

CYNTHIA B FORTE  
BERKELEY COUNTY  
REGISTER OF DEEDS

Po Box 6122 ~ Moncks Corner, SC 29461 (843) 719-4084

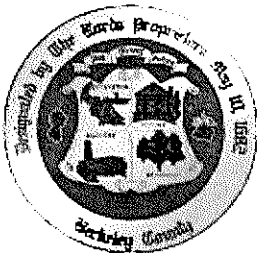
\*\*\* THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE \*\*\*



Instrument #:	2021009924	Return To:	CITY OF GOOSE CREEK
Receipt Number:	202411		519 N GOOSE CREEK BLVD
Recorded As:	RESOLUTION		GOOSE CREEK, SC, 29445
Recorded On:	March 03, 2021	Received From:	CITY OF GOOSE CREEK
Recorded At:	02:11:34 PM	Parties:	
Recorded By:	ROBIN MCMAKIN		Direct- CITY OF GOOSE CREEK
Book/Page:	RB 3714: 12 - 13		Indirect- CITY OF GOOSE CREEK
Total Pages:	2		

\*\*\* EXAMINED AND CHARGED AS FOLLOWS \*\*\*

Recording Fee: \$10.00  
Tax Charge: \$0.00



*Cynthia B. Forte*  
Cynthia B Forte - Register of Deeds

Doc# 2021009924  
Total Pages: 2

**RESOLUTION NO. 2021-001**

**A RESOLUTION**

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN EXTENSION OF THE TERMS OF AGREEMENT FOR THE EXISTING MACKEY TRACT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF GOOSE CREEK AND THE ESTATE OF EARL E. MACKEY**

**WHEREAS**, there is a current City of Goose Creek approved Development Agreement that shall expire on the 15<sup>th</sup> of March 2021, recorded with the Office of Register of Deeds for Berkeley County on the 17<sup>th</sup> day of March 2016, Book/Page: RB 2131:297-444; and,

**WHEREAS**, both parties mutually agree to extend the termination date, as is permitted in said Agreement, to continue the residential development currently in progress, in compliance with City Ordinances #02-004 and #15-001, and S.C. Code §6-31-100.

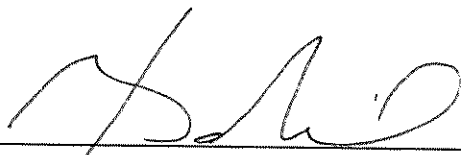
**BE IT RESOLVED** by the Mayor and City Council on the 9<sup>th</sup> day of February 2021, that the City Administrator is authorized to execute an extension for a period of 5 years, with the option for an additional 5-year extension, with no additional action, upon annual review and good faith compliance with the terms of the original agreement and annual review. A copy of said Agreement being attached hereto and made a part hereof as Exhibit "A".


Within fourteen (14) days after execution of this Agreement extension, the Property Owner shall record the Agreement with the Office of the Register of Deeds for Berkeley County and return a recorded copy to the City of Goose Creek.

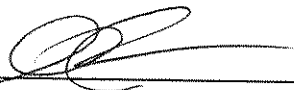
All ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective on the date of final reading.

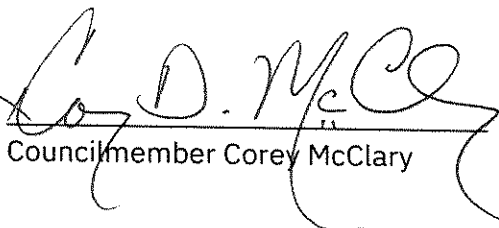
DONE this 9<sup>th</sup> day of February 2021.

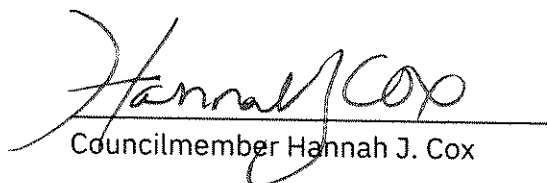
  
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Mayor Gregory S. Habib

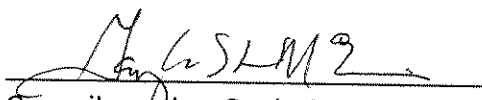
Attest:   
\_\_\_\_\_  
Kelly J. Lovette, MMC, City Clerk

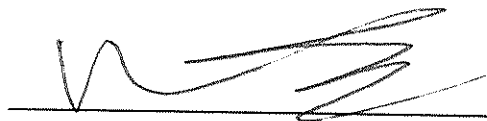
  
\_\_\_\_\_  
Mayor Pro Tem Jerry Tekac

  
\_\_\_\_\_  
Councilmember Debra Green-Fletcher

  
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Councilmember Corey McClary

  
\_\_\_\_\_  
Councilmember Hannah J. Cox

  
\_\_\_\_\_  
Councilmember Gayla S.L. McSwain

  
\_\_\_\_\_  
Councilmember Melissa Enos

CYNTHIA B FORTE  
BERKELEY COUNTY  
REGISTER OF DEEDS

Po Box 6122 ~ Moncks Corner, SC 29461 (843) 719-4084

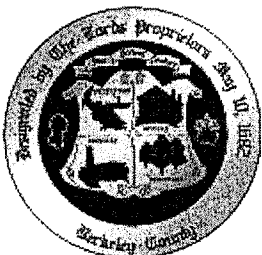
\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*



Instrument #:	2016007667	Return To:	CARLYLE BLAKENEY
Receipt Number:	15809		519 N GOOSE CREEK BLVD
Recorded As:	AGREEMENT		GOOSE CREEK, SC, 29445
Recorded On:	March 17, 2016	Received From:	CARLYLE BLAKENEY
Recorded At:	02:36:54 PM	Parties:	
Recorded By:	JENN LARA		Direct- MACKEY, EARL E
Book/Page:	RB 2131: 297 - 444		Indirect- GOOSE CREEK CITY OF
Total Pages:	148		

\*\*\* EXAMINED AND CHARGED AS FOLLOWS \*\*\*

Recording Fee: \$153.00  
Tax Charge: \$0.00



*Cynthia B. Forte*  
Cynthia B Forte - Register of Deeds

**MACKEY TRACT**

**DEVELOPMENT AGREEMENT**

**BETWEEN**

**THE CITY OF GOOSE CREEK**

**AND**

**THE ESTATE OF EARL E. MACKEY**



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**MACKEY TRACT  
DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
THE CITY OF GOOSE CREEK AND ESTATE OF EARL E. MACKEY**

**THIS DEVELOPMENT AGREEMENT DATED** March 15<sup>th</sup>, 2016 is entered into this the 15<sup>th</sup> day of March, 2016 by and between the City of Goose Creek, a municipal corporation organized and existing under the laws of the State of South Carolina and the Estate of Earl E. Mackey.

**RECITALS**

This Agreement is predicated upon the following:

1. The Code of Laws of South Carolina §6-31-10 through §6-31-160, inclusive, enable municipalities to enter into binding development agreements with persons or entities intending to undertake any development on real property containing certain minimum acreages of highland and having a legal or equitable interest in the real property to be developed. The City has adopted an ordinance pursuant to this legislation authorizing the City to enter development agreements;
2. Under Code S.C. §6-31-30, and pursuant to City Ordinances, the City Council of the City has adopted City Ordinance #02-004, establishing procedures and requirements for considering and entering development agreements;
3. Under S.C. Code §6-31-100 and City Ordinance #02-004, development agreements may be amended by mutual consent of the parties to the agreement;
4. Under S.C. Code §6-31-50, §6-31-60 and City Ordinance #15-001, the City conducted public hearings regarding its consideration of the Agreement on January 12, 2016 and on February 9, 2016 after publishing and announcing notice of its intent to consider this Agreement, all in satisfaction of provisions of S.C. Code §6-31-50 and City Ordinance #02-004; and
5. Under S.C. Code §6-31-60, §6-31-60(A)(7), §6-31-70 and City Ordinance #15-001, the City Council of the City of Goose Creek found that this Agreement is consistent with the City Comprehensive Plan and Land Development Regulations.

**NOW THEREFORE, the Parties agree:**

1. **Definitions**

In this Agreement, unless the word or phrase is non-capitalized:

- (a) "Agreement" means this Development Agreement, including the recitals and exhibits and appendices attached hereto.



- (b) Architectural Review Board (ARB) means the duly appointed Architectural Review Board of the City of Goose Creek.
- (c) "Association" means the property owners association to be formed prior to recordation of a Subdivision Plat by Property Owner.
- (d) "Building Development Standards" means minimum standards for the area, width, depth, accessory structures or uses, building Setback, and yard requirements, and the maximum standards for Height and building coverage, for Lots or Development Parcels.
- (e) "City" is the City of Goose Creek, South Carolina, a municipal corporation organized and existing under the laws of the State of South Carolina.
- (f) "County" is the County of Berkeley, South Carolina.
- (g) "Comprehensive Plan" means the comprehensive plan for the City adopted pursuant to City Ordinance # 99-003.
- (h) "Density" means the total number of Dwelling Units per acre permissible for a given use under the terms of this Agreement. No other density requirements are applicable to the Project.
- (i) "Development" means the planning for or carrying out of a building activity or mining operation, the making of a material change in the use or appearance of any structure or property, or the dividing of land into three or more parcels, and is intended by the Parties to include all uses of, activities upon or changes to the Real Property as are authorized by the Agreement.  
  
"Development" as designated in a land or development permit, includes the planning for and all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "Development" refers to the planning for or the act of developing or to the result of development. Reference to a specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this item.
- (j) "Development Parcel" means any parcel of land on which Development may occur, including platted Lots and unplatted parcels, but excluding street rights-of-way.
- (k) "Development Permit" includes a building permit, zoning permit, subdivision approval, rezoning certification, conditional use, variance, and certificate of occupancy or any other official action of Local Government having the effect of permitting the Development or use of property.
- (l) "Dwelling Unit" means one or more rooms, designed, occupied or intended for

occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit. Dwelling Unit does not include accessory buildings in the Tract. Dwelling Units include single-family homes, townhomes, condominiums and other multi-family units.

- (m) "Facilities" means major capital or community improvements including, but not limited to, transportation, sanitary sewer, solid waste, drainage, and potable water. The Property Owner is responsible for only those specific Facilities that Property Owner expressly undertakes to install in this Agreement. See Section 21.
- (n) "Finished Grade" means the average elevation of a Lot after site improvements. Height is measured from one foot (1') above Finished Grade.
- (o) "Height" means elevation from Finished Grade as measured in feet and/or stories, except when the slope of the applicable real property is irregular, the Height shall be the average of the elevations as measured at the four (4) corners of the building in feet and/or stories. Height in stories is the number of habitable floors (stories) exclusive of the area below the first finished floor.
- (p) "Impact Fees" means and refers to all fees, charges, dedications, obligations, or exactions of any kind whatsoever that may be imposed by the City under existing or future City Ordinances, existing or future state statutes, or as a matter of legal or equitable right arising, directly or indirectly, from any Development of the Real Property.
- (q) "Impervious Surface" means a surface which does not permit the absorption of storm water into the ground. This may include walkways and driveways which are impervious to storm water.
- (r) "Land Development Regulations" means ordinances and regulations enacted by the appropriate governing body for the regulation of any aspect of Development and includes, but is not limited to, Local Government zoning (including the Zoning Ordinance), rezoning, subdivision, building construction, occupancy, aesthetic, road, or sign regulations or any other regulations controlling the Development or use of property.
- (s) "Laws" means all ordinances, resolutions, regulations, Comprehensive Plans, Land Development Regulations, policies and rules, custom and usage (formal or informal) adopted by a Local Government affecting the Development of property and includes laws governing permitted uses of the property, governing density, and governing design, improvement, and construction standards and specifications, except as provided in §6-31-140(A).
- (t) "Lot Coverage" is the portion of the lot area, expressed as a percent (rounded to the nearest whole percent), that is covered by the maximum horizontal cross section of a building or buildings exclusive of eaves."

- (u) "Design Review Board" means the design review board as it pertains to uses on the Real Property to be formed prior to recordation of a Subdivision Plat by Property Owner.
- (v) "Covenants" means and refers to the Declaration of Covenants, Conditions, and Restrictions for all Properties developed within the Real Property to be prepared and recorded prior to recordation of a Subdivision Plat by Property Owner including any and all amendments and supplements thereto.
- (w) "Local Government" means any county, municipality, special district, or governmental entity of the State, county, municipality, or region established pursuant to law which exercises regulatory authority over, and grants Development Permits for land Development or which provides public Facilities.
- (x) "Lot" means Development Parcel identified in a Subdivision Plat recorded in the Office of the Register of Deeds for Berkeley County.
- (y) "Open Space" means any unimproved parcel or portion of a site which is set aside and reserved solely for public or private use and which is of substantial shape and size to provide an aesthetic, environmental, and recreational value to the residents of the subdivision and/or community.
- (z) "Parties" are the Property Owner and City.
- (aa) "Permitted Uses" or "Uses" means the specific land uses enumerated under the Zoning Ordinance and in Appendix II by which the Property shall be used and developed the Property Owner.
- (bb) "Planning Commission" means the Planning Commission for the City as created under the City's ordinances §101 et seq.
- (cc) "Project" is the Development that has occurred and will occur on the Real Property.
- (dd) "Property Owner" means the Estate of Earl E. Mackey, their successors in interest, or successors in title (as to any portion of the Real Property) and/or assigns by virtue of assignment or other instrument pursuant to Section 36 hereof. When used herein with reference to a specific Development Parcel, Lot, or specific portion of the Real Property, Property Owner shall mean and refer to that specific person or entity that has legal title to the Tract, Development Parcel, Lot, or specific portion of the Real Property. This definition of Property Owner shall not be understood to impose obligations, burdens, or liabilities on any of the particular person or entities comprising the Property Owner for portions of the Real Property not owned by them. Property Owner warrants that there is no other legal or equitable owner of the Real Property.
- (ee) "Real Property" is the real property referred to in Section 4 and includes any improvements or structures customarily regarded as part of real property. The

Property Owner reserves the right to include additional real property to be governed by the terms of this Agreement and upon sending written notice to the City of such purchase, the additional real property shall be included in the definition of Real Property.

- (ff) "Setback" means and refers to the minimum distance to the nearest adjacent property line when measured at right angles.
- (gg) "Single Family Detached Dwelling" means a building containing one Dwelling Unit that is not attached to any other Dwelling Unit and is surrounded by yards or open space.
- (hh) "Subdivision Plat" means a recorded graphic description of property (having its principal frontage upon an approved street or access) prepared and approved in compliance with the Zoning Ordinance as modified by Appendix I & Appendix III.
- (ii) "Tract" means that parcel constituting the Real Property as shown in Exhibit B.
- (jj) "Vested Units" means the total number of Dwelling Units per acre authorized on any portion of the Real Property by this Agreement.
- (kk) "Zoning Board of Appeals" or "ZBA" means the duly appointed Zoning Board of Appeals of the City of Goose Creek.
- (ll) "Zoning Ordinance" means the City of Goose Creek Zoning Ordinance, a copy of which is attached hereto as Appendix IV and incorporated herein by reference.

## 2. **Parties**

Parties to this Agreement are the Property Owner and the City. When used herein with reference to the Tract, Development Parcel, Lot, or other specific portion of the Real Property, Parties shall mean and refer to the City and that specific person or entity that has legal title to the Tract, Development Parcel, Lot, or specific portion of the Real Property. If portions of this Agreement apply to one or more, but not all, of the entities or persons comprising the Property Owner, those particular parties may be separately referred to.

## 3. **Relationship of the Parties**

This Agreement creates a contractual relationship among the Parties. This Agreement is not intended to create, and does not create, the relationship of master/servant, principal/agent, independent contractor/employer, partnership, joint venture, or any other relationship where the City or Property Owner may be held responsible for the acts of the other Party; furthermore, this Agreement is not intended to create, nor does it create, a relationship whereby the conduct of the Property Owner constitutes "state action" for any purpose.

## 4. **Legal Description of the Real Property**

The Real Property which is the subject of this Agreement is located in Berkeley County and identified as TMS #222-00-00-006 more specifically described by the following:

- (i) A legal description of the Real Property is set forth in Exhibit A.
- (ii) A map of the Real Property is set forth in Exhibit B.

The Real Property currently comprises 29.37 acres +/- consisting of 26.89 acres +/- of highland and 2.48 acres +/- of wetlands at the time of this Agreement.

The Property Owner reserves the right to include additional real property to be governed by the terms of this Agreement.

5. **The Property Owner**

(a) **Identity of Property Owner**.

Property Owner means the Estate of Earl E. Mackey, their successors in interest, or successors in title (as to any portion of the Real Property) and/or assigns by virtue of assignment or other instrument pursuant to Section 36 hereof. When used herein with reference to a the Tract, Development Parcel, Lot, or specific portion of the Real Property, Property Owner shall mean and refer to that specific person or entity that has legal title to the Tract, Development Parcel, Lot, or specific portion of the Real Property. This definition of Property Owner shall not be understood to impose obligations, burdens, or liabilities on any of the particular persons or entities comprising the Property Owner for portions of the Real Property not owned by them. Property Owner warrants that there are no other legal or equitable owners of the Real Property.

6. **Benefits and Burdens**

The City and Property Owner agree that the burdens of this Agreement bind, and the benefits of this Agreement shall inure to, each of them and to their successors in interest and, in the case of the Property Owner, their successors in interest, successors in title and/or assigns pursuant to Section 36 hereof. The City and the Property Owner enter this Agreement in order to serve benefits and burdens referenced in City Ordinance #02-004.

7. **Consistency with City's Comprehensive Plan and Land Development Regulations**

This Agreement is consistent with the City's Comprehensive Plan and Land Development Regulations.

8. **Development Agreement Governs**

Whenever express or implied substantive provisions of this Agreement are inconsistent or in conflict with the applicable standards set forth in the Ordinances of the City of Goose Creek or other Laws of a Local Government, the provisions and standards set forth in this Agreement shall

govern. This rule of interpretation shall replace that set forth in the City's Zoning Ordinance §151.210 with regard to the effect of "Interpretation and Conflict."

9. **Legislative Act**

This Agreement constitutes a legislative act of the City Council of the City. The City Council adopted this Agreement only after following procedures required by S.C. Code §6-31-10 *et seq.* and City Ordinance #02-004. This Agreement shall not be construed to create a debt of the City as referenced in S.C. Code §6-31-145. Any minor modificationse in the standards established by this Agreement shall require administrative approval by the City, subject to compliance with applicable statutory procedures and consistent with Section 10(a).

10. **Applicable Land Use Regulations**

(a) **Applicable Laws and Land Development Regulations.**

Except as otherwise provided by this Agreement or by S.C. Code §§6-31-10 *et seq.* and City Ordinance #02-004, the Law applicable to Development of the Real Property that is subject to this Agreement, are those in force at the time of execution of this Agreement Extension. The City shall not apply subsequently adopted Laws and Land Development Regulations to the Real Property or the Project unless the City has held a public hearing and has determined: (1) the proposed subsequent Laws or Land Development Regulations are not in conflict with the Laws or Land Development Regulations governing the Agreement and do not prevent the Development set forth in this Agreement; (2) the proposed subsequent Laws or Land Development Regulations are essential to the public health, safety, or welfare and the proposed subsequent Laws or Land Development Regulations expressly state that they apply to a development that is subject to a development agreement; (3) the proposed subsequent Laws or Land Development Regulations are specifically anticipated and provided for in this Agreement; (4) substantial changes have occurred in pertinent conditions existing at the time of approval of this Agreement which changes, if not addressed by the City, would pose a serious threat to the public health, safety, or welfare; or (5) this Agreement is based on substantially and materially inaccurate information supplied by the Property Owner.

(b) **Changes in City Procedure for Administering Current Regulations.**

During the term of this Agreement, the City may modify procedures or composition of entities that review various matters under the City's zoning and development procedures. If a review entity identified in the Current Regulations no longer exists, the parties shall agree upon an alternative review procedure. The alternative review procedure shall not be more demanding, restrictive or costly to the Property Owner than the procedure existing under the Current Regulations.

(c) **Applying New City Development Standards.**

In recognition of the fact that the City may, in the future, improve the City Zoning and

Land Development Regulations in existence at the Effective Date, Property Owner may notify the City Planning Director in writing that Property Owner voluntarily elects to be bound by the modified provision(s). Thereafter, the modified provision shall also apply to the Property and be considered part of the Current Regulations.

11. **Building Codes and Laws Other Than Land Use Regulations**

Notwithstanding any provision which may be construed to the contrary in this Agreement, the Property Owner must comply with any flood, building, housing, electrical, plumbing and gas codes subsequently adopted by the City or other governmental entity, as authorized by Chapter 9 of Title 6 of the South Carolina Code. This Agreement shall not be construed to supersede or contravene the requirements of any flood, building, housing, electrical, plumbing and gas codes subsequently adopted by the City or other governmental entity, as authorized by Chapter 9 of Title 6 of the South Carolina Code. The provisions of this Agreement are not intended, nor should they be construed in any way, to alter or amend in any way the rights, duties and privileges of the City to exercise governmental powers and pass laws not applicable to Development of the Real Property including, but not limited to, the power of eminent domain and the power to levy and collect taxes; provided, however, that Laws applicable to the Development of the Real Property shall be subject to Section 10(a).

12. **Permits for Development of the Real Property**

The Parties anticipate that local, state and/or federal permits will be needed to complete Development of the Project which may include, but are not limited to site plan reviews, plat approvals, clearing, grading and drainage permits, land disturbance permits, storm water permits, sanitary sewer and water plans, roadway encroachment permits, building permits and certificates of occupancy.

The failure of the Agreement to address a particular permit condition, term, or restriction does not relieve the Property Owner of the necessity of complying with the law governing the permit requirement, conditions, terms, or restrictions.

The City agrees to cooperate and support the efforts of the Property Owner to obtain any and all required permits from County, state and federal regulatory agencies governing development of the Project as long as such permit is consistent with the intent of this Agreement.

13. **Vested Rights Governing the Development of the Real Property**

(a) **Vested Rights.**

Subject to the provisions of Section 10(a) of this Agreement, all rights and prerogatives accorded the Property Owner by this Agreement shall immediately constitute vested rights for the Development of the Real Property. Section 10(a) of this Agreement does not abrogate any rights either preserved by S.C. Code §6- 31-140, City Ordinance #02-004, or that may have vested pursuant to common law and otherwise in the absence of a development agreement.

(b) The Tract.

The Real Property Tract which is subject to this Agreement is delineated on Exhibit B.

(c) Vested Rights for the Tract.

The Tract is entitled, as a vested right of the Property Owner, to the Building Development Standards, uses, Densities, Dwelling Units and other Development rights and prerogatives as set forth generally herein; these include the Vested Units and Vested Rights described in Section 15.

14. **Vested Rights as to Permitted Uses for the Tract**

(a) Uses.

All residential uses allowed under City ordinances as well as those listed in Appendix II shall be considered to be vested and permitted as a matter of right on the Real Property.

Appendix II shall also govern conditional uses on the Real Property.

(b) Mixed Uses.

If more than one permitted use in Appendix II applies to a Tract or portion of a Tract, the City shall allow different permitted land uses on a particular Lot or Development Parcel.

(c) Approval of Uses by Design Review Board.

Property Owner shall form the Design Review Board as described in Section 1. An applicant, prior to application to the City for a variance or request for a conditional or accessory use, must submit such request to the Design Review Board; thereafter, the Design Review Board in accordance with procedures promulgated by Property Owner may approve or disapprove (in its sole discretion) such application for variances and requests for conditional or accessory uses. If approved, the applicant may then apply to the City for such variance or request for conditional or accessory use pursuant to this Development Agreement and the Zoning Ordinance. The Design Review Board may approve such applications, with or without conditions. Determinations of applications for variances, conditional or accessory uses and/or interpretations shall be made in writing by the Design Review Board and copied to the City. The City's subsequent review and approval or denial of the application will be the final determination. Property Owner shall determine the size and composition of the Design Review Board and may adopt more specific guidelines for such Design Review Board.

15. **Vested Rights Governing the Development of the Tract**

(a) Permitted Uses.



The Permitted Uses are defined in Appendix II.

(b) Total Dwelling Units / Density.

The total number of Dwelling Units shall be not exceed 4.5 units per net acre. Accessory buildings shall not be counted toward this cap.

(c) Building Development Standards.

Lot area, lot width, lot depth, lot coverage, height, setback and yard requirements shall be in accordance with Appendix III.

16. **Parking/Loading Areas**

(a) Parking and Loading Areas.

The landscaping, design, configuration, number, size, location, lighting, and materials for parking and loading requirements shall be governed by the standards set forth in the Zoning Ordinance as amended by this Agreement. All off-street parking shall have direct access to a street, road, alley, or access easement.

17. **Height/First Finished Floor**

(a) Height.

Buildings and other structures shall not exceed the Height from Finished Grade specified in the Zoning Ordinance or as described in Appendix III of this Agreement. Chimneys, antennae, ventilation pipes, and uninhabitable space (such as architectural elements above the highest ceiling, including sloping roofs), are not considered in determining Height.

(b) First Finished Floors.

The first finished floor of all Dwelling Units and all non-residential improvements shall be no lower than the lowest finished floor elevation permitted by the City's Flood Hazard Controls, §151.081. The City agrees to allow the Property Owner to flood proof all buildings in the A-Zone in lieu of elevating the first finished floor in accord with City Ordinance §151.081 et seq. for non-residential buildings.

18. **Buffers, Fencing, and Signage**

(a) Buffers, Bufferyards, and Screening.

The Project has been designed with natural and manmade transitions between adjacent or adjoining parcels with differing use intensities. There shall be a requirement for internal buffering or screening between portions of the Real Property with different uses and/or

densities per the City Zoning Ordinance §151.085. The Zoning Administrator may allow changes to the requirements of §151.085 when the strict adherence to the Ordinance causes undue hardship or where natural buffering is deemed sufficient for the proposed uses and/or densities.

(b) Signage.

All signs on the Project (on premises and off premises) shall be governed by guidelines for signage adopted by the Property Owner and the Zoning Ordinance as amended by Appendix I.

19. **Trees**

The City's tree protection ordinances, including, but not limited to, §151.080 et seq., shall apply, as modified by the provisions of Appendix I. Clear cutting is strictly prohibited. Any timbering activities must comply with any and all laws, codes, and regulations of the State of South Carolina.

20. **Impact Fees / Exactions**

(a) Amount / No Other Impact Fees.

The City agrees that the only Impact Fees or exactions of any kind as a result of the Development of the Real Property shall be the fees imposed by its Ordinances §151.087 et seq. of the Zoning Ordinance and those prevailing fees charged by the City's Department of Public Works. The City agrees that the fees required under §151.087 et seq. and by the City's Public Works, along with the improvements, parks, recreational areas, and facilities required by this Agreement, and existing improvements and facilities, shall satisfy all current and future obligations of the Property Owner for impacts and Impact Fees from the Development of the Property and for monetary exactions and/or the provision or dedication of lands on the Real Property. If City Ordinance §151.087 et seq. (or the rate schedule of the City's Department of Public Works) is amended to decrease these fees, the Property Owner shall have the benefit of such decrease, as of the effective date of such amendment. The Parties agree that the Property Owner need not perform any further impact assessment of the Project.

(b) Property Improvements

The Property Owner shall cooperate with the City to determine the feasibility of donating certain wetlands on the Property to the City for open space conservation; such donation shall be subject to reserved rights of the Property Owner with regards to the wetlands.

21. **Facilities and Services**

Although the nature of this long term Project prevents the Property Owner from now providing exact completion dates, the Property Owner certifies that the following services and Facilities

will be in place (or if not fully in place, the cost of their construction fully bonded or letter of credit posted pursuant to the City's Zoning Ordinance, as modified by this Agreement, including, without limitation, Appendix I, Appendix II, Appendix III, Appendix IV), at the times provided below and as to roads, sewer, and water infrastructure, at the times Lots or Dwelling Units in subdivided real property are offered for purchase to the public. Subject to compliance with applicable Laws and with all provisions of this Agreement, the City hereby authorizes the Property Owner to install the Facilities which it has undertaken to provide herein.

(a) Roads.

The Property Owner shall at its expense develop and provide roads and their related infrastructure. Property Owner retains the right to determine the location of curb cuts, provided the Property Owner has a qualified engineer determine that their location does not present a significant safety hazard. The location of any internal connecting streets between parcels shall be in the Property Owner's discretion. All development of roads and curb cuts are subject to the review and approval of the Berkeley County Engineering Office and shall be built and maintained in accordance with the requirements of Berkeley County.

(b) Water and Sewer.

The service and facilities for water and sewer shall be provided by Berkeley County Water and Sanitation Authority.

(c) Drainage.

(i) Adequacy / Compliance.

Property Owner shall provide adequate drainage for the development of the project in accordance with the City's Ordinances and Berkeley County requirements for acceptance, except as amended herein, and other applicable regulatory guidelines, including those of the Department of Ocean and Coastal Resource Management.

Property Owner agrees to dedicate all drainage easements after completion to the County for acceptance and maintenance.

(ii) Easements.

Property Owner will convey drainage easements to the County in a form of easement mutually acceptable to the parties.

(iii) Maintenance / Clearance.

Property Owner shall have the right to place plantings, fencing, signs, parking lots, and anything else that is not a habitable structure within the drainage

easements, if approved by Berkeley County, provided they do not impair drainage and provided Property Owner will timely and competently clean around these if requested by the City and/or County.

(d) Streetlights.

The Property Owner shall have the right to decide the location and number of streetlights; provided, however, there shall be one light fixture per six (6) dwellings. The Property Owner will pay all streetlight installation expenses above those normally paid by the City. The City will pay the electricity consumption charges for one light fixture per six (6) dwellings, unless the City's overall streetlight policy changes to pay the electricity charges for an increased number of streetlights per dwelling, in which event the City agrees that the Property Owner shall be treated the same and receive the benefit of this change. City will also pay for the electricity charges for all streetlights located in a public right-of-way.

Lighting for non-residential uses shall be as provided in the Zoning Ordinance as amended by this Agreement.

(e) Open Space / Trails / Sidewalks.

Open Space within Project shall meet the requirements outlined in Appendix I.

There shall be no requirement as to the number, size, configuration, lighting, location, and path surfaces of sidewalks and trails throughout the Project, except Property Owner shall build sidewalks on each side of each street. Property Owner shall submit pedestrian path / trail plan to the City's planning and zoning staff for approval. The City shall not unreasonably withhold approval. Should City desire to build additional extensions of the trail system or to connect same to the City's system of trails, bike paths, and sidewalks, Property Owner agrees to cooperate in the donation of easements for such purpose.

Sidewalks shall be constructed in a manner that meets the requirements of the Americans with Disabilities Act ("ADA").

(f) Utility Easements.

Property Owner shall furnish necessary easements for water, sewer, gas, electricity, telephone, cable television, and other utilities. Adequate easements for utilities shall be reserved by Property Owner in conveyances of Lots, Dwelling Units, and Development Parcels. The location and size of such easements shall be in the discretion of the Property Owner.

All utilities shall be installed underground within the Real Property unless approved by the City.

(g) Stoplights and Street/Traffic Control and Other Street Signage.

The Property Owner shall have the authority to determine all street and traffic control signs. All traffic control signs must meet the standards of the South Carolina Department of Transportation. Property Owner will cooperate, if requested, in assisting the City and neighboring communities in obtaining traffic signal(s).

(h) Sanitation Services.

The City will provide the curbside garbage and trash pick-up service to the Project that is common and customary to other residential subdivisions in the City.

(i) Law Enforcement Services.

(i) Police Protection.

The City agrees that it will furnish standard police patrolling and monitoring throughout the Project.

(ii) Animal Control.

The City agrees to provide standard animal control services including having its animal control officers patrol the Project. The City agrees that these animal control officers, when on duty and available, shall respond in a standard prompt manner to requests from residents within the Project.

22. Archeological and Historic Sites / Wetlands / Endangered Species

Subject to the provisions of S.C. Code §6-31-80, the Parties agree as follows:

- (a) The archeological investigation commissioned or to be commissioned by Property Owner shall govern all matters dealing with archeology and history on the Real Property. The City shall not require the Property Owner to take steps beyond those outlined in that archeological investigation.
- (b) The City agrees that the permits to impact wetlands obtained or to be obtained by the Property Owner from federal and/or state regulatory agencies shall serve as the controlling document between the Property Owner and the City as to the impacting of wetlands specified in the permit.
- (c) The City agrees that it shall not require any further endangered species studies beyond those performed or to be performed by Property Owner.

23. Development Schedule for The Project

The Parties acknowledge that the development of the Project will occur in multiple phases with the number of residential units constructed in any given year subject to real estate market

conditions. The Property Owner estimates that completion of site work, related infrastructure and homebuilding to occur in 2021.

24. **Term of the Agreement**

This Agreement shall expire five (5) years from the date of its execution. Nothing in this Agreement shall be interpreted to preclude the Parties from extending the termination date by mutual agreement or from entering into subsequent development agreements. The Property Owner shall have the unilateral right to include additional real property to be governed by this Agreement. The Property Owner agrees to send written notice to the City of its election to add additional real property to be governed by this Agreement, which shall be delivered prior to five (5) years from the date of the execution of this Agreement.

25. **Amending or Canceling The Agreement**

Subject to the provisions of City Ordinances #02-004 and #04-010, this Agreement may be amended or canceled in whole or in part only mutual consent of the Parties in writing or by their successors in interest and, in the case of the Property Owner, its successors in title.

Any amendment to this Agreement shall comply with the provisions of #02-004 and #04-010. If an amendment affects less than all the persons and entities comprising the Property Owner, then only the City and those affected persons or entities need to sign such written amendment. Because this Agreement constitutes the plan under the Zoning Ordinance, minor modifications to the site plan or development provisions may be made in accord with S.C. Code §6-29-740 (Cum.Supp. 2001) without a public hearing or amendment to applicable ordinances.

No amendment to this Agreement shall be required should the Property Owner elect to exercise its unilateral right to include additional real property to be governed by this Agreement (See Section 4).

Any requirement of this Agreement requiring consent or approval of one of the Parties shall not require amendment of this Agreement unless the text expressly requires amendment. Wherever said consent or approval is required, the same shall not be unreasonably withheld. A major modification of this Agreement shall occur only after public notice and a public hearing by the City.

26. **Modifying or Suspending The Agreement**

In the event state or federal laws or regulations prevent or preclude compliance with one or more provisions of this Agreement, the pertinent provisions of this Agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

27. **Periodic Review**

The Zoning Administrator of the City, or, if the City has no Zoning Administrator, an appropriate officer of the City, shall review the Project and this Agreement at least every twelve

months, at which time the Property Owner shall demonstrate good faith compliance with the terms of this Agreement.

If, as a result of its periodic review, the City finds and determines that the Property Owner has committed a material breach of the terms or conditions of this Agreement, the City shall serve notice in writing upon the Property Owner setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the Property Owner a reasonable time in which to cure the material breach.

If the Property Owner fails to cure any material breach within the time given, then the City unilaterally may terminate or modify this Agreement; provided, that the City has first given the Property Owner the opportunity: (1) to rebut the City's finding and determination; or (2) to consent to amend this Agreement to meet the concerns of the City with respect to the findings and determinations.

28. **Severability**

Subject to the provisions to City Ordinance #02-004, if any word, phrase, sentence, paragraph or provision of this Agreement shall be finally adjudicated to be invalid, void, or illegal, it shall be deleted and in no way affect, impair, or invalidate any other provision hereof.

29. **Merger**

This Agreement, coupled with its Exhibits and Appendices which are incorporated herein by reference, shall state the final and complete expression of the Parties' intentions. All prior negotiations and representations are superseded and merged herein.

30. **Cooperation**

The parties hereto agree to cooperate with each other to effectuate the provisions of this Agreement and to act reasonably and expeditiously in all performance required under the Agreement.

In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the Parties hereby agree to cooperate in defending such action. Such cooperation does not require, in the event of such challenge, that a Party to this Agreement pay for the expense of litigation for any other Party.

31. **Governing Law**

This Agreement shall be construed and enforced in accordance with the laws of the State of South Carolina.

32. **Remedies / Nonbinding Arbitration**

If there is a material breach of this Agreement, the non-breaching party may pursue all available

legal and equitable remedies. Each Party recognizes that the other Party would suffer irreparable harm from a material breach of this Agreement and that no adequate remedy at law may exist to enforce this Agreement. Consequently, the Parties agree that any non-breaching Party who seeks enforcement of the Agreement is entitled to seek the equitable remedies of injunction and specific performance.

