ARTICLE ONE

AUTHORITY, ENACTMENT, AND JURISDICTION

SECTION 1-1 – AUTHORITY

This Ordinance is adopted under authority of the "South Carolina Local Government Comprehensive Planning Enabling Act of 1994," Act 355 of the 1994 General Assembly.

SECTION 1-2 – PURPOSES

The purposes of this ordinance include but are not limited to:

1. to provide for adequate light, air, and open space;
2. to prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
3. to facilitate the creation of a convenient, attractive, and harmonious community;
4. to protect and preserve scenic, historic, or ecologically sensitive areas;
5. to regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;
6. to facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements. "Other public requirements' which the local governing body intends to address by a particular ordinance or action must be specified in the preamble or some other part of the ordinance or action;
7. to secure safety from fire, flood, and other dangers; and
8. to guide the use of land in such a way as to promote the Comprehensive Plan.

SECTION 1-3 – TITLE

This ordinance shall be known and may be cited as the "Moncks Corner Zoning Ordinance, 2012."

SECTION 1-4 – JURISDICTION

The regulations set forth herein shall apply to all land and improvements thereon within the Town limits of Moncks Corner, South Carolina.

ARTICLE TWO

DEFINITIONS AND INTERPRETATIONS OF WORDS AND PHRASES

SECTION 2-1 – INTERPRETATION OF CERTAIN WORDS AND PHRASES

1. Words to Have Customary Meanings. The words and phrases used in this ordinance shall have their customary meanings, or as defined in a standard dictionary, except for the specific words and phrases as defined below.
2. Tense. The present tense includes the future tense.
3. Number. The singular number includes the plural number and the plural number includes the singular number.
4. Person. The word "person" includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as person.
5. Shall and May. The word "shall" is mandatory; the word "may" is permissive.
6. Used or Occupied. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."
7. Lot. The word "lot" includes the words 'plot or parcel."
8. Structure. Anything built or constructed including buildings intended for support or shelter of any use or occupancy. The word "structure" includes the word "building."
9. Interpretation of "contiguous" as applied to lots or districts. The word "contiguous" as applied to lots or districts shall be interpreted as meaning "sharing a common boundary of 10 or more feet in length."
10. Interpretation of "on the premises of." The phrase "on the premises of," as applied to accessory uses or structures shall be interpreted to mean "on the same lot."

SECTION 2-2 – DEFINITIONS

1. Accessory Building or Use. An accessory building or use is: (a) subordinate to and serves a principal building or principal use; (b) subordinate in area, extent, or purpose to the principal building or principal use served; and (d) located on the same lot as the principal building or principal use served, with the exception of such accessory off-street facilities as are permitted to locate elsewhere than on the same lot with building or use served. Accessory uses shall include, but not limited to: barns, sheds, home tennis courts, swimming pools, boat houses, docks, automobile garages, decks, patios, and private recreation areas.

2. Alley. A minor right-of-way used intended to be used, to include but not limited in use, primarily for vehicular and/or pedestrian service access to the rear or side of properties otherwise abutting a street.
3. Antenna. Any device for radiating or receiving electromagnetic radiation. This definition shall specifically include, but is not limited to, all radio, television, microwave, and satellite dish antennas.
4. Apartment. A part of a building consisting of a room or rooms intended, designed, or used as residence.
5. Automobile Graveyard. Shall mean any establishment, which is maintained or used for storing, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.
6. Boarding House. (See Rooming House definition)
7. Buffer or Buffer Yard. A landscape and/or fenced area intended to physically separate unlike uses and screen light, noise, and visual intrusion onto adjacent lots.
8. Building. See structure.
9. Community Residential Care Facility. A "community residential care facility" includes any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and a degree of personal assistance in feeding, dressing, or other essential daily living activities to two or more individuals not related to the administrator or owner of the facility within the third degree of consanguinity. These individuals, by reason of age, or physical or mental infirmity are unable to care sufficiently or properly for themselves or manage their own affairs but do not require the daily services of a registered or licensed practical nurse. A community residential care facility includes any chemical abuse residential treatment facility such as a half-way house or other facilities providing inpatient or detoxification services. These facilities are also regulated by State agencies and must meet those regulations.
10. Day Care. The care, supervision or guidance of a person or persons, unaccompanied by the parent, guardian or custodian, on a regular basis, for periods of less than twenty-four hours per day in a place other than the person or persons, own home or homes.
11. Day Care Facility. Any state licensed, registered or approved facility which provides care, supervision or guidance for any person who is not related by blood, marriage or adoption to the owner or operator of such a facility whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. This definition includes, but is not limited to Day Nurseries, Nursery Schools, Kindergartens, Day Care Centers, Group Day Care Homes, and Family Day Care Homes. The term does not include:
    a. any education facility, whether private or public, which operates solely for education purposes in grades one or above;

b. facilities operated in connection with a shopping center, industrial or office building or other service facility, where the same children are cared for while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available;

c. summer resident or day camps;

d. Bible schools normally conducted during vacation periods.

12. Dormitory. A building or part of a building operated by an academic institution containing a room or rooms forming one (1) or more habitable units which are used or intended to be used by residents of the institution for living and sleeping limited to the individuals tenure at the institution.

13. Drinking Place. An establishment engaged in the retail sale of alcoholic beverages for consumption purposes.

14. Dwelling. Any building designed, occupied or intended for human occupancy not to include commercial hotels, motels, rooming houses, hospitals or other accommodation used more or less for transient occupancy. Dwellings may be used for short-term rentals. *(January 21, 2020)*

15. Dwelling Unit. Any dwelling designed, occupied or intended for.

16. Dwelling Unit, Single Family Detached. A building containing not more than one (1) dwelling unit, not physically attached to any other principal structure, and especially excluding mobile homes.

17. Dwelling Unit, Single Family Attached. A building designed for and occupied exclusively as a residence by one family, being attached by means of a common dividing side wall or walls to one or more buildings likewise designed for and occupied as a residence for one family. A single dwelling unit occupies each structure from ground to roof and independent access is available for each unit from the outside. Such attached one-family dwellings are commonly referred to as "town," "patio," "common zero lot line," or "cluster" houses.

18. Dwelling unit, Townhouse. One of a series of two or more attached one family dwelling units on separate lots which (a) may or may not have a common roof; (b) share a common exterior wall; (c) are separated from each other by a fire resistive party wall portions extending at least from the lowest floor level to the roof.

19. Dwelling unit, Two Family Detached. A building, commonly known as a duplex, containing no more or no less than two (2) dwelling units, not physically attached to any other principal structure.

20. Dwelling unit Multi-Family. A building containing two (2) or more dwelling units, with each unit having a common structural wall with another dwelling unit. The term "multi-

family dwelling" shall be understood to include apartments, tenements, condominiums, cooperatives, and similar types of structures.

21. Family. An individual; or two or more persons related by blood or marriage living together; or a group of individuals, of not more than (4) persons, not related by blood or marriage but living together as a single housekeeping unit.

22. Flood. A general and temporary condition of partial or complete inundation of normally dry land from: (1) the overflow of inland or tidal waters. (2) the unusual and rapid accumulation of runoff of surface waters from any source.

23. Floodplain. Those areas subject to periodic inundation by large floods which occur with calculable flood frequency and subject to flooding which may reasonably be expected to cause damage or hazard or damage sufficient to justify protection there from. The boundaries of such areas are generally lateral to the boundaries of floodway areas or to the drainage course along which they are located.

24. Floodway. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

25. Flood Frequency. The average length of time between flood occurrence, statistically determined, for which it is expected that a specific flood level will be equaled or exceeded.

26. Flood (Base Flood). The flood having a 1-percent chance of being equaled or exceeded in any given year.

27. Flood (Base Flood Elevation). The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

28. Freight Container. Also known as an intermodal, shipping, or CONEX container. These are large, standardized shipping containers designed and built for intermodal freight transport. *(Amended May 18, 2021)*

29. Gross Floor Area. The total horizontal area of all floors of a building, including exterior balconies and mezzanines, measured from the interior faces of the exterior walls of a building.

30. Group Commercial or Industrial Developments. A single lot containing one or more buildings used for commercial or industrial purposes which individually or collectively contain a gross floor area of 50,000 square feet or more.

31. Group Housing Development. Two or more separate dwellings or three or more dwelling units located on a single lot. Group housing developments include triplexes, quadraplexes, townhouses, apartments, and other similar structures.

32. Guest Cottage. A dwelling or living quarters situated in a detached building located on the same premises, normally in the rear yard, with a principal building, but specifically excluding mobile homes. Tiny houses may be used as guest cottages. Only one guest cottage or other accessory dwelling unit is allowed per lot except with approval of the Board of Zoning Appeals as a special exception. *(Amended January 21, 2020)* The size of guest cottages is capped at 30% of the square footage of the primary structure. On lots with primary structures of less than 1,333 sq. ft. a guest cottage of up to 400 sq. ft. is allowed. No more than two bedrooms are allowed in a guest cottage. The cottage must be set back 10' from the side property line and 15' from the rear property line. *(Amended May 18, 2021)*

33. Habitation. The act of working, sleeping, living, cooking, or performing other similar activities within a structure.

34. Home Occupation. An occupation, profession, or trade customarily, and commonly, carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit.

35. Hotel. A building or part thereof, in which sleeping accommodations are offered to the public, in which there is a public room for the convenience of the guests.

36. Hotel; Bed and Breakfast. Any owner occupied building or portion thereof offering transient lodging accommodations and breakfast to a unit consisting of not more than three (3) rooms where rent is paid.

37. Hotel, Suite. Any commercially owned and operated facility or portion thereof offering transient lodging accommodations. The units may be designed to include complete cooking and eating facilities. A complimentary meal may or may not be furnished as part of the rental agreement.

38. Junk. Shall mean old scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other scrap ferrous or nonferrous material.

39. Junk, Salvage, Scrap, or Wrecking Yards. Any use involving storage or processing of inoperable, unused, dismantled, or wrecked vehicles, equipment, garbage dumps, sanitary fill or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials to be used for storing, buying or selling.

40. Lot. An area of land clearly defined by plat or by meets and bounds description duly recorded with the Register of Deeds of Berkeley County.

41. Lot Depth. The distance from the street frontage to the lot line opposite the street frontage, determined by the measurement from the center of the street frontage to the opposite property line.

42. Lot, Frontage. The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided upon that basis. The phrase "street frontage" shall be interpreted to have the same meaning as the phrase "lot frontage."

43. Lot, Corner. A lot having at least two adjacent sides that abut for their full length upon streets.

44. Both such lot lines shall be considered front lot lines.

45. Lot, Interior. A lot other than a corner lot, with only (1) frontage on a street.

46. Lot Reversed Frontage. A lot which is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner or an interior lot or, rarely, a through lot.

47. Lot, Through. A lot other than a corner lot with frontage on more than one (1) street other than an alley. Through lots with frontage on two (2) streets may be referred to as double frontage lots.

48. Lot Width. The distance between straight lines connecting front and rear lots at each side of the lot, measured across the rear of the required front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width; in the case of lots fronting on a cul-de-sac, the width between lines at their foremost points shall not be less than 20 feet.

49. Mini-Warehouse. A building or group of buildings in a controlled access and fenced compound that contains individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers' goods or wares.

50. Mobile Home. A movable or portable dwelling unit over 32 feet in length and over eight (8) feet in width, constructed to be towed on its own chassis, designated without a permanent foundation, capable of supporting year-round occupancy, which may include one (1) or more components that can be retracted for towing purposes and subsequently expended or which may consist of two (2) or more units separately tow able but designed to be joined into one (1) integral unit. The term "mobile home" as used in this ordinance includes manufactured housing but not include prefabricated, modular, or unitized dwellings placed on permanent foundations, nor shall it include travel trailers, campers, or similar units designed for recreation or other short term uses.

51. Mobile Home Park. A lot used, designed, or intended to be used for the purpose of supplying parking space for two (2) or more occupied mobile homes and may include building, structures, vehicles, or enclosures used or intended to be used as part of that mobile home park. Sales or storage lots for unoccupied mobile homes are not considered to be mobile home parks.

