common by the townhouse development owners having adequate access to a dedicated public street, front setback may be reduced to ten (10) feet.

b. The rear yard depth shall be twenty (20) foot minimum from the main building line excluding attached or detached storage, utility or covered patio area. There shall be added to the above requirements an additional ten (10) feet where automobiles are parked or stored in the rear yard.

3. *Side yard requirements:* A side yard at least ten (10) feet in width shall be provided between the end of a row and a side lot line or side street line.

4. *Interplay between yard and setback requirements and required buffers.* When Town or Row houses are located within a district (overlay or otherwise) requiring buffers, the minimum required setbacks shall be equal to the greater of (i) the required buffer plus five (5) feet; or (ii) the setbacks otherwise specified within this or other sections of the Zoning Code.

5. *Lot area per family requirements :* The minimum lot area per family shall be one thousand five hundred (1,500) square feet. Where common parking is provided, the minimum lot area may be reduced to one thousand two hundred (1,200) square feet.

6. *Percent of lot occupancy :* The maximum percent of lot occupancy allowed by the building excluding attached or detached utility, storage, or covered patio area, that may protrude from the main building line shall be sixty (60) per cent.

7. *Maximum number of contiguous units.* Not more than eight (8) such dwellings shall be constructed or attached together in a continuous row. No row shall exceed two hundred (200) feet in length. The front shall not form long, unbroken lines or row housing, but shall be staggered at the front of the building line at least every fourth dwelling unit.

8. *Fencing.* The rear yards of such dwellings, except that portion used for automobile parking and driveways shall be separated by a fence or wall for a minimum distance of eight (8) feet from the rear main building line. Such fence or wall shall be of brick, masonry, or other material having a life of not less than ten (10) years. The minimum height of such fence or wall shall be six (6) feet.

9. *Clothes drying.* All yard areas used for the drying of clothes shall be screened from ground-level view of the adjoining yards and lots.

10. *Exemption from filing formal subdivision applications*

a. An application for the subdivision of an existing lot into two (2) or more lots for town, row or patio houses shall be subject only to the approval of the zoning administrator under the applicable provisions of this ordinance; provided, that the construction of such houses shall be commenced within six (6) months of the date of the permit, and completed within a reasonable time thereafter.

b. The original plat of the subdivision of an existing lot shall be stamped by the zoning administrator "Approved for Town, Row or Patio Houses Only."

(Ord. No. 1985-17, 3-28-85; Ord. No. 1985-69, 10-24-85; Ord. No. 1987-20, 4-9-87; Ord. No. 2006-48, 7-25-06)

Section 5-2.1. R-3, Mobile home residential district:

It is the intent of this section that the R-3 zoning district be established and reserved for medium-to-high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable and healthy environment for single and multi-family dwellings and mobile homes and to discourage any encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

(a) *Permitted uses:* The following uses shall be permitted in the R-3 zoning district:

1. All uses prohibited in the R-1 and R-2 zoning district.
2. Mobile homes, provided that no more than one mobile home be located on a lot of record and further provided that four thousand (4,000) square feet be allocated per mobile home in addition to the minimum lot area required for other dwelling units on the lot.
3. Mobile home parks, provided such parks meet all current rules and regulations established by the South Carolina Department of Health and Environmental Control and any other such city ordinances that may be applicable. All plans must be submitted to the director of planning and management and the public works director for approval.

(b) *Conditional uses:* The following uses shall be permitted in any R-3 zoning district subject to the stated conditions:

1. All conditional uses permitted in the R-1 and R-2 zoning districts as shown in section 5-1(b) and 5-2(b) providing the applicable conditions are met.

(Ord. No. 1985-17, 3-28-85; Ord. No. 1989-19, 3-9-89; Ord. No. 1997-13A, 2-27-97)

Article VI. Area, Yard, and Other Requirements

Section 6-1. Requirements in R-1 Single-Family Residential, R-2 Multi-Family Residential, R-3 Mobile Home Residential and AG Agricultural Districts:

Unless otherwise specified elsewhere in this ordinance, or unless subject to relief under conditions set forth in article III, uses permitted in the R-1, R-2, R-3 and AG zoning districts shall conform to the following standards:

(a) *Minimum total lot area for R-1, R-2, R-3:*

1. *One-family dwellings:* Six thousand (6,000) square feet;
2. *Two-family dwellings:* Six thousand (6,000) square feet;
3. *Multi-family dwelling:* Six thousand (6,000) square feet;
4. *Other principal uses:* Six thousand (6,000) square feet.