If there is a dispute between the City and the Property Owner concerning the terms, meaning, interpretation, or rights or obligations under this Agreement, the Parties agree to submit such issue(s) to prompt nonbinding arbitration before invoking legal proceedings. This nonbinding arbitration shall be initiated by one Party's notifying the other in writing of the dispute and that Party's request for nonbinding arbitration as described herein. Each side shall within five days of receipt of such notice pick an arbitrator and these two arbitrators shall pick a third. The Parties shall then promptly convene a conference with the arbitration panel and present their positions. In this conference the rules of evidence and other legal formalities shall not apply; positions may be stated and need not be presented through testimony, exhibit, or evidence. The majority of the arbitrators shall promptly render their decision. Upon the rendering of the arbitration panel's decision, either side may then immediately pursue proceedings for legal or equitable remedies. The Parties shall each bear the cost of its appointed arbitrator and split equally the cost of the third arbitrator and any separate expenses associated with the arbitration conference.

33. **Recording**

Within fourteen (14) days after execution of this Agreement, the Property Owner shall record the agreement with the Office of the Register of Deeds for Berkeley County. The burdens of this Agreement are binding upon, and the benefits of this Agreement shall inure to, all successors in interest and assigns of the Parties to this Agreement.

34. **Third Parties**

Notwithstanding any provision herein to the contrary, this Agreement shall not be interpreted to create or bestow any rights, remedies, or obligations on persons or entities that are not Parties or successors and assigns to this Agreement under Section 36.

35. **City Determination Relating to the Project**

The City Council has approved the Project and the Agreement under the process set forth in #02-004 of the City's Ordinances and the Extension with Modifications as set forth in #15-001.

36. **Successors and Assigns**

(a) **Binding Effect.**

This Agreement shall be binding on the personal representatives, successors, and assigns of the Property Owner in the ownership or Development of any portion of the Real Property or the Project. A purchaser or other successor in title of any portion of the Real Property shall be responsible for performance of Property Owner's obligations hereunder



as to the portion of the Real Property so transferred. Property Owner shall be released from obligations under this Agreement upon the sale of Lots, Development Parcels, and individual pad sites in the property conveyed.

(b) Transfer of Real Property.

Property Owner shall be entitled to transfer any portion or all of the Real Property to a purchaser(s) and assign its rights and obligations under this Agreement, subject to the following exceptions:

(i) Transfer by Property Owner / Notice to City.

The Property Owner shall notify the City in writing prior to transfer of all the land or a portion of the land comprising the Real Property. With respect to such transfer, the Property Owner's assignment of rights and obligations under this Agreement (and the transferee's assumption thereof) shall require review and written approval by the City. The City's decision as to whether to approve such assignment shall solely be based upon the proposed transferee's financial ability to perform the obligations of this Agreement. The approval of such assignment shall not be unreasonably withheld by the City as this Agreement serves as a restrictive covenant on the Property; thereby, requiring transferee to fully perform the obligations of this Agreement.

If the City does not respond to such request within fifteen (15) days of the time of its receipt, the assignment described above will be deemed approved by the City.

(ii) Transfer of Facility and Service Obligations / Notice to City.

If the Property Owner transfers any portion of the Real Property on which the Property Owner is required to provide and/or construct certain Facilities or provide certain services, distinct from those provided throughout the Project and which are site specific to the portion of the Real Property conveyed, then the Property Owner shall be required to obtain a written agreement from the purchaser expressly assuming all such separate responsibilities and obligations with regard to the parcel conveyed and the Property Owner shall provide a copy of such agreement to the City.

(iii) Mortgage Lenders.

Notwithstanding anything to the contrary contained herein, the exceptions to transfer contained in this Section 36 shall not apply; (i) to any mortgage lender either as the result of foreclosure of any mortgage secured by any portion of the Real Property or any other transfer in lieu of foreclosure; (ii) to any third party purchaser at such a foreclosure; or (iii) to any third party purchaser of such mortgage lender's interest subsequent to the mortgage lender's acquiring ownership of any portion of the Real Property as set forth above. Furthermore,

nothing contained herein shall prevent, hinder or delay any transfer of any portion of the Real Property to any such mortgage lender or subsequent purchaser shall be bound by and shall receive the benefits from this Agreement as the successor in title to the Property Owner in accordance with Section 6 hereof.

(c) Release of Property Owner.

In the event of the sale or other conveyance of all or a portion of the Real Property and compliance with the conditions set forth herein, the Property Owner shall be released from any further obligations with respect to this Agreement as to the portion of the Real Property so transferred, and the transferee shall be considered as substituted as the Property Owner under the Agreement as to the portion of the Real Property so transferred.

(d) Estoppels Certificate.

Upon request in writing from an assignee or the Property Owner to the City sent by certified or registered mail or publicly licensed message carrier, return receipt requested, the City will provide a certificate in recordable form that solely with respect to the portion of the Real Property described in the request, there are no violations or breaches of this Agreement, except as otherwise described in the Certificate. The City will respond to such a request within thirty (30) days, unless a longer time is mutually agreed to in writing by the Parties, of the receipt of the request, and may employ such professional consultants, municipal, county and state agencies and staff as may be necessary to assure the truth and completeness of the statements in the certificate. The reasonable costs and disbursements of private consultants will be paid by the person making the request.

If the City does not respond to such request within thirty (30) days of the time of its receipt, the portion of the Real Property described in the request will be deemed in compliance with all of the covenants and terms of this Agreement. A certificate of such conclusion may be recorded by the Property Owner, including a copy of the request and the notice of receipt and it shall be binding on the City as of its date. Such notice shall have the same effect as a Certificate issued by the City under this Section (d).

37. Force Majeure

If by reason of Force Majeure, either party hereto shall be rendered unable, in whole or in part, to carry out its obligations under this Agreement, then and in that event, said party shall give notice in writing to the other party within a reasonable time thereafter giving the full particulars of such Force Majeure. The obligations of the party so affected shall be thereupon suspended and such suspension shall continue during the period in which such inability continues; provided, however, the disabled party shall endeavor with all reasonable dispatch to remove or overcome such an inability.

The term "Force Majeure" as employed herein shall means Acts of God, strikes, lockouts, or

other industrial disturbances, acts of public enemy, orders of any kind of Government of the United States or the State of South Carolina or any military authority, insurrection, riots, epidemics, earthquakes, fires, storms, hurricanes, floods, washouts, droughts, arrest and restraints of government and people, civil disturbances, explosions, breakage or damage to machinery, canals, tunnels or pipelines, and inability of other party to perform under the terms of this Agreement for any reason or cause not reasonably within the control of the party claiming such inability.

38. **General Terms and Conditions**

(a) **Agreements to Run with the Land.**

This Agreement shall be recorded against the Real Property as described in Exhibit A. The agreements contained herein shall be deemed to run with the land. The burdens of this Agreement are binding upon, and the benefits of the Agreement shall inure to, all successors to and assigns of the Parties to the Agreement, as set forth in Section 36.

(b) **State and Federal Law.**

The Parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. In the event state or federal laws or regulations prevent or preclude compliance with one or more provisions of the development agreement, the provisions of this Agreement shall be modified or suspended as may be necessary to comply with state or federal laws or regulations. The Parties further agree that if any provision of this Agreement is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect.

(c) **No Waiver.**

Failure of a Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such Party to exercise at some future time said right or any other right it may have hereunder. Any amendments are subject to Section 25 herein.

(d) **Entire Agreement.**

This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both Parties to this Agreement.

(e) **Attorney's Fees.**

Should any Party hereto employ an attorney for the purpose of enforcing this Agreement,

or any judgment based on this Agreement, for any reason or in any legal proceeding whatsoever, including insolvency, bankruptcy, arbitration, declaratory relief or litigation, including appeals or rehearings, the prevailing Party shall be entitled to receive from the other Party thereto reimbursement for all attorneys' fees and all costs and expenses. Should any judgment of final order be issued in that proceeding, said reimbursement shall be specified therein.

(f) Notices.

All notices hereunder shall be given in writing by certified mail, postage prepaid, at the following addresses:

To the City:

With copies to:

Mayor  
City of Goose Creek  
519 N. Goose Creek Blvd.  
Goose Creek, SC 29445

Planning Administrator  
City of Goose Creek  
519 N. Goose Creek Blvd.  
Goose Creek, SC 29445

City Administrator  
City of Goose Creek  
519 N. Goose Creek Blvd.  
Goose Creek, SC 29445

To the Property Owner:

Estate of Earl E. Mackey  
Attention: Annie Morris  
P.O. Box 1336  
Folly Beach, SC 29439

(g) Execution of Agreement.

This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other Party within seven (7) days of receipt of said facsimile copy.

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**EXHIBIT A**

**REAL PROPERTY DESCRIPTION**

## Legal Description

All that certain piece, parcel of lot of land, with the buildings and improvements thereon, situate, lying and being near the Town of Summerville, in the county of Berkeley and State of South Carolina, and shown and designated as tract "A" on a plat by John David Bass, Dated June 1, 2015. Recorded in Cabinet S pg. 133-A. Having such boundaries, courses, metes, distance as are afore mentioned;

Commencing at the southernmost intersection of U.S. Hwy 17-A ( North Main Street) and S-8-61 (Old Summerville Road), Thence following the center line of S-8-61 for approximately 1426 feet to a point; thence at a ninety degree angle northward to the 33 foot northern right-of-way of S-8-61 to a iron pin, being the point of beginning of said tract of land, having state plane coordinates N 443040.03, E 2270710.09, and being the eastern right-of-way of Apryl Lane; thence, along the northern right-of-way of S-8-61, N 46°49'00" E for 126.18 feet to an iron pin; thence, continuing along the northern right-of-way line of S-8-61 along a curve to the right having a radius of 1088.27 feet, an arc length of 314.06 feet, a delta angle of 16°32'05", subtended by a chord distance of 312.98 feet bearing N 54°51'26" E to an iron pin, thence along the western property line of lands of Samantha A. Belken, N 31°46'11" W for 227.31 feet to an iron pin; thence, along the western property line of lands of Earl R. Mackey, N 30°03'04" W for 349.77 feet on an iron pin, thence, along the northern property line of lands of Earl R. Mackey, N 57°51'02" E for 324.18 feet to an iron pin; thence, along the western property line (fence line) of lands of Carnes Crossroads Associates, LLC, N 47°00'30" W for 518.93 feet to an iron pin; thence, continuing northward along the fence line and the western property line of Carnes Crossroads Associates, LLC, N 47°40'09" W for 359.79 feet to an iron pin; thence, along the separation line between the two tracts of land owned by the Earl E. Mackey Estate, S 40°35'49" W for 1324.15 feet to an iron pin; thence, along the eastern property line (fence line) of the subdivision known as Dubard Acres, S 61°51'17" E for 459.88 feet to an iron pin; thence, continuing southward along the fence line of the eastern property line of Dubard Acres, S 62°13'43" E for 232.83 feet to an iron pin; thence, continuing southward along the fence line of the eastern property line of land of Deborah B. Dukes Ham, S 61°53'02" E for 417.46 feet to an iron pin; thence, along the northern property line of lands of William E. Cofield, N 50°53'17" E for 158.94 feet to an iron pin; thence, along the eastern property line of lands of William E. Cofield and the western right-of-way of Apryl Lane, S 36°25'25" E for 128.97 feet to an iron pin; being the point of the beginning of said tract and being on the northern right-of-way of S-8-61.

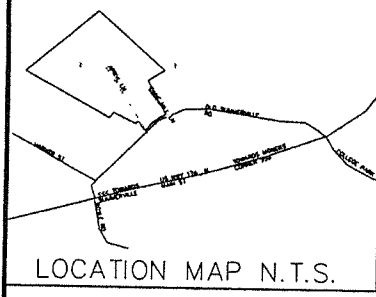
Said tract subject to any and all restrictive covenants and easements recorded or unrecorded in the RMC office of Berkeley.

**EXHIBIT B**

**MAP OF THE REAL PROPERTY**

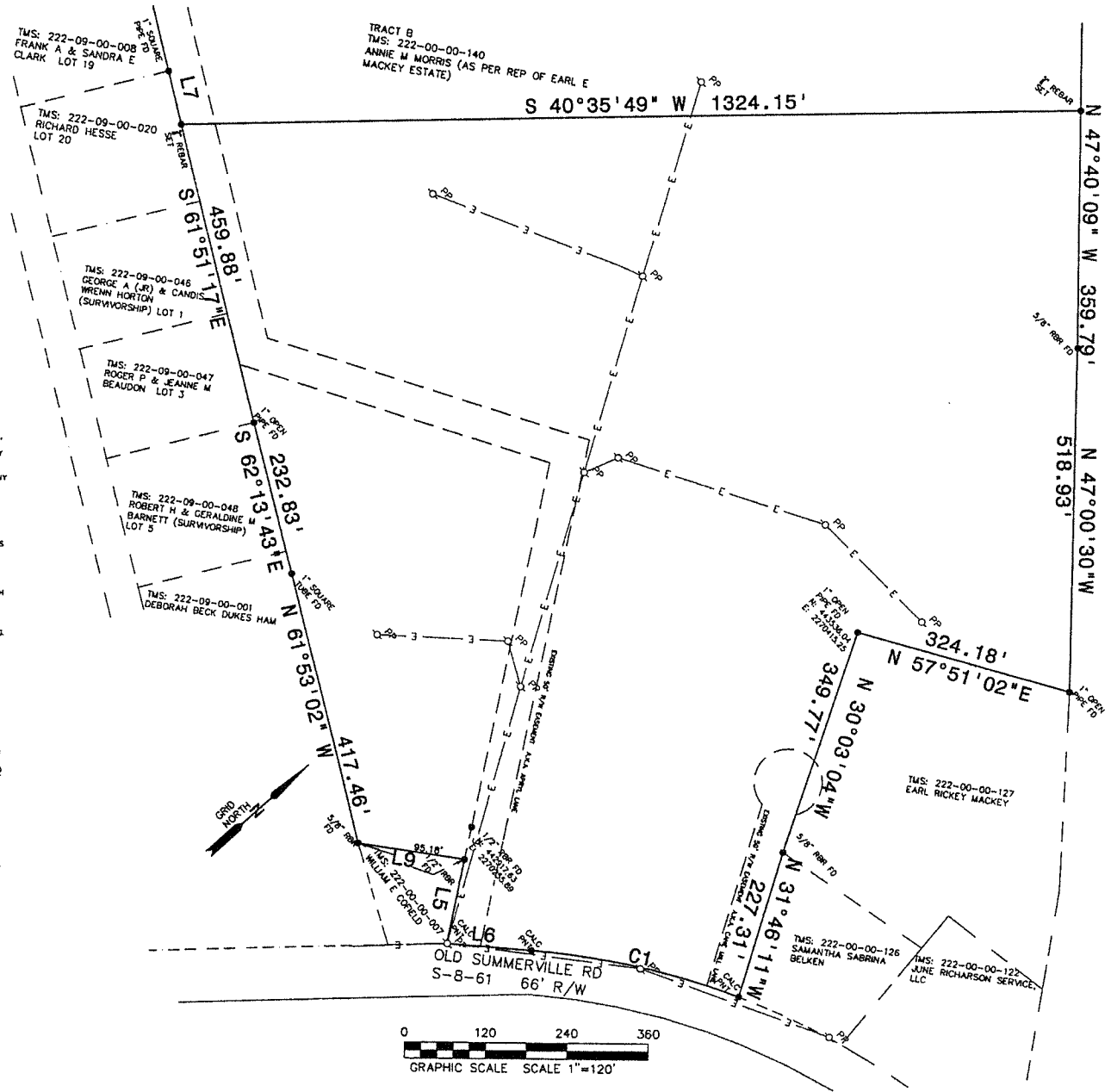


# BOUNDARY SURVEY SHOWING TMS: 222-00-00-006, OF EARL E & LILY MAE MACKEY ESTATE



Course	Bearing	Distance
L5	S 38°25'12" E	158.87'
L6	N 48°49'00" E	126.18'
L9	S 56°59'17" W	158.84'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DATA ANGLE
C1	1,088.27'	314.06'	317.87'	S 34°31'24" W	123.32°05'



**NOTES**

- 1) THE NO. 222-00-00-006
- 2) ZONED FLEX1
- 3) THIS PROPERTY IS LOCATED IN FLOOD ZONE X, AS PER FIRM PANEL NO. X-15-C 09800 DATED OCTOBER 18, 2003
- 4) THIS PROPERTY WAS SURVEYED BY REFERENCE PLATS AND FIELD INFORMATION. NO TITLE SEARCH WAS PERFORMED BY ME NOR THE COMPANY AS TO THE CLEAR TITLE TO THE PROPERTY.
- 5) THIS PROPERTY MAY BE SUBJECT TO OTHER UTILITY EASEMENTS, SUCH AS STORM SEWER, SANITARY SEWER, ELECTRIC, AND/OR TELEPHONE, THAT WERE NOT FOUND BY THE REFERENCE DEEDS OR PLATS NOTED HEREON. THIS PLAT DOES NOT DEFINE OR ADDRESS ANY SUBTERRANEAN CONDITIONS OF ANY OF THESE EASEMENTS, UNLESS NOTED SPECIFICALLY HEREON.
- 6) IF THE SIGNATURE UPON THIS PAPER IS HOT IN RED INK ALONG WITH A RAISED EMBOSSED SEAL THIS DOCUMENT IS NOT AN ORIGINAL SURVEY. VIEWER MAY BE WAARY OF ITEMS THAT HAVE ADDED AND OR CHANGED FROM THE ORIGINAL DRAWING.

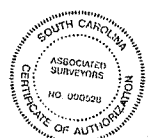
**REFERENCE**

- 1) PLAT BY A DENNIS, DATED FEBRUARY 28, 1906
- 2) PLAT BY JOHN DAVID BASS, DATED SEPTEMBER 13, 2002
- 3) PLAT BY JOHN DAVID BASS, DATED JULY 18, 2003 RECORDED IN PLAT CABINET D PAGE 73-D, OCTOBER 10, 2003
- 4) PLAT BY C.E. DROZDZ, DATED NOVEMBER 20, 1987, RECORDED IN PLAT CABINET C PAGE 301, NOVEMBER 28, 1987
- 5) PLAT BY W.L. STEPHENS JR., DATED JANUARY 30, 1991, RECORDED IN PLAT CABINET I PAGE 126, FEBRUARY 12, 1991
- 6) PLAT BY W.W. LELAND, DATED MARCH 1, 1957, RECORDED IN PLAT CABINET K PAGE 18, MARCH 8, 1957
- 7) PLAT BY JOHN DAVID BASS, DATED OCTOBER 4, 2004, REVISED NOVEMBER 20, 2004, RECORDED IN PLAT CABINET H PAGE 230F
- 8) PLAT BY JOHN DAVID BASS, DATED FEBRUARY 8, 2012, RECORDED IN PLAT CABINET P PAGE 62R, FEBRUARY 10, 2012
- 9) PLAT BY JOHN DAVID BASS, DATED JUNE 1, 2015, RECORDED IN PLAT CABINET S PAGE 133-A

NEAR THE TOWN OF SUMMERVILLE  
 BERKELEY COUNTY  
 SOUTH CAROLINA

JOB NO.: 2015-008  
 JUNE 1, 2015  
 REVISED NOVEMBER 25, 2015 PER CLIENT

ASSOCIATED SURVEYORS OF SUMMERVILLE  
 P.O. BOX 6, SUMMERVILLE, S.C. 29484  
 843-873-1061

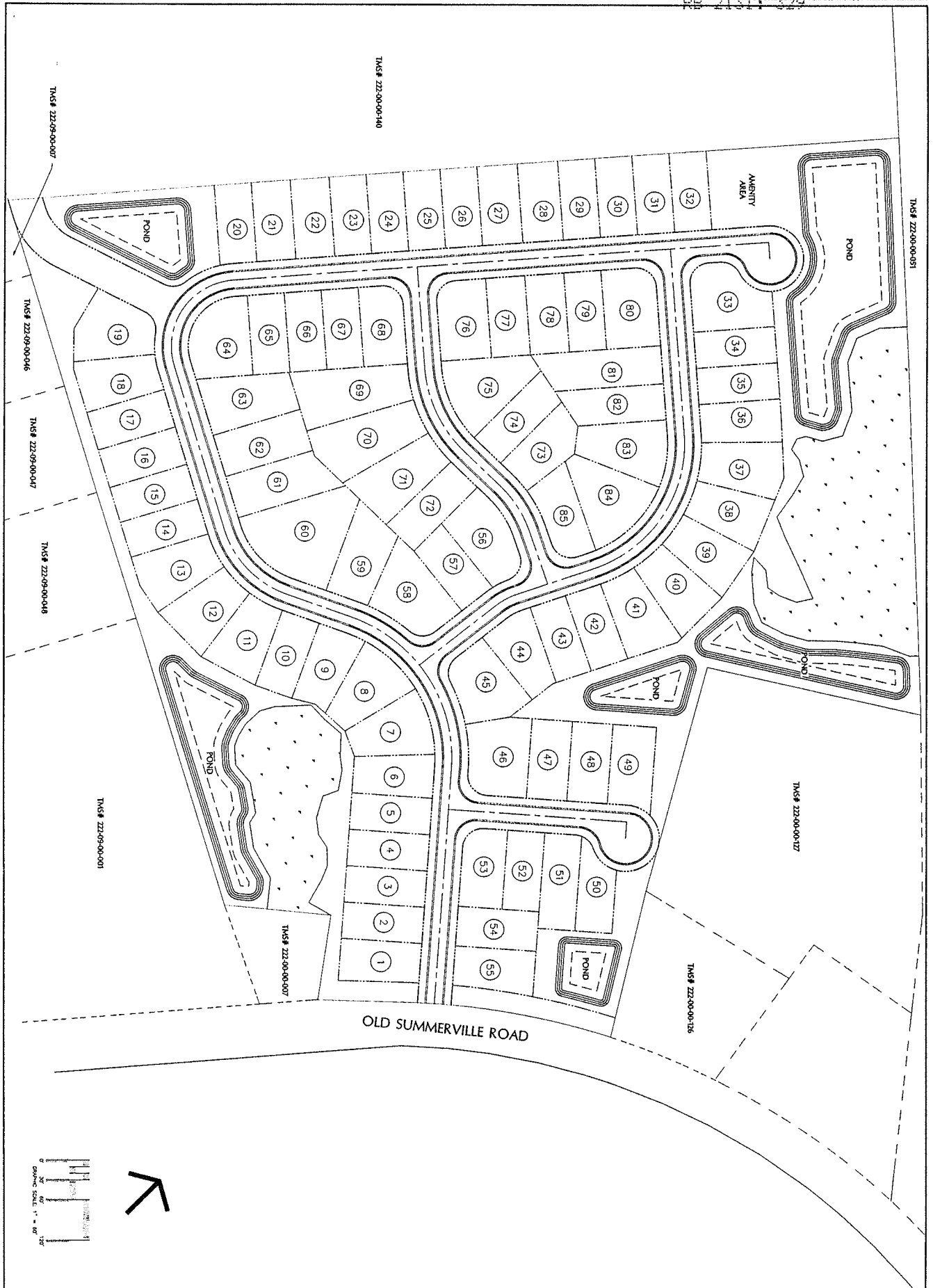


I, JOHN DAVID BASS, HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. THERE ARE NO VISIBLE, TO THE SURVEYOR WHEN ON SITE, ENCROACHMENTS OR PROJECTIONS OTHER THAN THOSE NOTED ABOVE.

*John David Bass*  
 JOHN DAVID BASS, SLS  
 S.C. REGISTRATION NO. 15388  
 FILE: TOPOMACKEY

**EXHIBIT C**

**CONCEPTUAL SITE PLAN FOR THE REAL PROPERTY**



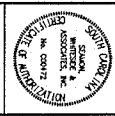
RE 2131: 329

DATE	REVISION NOTES

PROJECT:	MACKAY TRACT
DATE:	12/01/16
SCALE:	1" = 40'
PROJECT:	222-00-00-006
DATE:	12/01/16
SCALE:	1" = 40'

**MACKAY TRACT**  
 TMS# 222-00-00-006  
 CONCEPTUAL PLAN  
 Berkeley County, South Carolina



**SW SEAMONWHITESIDE**

501 Windsor Park Blvd., Suite 300  
 Mount Pleasant, SC 29464-7949  
 843.296.1667 | 843.296.8944

607 Pennington Street, Suite 300  
 Greenville, SC 29601-3319  
 864.296.0534 | 864.296.8218

SHEET 1 OF 1

**APPENDIX I**

**AMENDMENTS TO ZONING ORDINANCE FOR MACKEY TRACT**

## **Amendments to Zoning Ordinance – General Development Provisions**

### **Section 151.080 – Use of Land or Buildings**

- 151.080 (B) In the first sentence, replace the phrase “unlawful to fell any tree measuring four (4) inches in diameter” with the phrase unlawful to fell any tree measuring greater than eight (8) inches in diameter”; additionally,  
Add to the end of the paragraph, “Saving groups of smaller trees is encouraged. In any event, no tree greater than eight (8) inches in diameter shall be cut down without the approval of the Administrator.

### **Section 151.082 – Design Standards**

- 151.082 (F)(1) Replace the subsection in its entirety with, “No building shall be placed on a lot not located on an existing publicly maintained paved street, or street shown on a City approved development plan, and”
- 151.082 (F)(2) Replace the subsection in its entirety with, “Curbing and curb cuts along publicly maintained roadways shall comply with standards of the South Carolina Department of Transportation”.
- 151.082 (G)(1) Replace the subsection in its entirety with, “Concrete curb and gutter is required along publicly maintained roadways, with the minimum standard width to be eighteen (18) inches. Curb and gutter is required along privately within interior parking areas.
- 151.082 (G)(3) Add the following Open Space Requirement:
- (a) Open space may include land with minimal improvements, such as limited clearing, appropriate grading, and the installation of low impact physical improvements such as pedestrian trails and grassed areas as well as picnic tables, play equipment, recreational areas, barbecue grills, covered open structures, plazas or squares, and amenity centers.
  - (b) Significant physical features of the project area such as the location of grand trees, scenic vistas, wildlife habitats, and water access shall be considered when siting open space.
  - (c) Open space shall be landscaped throughout and be designed for active and passive recreational purposes. No more than fifty percent (50%) of created water features may be included in the open space requirement.
  - (d) Wetland and marshland areas are generally not to be included in area calculations.

## APPENDIX II

### MACKEY TRACT LAND USES

<u>Classification</u>	<u>Permitted Uses</u>
Residential	Single Family Detached Dwelling Units as allowed by current City Standards in the R3 Zoning District as described in Appendix B of the current City Zoning Ordinance <sup>(1)</sup> .

<u>Classification</u>	<u>Conditional Uses</u> <sup>(2)</sup>
General	Land Uses not listed above that are identified as a permitted use by current City Standards in the R3 Zoning District or which are designated as conditional uses by Current City Standards for the R-3 Zoning District as described in Appendix B of the current City Zoning Ordinance <sup>(1)</sup> .

<u>Classification</u>	<u>Accessory Uses</u>
General	Those described as accessory uses for residential zoning in Appendix C of the current City Zoning Ordinance; additionally, all accessory uses must comply with the requirements set forth in Section 151.108 of the aforementioned Ordinance.

Notes:

- (1) City of Goose Creek Zoning Ordinance in effect at the date of the Agreement.
- (2) All Conditional Uses must be reviewed and deemed appropriate by the Mackey Tract Design Review Board and the City of Goose Creek Zoning Board of Appeals (ZBA).

### APPENDIX III

#### MACKEY TRACT DEVELOPMENT REQUIREMENTS

Minimum Lot Area (sf)	5,500 <sup>(1)</sup> / 6,000
Minimum Lot Width (ft)	55 <sup>(1)</sup> / 60
Minimum Lot Depth (ft)	90
Minimum Front Yard Setback (ft)*	20
Minimum Side Yard Combined Setback (ft)*	12
Minimum Side Yard Setback (ft) From Property Line*	6
Minimum Distance Between Buildings (ft)*	12
Minimum Rear Yard (ft)*	20
Maximum Height (ft)	40
Lot Coverage (%)	40 <sup>(2)</sup>

(1) Requires 20% of the lots to be a minimum of 60' in width at the buildable setback with a lot area not less than 6,000 square feet.

(2) Percentage of lot coverage by both principal and accessory uses / buildings.

\* Building setbacks include eaves and overhangs.

**APPENDIX IV**

**CITY OF GOOSE CREEK ZONING ORDINANCE AS OF March 15, 2016**



[Print](#)

## Goose Creek, South Carolina Code of Ordinances

**CHAPTER 151: ZONING**

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## Section

*Planning Commission*

- 151.001 Authority and enactment
- 151.002 Commission
- 151.003 Membership and appointment
- 151.004 Organization of Commission; meetings
- 151.005 Records
- 151.006 Referral of matters to Commission; reports
- 151.007 Planning session
- 151.008 Rules of procedures
- 151.009 Purpose of this chapter

*Establishment of Controls and Definitions*

- 151.025 Administration
- 151.026 Short title
- 151.027 Interpretation and purposes
- 151.028 Definitions of words and terms

*Amendments to This Chapter*

- 151.045 Authority
- 151.046 Policy on requirements for change
- 151.047 Procedure for amendments

*Administration and Enforcement*

- 151.060 Enforcement of chapter
- 151.061 Permit required; penalty
- 151.062 Application for permits
- 151.063 Construction process
- 151.064 Expiration of permit
- 151.065 Occupancy permit
- 151.066 Temporary uses

*General Development Provision*

- 151.080 Use of land or buildings
- 151.081 Flood hazard controls
- 151.082 Design standards
- 151.083 Landscaping requirements

- 151.084 Sign regulations
- 151.085 Land use buffers
- 151.086 Parking and loading space
- 151.087 Municipal impact fee
- 151.088 Land set-aside/dedicated requirements for parks and recreational areas; adopted by reference

*Zoning Districts and Boundaries*

- 151.105 Establishment of districts and maps
- 151.106 Interpretation of district boundaries
- 151.107 Change of city boundaries
- 151.108 Accessory uses
- 151.109 Special uses

*Zoning District Regulations*

- 151.125 Regulations
- 151.126 R-1 Low Density Residential District
- 151.127 R-2 Medium Density Residential Districts
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- 151.129 Restricted Commercial District
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- 151.131 General Commercial District
- 151.132 Light Industrial District
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- 151.134 Planned Development Districts
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*Non-conforming Lots, Structures and Uses*

- 151.150 Purpose
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- 151.152 Non-conforming structures and uses
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*Zoning Board of Appeals*

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- 151.171 Duties and powers
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*Architectural Review Board*

- 151.190 Organization
- 151.191 Application procedure

- 151.192 Emergency uses
- 151.193 Pre-design conference
- 151.194 ARB meeting
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- 151.196 Purview of ARB areas defined
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- 151.210 Interpretation and conflict
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- 151.230 General provisions
- 151.231 Establishment of an Overlay Zoning District
- 151.232 Architectural Review Board
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- 151.234 Architecture
- 151.235 Site planning
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- 151.237 Site features
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- 151.239 Landscaping

- 151.999 Penalty

Appendix A: Table of parking and loading space requirements

Appendix B: Table of land uses

Appendix C: Table of accessory uses

Appendix D: Zoning districts

## PLANNING COMMISSION

### § 151.001 AUTHORITY AND ENACTMENT.

In pursuance of authority conferred by the S.C. Code Title 6, Chapter 29, in accordance with the Comprehensive Planning Enabling Act of May 4, 1994, the Goose Creek City Council, (hereinafter referred to as "Council"), hereby enacts into law, on this day October 10, 1995, establishing a Planning Commission, (hereinafter referred to as "Commission"), and revisions to the following sections and sections, to include as part of this chapter all maps, codes and regulations referred to herein.

(A) *Planning Commission established.* There is hereby established a Planning Commission for the City of Goose Creek, which shall have the powers and duties as provided in S.C. Code Title 6, Chapter 29, §§ 6-29-320 *et seq.*

(B) *Composition of Commission.* The Planning Commission shall consist of seven members appointed by the Mayor and City Council for terms of three years, staggered so that one third of the members shall have terms expiring in each year. Members shall serve until their successors are appointed and qualified. A vacancy in the membership of the Commission shall be filled for the unexpired term in the same manner as the original appointment. No member of the Planning Commission shall be the holder of an elected public office in the City of Goose Creek.

(C) *Compensation.* Members of the Planning Commission shall regularly attend meetings and public hearings, and shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the City of Goose Creek.

(D) *Removal of members.* Members of the Planning Commission may be removed at any time by Council for cause. The existence of cause shall be discussed by the Mayor and City Council in executive session as permitted by the Freedom of Information Act, S.C. Code § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of the Mayor and City Council, is deemed to adversely affect the public interest, including lack of attendance at meetings without just cause, has not maintained required qualifications, or has been found guilty of malfeasance or misconduct in office, may constitute cause.

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

(F) *Public hearings.* The Planning Commission shall hold all public hearings on amendments to this chapter and map pursuant to S.C. Code § 6-29-760(A).

(1985 Code, Art. 1, § 101) (Ord. 99-005, passed 4-13-1999)

#### § 151.002 COMMISSION.

In the discharge of its responsibilities, the Commission of the City of Goose Creek (hereinafter referred to as the "city") has the following functions, powers and duties:

(A) Identify community needs and advise the Council of its short and long range implications for the total development of the city;

(B) Recommend achievable community goals as a basis for long range planning and development programs;

(C) Prepare and revise periodically plans, programs and policies that will aid the entire community in achieving its defined goals for the physical, social and economic growth, development and redevelopment of the city;

(D) The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity or the general welfare, as well as, the efficiency and economy of the city;

(E) Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development, and include recommended means of implementation;

(F) The Commission, through its designated staff, may make, publish and distribute maps, plans, reports and recommendations relating to the plans and programs and the development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens;

(G) The Commission and its designated staff, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them; provided, however, that the Commission shall be liable for any injury or damage to property resulting therefrom;

(H) The Commission may serve as an Appeals Board on land development plans that have been disapproved by the Commission's designated staff;

(I) The Commission shall authorize the naming or renaming of a street or road laid out within the city;

(J) All public officials shall, upon request, furnish to the Commission, within a reasonable time, the available information as it may require for its work;

(K) In general, the Commission has the powers as may be necessary to enable it to perform its functions and promote the planning of the city;

(L) Prepare and recommend for adoption to Council as a means for implementing the plans and programs in the city:

(1) A zoning ordinance to include zoning district maps and appropriate revisions thereof;

(2) Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted;

(3) An official map and appropriate revision on it showing the exact location of existing or proposed public street, highway and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structure or changes in land use within the rights-of-way, building sites or open spaces within the city;

(4) A landscape ordinance setting forth required planting, tree preservation and other aesthetic considerations for land and structures; and

(5) Policies or procedures to facilitate implementation of planning elements as set forth in S.C. Code § 6-29-510, as amended.

(M) Interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies; and

(N) Submit an annual report to Council every year, summarizing its activities and achievements. The report shall include the identity of Commissioners and their respective meeting attendance record.

(1985 Code, Art. I, § 102) (Ord. 99-005, passed 4-13-1999)

#### § 151.003 MEMBERSHIP AND APPOINTMENT.

The Commission shall be composed of seven qualified electors of the city. The Council will consider for appointment to the Commission only those persons who have demonstrated their professional expertise, civic interest and general knowledge of the city, independent judgment, interest in planning and zoning, concern for the future welfare of the total Community and its citizens and availability to prepare for and attend meetings. It is the intent of Council that members shall, by reasons of diversity in their individual occupations, constitute a Commission which is broadly representative of the Community.

(1985 Code, Art. I, § 103) (Ord. 99-005, passed 4-13-1999)

#### § 151.004 ORGANIZATION OF COMMISSION; MEETINGS.

(A) The Commission shall hold an organizational meeting in November of each year to elect a Chairperson and Vice-Chairperson from its membership, whose terms shall be for one year.

(B) Also, a Secretary who may be an officer or an employee of the Council or of the Commission, and the other officers as the Commission deems necessary shall be elected, or assignment of staff personnel requested from the City Administrator.

(1985 Code, Art. I, § 104) (Ord. 99-005, passed 4-13-1999)

#### § 151.005 RECORDS.

The Commission shall keep a record of its resolutions, findings and determinations, which record must be a public record.