52. Modular Unit. A structure consisting of more prefabricated components which is designed to be placed on a permanent foundation at the site and is not readily relocated. The components generally arrive at the site complete except for exterior siding, furniture, plumbing and electrical fixtures. Modular units that have been certified and labeled in accordance with the requirements of the State Modular Buildings Construction Act of 1984 shall be considered buildings and shall conform to the regulations for site built units in the International Codes.

53. Motel. A commercial establishment offering lodging and automobile parking for transient travelers which has individual entrances from outside the building to serve the separate units.

54. Nonconforming. A term applied to lots, structures, uses of land or structures, and characteristics of use of land or structures which were lawful before the passage or amendment of this ordinance, but which are prohibited by this ordinance or which are not in compliance with the requirements of this ordinance.

55. Outdoor Vehicle Storage. Placement of vehicles on commercial lots for periods greater than 24 hours. A use permitted only in the General Commercial and industrial zones, and only by special exception. This use is distinct from outdoor vehicle sale lots, where vehicles are stored outside on public display for immediate sale.

56. Park. An area or facility intended to be used for recreation, exercise, sports, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty.

57. Parking, Commercial. Placement of vehicles on commercial lots for periods less than 24 hours, generally for the personal vehicles of customers and employees or for company vehicles. Permitted by right as an accessory use in all commercial and industrial zones.

58. Parking Space, Off-street. An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or un-parked therein without moving any other automobile.

59. Principal Structure. A structure (or building) having significant or primary use in justifying its own utilization (such as a dwelling or office building) as contrasted to accessory structures which are incidental or subordinate to primary structures and do not alone justify their utilization (such as a tool shed or auto garage used in conjunction with a dwelling). Certain structures may be either principal or accessory depending upon the utilization, such as parking garage as an accessory structure to an office building or as a principal structure when operated commercially in a business area.

60. Principal Use. The significant or primary activity carried out within a structure or upon land (such as retail sales within a store or occupancy of a dwelling unit as a residence) as contrasted to accessory uses which are incidental or subordinate to primary uses (such as sale of soft drinks at an automobile service station). Certain uses may be either principal or

accessory, depending on their relationship with other uses, as for example a newsstand as an accessory use within a hotel lobby or as a principal use within a separate structure.

61. Restaurant. A place of business where food drinks or refreshments are prepared and sold to customers primarily for consumption on the premises. This term shall include but not be limited to an establishment known as a café, lunch counter, cafeteria, eating and drinking establishment or other similar business, but shall not include a fast food restaurant. In a restaurant any facilities for carryout shall be clearly subordinate to the principal use providing prepared foods for consumption on the premises.

62. Restaurant, Fast Food. A place of business devoted to the retail sale of ready to consume food or beverages for consumption on or off the premised. A restaurant will be considered a fast food restaurant if it exhibits any of the following characteristics:

a. There is a space for facilities allocated and used for carry-out service, or for carry-out and customer self-service for on-premises consumption combined;

b. Most food items are already prepared or packaged before a customer places an order; and

c. The establishment primarily serves its food and beverages in disposable tableware.

This definition does not include an establishment known as a retail grocery store, convenience store, delicatessen or other business selling food or beverage as an accessory use or for off-premises preparation and consumption.

63. Rooming and Boarding Houses. Any dwelling, other than a hotel or motel, in which three or more persons who are not members of the owner's or operator's family are housed or lodged in rooms used or intended to be used for living and sleeping purposes, but not for cooking or eating purposes, with or without meals being provided. Any dwelling in which such accommodations are offered in 10 or more rooms shall be considered a hotel or motel.

64. Setback Line. The setback line is the same as the depth or width of any required yard. Note that such line defines the minimum distance between any structure and adjacent lot boundary.

65. Sign. Any device designed to inform or attract as defined in the sign regulation section of this ordinance.

66. Structure. Anything constructed or erected, as an improvement to real property, the use of which requires location on the ground, or attachment to something having location on the ground.

67. Street. A public thoroughfare designed to provide the principal means of access to abutting property, or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

68. Tiny House. A dwelling that is 400 sq. ft. or less in floor area excluding lofts. Tiny houses shall only constructed for use as guest cottages in the R-1 and R-2 Single Family Residential Districts, and shall not be constructed as primary structures in any zoning district. *(Amended January 21, 2020)*

69. Travel or Camping Vehicle. A vehicular portable structure designed as a temporary dwelling for travel or recreational use, not exceeding 35 feet in length.

70. Yard. A required open space unoccupied and unobstructed by any structure or portion thereof from a height of 48 inches above the finished level of the ground.

71. Yard, Front. A yard extending between side lot lines across the front of a lot, and measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lot lines would have met without that rounding. Front and rear lines of a required front yard shall be parallel.

72. Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, measured at right angles to a straight line joining the ends of the front and rear lot lines on the same side of the lot. The inner side yard line of the required side yard shall be parallel to the straight line so established. In the case of through lots, side yards shall extend from the rear lines of the required front yards. In the case of corner lots, the yards remaining after full and half depth front yards have been established shall be considered to be side yards.

73. Yard, Rear. A yard extending across the rear of the lot between the inner side yard lines, measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

ARTICLE THREE

ESTABLISHMENT OF DISTRICTS AND ZONING MAP

SECTION 3-1 – DISTRICT BOUNDARIES ESTABLISHED BY ZONING MAP

The boundaries of the zoning districts established by this ordinance are hereby established on a map entitled "Zoning Map Moncks Corner, South Carolina," which map is declared to be a part of this ordinance.

SECTION 3-2 – MAINTENANCE OF OFFICIAL COPY OF ZONING MAP

At least one (1) official copy of the zoning map shall be maintained in the office of the Zoning Administrator, upon which shall be recorded, after the passage thereof, every amendment to this ordinance which affects a change in any zoning district boundary. The official copy of the zoning map shall be attested by the Town Clerk, and shall be available at all times for inspection by the general public.

SECTION 3-3 – ZONING MAPS OTHER THAN OFFICIAL COPY

The Zoning Administrator may distribute copies of the zoning map to the general public for reference purposes. However, the official copy of the zoning map maintained at the Berkeley County GIS office. Official records of the Town Clerk regarding actions of the Town Council to amend district boundaries shall constitute the only official description of the location of the zoning district boundaries, and persons having recourse to this ordinance for any purpose are hereby so notified.

SECTION 3-4 – INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any zoning district, the following general rules of interpretation shall apply. It is the duty of the zoning administrator to interpret the location of zoning district boundaries. An appeal from an interpretation or finding of the zoning administrator may be taken to the zoning board of appeals.

1. District boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow those centerlines.
2. District boundaries indicated, as approximately following platted lot lines shall be construed as following those lot lines.
3. District boundaries indicated, as approximately following city limits shall be construed as following city limits.

4. District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. District boundaries indicated as following centerlines of streambeds or other bodies of water shall be construed to follow those centerlines.
6. District boundaries indicated as approximately parallel to or extensions of features indicated in subsections above shall be so construed and at that distance there from as indicated on the official copy of the zoning map. Distances not specifically indicated on the official copy of the zoning map, shall be determined by the scale of the map.

SECTION 3-5 – ERECTION OF BUILDINGS ON LOTS SPLIT BY ZONING DISTRICT BOUNDARY LINE

No structures or accessory uses shall hereafter be erected, constructed, altered or have a change in use where the structure or accessory use is or would be included within two or more zoning districts unless such structures or uses conform to the requirements of both zoning districts.

ARTICLE FOUR

APPLICATION REGULATIONS

SECTION 4-1 – REGULATIONS REGUARDED AS MINIMUM

Within each district, the regulations set forth by this ordinance shall apply uniformly to each class or kind of structure or land. In their interpretation and application, the provisions of this ordinance shall be held to minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern. Unless deed restrictions, covenants, or other contracts directly involve the city as a party in interest, the city shall have no administrative responsibility for enforcing such deed restrictions or covenants.

SECTION 4-2 – ZONING AFFECTS ALL LANDS, BUILDINGS AND STRUCTURES

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the regulations specified in this ordinance for the district in which it is located.

SECTION 4-3 – ZONING AFFECTS HEIGHT OF BUILDINGS AND/OR STRUCTURES, POPULATION DENSITY, LOT COVERAGE, YARDS, AND OPEN SPACES

No building or other structure shall hereafter be erected or altered in violation of the provisions of the ordinance:

1. to exceed the height;
2. to accommodate or house a greater number of families;
3. to occupy a greater percentage of lot area; and/or
4. to leave narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this ordinance.

5.

SECTION 4-4 – YARD OR OPEN SPACE, OFF-STREET PARKING OR LOADING SPACE REQUIREMENTS FOR ONE (1) BUILDING NOT TO BE INCLUDED AS SUCH REQUIREMENTS FOR ANY OTHER BUILDING

No part of a yard, or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall not be allowed to use the open space or parking requirements of other properties. Shared parking, however, may be permitted in accordance with Section 7.

SECTION 4-5 – REDUCTION OF LOT AREA PROHIBITED

No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of these regulations shall meet at least the minimum requirements established by these regulations.

ARTICLE FIVE

GENERAL REGULATIONS

SECTION 5-1 – NONCONFORMING USES

Within the districts established by this ordinance, or by amendments which may later be adopted, there exists lots, structures, uses of land structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited or regulated and restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is the further intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

SECTION 5-2 – CONTINUANCE OF NONCONFORMING USES, STRUCTURES, OR CHARACTERISTICS OF USE

1. Change to Another Nonconforming Use. A nonconforming use, structure, or characteristic of use shall not be changed to any other nonconforming use, structure, or characteristic of use unless the zoning board of appeals finds that the new use, structure, or characteristic of use is more in character with the uses permitted in the district, in which case the zoning board of appeals may permit such change as a special exception. In permitting the change, the zoning board of appeals may require appropriate conditions and safeguards in accord with the purpose of this ordinance.
2. Conversion of Use on Nonconforming Lots. The minimum yard requirements of this ordinance shall not be construed as prohibiting the conversions of an existing building, which does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the existing yards.
3. Reconstruction. A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure.
4. Extension or Enlargement. A nonconforming use, structure or characteristic of use shall not be extended, enlarged, or intensified except in conformity with this ordinance, provided however, that any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside that building.

5. Reestablishment. A nonconforming use, structure or characteristic of use, shall not be reestablished after vacancy, abandonment, or discontinuance of any period of 90 days, except where subsection 6 below, applies. When a nonconforming use has been replaced by a conforming use, the nonconforming use may not be reestablished at any time. To include but not limited to automobile graveyards, junkyards and scrap processors. In the event of voluntary discontinuance and/or abandonment of properties on which there exists a nonconforming land use prior to the expiration of the notice period in the preceding paragraph, the Zoning Administrator may provide supplemental notice to the nonconforming user that such nonconforming use shall not be revived and that the same shall cease to exist. For the purposes of this subsection, voluntary discontinuance or abandonment shall have occurred when no new commercial activity has been engaged on the premises for a period of thirty (30) calendar days. In all other cases of these specifications, nonconforming uses whereby the commercial activity has not been abandoned, the Administrator is required to establish rules and regulations to be reviewed by Council which will cause those property owners expense obscuring structure and appropriate landscaping. The Administrator will develop regulations enforcing zoning issues that apply to nonconforming uses and the obscuring and beautification of the same. Council will have ultimate authority and may allow a nonconforming use if it would benefit the needs of the community
6. Reconstruction after Damage. An existing, nonconforming structure may be rebuilt, altered, or repaired after sustaining damage exceeding 75 percent of the appraised market value of the structure for tax purposes at the time of damage, provided that any permitted reconstruction shall begin within three (3) months from the time of damage and shall be completed within twelve (12) months after the issuance of a building permit.

SECTION 5-3 – REPAIR OR MAINTENANCE OF NONCONFORMING STRUCTURES

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

SECTION 5-4 – NONCONFORMING LOTS OF RECORD

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record. This provision shall apply even if the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. The building will be required to meet all of the other requirements for construction in that zoning district.

SECTION 5-5 – TEMPORARY NONCONFORMING USES

A temporary use permit may be issued by the Zoning Administrator for an appropriate period of time not to exceed three (3) month increments for nonconforming buildings, structures or use incidental to building construction or land development provided that the owner of that temporary nonconforming use agrees to remove the temporary nonconforming use upon expiration of the permit. *(Amended May 2023)*

SECTION 5-6 – ANNEXATION

Three methods of annexation of privately owned property are authorized.