(b) *Minimum total lot area AG:*

1. Four (4) acres.

(c) *Minimum lot area per dwelling unit:* The minimum area per dwelling unit on a lot shall not be less than indicated by dwelling unit type on the following schedule:

1. *One-family dwelling:* Six thousand (6,000) square feet per unit;
2. *Two-family dwelling:* Three thousand (3,000) square feet per unit;
3. *Multi-family dwelling:* According to the following tables:

TABLE A

Lot Area Square Footage Required for Multi-family Dwelling Units When Buildings Have Four (4) Units or Less:

TABLE INSET:

Unit Type	Stories			
	1	2	3	4
Efficiency unit	2,000	1,435	1,410	1,240
1-Bedroom	2,000	1,775	1,625	1,438
2-Bedroom	2,400	1,900	1,800	1,700
3-Bedroom	3,000	2,300	2,200	2,100
4 or more bedrooms	3,800	3,000	2,900	2,800

TABLE B

Lot Area Square Footage Required for Multi-family Dwelling Units When Buildings Have Five (5) Units:

TABLE INSET:

	Stories			
Unit Type	1	2	3	4
Efficiency unit	1,950	1,385	1,360	1,190
1-Bedroom	1,950	1,725	1,575	1,388
2-Bedroom	2,350	1,850	1,750	1,650
3-Bedroom	2,950	2,250	2,150	2,050
4 or more bedrooms	3,750	2,950	2,850	2,750

TABLE C

Lot Area Square Footage Required for Multi-family Dwelling Units When Buildings Have Six (6) Units:

TABLE INSET:

	Stories			
Unit Type	1	2	3	4
Efficiency unit	1,900	1,335	1,310	1,140
1-Bedroom	1,900	1,675	1,525	1,338
2-Bedroom	2,300	1,800	1,700	1,600
3-Bedroom	2,900	2,200	2,100	2,000
4 or more bedrooms	3,700	2,900	2,800	2,700

TABLE D

Lot Area Square Footage Required for Multi-family Dwelling Units When Buildings Have Seven (7) Units:

TABLE INSET:

	Stories			
Unit Type	1	2	3	4
Efficiency unit	1,850	1,285	1,260	1,090
1-Bedroom	1,850	1,625	1,475	1,288
2-Bedroom	2,250	1,750	1,650	1,550
3-Bedroom	2,850	2,150	2,050	1,950
4 or more bedrooms	3,650	2,850	2,750	2,650

TABLE E

Lot Area Square Footage Required for Multi-family Dwelling Units When Buildings Have Eight (8) or More Units:

TABLE INSET:

	Stories			
Unit Type	1	2	3	4

Efficiency unit	1,800	1,235	1,210	1,040
1-Bedroom	1,800	1,575	1,425	1,238
2-Bedroom	2,200	1,700	1,600	1,500
3-Bedroom	2,800	2,100	2,000	1,900
4 or more bedrooms	3,600	2,800	2,700	2,600

Any such property dedicated for public use or ownership in common will be considered on a proportionate (percentage) basis in meeting Table A through Table E lot area square footage requirements.

4. Other principle [principal] uses: Not applicable.

(d) *Side yard requirements:* In a class R-1, R-2, R-3 or AG District, for every building erected, there shall be a side yard along each lot line other than a street line or rear line, each side yard to have a minimum width of five (5) feet measured from the main body of the house to the property line; provided, however, that in the case of a single mobile home on a lot of record, the side yard shall be increased to ten (10) feet measured from the main body of the mobile home to the property line. For the purpose of this ordinance, an attached porch, carport or garage shall be considered the main body of the house. All dimensions to be computed from the property line.

(e) *Rear yard requirements:* In a class R-1, R-2 R-3 or AG District every building erected shall have a rear yard. In a class R-1 district the least dimension of a rear yard shall be at least fifteen (15) per cent of the depth of the lot; but such least dimension need not be more than thirty (30) feet. In a class R-2 or R-3 District the rear yard shall be the same as R-1, except that for an apartment house the least dimension of the rear yard shall not be less than twenty (20) feet. Forty (40) per cent of the area of the rear yard maybe occupied by a one-story accessory building not more than eighteen (18) feet in height to the ridge, or the height of the existing residence, whichever is less, and at least six (6) feet from any structure and three (3) feet from any interior line. An accessory building shall not be used as a dwelling.