(1985 Code, Art. I, § 105) (Ord. 99-005, passed 4-13-1999)

#### § 151.006 REFERRAL OF MATTERS TO COMMISSION; REPORTS.

The Council may provide for the reference of any matters or class of matters to the Commission, with the provision that final action on it may not be taken until the Commission has submitted a report on it or has had a reasonable period of time, as determined by the Council to submit a report.

(1985 Code, Art. I, § 106) (Ord. 99-005, passed 4-13-1999)

#### § 151.007 PLANNING SESSION.

The Commission may be convened as a committee of the whole in the same manner as prescribed for calling a special meeting for the purpose of holding a planning session, provided that no official business shall be conducted thereat, and no quorum shall be required.

(1985 Code, Art. I, § 107) (Ord. 99-005, passed 4-13-1999)

## § 151.008 RULES OF PROCEDURES.

(A) *Organization.*

(1) *Rules.* These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the City of Goose Creek Planning Commission, which consists of members appointed by City Council.

(2) *Chairperson.* The Chairperson shall be a voting member of the Commission and shall:

- (a) Call meetings of the Commission;
- (b) Decide all points of order;
- (c) Act as spokesperson for the Commission;
- (d) Sign documents for the Commission;
- (e) Transmit reports and recommendations to Council; and
- (f) Perform other duties approved by the Commission.

(3) *Vice-Chairperson.* The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability or disqualification of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, an acting Chairperson shall be elected by the members present.

(4) *Secretary (non-voting member).* The Secretary shall:

- (a) Provide and publish public hearing and notice of meetings;
- (b) Preside at meetings and hearings;
- (c) Assist the Chairperson in preparation of agenda;
- (d) Keep minutes of meetings and hearings;
- (e) Maintain Commission records as public records;
- (f) Attend to Commission correspondence; and
- (g) Perform other duties normally carried out by a Secretary.

(B) *Meetings.*

(1) *Time and place.* The Commission shall meet at the call of the Chairperson and at the times as the Chairperson or Commission may determine. An annual schedule of regular meetings shall be adopted, published and posted at City Hall in December of each year. Special meetings may also be called by the Chairperson upon 48 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

(2) *Agenda.* A written agenda shall be furnished by the Secretary to each member of the Commission and the news media, and shall be posted at least five days prior to each regular meeting, and at least 48 hours prior to a special meeting. Items may be added to, or removed from the agenda at a meeting by majority vote.

(3) *Quorum.* A quorum in all meetings shall be four members. A quorum shall be present before any business is conducted other than rescheduling the meeting.

(4) *Rules of order.* Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these rules of procedure.

(5) *Voting.* Motions may be made by any member other than the presiding official:

- (a) A member must be present to vote;
- (b) Each member shall vote on every question unless disqualified by law;
- (c) The disqualification shall be decided by the member affected, however, a member shall disqualify himself or herself from voting whenever he or she has a personal or monetary interest in the property under discussion, or upon belief that he or she will be directly affected by the Commission's decision, or when any applicant/agent has sought to influence his or her vote (other than influences exerted during public hearings);
- (d) The member shall announce the reason for disqualification, give it to the Chairperson in writing, have it placed in the minutes and refrain from deliberating or voting on the question;

(e) A motion to approve any matter before the Commission, whether requiring subsequent Council approval or not, shall require a majority vote of the members present; and

(f) Tie votes constitute a failure of the motion.

(6) *Conduct.* Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission.

(C) *Public hearings.*

(1) *Notice.* The Secretary shall give notices required by statute or ordinance for all public hearings conducted by the Commission, at least 15 days notice of the time and place of which shall be published in a newspaper of general circulation in the city, and a sign shall be placed on the property in question, facing the thoroughfare serving the property, stating the present zoning classification and other information deemed necessary in consideration of the proposed action. Members of the public desiring to be heard shall give written notice to the Secretary prior to commencement of the hearing.

(2) *Procedure.*

(a) The public shall be advised of the procedures to be followed during the hearing, and the Secretary shall advise the Commission of relevant communications received prior to hearing public comment of the matter.

(b) The Commission or Secretary, as directed, shall call each proposal in the order as to be in accord with the hearing time specified in the notice of public hearing.

(c) The Chairperson shall next call on the city staff for a factual summary and presentation relative to the proposal, and shall be afforded an opportunity to call to the Commission's attention any additional pertinent communications.

(d) In matters brought before the Commission for public hearing which were initiated by an applicant, the applicant, his or her agent or attorney shall be heard first, followed by members of the public, those in support, followed by those in opposition.

(e) In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in the order as the Commission shall determine.

(f) The applicant shall have the right to reply last.

(g) The Chairperson may limit the time for each person who wishes to speak.

(h) The Chairperson shall, when necessary, direct that all remarks shall be germane to the proposal. No rebuttal shall be permitted by either side, but the Commission may direct questions to any speaker in order to clarify statements and information presented. All questions shall be posed by members of the Commission.

(i) The Chairperson shall then declare the public presentation or hearing closed, as to that proposal.

(D) *Records.*

(1) *Minutes.* The Secretary shall record all meetings and hearings of the Commission on tape which shall be preserved until final action is taken on all matters presented. The Secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

(2) *Reports.* The Secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

(3) *Attendance.* The minutes shall show the presence, absence, vote or abstention of each member, with the reason for absence submitted by any member. The Commission shall recommend to the governing body, the removal for cause of any member who is absent from three consecutive meetings without adequate reason.

(4) *Official record.* The official record shall be these regulations and the meetings minutes, together with all findings, decisions and other records of the Commission. All matters coming before the Commission shall be made part of the official record, the record to be available to the public for inspection at city planning during normal working hours.

(E) *Review procedure.*

(1) *Application procedure.* Every proposal submitted for Commission consideration shall be in the form required by the Zoning Administrator, to include filing fees when specified. Any information supporting a proposal or request for approval or denial, shall be submitted only in writing through the Secretary, or publicly before the Commission. A proposal may be withdrawn effective on the date of receipt of written request by the Secretary. No request shall be valid after the mailing of notices, except on action of the Commission. Withdrawal at any stage of consideration terminates all consideration by the city, and files shall be closed. No refund of required filing fees shall be made.

(2) *Zoning amendments.* Reference §§ 151.045 through 151.047.

(3) *Review of plats.* Plats submitted for review pursuant to land development regulations shall be reviewed by the Zoning Administrator who may approve for recording plats of existing lots of record, and subdivisions of land which meet all zoning requirements.

(4) *Comprehensive Plan.* All zoning and land development regulation amendments shall be reviewed first for conformity with the Comprehensive Plan. Conflicts with the Comprehensive Plan shall be noted in any report to City Council on a proposed amendment. The elements of the Comprehensive Plan shall be reviewed and updated on a schedule adopted by the Commission meeting the requirements of S.C. Code § 6-29-510(F).

(5) *Street naming and numbering:*

(a) It shall be unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking, or in a deed or instrument without first getting the approval of the Commission. Any person violating this provision is guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

(b) The Commission may, after reasonable notice through a newspaper having general circulation in the city, change the name of a street or road within the boundary of its territorial jurisdiction:

1. When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders or messages;

2. When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or

3. Upon any other good and just reason that may appear to the Commission.

(c) On the name being changed, after reasonable opportunity for a public hearing, the Commission shall issue its certificate designating the change, which shall be recorded in the office of the Berkeley County Register of Mesne Conveyances, and the name change and certified shall be the legal name of the street or road.

(F) *Reconsideration.* The Commission may reconsider any review when so requested by City Council, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, matters not the fault of the applicant which affect the result of the review, or upon receipt of written request from the original applicant stating how conditions have substantially changed in the community since prior consideration was given the proposal, thereby justifying earlier review.

(G) *Amendment.* These rules may be amended by the Commission by a majority vote of the members present at the public hearing when the matter was considered. Results of the proposed amendments shall be submitted to the Council for review and approval.

(1985 Code, Art. I, § 108) (Ord. 99-005, passed 4-13-1999) Penalty, see § 151.999

#### § 151.009 PURPOSE OF THIS CHAPTER.

(A) To guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare, the city does, in accordance with the authority cited in § 151.001, and in accordance with the following sections, regulate the following:

(1) The location, height, bulk, number of stories and size of buildings and other structures;

(2) The percentage of lot which may be occupied;

(3) The sizes of yards, courts and other open spaces;

(4) The density and distribution of population;

(5) The uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation and airports and approaches thereto; and

(6) Water supply, sanitation, protection against flood, public activities and other purposes.

(B) These regulations are made in accordance with the Comprehensive Plan, and are designed to:

(1) Lessen congestion in the street;

(2) Secure safety from fire, flood, panic and other dangers;



- (3) Promote the public health and the general welfare;
- (4) Provide adequate light, air and open space;
- (5) Prevent the overcrowding of land;
- (6) Avoid undue concentration of population;
- (7) Facilitate the creation of a convenient, attractive and harmonious community;
- (8) Protect and preserve significant or natural scenic, historic or ecologically sensitive areas;
- (9) Protect the unique, special or desired character of the Commercial and Light Industrial Districts, and uses;
- (10) Facilitate the adequate provision of transportation, police and fire protection, water, sewerage, schools, parks and other recreational facilities, affordable housing and disaster evacuation; and
- (11) Preserve and protect historic and architecturally valuable districts and neighborhoods, and other public requirements.

(C) The regulations are made with, but not limited to:

- (1) The character of each area and its peculiar suitability for a particular use, with a view to promoting desirable living conditions, and the sustained stability of neighborhoods;
- (2) Protecting property against blight and depreciation;
- (3) Securing economy in governmental expenditures;
- (4) Conserving the value of land and buildings; and
- (5) Encouraging the most appropriate use of land, buildings and structures, and to further the public welfare in any other regard specified by Council.

(1985 Code, Art. I, § 109) (Ord. 99-005, passed 4-13-1999)

## ESTABLISHMENT OF CONTROLS AND DEFINITIONS

### § 151.025 ADMINISTRATION.

(A) All references in this chapter to the title of "Administrator" shall refer to the Zoning Administrator or other official so designated.

(B) The Planning Commission is one body, the term "Commission" shall refer to the Commission, and the term "Council" shall refer to the City Council.

(1985 Code, Art. II, § 201)

### § 151.026 SHORT TITLE.

This chapter shall be cited as the "Zoning Ordinance of Goose Creek, South Carolina". The zoning map approved by City Council and on file with the Planning Director and City Clerk is an inseparable part thereof. A master copy of both, known as the "Official Zoning Ordinance and Map" shall be maintained up-to-date in the city offices.

(1985 Code, Art. II, § 202)

### § 151.027 INTERPRETATION AND PURPOSES.

The provisions contained herein, in their interpretation and application, shall be the minimum requirements adopted for the promotion of the public health, safety and welfare. This chapter has been made in accordance with the Goose Creek Land Use Plan, for all purposes itemized in the Code of Laws citation in §§ 151.001 through 151.009, and in §§ 151.002 and 151.003.

(1985 Code, Art. II, § 203)

**§ 151.028 DEFINITIONS OF WORDS AND TERMS.**

(A) For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

(B) The singular number includes the plural, and the plural includes the singular.

(C) The word *PERSON* includes a corporation, firm, company, partnership, association, organization or public or private authority, as well as an individual.

(D) The term *SHALL* is mandatory, and the term *MAY* is permissive.

(E) The word *USED* or *OCCUPIED* as applied to any land or building shall be interpreted to include the words "intended, arranged or designed to be used or occupied".

(F) The word *BUILDING* includes the word *STRUCTURE*, and the word *STRUCTURE* includes the word *BUILDING*.

(G) The word *LOT* includes the words *PLOT*, *PARCEL* and *TRACT*.

(H) Terms not specifically defined herein shall have their customary dictionary definition.

**ABANDONMENT.** A determination that a particular use (of a parcel of land, or of a structure) has been discontinued, whether with or without the intent to permanently abandon, for at least 30 days. (See § 151.152(C).)

**ACCESS AISLE.** An accessible pedestrian space between elements, such as parking spaces, seating and desks that provides clearances appropriate for use of the elements.

**ACCESSORY.** A use, building or structure customarily incidental and subordinate to, and detached from, the principal use, structure or building, and located on the same lot with the principal use, structure or building. (See § 151.108.)

**ADDITION (TO AN EXISTING BUILDING).** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

**ADJOINING LOT.** Land immediately adjacent to the lot in question, including lots located immediately across streets, alleys, water courses of less than 100 feet in width, drainage easements and other rights-of-way.

**ADULT USES.** Uses including, but not limited to, adult book store, adult entertainment cabaret, adult massage parlor and adult motion picture theater:

(a) **ADULT BOOK STORE.** An establishment having as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on the premises, and periodicals which are characterized by their emphasis on sexual subject matter.

(b) **ADULT ENTERTAINMENT CABARET.** A nightclub, theater or other establishment which features performances by topless dancers, strippers or similar entertainers where the performances are distinguished or characterized by sexual exploitation.

(c) **ADULT MASSAGE PARLOR.** Any place where any form of gratuity occurs in connection with sexual conduct as a result of a massage, or any other treatment or manipulation of the human body.

(d) **ADULT MOTION PICTURE THEATER.** A building or structure used regularly or routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting sexual activity (or as characterized by the Motion Picture Code as "X Rated").

**ALLEY.** A permanent service way used primarily as a secondary means of access to the side or rear of abutting property or properties.

**ALTER.** As applied to a building or structure, a change or rearrangement in the structural parts or in the external facilities or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; or the major renovation of a building interior when the renovation cost equals or exceeds 50% of the structure's market value.

**ALTERATIONS OF BUILDING.** Any change in the supporting members of a building, such as bearing walls, columns, beams, girders or floor joints; or the major renovation of a building interior when the renovation cost equals or exceeds 50% of the structure's market value.

**APPEAL.** Process of examining a decision rendered by any person charged with the administration of this chapter, requested by anyone aggrieved by the decision. (See § 151.171.)

**AREA, BUILDING.** The total of areas taken on a horizontal plane at the main grade level of the principal building, and all accessory buildings exclusive of uncovered porches, terraces and steps.

**AREA OF SHALLOW FLOODING.** Areas of 1% per year chance of flooding between depths of one and three feet, and floodwater velocity less than 15 feet per second, shown as AO Zones on Flood Insurance Rate Maps. (See § 151.081.)

**AREA OF SPECIAL FLOOD HAZARD.** Areas of 1% per year chance of flooding to depths greater than three feet, with floodwater velocity greater than 15 feet per second, shown as AO Zones on Flood Insurance Rate Maps. (See § 151.081.)

**AREA, SITE.** The total area within the property lines of a project, excluding external streets.

**AUTOMOBILE SERVICE STATION.** (Includes gasoline or filling station). A place where gasoline stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, trucks or boats, are offered for sale at retail directly to the public on the premises, and including minor accessories and services for motor vehicles and boats, but not including major motor vehicle or boat repairs or tire recapping, and including the washing of motor vehicles utilizing car washing equipment, such as chain conveyors and blowers. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of business, the premises shall be classified as a commercial garage.

**AUTOMOBILE WRECKING YARD.** An area outside of a building where vehicles are disassembled, dismantled, "junked" or "wrecked", or where motor vehicles not in operable condition or used parts of motor vehicles are stored.

**BASE FLOOD.** Elevation established by Flood Insurance Rate Maps, or other competent authority, to which there is a 1% per year chance of flooding. (See § 151.081.)

**BASEMENT.** A portion of a building partly underground which has more than ½ of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground and not deemed a story unless the ceiling is six feet or more above the grade.

**BOARDING HOUSE.** (See also **TOURIST HOME**). Any dwelling other than a hotel or motel, in which more than three persons either individually or as families, who are not members of the operator's family, are housed or lodged for hire with or without meals. A rooming house, or a "furnished room" house shall be deemed a **BOARDING HOUSE**.

**BREAKAWAY WALL.** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**BUFFER AREA.** As determined by the Administrator, an area along a lot or district line reserved in natural vegetation, accompanied by buffer screens as required, to achieve physical and visual separation of districts or uses.

**BUFFERS.** Spaces, structures, land forms or vegetation, and/or combinations of these elements which are reserved or constructed between lots, districts or uses.

**BUFFER SCREEN.** A fence, wall, hedge or similar barrier placed close and parallel to a lot line or zoning district line for the purpose of visually separating one use of district from another. (See § 151.081.)

**BUILDING.** Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The term **BUILDING** shall be construed as if followed by the words "or part thereof".

**BUILDING COVERAGE.** The proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross section of a building or buildings. Structures which are below the finished lot grade shall not be included in building coverage.

**BUILDING, HEIGHT OF.** As applied to a building, the vertical distance from grade to the highest finished roof surface. **HEIGHT OF A BUILDING** in stories does not include basements and cellars, except as specifically provided otherwise.

**BUILDING LINE.** (Including the term **SETBACK**). That line which represents the minimum distance, when measured at right angles, which a building or structure must be placed from a lot line, a street right-of-way or a street centerline, in accordance with the terms of this chapter. (See Appendix D.)

**BUILDING PERMIT.** Permission to be obtained from the city prior to commencing any clearing of land, or any action to change the use of land or structures. (See § 151.061.)

**BUILDING, PRINCIPAL.** (See also **USE, PRINCIPAL**). A building or structure in which is conducted the main or principal use of the lot on which the building is situated.

**CAR WASH.** (Also, self-service car washes). A building or portion thereof, where automobiles are washed with the use of a chain conveyor and blower or steam-cleaning device. Where car washing is the principal activity, the use is not deemed to be a public gasoline or gasoline service station.

**CELLAR.** A portion of a building partly underground which has less than one half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground and not deemed a story.

**CESSATION.** Ceasing to use, occupy or inhabit land or structures. (See § 151.152(G).)

**CITY.** City of Goose Creek, South Carolina.

**CLUB, LODGE, CIVIC or FRATERNAL ORGANIZATION.** An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities (but not including shooting clubs) operated for the benefit of its members and not open to the general public.

**COMMERCIAL.** A use involving the sale or transfer of goods or services.

**COMMERCIAL FACILITY.** A privately owned, non-residential facility involved in commercial activity, such as a factory, warehouse, corporate office building or other facility in which employment occurs.

**COMMERCIAL, RESTRICTED.** A commercial use involving the sale or rental of specific (or a specific category of) specialty goods or services in a retail floor or display area not to exceed 1,500 square feet.

**COMMERCIAL, UNRESTRICTED.** A commercial use involving the sale or rental of a non-specific or varied category of goods or services, light industrial uses, manufacturing, warehousing or the repair of large appliances, automobiles, machinery or the like.

**COMMUNICATION (TELECOMMUNICATION) TOWERS.** Including, but not limited to, a tower or other structure that supports communication equipment, either broadcasting or receiving. This definition does not include television reception antennas and satellite dishes, or amateur radio operators as licensed by the Federal Communication Commission.

**CONDITIONAL USE.** A use not otherwise permitted in a district, and which would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, relation to the neighborhood and subject to the conditions noted, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare of the city. (See § 151.171(C).)

**CONDOMINIUM.** A form of fee ownership of whole units or separate portions of multi-unit buildings, by statute (S.C. Code §§ 27-31-10 *et seq.*) which provides the mechanics and facilities for formal filing and recording of a divided interest in real property, where the division is vertical as well as horizontal. Fee ownership of units in a multi-unit property includes joint ownership of the common areas. (See § 151.109(D).)

**CONFORMING.** Complying with all regulations of this chapter. (See §§ 151.150 through 151.153.)

**COURT.** An open unoccupied space bounded on two or more sides by the exterior walls of a building or exterior walls and lot lines. An **INNER COURT** is enclosed on all sides by exterior walls or lot lines on which walls are allowable. An **OUTER COURT** is enclosed on not more than three sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

**CUSTOMARY HOME OCCUPATION.** An occupation, within a dwelling or a finished room over garage and clearly incidental thereto, carried on by a member of the family residing in the premises, provided, however, that no person not a resident of the premises is employed at the premises, no mechanical equipment is used except such that is normally used for family, domestic, or household purposes, and there is no exterior indication that the building is being used for any purpose other than a dwelling. There shall be no activity conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard. These standards must be met to the satisfaction of the Zoning Administrator. When the above requirements are met, a home occupation includes but is not limited to the following: an art studio; dressmaking; professional home office of a lawyer, engineer, architect, salesperson, or other similar occupation; independent business contractor who has no other permanent place of business; a family daycare in which care is given during the day for two or not more than six children, including the resident's own children.

**DAY NURSERY.** Any agency, institution, center, home nursery school, kindergarten, play school or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days, one or more children not related to the persons providing the temporary custodial care.

**DENSITY.** The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this chapter are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use exclusive of land utilized for streets, alleys, drives, parks, playgrounds, school grounds or other

public uses. **GROSS RESIDENTIAL ACRE**, where used in this chapter, shall include all land within a specific parcel or lot. (See § 151.135 and Appendix D.)

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or permanent storage of materials or equipment.

**DEVELOPMENT PERMIT.** See also **BUILDING PERMIT**. As required in the pertinent *Procedures Manual*, the city permits to proceed with the proposed development, after review by the Zoning Administrator. (See § 151.062.)

**DISABILITY.**

- (a) A physical or mental impairment substantially limits one or more of the major life activities of an individual;
- (b) A record of the impairment; and
- (c) Being regarded as having such an impairment.

**DRIVE-IN ESTABLISHMENT.** A business where a customer is permitted or encouraged, either by the design of physical facilities or by service and/or parking procedures, to carry on his or her business, in the off-street parking area accessory to the business, while seated in his or her motor vehicle.

**DWELLING.** A building or portion of a building arranged or designed to provide living quarters for one or more families.

**DWELLING, GROUP.** A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking utilities are not provided for the resident persons or families. The term **GROUP DWELLING** includes the terms rooming house, fraternity house or sorority house. A hotel, motel or tourist home shall not be deemed to be a **GROUP DWELLING** as herein defined.

**DWELLING, MULTI-FAMILY.** (Also, an **APARTMENT HOUSE**). A dwelling designed for or occupied by three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. Each multi-family living unit constitutes a dwelling unit.

**DWELLING, ONE-FAMILY.** A detached dwelling other than a mobile home designed for or occupied exclusively by one family.

**DWELLING, TOWNHOUSES.** One of a series of three or more separate, attached one-family dwelling units, which:

- (a) May or may not have a common roof;
- (b) Share at least one common wall;
- (c) Are separate from each other by fire resistive party wall partitions extending at least from the lowest floor level to the roof; and
- (d) Townhouses may be developed as either condominiums or sold as individual lots of record.

**DWELLING, TWO-FAMILY.** A detached or semi-detached dwelling designed for or occupied exclusively by two families living independently of each other.

**DWELLING UNIT.** One or more rooms connected together and constituting a separate independent housekeeping establishment for use on a basis involving owner occupancy or rental or lease on a weekly, monthly or longer basis, with provision for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.

**ELEVATED BUILDING.** A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

**EXISTING CONSTRUCTION.** Any structure for which the "start of construction" commenced before the effective date of this chapter, or standard based upon specific technical base flood elevation data which establishes the area of specific flood hazard. (See § 151.081.)

**FACILITY.** All or any portion of buildings, structures, site improvements, complexes, equipment, roads, walks, parking lot or other real or personal property located on a site giving access to buildings and accommodations in those buildings available for use by the public or employees.

**FAMILY.** The following groups of persons, and no others:

(a) Any number of persons related by blood or marriage and living and cooking together as a single housekeeping unit, plus not more than two unrelated roomers, boarders or domestic servants; or

(b) No more than three unrelated persons living and cooking together as a single housekeeping unit.

**FAMILY CHILDCARE HOME.** A private dwelling which receives for temporary custody not more than six children, including those children living in the home and children received for childcare who are related to the resident, provided said dwelling and childcare provider have received a license from the State of South Carolina to provide family childcare services, as defined by S.C. Code, Title 20, Chapter 7. For purposes of this chapter, a **FAMILY CHILDCARE HOME** as herein defined is a customary home occupation.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; and

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD HAZARD AREA.** Those areas as determined by the Federal Emergency Management Agency, or the United States Army Corps of Engineers, subject to periodic inundation by large floods which may reasonably be expected to cause damage or hazard of damage sufficient to justify protection therefrom. (See § 151.081.)

**FLOOD HAZARD BOUNDARY MAP (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

**FLOOD INSURANCE STUDY.** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**FLOODWAY.** That area encompassing a streambed and the adjacent area along both banks, subject to inundation during periods of flooding. Floodway must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (See § 151.081.)

**FLOOR.** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**FLOOR AREA.** The total number of square feet of floor space within the exterior walls of a building.

**FRONTAGE.**

(1) All the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street or political subdivision boundary, measured along the street line.

(2) An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

**GARAGE.** A structure or any portion thereof in which one or more automobiles are housed, kept or repaired, not including exhibition or showrooms, or storage of cars for sale.

**GARAGE, PRIVATE.** An accessory building used for storage purposes only and which is provided primarily for the occupants of the premises on which such a garage is accessory, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on. Space may be rented for not more than two vehicles of others than occupants of the building to which the garage is accessory.

**GARAGE, PUBLIC.** (Also, a commercial garage). Any garage other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles, but not used for the storage of dismantled or wrecked motor vehicles or parts.

**GARAGE, REPAIR.** The building and premises designed or used for purposes indicated under "automobile service station" and/or major repair, provided that body work and painting shall be conducted within fully-enclosed buildings, and provided further that self-propelled vehicles not in safe operating condition shall be stored in fully-enclosed areas consistent with applicable provisions of §§ 151.080 through 151.087 and §§ 151.150 through 151.153. A **REPAIR GARAGE** shall not be operated as a customary home occupation.

**GRADE.** The average elevation of the surfaces of the ground adjacent to the exterior walls of a building as officially established by city authorities.

**GRADE, FINISHED.** The complete surfaces of lawns, walks and roads brought to grade as shown on official plans or designs relating thereto.

**GOVERNMENTAL BUILDINGS.** All buildings, structures, streets, sidewalks and access thereto used by the public or in which the physically disabled persons may be employed that are constructed, purchased, leased or rented in whole or in part by use of state, county or municipal funds or funds of any political subdivision of the state; and, to the extent not required otherwise by federal law or regulations or not beyond the power of the state to regulate, all buildings and structures used by the public which are constructed, purchased, leased or rented in whole or in part by use of federal funds.

**HIGHEST ADJACENT GRADE.** The highest natural elevation of ground surface, prior to construction, next to the proposed walls of a building.

**HISTORIC STRUCTURE.** Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in South Carolina with the South Carolina Archives and History Department which has been approved by the Secretary of the Interior; or

(d) Individually listed on Berkeley County's inventory of historic places that has been certified by the South Carolina Archives and History Department.

**HOTEL.** (Includes motel, tourist courts, motor lodges and auto courts). A building or buildings containing ten or more rooms intended or designed to be used or which are used, rented or hired out to be occupied for sleeping purposes by transient or permanent guests, and where only a general kitchen and dining room are provided within the principal building or in an accessory building ("Efficiencies" are considered to be dwelling units).

**JUNK OR SALVAGE YARDS.** The use of any part of a lot, whether inside or outside of a building, for the storage, keeping, abandonment, sale or resale of junk, salvage or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles or machinery, equipment or parts thereof.

**LANDSCAPING.** Aesthetic improvement, other than grass cover, of developed grounds, using natural trees to the maximum extent possible. As determined by the Administrator, landscaping may include buffer screening and erosion control measures. (See § 151.083.)

**LOADING SPACE.** A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks/supply vehicles. (See § 151.086 and Appendix A.)

**LOT.** A plot or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings permitted in this chapter, and having its principal frontage upon a street or access approved by the Mayor and Council, and the customary accessories and open spaces belonging to the same. Unless clearly indicated otherwise, the word **LOT**, when used alone in this chapter, shall mean a **ZONING LOT** as herein defined.

**LOT, CORNER.** A lot at the junction of and fronting on two or more streets at their intersection.

**LOT, DEPTH OF.** A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

**LOT, DOUBLE FRONTAGE.** A lot having a frontage on two streets, at a point other than at their intersection, as distinguished from a corner lot.

**LOT, INTERIOR.** A lot other than a corner lot, having frontage on only one street other than an alley.

**LOT LINES.** Any lines dividing one lot from another.

**LOT, OF RECORD.** An area designated as a separate and distinct parcel of land on a legally recorded deed as filed in the official records of the County Clerk of Court. (See Appendix D for a summary of minimum size lots of record permitted for all districts.)

**LOT, WIDTH OF.** The distance between side lot lines as measured at the building line.

**LOT, ZONING.** A parcel of land occupied or to be occupied by a principal use or uses, yards and open spaces, which are permitted or required under the provisions of this chapter having frontage on an officially accepted street and having not

less than the minimum area required by these regulations for a lot in the zoning district within which the parcel of land is located. A lot of record may or may not be a zoning lot.

**MEAN SEA LEVEL.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**MOBILE HOME.** A detached single-family dwelling unit (including the term "manufactured home"), transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

**MODULAR HOME.** A detached permanent dwelling unit of conventional floor plan, designed for long-term occupancy after transportation (as a unit, or as substantially complete sub-units) by truck, trailer or train to a permanent foundation site, and subsequent completion of construction. This definition includes manufactured housing, other than mobile homes, as defined above.

**MOBILE HOME PARK.** Premises where two or more mobile homes are parked for living or sleeping purposes, or where spaces are approved by the city and the South Carolina Department of Health and Environmental Control and set aside or offered for sale or rent for use by mobile homes, including any land, building, structure or facility used by occupants of mobile homes or the premises. (See §§ 151.134 and 151.135.)

**NATIONAL GEODETIC VERTICAL DATUM (NGVD).** As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.

**NEW CONSTRUCTION.** Any structure for which the "start of construction" commenced after the effective date of this chapter. The term also includes any subsequent improvements to the structure.

**NEW MANUFACTURED HOME PARK or SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

**NON-CONFORMING USE.** A building, structure or parcel of land lawfully occupied by a use that does not conform to the regulations of the zoning district in which it is situated, and existed prior to enactment of this chapter. (See § 151.152.)

**NURSING HOME.** A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick, injured or mentally ill, and not including rest homes which are primarily nursing homes for persons of all age groups.

**OCCUPANCY PERMIT.** Permit issued by the city after final inspection and approval, and prior to any use or occupancy of the land or structure. (See § 151.064.)

**OCCUPANCY PERMIT, TEMPORARY.** Permission for temporary use or occupancy. (See § 151.064.)

**OPEN SPACE.** An unoccupied space open to the sky on the same lot with the building and free of automotive traffic, parking and undue hazard, and readily accessible by all those for whom it is required.

**OUTDOOR ADVERTISING.** The use of signs directing public attention to any object, product, service or function that may be offered for sale, lease or hire, or is otherwise offered to provide information, or to solicit support or compliance. Outdoor advertising shall include only those signs which are, in any way, visible to the public from a position outside the premises on which the sign is located.

**PARKING LOT, OFF-STREET.** A paved area provided primarily for motor vehicle parking purposes, located entirely off a street or alley which affords ingress and egress for automobiles. (See § 151.086.)

**PARKING SPACE, ONE CAR.** The area required for parking one automobile, which in this chapter is held to be a minimum paved area of nine feet wide and 18 feet long, not including passageways, aisles, drives, maneuvering areas and entryways. (See § 151.086(C).)

**PERMITTED USE.** Any use listed as a use by right in any given district. (See Appendix B.)

**PLANNED DEVELOPMENTS.** Allow flexibility in the grouping, placement, size and use of buildings on relatively large tracts of land. Planned Developments provide for the mixing of building types and/or land uses and are usually characterized by a unified site design. Planned Developments have a number of advantages over traditional lot-by-lot development, including: the mixing of building types or uses creating a more diversified community, combining often



unusable yard space on individual lots into common open spaces, providing incentives to build low cost housing, lower street and utility cost resulting from reduced frontage and allow increased development densities while providing or keeping desired amenities. (See § 151.134.)

**PLAT.** A map, plan or layout of a tract of land, or a section or subdivision of land, indicating the location and boundaries of individual properties, requiring city approval prior to recording with Berkeley County R.M.C.

**PROCEDURES MANUAL.** A condensed listing of requirements enumerated in this chapter, pertaining to specific types of development. (See § 151.062.)

**PUBLIC BUILDINGS.** All buildings, structures, streets, sidewalks and access thereto used by the public or in which physically disabled persons may be employed that are constructed, purchased, leased or rented by the use of private funds, including rental apartment complexes of 20 units or more and temporary lodging facilities of 20 units or more, except that the provisions of this chapter shall apply to only 5% of those units or a minimum of one unit, whichever is the greater, and provided, further, that the provisions of this chapter shall not apply to a private residence.

**PUBLIC HEARING.** An assembly to receive the public sentiment regarding actions pursuant to this chapter.

**PUBLIC USE.**

(a) A building or property owned or occupied by a use which is open to all people without or with minimal restrictions or regard as to membership, and which is established for their common or general use and enjoyment. A church is a **PUBLIC USE**.

(b) Interior or exterior rooms or spaces that are made available to the general public. May be a building that is privately or publicly owned.

**RETAIL STORE.** A business selling or renting goods or merchandise directly to the consumer for direct consumption or use. Any merchandise for rent must be merchandise permitted for sale in the respective district.

**RE-ZONING/ZONING AMENDMENTS.** Re-zoning/zoning amendments are used to meet the evolving needs of the city. Re-zoning changes the zone classification on a given parcel of land while amendments usually refer to changes in this chapter's text. For example, the construction of a new road may provide access to areas well suited for commercial uses. Prior to the construction of the road, the area was zoned residential. For the owner to construct a commercial facility, he or she must request a re-zoning of the property. An example involving an amendment to the chapter text might be changing the definition of townhouses to include them either as multi-family or single-family dwellings. This may significantly affect where and how townhouses are permitted. Re-zonings, like the original enactment of the ordinance, are legislative acts that must be passed by the City Council. (See § 151.047.)

**SATELLITE DISH ANTENNA.** Any round, concave, "dish-shaped" antenna or other apparatus, either mobile or permanently mounted, intended for the reception of radio frequency signals or earth satellite signals.

**SEMI-PUBLIC USE.** A building or property owned or occupied by an organization, institution or group of people which has written and adopted rules for membership, which is used or enjoyed primarily by that group.

**SETBACK.** See **BUILDING LINE**, and Appendix D.

**SHOPPING/COMMERCIAL CENTER.** A business use of land which locates two or more separately licensed businesses on a common parcel or parcels sharing access.

**SIGN.** A name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property.

**SIGN, AREA OF.** For free standing signs (exclusive of supports), cabinet signage (single or double faced) or signage prepared on material subsequently intended for attachment to supports or a building structure which is removable as one piece, or signage painted upon the building surface, the sign area is that area contained within a single continuous perimeter enclosing the extreme limits of the structure. Where two sides of a double-faced sign are not more than 24 inches apart at the widest point and display identical writing or other representation, the sign area shall be computed by measuring one face only. For signs designed of uniformly colored individual raised letters separately attached to a building wall or facade surface, the sign area shall be the sum of the areas of each individual letter as circumscribed by the outer limits of each letter, provided the spacing between letters does not exceed one half the median height of letters used, and spacing of words does not exceed the height of the largest letter used.

(a) **BANNER** and **PENNANT SIGN.** Usually made of cloth or paper and suspended across streets, display lots or building fronts.

- (b) **BENCH SIGN.** Painted or attached to the backrest of a bench.
- (c) **PORTABLE SIGN.** Usually rests on the ground, on wheels or metal legs and may be temporarily anchored by weights, stakes or cables to the ground.
- (d) **STANDARD SIGNS.** Are "A" shaped structures and utilize copy on both sides, resting on the ground with no permanent attachment.

**SIGN, OFF-PREMISE.** A sign that advertises activities, goods, products and the like, that is available elsewhere than within the building or on the lot where the sign is located (i.e., billboards, off-premise outdoor advertising and the like).

**SIGN, ON-PREMISE.** A sign that advertises activities, goods, products and the like, that is available within the building or on the lot where the sign is located.

**SIGN, PERMANENT.** A sign which is permanently attached to a building, the ground or other structures and which meets the structural and installation standards of the Standard Building Code and the electrical standards of the National Electric Code.

(a) **AWNING SIGN.** On or attached to a retractable shelter that is supported entirely from the exterior wall of a building.