1. 100 percent freeholder petition and ordinance method [§ 5-3-150(3)]
2. 75 percent freeholder petition and ordinance method [§ 5-3-150(1)]
3. 25 percent elector petition and election method [§ 5-3-300 - 315]

Property owners sign an annexation petition and submit it to the town via mail, email, fax or delivery. The petition for annexation is presented for approval at two separate town council meetings. Upon final reading, the property is officially within the town limits of Moncks Corner and town services will begin. The Clerk of Council's Office will notify all public service providers of the annexation.

For property annexed by ordinance, the zoning district classification shall be designated as follows:

1. The Town Council will assign the property a zoning. This zoning may correspond to the zoning that the property had in Berkeley County but will be in accordance with the Comprehensive Plan for the Town.
2. Immediately after the effective date of such annexation, the Zoning Administrator shall initiate zoning amendment procedures to establish or confirm the appropriate zoning classification for the annexed area.
3. If the property owner desires a different zoning designation, an application for rezoning can be made and the process specified in S.C. Code § 6-29-760 for rezoning and set forth in Article Eleven of this zoning ordinance shall be followed.
4. A petitioner may withdraw the petition prior to adoption of the ordinance.
5. If the applicant desires a zoning designation that is not consistent with the surrounding lots, the application for annexation must first be considered by the Planning Commission

SECTION 5-7 – BUILDING AND LOTS TO HAVE ACCESS

Every building hereafter erected or structurally altered shall be on a lot adjoining a public street. No private access or driveway shall be provided to commercial or industrial districts through any residential district established by this ordinance. Also, no private access shall be provided to a multi-family residential development through a single-family residential district.

SECTION 5-8 – ERECTION OF STRUCTURES ONLY UPON LOTS OF RECORD

Any new structure erected after the effective date of this ordinance shall be erected only upon a lot of record.

SECTION 5-9 – TRAFFIC ANALYSIS

All developments shall have a Traffic Impact Analysis, as outlined in this Zoning Ordinance, performed by an on-call consultant hired by the Town at the expense of the applicant. This analysis shall be undertaken to ensure that access to all proposed developments and subdivisions is accomplished in a safe manner.

1. The standards in the South Carolina Department of Transportation's Access and Roadside Management Standards Manual shall serve as a guide for this Analysis, which shall include identification of the following:
    a. Access improvements that the applicant must install at his or her expense, such as deceleration lanes.
    b. The location of any curb cuts based on, but not limited to sight distances, existing roadway infrastructure, opposing driveways locations and shared access.
    c. Requirements for adequate driveway design, including but not limited to, turning radius and throat length.
2. The access requirements approved by the Town Administrator or designee shall be incorporated on development or subdivision plans prior to their approval.
3. If an applicant is required to provide site-related traffic improvements, the cost of implementing such improvements shall be borne by the applicant and no such costs shall be eligible for a credit or offset from any transportation impact fees.
4. Applicability. A Traffic Impact Analysis (TIA) shall be required for any development that would generate more than 50 trips during the peak hour on the adjacent street in accordance with the ITE Trip Generation Manual, latest edition.
    a. A second phase, second subdivision, or addition that generates traffic beyond this threshold when taken as a whole shall also require a TIA, even though that development does not qualify on its own.

b. Change of Use: A new TIA will be required if the new use would generate traffic beyond the 50 trips during peak hour threshold.

c. A TIA can be required at any time as determined by the Town Administrator or designee in his/her discretion and judgment when there is a belief that the development may have an adverse impact to the surrounding area.

5. Thorough and complete TIA's are the responsibility of the applicant. Failure by the applicant to provide a complete TIA may result in review delays for their plat or plan.

6. Traffic Impact Analysis Plan Preparation

   a. The TIA shall be conducted by an engineer registered in South Carolina that is experienced in the conduct of traffic analysis, who is one of the consultants the Town has previously selected for on-call traffic study services (hereinafter referred to as "the Town's Engineer")

   b. Prior to beginning the traffic impact analysis plan, the applicant shall supply the Town with the following:

      i. A written narrative describing the proposed land use(s), size and projected opening date of the project and all subsequent phases;

      ii. A site location map showing surrounding development within a one-half mile of the property under development consideration; and

      iii. A proposed site plan or preliminary subdivision plat illustrating access to public or private roads and connectivity to other contiguous developments.

   c. The Town will rely upon the most current edition ITE trip generation manual or any alternative acceptable to the Town's Engineer, and available information on land use, travel patterns and traffic conditions. After consulting with the SCDOT, the Town's Engineer will supply in writing to the applicant and/or his engineer the parameters to be followed in the study including the directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects and the intersections to be analyzed along with any associated turning movement counts which are available or discussed and approved by the Town.

   d. After determination of the TIA's scope of services, the applicant shall provide a cost estimate of such services to the Town for review and concurrence, The applicant shall provide an amount equal to the estimate to the Town, who will deposit the amount in an escrow or special account set up for this purpose before the consultant's services are obtained. Any funds not used shall be returned to the applicant in a timely manner without interest.

   e. Additional fees for the TIA may be required if: the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant;

the consultant's appearance is requested at Planning Commission or Town Council meetings beyond what was initially anticipated; or the consultant's attendance is required at meetings with regional, state, or federal agencies or boards which were not anticipated in the earlier scope of services. The applicant must reimburse the Town these costs prior to the development plan or plat approval.

7. Plan Contents.

   a. All phases of a development are subject to review, and all traffic plans for the entire development shall be integrated with the overall traffic analysis. A traffic impact analysis plan for a specific phase of development shall be applicable to the phase of development under immediate review. However, each phase of development shall expand and provide detailed analysis at the development plan stage beyond the estimates provided for at the concept plan or master plan stage.

   b. Efficient traffic operations, safety and pedestrian accessibility are to be considered in the development plan. The adequacy of the roads to which the development takes access shall be assessed in the TIA. Recommendations for improvements shall be made where operational or safety concerns exist and installation of these improvements shall be required as a condition of any approval from the Town. The relative share of the capacity improvements needed shall be broken down as follows: development share, other developments share, any existing over capacity, and capacity available for future growth.

   c. The following elements shall be included in a traffic impact analysis plan:

      i. Study Area - Description of the study area including surrounding land uses and expected development in the vicinity that would influence future traffic conditions. The study area shall include the intersections immediately adjacent to the development and those identified by the Town's Engineer. These intersections may include those not immediately adjacent to the development if significant site traffic could be expected to impact the intersection. If intersections impacted by the development are within a coordinated traffic signal system, then the entire system shall be analyzed. If the signal system is very large, a portion of the system may be analyzed if approved by the Town's Engineer and SCDOT. A study area site map showing the site location is required.

      ii. Proposed Land Use - Description of the current and proposed land use including characteristics such as the number and type of dwelling units, gross and leasable floor area, number of employees, accompanied with a complete project site plan (with buildings identified as to proposed use). A schedule for construction of the development and proposed development stages should also be included.

      iii. Existing Conditions - Description of existing traffic conditions including existing peak-hour traffic volumes adjacent to the site and levels of service for intersections in the vicinity, which are expected to be impacted. Existing traffic signal timings should

be used. In general, AM and PM peak hour counts should be used, but on occasion other peak periods may need to be counted as determined by the Town's Engineer. In some cases, pedestrian counts will be required. Data should be adjusted for daily and seasonal variations. Existing counts may be used if taken within 12 months of the submittal of the TIS. In most cases, counts should be taken when school is in session unless otherwise determined by the Town's Engineer. Other information that may be required may include, but not limited to, crash data, stopping sight distances, and 50th and 85th percentile speeds.

iv. Future Background Growth - Estimate of future background traffic growth. If the planned completion date for the project or the last phase of the project is beyond 1 year of the study an estimate of background traffic growth for the adjacent street network shall be made and included in the analysis. In general, the growth factor will be determined from local or statewide data. Also included, is the state, local, or private transportation improvement projects in the project study area that will be underway in the build-out year and traffic that is generated by other proposed developments in the study area.

v. Estimate of trip generation - The site forecasted trips should be based on the most recent edition of the ITE Trip Generation Manual. A table should be provided in the report outlining the categories and quantities of land uses, with the corresponding trip generation rates or equations, and the resulting number of trips. The reason for using the rate or equation should be documented. For large developments that will have multiple phases, the table should be divided based on the trip generation for each phase. Any reductions due to internal trip capture and pass-by trips, transit use, and transportation demand management should be justified and documented. All trip generation and trip reduction calculations and supporting documentation shall be included in the report appendix.

vi. Trip Distribution and Traffic Assignment - The distribution (inbound versus outbound, left turn versus right turn) of the estimated trip generation to the adjacent street network and nearby intersections shall be included in the report and the basis should be explained. The distribution percentages with the corresponding volumes should be provided in a graphical format.

vii. Analysis and Estimate of lmpact - A capacity analysis should be performed at each of the study intersections and access intersection locations (signalized and unsignalized) in the vicinity of the development. Intersection analysis shall include LOS determination for all approaches and movements. The levels of service will be based on the procedures in the latest edition of Transportation Research Board's Highway Capacity Manual. Coordination analysis will be required for the signal systems or portion of the signal systems analyzed.

viii. Access Management Standards - The report shall include a map and description of the proposed access including any sight distance limitations, adjacent driveways and intersections, and a demonstration that the number of driveways proposed is the fewest necessary and that they provide safe and efficient traffic operations.

ix. Traffic signalization: If a traffic signal is being proposed, a signal warrant analysis shall be included in the study. The approval of a traffic signal on projected volumes may be deferred until volumes meet warrants given in the MUTCD, in which the developer shall provide funds for the future signal(s) to the Town to deposit in an escrow or special account set up for this purpose. The developer should make any language improvements during construction so that if in the horizon year a signal is warranted, one may be installed with little impact to the intersection.

x. Mitigation and alternatives - The traffic impact study should include proposed improvements or access management techniques that will mitigate any significant changes in the levels of service. The Town Administrator or designee, in conjunction with the Town's Engineer, will be responsible for final determination of mitigation improvements required to be constructed by the applicant.

8. Traffic Impact Analysis Plan Review. The Town's Engineer shall review all traffic impact analysis plans as part of the initial approval for the concept plan or master plan. Final traffic impact analysis plans shall be approved at the development plan phase.

9. Action on Traffic Impact Analysis Plan. The Town's Engineer must first approve the TIA in regard to completeness and accuracy. Following review of the required impact analysis plan, the Town Administrator or designee, in conjunction with the Town's Engineer, shall recommend action as follows:

   a. Approval of the traffic impact analysis as submitted;

   b. Approval of the traffic impact analysis plan with conditions or modifications as part of the development review and approval process. An acceptable traffic impact analysis plan with traffic mitigation measures may include the reduction of the density or intensity of the proposed development; phasing of the proposed development to coincide with state and/or county programmed transportation improvements; applicant provided transportation improvements; fees in lieu of construction, or any other reasonable measures to ensure that the adopted traffic service level goals are met. If mitigation is required, it shall be required as a condition of any approval from the Town.

10. Timing of Implementation. If a traffic mitigation program is part of an approved traffic impact analysis plan, the developer may be required to place a performance bond on all traffic mitigation improvements required as a result of his project. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements anticipated for the area. The amount of the performance bond shall be equal to 150% of the estimated construction cost for the required traffic mitigation improvements.

11. Responsibility for Costs of Improvements. The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. No certificates of zoning compliance or building permits shall be issued unless provisions of the transportation impact analysis are met.
12. Traffic Goals. The average stop time delay in seconds per vehicle for each intersection determined to be critical to the traffic impact analysis for the proposed development shall be compared to the Town's adopted traffic service level goal of "D" for the average delay for all vehicles at any intersection and all movements and approaches to the intersection during the a.m. and p.m. peak hours.
13. Function and Safety Improvements. The Town Administrator or designee, in conjunction with the Town's Engineer, may require improvements to mitigate and improve the safety and function of multiple transportation modes the site traffic may impact. These improvements may not be identified in the TIA, but improvements to benefit the function and safety of the transportation system of the development site. These improvements may include but are not limited to center medians, sidewalks and/or bicycle accommodations, modifications to ingress and egress points, roadside shoulders, pavement markings, traffic calming and other traffic control devices.