(f) *Front yard setbacks from streets:*

1. The street (front yard) setback requirements of this ordinance shall not apply on any lot where fifty (50) per cent or more of the frontage between two (2) intersecting streets or within two hundred (200) feet on each side of such lot is improved with buildings that are setback from the street line or where all of the buildings, though occupying less than fifty (50) per cent but more than twenty (20) per cent of such frontage, are setback from the street line. In such cases the average alignment of the existing buildings shall be the minimum setback line. For the purpose of this ordinance, the frontage along the side line of a corner lot is excluded.

2. On a street frontage between two (2) intersecting streets but excluding the frontage along the side line of a corner lot, where not more than twenty (20) per cent of such frontage is improved with buildings that are built at the street line and where the provisions of subdivision (1) of this subsection do not create a minimum setback line from the street shall be twenty (20) per cent of the average normal depth of the lots having their front lines along such street frontage; such distance back from the street need not be more than forty (40) feet but shall be at least twenty (20) feet.

3. Where a side yard abuts a street, the minimum side yard requirements along the street shall be ten (10) per cent of the width of the lot, but such distance back from the street need not be more than ten (10) feet.

(g) *Special provisions:*

1. The area required in a side yard or rear yard shall be open from the established grade, or from the natural grade if higher than the established grade, to the sky unobstructed, except for the ordinary projections of window sills, belt course and other ornamental features to the extent that within five (5) feet of the street wall, a cornice may project not over three (3) feet into such yard, and provided that if the building is not over two and one-half (2 1/2) stories in height, the cornice may project not more than two and one-half (2 1/2) feet into such yard.

2. The side and rear yard requirements of section 6-1(c) and 6-1(d) do not apply to an accessory building, the requirements of section 4-9 notwithstanding. However, an accessory building may not be erected closer than three (3) feet to the property line.

3. Where a rear yard or a side yard in a residential district abuts an alley, the yard shall be deemed to extend to the center of such alley.

(h) *[Landscape plan.]* In Class R-2 and R-3 districts a landscape plan must be submitted and approved prior to the issuance of building permits. The landscape plan must meet the buffering requirements set forth elsewhere within this article.

(Ord. No. 1985-17, 3-28-85; Ord. No. 1995-52, 10-24-95; Ord. No. 1996-46, 8-22-96; Ord. No. 1997-32, 5-22-97; Ord. No. 1998-51, 5-28-98; Ord. No. 1998-85, 9-24-98; Ord. No. 1998-107, 12-22-98; Ord. No. 2005-21, 4-28-05; Ord. No. 2006-10, 3-23-06)

Section 6-2. Requirements in ON, neighborhood office districts:

Uses permitted in ON zoning districts shall be subject to the following standards:

(a) *Maximum height:* Maximum height is twenty-five (25) feet measured at the highest point of the building.

(b) *Landscape plan:* A landscape plan must be submitted and approved prior to the issuance of building permits. The landscape plan must meet the buffering requirements set forth elsewhere within this article.

(Ord. No. 1991-16, 5-9-91; Ord. No. 1995-52, 10-24-95; Ord. No. 1996-46, 8-22-96; Ord. No. 1997-32, 5-22-97; Ord. No. 1998-51, 5-28-98; Ord. No. 1998-107, 12-22-98)

Section 6-2.1. Requirements in B-1, B-1A limited commercial and B-2, general commercial districts:

Uses allowable in the R-1 and R-2 zoning districts shall be subject to the requirements of section 6-1; otherwise, uses permitted in the B-1 and B-2 zoning districts shall be required to conform to the following standards:

(a) Minimum front yard, measured from the nearest abutting street right-of-way line: Ten (10) feet. Provided however, that on a street frontage between two (2) intersecting streets where more than fifty (50) per cent of such frontage is improved with buildings that are built at or near the street line, the average alignments of existing buildings shall be the minimum setback line. The Type "A" buffer requirement shall be waived for any location having a front yard setback of less than ten (10) feet.

(b) A landscape plan must be submitted and approved prior to the issuance of building permits. The landscape plan must conform to the buffering requirements set forth elsewhere within this article.

(c) Minimum side and rear yard: A minimum rear and side yard of ten (10) feet shall be required along each rear side lot line; except that where a firewall meeting the standards

of the current edition of the city's building code is constructed at the property line; the side or rear yard requirement may be waived along the respective side or rear lot line.