(b) **CANOPY SIGN.** On or attached to a permanent overhanging shelter which projects from the face of a building and is supported only partially by the building.

(c) **COMBINATION WALL/ROOF SIGN.** A double faced, projecting wall sign which projects above the roofline of a building and which is wholly or partially supported by the building.

(d) **FASCIA SIGN.** Affixed in any manner to any exterior wall of a building and which projects not more than 18 inches and does not extend more than six inches above the parapet, eaves or building facade.

(e) **FREE-STANDING SIGN.** Supported by one or more columns, uprights or braces in the ground.

(f) **MARQUEE SIGN.** On or attached to a permanent over-hanging shelter which projects from the face of a building and is entirely supported by the building.

(g) **PAINTED WALL SIGN.** Painted on any externally visible surface (wall or window) of a building which advertises a product or service.

(h) **PROJECTING WALL SIGN.** A double-faced sign, mounted to the wall of a building, which projects out from that building for more than 18 inches.

(i) **ROOF MOUNT SIGN.** Erected on or above the roof line of a principal building and which is wholly supported by the building.

(j) **TEMPORARY SIGNS.** Not permanently attached to a building, the ground or other structures and which may not meet the structural and installation standards of the Standard Building Code or electrical standards of the National Electrical Code. **TEMPORARY SIGNS** include "For Sale/Rent" signs, contractor/builder/developer signs and trailer type signs used to announce a new business. (See § 151.084(C)(1)(c).)

**SIGN PERMIT.** Permit required prior to erection of, or change in, any sign or sign structure in the city.

**STORY.** That portion of a building included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

**STORY, HALF.** A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of the story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his or her family, or by a family occupying the floor immediately below it, shall be deemed a full story.

**STREET.** Any public or private thoroughfare, street, avenue, boulevard, way or space, a minimum of 50 feet right-of-way width, which affords the principal means of access to abutting properties.

**STREET CENTERLINE.** That line surveyed and monumented by the governing body shall be the centerline of a street, or in the event that no centerline has been so determined, it shall be that line running midway between, and parallel to the general direction of the outside right-of-way lines of the streets.

**STREET LINE.** The dividing line between a lot, tract or parcel of land and contiguous street.

**STRUCTURE.** Anything constructed or erected which requires a fixed location on the ground, or which is attached to something having a fixed location on the ground, including but not limited to buildings, mobile homes, trailers, signs.

satellite dish antennas, billboards, backstops for athletic activities, swimming pools, walls and fences. The term *STRUCTURE* shall be construed as if followed by the words "or part thereof".

**SUBDIVISION.** A dividing of land for any purpose.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any combination of repairs, reconstruction, alteration or improvements to a building, in which the cumulative cost equals or exceeds 50% of the market value of the building. The market value of the building should be:

- (a) The appraised value of the building prior to the start of the initial repair or improvement; or
- (b) In the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred *SUBSTANTIAL DAMAGE*, regardless of the actual repair work performed. For the purpose of this chapter, *SUBSTANTIAL IMPROVEMENT* is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing Health, Sanitary or Safety Code specifications which have been identified by the Building Inspectors and which are solely necessary to assure safe living conditions.

**SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS or SUBDIVISIONS.** The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50% of the market value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**TEMPORARY USE.** Non-permanent land uses, including:

- (a) Religious meetings in a tent or other temporary structure in GC, CO, LI Districts, for a period not to exceed 60 days;
- (b) Open lot sale of Christmas trees in GC, NC, CO and LI Districts, for a period not to exceed 45 days;
- (c) Real estate sales office, in any district, except full or near fully developed residential projects, for a period of one year, provided no cooking or sleeping accommodations are maintained;
- (d) Contractor's office (shed or trailer) or equipment shed, in any district, except full or near fully-developed residential projects, for a period of one year, provided the office or shed is placed on the project property, and no sleeping or cooking accommodations are maintained except for the watch persons in the structure;
- (e) Temporary uses which would have significant impact on the city, such as carnivals, circuses, promotions and the like, may be permitted only by City Council after duly determining that traffic congestion and neighborhood nuisance can be avoided; and
- (f) Temporary occupancy permits for divisions (b), (c) and (d) above may be renewed provided it is determined that the use is clearly of a temporary nature, will cause no traffic congestion and will not create a nuisance to surrounding uses. (See § 151.065.)

**TOURIST HOMES.** A dwelling in which sleeping accommodations in less than ten rooms are provided or offered for the use of guests in return for compensation, and where meals may or may not be offered. Any dwelling in which the accommodations are offered in ten or more rooms shall be deemed to be a "hotel" or "motel" as herein defined. The use of a dwelling as a tourist home shall not be considered an accessory use nor a customary home occupation.

**TRAILERS.** Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

- (a) Provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation;
- (b) Serve as a carrier of new or used goods, products or equipment; or
- (c) Be used as a selling, advertising or display device. A trailer is not used as a residence (such as a mobile home), nor as additional classrooms to an educational facility.

**TRAVEL TRAILER.** A portable vehicular structure designed and primarily intended by its manufacturer as a temporary dwelling for travel, recreational and vacation uses, not exceeding eight feet in body width nor exceeding 4,500 pounds gross weight, as factory equipped for the road.

**USE, PRINCIPAL.** The main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended, or for which they may not be used, occupied or maintained under this chapter. The use of any other building,

other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this chapter shall be considered an accessory use.

**WETLANDS.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life and saturated soil conditions. **WETLANDS** generally include swamps, marshes and bogs.

**ZONING ADMINISTRATOR.** The Chief Administrative Officer of this chapter. (See §§ 151.025 and 151.060.)

**ZONING APPEALS.** A request for relief from the strict provisions of this chapter. Appeals generally deal with ordinance interpretation. For example, if a developer disagrees about interpretation of the regulations, he or she may wish to have the Zoning Board of Appeals settle the issue. It is impossible to spell out everything in a zoning ordinance and from time to time interpretations as to intent must be made.

**ZONING PERMIT.** Synonymous with building permit, or development permit. (See **DEVELOPMENT PERMIT**.)

(1985 Code, Art. II, § 204) (Ord. 87-06, passed 2-10-1987; Ord. 87-13, passed 10-14-1987; Ord. 88-02, passed 3-8-1988; Ord. 89-10, passed 9-12-1989; Ord. 91-08, passed 9-10-1991; Ord. 95-002, passed 3-14-1995; Ord. 95-003, passed 3-14-1995; Ord. 96-002, passed 2-13-1996; Ord. 96-009, passed 9-10-1996; Ord. 99-013, passed 8-10-1999; Ord. 08-006, passed 4-15-2008; Ord. 13-006, passed 9-10-2013)

## AMENDMENTS TO THIS CHAPTER

### § 151.045 AUTHORITY.

(A) This chapter, including the official zoning map approved by the City Council and on file with the Planning Director and City Clerk, and the re-zoning of all properties may be amended from time to time by the Council as herein specified, but no amendment, except cases related to annexation, shall become effective unless it shall have been proposed by, or shall first have been submitted to the Commission for review and recommendations.

(B) All amendments shall be in conformance with the city's Comprehensive Plan.

(C) The Commission shall have 30 days within which to submit its report.

(D) If the Commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment.

(E) In making its report, the Commission shall consider the following factors:

(1) The relationship of the request to the Comprehensive Plan;

(2) Whether the request violates or supports the Comprehensive Plan;

(3) Whether the use permitted by the proposed change would be appropriate in the area concerned, in terms of zoning, and general character of the neighborhoods;

(4) What effects, if any, the proposed change has on the property itself, as well as, on the surrounding properties;

(5) Whether adequate infrastructures exist or can be provided to serve the needs of the development likely to take place as a result of the change, and the consequence of the change;

(6) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of the vacant land unavailable for development;

(7) Recommendation of the Administrator and the city; and

(8) Any other considerations the Commission deems appropriate.

(1985 Code, Art. III, § 301) (Ord. 99-005, passed 4-13-1999)

### § 151.046 POLICY ON REQUIREMENTS FOR CHANGE.

As a matter of policy, when the following needs arise that justify an action to amend these regulations or the map, and after the required review and report by the Commission (§ 151.047), the Council may undertake the necessary steps to amend this chapter:

- (A) To correct a manifest error in the regulations or map;
- (B) To recognize changes in technology, the style of living or manner of doing business (in accordance with § 151.009);
- (C) Where necessary to implement the Comprehensive Plan;
- (D) Where good planning and zoning practice justify the action(s); and
- (E) To recognize substantial change, changing condition or circumstances in a particular locality or area.

(1985 Code, Art. III, § 302) (Ord. 99-005, passed 4-13-1999)

#### § 151.047 PROCEDURE FOR AMENDMENTS.

Requests to amend this chapter shall be processed in accordance with the following requirements.

(A) *Initiation of amendments to the ordinance.* A proposed amendment to this chapter may be initiated by the Council, the Commission or by application filed with the Zoning Administrator by owners of the subject property; provided, however, that once a decision has been made, action shall not be initiated for a zoning amendment affecting the same parcel of property or any part thereof, and requesting the same change in district classification, more often than once every 12 months. Furthermore, when an application has been legally advertised for public hearing, it shall not be considered for an amendment affecting the same property for six months from the date of withdrawal by the applicant, unless authorized by the Council. Council may waive the mandatory delay period and authorize the acceptance of a new application upon receipt of written request from the original applicant stating how conditions have substantially changed in the community since prior consideration was given the proposal, thereby justifying earlier review.

(B) *Application procedure for amendments to the chapter.*

(1) Amendment requests shall be submitted to the Administrator in letter form. Amendment requests, together with an application fee, plus any additional information the applicant feels to be pertinent, shall be filed with the Administrator. The applications shall also include a description and/or statement of the present and proposed zoning regulation or district boundary to be changed, and the names, telephone numbers and addresses of the owner(s) of the property, including the tax assessor's assigned number to the property. The application should be signed and dated, and should also include a narrative addressing the reasons for the requested amendment. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in written form and is accompanied by the appropriate fee. In the special case of planned development, note the public hearing requirements of § 151.134(C)(2). Application for amendments must be submitted, in proper form, at least 30 working days prior to a Commission meeting in order to be heard at that meeting. The Commission normally meets the first Tuesday of the month.

(2) Application fees as set by the Council, and filed with the Finance Director, shall be forwarded by the Administrator to the City Clerk, who shall supervise the application of same to the costs of advertising and other administrative expenses. Application fee is required to cover publication and other miscellaneous costs for the change. Application fees shall not be required of any employee of the city when acting in his or her official capacity.

(C) *Commission and Council review.*

(1) All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Commission.

(2) The Commission, at regular meetings, shall review the application and prepare a report, including its recommendation, for transmittal to the Council.

(3) All meetings of the Commission shall be open to the public. At a meeting, any party may appear in person, or by agent.

(4) No member of the Commission shall participate in a matter in which he or she has any pecuniary or special interest.

(5) The Commission and the Council shall have the option to defer action on any amendment(s) in order to gain additional facts, have reasonable time to consult with other governmental agencies or to seek the resolution of any disputes surrounding the amendment(s).

(6) The recommendation of the Commission shall be advisory only, and shall not be binding on Council.

(7) Following action by the Commission, all papers and data pertinent to the application shall be transmitted to the Council for final action.

(8) The Council may then approve the application or amendment, may include specific modifications of the proposal or other specific regulations, or may deny the application. The approval of an application or an amendment by Council shall be based on two readings, at least six days apart.

(9) If the amendment is approved, the proposed development or application shall be required to be in accordance with all development rules and regulations of the city and other agencies, and shall conform with any time or priority limitations established by Council on beginning and completion of the development as a whole, or in specified stages. All related agreements, contracts, deed restrictions or other instruments involved shall be approved by the city before development may proceed.

(D) *Public hearing on proposed amendment.* Before enacting an amendment to this chapter, a public hearing shall be held thereon; at least 15 days notice of the time and place of which shall be published in a newspaper of general circulation in the municipality, and a sign (see § 151.008(C)(1)) shall be placed on the property in question, facing the thoroughfare serving the property, stating the present zoning classification and other information deemed necessary in consideration of the proposed action.

(E) *Changes in the ordinance.* Following Commission review, public hearing consideration and final action by the City Council, any necessary changes shall be made in this chapter and map. A written record of the type and date of the change shall be maintained by the City Clerk. Until the change is made, no action by the Council on amendments to this chapter shall be considered official, unless the Administrator fails to make the change within seven days after formal action by Council. In the latter event, action by Council shall be considered official seven days after the date of the action even if the Administrator has failed to make the appropriate changes.

(1985 Code, Art. III, § 303) (Ord. 99-005, passed 4-13-1999)

## ADMINISTRATION AND ENFORCEMENT

### § 151.060 ENFORCEMENT OF CHAPTER.

(A) The duty of administering and enforcing the provisions of this chapter is hereby conferred upon the Administrator.

(B) These duties include:

- (1) Interpreting the terms and provisions of this chapter;
- (2) Receiving applications for appeals, zoning amendments, conditional uses and variances;
- (3) Processing applications for the Architectural Review Board;
- (4) Accepting and examining all applications for construction including signs, land use or reuse;
- (5) Maintaining the current official zoning ordinance and map for public review;
- (6) Ordering the discontinuance of illegal uses of land or work being done;
- (7) Issuing citations, warnings or notices where the violations exist;
- (8) Attending court hearings and testifying concerning planning and zoning violations;
- (9) Maintaining public records related to zoning;
- (10) Investigating and resolving complaints;
- (11) Inspecting premises. However, there shall be no right-of-entry into any building without the consent of the owner;
- (12) Reviewing and approving plats and plans;
- (13) Keeping records and files of any and all matters referred to the Administrator, and to executing any and all reports as the Council may require;
- (14) Advising the Planning Commission on matters relating to the administration of this chapter; and
- (15) Performing other duties deemed necessary to insure compliance with this chapter, or to prevent violation of its provisions.

(C) It shall be the duty of all officers and employees of the city to assist the Administrator by reporting to him or her all new construction, all reconstruction, all changes in land use and all apparent violations of this chapter.

(1985 Code, Art. IV, § 401) (Ord. 99-005, passed 4-13-1999)

#### § 151.061 PERMIT REQUIRED; PENALTY.

(A) *General.* It shall be unlawful to initiate any development or construction in any district without an appropriate permit. Permits shall be conspicuously posted on premise while work is in progress.

(B) *Development and construction.* It shall be unlawful to initiate any development, building construction, grading or clearing of land, or to commence the moving, occupying, changing, converting, enlarging or the altering of any building or sign until the Administrator has approved the appropriate permit for the work. See § 151.008. It shall also be unlawful to change or implement previously-approved development plans without first obtaining approval from the city.

(C) *Penalty.* If work, which in all respects would normally be permitted, is begun without the proper permit(s) having first been obtained, subsequent permit(s) shall be issued after payment of the required fee, plus a penalty equal to the fee. Work illegally begun in other respects shall be issued a "stop work order", and shall be subject to penalty as described in § 151.999. Additional enforcement action may include the following:

(1) Revocation of any permit; and

(2) The withholding of any related permits, plats, inspections or other permissions, approvals or privileges authorized by any city rules and regulations.

(D) *Non-conformity.* Work initiated prior to this chapter may, or may not, be non-conforming. See § 151.152(F).

(1985 Code, Art. IV, § 402) (Ord. 99-005, passed 4-13-1999) Penalty, see § 151.999

#### § 151.062 APPLICATION FOR PERMITS.

(A) Applications shall include a plan illustrating the shape, size, dimensions and location of the lot, location and dimensions of existing and proposed buildings and structures, conditions existing on the lot and adjacent lots, general area of vegetative cover and buffers if applicable, the boundaries of flood hazard areas (see § 151.081), proposed dwelling units, office or commercial units, easements, setback lines or adjacent structures, off-street parking spaces and all other information required to determine compliance with this chapter.

(B) A scaled plan is only necessary for new construction, commercial and light industrial applications.

(C) Application, permit and inspection procedures for specific types of construction are detailed in the respective *Procedures Manual*, available from the Zoning Administrator.

(1) Zoning, development, building or occupancy permit shall be issued upon determination by the Zoning Administrator that all provisions of this, and all other city ordinances, are complied with, and any required fees are paid. The Zoning Administrator shall state reasons for refusal of a permit in writing.

(2) Before commencing any actions described in § 151.061, the required permit (or copy thereof) shall be placed conspicuously on the front property line therein described for the project duration, in a manner to protect it from weather.

(3) Permits and certificates of occupancy issued based on plans and applications approved by the city, and by other officers or agencies where additional approval is required, shall authorize only the use, arrangement, location and construction set forth in the approved plans and applications, and no other use, arrangement, location or construction shall be authorized unless the approvals have been obtained.

(1985 Code, Art. IV, § 403) (Ord. 99-005, passed 4-13-1999)

#### § 151.063 CONSTRUCTION PROCESS.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. Law No. 97-348), being 16 U.S.C. §§ 3501 *et seq.*, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms;

nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(1985 Code, Art. IV, § 404) (Ord. 99-005, passed 4-13-1999)

#### § 151.064 EXPIRATION OF PERMIT.

(A) If the work described in any permit has not begun or has not been completed within six months from the date of issuance thereof, the permit shall expire and the applicant shall have to reapply for another permit. It is expected that all new construction be completed within six months.

(B) In the case of new construction, which may reasonably be expected to require more than six months for completion, the city may specify a time limit in excess of six months at the time of original issuance of the building permit on a case-by-case basis, and shall extend the time limit accordingly.

(1985 Code, Art. IV, § 405) (Ord. 99-005, passed 4-13-1999)

#### § 151.065 OCCUPANCY PERMIT.

Upon determination that the completed building, sign or structure, or change in occupancy, as described in the authorizing permits, conforms to this chapter and all other city ordinances, an occupancy permit will be issued by the Finance Director, at the direction of the Zoning Administrator.

(A) No buildings hereafter erected or structurally altered shall be used, occupied or changed in use until an occupancy permit is issued stating that the building or intended use complies with this chapter.

(B) Occupancy permits shall be required of all non-conforming uses, to be applied for within 12 months from the effective date of this chapter. After this time, occupancy permits will only be granted upon proof that the non-conforming use predated this chapter.

(C) Occupancy permits shall be issued as part of the city permit administrative process; issuance shall occur within ten days of completion of final inspection by the Inspection Division.

(D) Temporary occupancy letter may be issued at the discretion of the Administrator in cases where the temporary occupancy represents no threat to the safety of the occupants, or to the general safety or welfare of the public. The time frame for temporary occupancy should first be agreed upon between the occupant and the city.

(1985 Code, Art. IV, § 406) (Ord. 99-005, passed 4-13-1999)

#### § 151.066 TEMPORARY USES.

The Zoning Administrator is authorized to issue temporary occupancy permits for particular circumstances, or at the direction of other appropriate city officials, and for certain temporary uses, as defined in *TEMPORARY USE*.

(1985 Code, Art. IV, § 407) (Ord. 99-005, passed 4-13-1999)

### GENERAL DEVELOPMENT PROVISION

#### § 151.080 USE OF LAND OR BUILDINGS.

No land, building or structure, including signs, shall be used or occupied, and no building or sign shall be constructed, altered or moved, unless in conformity with the regulations herein specified for the particular zoning district. When proposed development lies adjacent to an established area of the city, the design, scale and location of structures or landscaping on the site shall enhance rather than detract from the character, value and attractiveness of the established surroundings.

(A) *Preservation of natural environment.* The intent of this section is to preserve the natural environment and existing trees to the maximum extent possible, prevent the unregulated clear-cutting of trees and natural vegetative cover and provide for the inclusion of natural trees in the landscape requirements of this chapter.



(B) *Trees on undeveloped lots.* On undeveloped lots, parcels, tracts and acreage in any district, it shall be unlawful to fell any tree measuring four inches in diameter (measured four and one half feet above grade), or otherwise commence development, clearing, grading, filling or excavation until the Administrator has approved the appropriate permit. (See §§ 151.061(C) and 151.999.)

(C) *Clear-cutting prohibited.* The clear-cutting of trees and vegetative cover on any lot, parcel, tract or acreage in any district is specifically prohibited.

(D) *Removal of trees in public rights-of-way.* In all zoning districts, the removal or cutting of trees in public rights-of-way (federal, state or local) shall not be permitted except by governmental entities or with the permission of governmental entities.

(E) *Tree conservation.*

(1) *Authority and power.* Pursuant to Objective Seven of the Natural Resources Element of the Comprehensive Plan, and recognizing the importance of preserving the natural landscape of the city as a way to promote the public health, safety and general welfare of its citizens, the Council hereby adopts the tree conservation section of this chapter. All developments and uses proposed within the Commercial and Light Industrial Districts of the city (NC, RC, GC, LI and PD) and all developments and uses proposed on undeveloped parcels and tracts in residential districts (R1, R-2, R-3 and PD) shall be subject to the procedures, standards and guidelines specified in the following sections, in addition to those standards pertaining to the particular zoning district in which the development occurs.

(2) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

**DIAMETER AT BREAST HEIGHT (DBH).** The height at which the diameter of a tree is measured, a height of four and one half feet above the ground level.

**REGULATED TREES.** Hardwood trees at least eight inches DBH, all conifer trees at least 12 inches DBH, and all dogwoods, flowering trees and American Hollies at least four inches DBH anywhere on a site shall be considered regulated and protected, and shall be preserved to the greatest extent practical as determined by city staff and incorporated into required landscaping.

**SIGNIFICANT TREES.** Hardwood trees at least 24 inches DBH, and dogwoods, American Hollies and flowering trees at least eight inches DBH, anywhere on the site shall be considered significant and protected, and must be preserved to the greatest extent practical.

**TREE.** A woody perennial plant having a single or multiple elongated main stem (trunk) and height of that particular species. Trees are distinguished from shrubs by having comparatively greater height and, characteristically, single or multiple trunks. Common trees, when planted, shall have a minimum of two and one half inch caliper.

**TREE, CALIPER.** American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground for and up to and including four inch caliper size, and 12 inches above the ground for larger sizes.

**TREE, CANOPY.** The over story of a tree area that forms the top layer or the above-ground parts of a tree, consisting of the branches, stems, buds, fruits and leaves. Also referred to as a "crown". Examples of trees include oaks, elms, hickories, maples, poplars and others.

**TREE, CONIFER.** Any tree with needle leaves and a woody cone fruit.

**TREE, DIAMETER AT BREAST HEIGHT (DBH).** The diameter in inches of a tree trunk measured four and one half feet above grade. For trees with multiple trunks, the diameter shall be the sum of the diameters of the trunks. Diameter is calculated as the circumference measured in inches divided by 3.14 (π).

**TREE, DRIP LINE.** The outermost perimeter of a crown of a tree projected vertically to the ground.

**TREE, REMOVAL OF.**

1. Any intentional or negligent act causing a tree to decline and die within a period of one year from the act as determined by the city, including but not limited to, damage inflicted upon the root system of a tree by application of toxic substances, the operation of machinery or the change of natural grade by excavation or filling;
2. Damages from injury or fire inflicted on trees that result in, or permit pest infestation; and
3. Purposeful felling of trees using best management practices; in accordance with this chapter and following approval granted by the city.

six feet on center. Fencing shall be made of either fencing steel rails and posts (minimum of one and a half inch diameter, wood rails (minimum one by four), and wood posts (minimum two by four), or florescent polyethylene laminar safety fencing.

2. Barriers shall be made of sturdy material and shall be highly visible.
  3. There shall be no construction, paving, operation of equipment or vehicles, or storage and dumping of materials within this protected zone. Where grading must occur, trees shall be protected.
  4. Temporary protective barriers shall be maintained until the issuance of the certificate of occupancy.
  5. No fill material shall be placed within the drip line of any tree in excess of acceptable level for the particular species.
  6. Landscaping activities taking place after the removal of temporary protective barriers shall be accomplished with light machinery or by hand.
  7. The Planning Director shall be notified prior to any deviation from the above-mentioned criteria.
- (b) Protective trees shall be marked with surveyor's flagging for easy identification and inspection.
- (c) Any existing natural landscape character shall be preserved whenever possible. Preservation is the goal rather than destruction of existing trees or plant life.
- (d) Flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces, and location of utilities should be pursued in order to save the trees.

(e) Corrective measures shall be taken for trees in declining health. Such measures may include:

1. Initiation of pest control measures;
2. Pruning for good forestry;
3. Fertilizing to restore vigor; and
4. Other mitigation measures as deemed necessary.

(9) *Tree conditions for new planting.*

- (a) All trees planted shall have a minimum of two and one half inch calipers, eight to ten feet in height. If a tree splits into multiple trunks below four and one half feet, then the trunk is measured at its most narrow point beneath the split. The crown material shall be in good balance with the trunk.
- (b) Trees shall be free of diseases, fungi, insect infestations, abrasions or disfigurement.
- (c) Trees shall be well formed and sturdy, free of cold injury and sun scald.
- (d) Lateral branching shall be plentiful and uniformly distributed. At least half of the trunk shall have lateral branches.
- (e) Pruning scars shall follow proper horticultural practices.
- (f) Trees shall be densely supplied with healthy, vigorous leaves of normal size, shape, texture and appropriate colors.
- (g) Rooting medium shall be weed-free.
- (h) Any new planting shall be done to avoid any adverse impact to the root systems of existing trees.
- (i) Tree type substitutions are permitted upon approval from the Planning Director.
- (j) All trees shall meet the standards of the latest edition of the American Standard for Nursery Stock sponsored by the Association of American Nurserymen.

(10) *Tree planting and maintenance.*

- (a) All installation shall be accomplished in a sound workman-like manner, according to accepted good planting procedures with quantity and quality of plant materials described. Installation shall include, but not be limited to, planting conditions, planting methods, staking of trees, fertilizing, irrigating, pruning and tree maintenance until tree is established.
- (b) Evergreens shall be planted in clusters rather than singly in order to maximize their chances of survival.
- (c) The city has developed master tree plans for Highway 52 and Highway 176. Street trees shall be planted in accordance with the master tree plans, and will count toward the tree planting requirements of a development.

(11) *Tree replacement, relocation and mitigation.* The intent of this section is to create conscientiousness in tree conservation and protection. The objective is to retain existing trees as much as possible, replant reasonably larger trees and provide alternate methods for tree replacement. Trees shall be mitigated using Chart 1 to determine percent mitigation.

(a) All significant and regulated trees located at a distance of 15 feet from the footprint of a building shall be saved. Removal of the significant trees shall be replaced by the applicant on the property through the replanting of species approved by the city at a minimum of four inch calipers equal to the total DBH removed, and a penalty of \$500. When it is not possible to achieve the total number of replacement trees on the piece of property, a penalty of \$500 per each DBH removed above the replacement trees may be imposed on the applicant along with the original \$500 fine. All monetary fines shall be deposited into the city's Tree Trust Fund for the planting of trees on public properties.

(b) In all buildable areas, a minimum of 12 trees per acre shall be saved and/or replaced anywhere within the property calculated at total DBH in order to provide flexibility, with a minimum of two and one half inch calipers or equivalent size trees:

1. All existing trees including significant trees to be saved within the buildable area may count toward the total number of replacement trees required; and
2. Replacement trees may be the predominant species on the property, or of species approved by the city.

(c) A tree replacement schedule is required showing the location, species and sizes of any replacement trees to be planted.

(d) In areas outside the buildable areas (yard areas), with the exception of significant trees, all trees over four inches DBH shall be saved when practicable. This does not preclude an applicant from removing trees that unnecessarily hinder the development process, or trees that are in the way of driveways, easements and the like. The Planning Director shall be consulted prior to removing any trees.

(e) In all buildable and yard areas, with the exception of significant trees, if the applicant removed the trees inadvertently, the trees died during the development or redevelopment processes, or if the applicant is in violation of this chapter, the total number of DBH removed shall be replaced with a minimum of four and one half inch calipers or equivalent size trees. The city may require trees of larger DBH as determined appropriate for the nature of the violation or for site specific conditions and circumstances, lawful or illegal, under which the removal occurred. Section 151.999 will also be imposed.

(f) Compensating (replacement) trees may be planted within the buildable areas or in the yard areas. Replacement trees shall be long-lived, hardy, native and compatible with local conditions, with good aesthetic value, healthy and disease and pest free and approved by the Planning Director.

(g) If trees are to be relocated onto the development site, the applicant shall identify the original locations of the trees, as well as, submit to the city site preparations and methods used on the tree survey. Trees may be relocated provided the environmental conditions of the new location are favorable to the survival of the trees.

(h) For all trees other than significant trees, when an applicant cannot reasonably plant the required replacement trees or saved trees, the applicant shall provide the total DBH removed in monetary value based on tree size of two and one half inch calipers. Replacement trees in monetary value may be of species approved by the city. All monetary value shall be deposited into the city's Tree Trust fund for the planting of trees on public property or property dedicated for public use and enjoyment.

(i) All trees planted, replanted, relocated or mitigated may count toward the landscaping requirement for trees under § 151.197(D)(3)(c). The City of Goose Creek encourages the planting of trees as an integral part of the landscaping design of a development. Tree planting shall be at least 10% of the landscape design of a project. The use of native trees is preferred.

<i>Chart 1: Category 1: Mitigate 100%</i>	
<i>Common Name</i>	<i>Scientific Name</i>
Flowering Dogwood	Comus florida
Fosters, Savannah Holly	Ilex attenuata
Longleaf Pine	Pinus palustris
White Oak	Quercus alba
Live Oak	Quercus virginiana
Crepe Myrtle	Lagerstroemia indica

**§ 151.081 FLOOD HAZARD CONTROLS.***(A) Purpose.*

(1) The development of land subject to flooding and the encroachment upon natural waterways and major drainage channels shall be regulated by special controls as set forth in this chapter. These regulations are established in accordance with the guidelines of the Federal Emergency Management Agency (FEMA), as well as, to protect lives and property of persons living in the vicinity of flood prone areas and to preserve the natural drainage ways for the benefits of all citizens of the city.

(2) This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Goose Creek, as identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated October 16, 2003, with accompanying maps and other supporting data that are hereby adopted by reference and declared to be part of this chapter. Upon annexation, any special flood hazard areas identified by the Federal Emergency Management Agency in its Flood Insurance Study for the unincorporated areas of Berkeley County, with accompanying maps and other data, are adopted by reference and declared part of this chapter.

(3) In any zoning district of the City of Goose Creek, development shall be in accordance with the current Berkeley County and City of Goose Creek Flood Insurance Rate Map (FIRM), latest edition (Panels 0590 D, 0595 D, 0680 D and 0685 D, effective October 16, 2003), published by the Federal Emergency Management Agency/National Flood Insurance Program. The provisions below, applied to areas of special flood hazard (see division (A)(2) above), are intended to:

- (a) Restrict or prohibit uses which could result in damaging increases in erosion or flood height/velocity, and restrict or prohibit all uses which are dangerous to safety, health or property;
- (b) Require that uses vulnerable to floods, including facilities which serve the uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of flood plains, stream channels and protective barriers (natural or man-made) which are involved in the accommodation of flood waters;
- (d) Control excavation, encroachments, new construction, substantial improvements, filling, grading, dredging and other actions which may increase erosion and/or flood damage; and
- (e) Prevent or regulate the construction of flood barriers which would unnaturally divert floodwaters or which may increase flood hazards to other lands.

*(B) Interpretation and application.* These regulations are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this chapter conflicts or overlays others, the more stringent restriction shall prevail.

(1) Areas of special flood hazard identified by the Federal Emergency Management Agency in its National Flood Insurance Act, dated August 1, 1968, as revised, are hereby adopted by reference and declared to be part of this chapter. Preliminary maps depicting areas of special flood hazard identified by the Federal Emergency Management Agency in its National Flood Insurance Act, being 42 U.S.C. §§ 4001 *et seq.*, dated August 1, 1968, as revised, are hereby adopted by reference and declared to be part of this chapter.

(2) The degree of flood protection afforded by this chapter is based on scientific and engineering considerations, but does not imply that land outside the areas of special flood hazard, or uses permitted within the area, will be free from flood or damage. Larger floods can and will occur on rare occasions. These regulations create no liability on the part of the City of Goose Creek, its officers, employees or assigns, for any flood damages resulting from reliance on this chapter, or any administrative decisions lawfully made thereunder.

(3) These regulations shall be considered as minimum requirements, to be liberally construed in favor of the city, and deemed neither to limit nor repeal any other powers granted under state statutes.

*(C) Administration.*

(1) During the permit process described in §§ 151.060 through 151.066, the Zoning Administrator shall ensure that all applications for activities in special flood hazard areas include the information as necessary to secure the protections intended by these regulations, such as:

- (a) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- (b) Elevation in relation to mean sea level of the proposed lowest floor (including basements) of all structures;
- (c) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

- (d) Certification from a registered engineer or architect that the non-residential structure flood-proofing meets the criteria of division (M) below;
- (e) Within 21 days of establishing the lowest floor elevation on the site, or flood proofing the structure (whichever is applicable), it shall be the duty of the permit holder to submit as-built certifications conforming to the immediately preceding four points. Any work done during the 21 day period prior to certification submission and Zoning Administrator approval shall be at the permit holder's risk. Deficiencies noted in the submitted certification(s) shall be corrected by the permit holder, subject to the Zoning Administrator's approval, prior to further progression of work. Failure to submit required information or certification(s) shall be cause for issuance of a stop work order.
- (2) The Zoning Administrator's responsibilities shall be as described in §§ 151.060 through 151.066, including, but not limited to:
- (a) Reviewing all development permits to assure that the permit requirements of this chapter have been satisfied; and
  - (b) Advising the permittee that additional federal or state permits may be required, and if specific federal or state permits are known, requiring that copies of the permits be maintained on file with the city development permit;
  - (3) Notifying adjacent communities and the South Carolina (Water Resources Commission) Replace with (South Carolina Department of Natural Resources, Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program) of any proposed alteration of a watercourse, and submitting evidence of the notification to the Federal Emergency Management Agency;
  - (4) Assuring that maintenance is provided within the altered or relocated watercourse so that the flood carrying capacity will remain undiminished;
  - (5) Verifying and recording the lowest floor elevation of all new or substantially improved structures, and the elevation to which non-residential structures have been flood-proofed, in accordance with division (E) below;
  - (6) Obtaining certification from a registered architect or professional engineer of the flood-proofing of a particular structure;
  - (7) Determining the exact location of boundaries of areas of special flood hazard, and interpreting the boundaries in the event a mapped boundary appears to conflict with the actual field conditions;
  - (8) Obtaining base flood elevation data and floodway data where not provided as required in division (L) below to administer the provisions of division (L) below;
  - (9) Maintaining all records pertaining to flood hazard control open for public inspection; and
  - (10) For sensitive ecological areas, requiring piling or columns rather than fill, for the elevation of structures within flood-prone area in order to maintain the storage capacity of the flood plain and to minimize the potential for negative impacts.
- (D) *Variances by Zoning Board of Appeals.* The Zoning Board of Appeals, in carrying out its duties (see §§ 151.170 through 151.174), may issue variances for new construction and substantial improvements to be erected on a lot of ½ acre or less in sizes contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, provided that:
- (1) It is determined that the variance is the minimum necessary, considering the flood hazard, to afford relief;
  - (2) Good and sufficient cause has been shown;
  - (3) It is determined that failure to grant the variance would result in exceptional hardship to the applicant;
  - (4) It is determined that granting the variance will not result in increased flood heights, the structure or other development is protected by methods that minimize flood damage during flooding and creates no additional threats to public safety, extraordinary public expense, nuisance creation, fraud or victimization of the public, or conflict with any law or ordinance;
  - (5) Any applicant to whom the variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation, and that the construction below the base flood elevation increases risks to life and property;
  - (6) Provided further, that the Board, in passing upon applications for variance, shall consider, in addition to relevant factors and all other requirements of this chapter, the following:
    - (a) The danger that materials may be swept onto other lands to the injury of others;

(1) No fill material, structure or other encroachment shall be located within a distance of the stream equal to five times the width of the stream (at the top of the bank) or 20 feet on each side (from the top of the bank), whichever is greater, unless certification is provided by a registered professional engineer demonstrating that proposed encroachment(s) will cause no rise in flood levels during the occurrence of the base flood discharge; and

(2) New construction shall also comply with elevation and/or flood proofing requirements.