(Amended April 19, 2022)

ARTICLE SIX

DISTRICT DESCRIPTIONS

SECTION 6-1 – PURPOSE OF DIVIDING THE TOWN INTO DISTRICTS

For the purpose of promoting the health, safety, morals and general welfare of Moncks Corner, and for other purposes as enumerated, Moncks Corner is hereby divided into districts as enumerated in this article within which are regulated and restricted the erection, construction, reconstruction, alteration, repair or use of buildings and of the structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

These regulations have been made with reasonable consideration of, among other things, the character of each district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout the municipality.

The regulations of this article shall apply uniformly to each class or kind of structure land located within any of the following district classifications respectively:

1. D-1 – Development District
2. R-1 – Single-Family Residential District
3. R-2 – Single-Family Residential District
4. R-3 – Single-Family Attached Residential District
5. R-4 – Multi-Family Residential District
6. MH-1 – Mobile Home Parks
7. TD – Transitional District
8. C-1 – Office & Institutional District
9. C-2 – General Commercial
10. M-1 – Light Industrial
11. M-2 – Heavy Industrial
12. PUD – Planned Unit Development
13. DA – Development Agreement District
14. AP – Airport Height Restrictive Area
15. FW – Floodway Area
16. FP – Floodplain Area

17. CR – Corner Renaissance Overlay District

Note – Designations for -AP, -FW, -FP, and -CR are overlay districts and intended as supplements to regulations within the various other districts.

SECTION 6-2 – D-1 DEVELOPMENT DISTRICT

This district is intended to provide for large tracts of land located primarily on the fringe of urban growth where the predominant character of urban development has not yet been fully established, but where the current characteristics of use are predominately residential, agricultural, or similar development, with scattered related uses. Certain structures and uses required to serve governmental, educational, religious, recreational, and other needs of such areas are permitted subject to restrictions and requirements intended to assure compatibility of uses within the district and adjacent thereto. It is further recognized that future demand for developable land will generate requests for amendments to remove land from D-1 classification and place it into other more intensely developed classifications as natural consequences of urban expansion.

Permitted Uses:

1. One-family detached dwellings
2. Agricultural uses, including but not limited to:
    a. Production crops
    b. Horticultural specialties.
    c. Ornamental floriculture, shrub, tree and nursery products.
    d. General farms, primarily crop.
    e. Agricultural production – livestock
    f. Landscape and horticultural services.
    g. Forestry
3. Landscape counseling and planning.
4. Lawn and garden services.
5. Fishing
6. Commercial fishing.
7. Fish Hatcheries and preserves.
8. Game propagation
9. Logging camps and logging contractors.
10. Water-supply
11. Retail nurseries, lawn and garden supply stores.
12. Fruit stores and vegetable markets.

13. Public golf courses.

14. Residential and nursing care.

Accessory Uses:

1. Noncommercial garages and carports
2. Fences
3. Private Swimming pools
4. Outdoor barbecue structures
5. Storage buildings, workshops and playhouses
6. Shelters for domestic pets
7. Gardening and Agricultural uses incidental to residential uses
8. Uses customarily incidental to the operation of a church, including, but not limited to recreation facilities and buildings, educational buildings, parsonage facilities and parking areas.

Special Exceptions:

1. Daycare facilities.
2. Arboreta, botanical, and zoological gardens.
3. Hunting & trapping
4. Mining and quarrying of non-metallic minerals, except fuels
5. Camps and Trailer Parks
6. Churches and cemeteries
7. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation. The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-3 – R-1, R-2 SINGLE FAMILY RESIDENTIAL DISTRICTS

These districts are intended as single-family residential areas with detached units with low to medium population densities. Use regulations for the single family districts are identical, but contain two (2) classes of lot width and lot area, and these dimensional differences are intended to be preserved. Certain structures and uses required to serve governmental, educational, religious, recreational, and other needs of such areas are permitted subject to restrictions and requirements intended to assure compatibility of uses within the district and adjacent thereto.

Permitted Uses: A building or premises in the R-1 or R-2 district may be used for the following purposes:

1. One-family detached dwellings
2. Guest cottages, garage apartments

Accessory Uses:

1. Noncommercial garages and carport
2. Fences
3. Private Swimming pools
4. Outdoor barbecue structures
5. Storage buildings, workshops and playhouses
6. Shelters for domestic pets
7. Gardening and Agricultural uses incidental to residential uses
8. Uses customarily incidental to the operation of a church, including, but not limited to recreation facilities and buildings, educational buildings, parsonage facilities and parking areas.

Special Exceptions:

1. Nursing and assisted living facilities
2. Churches and cemeteries
3. Non-certified modular buildings used for habitation
4. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation. The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-4 – R-3, SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT

This district is intended to support medium density residential uses, characterized by two family detached (i.e. duplex) and single-family attached (i.e. townhouse) units. Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational and other needs of the area are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect the residential character of the district.

In order to promote the general welfare of the city through the appropriate use of lots and areas in districts designated R-3 by the construction therein of duplex structures, it is provided that such structures may be erected within such boundaries, subject to the following standards and regulations.

1. Schedule of standards and regulations, two family detached dwellings (duplexes):
    a. Height Limitations: Thirty-five (35) feet.
    b. Lot Width Requirements. Forty feet (40') minimum per unit.
    c. Front Yard Depth. Twenty-five (25') feet if parking is provided in the front yard. Five feet (5') if parking is provided in rear or common area.
    d. Side Yard Width. Ten feet (10') if adjacent to another lot, fifteen feet (15') if the side yard is adjacent to a street.
    e. Rear Yard Depth. Minimum shall be fifteen feet (15'), however when required vehicular parking space is provided in rear yard, minimum rear yard depth shall be thirty-five (35) feet.
    f. Minimum Lot Size. Five thousand (5,000) sq. ft. per unit.
    g. Impervious Coverage. Not more than forty (40) percent of each lot shall be covered with impervious materials.
    h. Parking spaces shall be provided for at least two (2) automobiles for each such dwelling, either on the premises or in a community parking lot or garage the title to which and/or the easement for the use of which runs with and/or is appurtenant to the title to such dwelling.
    i. All common driveways, parking areas, open spaces or other amenities shall have provision for perpetual maintenance by the participating property owners.
2. Schedule of standards and regulations, single family attached dwellings (townhomes):
    a. Height Limitations: Thirty-five (35') feet
    b. Unit Width Requirements. Minimum unit width of twenty feet (20') with an average unit width of twenty-two feet (22') is required. The unit width does not include any required side yard width adjacent to end units.

c. Front Yard Depth. Twenty-five (25') feet if parking is provided in the front yard. Five feet (5') if parking is provided in rear or common area.

d. Side Yard Width. Ten feet (10') if adjacent to another lot, fifteen feet (15') if the side yard is adjacent to a street.

e. Rear Yard Depth. Minimum shall be fifteen feet (15'), however when required vehicular parking space is provided in rear yard, minimum rear yard depth shall be thirty-five (35) feet, provided that no rear yard shall be required for simultaneously constructed units abutting at the rear and sharing for their full width a common, non-bearing wall, which complies with the building code.

f. Minimum Lot Size. Two thousand (2,000) square feet per unit.

g. Impervious coverage. Not more than sixty (60) percent of each lot shall be covered with impervious materials.

h. No more than six (6) such dwellings shall be constructed or attached together in a continuous row, and no such row shall exceed two hundred (200) feet in length.

i. Parking spaces shall be provided for at least two (2) automobiles for each such dwelling, either on the premises or in a community parking lot or garage the title to which and/or the easement for the use of which runs with and/or is appurtenant to the title to such dwelling.

j. All common driveways, parking areas, open spaces or other amenities shall have provision for perpetual maintenance by the participating property owners.

Permitted Uses: A building or premises in the R-3 district may be used for the following purposes:

1. Single family attached (i.e. townhouses) and two-family residential dwellings (duplexes).
2. Daycare, residential, nursing, and assisted living facilities.
3. Library and information centers
4. Fire stations
5. Electric substations
6. Public golf course
7. Coin operated laundries and dry cleaning

Accessory Uses:

1. Noncommercial garages and carports
2. Fences

3. Private swimming pools
4. Outdoor barbecue structures
5. Storage buildings, workshops and playhouses
6. Shelters for domestic pets
7. Gardening and agricultural uses incidental to residential uses

Special Exceptions:

1. Churches and uses customarily incidental to the operation of a church, including, but not limited to recreation facilities and buildings, educational building, parsonage facilities, cemeteries, and parking areas.
2. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation. The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions.

(Section separated from R-4 April 19, 2022)

SECTION 6-5 – R-4, MULTI-FAMILY RESIDENTIAL DISTRICT

This district is intended to support high-density residential uses, characterized by vertically attached apartment-style structures subject to the requirements set forth in this ordinance.

Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational and other needs of the area are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect the residential character of the district.

In order to promote the general welfare of the city through the appropriate use of lots and areas in districts designated R-4 by the construction therein of one family attached dwellings, known as townhouses, it is provided that such structures may be erected within such boundaries, subject to the following standards and regulations.

Permitted Uses: A building or premises in the R-4 district may be used for the following purposes:

1. Multi-Family Residential (apartments, vertically attached condominiums)
2. Daycare, residential, nursing, and assisted living facilities.
3. Library and information centers
4. Fire stations
5. Electric substations
6. Public golf course
7. Coin operated laundries and dry cleaning

Accessory Uses:

1. Accessory uses customary to the use of an apartment complex, such as recreation centers, swimming pools, separate garage and storage facilities for use of residents, clubhouses, car and dog wash stations, leasing office, etc.
2. Fences

Special Exceptions:

1. Churches and uses customarily incidental to the operation of a church, including, but not limited to recreation facilities and buildings, educational building, parsonage facilities, cemeteries, and parking areas.
2. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation. The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the

definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions.

(Section separated from R-3 April 19, 2022)

SECTION 6-6 – MH-1, MOBILE HOME PARK

This district is intended to provide for mobile home parks to provide a sound and healthy residential environment and to encourage mobile homes to be located in these areas that provide the necessary amenities. Mobile home parks shall conform to the following requirements:

1. The park shall be no less than two (2) acres in size, and be located on a well- drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water
2. The mobile home park shall conform to the requirements of the Rules and Regulations Governing Mobile Home Parks as established by the South Carolina Department of Health and Environmental Control.
3. Each mobile home park shall have a minimum area of five thousand (5,000) square feet set aside for a common open space; in the case of a park larger than the minimum two (2) acres or in the case of expansion of the park, five hundred (500) square feet of common open space shall be added for each mobile home unit after the twentieth (20^{th}) unit.
4. All mobile home spaces shall include a paved, bricked, or other all-weather dust proofed driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a street.
5. A buffer yard equivalent to buffer "D" shall be located along all property lines bounding the park.
6. Off-street parking, loading and other requirements shall conform to the standards set forth in Article Seven.
7. Signs located in MH-1 zoning districts shall conform to the requirements of Article Eight of this ordinance.

Permitted Uses: A building or premises in the MH-1 district may be used for the following purposes:

1. Mobile homes and mobile home parks
2. Utility services & stations (excluding communications)
3. Railroads

Accessory Uses:

1. Noncommercial garages and carports
2. Fences
3. Private swimming pools
4. Outdoor barbecue structures

5. Storage buildings, workshops and playhouses
6. Animal shelters for domestic pets
7. Gardening and agricultural uses incidental to residential uses
8. Uses customarily incidental to the operation of a church, including, but not limited to recreation facilities and buildings, educational building, parsonage facilities, and parking areas.

Special Exceptions:

1. Churches and Cemeteries
2. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation: The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-7 – TD, TRANSITIONAL DISTRICT

This district is intended to accommodate commercial and professional offices uses typically found in single family areas. District land uses will preserve the area's existing residential character, while permitting commercial uses that are not major traffic generators. Buildings originally constructed for residential use may be used as such by right. Such buildings may be converted to commercial use as detailed below.

Vacant lots in the TD District may be developed as either residential or commercial. Residential lots will be developed according to the requirements of R-1, Single Family Residential, while commercial lots will be developed according to the requirements of C-1, Office & Institutional.

Permitted Uses: A building or premises in the Transitional District may be used for the following purposes:

1. One-family detached dwellings
2. Guest cottages, garage apartments

Any proposed uses of property within this zoning district that are not a permitted use must be approved as a conditional use by the Board of Zoning Appeals.