(Ord. No. 1991-16, 5-9-91; Ord. No. 1995-52, 10-24-95; Ord. No. 1996-42, 8-22-96; Ord. No. 1996-46, 8-22-96; Ord. No. 1997-32, 5-22-97; Ord. No. 1998-51, 5-28-98; Ord. No. 1998-70, 8-13-98; Ord. No. 1998-107, 12-22-98; Ord. No. 1999-13, 2-25-99; Ord. No. 2003-005, 1-23-03)

Section 6-2.2. Requirements in CRD, commercial redevelopment districts:

Prior to submission of application for building permits, an applicant must first meet with the planning director or his designee to discuss the proposed improvements and their relationship to the city's urban design guidelines. Such meeting should be conducted early in the design process.

Uses permitted in the CRD zoning district shall be required to conform to the following standards:

- (a) *Lot area:* All lots shall have a minimum total lot area of ten thousand (10,000) square feet.
- (b) *Front yard:*
 1. All frontage on the public street shall be considered as a front property line for purposes of front yard requirements.
 2. All buildings shall have a minimum setback of ten (10) feet from the nearest abutting street.
- (c) *Side yard:* A minimum side yard of ten (10) feet shall be required along each side lot line; except that where a firewall meeting the standards of the current edition of the city's building code is construed at the property line, the side yard requirement may be waived along the respective side lot line.
- (d) *Rear yard:* A minimum rear yard of fifteen (15) feet shall be required along the rear lot line.
- (e) *Landscaping:* A landscape plan must be submitted and approved prior to the issuance of building permits. The landscape plan must meet the buffering requirements set forth elsewhere within this article.

(Ord. No. 1995-8, 3-23-95; Ord. No. 1998-51, 5-28-98; Ord. No. 1998-107, 12-22-98)

Section 6-3. Requirements in M-1, light industrial districts:

Uses allowable in the B-1 and B-2 zoning districts shall be subject to the requirements of section 6-2.1; otherwise, uses permitted in the M-1 districts shall conform to the following standards:

- (a) *Minimum lot area:* One-half (1/2) acre;
- (b) *Minimum lot width, measured at the building line:* One hundred (100) feet;
- (c) *Minimum front yard, measured from the nearest abutting street right-of-way line:* Twenty-five (25) feet;
- (d) *Minimum side yard:* A minimum side yard of ten (10) feet shall be required along each side lot line, except that where the property abuts a residential district or residential use fifty (50) feet shall be required.
- (e) *Minimum rear yard:* A minimum rear yard of ten (10) feet shall be required along the rear lot line, except that when the property abuts a residential district or residential use fifty (50) feet shall be required.
- (f) *Landscape plan:* A landscape plan must be submitted and approved prior to the

issuance of building permits. The landscape plan must meet the buffering requirements set forth elsewhere within this article.

(Ord. No. 1986-63, 12-11-86; Ord. No. 1992-52, 12-3-92; Ord. No. 1995-52, 10-24-95; Ord. No. 1996-9, 3-28-96; Ord. No. 10, 3-28-96; Ord. No. 1996-14, 3-28-96; Ord. No. 1996-46, 8-22-96; Ord. No. 1998-51, 5-28-98; Ord. No. 1998-107, 12-22-98)

Section 6-4. Reserved.

Editor's note: Ord. No. 2006-49, adopted July 25, 2006, repealed § 6-4 in its entirety. Formerly, said section pertained to requirements in the M-2 heavy industrial districts as enacted by Ord. No. 1995-52, adopted Oct. 24 1995; as amended. The user's attention is directed to § 5-6 of this Code for similar provisions.

Section 6-5. Reserved.

Editor's note: Ord. No. 2006-48, adopted July 25, 2006, repealed § 6-5 in its entirety. Formerly, said section pertained to special requirements for town or row houses as enacted by Ord. No. 1985-15, adopted March 14, 1985; as amended. The user's attention is directed to § 5-2 of this Code for similar provisions.

Section 6-5.1. Special requirements for mobile/manufactured homes:

Mobile homes established after the effective date of this ordinance and mobile homes existing on the effective date of this ordinance, including the relocation and replacement thereof shall:

- (1) Be installed in accord with the installation requirements of section 19-425.43 of the South Carolina Manufactured Housing Board Regulations,
- (2) Be underskirted around the entire home with brick, masonry, vinyl, treated wood, painted or stained, or similar material designed and manufactured for permanent outdoor installation,
- (3) Have installed or constructed and attached firmly to the mobile home and anchored securely to the ground, stairs, porches, entrance platforms, ramps or other means of entrance and exit to the mobile home in accord with applicable building codes,
- (4) Have all moving or towing apparatus removed or concealed with skirting, including hitch, wheels and axles,
- (5) Not be joined, affixed or in any way combined with another mobile home unless such units are fully enclosed by common exterior siding completely encircling said units, together with a unified roof, approved by the city building official or his/her designee.