(K) *Subdivision and new development proposals.* Subdivision proposals shall be consistent with the need to minimize flood damage and shall:

(1) Have public utilities (water, sewer, gas, electricity and the like) located and constructed in a manner to minimize flood damage and health hazard (see division (F) above);

(2) Have storm runoff drainage designed to minimize erosion and flood hazard; and

(3) Provide base flood elevation data from a registered professional engineer for review consideration in all developments of five acres or 50 lots, whichever is less.

(L) *Findings of fact.*

(1) The flood hazard areas of the City of Goose Creek are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

(2) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed or otherwise unprotected from flood damages.

(M) *Objectives.* The objectives of this section are:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in flood plains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

(7) Ensure that potential home buyers are notified that property is in a flood area.

(N) *Provisions required.* In all areas of special flood hazard where base flood elevation data have been provided, the following provisions are required.

(1) *Residential construction.* New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, ventilation duct work and mechanical equipment elevated to a minimum of one foot, or above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with this chapter. The elevation in relation to mean sea level after the building has been elevated shall be provided to the Zoning Administrator.

(2) *Non-residential construction.* New construction or substantial improvements of any commercial, light industrial or non-residential building (or manufactured home) shall have the lowest floor, including basement, ventilation duct work and mechanical equipment elevated to a minimum of one foot or above the level of the base flood elevation. Buildings together with attendant utility and sanitary facilities located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied. The certification shall be provided to the Zoning Administrator as set forth in this chapter.

(O) *Recreational vehicle.* All recreational vehicles placed on sites in flood hazard areas must either:

(1) Be fully licensed and ready for highway use;

(2) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of this chapter; and

(3) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(P) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK or SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete slabs).

**HISTORIC STRUCTURE.** Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district, or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places; and

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:

1. By an approved state program as determined by the Secretary of Interior; or

2. Directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the state or local inventories may not be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that an enclosure is not built so as to render the structure in violation of other provisions of this chapter.

(1985 Code, Art. V, § 502) (Ord. 91-08, passed 9-10-1991; Ord. 96-013, passed 11-26-1996; Ord. 06-007, passed 3-14-2006)

## § 151.082 DESIGN STANDARDS.

Attention to these standards is intended to further the goals expressed in § 151.003, and assist developers in achieving maximum marketability and aesthetic value.

(A) *Architectural conformity and review.* In any zoning district, subdivision, Planned Development or other area of the city which has a majority of the zoning lots built upon, all subsequently permitted buildings must substantially conform to the architectural standards established by the majority of existing structures. By determination of the Zoning Administrator, subsequent structures must conform as to architectural style, general design, square footage of living area (exclusive of garages and porches), external siding materials and overall treatments.

(B) *Exterior yard provisions.*

(1) Yard depth shall be measured perpendicular to the lot line; for a curved or irregular lot line, depth shall be measured perpendicular to a straight line connecting the two lot corners. At least one yard shall have the full required depth, and no other yard on the lot shall have less than one half the required depth, except as provided in division (B)(2) below; and

(2) In lots between two non-intersecting streets, having one yard with a depth not in keeping with the prevailing yard depth pattern, the Zoning Administrator may approve a special minimum yard depth equal to the average yards of adjoining lots. If the city approves a plat with less than normal yard depth along on the two streets, the building set back line shall be the minimum yard depth for the lot(s).

(a) Fees shall be paid upon filing a petition for a sign permit, in the amount established in the fee schedule on file in the City Clerk's office. Signs erected, or work begun, without obtaining a permit, shall be subject to penalty, as described in § 151.061;

(b) Signs in division (D)(1) below are exempt from fees, but shall conform in all other respects to these regulations; and

(c) A sign confiscated in violation of the city's sign ordinance may be reclaimed upon payment of a \$25 fee. Any sign confiscated by the city will not be kept more than 30 days from the date the sign was confiscated.

(D) *Regulations by zoning district.*

(1) *Residential.* Only the following signs are allowed in any residential district:

(a) One sign, no more than three square feet in area, attached to a rod or post not more than five feet high, or attached to the building, stating only the street number or occupants name, or both. Separate street numbers attached to the building shall not be included in computing sign area;

(b) One sign, bulletin board or entrance marker not exceeding 32 square feet in area for each church or institution, however, if building street frontage exceeds 100 feet, up to three signs may be placed, one sign per 100 feet of frontage, or portion thereof;

(c) One "For Sale", "Sold" or "For Rent" sign not over eight square feet in area, advertising the lot on which the sign is placed, for each licensed realtor listing the property, to be removed within 30 days after sale;

(d) One builder's or developer's sign not over 20 square feet in area, on a lot where the building is under construction, and one sign not over eight square feet per subcontractor, all to be removed within 30 days after project completion; and

(e) Subdivision entrance sign(s), to be approved as part of Planning Commission's subdivision review procedure.

(2) *Multi-Family, Business and Light Industrial.* Only the following signs are allowed:

(a) Signs allowed in division (D)(1) above, or, for any lot or parcel of two acres or larger and lots or parcels with a front footage exceeding 199 linear feet, one "For Sale", "Sold" or "For Rent" sign not over 20 square feet in area, advertising that lot or parcel on which the sign is placed. All signs are to be removed within 30 days after sale, rental or lease;

(b) One freestanding sign no more than 50 square feet in area, nor exceeding 20 feet height above grade. A business may substitute a free-standing sign for one additional building sign provided that the cumulative square footage does not exceed the maximum allowable area pursuant to division (D)(2)(d) below;

(c) Reader board signs may be mounted onto the free-standing sign provided that the signs have been approved by the Architectural Review Board for aesthetic purposes, the signs are within the 50 square feet limit and are permanently attached as close to the free-standing sign as possible in order to provide a unified appearance;

(d) The size, area and numbers of all signs to be located in Commercial and Light Industrial Districts of the city shall be governed by the following table. This shall include any combinations of building, projecting wall, painted wall and/or window, roof mounted, marquee or illuminated signs which are located interior to a business and visible from the exterior of a business establishment:

<i>Distance From Front Property Line To Business Front:</i>	<i>Business Frontage Multiplied By:</i>	<i>Total Area (Square Feet) Not To Exceed:</i>	<i>Total Number Of Signs Not To Exceed:</i>
0-99 feet	1	200	2
100-399	1.5	300	3
400 feet or more	2	400	4

Note: The intent of this section is to not have a sign dominating the overall size of the building. Any sign is subject to the aesthetic review of the Architectural Review Board.

(e) A shopping center may erect a maximum of two freestanding signs with a maximum total area of one square foot per frontage foot, but not to exceed 500 square feet per sign. The freestanding sign(s) shall advertise the shopping center development, and are not considered in the requirements of division (D)(2)(d) above. Businesses located in established shopping centers are not authorized to erect freestanding signs;



(f) Petroleum product pumps and dispensers shall be permitted to display only information required by law and the brand name and type of product being dispensed. Height of letters for price and information shall not exceed six inches. Pump and dispenser signs shall not exceed ten square feet in surface area per side, and shall not exceed the face of the pump. Pumps and dispenser signs shall not be counted in the maximum number of building signs for a business; however, the designs of the signs shall meet with the approval of the City Planner;

(g) Gasoline canopy signs shall be subject to the maximum size and number of building signs for each business except height-warning signs;

(h) Holiday decorations such as Christmas lights and ornaments may be installed with the exception that the decorations cannot flash, and decorations shall contain no commercial copy or commercial graphics;

(i) Permanent signs on windows or doors (interior or exterior, or a combination thereof) shall not exceed 50% of the gross transparent area of any one window or door;

(j) Exterior vending machines, newspaper stands and telephone booths on the property shall not bear advertisements for the businesses and shall advertise only the products or services available from those machines or booths;

(k) Informational signs are permitted provided that no sign shall exceed six square feet. Informational signs shall not count toward the maximum number of signs allowable or the maximum allowable sign area;

(l) Special event sign/banner, professional in appearance that is intended to inform the public of a special event. An applicant is limited to two special event signs/banners during the calendar year and must obtain a permit from the Zoning Administrator. The sign or banner must be located on the property on which the event is being held and be germane to that event. Special event signs/banners are restricted to businesses, churches, schools and governmental entities and are subject to the following conditions:

1. Banners and special event signs do not include pennants, flags or bench signs;
2. Only one banner or special event sign is allowed for each business at any given time;
3. Banners and special event signs may be displayed up to a maximum of 30 days and no more than twice per year. The frequency of displaying banners by local municipal government entity shall be subject to the permission of the city. Applicants shall indicate on the permit the number of days for banners to be displayed;
4. Banners and special event signs shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement. Banners shall not be strewn between buildings or utility poles;
5. Banners and special event signs may be used as temporary signs for the opening of a new business, or to promote special events. Banners shall be treated as temporary in nature, and shall not be perceived as permanent signs;
6. Banners and special event signs are exempt from review by the Architectural Review Board;
7. The maximum size of a banner or special event sign shall be 50 square feet;
8. The design, colors and overall appearance of the banner or special event sign shall be subject to staff review and approval. Gaudy, distasteful or cluttered-looking banners shall not be permitted; and
9. Street banners as proposed for the city as part of the strategy of the Downtown Business District shall not be subject to the requirements of this section.

(m) Painted wall and/or window signs, signs painted directly on an externally visible wall or window (including glass doors) to advertise the business in the building may be allowed only in the commercial and light industrial zoning districts, subject to division (D)(2) above and upon approval by the Zoning Administrator. Painted wall or window signs may be allowed for the purpose of advertising nationally recognized trademarks or logos, or legitimate business names, but shall not display any other pictorial scenes, free-hand advertising creations, "sale" or pricing information. A permit for a painted wall or window sign shall be granted only upon presentation of a guarantee that the sign will be well-maintained, re-painted at intervals frequent enough to guarantee its professional appearance and painted over or removed upon cessation of the business at that location.

(E) *LED (light emitting diode) signs.* LED signs are permitted within the city under the following restrictions.

(1) *Permitted locations.* Schools, places of worship and municipal complexes.

(2) *Sign, style, height, width and setback.* The LED portion of the sign shall be integrated into a low profile monument sign with a brick or stone base. The sign shall not exceed eight feet in height and ten feet in width, including the base and all brickwork. The sign shall be setback with a minimum of ten feet from the front property line. The LED portion of the sign may display letters only, with a maximum of three lines of text. No characters are permitted.

(3) *LED sign area.* The maximum area of the LED sign component shall not exceed 40 square feet or 50% of the total sign area, whichever is less.

(4) *Color and brightness control.* Message copy shall be limited to one color, white or amber on a black background. The sign shall be equipped with photosensitive equipment which automatically adjusts to the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

(5) *Minimum interval.* The sign may only display one new message per hour.

(6) *Movement restriction.* The use of animation, flashing, scrolling or blinking characters is prohibited.

(F) *Display of national, state and organizational flags.*

(1) Review, approval and permitting;

(2) A permit shall be required for the installation of all flag poles or flag display devices;

(3) Applicant must submit with the permit application a scaled site plan giving the location of flagpole(s) and complete dimensional and installation engineering data;

(4) Applicant must provide documentation of minimum clearance from electric, telephone or cable TV lines as certified by the proper utility prior to issuance of permit, or installation;

(5) Height of poles, types of flags, size flags and number of flags;

(6) The maximum height above grade for a ground mounted flagpole shall be 35 feet or 15 feet above the highest point of the roof or parapet of the building for roof/wall mounted installations;

(7) United States national flags, South Carolina state flags and approved organizational flags may be flown in accordance with accepted protocol, however, no flag may be flown except in conjunction with the national flag;

(8) No individual flag may exceed 50 square feet in area;

(9) No more than three flags may be displayed from a single pole or device; no more than three flags may be displayed on a single site, lot or parcel, whether on single or multiple poles;

(10) Inclement weather/hours of darkness display;

(11) All flags to be displayed must be maintained in a neat and clean condition, free of fading colors and/or frayed edges. Flags showing obvious signs of fading or wear will be immediately replaced; and

(12) Illuminated signs located interior to a business and visible from the exterior of a business establishment shall be included as part of the total square footage of signage authorized by division (D)(2) above.

(G) *Political signs and posters.* Political signs and posters promoting the candidacy of a person or persons for elected public office may be erected or posted within the City of Goose Creek 30 days prior to a general or special election. A candidate shall be limited to one political sign per lot, and signs shall be self supporting. It shall be the responsibility of the candidate for public office, whose name or advertisement appears on the signs and posters, to remove the same within 48 hours after the closing of the polls at the general or special election. Failure to remove the signs or posters constitutes a misdemeanor, and upon conviction, shall be punishable by fine not to exceed \$500 or 30 days of imprisonment. In no case shall political signs or posters be placed, erected or posted upon any public right-of-way, easement, tree or utility pole. Political signs shall be no larger than eight square feet in residential areas, and 32 square feet in commercial and light industrial areas. It is permissible for signage to appear on both sides of the sign.

(H) *Installation of signs in wetland.* In all zoning districts, the installation of signs in wetlands shall not be permitted except by governmental entities or with the permission of governmental entities.

(I) *Prohibited signs.* Except as may be hereinafter specifically permitted, it shall be unlawful after the effective date of this chapter, or amendment thereto, for any person to erect, place or use within the city, any of the following signs in addition to the requirements of this chapter:

(1) Off-premise signs;

(2) A sign which contains any moving, rotating, animated lights, visible moving or movable parts (with the exception of time and temperature signs), or giving the appearance of animation;

(3) Stationary or abandoned vehicle signs. The parking in public view of any vehicle not in operation condition or lacking current registration shall be prohibited;

(4) Any sign which emits a sound, odor or visible matter;

- (5) Signs using the words "Stop", "Danger" or any word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver;
- (6) Signs painted on or attached to trees, fences, rocks or natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare;
- (7) Any sign towed behind a boat, raft, aircraft, helicopter or recreational vehicle;
- (8) Any sign which exhibits statements, words or pictures of obscene or pornographic subjects;
- (9) Inflatable signs, including balloons;
- (10) Streamers, ribbons, windblown propellers, strung light bulbs, pennants, bench or furniture signs; and
- (11) Visible angle or other frames supporting projecting signs, roof and canopy signs, as well as chain supports are prohibited.

(1985 Code, Art. V, § 505) (Ord. 05-008, passed 7-12-2005; Ord. 05-018, passed 11-8-2005) Penalty, see § 151.999

#### § 151.085 LAND USE BUFFERS.

##### (A) *Buffers required.*

(1) Land use buffers shall be provided between all incompatible zoning districts in accordance with the provisions of this section. Buffers shall function as aesthetically pleasing visual transitional areas between land uses and shall be integrated into the overall landscape design.

(2) All sites not in compliance with this section at the time of its adoption shall be considered pre-existing non-conforming and shall be required to comply with this section when there are renovations or improvements made totaling more than 50% of the reasonable replacement costs of the principle structure(s).

(B) *Purpose.* The purpose of the land use buffer is to balance the impacts of different types of land uses and to mitigate the impacts that certain land uses may impose on adjacent properties.

(C) *Location.* Buffers shall be provided along property boundaries separating zoning districts or along a delineated area on the site other than near the property boundary as approved pursuant to this section.

##### (D) *Buffer design standards.*

(1) *Plant material.* All buffers shall contain appropriate plant material to provide adequate screening from public view and from adjacent property. Existing trees and understory vegetation shall be retained wherever possible with additional plantings as necessary to achieve the required buffer. Plant material shall be designed and maintained in such a manner so as to create a naturally appearing buffer area. Within the required buffer area plant materials and structural elements shall be designed and maintained in a staggered and undulating manner to create a more natural looking buffer. The use of native species is preferred.

(2) *Structural elements in buffers.* Structural elements, such as fences, privacy walls, berms or other elements approved by the Zoning Administrator, may also be required depending on adjacent existing or zoned land uses. Structural elements shall be at least six feet in height, although such height may be less at specific points if required to preserve significant land forms or other aesthetically desirable features. Wood picket, rail, stockade and masonry walls and fences may be used.

(3) The type of required structure and exact placement of required plants shall be determined through the design approval process based upon the proposed use of the subject property, the uses of the adjoining properties, site lines, and any design elements established by surrounding properties. In instances of significant incompatibility in use intensity or density changes, the Zoning Administrator has the discretion to require additional buffering, including depth of buffer, density and number of trees, and/or the requirement for a structural screen.

(E) *Measurement of buffer areas.* Buffer area depth shall be measured at intervals no greater than ten feet.

(F) *Maintenance of buffers.* All buffer areas shall be maintained in good condition at all times. Trees and shrubs shall be maintained in healthy growing condition, and all structural elements shall be constructed in a workmanlike manner and shall be well maintained in a safe and sound condition.

##### (G) *Buffer specifications.*

(1) Buffers shall be provided in accordance with the table and specifications listed below.

###### (a) *Buffer 1.*

1. A buffer 15 feet wide that shall consist of at least four canopy trees, eight understory trees, and 30 shrubs per 100 feet of buffer yard; or

2. A buffer 20 feet wide that shall consist of at least four canopy trees, six understory trees, and 20 shrubs per 100 feet of buffer yard; or

3. A buffer 30 feet wide that shall consist of at least four canopy trees, six understory trees, and 15 shrubs per 100 feet of buffer yard.

(b) *Buffer 2.*

1. A buffer 30 feet wide that shall consist of at least five canopy trees, seven understory trees, and 20 shrubs per 100 feet of buffer yard. In addition, a structural element shall be required; or

2. A buffer 40 feet wide that shall consist of at least four canopy trees, five understory trees, and 20 shrubs per 100 feet of buffer yard. In addition, a structural element shall be required; or

3. A buffer 50 feet wide that shall consist of at least four canopy trees, four understory trees, and ten shrubs per 100 feet of buffer yard. In addition, a structural element shall be required.

(c) *Buffer 3.*

1. A buffer 50 feet wide that shall consist of at least five canopy trees, seven understory trees, and 20 shrubs per 100 feet of buffer yard. In addition, a structural element shall be required; or

2. A buffer 60 feet wide that shall consist of at least five canopy trees, five understory trees, and 15 shrubs per 100 feet of buffer yard. In addition, a structural element shall be required; or

3. A buffer 75 feet wide that shall consist of at least four canopy trees, four understory trees, and 10 shrubs per 100 feet of buffer yard.

(d) *Buffer 4.*

1. A buffer 100 feet wide that shall consist of at least ten canopy trees, 15 understory trees, and 60 shrubs per 100 feet of buffer yard. In addition, a structural element shall be required; or

2. A buffer 125 feet wide that shall consist of at least eight canopy trees, ten understory trees, and 30 shrubs per 100 feet of buffer yard. In addition, a structural element shall be required; or

3. A buffer 150 feet wide that shall consist of at least eight canopy trees, eight understory trees, and 20 shrubs per 100 feet of buffer yard. In addition, a structural element shall be required.

PROPOSED USE	ADJACENT USE					
	Single-Family Residential	Multi-Family Residential	Restricted Commercial	General Commercial and Institutional	General Commercial and Institutional Over 5 acres	Light Industrial
Single-Family Residential (R1, R2, R3)	NA	Buffer 1 15 - 30 feet	Buffer 1 15 - 30 feet	Buffer 1 15 - 30 feet	Buffer 3 50 - 75 feet	Buffer 4 100 - 150 feet
Multi-Family Residential (R3)	Buffer 1 15 - 30 feet	NA	Buffer 1 15 - 30 feet	Buffer 1 15 - 30 feet	Buffer 2 30 - 50 feet	Buffer 3 50 - 75 feet
Restricted Commercial	Buffer 1 15 - 30 feet	Buffer 1 15 - 30 feet	NA	Buffer 1 15 - 30 feet	Buffer 2 30 - 50 feet	Buffer 2 30 - 50 feet
General Commercial and Institutional	Buffer 1 15 - 30 feet	Buffer 1 15 - 30 feet	Buffer 1 15 - 30 feet	NA	NA	Buffer 2 30 - 50 feet

(GC)						
<i>General Commercial and Institutional Over 5 acres</i>	<i>Buffer 3</i> 50 - 75 feet	<i>Buffer 2</i> 30 - 50 feet	<i>Buffer 2</i> 30 - 50 feet	<i>N/A</i>	<i>N/A</i>	<i>Buffer 1</i> 15 - 30 feet
<i>Light Industrial (LI)</i>	<i>Buffer 4</i> 100 - 150 feet	<i>Buffer 3</i> 50 - 75 feet	<i>Buffer 2</i> 30 - 50 feet	<i>Buffer 2</i> 30 - 50 feet	<i>Buffer 1</i> 15 - 30 feet	<i>N/A</i>

<i>MINIMUM PLANTING REQUIREMENTS</i>	
<i>PLANT MATERIAL</i>	<i>SIZE</i>
Canopy Tree	
Single trunk	2.5 inches in caliper
	8 feet tall
Understory Tree	2 inches caliper/6 feet height
Shrubs	24 inches height

(H) *Exemptions.* An application for a variance from this section may be made to the city's Zoning Board of Appeals pursuant to § 151.171. Upon approval of the variance the property would then be exempted from meeting the requirements of this section.

(I) *Compliance review for installed buffers.* Prior to the issuance of the certificate of occupancy and one year after a certificate of occupancy has been issued, the buffer shall be reviewed by the Zoning Administrator to determine its adequacy in regard to softening and screening as required above. Where insufficient plant materials were originally installed, plant materials have died, or the buffer is otherwise deemed to be inadequate, the landowner shall remedy the problems within 30 days of receiving notice of inadequacy.

(1985 Code, Art. V, § 506) (Ord. 13-007, passed 9-10-2013)

**§ 151.086 PARKING AND LOADING SPACE.**

Paved off-street automobile parking shall hereafter be required in all zoning districts at the time of initial construction of any principal building, or when changes in a principal building require more parking. Off-street parking shall have direct access to a street and shall in all respects conform to this chapter.

(A) *Required space.* The number of off-street parking space, or loading space, shall be calculated on the basis of land use, or use of the principal building, as specified in Columns 2 and 3 of Appendix A. For those uses not specifically identified in the annexation, required space shall be determined by the Zoning Administrator.

(B) *Application of parking requirements.*

(1) All required parking spaces shall be located on the same lot with the principal building or use, except as provided in division (D) below.

(2) In the case of mixed or joint use of a building or lot, the required spaces shall be equal to the sum of the spaces required for each use individually.

(3) Uses not specifically listed in Appendix A shall require parking spaces equal to a listed use of similar parking demand generation, as determined by the Administrator.

(4) The total number of spaces required may be reduced up to 10% when the reduction is warranted by unusual circumstances, as determined by the Administrator.

(F) *Definitions.*

- (1) When used in this chapter, certain words and terms shall have the meaning as herein defined.
- (2) Words and terms not herein defined shall have their customary dictionary definitions.
- (3) The term “shall” is mandatory.
- (4) When not inconsistent with the context, words used in the singular number include the plural and those used in the plural include the singular.
- (5) Words used in the present tense include the future.

**DWELLING UNIT.** The definition of dwelling unit used herein shall include the definitions for “dwelling”, “dwelling, one-family”, “dwelling, two-family”, “dwelling, group”, “dwelling, multi-family”, “dwelling, townhouse”, “mobile home”.

**FEEPAVER.** Any person who, after the effective date of this chapter, seeks to develop land by applying for the issuance of a building permit.

**NON-RESIDENTIAL USE.** The non-residential use shall correspond to those areas not designated as residential on the city's official zoning map and described in §§ 151.128 through 151.133.

**RESIDENTIAL USE.** The residential use category shall correspond to those land areas so designated as residential on the city's official zoning map §§ 151.125 through 151.127 and 151.133.

(G) *Determination of fees.*

(1) Impact fees shall be determined and reviewed at least annually in accordance with a detailed analysis of development within city limits, including an actual count of dwelling units as derived from building permit applications, the cost of any expanded or new capital facilities and equipment for police, fire, administration and sanitation services generated by the development and any revenues available to meet the costs. All changes or adjustments in the established schedule shall be determined by City Council and adopted by ordinance. The changes shall apply only to construction for which building permits are issued after the effective date of this section.

(2) The amount of the impact fee shall be determined using the following fee schedule of charges:

Residential Use

Sanitation	\$109.40
Fire and safety	\$87.01
Police	\$51.17
Administration	\$38.57
	<hr/>
	\$286.15 per dwelling unit

Commercial - \$.33 per square foot

(3) In the case of remodeling or rebuilding an existing non-residential structure, the impact fees shall be based on the net increase of floor area.

(H) *Collection of fees.*

(1) Impact fees calculated and due pursuant to this chapter shall be collected by the City Finance Director prior to the issuance of a building permit for the proposed development.

(2) All impact fees shall be paid in cash unless the City Council specifically accepts an in-kind contribution of land or capital facilities for public use as designated in division (M) below.

(1) *Impact Fee Capital Improvements Trust Fund.* An Impact Fee Capital Improvement Trust Fund is hereby created to administer impact fees collected.

(J) *Use of funds.*

(1) Upon receipt of impact fee payments, the City Finance Director shall deposit the funds in the appropriate account.

(2) Amounts in the Capital Improvements Trust Fund shall be used only for the purpose contained in the title of the fund.

(3) The City Finance Director shall keep and maintain adequate financial records for the account, which shall show the source and disbursement of all revenues, which shall account for all monies received and which shall insure the disbursement of funds from the account shall be used for the provisions of the projects specified by Council in the Capital Improvements Program.

(4) Expenditures from the fund shall be specifically approved by the City Council and, excepting administrative costs, shall be limited to the expansion or acquisition of capital facilities or equipment made necessary by the new construction from which the fees were collected or for principal payments (including sinking fund payments) on bonds to expand or acquire the facilities or equipment.

(K) *Capital Improvements Plan.*

(1) City Council shall prepare and maintain a capital improvements program for the City of Goose Creek.

(2) The overall City Capital Improvement Plan shall be reviewed and approved by the City Council at least annually during the budget review process.

(L) *Credits.*

(1) In lieu of all or part of the assessed impact fees, provided the assessed fee amount exceeds \$3,000, the Council may accept the offer by a feepayer to donate land, equipment or construct all or part of a capital project approved by Council.

(2) Assessment of the value of the proposed donation shall be determined by a qualified professional designated by Council and shall be paid for by the feepayer.

(3) Credit shall not be given for the construction of the local facilities required by zoning, subdivision or other city regulations and not included in the Capital Improvements Program.

(4) Any claim for credit must be made prior to the time of application for a building permit. Any claim not so made shall be deemed waived.

(5) In no event shall the city provide a credit in an amount greater than the otherwise applicable impact fee.

(6) Credits shall not be transferable from one project or development to another without the approval of Council.

(M) *Refunds.*

(1) The current owner of property on which an impact fee has been paid, may apply for a refund of the fee after the city has failed to expend or encumber the funds on a public facility or capital equipment for the purpose of service the property within five years from the date of payment of the impact fee.

(2) Requests for a refund under the conditions outlined in division (M)(1) above, shall be made through the appeals process.

(3) A feepayer may apply for a refund if the building permit for which the impact fee has been paid has expired, providing construction has not begun.

(4) A petition for a refund under the conditions outlined in division (M)(3) above, must be submitted in writing to the City Administrator or his or her designee within 30 days of the expiration of the building permit for which the impact fees have been paid.

(5) Within 30 days of the date of receipt for a petition for a refund resulting from the expiration of a building permit, the City Administrator, or his or her designee must provide the petitioner in writing, with a decision on the refund request. If a refund is due, the petitioner, the City Administrator or his or her designee, shall notify the City Finance Director and request that a refund be made to the petitioner.

(6) In the event of a favorable ruling on behalf of the feepayer resulting from the appeals process in division (N) below, a refund shall be provided to the feepayer in the amount so designated by Council.

(N) *Appeals.*

(1) The following procedure shall apply to applicants requesting a refund as provided for in divisions (M)(1) and (2) above. The applicant must file a written notice of appeal stating the reasons why the appeal is requested with the City Administrator or his or her designee within 60 days following the closing date of the five year time-frame as measured from the date impact fees were paid.

(2) A feepayer or current owner of property aggrieved by an administrative determination of the applicability or amount of assessed fees may appeal the determination to Council by filing a written notice of appeal stating the reasons why an appeal is requested with the City Administrator or his or her designee, within 30 days following the date of the administrative decision upon which the appeal is based.

(3) All appeals, whether for a refund due or an appeal of an administrative determination, shall be reviewed by Council within 30 days after receipt of the notice of appeal at a regular or special meeting of which the applicant has been given written notice.

(4) At the appeal review, all parties shall have the right to be represented by counsel and to present testimony and evidence and to cross-examine witnesses. The proceedings shall be transcribed by City Council.

(5) The Council shall, by majority vote of members present, render a written decision based on findings of fact and applications of the standards herein which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten days after service.

(6) In the event that the appeal is requested prior to the payment of impact fees, the building permit shall not be issued until the appeal has been decided, or payment of the fees has been made.

(O) *Liberal construction.* The provisions of this chapter shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

(1985 Code, Art. V, § 508) (Ord. 88-12, passed 12-13-1988; Ord. 95-002, passed 3-14-1995)

#### § 151.088 LAND SET-ASIDE/DEDICATED REQUIREMENTS FOR PARKS AND RECREATIONAL AREAS; ADOPTED BY REFERENCE.

The City of Goose Creek's land set-aside/dedicated requirements for parks and recreational areas policy is hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 88-01, passed 1-12-1988)

## ZONING DISTRICTS AND BOUNDARIES

#### § 151.105 ESTABLISHMENT OF DISTRICTS AND MAPS.

Updated Zoning, Flood Plain and City Boundary Maps can be found in the office of the Planning Director.

(A) To accomplish the purposes set forth in § 151.027, the City of Goose Creek is hereby divided into the zoning districts described below and illustrated on the zoning map approved by City Council and on file with the Planning Director and City Clerk. Regardless of the existence of copies of the zoning map, the Official Zoning map, signed by the Mayor, and located in the city offices, shall be the final authority on the zoning status of buildings and land and water areas of Goose Creek.

(B) For the purposes of these regulations, the City of Goose Creek is hereby classified according to these ten districts:

- (1) R-1 Low-Density Residential District;
- (2) R-2 Medium-Density Residential District;
- (3) R-3 High-Density Residential District;
- (4) RC Restricted Commercial District;
- (5) NC Neighborhood Commercial District;
- (6) GC General Commercial;
- (7) L-1 Light Industrial District;
- (8) CO Conservation and Open Space;



(9) PD Planned Development; and

(10) PD/MH Planned Development-Mobile Home.

(1985 Code, Art. VI, § 601)

#### § 151.106 INTERPRETATION OF DISTRICT BOUNDARIES.

In dispelling uncertainties with respect to zoning district boundaries on the map, the following shall apply:

(A) Where district boundaries are indicated as approximately following the center lines of street or highway rights-of-way lines, the center lines shall be construed to be the boundaries;

(B) Where district boundaries are indicated as approximately following incorporated area lines, the city limit lines shall be constructed to be the boundaries;

(C) Where district boundaries are so indicated that they appear to follow property lines, the lot lines shall be construed as the district boundaries;

(D) Where district boundaries are so indicated as to appear parallel to center lines or right-of-way lines of streets or highways, the parallel lines shall be construed as the district boundaries, at the distance as is interpreted from the zoning map scale;

(E) Where a district boundary follows a railroad line, the boundary shall be construed as the line midway between the main tracks of the railroad line;

(F) Where a district boundary follows a stream or water body, the boundary shall be construed as the limits of the city's jurisdiction, unless otherwise indicated; and

(G) Where a district boundary line divides a parcel of land, the regulations for the unrestricted portion of the parcel shall extend not more than 30 feet into the more restricted portion, provided the parcel of land has street frontage in the unrestricted district.

(1985 Code, Art. VI, § 602)

#### § 151.107 CHANGE OF CITY BOUNDARIES.

In the event of changes in the city limits removing lands from the city, the district boundaries shall be construed as moving with the city limits. In the event of annexation of new lands, the areas shall be considered to be in the CO District until otherwise re-zoned in accordance with these regulations, or when otherwise approved by City Council prior to a referendum of annexation. All changes shall be recorded on the zoning map approved by City Council and on file with the Planning Director and City Clerk. Non-conforming uses in newly annexed areas shall cease according to the schedule in § 151.152 (G).

(1985 Code, Art. VI, § 603)

#### § 151.108 ACCESSORY USES.

(A) *Accessory buildings.* Any use may be established as an accessory use to any permitted principal use in any zoning district provided that the accessory use:

(1) Is customarily incident to, maintained and operated as part of the principal use;

(2) Does not impair the use or enjoyment of nearby property (nor create hazard) in greater degree than the associated principal use;

(3) Does not create levels of noise, odor, lighting, vibration, dust, pollution or traffic hindrance in greater degree than the associated principal use;

(4) Complies with the size, location and appearance standards below; and

(5) Is not used in residential districts for commercial purposes, specifically as rental or lease property.

(B) *Size of accessory buildings.* Accessory structures shall meet the following criteria to accommodate the variety of lot sizes, building design and community aesthetics.

(8) Towers located in commercial areas shall not exceed a height of 150 feet and towers located in light industrial areas shall not exceed a height of 300 feet. Towers shall be constructed for future co-location opportunity subject to engineering capabilities of that design.

(9) To the extent possible, all new towers proposed for upgrades with new equipment shall employ techniques to hide the towers.

(10) All towers which have been abandoned as defined in § 151.152(C) shall be removed within 120 days of the date it is taken out of service.

(11) A site plan, elevation drawing(s), photographs and construction documents with an engineer's stamp and other appropriate documentation shall be submitted with the construction permit request for conditional use which provide the following information:

(a) Site plan must include the location of tower(s), guy anchors (if any), transmission building and other accessory uses, parking access, fences and adjacent land use. Landscaping and required buffering shall also be shown;

(b) Elevation drawings shall clearly show the design of the tower and materials to be used; and

(c) Photographs shall show the proposed site and the immediate area. Submittal of other detailed information, such as topography and aerial view, which supports the request are encouraged at the option of the applicant.

(12) Landscaping and fencing are to be provided as follows:

(a) An eight-foot high fence shall be provided around the tower and any associated building;

(b) Around the base of the tower, outside of the fencing, a buffer screen shall be provided subject to the provisions of § 151.085(A)(1) through (3). Landscaping shall be required in accordance with § 151.083;

(c) Towers and structures shall be illuminated only to the extent required by applicable federal or state statute or regulation;

(d) No signage is permitted except as is required by applicable state or federal law, rule or regulation. Signs for the purpose of identification, warning, emergency function or contact may be placed as required by standard industry practice;

(e) Communication towers and structures located in Commercial and Light Industrial Districts shall be subject to the review and approval by the Architectural Review Board; and

(f) Communication towers and structures shall be earth tone colors, except as otherwise required by applicable federal or state statute or regulation.

(1985 Code, Art. VI, § 605) (Ord. 90-04, passed 3-13-1990; Ord. 92-03, passed 5-5-1992; Ord. 97-002, passed 1-14-1997; Ord. 96-012, passed 10-8-1996; Ord. 99-013, passed 8-10-1999; Ord. 11-009, passed 7-12-2011)

## ZONING DISTRICT REGULATIONS

### § 151.125 REGULATIONS.

(A) The zoning district use regulations are established to group together those uses which are reasonably compatible with one another, according to their normal characteristics of operation, and in connection with their uses, to permit the other uses as are customarily incidental to the principal use. (See § 151.108.)

(B) Construction, maintenance, remodeling, room additions and repairs shall be permitted and performed as described herein, and in the appropriate procedures manual, available from the Zoning Administrator.

(C) These regulations shall apply uniformly throughout each zoning district, as described below.

(1985 Code, Art. VII)

### § 151.126 R-1 LOW DENSITY RESIDENTIAL DISTRICT.

(A) *Purpose.*

(1) To encourage the formation and continuation of quiet, stable, low-density living environments for single-family homes lots, of no less than 10,000 square feet area;

- (2) To discourage unwarranted and blighting encroachments by disallowing uses which would interfere with the above;
- (3) To discourage all uses which would generate traffic on minor streets other than that required to serve residences on those streets; and

(4) To encourage the discontinuance of non-conforming uses.

(B) *Permitted uses.* A building or premise may be used for the purpose illustrated in Appendix B.

(C) *Lot, yard, height and coverage.* These requirements are illustrated in Appendix D.

(D) *Accessory uses.* Accessory uses as defined in § 151.028 are permitted as illustrated in Appendix C.

(E) *Conditional uses.* Conditional uses, as defined in § 151.028 may be permitted as illustrated in Appendix B.