Accessory Uses: Accessory uses as permitted in the R-1, R-2, R-3, C-1, and C-2 Districts

Special Exceptions:

1. Churches
2. Non-certified modular buildings used for habitation
3. Commercial uses permitted in the C-1 District
4. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation. The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-8 – C-1, OFFICE AND INSTITUTIONAL DISTRICT

This district is intended to accommodate a variety of general light commercial uses characterized primarily by professional office and service establishments, as well as boutique retail and restaurants, and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics. Certain related structures and uses are permitted outright or as permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.

Permitted Uses: A building or premises in the C-1 district may be used for the following purposes:

1. Generally recognized personal service establishments which perform services on the premises similar but not limited to: professional and administrative offices (doctors, attorneys, insurance, real estate), repair shops (watches, radio, television, shoe), tailor shops, beauty shops and barbershops, laundries and dry cleaners, photographic studios, copy services and banks and financial institutions.
2. All non-residential uses allowed in R-1, R-2, R-3 within the requirements of each district.
3. Boutique retail and restaurants less than two-thousand (2,000) sq. ft. in size, not including gasoline filling stations. Restaurant drive throughs are prohibited.
4. Hotels and lodging houses
5. Colleges, universities, business and vocational schools
6. Private clubs, walk-in theaters, museums, and art galleries
7. Engineering, architectural, scientific, and research organization and non-commercial laboratory.
8. Professional, political and religious organizations, labor unions and similar labor organizations.
9. Utility services and stations (excluding communications)
10. Funeral services and crematories
11. Hospitals
12. Automotive repair services, garages, renting and leasing
13. Parks, recreation facilities, and golf courses
14. Railroads
15. Veterinary services
16. Agricultural services

17. Private commercial storage, not including mini-warehouses

Accessory Uses: Uses on the same lot and customarily incidental to the permitted uses, including, but not limited to, garages or parking structures for commercial vehicles, off-street parking and loading zones and limited storage facilities.

Special Exceptions:

1. Churches
2. Non-certified modular buildings used for habitation
3. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation. The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-9 – C-2, GENERAL COMMERCIAL DISTRICT

This district is intended to accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics. Certain related structures and uses are permitted outright or are permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.

Permitted Uses: A building or premises in the C-2 district may be used for the following purposes:

1. All non-residential uses allowed in R-1, R-2, R-3, C-1 within the requirements of that district
2. All types of business and commercial activity related to retail sales, business and professional offices, financial institutions, gasoline filling stations and repair garages, personal service shops and limited wholesale activity.
3. Generally recognized service establishments which perform services off premises similar to but not limited to: services to dwellings and other buildings, lawn and gardens, disinfecting and extermination, trees and shrubs.
4. Restaurants, bars, taprooms, taverns, poolrooms, amusement centers, liquor stores and party shops.
5. Private clubs, walk-in and drive-in theaters, assembly and concert hall.
6. Hotels and motels
7. Nursing, assisted living, and group care facilities
8. Campgrounds and overnight trailer courts
9. Wholesale, warehouse and storage facilities including building materials and lumber yards.
10. Automotive services and carwashes
11. New and used car, truck, machinery, utility trailer, and RV sales, rentals, and repairs.
12. Fuel, fuel oil, and liquefied petroleum (bottled gas) dealers
13. Mobile home dealers
14. Research, development, and commercial testing laboratories
15. Transportation facilities including bus depots, trucking facilities and services without storage.
16. Outdoor advertising agency
17. Communication services, radio and television broadcasting
18. Paper and paper products, printing, publishing, and allied industries, and photo finishing laboratories.

Accessory Uses: Uses on the same lot and customarily incidental to the permitted uses, including, but not limited to, garages or parking structures for commercial vehicles, off-street parking and loading zones and limited storage facilities.

Special Exceptions:

1. Churches
2. Non-certified modular buildings used for habitation
3. Chain link fences visible from the right-of-way
4. Mini-warehouses and outdoor vehicle storage
5. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation. The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-10 – M-1, LIGHT INDUSTRIAL DISTRICT

This district is intended to accommodate wholesaling, distribution, storage, processing, light manufacturing and general commercial uses. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permissible as special exceptions subject to restrictions and requirement is intended to best fulfill the intent of this chapter.

Permitted Uses: A building or premises may be used for the following purposes:

1. Limited manufacturing and industrial uses; provided, that such use is not detrimental to the health, safety or general welfare of the community.
2. All uses allowed in C-1 or C-2 within the requirements of each district
3. Warehouses and storage
4. Refuse systems
5. Transportation services and maintenance facilities
6. Commercial and professional sports, clubs, promoters, and racing tracks
7. Events and event structures featuring live animals, i.e. circuses, petting zoos, rodeos.

Accessory Uses: Uses on the same lot and customarily incidental to the permitted uses, including, but not limited to, garages or parking structures for commercial vehicles, off-street parking and loading zones and limited storage facilities. Freight containers must be placed in the rear of the property. If the rear of the property borders a street, an eight foot tall evergreen buffer shall be installed.

Special Exceptions:

1. Churches
2. Non-certified modular buildings used for habitation
3. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation. The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-11 – M-2, INDUSTRIAL PARK

This district is intended to accommodate areas planned and developed as industrial parks which provide an area conductive to the development and protection of modern administrative facilities, research and development centers, specialized manufacturing facilities, and similar enterprises characterized by landscaped campus-like settings.

General commercial uses are allowed but are considered incidental to the predominately industrial nature of the district. Certain related structures and uses required to serve the needs of the primary use are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance.

Permitted Uses: A building or premises may be used for the following purposes:

1. Limited manufacturing and industrial uses; provided that such use is not detrimental to the health, safety or general welfare of the community.
2. All uses allowed in C-1 or C-2 within the requirements of each district.

Accessory Uses: Uses on the same lot and customarily incidental to the permitted uses, including, but not limited to, garages or parking structures for commercial vehicles, off-street parking and loading zones and limited storage facilities. Freight containers must be placed in the rear of the property. If the rear of the property borders a street, an eight foot tall evergreen buffer shall be installed.

Special Exceptions:

1. Churches
2. Non-certified modular buildings used for habitation
3. Public parks, playgrounds, schools, government facilities

New or Unlisted Uses and Use Interpretation. The Zoning Administrator shall be authorized to make use determination whenever there is a question regarding the category of use based on the definitions contained in Section 2-2 of this Ordinance or may require that the use be processed in accordance with the procedures established in §11-2, Special Exceptions, or §7-12, Planned Unit Development (PUD) district.

SECTION 6-12 – PD, PLANNED DEVELOPMENT DISTRICT; DA – DEVELOPMENT AGREEMENT DISTRICT; CONDITIONAL ZONING

1. Types. This section describes the three types of negotiated zoning districts: Planned Development Zones, Development Agreement Zones, and Conditional Zones. The types are better described as follows:

   a. Planned Development Zone. Mixed-use developments subject to the provisions of S.C. Code § 6-29-740. Such developments require a development agreement if the property features over 25 highland acres and is thus legally permissible to have such an agreement under the South Carolina Local Government Development Act.

   b. Development Agreement Zone. Single use developments in which the property features over 25 highland acres and is thus legally permissible to have such an agreement under the South Carolina Local Government Development Act.

   c. Conditional Zones. Single use developments under 25 highland acres and which are thus prohibited from entering into a development agreement.

2. Purpose. The purpose of this section is to encourage the development of various types of flexible, negotiated developments under master plans, where the traditional density, bulk, spacing and use regulations of other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. Negotiated developments are intended to promote flexibility in site planning and structure location, to facilitate the provision of utilities and circulation systems, the mixture of uses, as well as to preserve the natural and scenic features of the parcel.

   a. The proposed development should be of such design that it will promote achievement of the stated purposes of the adopted comprehensive plan and is consistent with the plan as well as other adopted plans and policies of the Town of Moncks Corner.

   b. The development will efficiently use available land and will protect and preserve, to the greatest extent possible, and utilize, where appropriate natural features of the land such as trees, streams, wetlands, and topographical features.

   c. The development will be located in an area where transportation, police and fire protection, schools and other community facilities and public utilities, including public water and sewer service, are or will be available and adequate for the uses and densities proposed. The applicant may, where appropriate, make provisions for such facilities or utilities, which are not presently available.

3. Intent. The intent of negotiated development is to achieve the following:

a. To encourage the development of mixed-use communities which provide a range of harmonious land uses (residential, commercial, cultural, educational, etc.) which support the mixed uses within the planned unit development (PD District).

b. To promote flexibility in site planning and structure location that facilitates the provision and use of efficient circulation and utility systems and preservation of natural and scenic features that will result in a diversity of scale, style and details that foster a strong sense of community within the development as well as enhancing the immediate area surrounding the development.

c. To permit the development of such communities where there is demand for housing, a relationship with existing and/or planned employment opportunities, as well as supporting businesses and other services, and adequate community facilities and infrastructure existing or planned within the area.

d. To provide a mechanism for evaluating alternative zoning regulations as well as other Town ordinance elements of the proposed application on its own merit, emphasizing that these provisions are not to be used to circumvent the intent or use of conventional zoning classifications set forth in this chapter or other applicable variance, waiver or amendment to other ordinances, contrary to state or federal law but to permit innovative and creative design of communities in the Town of Moncks Corner.

4. Establishment. Any request pertaining to the establishment of a Planned Development, Development Agreement, or Conditional zoning district shall be considered an amendment request to the zoning ordinance and shall be administered and processed in accordance with Article 12. The application for zoning amendment must include a development agreement (if applicable), a descriptive statement of the plan, and a concept map.

5. Public Notice. Fifteen (15) days prior to the meeting before the Planning Commission, signs must be erected on site alerting the public to the proposed development. These signs must be at least 4’ x 6’ and placed along to all adjacent roads in a conspicuous location. The signs must feature the following information:

   a. A description of the development

   b. Number of units by type

   c. Minimum lot size

   d. Any amenities

   e. A concept sketch of the development and/or the structures

   f. Dates of all public meetings

   g. Contact information for the Zoning Administrator. Additional contact information for the developer or a link to more information is encouraged.

Additionally, the Zoning Administrator reserves the right to require a public meeting prior to the Planning Commission meeting for the purposes of receiving public input prior to application submittal.

6. Amendment. Any changes to the approved characteristics or agreements of a negotiated development shall be classified as either major or minor amendments. Major amendments are considered a rezoning and require the procedures outlined in Article 12. Minor amendments may be made by the Zoning Administrator.

   a. Major Amendments. Changes which materially affect the characteristics of the negotiated development shall follow the same procedural requirements as for the amendment originally establishing the negotiated district, including Planning Commission review, public hearing, and Town Council determination. Such changes include, but are not limited to, boundary changes, changes of greater than ten percent (10%) to the minimum/maximum number of allowable residential units or commercial square footage, or changes to the uses allowed within the development.

   b. Minor Amendments**.** Changes such as but not limited to the location of certain uses within the overall development, signage and landscaping modifications, etc.

   c. Determination. It shall be the duty of zoning administrator to determine whether any specific request shall be considered a major amendment or minor amendment; provided however, that the applicant shall have the right to have any request for change processed as a major amendment.

7. Prohibited Amendments. No Town ordinance shall be eligible for amendment in conjunction with the PD approval if the proposed amendment would apply to: A standardized code or law adopted by the Town in a form specified by state or federal law; or would adversely impact any officially recognized police, fire, flood, pollution, runoff, seismic, or other rating given to the Town or its citizens; or would amend, purport to amend, alter or purport to alter any state or federal law or regulations otherwise applicable.

8. Requirements. All negotiated developments require the following to be maintained by a Home or Property Owner's Association

   a. Sidewalks

   b. Streetlights

   c. Street Trees

   d. Stormwater facilities outside of the Right of Way

   e. Customized Street Signs

   f. Crosswalks

   g. Amenities

h. Private streets

Note: Private streets are prohibited in any developments unless by law they cannot be brought into the Berkeley County maintenance program, such as rear access alleys or in a townhome development.