Mobile homes in existence on the effective date of this ordinance shall within six (6) months of such date be brought into compliance with the requirements of this section, or be declared by the zoning administrator, chief building official, or other designee, to be in violation of the provisions herein, subject to penalties as provided in section 7-4.

(Ord. No. 1998-99, 12-11-98)

Section 6-5.2. Special requirements for mobile and manufactured home parks:

The establishment and operation of mobile home or manufactured home parks in North Charleston shall comply with the following design and development standards:

- (1) The park site shall be not less than three (3) acres, and have not less than two hundred (200) feet frontage on a public dedicated and maintained street or road.
- (2) The park shall be served by public water and sewer systems, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.
- (3) Each dwelling space shall abut an all-weather and surface driveway which shall not be less than eighteen (18) feet in width, and which shall have unobstructed access to a street.
- (4) The bylaws or covenants of any homeowners association or other similar group maintenance agreement may be placed on file with the city.
- (5) All on-site roadway intersections shall be provided with a street light and interior lights shall be provided at not less than 400-foot intervals.
- (6) Each individual home site shall be at least twenty-five (25) feet from any other site and at least twenty-five (25) feet from the right-of-way of any street or drive providing common circulation.
- (7) Not less than twenty (20) per cent of the park site shall be set and developed for common open space and recreation usage. See section 6-15.
- (8) Space numbers: Permanent space numbers shall be provided on each mobile home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.
- (9) No mobile or manufactured home space shall have direct access to a public street, but shall instead access an internal driveway system.
- (10) The maximum number of mobile home or manufactured home spaces shall not exceed seven (7) per acre.
- (11) Two (2) parking spaces shall be provided for each designated mobile or manufactured home space. Two (2) parking spaces shall be provided for each designated mobile or manufactured home space or in community parking areas.
- (12) In the development of a park, existing trees and other natural site features shall be preserved to the extent feasible.
- (13) Bufferyards shall be provided on the perimeter of the park or court in accord with the requirements of section 6-1.
- (14) License required, revocation: A business license shall be requisite to the opening or operation of a mobile or manufactured home park and shall be subject to annual renewal. License revocation proceedings may be initiated at the request of the zoning administrator in accord with the City of North Charleston's standard procedures.
- (15) Site plan required: A site plan showing the above required data, and in all other respects meeting the minimum requirements for a building permit shall accompany all applications to establish a mobile or manufactured home park.

(Ord. No. 1998-99, 12-11-98)

Section 6-6. Garden and cluster housing:

In order to promote the general welfare of the city through the appropriate intermingling of garden and cluster housing with other types of housing and to insure that new developments shall contribute to the building of economically sound and desirable living areas within the community, the following regulations shall be applied to garden and cluster housing in R-2, R-3, B-1 and B-2 districts.

- (a) *Maximum dwelling unit density:* The maximum dwelling unit density shall not exceed ten (10) units per acre including any such property dedicated for public use or ownership in common, excluding dedicated public roads.
- (b) *Per cent of lot occupancy.* No dwelling unit may occupy more than fifty (50) per cent of a lot. This does not include attached or detached utility, storage, garage, or a covered patio area that may protrude from the main building line.
- (c) *Side yard requirements:* A minimum of ten (10) feet shall be provided between all buildings separated by a lot line.
- (d) *Zero lot line:* Garden and cluster housing may be built with zero lot line on one side wall provided that there are no openings in any such wall and that a five-foot maintenance easement shall be provided adjacent to said wall.
- (e) *Special requirements:*
1. Any building established with garden or cluster housing which does not face directly on a public street shall be provided with access to a public street.
 2. All yard areas used for the drying of clothes shall be screened from view of the adjoining yards and lots.
 3. Two (2) parking spaces shall be provided either partially or wholly on or off the site of the garden or cluster housing unit.
- (f) *Material to be submitted for planning commission review:* All applicants for garden and cluster housing developments shall first submit architectural plans including details such as number, location, and orientation of dwelling units; plans for off-street parking and service areas; ingress and egress arrangements with a copy of the legal documentation for common ownership and public ownership to the department of planning and management for review and recommendation to the planning and zoning commission. Which commission, after due consideration at a public meeting, is hereby authorized and empowered to approve the said plans.

(Ord. No. 1985-48, 6-27-85; Ord. No. 1985-69, 10-24-85)

Sections 6-7, 6-8. Reserved.