(1985 Code, Art. VII, § 701)

#### § 151.127 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICTS.

(A) *Purpose.*

(1) To encourage the formation and continuation of quiet, stable, medium-density living environments for single-family homes on lots of no less than 8,000 square feet area; and

(2) Additionally, those purposes listed in § 151.126(A)(2) through (4).

(B) *Permitted uses.* A building or premise may be used for the purposes illustrated in Appendix B.

(C) *Lot, yard, height and coverage.* These requirements are illustrated in Appendix D.

(D) *Accessory uses.* Accessory uses, as defined in § 151.028, are permitted as illustrated in Appendix B.

(E) *Conditional uses.* Conditional uses as defined in § 151.028 may be permitted as illustrated in Appendix B.

(1985 Code, Art. VII, § 702)

#### § 151.128 R-3 HIGH DENSITY RESIDENTIAL DISTRICT.

(A) *Purpose.*

(1) To provide areas suited for a variety of housing types, including single-family, duplexes, townhouses, rooming/boarded houses, garden and high-density apartments, on lots in accordance with density specifications of Appendix D; and

(2) Additionally, those purposes listed in § 151.126(A)(2) through (4).

(B) *Permitted uses.* Building or premise may be used for the purposes illustrated in Appendix B.

(C) *Lot, yard, height and coverage.* These requirements are illustrated in Appendix D.

(D) *Accessory uses.* Accessory uses, as defined in § 151.028 are permitted as illustrated in Appendix C.

(E) *Conditional uses.* Conditional uses, as defined in § 151.028 may be permitted as illustrated in Appendix B.

(1985 Code, Art. VII, § 703)

#### § 151.129 RESTRICTED COMMERCIAL DISTRICT.

(A) *Purpose.*

(1) To develop and reserve a quiet, uncongested office-type environment primarily for business and professional firms (reference commercial);

(2) To discourage encroachment by unrestricted commercial or wholesale businesses, industries or other uses adversely affecting the specialized district character;

(3) To discourage business uses which require outside display of merchandise, equipment or materials (particularly miscellaneous goods, used items or items not packaged or generally presenting a neat uniform appearance), except as allowed in the zoning permit, or approved by the Zoning Administrator; and

(4) To encourage the discontinuance of non-conforming areas.

(B) *Permitted uses.* A building or premise may be used for the purposes illustrated in Appendix B, to include restricted commercial uses, as defined in § 151.028.

(C) *Lot, yard, height and coverage.* These requirements are illustrated in Appendix D.

(D) *Accessory uses.* Accessory uses, as defined in § 151.028 are permitted as illustrated in Appendix C.

(E) *Conditional uses.* As defined in § 151.028 these uses may be permitted as illustrated in Appendix B.

(1985 Code, Art. VII, § 704)

#### § 151.130 NEIGHBORHOOD COMMERCIAL DISTRICTS.

(A) *Purpose.*

(1) To develop and reserve restricted commercial area for the convenience of nearby residential areas;

(2) To avoid commercial strip development by limiting business floor area to 5,000 square feet or less, and any one NC District to one acre;

(3) To discourage business uses which require outside display of merchandise, equipment or materials (particularly miscellaneous goods, used items or items not packaged or generally presenting a neat, uniform appearance), except as allowed in the zoning permit, or approved by the Zoning Administrator;

(4) To avoid traffic congestion associated with commercial strip developments; and

(5) Additionally, the purposes listed in § 151.129(A)(2) and (3).

(B) *Permitted uses.* A building or premise may be used for the purposes illustrated in Appendix B.

(C) *Lot, yard, height and coverage.* These requirements are illustrated in Appendix D.

(D) *Accessory uses.* Accessory uses, as defined in § 151.028 are permitted as illustrated in Appendix C.

(E) *Conditional uses.* As defined in § 151.028 these uses may be permitted as illustrated in Appendix B.

(1985 Code, Art. VII, § 705)

#### § 151.131 GENERAL COMMERCIAL DISTRICT.

(A) *Purpose.*

(1) To encourage the formation and continuation of an economically sound, unified business district;

(2) To encourage the location of business, financial, service and professional enterprises in such close proximity as to be mutually beneficial, and convenient to their respective markets;

(3) Additionally, the purposes listed in §§ 151.129(A)(2) and (3) and 151.130(A)(3); and

(4) To discourage business uses which require outside display of merchandise, equipment or materials, (particularly miscellaneous goods, used items, items not packaged or generally presenting a neat, uniform appearance), except as allowed in the zoning permit, or approved by the Zoning Administrator.

(B) *Permitted uses.* A building or premise may be used for the purposes illustrated in Appendix B.

(C) *Lot, yard, height and coverage.* These requirements are illustrated in Appendix D.

(D) *Accessory uses.* Accessory uses, as defined in § 151.028 are permitted as illustrated in Appendix C.

(E) *Conditional uses.* As defined in § 151.028 these uses may be permitted as illustrated in Appendix B.

(F) *Operational requirements.* Warehouses and mini-warehouses, to establish safety and inspection authority of commercial warehouses and rental storage space (mini-warehouses), the following specific controls are established:

- (1) Owner/operator/lessor of rental warehouse storage space shall have on file with the City Clerk, a copy of the rental/lease agreement used for the rental of space;
- (2) All rental/lease agreements will authorize appropriate city personnel to inspect space and contents at reasonable hours when accompanied by owner/operator/lessor's representative; and
- (3) Owner/operator/lessor will maintain a master key lock system on all rental spaces, or maintain a duplicate key to locks securing all rental space.

(1985 Code, Art. VII, § 706)

#### § 151.132 LIGHT INDUSTRIAL DISTRICT.

(A) *Purpose.*

(1) To develop and reserve areas for light industrial uses which involve manufacturing, processing or assembly operation and/or open yard sales or storage of materials or equipment which would not be compatible in other commercial districts;

(2) To reserve undeveloped areas suitable for future uses; and

(3) Additionally, the purposes listed in § 151.129(A)(3).

(B) *Permitted uses.* A building or premise may be used for the purposes illustrated in Appendix B.

(C) *Lot, yard, height and coverage.* These requirements are illustrated in Appendix D.

(D) *Accessory uses.* Accessory uses, as defined in § 151.028 are permitted as illustrated in Appendix C.

(E) *Conditional uses.* As defined in § 151.028 these uses may be permitted as illustrated in Appendix B as indicated for warehousing in § 151.131(F).

(1985 Code, Art. VII, § 707)

#### § 151.133 CONSERVATION/OPEN SPACE DISTRICT.

(A) *Purpose.*

(1) To preserve specific areas within Goose Creek for recreation associated uses, and prohibiting undesirable development; and

(2) To establish specific areas as separation buffers between uses, as deemed necessary by the Commission.

(B) *Permitted uses.* Areas zoned Conservation/Open Space (CO) as a result of annexation may continue in use as established at the time of annexation (to include rural residential homes sites, family farms, the keeping and non-commercial raising of domestic or farm animals/fowl) until the time as the property use is changed or significantly intensified in use, proposed for subdivision into additional tracts, lots or parcels or sold for redevelopment. (See § 151.107.)

(C) *Lot, yard, height and coverage.* These requirements are illustrated in Appendix D.

(D) *Accessory uses.* Accessory uses, as defined in § 151.028 are permitted as illustrated in Appendix C.

(E) *Conditional uses.* As defined in § 151.028 these uses may be permitted as illustrated in Appendix B.

(1985 Code, Art. VII, § 708) (Ord. 86-12, passed 3-11-1986)

#### § 151.134 PLANNED DEVELOPMENT DISTRICTS.

(A) *Purposes.*

(1) To offer developers the benefits of efficiency, economy and flexibility by encouraging unified development of relatively large sites (See *PLANNED DEVELOPMENTS.*)

(2) To derive for the city the advantages of on-site compatibility of uses, improved appearance, optimum utilities provision and better traffic access and circulation planning.

(3) To establish review and approval procedures for Planned Developments (PD) and Planned Developments-Mobile Home (PD-MH), in addition to the requirements of the appropriate *Procedures Manual*, available from the Zoning Administrator.

(B) *Permitted usage, area, height and other requirements.*

(1) To be determined by the review procedures set forth below, to prevail over conflicting requirements elsewhere in this chapter, excepting those relative to fire protection and hazard prevention;

(2) To be re-zoned PD or PD-MH, one or more of the following must pertain:

(a) More than one principal land use or development density is proposed on a tract under single or joint/multiple ownership or management;

(b) Proposed principal land uses would not otherwise be permitted for development on the same or adjacent parcel(s) by this chapter; and

(c) Exceptions of this chapter (as to setbacks, dimensions or other variations to standards) would be required to accommodate the proposed use.

(3) Specific requirements for qualifying as a PD must be satisfied as follows:

(a) The proposed development must contain at least three acres for PD re-zoning and five acres for PD-MH re-zoning;

(b) The proposed development must measure at least 450 feet between any two opposite property boundaries, and adjoin (or have direct access to) a major thoroughfare;

(c) If not in one ownership or management, the application must be filed jointly on behalf of all owners affected; and

(d) A suitable proposed site plan, prepared according to the *Procedures Manual* (see division (D) below) must be reviewed and approved by the Commission. Final approval for re-zoning as a PD rests with City Council, after its review of the detail plan.

(C) *Filing of a request for re-zoning as a PD.* The filing shall constitute a request to amend this chapter and shall meet all requirements of this section, in addition to the following:

(1) Five copies of the Preliminary Site Plan shall be submitted to the Commission;

(2) Prior to making a recommendation to Council, the Commission shall study the proposal and hold a public hearing;

(3) Approval by City Council constitutes creation of the PD;

(4) Following approval by City Council, a boundary survey plat shall be prepared and filed with the Zoning Administrator until the final plat is prepared;

(5) The Zoning Administrator shall implement city inspections to insure compliance with the approved development plan. If in the opinion of the Administrator, the development varies from the approved development plan, he or she may revoke permit(s) and cause the developer to seek an official amendment to the approved development plan, via the Commission; and

(6) A PD may be subdivided into smaller lots of record (as in a condominium project) after the Zoning Administrator certifies that the completed PD is 100% developed, in complete satisfaction of the approved development plan.

(D) *Proposed site plan.* The proposed site plan to accompany a PD re-zoning request shall show all information required in the appropriate procedures manual, available from the Zoning Administrator:

(1) The Zoning Administrator may approve changes in the final plat if:

(a) The number of building/dwelling units and/or floor area is unchanged or smaller;

(b) Open space is relatively the same location and area or greater;

(c) Floor area and/or building stories is unchanged or smaller; and

(d) Building relocation (minor displacement only) or other minor detail changes may be approved by the Zoning Administrator. Other more substantial changes must be brought before the Commission in accordance with this section.

(2) Thoroughfares follow approximately the same course, with control devices unchanged.

(E) *Review standards.* The Commission shall review plans for Planned Development Districts for consistency with the Land Use Plan; specifically, the proposed PD shall address the following:

(1) Provisions shall be made for appropriate relationships between uses around the boundaries and within the proposed district, and indicate measures to ensure protection of all property from adverse affect;

(2) Development shall conform to the purposes referred to in § 151.027;

(3) Proposed average lot area per dwelling unit, exclusive of streets may not be less than the minimum defined lot size of 6,500 square feet for an R-3 District, except through approval of the Commission, which will make its determination on a situational basis, then, no lot will be considered which is less than 4,800 square feet. All lot developments will be consistent with surrounding district requirements; and

(4) Access to all developed property shall insure fire protection ingress/egress.

(F) *Off-street parking and loading.* Space shall be provided as specified in § 151.086.

(G) *Construction delay.* If construction is not begun within one year of the Council approval date, the district and all zoning regulations shall revert to that in effect prior to the approval as a PD.

(H) *Amendments and additions.* Substantial changes in an approved plan, or to boundaries of a district are subject to the same procedure and regulations pertaining to a new application. The Administrator may approve minor changes which do not alter nor affect a recorded plat, nor affect the general intent of an approved plan, in accordance with division (D)(1) above

(I) *Deed restrictions.* The Commission may require filing of deed restrictions enforceable by law for at least 20 years from the date of filing.

(J) *Final plat requirements.* A final plat, approved by the City of Goose Creek, shall be recorded in the Berkeley County R.M.C. office. Final plat shall show all features required on the preliminary site plan, and comply with all regulations governing subdivision approval. A plat of development shall be recorded whether land is subdivided or not.

(1) Within 30 days following 100% development certification of the development, the applicant shall submit a final plat to the Zoning Administrator for approval;

(2) The final plat, submitted in two copies, shall be reviewed by the Zoning Administrator, for compliance with the Preliminary Site Plan approved by Council; and

(3) A copy of the recorded final plat shall be returned to the Zoning Administrator for maintenance in the city records.

(K) *Violations.* Violation of any provision of a PD Plan, as approved under these provisions, constitutes a violation of this chapter, subject to fines as described in §§ 151.061 and 151.192.

(L) *Planned Development (PD) Districts; general provisions.* The Planned Development intent is to permit development of projects which combine land uses according to a carefully designed unit development concept. The developer is encouraged to contact the Zoning Administrator and initiate dialogue early in his or her planning, and to obtain a copy of the appropriate procedures manual (see *PROCEDURES MANUAL*) which contains specific guidelines, in addition to the following:

(1) *Permitted uses.* Permitted uses may include any use or combination of uses considered by the Commission to be appropriate in the specific proposed area, subject to Council approval. A listing of permitted uses within a particular PD District shall be adopted as part of the regulations pertaining to that district.

(2) *Design criteria.*

(a) Overall site design shall be harmonious in terms of landscaping, size of structures, street patterns and use relationships;

(b) Residential density, parking and loading requirements shall be based on the standards of relevant sections of this chapter, subject to Commission review and Council approval;

(c) Section 151.085 shall be the minimum standard for separation of potentially detrimental adjacent land uses. Additionally, consideration as to space separation of different uses (commercial/residential) shall be a design factor. All separations and buffers shall be an integral part of the PD design;

(d) Signs, lighting, swimming pools and other components of the PD design shall generally follow the requirements of relevant sections of this chapter, as approved by Council; and

(e) Section 151.082(G) applies.

(M) *PD; Mobile Home Districts.* The intent of the PD-MH District is to permit the development of mobile home communities as a desirable, environmentally pleasing alternate to traditional detached single-family housing:

(1) Permitted uses shall be limited to:

- (a) Mobile home, either standard or double-width units;
- (b) Accessory structures customarily incidental to mobile homes, such as storage buildings and carports/garages;
- (c) Signs, as specified in § 151.084 and
- (d) Associated retail and service establishments, as recommended by the Commission and approved by Council.

(2) Design criteria:

(a) Design criteria for PD-MH shall be the general PD criteria listed in division (L) above, in conjunction with the appropriate procedures manual, available for the Zoning Administrator, plus the following:

(b) Average density shall not exceed eight mobile homes, or combination of homes and common use buildings, per net acre, exclusive of other uses which may be approved;

(c) All mobile homes shall be situated on a built-up foundation, with integral tie-down, plumbing connection, electrical hook-up and screened enclosure around the towing connection, so that the installed housing unit presents a substantial, and in no light, transient and/or living environment appearance;

(d) Design of the development shall permit ingress and egress of the units without disrupting the residential character nor creating undue mechanical/construction distraction;

(e) Spacing of units shall insure privacy, normal and emergency access, light, air and human circulation, and off-street parking. To these ends the following pertain:

1. All mobile homes shall be at least 20 feet from all streets and property boundaries, nor shall any structure be located in any legal easement or right-of-way;

2. Twenty-five feet shall be the minimum distance between mobile homes and other structures, accessory buildings to the particular mobile homes not considered;

3. Twelve feet shall separate all mobile homes from any buffer area, screen or fence separating the development, or parts of the development, from different land uses;

4. Each mobile home development shall have a minimum of 5% of the total land area reserved and improved as common recreation space;

5. Two off-street parking spaces shall be provided per mobile home. Both shall be paved; one may be in a common area(s) accessible to several units;

6. Mobile home lots shall be clearly delineated by iron pin corners, or other readily identifiable markers;

7. Section 151.085 shall be the minimum standard for separation of adjacent dissimilar land uses, as referred to in division (L)(2)(c) above;

8. Streets shall be designed and constructed to specifications of the South Carolina Department of Highways and Public Transportation;

9. Street lighting shall be provided at standard residential street illumination levels;

10. Public or community water and/or sewerage shall be used, according to standards of the city, the County Water and Sanitation Authority or the South Carolina Department of Health and Environmental Control;

11. Water and sewer connections shall be plumbed as part of each unit foundation, according to standards specified by the City Inspection Division. All service lines shall be protected from frost damage and exposure to vehicular and pedestrian traffic;

12. All electrical and other traditionally overhead utilities shall be provided underground; and

13. Electrical sub-stations, gas tanks or other community utility installations shall be properly buffered and screened so as to enhance, rather than detract from the development.

(1985 Code, Art. VII, § 709) (Ord. 89-10, passed 9-12-1989) Penalty, see § 151.999

#### § 151.135 MULTI-FAMILY MINIMUM LOT REQUIREMENTS.



In addition to pertinent requirements elsewhere in this chapter, multi-family construction shall allow minimum land area per dwelling unit, according to the following table:

<i>Type</i>	<i>Number Of Stories</i>			
	<i>One</i>	<i>Two</i>	<i>Three</i>	<i>Four</i>
Efficiency	2,700	2,000	1,800	1,550
One bedroom	3,000	2,250	2,050	1,800
Two bedroom	3,400	2,700	2,450	2,100
Three bedroom	3,950	3,250	2,950	2,500
Four or more bedroom	4,500	3,650	3,300	2,800

(1985 Code, Art. VII, § 710)

## NON-CONFORMING LOTS, STRUCTURES AND USES

### § 151.150 PURPOSE.

The eventual elimination, in an expeditious manner, of existing uses and structures not conforming to the provisions of this chapter, is recognized as being as much a subject of this chapter's intent (see § 151.027) as is the prevention of new uses or structures that would violate this chapter. The intent is also to effect the elimination of non-conforming uses or structures in a manner that avoids unreasonable invasion of established property rights.

(1985 Code, Art. VIII, § 801)

### § 151.151 NON-CONFORMING LOTS.

(A) Continuance of non-conforming lots may be allowed if property boundaries are unchanged and proposed structures are in conformity with the requirements of the respective zoning district.

(B) Discontinuance of non-conforming lots shall be effected if the lot is combined (with another lot), subdivided or re-subdivided, for any purpose, to be made conforming. Full compliance as a conforming lot shall thereafter be required.

(1985 Code, Art. VIII, § 802)

### § 151.152 NON-CONFORMING STRUCTURES AND USES.

Buildings or uses legally existing on the effective date of this chapter, not conforming to the provisions thereof, are declared non-conforming and detrimental to the purposes of this chapter.

(A) *Continuance.* Continuance of existing uses which are non-conforming may be continued except as specified below, unless the use or structure was established in violation of the Zoning Ordinance previously in effect and has not since been brought into conformance.

(B) *Maintenance.* Repairs, alterations and maintenance of a non-structural nature may be made to a non-conforming structure as authorized by the Administrator to maintain its sound condition.

(C) *Abandonment of use.*

(1) *Definition.* When discontinued temporarily or permanently, with or without intent to abandon, a use shall be deemed to have been abandoned.

(2) *Period of abandonment for a building, trailer, mobile home or structure.* Shall be 30 days, and any subsequent use to be established in the structure shall comply with this chapter.

(3) *Period of abandonment for a use of land.* Shall be 30 days, and any subsequent use of the land shall comply with this chapter.

(D) *Restoration of damaged structures.*

(1) A non-conforming building damaged more than 50% of its fair market value by fire, flood, wind, explosion, earthquake, riot, war or other calamity, shall not be restored and used as before the occurrence, except where a building legally established as of the effective date of this chapter and otherwise conforming to the use and minimum yard requirements of this chapter may be restored and used as before the occurrence. In all cases the restored building must conform to the use and minimum yard requirements of this chapter, unless a variance was granted authorizing a deviation from the requirements of this chapter.

(2) The percentage of damage shall be determined by dividing the cost of restoring to the condition immediately prior to the occurrence by the market value of the structure (excluding land cost) immediately prior to the occurrence.

(3) The building may be restored if damaged less than 50% of its replacement cost, provided restoration is begun within six months, and completed within one year of the date of the destructive occurrence.

(4) The above prohibition and limitation on restoration may be modified by the Commission for duplex or multi-family dwellings in a residential zoning district, or to buildings non-conforming only on the basis of yard or height requirements.

(E) *Expansion of non-conforming uses and structures.*

(1) A non-conforming use shall not be expanded or extended beyond the floor area or lot area that it occupied on the effective date of this chapter or the effective date of any amendment to this chapter rendering the use nonconforming.

(2) A non-conforming structure shall not be enlarged, extended, or expanded in any manner or undergo any structural alteration unless to make it a conforming structure, except as set forth in division (3) below.

(3) A single-family detached dwelling legally established as of the effective date of this chapter, which is non-conforming due to the minimum yard requirements set forth in Appendix D for the district in which it is located may be expanded or altered provided that the expansion or alteration itself conforms to the requirements set forth in Appendix D.

(F) *Construction approved prior to ordinance.* If a building permit has been issued, and construction proceeded to complete the ground story, including the second tier of beams, within six months of permit date, such that the entire building shall be complete within one year of the effective date of this chapter, the building shall be deemed non-conforming, with no change from original plans required, except that it shall otherwise comply with these regulations.

(G) *Cessation.* Non-Conforming uses of land shall be discontinued. All non-conforming signs shall comply with the following:

(1) No non-conforming sign may be altered so as to extend its useful life, expanded or relocated, except in compliance with this chapter. A non-conforming sign shall not be modified or repaired in any way but may be maintained only by painting or refinishing the sign face or sign structure so as to keep the appearance of the sign as approved when the permit was issued; and

(2) Any modification or repair to a non-conforming sign shall render the prior permit void and shall result in the classification of such a sign as an illegal sign.

(a) Hedges and structures not conforming to § 151.082(E) shall be removed or altered to comply within six months;

(b) Auto wrecking, salvage and junk yards, auto sales and storage yards for building materials, contractor's equipment and other open uses of land shall comply or relocate with 36 months;

(c) A non-conforming building in a residential district may be continued for a period of reasonable length to allow amortization of the investment, as determined by the Asset Cost Recovery System regulations of the Internal Revenue Service:

1. Construction prior to 1981, amortization period to be the owner's depreciation schedule, as filed with the IRS, not to exceed 30 years; and

2. Construction in or after 1981, 15 years or owner's IRS amortization schedule, whichever is greater.

(d) All uses non-conforming by reasons of noncompliance with performance standards of §§ 151.080 through 151.087, shall comply therewith within six months;

(e) In cases of non-conformance due to insufficient automobile parking, buildings may not be altered, nor may additional facilities be provided within, until parking accommodations satisfy the requirements of § 151.086; and

(f) Notice shall be sent from the Administrator by certified mail to all non-conforming uses, stating wherein they do not conform to this chapter, and stating the date by which they must comply or cease to exist, the date to be measured from the effective date of this chapter, and observed whether the notice is sent by the Administrator, or received by the affected owner.

(1985 Code, Art. VIII, § 803) (Ord. 05-008, passed 7-12-2005; Ord. 08-009, passed 4-15-2008)

#### § 151.153 DISTRICT CHANGE.

Should the boundaries of a zoning district be changed so as to transfer property from one district to another of a different classification, land or uses may thereby become non-conforming and subject to the above regulations.

(1985 Code, Art. VIII, § 804)

## ZONING BOARD OF APPEALS

#### § 151.170 ORGANIZATION.

The Zoning Board of Appeals shall organize itself as follows.

(A) *Creation.* There is hereby created a Zoning Board of Appeals (hereinafter referred to as the "ZBA") to be composed of seven members appointed by the Mayor and City Council (hereinafter referred to as "the Council"), City of Goose Creek. The Council will consider for appointment to the ZBA only those persons who reside in the city, and have demonstrated their civic interest, general knowledge of the city, independent judgment and availability to prepare for and attend meetings. It is the intent of the Council that members shall, by reason of diversity in their individual occupations, constitute a ZBA which is broadly representative of the Community.

(B) *Terms of office.* The members of the ZBA shall be identified by place numbers one through seven. The four odd-numbered places shall expire on December 31, of each odd-numbered year, with the three even-numbered places to expire on December 31, of each even-numbered year. Vacancies shall be filled for unexpired terms. ZBA members may be appointed to succeed themselves. All terms shall be for three years, except those initially appointed to the ZBA whose terms expire on December 31, of the first odd or even numbered year as stated above. Newly appointed members shall be installed at the first regularly scheduled ZBA meeting after their appointment. No member shall be the holder of an elected public office in the city while serving on the ZBA.

(C) *Vacancy.* Vacancies shall be filled for the unexpired terms. ZBA members may be appointed to succeed themselves. A vacancy in a term of office shall occur whenever the Council finds that a member has resigned, not maintained required qualifications, has not attended properly called meetings without just cause or has been found guilty of malfeasance or misconduct in office.

(1985 Code, Art. IX, § 901) (Ord. 99-006, passed 4-13-1999)

#### § 151.171 DUTIES AND POWERS.

(A) To hear and decide appeals where it is alleged there is error in an order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter.

(B) To hear and decide appeals for variance from the requirements of this chapter 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 ZBA makes and explains in writing the following findings, and that all of the following factors shall be met. The following are provisions of S.C. Code, 1994 § 6-29-800, as amended:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (2) These conditions do not generally apply to other property in the vicinity;
- (3) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- (4) The authorization of a variance shall not be of substantial detriment to adjacent property or to the public good, and the character of the district shall not be harmed by the granting of the variance;

of the Chairperson upon 24 hours notice, at the other times as the ZBA may determine, posted and delivered to all members and the local news media, and designate the time and place of its meetings.

(2) *Agenda.* A written agenda shall be furnished by the Secretary to each member of the ZBA and to the news media, and shall be posted at least five days prior to each meeting and at least 24 hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by a majority vote.

(3) *Quorum and compensation.* A majority of the members, four, of the ZBA shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. The members shall regularly attend meetings and public hearings of the ZBA and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

(4) *Rules of order.* Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these rules of procedures.

(5) *Conflict of interests.* Any member of the ZBA who shall have a direct or indirect interest in any property which is the subject matter of or affected by a decision of the ZBA shall be disqualified from participating in the discussion, decision or proceedings of the ZBA in connection therewith.

(6) *Motions.* Motions may be made by any member other than the presiding official. A motion to approve any matter before the ZBA shall require a majority vote of the members present. Tie votes shall constitute a failure of the motion.

(C) *Appeals procedures.*

(1) *Interpretation request.* A request for interpretation of regulations, an appeal for variance from development controls or a request for conditional use approval may be taken by an aggrieved person or by an officer, department or board and commission of the city affected by a decision of the Zoning Administrator.

(2) *Form of appeal.* Appeals from administrative decisions, applications for variances and applications for conditional uses shall be filed with the Secretary. The ZBA may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal. An applicant filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest. A non-refundable filing fee as set forth by City Council and registered with the City Clerk shall accompany an appeal. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the ZBA, and shall not be reviewed or scheduled for hearings until brought to completion.

(3) *Time for appeal.* An appeal from an administrative decision shall be filed within 15 days after actual notice of the decision by delivery of the approved appeal form to the Secretary of the ZBA, who shall notify the official appealed from. The ZBA shall maintain for review all papers constituting the record upon which the action appeal form was taken.

(4) *Calendar.* Appeals and applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the ZBA for good cause shown.

(5) *Withdrawal of appeal.* An appeal or application may be withdrawn by written notice delivered to the Secretary prior to action by the ZBA, but no appeal shall be withdrawn after posting of hearing notice and prior to ZBA action thereon without formal consent of the ZBA. An appeal from an administrative decision which is withdrawn may not be re-filed after the 15 day time for appeal has expired. Withdrawn applications for variances and conditional uses may be re-filed after six months, and shall be placed on the calendar according to the date re-filed.

(6) *Continuances.* The hearing of an appeal or application may be continued one time by the ZBA for good causes shown.

(7) *Public hearing on appeals, conditional uses and proposed amendment.* Notice of public hearing shall be given in a newspaper of general circulation not less than 15 days before the hearing is held, with the required sign conspicuously posted on or adjacent to the property affected, with at least one sign being visible from each public thoroughfare that abuts the property, as well as, due notice to the parties in interest. The notice shall contain a description of each matter to be heard, and property affected. (See § 151.047(D).)

(8) *Stay of proceedings.* An appeal shall stay all proceedings of the action appealed from unless the ZBA concurs by reason of facts that a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the ZBA or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(9) *Exercise of power.* In exercising the powers of the ZBA, the ZBA may, in conformity with the provisions of this chapter, reverse or affirm, wholly, or in part, or may modify the order, requirement, decision 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 ZBA, in the execution of the duties for which appointed, may subpoena witnesses, and in case of contempt, may certify the fact to the circuit court having jurisdiction.

(D) *Hearing procedure.*

(1) *General.* The ZBA shall fix a reasonable time for the hearing of an appeal or an approval, give public notice thereof, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. The ZBA may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of the applicant. Evidence supporting the grant or denial of an appeal shall be submitted only to the ZBA in a public meeting.

(2) *Witnesses.* Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least ten days prior to a hearing and signed by the Chairperson. The ZBA may call its own witnesses when deemed appropriate.

(3) *Cross-examination.* No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses shall not be allowed.

(4) *Evidence.* Relevant documents, photographs, maps, drawings and the like, shall be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay shall be received. The Chairperson shall rule on all evidentiary matters. Evidence shall be placed in the record with an objection noted.

(5) *Conduct of hearing.* The normal order of hearing, subject to modification by the Chairperson, shall be:

- (a) Statement of matter to be heard (Chairperson or Secretary);
- (b) Presentation by applicant (five minute limit);
- (c) Presentation by official appealed (five minute limit);
- (d) Presentation by opponents (five minute limit);
- (e) Rebuttal by applicant (three minute limit);
- (f) Unsworn public comment when appropriate;
- (g) The ZBA may question participants at any point in the hearing; and
- (h) Matters in which additional time is granted may be moved to the end of the agenda.

(6) *Disqualification.*

(a) A member shall disqualify himself or herself from voting whenever he or she has a personal or monetary interest in the property under appeal, or will be directly affected by the decision of the ZBA.

(b) A member shall also disqualify himself or herself from voting whenever any applicant, or his or her agent, has sought to influence the member's vote on the appeal, other than in the public hearing.

(7) *Disposition.* The ZBA may deliberate and make final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted and voting shall be in public. In case of a tie vote, the application is considered denied.

(8) *Form of order.* An order shall be issued disposing of a matter by granting or denying relief with the conditions as may be deemed necessary, or affirming, modifying or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

(9) *Service of order.* The Secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the Chairperson.

(10) *Rehearing.* The ZBA may grant a rehearing of an application which has been dismissed or denied upon written request filed with the Secretary within 15 days after delivery of the order accompanied by new evidence, which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

(E) *Records.*

(1) *Minutes.* The Secretary shall record all minutes and hearings of the ZBA on tape which shall be preserved until final action is taken on all matters presented. The Secretary shall prepare minutes of each meeting for approval by the ZBA at the next regular meeting. Minutes shall be maintained as public records.

(2) *Orders and documents.* The Secretary shall assist in the preparation and service of all orders of the ZBA in appropriate form. Copies of all notices, correspondences, documentary evidences, orders and forms shall be maintained as public records.

(F) *Amendment.* These rules may be amended at any regular meeting of the ZBA, by majority vote of the members of the ZBA present, at least seven days after the written amendment is delivered to all members and submitted as recommendation to the Council for approval. (See division (C)(7) above.)

(1985 Code, Art. IX, § 904) (Ord. 99-006, passed 4-13-1999; Ord. 13-008, passed 9-10-2013)

#### § 151.174 DECISIONS OF THE ZBA.

##### (A) *Decisions and voting.*

(1) Every decision of the ZBA shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings. All final decisions and orders of the ZBA must be in writing and be permanently filed in the office of the ZBA as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the ZBA which must be delivered to parties of interest by certified mail. The enumerated conditions required to exist on any matter upon which the ZBA is authorized to pass under these regulations shall be construed as limitations on power of the ZBA to act.

(2) Nothing herein contained shall be construed to empower the ZBA to change the terms of these regulations, or to effect changes in the zoning districts. The powers of the ZBA shall be so applied that the terms of these regulations will be strictly enforced.

(3) The majority vote of the ZBA members present shall be necessary to approve any application upon which it is required to pass under these regulations or to effect any variance in the regulations.

##### (B) *Approval of request.*

(1) In approving any request, the ZBA may designate the conditions in connection therewith in order to secure substantially the objectives of the regulation or provision to which the request is granted, and to provide adequately for the maintenance of the integrity and character of the zoning district in which the permit is granted.

(2) When necessary, the ZBA may require guarantees, in the form as it deems proper, to ensure that conditions designated in connection therewith are being or will be complied with. Where any condition under which a request has been granted appears to have been violated, the ZBA may hold a public hearing thereon to determine whether or not the permit therefore granted shall be terminated.

(3) Upon approval of an application for the appeal, the applicant shall apply for occupancy or construction permits within 60 days after the ZBA's decision, unless a greater time is requested in the application and is authorized by the ZBA. Any approval may be granted one emergency extension of 60 days on written request filed with the ZBA before expiration of the original approval. Failure of the applicant to apply for occupancy or construction permits within the authorized time period shall void the right to secure the permits except upon the filing of a new application or appeal.

##### (C) *Denial of request.* No appeal or application that has been denied shall be further considered by the ZBA unless:

(1) The new plans materially change the nature of the request; or

(2) The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the ZBA so as to support an allegation of changed condition.

(D) *Appeal of ZBA action.* Any person or persons, any taxpayer or any officer, department, commission or board of the city, jointly or separately, aggrieved by any decision of the ZBA, may present to a court of record, a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the decision of the ZBA is mailed.

(E) *Planning session.* The ZBA may be convened as a committee of the whole in the same manner as prescribed for calling a special meeting for the purpose of holding a planning session, provided that no official business shall be conducted thereat and no quorum shall be required.

(1985 Code, Art. IX, § 905) (Ord. 99-006, passed 4-13-1999)

## ARCHITECTURAL REVIEW BOARD

## § 151.190 ORGANIZATION.

The Architectural Review Board shall organize itself as follows:

(A) *Creation.* There is hereby created an Architectural Review Board (hereinafter referred to as the "ARB") to be composed of seven members appointed by the Mayor and City Council (hereinafter referred to as "the Council"), City of Goose Creek. The Council will consider for appointment to the ARB only those persons who reside in the city and have demonstrated their civic interest, general knowledge of the city, independent judgment and availability to prepare for and attend meetings. Members shall also have a demonstrated interest in, and/or competence and knowledge of, architecture, landscape architecture and urban design. It is the intent of City Council that members shall, by reason of diversity in their individual occupations, constitute an ARB which is broadly representative of the Community.

(B) *Terms of office.* The members of the ARB shall be identified by place numbers one through seven. The four odd-numbered places shall expire on December 31, of each odd-numbered year, with the three even-numbered to expire on December 31, of each even-numbered year. Vacancies shall be filled for unexpired terms. ARB members may be appointed to succeed themselves. All terms shall be for two years, except those initially appointed to the ARB whose terms expire on December 31, of the first odd or even numbered year as stated above. Newly appointed members shall be installed at the first regularly scheduled ARB meeting after their appointment. No member shall be the holder of an elected public office in the city while serving on the ARB.

(C) *Vacancy.* A vacancy in a term of office shall occur whenever Council finds that a member has resigned, not maintained required qualifications, has not attended properly called meetings without just cause or has been found guilty of malfeasance or misconduct in office.

(D) *Intent and purposes.* The intent and purposes of the ARB are as follows:

(1) To protect and provide for the unique, special and desired character of the Commercial and Light Industrial Districts and uses inside the City of Goose Creek, in terms of positive visual and aesthetic appearances of these districts and uses including their respective roadways;

(2) The above intent and purpose can be achieved through positive site design, superior architectural standards, attractive street scape improvements, adequate provision of landscape elements and harmonious combinations of signage along both sides of the roadways and street scales of the City of Goose Creek;

(3) To discourage piecemeal development and create unity along the Commercial and Light Industrial Districts and uses of the city;

(4) To foster civic beauty;

(5) To encourage designs which produce a desirable relationship between individual buildings, the circulation system and adjacent areas and to permit a flexible, high quality response of development to a variety of land uses and activities;

(6) To assure respect for the character, integrity and quality of the built and natural environments of the city; and

(7) It is not the intent of the city to stifle innovative architecture.