9. Failure to Begin, Failure to Complete, or Failure to Make Progress. The descriptive statement as approved by Town Council and duly recorded shall set forth the development for the project including phasing of development of non-residential uses in relationship to residential use. The Town Council may require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the descriptive statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the Town Council may enforce and collect upon such bonds or sureties as described above, or may rezone the district and thus terminate the right of the applicant to continue development, or may initiate action to charge developers with specific violation of the zoning ordinance subject to the penalties set forth or any appropriate combination of the above remedies may be taken. If the development is not initiated within two years of its establishment, the planning commission shall initiate the rezoning of the property to an appropriate zoning district classification.

10. Single-Family Residential Density. In an effort to achieve a higher level of quality and architectural interest in the Town's residential stock, the Town Council and Planning Commission have created a density bonus system by which single-family residential units may achieve higher densities in exchange for a variety of desirable design elements. In this system, single-family detached homes begin at a base minimum lot size of 12,000 square feet. Developers then have the opportunity to apply a number of density bonuses to the project, resulting in lots that may reach a minimum of 6,000 square feet in size. While single-family detached lot sizes below 6,000 s.f. may be possible, Town Council strongly encourages minimums of 6,000 s.f., 50' lot widths and setbacks of 25' (front), 15' (rear) and 7½' (side).

    Items eligible for a density bonus may include, but are not limited to the following:

    - Neighborhood Revitalization Program
    - Commercial development
    - Improved exterior façade textures and materials
    - Rear access alleys/rear entry garages
    - Minimal repetition of floor plan

- Wider side setbacks

Density bonus information may be obtained from the town website or the Zoning Administrator. Standard bonuses may be applied to single-family detached houses, while modified bonuses may be applied to duplex and townhouse units. All bonuses will be negotiated between the developer and the Town, with final approval coming from Town Council as part of the acceptance of the development plan.

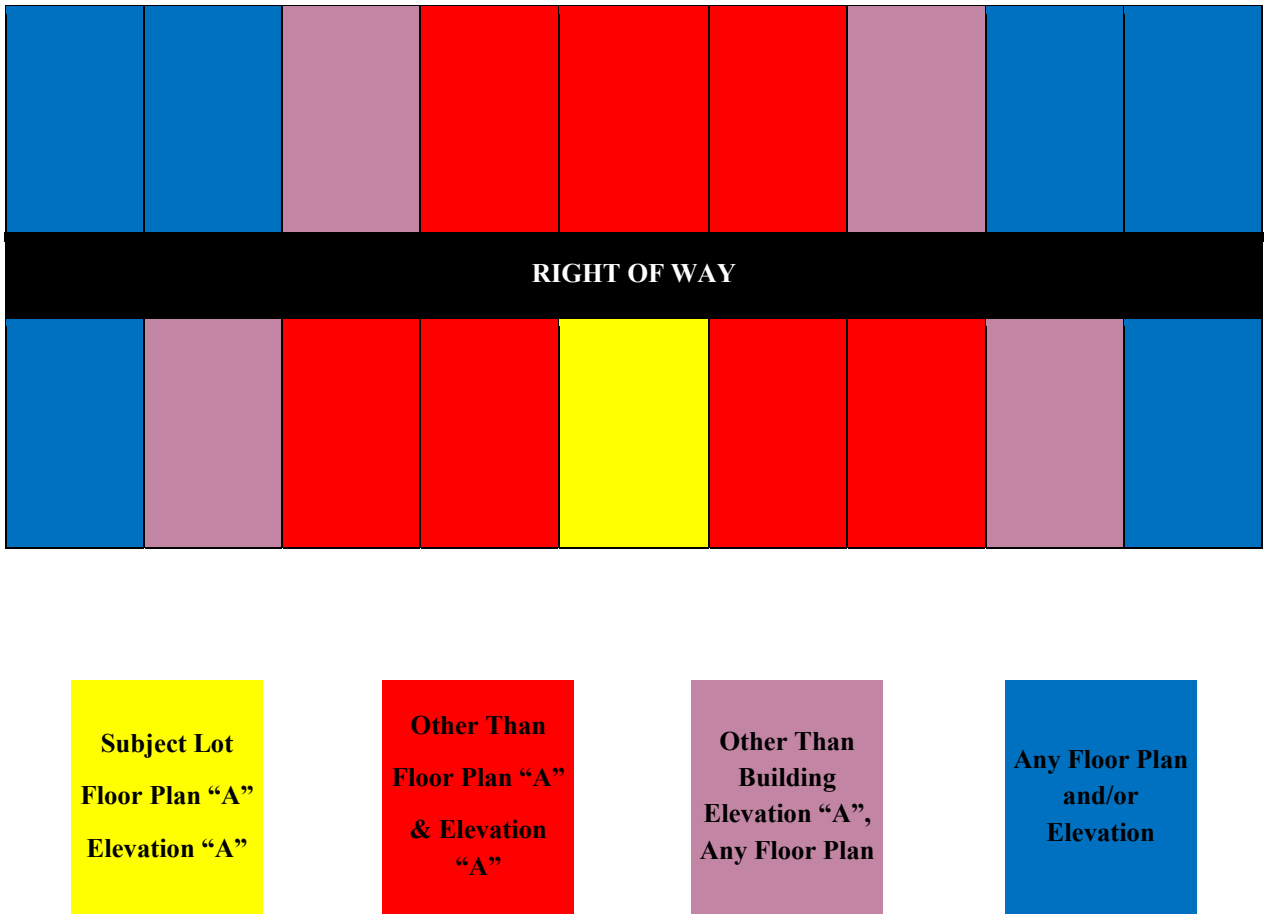
11. Architectural and Design Requirements. Residential structures in the negotiated districts are required to meet the following design requirements:

    a. The front façade and sides of the building must be covered in a cementitious material, such as Hardiplank, brick, or stone. If the rear of the building faces a road, it too must be covered in similar material. Trim may still be made of vinyl. Single-family detached, duplexes, and townhomes must all meet this standard.

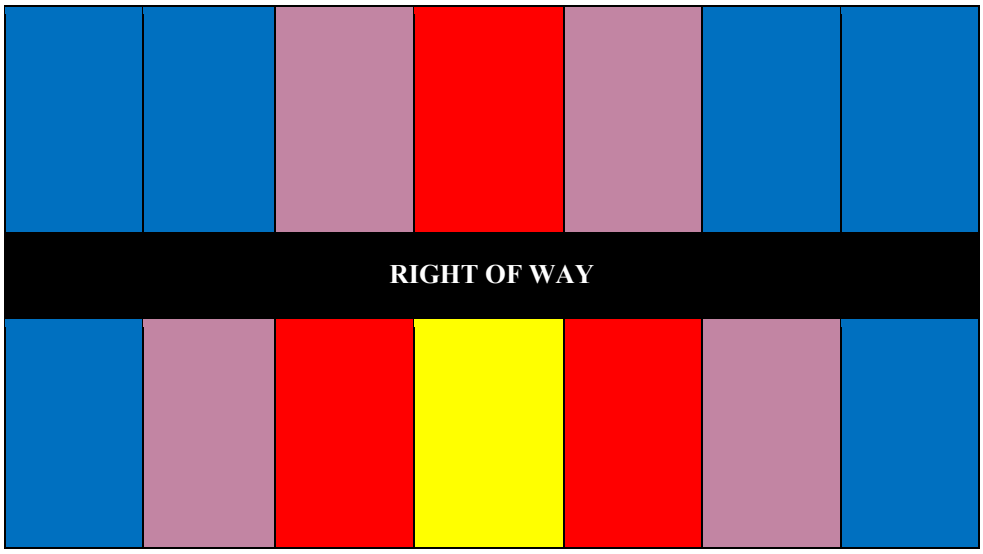
    b. Houses placed along, but which do not front onto, the streets exterior to the development are required to be buffered from those streets with a Type B Buffer or a Type A Buffer and an opaque screen. This buffer and screen is to be maintained by the HOA.

    c. Houses on corner lots or which otherwise have a side wall facing towards the public must have architectural details on that side, such as, but not limited to, a porch, bay windows, shutters (if they appear on the front of the house), or more windows than otherwise on that house plan. As an alternative, at least one canopy tree, one understory tree, and multiple shrubbery plantings may be placed along that side of the house. The additions are to be approved by the Zoning Administrator.

    d. In developments with fifty (50) or more single-family detached homes, house placement must meet the "Rule of Seven," such that houses are not adjacent to houses with the same plan, façade, and similar color. All facades and colors are to be approved by the Zoning Administrator to determine variety.



e. In developments with 49 or fewer single-family detached homes, house placement must meet the "Rule of Five." All facades are to be approved by the Zoning Administrator to determine variety.



f. Townhomes must meet the requirements of the R-3, Single Family Attached District. Additional requirements include:

i. At least four (4) facades per six-unit structure. Structures with less units may have less facades with Zoning Administrator approval.

ii. At least four (4) colors per six-unit structure. Structures with less units may have less colors with Zoning Administrator approval.

g. All single family detached homes and duplexes must feature at least two 2½" trees in the front yard of each residence, at least one of which must be a canopy tree. Additionally, five 24" shrubs are required in each front yard. A comprehensive street tree program may be substituted for one tree in each yard. All plantings must be from the approved tree list found in elsewhere in the Zoning Ordinance.

h. The main boulevard(s) of all residential negotiated developments shall be wider to accommodate on-street parking. Moreover, on-street parking shall be restricted to one side of the street throughout the development, to be enforced by the Homeowner's Association.

i. The floor area of the heated air space of detached single family homes in the development shall be at least 25% of the gross lot size for all lots under 8,000 s.f. For example, a 6,000 s.f. lot must feature a home with at least 1,500 s.f. of heated floor space. For lots over 8,000 s.f., the minimum heated floor area of the house must be 2,000 s.f.

(Section Added April 19, 2022)

SECTION 6-13 – AP, AIRPORT HEIGHT RESTRICTIVE AREA

It is the intent of this section to restrain influences, which are adverse to the proper and safe conduct of aircraft operations in the vicinity of Berkeley County Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning. To this end, the "-AP" designation, when appended to a basic district classification, is intended to coordinate the purpose and intent of this section with other regulations duly established by Moncks Corner whose primary intent is to further the purposes set out above.

1. Definitions.

a. Airport. Berkeley County Airport

b. Airport Elevation. The highest point of the airport's usable landing area measured in feet above sea level.

c. Airport Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Subsection d of this section.

d. Approach Zone. The inner edge approach zone coincides with the width of the primary surface and begins two hundred (200) feet from the runway end and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of twelve hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

e. Conical Surface. A surface extending outward from the periphery of the horizontal surface at a slope of twenty-to-one (20-to-1) for a horizontal distance of four thousand (4,000) feet.

f. Conical Zone. The conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward there from for a distance of four thousand (4,000) feet and upward at a slope of twenty-to-one (20:1).

g. Hazard to Navigation. An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

h. Height. For the purpose of determining the height limits in all zones set forth in this section and shown on the zoning map, “the datum” shall mean sea level elevation unless otherwise specified.

i. Horizontal Surface. A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plane coincided with the perimeter of the horizontal zone.

j. Horizontal Zone. The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

k. Obstruction. Any structure, growth or other object, including a mobile object, which exceeds a limited height set forth in Subsection 2 of this section.

l. Primary Surface. A surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface of two hundred fifty (250) feet.

m. Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

n. Structure. An object, including a mobile object, constructed or installed by a man, including but not limited to, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

o. Transitional Surfaces. These surfaces extended outward at right angles (90 degree angles) to the runway center line and extension at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surfaces.

p. Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.

2. Airport Height Limitations. Except as otherwise prohibited in this section, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limitations herein established for each zone in question as follows;

   a. Approach Zone (APA). Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

   b. Transitional Zones (APT). Slopes twenty (20) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation or two hundred twenty (220) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the same elevation as the approach surface and extending to where they intersect the horizontal surface.

   c. Horizontal Zone (APH). Established at one hundred fifty (150 feet above the airport at an elevation of two hundred twenty (220) feet above mean sea level.

   d. Conical Zone (APC). Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to an elevation of five hundred forty-four (544) feet above mean sea level.

3. Use Restrictions. Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and air craft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport;

4. Nonconforming Uses.

   a. Regulations not retroactive. The regulations prescribed by this section shall not be construed to require the removal, lowering or other change alteration of any structure or tree not conforming to the regulations as of the effective date of this section or otherwise

interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section, and is diligently pursued.

b. Obstruction – Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon such markers and lights shall be deemed necessary by the city of Moncks Corner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of Berkeley County.