Section 6-9. Reserved.

Editor's note: Ord. No. 1999-13, adopted February 25, 1999, repealed § 6-9. Formerly, said section pertained to requirements in UD-1 high density urban district. See the Code Comparative Table.

Section 6-10. Reserved.

Editor's note: Ord. No. 1999-13, adopted February 25, 1999, repealed § 6-10. Formerly, said section pertained to requirements in UD-2 high density urban district. See the Code Comparative Table.

Section 6-11. Reserved.

Editor's note: Ord. No. 1999-13, adopted February 25, 1999, repealed § 6-11. Formerly, said section pertained to requirements in UD-P, urban district pedestrian way. See the Code Comparative Table.

Section 6-12. Buffer areas:

- (a) *Definition.* A buffer area is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon.
- (b) *Purpose.* The purpose of a buffer area is to ameliorate any potential negative impact between adjacent land uses and streets, and promote land use compatibility.
- (c) *Location.* Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. For purposes of complying with this section, they shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any required front, side or rear yard setback. Where specified by this section, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.
- (d) *Design standards.* Three (3) types of buffer areas are required by this ordinance, Type A, Type B, and Type C. A description of each follows:
- (1) *Type A Buffer Area required.* The Type A area consists of low density landscaping between a proposed use and the adjacent street, providing separation between the two. The buffer area shall be a minimum width of five (5) feet. Per one hundred (100) lineal feet of frontage, the buffer area shall consist of a combination of not less than thirty-five (35) ornamental shrubs, two (2) canopy trees and four (4) understory trees.
 - (2) *Type "B" Buffer Area.* The Type B Buffer Area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of ten (10) feet. Per one hundred (100) lineal feet the screen shall consist of a combination of two (2) deciduous trees planted forty (40) to sixty (60) feet on center and eight (8) evergreen plants ten (10) feet on center.
 - (3) *Type "C" Buffer Area.* The Type C Buffer Area is a high density screen intended to exclude all visual contact between uses and to create spatial separation. The buffer areas shall be a minimum width of fifteen (15) feet. Per one hundred (100) lineal feet the screen shall consist of a combination of two (2) deciduous trees planted forty (40) to sixty (60) feet on center and seventeen (17) evergreen plants or understory trees planted in a double-staggered row ten (10) feet on center.
- (e) *Determination of buffer area requirements.* Buffer areas shall be required under the following circumstances:
- (1) *Type A Buffer Area required.* Wherever a multi-family building, mobile or manufactured home park, or nonresidential use is proposed a Type A Buffer Area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street, except for driveways and visibility angles.
 - (2) *Type B Buffer Area required.* Wherever a mobile home park, multi-family building, miniwarehouse, institutional or commercial use is proposed for a site or lot adjoining a single-family use or lot or parcel zoned for single-family use, a Type B Buffer Area shall be provided along the boundary of the adjoining residential property line.
 - (3) *Type C Buffer Area required.* Wherever an industrial, warehouse outdoor storage, or related use is proposed for a site or lot adjoining any residential use or residentially zoned district, a Type C Buffer Area shall be provided along the boundary of the adjoining residential property line. A Type C Buffer shall also be required for any new residential development or use to be located adjacent to any industrially used or industrially zoned property.
- (f) *Buffer area specifications:*
- (1) *Minimum installation size.* At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be not less than six (6) feet in height, and all deciduous (canopy) trees shall be not less than eight (8) feet in height, except for ornamental shrubs for Type A Buffer Areas.

(2) *Staggered planting.* Where required, evergreen and deciduous plant material shall be planted in at least two (2) rows and in an alternating fashion to form a continuous opaque screen of plant material.

(g) *Substitutions.* The following substitutions shall satisfy the requirements of this section:

(1) *Existing plant materials.* Existing trees of four (4) inches DBH (diameter breast high) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the zoning administrator and/or staff horticulturist.

(2) *Fence or wall.* Where, owing to existing land use, lot sizes, or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, the developer(s) may request and the zoning administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with provisions of this section.

An 8-foot wooden privacy fence or wall may be substituted for a Type "B" or Type "C" Buffer Area.

All fences and walls used as part of the buffer area requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate.

(h) *Exceptions.* Where property is screened by an existing building or wall, no additional buffering shall be required.

(i) *Responsibility.* It shall be the responsibility of the proposed new use to provide the buffer area where required by this ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such buffer area.

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

(k) *Use of buffer areas.* A buffer area may be used for passive recreation; however no plant material may be removed. All other uses are prohibited, including off-street parking.