(E) *Duties and powers.* All new developments proposed within the Commercial and Light Industrial Districts and uses of the city shall be subject to the procedures, standards and guidelines specified in the following sections, in addition to those standards pertaining to the particular zoning district in which the development occurs. This will be accomplished through evaluation of proposed developments by the ARB which shall review the character, and appearance of the proposed developments in a positive manner. It is the purpose of the review to determine, in a cooperative fashion with the developer (hereinafter referred to as the "applicant"), whether the proposed plan meets the guidelines and other standards as specified.

(1) *Criteria for modifications; changes to be reviewed by the ARB.* If any of the criteria below applies, ARB approval is required:

(a) Modifications and/or changes in excess of 10% of the property value of a parcel of property shall be reviewed by the ARB, but this shall be 50% for structures that predate the existence of the Architectural Review Design Ordinance adopted April 20, 1993;

(b) Substantial architectural change in the structure(s);

(c) All color changes;

(d) All changes in signs; and

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(c) All color changes;

(d) All changes in signs; and



(c) Change in appearance of structure(s).

(2) *Annual report.* The ARB shall submit an annual report to Council each year, summarizing its activities and achievements. The report shall include the identity of ARB members and their respective meeting attendance record.

(F) *Organization and rules of procedures.*

(1) *Rules.* The rules of procedures are adopted pursuant to S.C. Code § 6-29-790.

(2) *Officers.* The officers of the ARB shall be a Chairperson and a Vice-Chairperson elected for one-year term before the end of each calendar year. The ARB shall appoint a member of the staff of the city as Secretary (non-voting member) of the ARB.

(3) *Chairperson.* The Chairperson shall be a voting member of the ARB and shall have the following duties:

(a) Call meetings of the ARB;

(b) Presides at meetings and hearings, and swear in witnesses;

(c) Act as spokesperson for the ARB;

(d) Sign documents for the ARB;

(e) Have order of the ARB served on parties, and in case of contempt, may certify the fact to the circuit court having jurisdiction; and

(f) Perform other duties approved by the ARB.

(4) *Vice-Chairperson.* The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability or disqualification of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, the acting Chairperson shall be elected by the members present.

(5) *Secretary.* The duties of the Secretary shall be as follows:

(a) Provide and publish notice of appeals and meetings;

(b) Assist the Chairperson in preparation of agenda;

(c) Keep recordings and minutes of meetings and hearings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact;

(d) Keep records of ARB examinations and other official actions;

(e) Maintain ARB records as public records;

(f) Attend to ARB correspondences; and

(g) Perform other duties normally carried out by a Secretary.

(6) *Meetings.*

(a) *Time and place.* All regularly scheduled meetings shall be open to the public, and conducted in accordance with state law. Parties in interest may appear personally or by agent. Regular meetings shall be held each month on the third Monday, at 6:30 p.m. at the Marguerite Brown Municipal Center, 519 North Goose Creek Boulevard, unless otherwise announced. Special meetings may be held on the call of the Chairperson upon 24 hours notice, at other times as the ARB may determine, posted and delivered to all members and the local news media, and designate the time and place of its meetings. Deadlines for ARB meetings occur at least 14 days prior to meeting dates. An annual schedule of regular meetings shall be adopted, published and posted at City Hall in December of each year.

(b) *Agenda.* A written agenda shall be furnished by the Secretary to each member of the ARB and to the news media, and shall be posted at least five days prior to each regular meeting. Items may be removed from the agenda or postponed at a meeting by a majority vote.

(c) *Quorum and compensation.* A majority of the members, four, of the ARB shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. The members shall regularly attend meetings and public hearings of the ARB and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

(d) *Rules of order.* Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these rules of procedures.

(e) *Conflict of interests.* Any member of the ARB who shall have a direct or indirect interest in any property which is the subject matter of or affected by, a decision of the ARB shall be disqualified from participating in the discussion, decision or proceedings of the ARB in connection therewith.

(f) *Motions.* Motions may be made by any member other than the presiding official. A motion to approve any matter before the ARB shall require a majority vote of the members present. Tie votes shall constitute a failure of the motion.

(7) *Appeals procedures.*

(a) *Form of appeal.* The ARB shall hold public hearings regarding appeals from administrative decisions of the city, and appeals of the Zoning Administrator or other appropriate administrative official when there is an alleged error in any order, requirement, determination or decision by the officials pertaining to matters related to the Architectural Review Design requirements and standards. The appeals shall be filed on forms approved by the ARB and provided to applicants by the Secretary. The ARB may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal. An application filed by agent shall be accompanied by written designation of the agent signed by the applicant or party in interest. A non-refundable filing fee as set forth by City Council and registered with the City Clerk shall accompany an appeal. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the ARB, and shall not be reviewed or scheduled for hearings until brought to completion.

(b) *Time for appeal.* An appeal must be filed within 15 days after the decision has been rendered, by filing with the ARB a notice of appeal specifying the grounds thereof. The ARB shall maintain for review all papers constituting the record upon which the action appealed from was taken.

(c) *Calendar.* Appeals and applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the ARB for good cause shown.

(d) *Withdrawn of appeal.* An appeal or application may be withdrawn by written notice delivered to the Secretary prior to action by the ARB, but no appeal shall be withdrawn after posting of hearing notice and prior to ARB action thereon without formal consent of the ARB. An appeal from an administrative decision which is withdrawn may not be filed after the 15-day time for appeal has expired. Withdrawn applications may be re-filed after six months and shall be placed on the calendar according to the date re-filed.

(e) *Continuances.* The hearing of an appeal or application may be continued one time by the ARB for good cause shown.

(f) *Notice of public hearing on appeals and proposed amendments.* Notice of public hearing shall be given in the official paper of the city not less than 15 days before the hearing is held and signs three feet by four feet shall be conspicuously posted on or adjacent to the property affected, with at least one sign being visible from each public thoroughfare that abuts the property, as well as, due notice to the parties in interest. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.

(g) *Stay of proceedings.* An appeal shall stay all proceedings of the action appealed from unless the ARB concurs by reason of facts that a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the ARB or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(h) *Exercise of power.* In exercising the powers of the ARB, the ARB may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. The ARB, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt, may certify the fact to the circuit court having jurisdiction.

(8) *Hearing procedure.*

(a) *General.* The ARB shall fix a reasonable time for the hearing of an appeal, give public notice thereof and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. The ARB may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of an applicant. Evidence supporting the grant or denial of an appeal shall be submitted only to the ARB in a public meeting.

(b) *Witnesses.* Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least ten days prior to a hearing and signed by the Chairperson. The ARB may call its own witnesses when deemed appropriate.

(c) *Cross-examination.* No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses shall not be allowed.

(d) *Evidence.* Relevant documents, photographs, maps, drawings and the like, shall be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay shall be received. The Chairperson shall rule on all evidentiary matters. Evidence shall be placed in the record with an objection noted. The normal order of hearing, subject to modification by the Chairperson, shall be:

1. Statement of matter to be heard (Chairperson or Secretary);
2. Presentation by applicant (five minute limit);
3. Presentation by official appealed (five minute limit);
4. Presentation by opponents (five minutes limit);
5. Rebuttal by applicant (three minute limit);
6. Unsworn public comment when appropriate;
7. The ARB may question participants at any point in the hearing; and
8. Matters in which additional time is granted may be moved to the end of the agenda.

(e) *Disqualification from voting.* A member shall disqualify himself or herself from voting whenever he or she has a personal or monetary interest in the property or business under appeal, or will be directly affected by the decision of the ARB. A member shall also disqualify himself or herself from voting whenever any applicant, or his or her agent, has sought to influence the member's vote on the appeal, other than in the public hearing.

(f) *Disposition.* The ARB may deliberate and make final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted and voting shall be in public. In case of a tie vote, the application is considered denied.

(g) *Form or order.* An order shall be issued disposing of a matter by granting or denying relief with the conditions as may be deemed necessary; or affirming, modifying or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

(h) *Service of order.* The Secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the Chairperson.

(i) *Rehearing.* The ARB may grant a rehearing of an application which has been dismissed or denied upon written request filed with the Secretary within 15 days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

(j) *Records.*

1. *Minutes.* The Secretary shall record all minutes and hearings of the ARB on tape which shall be preserved until final action is taken on all matters presented. The Secretary shall prepare minutes of each meeting for approval by the ARB at the next regular meeting. Minutes shall be maintained as public records.

2. *Orders and documents.* The Secretary shall assist in the preparation and service of all orders of the ARB in appropriate form. Copies of all notices, correspondences, documentary evidences, orders and forms shall be maintained as public records.

(k) *Amendment.* These rules may be amended at any regular meeting of the ARB by majority vote of the members of the ARB present at the public hearing when the matter was considered. Results of the proposed amendments shall be submitted to City Council for review and approval. (See division (E)(8)(f) above.)

(l) *Appeal of Board action.* Any person or persons, any taxpayer or any officer, department, board or commission of the city, jointly or separately, aggrieved by any decision of the ARB, may present to a court of record, a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the decision of the ARB is mailed.

(9) *Planning session.* The ARB may be convened as a committee of the whole in the same manner as prescribed for calling a special meeting for the purpose of holding a planning session, provided that no official business shall be conducted thereat and no quorum shall be required.

(1985 Code, Art. X, § 1001) (Ord. 93-001, passed 4-20-1993; Ord. 97-006, passed 5-13-1997; Ord. 99-004, passed 4-13-1999; Ord. 13-006, passed 9-10-2013) Penalty, see § 151.999

**§ 151.191 APPLICATION PROCEDURE.**

(A) Every proposal submitted for ARB consideration shall be in the form required by the city, to include filing fees when specified. Any additional information may be required at the discretion of the ARB.

(B) All applications shall include schematic drawings and designs conforming to the application requirements and all other information required to determine compliance with this chapter. Application permit, and inspection procedures for specific types of construction are detailed in the respective *Procedures Manual*, available from city staff.

(1985 Code, Art. X, § 1002) (Ord. 93-001, passed 4-20-1993; Ord. 97-006, passed 5-13-1997)

**§ 151.192 EMERGENCY USES.**

City staff may be authorized to issue emergency permits for situations that require immediate attention in order to prevent further damages. In such situations, permanent permits shall be reviewed by the ARB, and appropriate actions shall be taken by the ARB at its next meeting.

(1985 Code, Art. X, § 1003) (Ord. 93-001, passed 4-20-1993; Ord. 97-006, passed 5-13-1997)

**§ 151.193 PRE-DESIGN CONFERENCE.**

The applicant is recommended to attend a pre-design conference with city staff prior to submitting an application to the ARB. The applicant shall submit his or her proposal in accordance with application requirements, when applicable. (See procedures manual for architectural design standards.) All service providers and other appropriate agencies may be invited to attend the pre-design conference. After the pre-design conference has been held, the proposal will be submitted to the ARB for review.

(1985 Code, Art. X, § 1004) (Ord. 93-001, passed 4-20-1993; Ord. 97-006, passed 5-13-1997)

**§ 151.194 ARB MEETING.**

ARB meeting and consideration requires submission of schematic designs and drawings, including all requirements as outlined in application requirements. Material specifications and typical construction details shall accompany this submittal. Three sets of blueprints are required. The use of illustrative site plans and three-dimensional site models are encouraged. All drawing models are encouraged. Drawings and designs submitted to the ARB shall meet the requirements of the Architectural Registration Code of Laws of South Carolina, when applicable. City staff has the authority to remove any incomplete applications prior to the agenda being mailed to the ARB.

(1985 Code, Art. X, § 1005) (Ord. 93-001, passed 4-20-1993; Ord. 97-006, passed 5-13-1997)

**§ 151.195 APPLICATION REQUIREMENTS.**

(A) *Schematic design drawings.* The applicant is required to submit schematic design drawings showing the following information for new development:

- (1) The proposed site plan shall include the following:
  - (2) The name(s) of engineers, architects and the like;
  - (3) The boundaries and dimensions of the proposed site or lot;
  - (4) Locations and dimensions of the principal and any accessory buildings with distances from property boundaries indicated;
  - (5) Location, number and size of all proposed parking spaces, including disabled parking, if appropriate;
  - (6) Location of adjacent streets with center lines indicated, location of proposed curb cuts, driveways and access ways;
  - (7) Location of all setbacks, easements and rights-of-way, both existing and proposed;
  - (8) Location of areas to be landscaped and buffer screens as required;
  - (9) Demolition of existing site features if applicable;

(a) *Architectural theme.* The following architectural theme is preferred:

1. Simple, strong building forms of light-colored walls (wood, stucco, textured brick) highlighted and accented with details are preferred;
2. The architectural design, color and material of a proposed structure shall conform to community standards of good taste and design;
3. Proposed structures shall contribute to the image of the city as a unique place of visual character, integrity and quality;
4. Proposed structures of inferior or obtrusive architectural design and/or material composition shall not be permitted; and
5. If several storefronts are located in one building, they shall be unified in design treatment of windows, door openings, materials and colors.

(b) *Building facade.*

1. Long, monotonous facade design, including, but not limited to, those characterized by unrelieved repetition of shape or form, or by unbroken extension of line (blank wall), shall not be preferred;
2. Architecturally articulated facade helps to break up blank walls, while landscaping helps to soften walls; and
3. Avoid linear monotony and massive bulky appearance, and achieve the small-scale city atmosphere characteristic of the City of Goose Creek.

(c) *Building design.*

1. *Scale and proportion.* The height, width and general proportions of a building shall conform with or be better than other buildings in the area. The scale and massing of a structure shall be a primary consideration. The scale of the project shall not overwhelm any adjacent buildings. Through changing the roofline and varying the height, the perceived height of a project can be reduced.
2. *Vertical and horizontal emphasis.* The vertical and horizontal appearance of a structure is created by its proportions, scales, doors and window openings.
3. *Windows and doors.* The patterns of placement, proportions and materials of windows and doors shall be considered. Shutters shall be sized to match windows. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions and other treatments are encouraged. Two-story buildings need special attention to the design of windows to produce a consistent human scale.
4. *Roof form.* The design line created by the shape thereof shall constitute the roof form. All roofs shall have appropriate overhangs. Rooflines shall vary to avoid monotonous effect of a single long building. Roofs shall be visually less dominant than the walls. Roofs shall aid in scaling down a structure and provide shadow relief. Wood shakes or shingles (unless treated for fire resistance), high contrast color, bright colored glazed tiles or highly reflective surfaces, corrugated or sheet metals, roll-roof, built-up tar and gravel, plastic, fiberglass or mansard roofing materials are not permitted. Roof design shall minimize the negative impact of roof protrusions by grouping plumbing, vents, ducts and other utility structures together.
5. *Architectural features and details.*
  - a. Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, towers, skylights, arches, verandahs, patios and loggias are encouraged;
  - b. All features and details shall be in proportion with the buildings;
  - c. Use of metal, fiberglass or plastic awnings are not permitted; and
  - d. The structural lines of a building and its materials shall be retained at the storefront level. For instance, brick piers and columns shall be carried down to street level.
6. *Materials.*
  - a. *Exterior materials.* The building materials of a project shall be durable, have low maintenance, be of the same or higher quality as surrounding developments, and not adversely impact adjacent uses. The following is a list of building materials whose use is preferred: cement plaster (stucco) over masonry or wood frame, brick, native stone, vinyl siding, treated wood siding, ceramic accent tile, exposed timber beams and columns, concrete and concrete masonry with textured surfaces and integral color, including split face block.

b. *Wall and fence material.*

i. Fences and walls are used to provide security, visual privacy and/or define a space. The impact of a fence or wall on the surrounding neighborhood is determined by its size, type, layout and character. Fences and walls shall be minimized along public streets;

ii. Walls and fences shall be designed to be compatible with the surrounding landscape and architectural concept; and

iii. Vinyl siding, stone, stucco, natural or painted, stained or weathered wood siding, textured concrete, wrought iron, cement plaster over framing, cement masonry with cement plaster finish or brick in soft colors and fine textures are strongly preferred. Unpainted, bright metal, reflective, bright or garish colors, or garish contrasting surfaces are prohibited.

7. *Color combinations.* The use of unusual shapes, color and other characteristics that cause all buildings to call excessive attention to themselves and create a jarring disharmony shall not be permitted. Colors shall be harmonious, and only compatible accents shall be used. Building colors shall be earth tones, browns, beiges, grays or soft colors and the like. Accent or complementary colors, harmonizing with the main color, may be used for trim or awnings. Color combinations of paints or stains shall be complimentary to the proposed structure(s), or be better than any existing structure(s) and the adjacent environment. In general, no more than three different colors per building shall be permitted. Semi-transparent stains are required for application on natural wood finishes. Color and texture for architectural finishes shall be selected to provide visual unity.

8. *Foundation wall.* Continuous foundation walls are required on all structure(s), preferably of stone-faced, exposed aggregate concrete, vinyl, stucco or brick.

9. *Building height.* The maximum height of structures shall be in accordance with Appendix D. The height of a building shall be measured as the vertical distance from grade to the highest point of the roof. The apparent height of a development can be reduced through building setbacks, varying the roofline and the height of a building.

10. *Building maintenance.* The exterior of buildings shall be maintained so as to avoid any blighting effects on neighboring properties. Exterior building maintenance shall include, but not be limited to, painting, re-painting and protection with approved coating where necessary, for the purpose of aesthetics, neat appearance and sound preservation.

(C) *Street scape element.*

(1) *Intent.* The intent of this element is to recognize that street scape improvements which include those architectural or functional facilities or structures that occur on-site but are not part of the building encourage and facilitate human interaction with the environment. Examples include, but are not limited to: decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, bollards and fences.

(2) *Design principle.* These improvements shall be designed to be consistent with all standards and guidelines listed in Appendix D and shall be reviewed for aesthetic functionality and compatibility with the character of the City of Goose Creek.

(3) *Design standards and guidelines.* The City of Goose Creek has established design standards and guidelines relative to street scape improvements in the following items: service loading/storage areas, trash and refuse collection areas, utilities lines, parking areas, parking decks, walkways, site lighting, satellite dishes and communication antennas, site furniture and other mechanical equipment. The design standards and guidelines listed above do not preclude the city from reviewing other items of interest not mentioned herein.

(a) *Service loading/storage area.*

1. Service/storage areas shall be oriented away from public right-of-way, and screened, when practical;
2. Outdoor storage and/or display of equipment and material are strongly discouraged, except on a temporary basis. This section shall not apply to businesses that have a majority of their merchandise stored and displayed in the open environment (examples include, but are not limited to, automobiles, lumber, truck car rentals); and
3. Parked vehicles used as storage for any purpose shall not be permitted for commercial and light industrial uses.

(b) *Trash and refuse collection areas.*

1. All refuse areas shall be screened on three sides with a six foot fence or wall and shall be finished with landscaping at the base of the fence or wall (reference landscape element);
2. Trash collection areas shall not be the visual focal point of a parking area; and
3. Refuse areas shall not be located within the front yard setback or street frontages of corner lots.

(c) *Utilities lines.*

1. All utility lines such as electric, telephone, CATV or similar lines serving individual sites as well as all utility lines necessary within the property shall be placed underground; and
2. All junction and access boxes shall be screened with appropriate landscaping (reference landscape element.) All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes and the like, should be recognized and integrated with the architectural elements of the site plan.

(d) *Parking areas.*

1. Parking areas shall be paved, surface treated parking areas are not permitted; (See § 151.086.)
2. Parking lots shall not spoil views from neighboring properties or from streets;
3. Parking lot configuration and location shall harmonize with site conditions including topography, drainage patterns and natural amenities. Flat, open areas on the site shall be the first choice for parking to minimize disruption to site contours and vegetation;
4. In an optimum parking arrangement, there shall be no more than ten spaces in any continuous area without visual separation (such as landscaping or buffering);
5. Bicycle racks and internal pedestrian system are preferred when applicable;
6. In some cases, parking structures offer a solution that provides required parking while reducing the unsightliness of large parking areas;
7. All developments shall provide permanent off-street parking space at minimum in the amount specified in Appendix A;
8. All parking area lighting shall be hooded or directed to the extent practical to shield the light source from direct view from adjacent properties and streets. The maximum allowable height of the lighting shall be 30 feet;
9. The design shall use natural changes in site grade levels to make horizontal pedestrian connections between parking structures and the buildings they serve. This technique minimizes the need for multiple flights of stairs to and from parked cars; and
10. Lighting on parking structures shall be adequate to provide security to the area, however, it shall not be intrusive onto adjacent properties.

(e) *Internal pedestrian circulation: walkways.*

1. Streets and pedestrian walks can be set apart from each other by contrasting paving materials, special plantings and lighting effects; and
2. Ease of pedestrian access between proposed developments and adjacent developments is strongly preferred, as are pedestrian-oriented developments.

(f) *Site lighting.* The goal of these guidelines is to allow outside lighting for the functional and aesthetics of the Commercial and Light Industrial Districts and uses:

1. Site lighting shall be from a concealed light source fixture;
2. Lighting shall enhance the overall aesthetics of the site. Exterior lighting shall be architecturally integrated with the building's style, material and color;
3. Site lighting shall be compatible with neighboring lighting systems or better;
4. All parking lot lighting shall be integrated with landscaping;
5. Fixtures shall be compatible with the architectural character of the buildings served;
6. Wood fixtures and fixtures; and
7. If metal poles are used, they shall be black, dark gray, dark brown or earth tone. Planting at the base of poles is preferred.

(g) *Outside display of merchandise.* The outdoor display of merchandise that creates a cluttering, disorganized or haphazard appearance is not permitted. The total area allocated for outdoor display of merchandise shall be included within the lot coverage of principal and accessory buildings as specified in this chapter and Appendix D.

(h) *Site furniture.* Site furniture elements shall be compatible in form, colors, materials and finish. Style shall be coordinated with that of the existing or proposed site architecture.

(i) *Other mechanical equipment.*

1. To minimize the impact of mechanical equipment on the appearance of the building and community, mechanical equipment on buildings shall be located away from the front of the building facades as much as possible. Mechanical equipment attached to the side or roof of a building, including heating vents, shall be kept as low as possible and covered or painted to blend with the environment; and

2. Mechanical equipment on the ground shall be screened with a fence or plant materials or housed in a structure that is in harmony with the surroundings.

(D) *Landscape element.*

(1) *Intent.* The City of Goose Creek is renowned for its foliage and greenery amidst rapid residential and commercial growth. To maintain its scenic vistas and to foster orderly development, the city has adopted a Tree Trust Plan to replenish trees and greenery along all major and secondary road corridors. The intent and purpose of the landscape element of this chapter is to compliment the Tree Trust Plan and to achieve the following goals:

(a) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge and storm water runoff retardation, while at the same time aid in noise, glare and heat abatement;

(b) To encourage the preservation of existing trees and vegetation;

(c) To assist in providing adequate air and light, and in preventing overcrowding of land;

(d) To provide visual buffering and enhance the beautification of the city; and

(e) To reduce the visibility of paved areas from adjacent properties and streets.

(2) *Design principles.* The following are design principles for the landscape element:

(a) Landscape design and planning shall be integrated with the overall project design concept and shall not be considered as merely an after thought. Toward this end, proposed landscaping shall be evaluated in relation to existing natural landscape, and to developed and proposed landscaping, including the landscape elements existing on adjacent properties and street rights-of-way, and in relation to buildings existing or proposed;

(b) The existing natural landscape character shall be preserved whenever possible. As an example of this, in an area containing a stand of trees, the developer shall preserve as many of these trees as possible and further landscape in a complementary manner, rather than destroy the existing trees and replant with a type of vegetation foreign to the immediate natural environment;

(c) All landscape areas shall provide an attractive transition to adjoining properties; and

(d) Landscape design principles for specific activities:

1. Design using trees as a means of landscaping:

a. Tree masses are a valuable means of defining outdoor spaces and visually linking a site development to the larger community landscape;

b. Planting can help "anchor" a building to its site, define boundaries between public and private spaces and create transitions between new developments and older buildings;

c. Trees arranged in clusters and grouping give form and definition to open spaces on the site, creating opportunities for focus and a sense of scale to larger site areas;

d. Trees planted in rows along roads, and in site boundaries are preferred, except not in road right-of-way; and (Reference Master Tree Plans for major thoroughfares.)

e. Diameters of trees shall be at a minimum of two and one half inch caliper. Design for roadway and road edge planting:

i. The natural grouping of trees in clusters reduces the traditional rigid alignment;

ii. Limited use of shrubs in plantings with trees and ground covers; and

iii. Naturalized plant arrangements as opposed to stylized.



2. Planting in open spaces near buildings and in courtyards, terraces, plazas and other outdoor spaces for human activity shall:

- a. Create shade for the comfort of pedestrians, trees with canopy branches are important;
- b. Provide visual variety in the form of flowers and foliage texture; and
- c. Reflect the local landscape theme of simplicity in design.

3. Landscape for parking lot:

- a. Create shade over the majority of paved surface by the use of canopy trees. Tree canopies soften the visual impact of parking areas and relieve them from heat build-up;
- b. Use coarsely textured ground covers which will serve as both shrubs and ground cover;
- c. Create minimal tree litter for ease of maintenance; and
- d. To provide a canopy, a planted island or break at least five feet wide with at least one tree and two shrubberies, or two trees shall be installed for every ten spaces of parking area.

4. Landscape for large open spaces. Large open spaces shall be preserved, when possible, by clustering development:

- a. Minimal use of shrubbery, maximize use of trees; and
- b. Minimal use of highly ornamental plants.

5. Landscape for building foundations:

- a. Where building foundations are visible from the public street or from adjacent uses, foundation landscaping is preferred; and
- b. Landscaping of this area shall compliment the building elevations, connect the building to the site and increase continuity.

6. Landscape for retention areas:

- a. Plant materials shall be compatible with the use;
- b. The slopes of these areas shall be regulated; and
- c. Large areas for retention shall be designed, eliminating small unusable areas.

(3) *Design standards and guidelines.* A comprehensive landscaping plan for each individual lot or parcel located within commercial and light industrial uses and districts is required based on the following design standards and guidelines:

(a) Landscaping is required on all proposed projects, and shall conform with the landscaping and buffering requirements (§§ 151.083 and 151.085);

(b) The landscaping plans for the proposed development shall provide visually harmonious and compatible settings for structures on the development, with adjacent properties and shall blend with the surrounding natural landscape. Natural appearing landscape forms are strongly preferred;

(c) The City of Goose Creek encourages the planting of trees as an integral part of the landscape design of a development. Tree planting shall be at least 10% of the landscape design of a project;

(d) It is up to the discretion of the applicant to combine different types of landscaping methods in his or her proposal provided that at least 10% of the development is devoted to landscaping; and

(e) The city encourages green color foliage and spring flowers as the landscaping themes of the commercial and light industrial areas.

1. *Landscaping or architectural treatment of free-standing signs.* All freestanding signs shall be landscaped or installed on a wood, stone or other base structure that is at least two feet high.

2. *Fencing as landscaping mechanism.*

a. *Topography.* Long, solid fences shall contain offsets or other architectural treatments to break up the appearance of a continuous mass.

b. *Planting.*

- i. Any fence design shall include detailed plans for planting;
- ii. Simplicity is important to any successful planting scheme. A well-balanced mixture of materials is preferable to a wide but unrelated variety of plants; and
- iii. Shrubbery and trees all can be used in fence plantings. Vertical lines of trees help to break the often monotonous horizontal line of a fence.

(E) *Sign element.*

(1) *Intent.* The intent of the sign element is to regulate commercial signage such that the following purposes shall be achieved:

- (a) To communicate the location of a business or a development;
- (b) To provide a visual relationship of what goods or services are provided;
- (c) To provide orientation;
- (d) To convey an image; and
- (e) To protect the city from the adverse impact of unnecessarily large or excessive number of signs. It is not the intent of the ARB to approve poorly designed or maintained signs that have a detrimental impact on the visual and physical environment due to the following reasons:
  1. They may create hazardous vehicular and pedestrian traffic;
  2. They often decrease property value;
  3. They may conceal and confuse neighboring signs;
  4. They degrade the visual quality of the city; and
  5. Attractive, coordinated, well-designed signs on the other hand, have a beneficial impact.

(2) *Design principles.* The following are design principles for the sign element:

- (a) The location, character and size of the signage shall be compatible with the architectural features of the buildings, and the character of the neighborhood, and be consistent with the aesthetic and economic vitality of the city such that the cumulative effect of similar signage in the area shall not result in a visual blight or pollution;
- (b) An integrated sign system shall be required for all business complexes, shopping centers and all businesses that share a common parcel of property or building. The establishment of integrated sign systems for existing developments is strongly encouraged. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture and establishment of unity of design for the development. Individual signs shall be reviewed for conformance with the sign systems, whether newly established or existing and substantially in compliance with this chapter. The owner of the property is responsible for allocating all signs on the lot; and
- (c) Materials, colors and shapes of proposed signs shall be compatible with the related buildings. Size and proportions shall not be a dominant feature of the proposed site and shall be judged by sizes and proportions of signs on adjacent and nearby properties which are compatible with the city and substantially conform with this chapter.

(3) *Design standards and guidelines.* The following are the design standards and guidelines on the sign element.

- (a) Freestanding signs shall be spaced at minimum 200 feet intervals along each public way which views the premises.
- (b) All signs shall meet SBCCI codes.
- (c) Prohibited signs, except as may be hereinafter specifically permitted, it shall be unlawful after the effective date of this chapter, or amendment thereto, for any person to erect, place or use within the city, any of the following signs in addition to the requirements of this chapter:
  1. Swinging signs, paper, cloth or plastic sheet signs;
  2. A sign which contains any moving, rotating, animated lights, visible moving or movable parts (with the exception of time and temperature signs) or giving the appearance of animation;
  3. Stationary or abandoned vehicle signs. The parking in public view of any vehicle not in operating condition or lacking current registration shall be prohibited;

4. Any sign which emits a sound, odor or visible matter;
  5. 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;
  6. Signs using the words "stop", "danger" or any other word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver;
  7. Signs painted on or attached to trees, fenceposts, rocks or other natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare (snipe signs);
  8. Any sign on or towed behind a boat, raft, aircraft, helicopter or a recreational vehicle;
  9. Any sign which exhibits statements, words or pictures of obscene or pornographic subjects;
  10. Inflatable signs;
  11. Streamers, windblown propellers, strung light bulbs, beacons, banners, pennants, bench or furniture signs; and
  12. Visible angle or other frames supporting projecting signs, roof and canopy signs, as well as chain supports are prohibited.
- (d) Guidelines on determining the most suitable sign system:
1. Study the building or the building facade; and
  2. Study the building front in relation to adjacent properties.
    - a. When the architectural details of a building do not determine the shape of the sign, choose simple shapes. Circles, rectangles and ovals are considered to be most effective for visual communication; and
    - b. If a business has a vehicular orientation, the sign needs to be in the more traditional location on the building or street front above the parked cars or shoppers. However, if a business has a pedestrian orientation, the sign needs to be at eye level. Door and window graphics are very effective means of communicating with passers-by. Pedestrian oriented signs do not have to be very large, because they only have to be read from a distance of eight to ten feet.
- (e) Style, size, spacing and weight play a major part in providing effective signage.
1. *Style.* The style of the sign shall be chosen based on the readability and image of the type. Capital letters are more easily recognized than lower case letters. The coherence in a sign is improved by limiting the number of different letter types used. Other features relative to the style of signs are:
    - a. The various parts of a sign shall be compatible; and
    - b. Any multi-faced sign shall have the same name and same message on all use faces.
  2. *Size.* "The bigger the better" does not work in sign design. Letters shall be subordinate to the background area.
  3. *Spacing.* Crowding of letters, words or lines are not preferred, unless for a specific effect.
  4. *Guidelines on colors.* The colors selected for a sign shall relate to the colors that are present in the building facade or in the surrounding environment.
  5. *Guidelines on textures.* The materials shall not affect legibility.
  6. *Wall signs:*
    - a. If a building consists of more than two stories, building signs shall not be located higher than the second story or 24 feet, whichever is less; and
    - b. Wall signs shall not cover up or interrupt major architectural features.
  7. *Drop awnings.* Drop awnings may be erected and displayed in compliance with the total square footage of signage authorized by § 151.084(D)(2) provided that:
    - a. When the drop awning is let down to its fullest extent, no metal bar or other solid or hollow framing shall be less than eight feet above the ground or sidewalk; and
    - b. A flexible fabric may hang 12 inches below the horizontal bar supporting the awning, but in no case shall the skirt be less than seven feet above the ground or sidewalk at the lowest point.
  8. *Work with your neighbors.*

- a. Working with neighbors when designing signs can greatly enhance both the visual and economic environment; and
- b. The visual continuity achieved in the Commercial and Light Industrial Districts and uses is evidence to the public of a spirit of cooperation in the business community.

(1985 Code, Art. X, § 1008) (Ord. 93-001, passed 4-20-1993; Ord. 97-006, passed 5-13-1997) Penalty, see § 151.999

### LEGAL STATUS PROVISIONS

#### § 151.210 INTERPRETATION AND CONFLICT.

In interpreting and applying the provisions of this chapter, the provisions shall be held to be minimum requirements necessary to uphold the purposes stated in § 151.027. This chapter is not intended to interfere with, abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires more open space than required by other resolutions, ordinances or by easements, covenants or agreements, the provisions of this chapter shall govern. When the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of the statute shall govern.

(1985 Code, Art. XI, § 1101)

#### § 151.211 VIOLATION.

If any building is erected, constructed, reconstructed, altered, repaired or converted, or any building, sign, structure or land is used in violation of this chapter, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to the violation.

(1985 Code, Art. XI, § 1102)

SECTION 151.230 THROUGH SECTION 151.239, PAGES 85 (PARTIAL) – 101 (PARTIAL)

DOWNTOWN BUSINESS DISTRICT OMITTED – NOT RELEVANT TO THIS PROPERTY

**§ 151.999 PENALTY.**

It shall be unlawful to construct, reconstruct, alter, change the use of or occupy any land, building, sign or other structure without first obtaining the appropriate permit from the Zoning Administrator. The Zoning Administrator shall not issue any permit unless in compliance with the requirements of this chapter and of any ordinance or resolution adopted pursuant to it. A violation of any ordinance or resolution adopted pursuant to the provisions of this act, is hereby declared to be a misdemeanor under the laws of the state and, upon conviction thereof, an offender shall be liable to a fine of not more than \$500, or imprisoned not exceeding 30 days. In case any building, sign or structure is or is proposed to be constructed, reconstructed, altered, converted or maintained, or any building, sign, structure or land is or is proposed to be used in violation of this chapter, the Zoning Administrator or any adjacent or neighboring property owner who would be especially damaged by the violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate proceedings to prevent the unlawful construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues shall be deemed a separate offense.