5. Permits. The zoning administrator shall not issue a zoning permit within an "APA," "APH," "APT," and "APC" area until it has been determined that the proposal upon which he is requested to act is in compliance with the terms of these regulations.

   a. Future Uses. Except as specifically provided in a, b and c hereunder, no material changes shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit it to indicate the purpose for which the permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with the Subsection d below.

      i. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less that seventy-five (75) feet vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

      ii. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than forty-two hundred (4,200) feet from each end f the runway, no permit shall be required for any tree of structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, would extend above the elevation prescribed for such transition zones.

      iii. Nothing contained in any of the foregoing exceptions, shall be construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree a greater hazard to air navigation than it was on the effective data of this section or any amendments thereto or than it is when the application for such a permit shall be granted.

b. Exciting Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit nonconforming use, structure or tree to become a greater hazard to air navigation than it is when the application for such a permit shall be granted.

c. Nonconforming Uses Abandoned or Destroyed. Whenever the zoning administrator determines that a nonconforming tree or structure has been abandoned or more than seventy-five (75) percent torn down, physically deteriorated or decayed , no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

d. Variance. Any person desiring to erect or increase the height of any structure, or permit the growth of a tree to use of property in accordance with the regulations prescribed in this section may apply to the board of appeals for a variance form such regulations.

   The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this section. Additionally, no application for variance to the requirements of this section may be considered by the board of appeals unless a copy of this application has been furnished to the Airport Manager does not respond to the application within fifteen (15) days after the receipt, the board of appeals may act on its own to grant or deny said application.

e. Obstruction – Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to evaluate the purpose of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such marking and lights as may be necessary. If deemed property by the board of appeals, this condition may be modified to require the owner to permit Berkeley County, at its own expense, to install, operate and maintain the necessary markings and lights.

SECTION 6-14 – FW AND FP, FLOOD PROTECTIVE AREAS

Certain areas within Moncks Corner are subject to periodic inundation by flood waters which results or may be reasonably foreseen to result in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare. These hazards are caused or extended in part by the occupancy of flood hazard areas by uses which increase flood damage upon their lands or uses which are vulnerable to floods because they are inadequately elevated or not otherwise protected from flood damages.

It is, therefore, the intent of this ordinance to lesson such hazards or losses by restricting or prohibiting uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities; by requiring that uses vulnerable to floods be protected against flood hazards at the time of initial construction; and by controlling, filling, grading, mineral extraction, placing of obstructions within flood channels and other activities, uses, or characteristics of use which may increase flood damage.

The "FW" and "FP" designations are not intended to be utilized as district classifications, but as designations that identify areas subject to regulations, which are supplementary to the regulations of the district to which such designations are attached, appended or "overlaid." Regulations, which apply to areas, designated on the zoning maps as being within such appended or overlaid designations must be determined by joint reference to the regulations of both the basic district classification and the appended or overlay classification.

1. Definitions of the terms used in this section can be found in Section 2.2.
    a. Regulation of Floodway Areas.
    b. Designation. Areas classified as "floodway" areas are designed by the notation "-FW" appended to a district classification on the zoning map.
2. Filling. Filling of floodway areas, dumping of salvaged or scrap material or other placing of material or obstructions within a floodway area in such a manner as to impede free flow of water during time of flood or in such a manner that the elevation of flood waters will be increased is prohibited.
3. Permitted Uses. The following shall be permitted in areas designated –FW, but only if such uses are permitted within the basic district to which such designations is appended and excluding buildings in connection with such uses:
    a. agricultural and horticultural uses, plant nurseries;
    b. parking and loading areas
    c. open-air uses, generally accessory to residential use such as lawns, gardens, play areas and parking areas;
    d. Recreational uses which are primarily open-air uses and which do not offer substantial impediment to water flow, such as swimming areas. Beaches, boat launching ramps, lifeguard stations, parks, playgrounds, playfields, picnic grounds, wildlife or nature preserves, hiking trails, horseback riding trails, golf courses, driving ranges, archery ranges and tennis courts.
    e. Airport runways, landing strips; and
    f. Streets, bridges, overhead utility lines, storm drainage facilities, sewerage lines, waste treatment plant outlets, and water supply intake structures

4. Permissible Special Exceptions. After public notice and hearing, and subject to appropriate conditions and safeguards, the Zoning Board of Appeals may permit certain special exceptions as enumerated below. However, prior to granting such special exceptions, applications for such special exceptions shall be reviewed by a registered professional civil engineer as set forth in Subsection 4 below, and the findings and recommendations of the engineer shall be permitted as special exceptions in the basic district to which the -FW designation is appended, and that building in connection with such uses as prohibited:
    a. circuses, carnivals and other similar transient amusement enterprises:
    b. parking areas for drive-in theaters;
    c. new and used car sales lots
    d. open mining, extraction of sand, clay, gravel, minerals, ores and the like;
    e. marinas, boat rentals;
    f. railroads;
    g. utilities transmission lines not permitted under “Permitted Uses” above;
    h. docks, piers, wharves, bulkheads and similar structures not connected with or in addition to uses permitted under “Permitted Uses”
    i. eating, drinking, amusement and recreational uses located in floating structures.
5. Other Dimensional and Use Regulations. Permitted accessory structures, prohibited uses and structures, minimum lot area, minimum lot width, minimum yard requirements, maximum lot coverage, maximum height of structures, minimum off-street parking and loading and regulations of signs shall be as provided for the basic district to which the –FW designation is appended, unless a greater requirement is placed upon such dimensions and characteristics of use by this section.
6. Regulation of Floodplain Areas
    a. Designation. Areas classified “floodplain” areas are designated by the notation “-“FP” appended to a district classification on the zoning map.
    b. Filling, Elevation on Pilings or Flood Proofing Required. All structures hereafter erected within areas designated as floodplain areas shall be protected from flood hazards as follows:
        i. Filling. Acceptable protection may be filling of building sites to an elevation of not less than one (1) foot above the regulatory flood level as established by the Corps of Engineers, with such elevation extending not less than twenty-five (25) feet outward from the base of the structure. This method of protection as

described herein is referred to below as "filling" or "on fill" and such terms include the specifications given above.

ii. Elevation on Pilings. Acceptable protection may be accomplished by erecting structures on pilings or other structural members such that the floor level of the structure is not less than two (2) feet above the regulatory flood protection elevation established by the Corps of Engineers, and such that service facilities such as electrical circuits, and installed electrical appliances are not less than one (1) foot above the regulatory flood level.

iii. Flood proofing. Acceptable protection may be accomplished by flood proofing following such methods as approved by the building code as generally set forth in Subsection 4 h below.

c. Review by Registered Professional Civil Engineer. All applications for zoning permits for uses permitted with –FP areas shall be reviewed at the expense of the applicant by a Registered Professional Civil Engineer before the zoning administrator may issue zoning permits or before the board of appeals may grant a special exception.

d. Permitted Use. Any use permitted outright or permitted as an accessory use in the basic district to which the –FP designation is appended, provided that such uses are located on fill or are elevated on pilings.

e. Permissible Special Exceptions.

i. Any use which is permitted outright or permitted as an accessory use in the basic district to which –FP designation is appended if such uses are not located on fill and are not elevated on pilings, but provided that such uses if not otherwise protected shall be flood proofed.

ii. Any use which is permitted as a special exception in the basic district to which the –FP designation is appended, provided that such uses shall be either on fill, elevated on pilings or flood proofed.

7. Review by Registered Professional Civil Engineer.

a. Review Required. As provided above, the following required review and certification at the expense of the applicant by a Registered Professional Civil Engineer of findings to either the zoning administrator or the board of appeals as appropriate:

i. All Special Exceptions within –FW areas;

ii. All Uses permissible in –FP areas; and

iii. All Special Exceptions in –FP areas.

f. General Consideration of Review. When reviewing applications for filling permits, zoning permits and special exceptions, the registered professional civil engineer

should take into account the following considerations and review the following factors:

i. No structure, storage of materials or equipment, filling or other use should be approved which, acting alone or in combination with existing or future uses will significantly increase the hazard of flood damage to other land or property;

ii. The danger of life and property due to increased flood heights or velocity or erosion damage;

iii. The danger that materials may be swept into lands to the injury of others;

iv. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

v. The relationship of the proposed use to the floodplain management program for the area;

vi. The safety of access to the property in times of flood for ordinary and emergency vehicles;

vii. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

g. Filling, Grading, Excavating or Dredging. When reviewing applications for actions including filling, grading, excavating or dredging, the following considerations should be reviewed.

i. The proposed activity should be permitted only if it will not seriously disturb or interfere with natural drainage and will not significantly increase the elevation of floodwaters.

ii. The engineer may submit information relating to topographic, engineering, geologic or hydrologic features to determine the nature, strength and distribution of existing and proposed soils and the adequacy of design criteria.

iii. The engineer may recommend or attach conditions to the approval of applications pertaining to final slope and grade, period of ground cover removal, bulk heading, and construction of retaining walls, rip-rapping, landscaping, drainage facilities, reconstruction of natural storm drainage features and other matters.

iv. Fill used for building sites should consist of sand, gravel or other sand foundation materials, which will retain its structural bearing capacity under saturated conditions. Silts, very fine sands, clays, peat and other high organic soils subject to compaction or erosion should not be used. Where mud, peat or silt is not removed before placement of fill, additional fill should be required to protect against settlement. Where water erosion is likely to occur, fill should be

protected by bulkheads, rip-rap, planting of vegetation or other protective measures.

d. Flood Control Works. When reviewing applications for actions relating to the construction of flood controls or erosion control structures, the engineer should consider the following factors, among others:

   i. All work should be designed to provide a degree of protection consistent with the intended use of the property;

   ii. No work should be permitted which will damage the subject or adjoining properties; and

   iii. Fill and other material subject to flood or erosion should be protected as described in 4.c.iv above.

e. Buildings. When reviewing applications for actions relating to buildings, the engineer should consider the following factors, among others:

   i. Building should be designed with low flood damage potential.

   ii. Buildings should be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

   iii. Structures should be firmly anchored to prevent flotation, which may result in damage to other structures.

   iv. Service facilities such as electrical equipment, circuits, heating and cooling equipment, and appliances should be constructed above the regulatory flood protection elevation for the particular area or should be flood proofed.

f. Storage of Materials and Equipment. When reviewing applications for action relating to the storage of materials and equipment, the engineer should consider the following factors, among others:

   i. The storage or processing of materials that in time of flooding are flammable, explosive, or similarly hazardous or injurious should be prohibited.

   ii. Other materials, or equipment stored in areas subject to flooding should not be subject to major damage by flooding and should be firmly anchored to prevent flotation or readily removable from the area within the time normally available after flood warning.

g. Application of Flood proofing Measures. When reviewing applications for actions relating to the flood proofing of structures, the engineer should consider the following factors, among others.

   i. Structural flood proofing should not ordinarily be allowed for residences.

ii. Structural flood proofing of non-residential structures should be considered as acceptable flood protection only when it appears that construction of buildings on fill or elevation of buildings on pilings is impractical.

h. Enumeration of Flood proofing Measures. The following measures are considered as appropriate to flood proofing and these and other measures should be considered by the engineer when reviewing applications for actions related to flood proofing. These measures should be designed to be consistent with the regulatory flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces and other factors associated with the regulatory flood;

i. anchorage to resist floatation and lateral movement;

ii. installation of watertight doors, bulkheads and shutters or similar methods of construction to protect against water damage;

iii. reinforcement of walls to resist water pressures;

iv. use of paints, membranes or mortars to reduce seepage of water through walls;

v. addition of mass or weight to structures to resist floatation;

vi. installation of pumps to lower water levels in structures;

vii. construction of water supply and waste systems so as to prevent the entrance of flood waters;

viii. pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures;

ix. construction to resist rupture or collapse caused by water pressure or floating debris;

x. installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back up of sewage and storm waters into the buildings' structures. Gravity drainage of basements may be eliminated by mechanical devices;

xi. location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood; and

xii. location of any structural storage facilities for chemical, explosives buoyant materials, flammable liquids or other toxic materials which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately flood proofed to prevent floatation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.

i. Result of the Registered Professional Civil Engineer to the Zoning Administrator or Board of Appeals. Upon completion of review of applications for zoning permits or special exceptions, the engineer shall certify his findings to the zoning administrator or board of appeals as appropriate. The design requirements of the engineer shall be binding upon the zoning administrator and upon the board of appeals.