(Ord. No. 1998-51, 5-28-98; Ord. No. 1998-85, 9-24-98; Ord. No. 1998-107, 12-22-98; Ord. No. 2002-080, 10-25-02; Ord. No. 2003-004, 1-23-03)

Section 6-13. Screening:

(a) *Definitions.* Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

(b) *Purpose.* The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

(c) *Where required.* Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for shipping containers, building materials, appliances, trash containers of four (4) or more cubic yards, salvage materials and similar unenclosed uses. Any existing trash container four (4) or more cubic yards that is not properly screened by 22 day of August, 2002 must come into

compliance within one year or prior to the renewal of the business license for the premises involved, whichever is sooner.

(d) *Type screening required.* Screening shall be accomplished by an opaque divide not less than eight (8) feet high. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the zoning administrator.

(Ord. No. 1998-51, 5-28-98; Ord. No. 1998-107, 12-22-98; Ord. No. 2001-057, 8-22-02)

Section 6-14. Landscaping:

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

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

(c) *Where required.* No proposed commercial, institutional, industrial or other nonresidential use shall hereafter be established or reestablished in an existing building or structure, and subsequently used unless landscaping and buffering are provided in accord with the provisions of this section and section 6-12. No existing building, structure or vehicular use area shall be reoccupied by a new use, or expanded or enlarged by fifty (50) per cent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site. Enlargement involving twenty (20) to fifty (50) per cent of the existing building shall meet the minimum requirements for the enlargement only. Enlargements involving less than twenty (20) per cent shall not be required to meet the landscaping requirements provided herein.

(d) *Landscaping plan.* A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
- (3) Identify all existing trees ten (10) inches DBH (diameter breast high) in required setback (yard) areas.
- (4) The landscape plan shall include the buffering plan.

(e) *Landscaping requirements.* Required landscaping shall be provided as follows:

- (1) Along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this article, to buffer and separate incompatible land uses. The amount of buffering is specified in section 6-12.
- (2) Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing ten (10) or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site.

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

TABLE INSET:

Use	Per Cent of Lot
Institutional	15
Industrial/wholesale/storage	5
Office/office warehouse	10
Commercial-retail-service	5

Buffer area landscaping may provide up to fifty (50) per cent of the above requirement. Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.

(f) *Landscaped areas:*

(1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six (6) inches in height. The barrier need not be continuous.

(2) Landscaped areas must be at least twenty-five (25) square feet in size and a minimum of three feet wide to qualify.

(3) Landscaped areas adjacent to parking spaces shall be landscaped so that no plant material greater than twelve (12) inches in height is located within two (2) feet of the curb or other protective barrier. (Plant material greater than twelve (12) inches in height would be damaged by the automobile bumper overhang or by doors swinging open over the landscaped areas).

(4) Planting of canopy trees is required at a rate of one tree per ten (10) parking spaces.

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

(Ord. No. 1998-51, 5-28-98; Ord. No. 1998-107, 12-22-98)

Section 6-15. Common open space:

(a) *Definition.* Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this ordinance. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of the open space, roads, or parking nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

(b) *Purpose.* The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

(c) *Where required.* The following uses/projects consisting of nine or more units shall provide common open space in the amounts prescribed:

TABLE INSET:

Proposed Uses/Projects	Common Open Space Ration (Per Cent Lot)
Cluster developments	15

Townhouse projects	15
Mobile/manufactured home parks	20
Multi-family projects	20

Note: Landscaped buffer areas provided to meet the requirements of section 6-12 for multi-family projects and mobile/manufactured home parks may be applied toward meeting above requirements if held in common ownership.

- (1) *New sites:* No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.
 - (2) *Existing sites:* No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.
- (d) *Common open space plan.* Proposed uses/projects set forth in section 6-15(c) shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:
- (1) Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
 - (2) Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.
 - (3) Specify the manner in which common open space shall be perpetuated, maintained and administered.
- (e) *Types of common open space and required maintenance.* The types of common open space which may be provided to satisfy the requirements of this ordinance together with the maintenance required for each are as follows:
- (1) Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
 - (2) Recreational areas are areas designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.
 - (3) Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances, or unhealthy conditions.
 - (4) Landscaped areas, lawns and required buffer areas, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two (2) per cent of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned, and weeded regularly.
- (f) *Preservation of open space.* Land designated as common open space may not be separately sold, divided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

- (1) Dedication of and acceptance by the city.
- (2) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.
- (3) Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the city may in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain the same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

(Ord. No. 1998-51, 5-28-98; Ord. No. 1998-107, 12-22-98)

Section 6-16. Tree protection:

(a) *Purpose.* The purpose of this section is to prevent the clear cutting of building sites, a practice which destroys the balance of nature, leads to sedimentation and erosion, contributes to air and water pollution, and unnecessarily robs the community of valuable natural resources.