(1985 Code, Art. XI, § 1103) (Ord. 93-005A, passed 8-30-1993)

**APPENDIX A: TABLE OF PARKING AND LOADING SPACE REQUIREMENTS**

<i>Table of Parking Space Requirements</i>		
	<i>Required Spaces</i>	<i>Additional Requirements</i>
<b>Residential</b>		
Single-family dwelling	2 spaces	
Duplex/two-family dwelling	4 spaces	

Multi-family dwelling	2 spaces per unit	
Mobile home in mobile home park	2 spaces	+ 1 space per employee
Mobile home park	2 spaces per lot/space	+ 1 space per employee
Rooming/boarding house	1 space per sleeping room	+ 1 space per 2 employees
Group dwelling	1 space per 2 bedrooms	
Nursing home/sanitarium	1 space per 5 patient beds	+ 1 space per each 2 employees on largest shift
<b>Religious</b>		
Churches and places of worship	1 space per 5 fixed seats in the main assembly hall	Or, 1 space per classroom, whichever is greater
<b>Educational</b>		
Public/private school, trade or business school, or college	greater of: 1 space per 4 seats in assembly hall, or 5 spaces per classroom	+ 1 space per employee
Library, museum, art gallery, arts, crafts, or dance studio	10 spaces	+ 1 space per employee
Nursery or pre-school/day-care	1 space per classroom (5 space minimum)	+ 1 space per employee
Places of public assembly	1 space per 100 sq. ft. in main assembly hall	
<b>Recreational</b>		
Country club, tennis club, swim club, golf course	1 space per 5 members	+ 1 space per each 2 employee
Private recreation facility	1 space per 5 members	+ 1 space per employee
Club, fraternity, sorority, lodge or union hall	1 space per active member	
Places of public assembly	1 space per 100 square feet in main assembly hall	
**Recreation and community center	minimum of 1 space per 200 square feet of floor area	
<b>Office</b>		
Public or private office building	1 space per 300 square feet of floor area (4 spaces minimum)*	
Advertising agency, realty office, insurance office	1 space per 300 square feet of floor area (4 spaces minimum)*	
Radio/television station or studio	1 space per 500 square feet of floor area (4 spaces minimum)*	+1 space per employee
<b>Commercial</b>		
Bank, savings and loan assoc. or similar lending institutions	1 space per 200 square feet of floor area *	
Service or repair establishment, not otherwise mentioned	1 space per 250 square feet of floor area excluding storage *	
Retail business not otherwise mentioned	1 space per 200 square feet of floor area excluding storage (3 space min.)*	+ 1 space per employee
Theatre, night club, and similar places of assembly	1 space per each 4 seating accommodations	+ 1 space per each 3 employees on largest shift
Automobile service stations	1 space per employee (5 space minimum)	+ 1 space per each grease rack and wash rack
Motel, hotel, tourist home	1 space per sleeping room or suite	+ 1 space per each 3 employees

Furniture, appliance, equipment, automotive, boat sales and the like	1 space per 300 square feet retail floor area (3 min.)	Except that auto sales and service have 10 space min.
Bowling alley or center	5 spaces per lane	
Funeral home or mortuary	1 space per 50 sq. ft. of floor area minus work & storage areas *	
Planned shopping center	5 spaces per 1,000 sq. ft. of leaseable area *	
Sit down restaurant	1 space per each 4 seats	+ 1 space per employee on the largest shift
Drive-in restaurant	1 space per 35 sq. ft. of bldg. area *	+ 1 space per employee on largest shift
Take-out restaurant	1 space per 100 sq. ft. of bldg. area *	+ 1 space per employee on the largest shift
Hospital or extended care medical facility	1 space per every 5 patient beds	+ 1 space per each 2 regular employees on the largest shift
Common carrier transportation and/or passenger terminal	1 space per 100 sq. ft. of waiting room (10 space min.)	+ 1 space per employee on the largest shift
Other uses not otherwise specifically mentioned	Established by the Zoning Administrator	Established by the Zoning Administrator
Manufacturing, processing, bulk warehousing, brick/block/coal yard, lumber mill	1 space for each 2 employees on the largest shift (5 spaces minimum)	+ 1 space for each vehicle operating from the premises
Transportation terminal for heavy vehicles, commercial freight distribution and transfer	1 space for each employee (5 spaces minimum)	+ 1 space for each vehicle operating from the premises
** NOTE: Amended as of February 14, 1995, Ordinance Number 95-01		
* NOTE: Amended as of March 14, 1995, Ordinance No. 95-02		

*Table of Off-Street Loading Space Requirements*

<i>Type of Uses</i>	<i>Total Floor Area (Sq. Ft.)</i>	<i>Spaces Required</i>
Commercial, retail and personal Service establishments	0 - 1,999	None
	2,000 - 24,999	1
	For each additional 25,000	1 additional
Wholesale, manufacturing, governmental, and institutional (including places of public assembly), hospital, educational institution, recreational facility, business service, terminal or similar business uses	0 - 24,999	None
	25,000 - 49,999	1
	50,000 - 99,999	2
	100,000 - 249,999	3
	250,000 - 999,999	4
	1,000,000 or more	5
Funeral home or mortuary	0 - 2,499	None
	2,500 - 3,999	1
	4,000 - 5,999	2
	For each additional 10,000	1 additional
Offices and office buildings	0 - 4,999	None
	5,000 - 9,999	1
	10,000 - 20,000	1 additional

	For each additional 50,000	1 additional
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(1985 Code, Annex A) (Ord. 95-01, passed 2-14-1995; Ord. 95-02, passed 3-14-1995)

APPENDIX B: TABLE OF LAND USES

<i>Table of Land Uses</i>											
+ - Permitted*	<i>x - Prohibited</i>										
? - Conditional**	() - Notes										
	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>RC</i>	<i>NC</i>	<i>GC</i>	<i>LI</i>	<i>CO</i>	<i>PD</i>	<i>PD/MIH</i>	
<b>Residential***</b>											
Accessory uses (§ 151.108 and App. C and D)	+	+	+	+	+	+	+	+	(1)	(1)	
Any publicly-owned facility or building or land	?	?	?	+	+	+	+	+	(1)	(1)	
Customary home occupations (§ 151.028)	+	+	+	+	+	+	x	x	(1)	(1)	
Detached single-family dwelling	+	+	+	+	+	x	x	+	(1)	(1)	
Duplex and two-family dwellings	x	x	+	+	+	x	x	x	(1)	(1)	
Group dwelling (§ 151.028)	x	x	x	x	+	?	x	x	(1)	(1)	
Multi-family dwellings, apartments including garden apartments, townhouses, patio homes and the like	x	x	?	+	?	?	x	x	(1) ?	(1)	
Nursing home or public/private care home, but not an establishment administering outpatient or medical treatment for fees	x	x	+	+	+	?	x	x	(1)	(1)	
Motel, hotel, or tourist home	x	x	x	?	+	+	x	x	(1)	(1)	
Temporary uses (§ 151.066) Zoning Administrator approval required	+	+	+	+	+	+	+	+	+	+	
Watchman or caretakers dwelling located on the premises with the permitted use and occupied by a company employee	?	?	+	+	+	+	+	?	(1)	(1)	
<b>Religious***</b>											
Accessory uses (§ 151.108 and App. C and D)	+	+	+	+	+	+	+	+	(1)	(1)	
Cemetery (permanent barrier/screening wall required)	?	?	?	?	?	?	?	?	(1)	(1)	
Places of worship located on major thoroughfares or collector streets subject to zone setback minimum standards	N/ A	N/ A	N/ A	+	+	?	?	x	(1)	(1)	
Places of worship with no structure or parking within 50 feet of property lines and located on major or collector streets	+	+	+	N/ A	N/ A	N/ A	N/ A	x	(1)	(1)	



Temporary uses (§ 151.066) Zoning Administrator approval required	+	+	+	+	+	+	+	+	+	+	+
<b>Educational***</b>											
Accessory uses (§ 151.108 and App. C and D)	+	+	+	+	+	+	+	+	(1)	(1)	
Arts, crafts, or dance studio; art gallery	x	x	x	+	+	+	x	x	(1)	(1)	
Business, trade, or vocational school	x	x	x	x	?	+	+	x	(1)	(1)	
Licensed nursery or pre-school facility	x	x	+	+	+	+	x	x	(1)	(1)	
Public library or museum provided no structure is located within 30 feet of property boundaries on a minimum 2 acre site	?	?	+	+	+	+	x	?	(1)	(1)	
Public/private school (not trade or business) on a minimum 5 acre site and no structure or parking within 50 feet of property boundaries	+	+	+	+	+	+	?	x	(1)	(1)	
Temporary uses (§ 151.066) Zoning Administrator approval required	+	+	+	+	+	+	+	+	+	+	
<b>Recreational***</b>											
Accessory uses (§ 151.108 and App. C and D)	+	+	+	+	+	+	+	+	(1)	(1)	
Any publicly owned building, facility or land	?	?	?	+	+	+	+	+	(1)	(1)	
Country club, tennis club, swimming club, or golf course providing no lighting impacts on adjacent uses	+	+	+	+	+	+	?	?	(1)	(1)	
Private recreation facility of at least 2 acres with no structure located within 30 feet of property boundaries	+	+	+	+	+	+	x	?	(1)	(1)	
Semi-public club, lodge, union hall or social center provided no residential or commercial activity conducted on premises	x	x	x	+	+	+	+	x	(1)	(1)	
Public recreation facility provided no structure is located within 30 feet of boundaries	+	+	+	+	+	+	+	+	(1)	(1)	
Temporary uses (§ 151.066) Zoning Administrator approval required	+	+	+	+	+	+	+	+	+	+	
<b>Office***</b>											
Accessory uses (§ 151.108 and App. C and D)	+	+	+	+	+	+	+	+	(1)	(1)	
Advertising agency, realty office, insurance office	x	x	x	+	+	+	x	x	(1)	(1)	
Any publicly owned building, facility or land	?	?	?	+	+	+	+	+	(1)	(1)	
Governmental, business, professional, or general purpose	x	x	x	+	+	+	+	x	(1)	(1)	

office excluding storage, repair, or rental of equipment on premises											
Radio/television station or studio (excluding transmission towers)	x	x	x	+	+	+	x	x	(1)	(1)	
Temporary uses (§ 151.066) Zoning Administrator approval required	+	+	+	+	+	+	+	+	+	+	
<b>Commercial***</b>											
Accessory uses (§ 151.108 and App. C and D)	+	+	+	+	+	+	+	+	(1)	(1)	
Any public building, facility or land	?	?	?	?	+	+	+	+	(1)	(1)	
Automobile, boat, mobile home, and recreational vehicle sales, service, and repair	x	x	x	x	x	+	+	x	(1)	(1)	
Automotive/equipment repair garage offering major repairs, body and fender repairs and painting	x	x	x	x	x	+	+	x	(1)	(1)	
Automotive service station with pumps/fuel storage tanks setback at least 20 feet from boundaries and no major repairs/body-fender repairs	x	x	x	x	+	+	+	x	(1)	(1)	
Barber/beauty shop, tailor, seamstress, jeweler or watch repair, upholsterer or general repair excluding autos and machinery	x	x	x	+	+	+	x	x	(1)	(1)	
Combination commercial/residential structure not over 4 stories, provided no dwellings on first floor and all dwellings have street access	x	x	x	?	3	3	x	x	(1)	(1)	
Commercial farm, orchard or nursery with retail and/or wholesale sales are made on the premises	x	x	x	x	?	+	+	?	(1)	(1)	
Commercial laundry/dry cleaning plant facility	x	x	x	x	x	+	+	x	(1)	(1)	
Common carrier transportation terminal/passenger facility	x	x	x	x	+	+	+	x	(1)	(1)	
Duplicating or letter service, printing shop or plant, secretarial or telephone answering service	x	x	x	+	+	+	x	x	(1)	(1)	
Emergency medical care facility/hospital	x	x	?	+	+	+	+	x	(1)	(1)	
Enterprise rendering a personal or business service, or restricted retail activity (§ 151.028) in a specific product category	x	x	x	+	+	+	x	x	(1)	(1)	
Funeral home or mortuary (excluding crematorium)	x	x	x	x	+	+	x	x	(1)	(1)	
Funeral home or mortuary with crematorium	x	x	x	x	x	+	+	x	(1)	(1)	
(Operations as principal use) bingo, coin-operated amusement	x	x	x	x	x	+	+	x	x	x	

devices, and the like, with no structure or parking within 50 feet of all property lines, and proposed location is not within 300 feet from the property line of a child care center, and other uses as stated in § 151.109										
Simulated gambling devices or (7)	x	x	x	x	x	+	+	x	x	x
Gasoline/fuel sales outlet with or without sales of accessories, sundries, notions, and snacks	x	x	x	x	+	+	+	x	(1)	(1)
Implement, heavy machinery, heavy truck sales, service and repair	x	x	x	x	x	+	+	x	(1)	(1)
Laundry/dry cleaner for processing items delivered to the premises by retail customers only	x	x	x	+	+	+	x	x	(1)	(1)
Medical, dental, chiropractic office; orthopedic or prosthetic laboratory; clinic or laboratory	x	x	x	+	+	+	x	x	(1)	(1)
Nursing home or extended care facility offering outpatient or medical services for a fee	x	x	x	+	+	+	x	x	(1)	(1)
Other enterprises (grocery, home furnishings, hardware, banking, meat/fish/poultry shop) having less than 5,000 sq. ft. floor area	x	x	x	x	+	+	x	x	(1)	(1)
Pet shop with all animals housed within the principal building and no noise or odor is perceptible beyond the property boundaries	x	x	x	x	+	+	x	x	(1)	(1)
Pet or animal boarding kennel - pet shop requirements apply	x	x	x	x	x	+	+	x	(1)	(1)
Prescriptionist, tobacconist, florist, news stand, gift shop/ boutique	x	x	x	+	+	+	x	x	(1)	(1)
Radio/television station or studio with transmission tower on the premises	x	x	x	x	x	+	+	x	(1)	(1)
Unrestricted commercial activities such as super-markets, department stores, variety stores, drug stores, building supply, restaurants (sit down/drive-in), clubs/bars allowing on premises consumption	x	x	x	x	x	+	x	x	(1)	(1)
Temporary uses (§ 151.066) Zoning Administrator approval required)	+	+	+	+	+	+	+	+	+	+
Veterinary clinic/animal hospital without boarding facilities	x	x	x	+	+	+	x	x	(1)	(1)
Veterinary clinic/animal hospital with boarding facilities (all animals must be housed in the principal bldg - see pet shop)	x	x	x	x	+	+	+	x	(1)	(1)
Warehousing, mini-warehouses (Ref. § 151.131)	x	x	x	x	x	+	+	x	(1)	(1)

Light Industrial ***											
Accessory uses (§ 151.108 and App. C and D)	+	+	+	+	+	+	+	+	+	(1)	(1)
Any publicly owned and/or operated building, facility or land	x	x	x	?	?	+	+	+	+	(1)	(1)
Communication towers	x	x	x	?	?	?	?	x	x	(1)	(1)
Light industrial uses (manufacturing, open yard storage of materials and/or display of equipment, bulk warehousing)	x	x	x	x	x	x	+	x	x	(1)	(1)
Natural resource production (excavation of mineral deposits)	x	x	x	x	x	?	+	?	?	(1)	(1)
Public utility sub-station installed in compliance with buffer and screening requirements and fenced to control access	+	+	+	+	+	+	+	+	+	(1)	(1)
Radio/television transmission towers	x	x	x	x	x	x	+	x	x	(1)	(1)
Railroad facilities, yards, sidings for storage of cars/ engines, and maintenance facilities	x	x	x	x	x	x	+	x	x	(1)	(1)
Railroad rights-of-way, excluding all facilities other than those required for track operations	+	+	+	+	+	+	+	+	+	(1)	(1)
Sanitary landfills	x	x	x	x	x	x	+	?	?	(1)	(1)
Temporary uses (§ 151.066) Zoning Administrator approval required	+	+	+	+	+	+	+	+	+	+	+
Transportation terminal for heavy trucks, commercial freight transfer and distribution center	x	x	x	x	x	?	+	x	x	(1)	(1)

\*\*Conditional uses are subject to Planning Commission approval (§ 151.109).

**Notes:**

- (1) Commission subject to the approval of City Council (§ 151.134).
- (2) Restricted nature of the zone.
- (3) Street access.
- (4) Urgent care medical facilities must be on major thoroughfares.
- (5) Sale of beer, wine, or alcoholic liquors prohibited.
- (6) On premises consumption of beer, wine, and alcoholic liquors prohibited.
- (7) In accordance with Chapter 110 of the Code of Ordinances of the city, such uses are prohibited throughout the city. If the above prohibition is deemed invalid, such uses shall only be allowed within the Light Industrial Zoning District under the following conditions: No more than four simulated gambling devices per parcel; and no storage, sale or consumption of alcoholic beverages on the premises in accordance with Chapter 110 of the Code of Ordinances of the city. Such uses shall be further subject to the location and distance provisions for adult uses as established in § 151.109(E)(1), (2) and (3).

(1985 Code, Annex B) (Ord. 11-009, passed 7-12-2011; Am. Ord. 12-004, passed 6-12-2012)

**APPENDIX C: TABLE OF ACCESSORY USES**

<i>Table of Accessory Uses</i>
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<i>Accessory Land Use</i>	<i>Res.</i>	<i>Relig.</i>	<i>Educ.</i>	<i>Recre.</i>	<i>Off.</i>	<i>Comm.</i>	<i>Li. Indus.</i>
Children's playhouse and play equipment	(2)	+	+	+			
Completely enclosed building for storage of supplies, stock, or merchandise		+	+	+	+	+	
Gasoline or fuel oil storage tank, specific set-back requirements apply	(1)	(1)	(1)	+	(1)	+	+
Laundromat in multi-family development for the exclusive use of tenants	+				+	+	
Manufacturing or repair facility in compliance with section § 151.108						+	+
Non-commercial flower, ornamental shrub or vegetable garden, greenhouse, or slat house not over 8 feet high	(2)	+	+	+	+		
Non-commercial parking for owners, tenants, guests, members, customers, clients, and employees. (limited to one commercially licensed vehicle per family in residential uses)	+	+	+	+	+	+	+
Natural or human-made disaster shelter	(2)	+	+	+	+	+	+
Parsonage, parsonium, or parish house	+	+					
Religious education building/classrooms		+	+				
Private swimming pool, bath house, tennis court, and private recreational facility for tenants of principal buildings	(2)	+	+	+	+	+	+
Private kennel for no more than 6 dogs and/or cats (4)	(2)						
Refuse containers (dumpsters) in multi-family, commercial, light industrial, or recreational appl.	(3)	(3)	(3)	(3)	(3)	(3)	(3)
Shed or tool room for grounds maintenance tools and equipment; satellite dish antenna	(2)	(2)	(2)	(2)	(2)	(2)	(2)
<b>Notes:</b>							
(1) Fuel oil storage for on-site heating systems.							
(2) Accessory buildings/uses are subject to § 151.108.							
(3) Site location, screening, and landscaping shall be approved by the Administrator (Ref. §§ 151.085 and 151.108)							
(4) Reference amended Ord. 94-005, September 13, 1994, Ch. 90, Animals and Fowl.							

(1985 Code, Annex C)

**APPENDIX D: ZONING DISTRICTS**

*Zoning Districts*

Zoning Districts	Area	Width	Depth	Front	Minimum Yards Side Minimum/ Total	Rear	Height Ft/ Stories	O/O Coverage	Accessory Buildings/ Uses
R-1 Low-Density Residential	10,000	70	100	30	10/25	25	35/2.5	40% (1) (2)	§ 151.108 and App. C
R-2 Medium- Density Residential	8,000	60	100	25	8/20	20	35/2.5	40% (1) (2)	§ 151.108 and App. C
R-3 High-Density Residential									§ 151.108 and App. C
Single-Family	6,500	60	80	20	7/15	20	35/2.5	40% (1) (2)	
Duplex	8,000	65	80	20	7/15	20	35/2.5	40% (1) (2)	
Multi-family	§ 151.135	70	80	30 (3)	15/35 (3)	25 (3)	50/4.0	40% (1) (2)	
RC Restricted Commercial	5,000	50	70	20 (3)	7/15 (3)	20 (3)	40/3.0	40% (1) (2)	§ 151.108 and App. C
NC Neighborhood Commercial	15,000 (4)	65	70	25 (3)	8/20 (3)	20 (3)	35/2.5	40% (1)	§ 151.108 and App. C
GC General Commercial	10,000	70	100	20 (3)	10/20 (3)	20 (3)	50/4.0	40% (1) (2)	§ 151.108 and App. C
CO Conservation-Open Space	Variable	Variable	Variable	Site/use dependent			35/2.5	30%	§ 151.108 and App. C
LI Light Industrial	2 Acres	200	200	50 (3)	20/40 (3)	30 (3)	50/4.0	50%	§ 151.108 and App. C
PD Planned District	3 Acres	Requirements for planned districts are site and situation dependent and are specified by the zoning administrator and the planning and zoning commission, as appropriate, and must be approved by city council as an amendment to the zoning ordinance. (See the appropriate procedures manual for more information.)							
PD-MH Planned Dist. Mobile Home	5 Acres								
Notes:									
(1) Percentage of lot coverage by both principal and accessory uses/buildings.									
(2) If enclosed parking is provided, coverage may be 50%.									
(3) All minimum yard dimensions shall be increased by 2 feet for each story above the second									
(4) Maximum area in NC zone is 1 acre, maximum unit floor area is 5,000 square feet.									

(1985 Code, Annex D)

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ZONING ORDINANCE AMENDMENTS

APPROVED 2015

NOT CODIFIED

AS OF DATE OF DEVELOPMENT AGREEMENT

Section 151.082 Design Standards

(G) Minimum design standards; subdivisions, planned developments, and commercial sites.

(3) Open space reservation for parks, playgrounds or recreation areas shall be required for all residential subdivisions of 20 or more building lots and for all high density residential developments (multi-family projects).

(a) Open space may include land with minimal improvements, such as limited clearing, appropriate grading, and the installation of low impact physical improvements such as pedestrian trails and grassed areas as well as picnic tables, play equipment, recreational areas, barbecue grills, covered open structures, plazas or squares, and amenity centers.

(b) Parking lots and RV/boat storage areas are not to be considered open space.

(c) Significant physical features of the project area such as the location of grand trees, scenic vistas, wildlife habitats, and water access shall be considered when siting open space.

(d) Open space shall be landscaped throughout and be designed for active and passive recreational purposes. No more than 50% of created water features may be included in the open space requirement.

(e) Wetland and marshland areas are generally not to be included in area calculations.

(f) The calculation for determining required open space area for all residential subdivisions of 20 or more lots and all multi-family developments shall be as follows:

$$\frac{(\#homes) \times (sq. ft. of typical unit) \times .375}{43,560}$$

43,560 ft/acre

Example:

$$(325 \text{ homes} \times 1500 \text{ sf} \times .375) \div 43,560 = 4.2 \text{ acres of required open space}$$



## § 151.082 DESIGN STANDARDS.

Attention to these standards is intended to further the goals expressed in § 151.003, and assist developers in achieving maximum marketability and aesthetic value.

(A) *Architectural conformity and review.* In any zoning district, subdivision, Planned Development or other area of the city which has a majority of the zoning lots built upon, all subsequently permitted buildings must substantially conform to the architectural standards established by the majority of existing structures. By determination of the Zoning Administrator, subsequent structures must conform as to architectural style, general design, square footage of living area (exclusive of garages and porches), external siding materials and overall treatments.

(B) *Exterior yard provisions.*

(1) Yard depth shall be measured perpendicular to the lot line; for a curved or irregular lot line, depth shall be measured perpendicular to a straight line connecting the two lot corners. At least one yard shall have the full required depth, and no other yard on the lot shall have less than one half the required depth, except as provided in division (B)(2) below; and

(2) In lots between two non-intersecting streets, having one yard with a depth not in keeping with the prevailing yard depth pattern, the Zoning Administrator may approve a special minimum yard depth equal to the average yards of adjoining lots. If the city approves a plat with less than normal yard depth along on the two streets, the building set back line shall be the minimum yard depth for the lot(s).

(C) *Other yard provisions.*

(1) Depth of interior yards shall be measured perpendicular to the lot lines;

(2) Accessory buildings shall not be located in any minimum required exterior yards. Accessory buildings shall not be located closer than five feet to any property boundary;

(3) Commercial, industrial and residential dish antennae shall meet all minimum setback requirements for their respective districts (see Annexation D):

(a) In Commercial and Light Industrial Districts, dish antennae may be permitted in rear yard or on rooftop only so as to present the least conspicuous visual appearance; and

(b) Dish antennae of 18 inches in diameter or smaller may be roof-mounted on residences and shall not be visible from the roadway directly in front of the dwelling.

(4) Fences, poles and other customary fixed yard accessories, (dish antennae excepted) and roof overhangs not over 36 inches, may be permitted in any minimum required yard, subject to height, safety and visibility limitations, of the respective district. Privacy fences located

within residential communities must be no more than 4' high when located forward of the front corner of the principal structure of the property.

(5) Solar panels and associated fixtures shall be located to the rear of all residential structures whenever feasible, and if not, shall be mounted so as to be flush to the roof of the house.

(D) *Height limitations.* Zoning district height regulations shall not apply to building fixtures usually required to be placed above the roof and not intended for habitation, for example: spires, water tanks, chimneys and the like.

(E) *Visual clearance.* No structure or object obstructing motorist vision between three and ten feet above street grade shall be located in street corners according to the table and chart below. The line of vision (L.O.V.) when more restrictive than the building setback line, shall become the required setback line:

- (1) Driveway or alley and street: ten feet;
- (2) Minor streets: 25 feet;
- (3) Collector streets: 30 feet; and
- (4) Major thoroughfares: 40 feet.

(F) *Property access.*

(1) No building shall be placed on a lot not located on an existing publicly maintained paved street, or street shown on a city approved development plan, except for an accessory structure fully conforming to the provisions of § 151.108 of this chapter where the accessory structure is to serve an existing, otherwise legally established principle residential structure conforming to the use and minimum yard requirements of Annexations B and D, respectively; and

(2) Curbing and curb cuts shall comply with standards of the South Carolina Department of Highway and Public Transportation.

(G) *Minimum design standards; subdivisions, planned developments and commercial sites.* In addition to other provisions of this chapter, adopted Building Codes and the like, these supplemental minimum design standards apply in designing planned developments, subdivisions and commercial site:

(1) Curbs and gutters (concrete) are required. The minimum standard to be 18 inch concrete roll;

## Section 151.083 LANDSCAPING REQUIREMENTS

(A) *Intent.* The City of Goose Creek is renowned for its foliage and greenery amidst rapid residential and commercial growth. The intent and purpose of the landscape element of this chapter is to achieve the following goals:

- (1) To supplement and replenish the tree canopy along the City's major and secondary corridors;
- (2) To encourage the preservation of existing trees and vegetation;
- (3) To provide visual buffering and enhance the beautification of the city; and
- (4) To reduce the visibility of paved areas from adjacent properties and streets.

(B) *Design principles.*

(1) Landscape design and planning shall be integrated with the overall project design concept. Proposed landscaping shall be evaluated in relation to the existing natural landscape and to existing and proposed landscaping, including the landscape elements existing on adjacent properties and street rights-of-way, and in relation to adjacent buildings, existing or proposed.

(2) The existing natural landscape character shall be preserved whenever possible. Greatest diligence and care shall be exercised to retain and protect existing trees in the proposed landscape design.

(3) All landscape areas shall provide an attractive transition to adjoining properties. The landscaping plans for the proposed development shall provide visually harmonious and compatible settings for structures on the development, with adjacent properties, and shall blend with the surrounding natural landscape. Natural appearing landscape forms are strongly preferred.

(4) Landscape design based on groupings of trees is preferable. Saving existing trees between the building and the street is a top priority. Tree masses are a valuable means of defining outdoor spaces and visually linking a site development to the larger community landscape. For streetscaping, trees planted in rows along roads and in site boundaries are preferred, except in road rights-of-way; Trees planted for streetscaping shall be a minimum of two and one half inch caliper and ten feet (10') to twelve feet (12') in height.

(5) Landscaping shall be required between buildings and sidewalks and/or buildings and curbing, and between parking lots and driveways.

(6) Location of trees should be coordinated with the location of exterior lighting, security cameras and overhead power lines in order for trees to have room to mature and not conflict with these items.

(C) *Design Requirements.* All commercial, institutional, industrial, and/or multi-family residential development shall incorporate the following design principles into a comprehensive landscaping plan for all new development, for projects involving substantial improvements as defined in §151.028, projects involving structural improvements, and/or upon reusing a property where its use has been abandoned for thirty or more days.

(1) The area to be landscaped shall be 12% of the total available area. The total available area shall be calculated by subtracting the area covered by buildings and structures from the total land area of the site and then multiplying this difference by 12%. This amount of land shall be devoted to vegetative landscaping which includes trees, shrubs, ground covers, and other plants. At a minimum, ten percent (10%) of this landscaping shall be trees, whether existing or newly planted trees, or twelve (12) trees per acre, whichever is greater. However, this requirement may be modified by the Zoning Administrator when strict application will seriously limit the function of the area.

(2) A comprehensive landscaping plan for each parcel located within commercial, institutional, light industrial, and multi-family uses and districts is required based on the following design standards and guidelines. The plan shall detail the areas to be reserved for landscaping, indicating dimensions of landscaped areas, plant materials, decorative features, and site lighting. It is up to the discretion of the applicant to combine different types of landscaping methods in their proposal provided that at least 12% of the development is devoted to landscaping.

(3) In addition, the site plan for the development detailing the proposed building footprint(s) and parking arrangements shall include an overlay of the tree survey at the same scale showing the location of any protected trees eight inches (8") or larger and all flowering trees four inches (4") or larger.

(4) When any commercial, institutional, industrial, or multi-family residential use shall be established or reestablished in an existing building or structure, landscaping shall be provided in accord with this section. When a property is reestablished for use or expanded or enlarged by fifty percent (50%) or more, the minimum landscaping required by the provisions of this section shall be provided throughout the building site. Enlargements of twenty percent (20%) to forty-nine percent (49%) of building area shall meet the minimum requirements for the enlargement only.

(5) A strong emphasis shall be placed on the appearance of the streetscape. Three canopy trees of a minimum of four inch caliper shall be required for each 100 linear feet of street frontage using species approved during the Design Review Process. Such tree types shall be consistent with each block and evenly spaced, with exceptions made for curb cuts, utilities, and other obstructions.

(D) *Design for roadway and road edge planting.*

(1) Where parking lots abut the street, lots will be shielded by use of walls and/or landscaping that contribute to the streetscape of the adjacent built environment.

(2) The lot shall be clearly separated from adjacent uses such as roads and sidewalks.

(3) A planted strip a minimum of 6' in width with street trees will delineate the edge and also provide shade for pedestrians.

(4) Safety and visual access shall be maintained by specifying tree limbs at a six feet minimum height and shrubs or fence to a maximum three feet six inches in height.

(E) *Landscape for parking lot.*

(1) To create shade over the majority of paved surface, the majority of the trees shall be canopy trees. Tree canopies soften the visual impact of parking areas and relieve them from heat build-up.

(2) To provide a canopy, a planted island or break at least five feet wide with at least one tree and two shrubberies, or two trees shall be installed for every ten spaces of parking area.

(3) Parking islands shall extend the full length of the adjacent parking isles.

(5) Parking lots shall provide a minimum 10% net area of landscaping on the interior or exterior of parking lots.

(7) Tree islands shall be placed along the perimeter of the parking area at each ends of the drive aisles and interspersed as needed.

(8) Where vehicles overhang a foundation planting strip, the width of the planting strip must be expanded to six feet.

(9) For parking lots exceeding 75,000 square feet, linear planting strips are required every 250 linear feet which shall include, in addition to the required trees, 15 shrubs per 100 linear feet. These are minimum standards; additional landscaping is encouraged.

(10) Where shrubs and ground covers are used, their use should reflect a design aesthetic that is commercial, not residential. Planting design will consist predominantly of mass plantings of shrubs and ground covers in arrangements that are simple in geometry and form, do not require significant maintenance and are appropriate in scale for their specific context.

(11) All landscaped areas shall be protected from vehicular encroachment by concrete curb and gutter unless planted per best management practices for Low Impact Development site design.

(F) *Landscape for large open spaces.* Lawn areas utilized in buffers and open space areas shall be used sparingly, and ground covers and mulched areas are preferred.

(G) *Landscape for building foundations.*

(1) Where building foundations are visible from the public street or from adjacent uses, foundation landscaping is required. Landscaping of this area shall compliment the building elevations, connect the building to the site and increase continuity.

(2) Planters may be required as a design element to soften the building exterior and enhance the streetscape appearance.

(2) Shrubs maturing to a 2' minimum shall be planted at five feet on center maximum for the length of the building facing the public right-of-way. To soften and screen a blank building façade, shrubs maturing to a minimum of 4' in height shall be planted eight feet on center (maximum), and small maturing trees shall be planted within fifteen feet of the building façade.

(3) No shrub smaller than those in three gallon containers shall be planted. Understory trees shall be no smaller than six feet in height at the time of planting. Canopy trees must be at minimum 2.5 calipers and ten feet (10') in height at time of planting.

(4) A 2" to 4" layer of chipped wood, bark, pine straw, or mulching materials shall be used only in connection with plant materials and shall not be stand alone as ground cover.

(5) Arcades across a building's front façade accompanied by tree planting may be used in lieu of shrub plantings and satisfy the requirements for foundation plantings.

(6) Lawn areas within fifty feet of a building or adjacent to public roadways require sodding. Other lawn areas may require sodding depending upon slopes, impact on public views, pedestrian traffic, time of year, as well as other considerations.

(H) *Landscape for retention areas.*

(1) Retention ponds shall be landscaped with appropriate plants and materials as recommended by best management practices for bioretention areas.

(2) Plant materials shall be compatible with the use.

## Section 151.197 ARCHITECTURAL REVIEW DESIGN GUIDELINES

### (D) Landscape Element

(1) *Intent.* The City of Goose Creek is renowned for its foliage and greenery amidst rapid residential and commercial growth. The intent and purpose of the landscape element of this chapter is to achieve the following goals:

- (a) To supplement and replenish the tree canopy along the City's major and secondary corridors;
- (b) To encourage the preservation of existing trees and vegetation;
- (c) To provide visual buffering and enhance the beautification of the city; and
- (d) To reduce the visibility of paved areas from adjacent properties and streets.

### (2) *Design principles.*

(a) Landscape design and planning shall be integrated with the overall project design concept. Proposed landscaping shall be evaluated in relation to the existing natural landscape and to existing and proposed landscaping, including the landscape elements existing on adjacent properties and street rights-of-way, and in relation to adjacent buildings, existing or proposed.

(b) The existing natural landscape character shall be preserved whenever possible. Greatest diligence and care shall be exercised to retain and protect existing trees in the proposed landscape design.

(c) All landscape areas shall provide an attractive transition to adjoining properties. The landscaping plans for the proposed development shall provide visually harmonious and compatible settings for structures on the development, with adjacent properties, and shall blend with the surrounding natural landscape. Natural appearing landscape forms are strongly preferred.

(d) Landscape design based on groupings of trees is preferable. Saving existing trees between the building and the street is a top priority. Tree masses are a valuable means of defining outdoor spaces and visually linking a site development to the larger community landscape. For streetscaping, trees planted in rows along roads and in site boundaries are preferred, except in road rights-of-way; Trees planted for streetscaping shall be a minimum of two and one half inch caliper and ten feet (10') to twelve feet (12') in height.

(e) Landscaping shall be required between buildings and sidewalks and/or buildings and curbing, and between parking lots and driveways.

(f) Location of trees should be coordinated with the location of exterior lighting, security cameras and overhead power lines in order for trees to have room to mature and not conflict with these items.

(3) *Design Requirements.* All commercial, institutional, industrial, and/or multi-family residential development shall incorporate the following design principles into a comprehensive landscaping plan for all new development, for projects involving substantial improvements as defined in §151.028, projects involving structural improvements, and/or upon reusing a property where its use has been abandoned for thirty or more days.

(a) The area to be landscaped shall be 12% of the total available area. The total available area shall be calculated by subtracting the area covered by buildings and structures from the total land area of the site and then multiplying this difference by 12%. This amount of land shall be devoted to vegetative landscaping which includes trees, shrubs, ground covers, and other plants. At a minimum, ten percent (10%) of this landscaping shall be trees, whether existing or newly planted trees, or twelve (12) trees per acre, whichever is greater. However, this requirement may be modified by the Zoning Administrator when strict application will seriously limit the function of the area.

(b) A comprehensive landscaping plan for each parcel located within commercial, institutional, light industrial, and multi-family uses and districts is required based on the following design standards and guidelines. The plan shall detail the areas to be reserved for landscaping, indicating dimensions of landscaped areas, plant materials, decorative features, and site lighting. It is up to the discretion of the applicant to combine different types of landscaping methods in their proposal provided that at least 12% of the development is devoted to landscaping.

(c) In addition, the site plan for the development detailing the proposed building footprint(s) and parking arrangements shall include an overlay of the tree survey at the same scale showing the location of any protected trees eight inches (8") or larger and all flowering trees four inches (4") or larger.

(d) When any commercial, institutional, industrial, or multi-family residential use shall be established or reestablished in an existing building or structure, landscaping shall be provided in accord with this section. When a property is reestablished for use or expanded or enlarged by fifty percent (50%) or more, the minimum landscaping required by the provisions of this section shall be provided throughout the building site. Enlargements of twenty percent (20%) to forty-nine percent (49%) of building area shall meet the minimum requirements for the enlargement only.

(e) A strong emphasis shall be placed on the appearance of the streetscape. Three canopy trees of a minimum of four inch caliper shall be required for each 100 linear feet of street frontage using species approved during the Design Review Process. Such tree types shall be