(b) *Existing significant trees.* Because any healthy tree greater than ten (10) inches DBH (diameter breast high) is a valuable natural resource, by virtue of its age, size and contribution to the environment, all said trees meeting this measurement shall be referred to as "significant trees" and protected to the extent practical and feasible. All existing trees measuring ten (10) inches DBH or more shall be flagged and shown on the required plat of site plan for a building permit. To the extent possible, the siting of buildings and driveways shall avoid Grand Trees of twenty-five (25) inches DBH.

Any protected tree falling within the footprint of a proposed building or driveway may be cut without any replacement requirement unless it would reasonably be possible to otherwise site the building and/or driveway so as to avoid Grand Trees of twenty-five (25) inches DBH. No more than twenty-five (25) per cent of the existing trees ten (10) inches DBH outside the footprint of a building or driveway shall be felled and removed, except by order of the Zoning Administrator on the affirmative recommendation of the City Horticulturist owing to unique circumstances surrounding the development of property. No Grand Trees measuring twenty-five (25) inches DBH may be cut as a part of this twenty-five (25) per cent.

Where, due to unusual topographic conditions or circumstances peculiar to a given site, more than twenty-five (25) per cent of the trees to be preserved must be felled, the applicant shall develop a replacement plan to replace the total number of inches cut with replacement trees measuring not less than two (2) inches DBH. To the extent possible, said trees shall be integrated into the required landscaping and buffering.

After submitting a replacement plan exhausting all on-site replacement opportunities, if any, an applicant may, with the consent of the zoning administrator, pay into the tree replacement fund an amount to be determined by the city horticulturist not greater than the cost to acquire, install and maintain for a two-year period trees equivalent in their cumulative diameter at breast height otherwise required to be shown on a tree replacement plan.

(c) *Cutting, etc. of significant trees prohibited.* No person shall cut down, remove, relocate, damage, destroy, or in any manner abuse any significant tree on any lot or tract or public right-of-way in the city unless authorized by the terms of this section or unless approved by the zoning administrator.

(d) *Removal of existing (significant) trees.*

- (1) Unless otherwise specified herein, removal of existing significant trees shall be prohibited prior to securing a grading and/or building permit.

(2) In the event that a tree poses a severe or imminent threat to public safety or property, the zoning administrator or his designee may waive the requirements of this section. Written findings must later be issued, outlining the threat which initiated the removal. The zoning administrator or his designee may require inch for inch replacement of any trees, regardless of species, which are removed where it is determined that the threat resulted from negligence.

(3) Grand trees: Permitted removal or cutting of Grand Trees shall be followed by inch by inch replacement.

(4) Significant trees removed without permits.

(a) Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accordance with a replacement schedule approved by the board of zoning appeals. The zoning administrator or staff horticulturist shall recommend the number, species, DBH, and location of replacement trees, according to the following criteria:

(i) Combined DBH of replacement trees shall be equal to or greater than three (3) times the DBH of the tree removed, and

(ii) Individual replacement trees are of the largest reasonably transplantable DBH available, but in no event shall such replacements be smaller than two (2) inch DBH.

(b) Where significant tree removal is necessitated by emergencies or death and disease of trees due to natural causes, as determined by the zoning administrator or his designee, replacement will not be required.

(c) Development precautions. After the necessary permit approvals have been granted, and before any site work has begun, the developer shall cause protected trees to be marked with surveyor's flagging. During development, a minimum protective zone, marked by barriers not less than three (3) feet high, shall be established (erected) at the "drip line" and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, use of equipment/vehicles (operation, parking or storage), or storage of materials within this protected zone.

(f) *Exemptions.* Cutting of timber planted for commercial harvest.

(g) *Construction of section.* The provisions of this section shall not supersede the provisions of any other ordinance of the city which provides greater protection for trees.

(h) *Ashley River Scenic District.* For properties located in the Ashley River Scenic District, refer to special provisions governing development in that district for additional regulations.

(Ord. No. 1998-51, 5-28-98; Ord. No. 1998-107, 12-22-98; Ord. No. 2000-085, 12-14-00; Ord. No. 081, 10-24-02; Ord. No. 2006-45, 7-25-06)