SECTION 6-15 – CORNER RENAISSANCE OVERLAY DISTRICT

Purpose: The purpose of the Corner Renaissance (CR) Overlay District is to promote harmonious and compatible development within the historic downtown area of Moncks Corner, which will complement the character and charm of this unique mixed use center. *(Section 6-14, Corner Renaissance Overlay District added March 21, 2017)*

Area Designation: The Corner Renaissance Overlay District is delineated on the Official Zoning Map for Berkeley County. In general, the District encompasses the lots located along Main Street between US Hwy 52 and US Hwy 17A, East Rail Road Avenue, the north side of Altman Street from E. Railroad to Mims St., and the south side of Altman Street from E. Railroad to Dennis Avenue.

Underlying Zoning Restrictions: The use and development on any land or structures within the designated Corner Renaissance Overlay District shall comply with regulations applicable to the underlying zoning districts, as well as the requirements of this Article, if applicable. All regulations of the underlying zoning district as provided in this Ordinance shall apply except when modified, eliminated, superseded, or additional regulations added by the provisions of this Article.

Upper-Story Housing Permitted: Lots with an underlying zoning of C-1, C-2, M-1, or MH-1 may incorporate upper-story housing. All such housing shall be properly maintained and there shall be no exterior evidence of internal residential area that would alter the business character of the principal building. A conditional use permit is required, and the residential space must meet all current building codes, including the fire code.

Permitted Uses Not Allowed: All permitted uses within the underlying zoning district shall be allowed as permitted uses except for the following. If such uses are operating at the time of the passage of this ordinance, that use shall be "grandfathered" in and legal until such time as the use lapses for a period of thirty (30) days.

1. Car washes
2. Consumer Lending, including all unsecured cash loan companies
3. Correctional Institutions
4. Gasoline Filling Stations (except adjacent to Hwy 52 or Hwy 17A)
5. Industrial uses (including all uses permitted ONLY in the M-1 and M-2 districts)

6. Mobile Home Dealers
7. Mobile Home Parks
8. New and used car, truck, machinery, utility trailer, and RV sales or rentals.
9. Pawn Shops
10. Self Service Laundry Facilities/Laundromats
11. Warehouses and storage (including self-storage)

Notes: Lots zoned M-1 shall be treated as C-2 if located in the overlay

Lots zoned MH-1 shall be rezoned to C-2 if the use lapses for a period of thirty (30) days

Accessory Structures: All permitted accessory uses within the underlying zoning district shall be allowed as in that district.

Heavy Duty Commercial Vehicle Parking: Heavy duty commercial trucks shall be prohibited from parking in the CR District. Details mirror those of Article Seven.

Non-Certified Modular Buildings: Non-certified modular buildings shall not be permitted for human habitation in the CR District. Such buildings may be used as accessory structures within the allowance of the underlying zoning district.

Signage: All permitted signs within the underlying zoning district shall be allowed as permitted signs except for the following.

1. Freestanding Signs and Multi-Face Signs
2. Changeable Copy Signs. Such signs will only be permitted by Special Exception following review by the Board of Zoning Appeals. Signs must be judged by the Board to be in keeping with the architectural standards of the area, including but not limited to height, sign area, location, material, color, internal versus external lighting, and any other factors deemed appropriate by the Board. Changeable copy signs must also meet all requirements as set forth in Article 13 of this Ordinance. No signs larger than those permitted in the underlying zoning district shall be permitted.
3. Portable Signs – prohibited in the CR Overlay District

Nonconforming signs in the CR Overlay District shall be treated as those referenced in Article 13 of this Ordinance.

SECTION 6-16 – LOT SIZE SETBACK AND HEIGHT REQUIREMENTS

The lot, setback and height requirements shall comply with Table 2 unless modified by special provisions, exceptions and conditions contained elsewhere in this ordinance.

District		Min. Lot Area Per Unit (Sq. Feet)	Approx. Max. Units / Acre	Minimum Yard Setbacks [a]			Min. Lot Width	Max. Height	Max. Lot Coverage (%)
				Front	Rear	Side			
D-1		40,000	1.1	35	15	10	150	35	25
R-1		12,000	4	25	15	10	80	35	30
R-2		8,500	5	25	15	10	70	35	30
R-3	Single Family [b]	7,000	6	25[c]	15	10	60	35	40
	Duplex	10,000	8	25[c]	15	10	100	35	40
	Townhome	2,000	16[d]	25[c]	15	10	22	35	50
R-4	Apartment	2,000	16[d]	buffer	buffer	buffer	n/a	55	50
TD		*See Footnote [e]*							
MH-1		*see Sec. 6-24*		25	25	25	NA	35	40
C-1		5000 [f]	16 [d]	25	15	10	NA	50	50
C-2		NA	NA	25	10	10	NA	70	60
M-1		NA	NA	buffer	buffer	buffer	NA	70	60

FOOTNOTES:

[a] Lot dimensions such as setback, width and height are calculated in feet

[b] R-3 single family detached only permitted in PD Districts if density bonus granted. All PDR-3 developments must feature a percentage of townhomes, duplexes, and/or multi-family (including apartments/condos, triplexes, and quadruplexes). For example, a developer could build a townhome development with no single family detached (SFD), but an SFD development would have to feature higher density units as well. The total density of all single family neighborhoods is capped at 6.2 units per acre.

[c] Front yard setbacks may be reduced to 5' in R-2 & R-3 for single family detached, duplexes, and townhomes if rear access and rear driveways (or separate parking areas) are featured. In the case of rear access parking, rear setback is set at 35' for primary structure and placement of accessory structures in rear must allow for two car parking outside of any garage.

[d] Density is capped at 16 units per acre

[e] The TD District is intended to emulate both the R-2 and C-1 Districts. New residential construction mirrors the requirements of the R-2 district, while new commercial construction mirrors the requirements of the C-1 district. Structures transitioning from residential to commercial are permitted as described in Section 6-6 of this ordinance.

[f] The first unit in a C-1 district must sit on a lot of at least 5,000 sq. ft. Additional units require an additional 2.500 s.f. per unit.

SECTION 6-17 – FRONT SETBACKS RELATED TO ADJACENT STRUCTURES

Notwithstanding the setback requirements of this ordinance, the front building line of any proposed building may be as close to the street as the average front building line of the buildings fronting on the same block face.

SECTION 6-18 – STRUCTURES AND PROJECTIONS INTO REQUIRED SETBACKS

The general definition of "yards" as set forth in Section 2 states that yards are unoccupied and unobstructed by a structure or portion of a structure from forty-eight (48) inches above the finished grade level of the ground. However, the general definition shall be construed subject to the following exceptions and interpretations:

1. Those objects, which are excluded from the definition of a "structure" under Section 2, shall not be subject to regulation under interpretation of the definition of "yard".
2. Steps and open porches without roofs shall not be allowed in any yard to within three (3) feet of an adjoining property line;
3. Screening walls and fences may be permitted in a required yard upon the determination of the Zoning Administrator that the fence or wall:
    a. Does not impede site vision clearance for driveways or streets; and
    b. Does not include gates that swing outward into sidewalks or public right-of-ways. A fence or wall not over seven (7) feet in height is permitted outright in side or rear yards, while a fence or wall not over three (3) feet in height is permitted outright in front yards, provided no wall or fence in excess of five (5) feet is permitted within six (6) feet of a residential structure on adjacent property;
    c. Chain link fences are not permitted in residential districts.
    d. Fences must be maintained in an attractive and effective manner.
4. Eaves, cornices, gutters, and other minor architectural features projecting less than 18 inches from the main portion of a building shall be allowed to project into any yard and shall not be considered part of the required building setback.
5. In C-2, M-1 and M-2 districts, structures and devices incidental to the business, and roofs over such structures and devices are permitted within required front yards, provided that they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of traffic hazards, and further provided, that servicing operations in connection therewith can be conducted so as not to interfere with public use of adjacent sidewalks or public streets
6. Retaining walls that do not project more than 18 inches above the grade level at the property lines of adjoining lots are permitted outright; a retaining wall in excess of 18 inches may be

allowed in any required yard upon the determination of the Zoning Administrator that the retaining wall will not impede sight distance clearance for driveways.

7. Signs are permitted to encroach upon required yards in certain instances as set forth in Article A "Regulation of Signs"
8. Screening required by this code may encroach into required yards.

SECTION 6-19 – WETLANDS AND WETLAND SETBACKS

If the National Wetlands Inventory indicates the possible presence of wetlands on or near a property, a wetlands delineation survey approved by the U.S. Army Corps of Engineers is required prior to any land disturbance permitting.

All primary structures, accessory structures, pavement, gravel, or other manmade land improvements must be set back a minimum of 20' from any delineated wetland.

(Section added April 19, 2022)

SECTION 6-20 – ORIENTATION OF REQUIRED YARDS

In interpretation of requirements related to establishment of required yards, the Zoning Administrator shall apply the following interpretation to the orientation of those yards:

1. Through Lots. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicate otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not keeping with the prevailing yard pattern, the Zoning Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards existing on lots within the same block.
2. Corner Lots with two (2) frontages. In the case of corner lots with two (2) frontages, a front yard of the required depth shall be provided on the frontage of the street having the higher traffic volumes. Where the traffic volumes on both streets are approximately equal, the required depth shall be provided on the street frontage having the minimum lot width. A second front yard of half the depth required generally for front yards in the district shall be provided on other frontage.
3. Corner lots with more than two (2) frontages. In the case of corner lots with more than two (2) frontages, the zoning administrator shall determine the front yard requirements, subject to the following limitations: (i) at least one (1) front yard shall be provided having full depth required generally in the district; (ii) no other front yard on that lot shall have less than half the full depth required generally.

4. Appropriateness of Orientation. Notwithstanding the above, the zoning administrator may determine that the most appropriate orientation for any required yard is different from the orientation as set forth above in such instance that it appears that such different orientation will further the intent of this ordinance. When a structure is to be built which will contain more than one (1) dwelling unit, the orientation of required yards shall be based upon both the orientation of the lot and the orientation of the structure. The zoning administrator may impose different from the orientation set forth in this section and elsewhere in this ordinance subject only to the appeal of the decision to the board of appeals as an appeal from an administrative decision of the zoning administrator.

SECTION 6-21 – MEASUREMENT OF HEIGHT

For purposes of this ordinance, the height of a building shall be measured from the average finished ground elevation at the base of the structure to the highest point of the roof of the structure, provided the spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housings, mechanical equipment or other such structures placed above the roof level and not intended for human occupancy shall not be subject to height limitations. Antennas are subject to height requirements and are covered under section 6-29.

SECTION 6-22 – ACCESSORY BUILDINGS

No accessory building shall be erected closer than five (5) feet to any side or rear property line or within five (5) feet of any main building. Accessory structures shall only be erected behind the front building line of the primary structure, with the following exceptions:

1. Open carports are permitted in the front yard with permission of the Zoning Administrator
2. In-ground swimming pools may be placed in the front yard by special exception and with appropriate screening

ARTICLE SEVEN
SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 7-1 – PURPOSE OF OFF-STREET PARKING

1. Areas suitable for parking and storing automobiles in off-street locations shall hereafter be required in all zoning districts at the time of the initial construction of any principal building; or when a structural alteration or other change in a principal building produces an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or that changes the use so as to require more parking to serve that use, or when a conversion in use occurs.
2. Such off-street parking area shall have direct access to a street or alley, and shall be developed and maintained in accordance with the landscaping provisions of this chapter.

SECTION 7-2 – SCHEDULE OF OFF-STREET PARKING SPACE REQUIREMENTS

1. The required number of off-street parking spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to the requirements indicated in the following table, in columns two and three, Parking Spaces Required and Additional Requirements.
2. However, in commercial zoning districts, all parking spaces provided above the minimum amount shall be surfaced with pervious materials, and approved by the Zoning Administrator.

Use or Use Category	Parking Spaces Required	Additional Requirements
Residential Uses		
One-family dwelling	Two spaces	—
Two-family dwelling	Four spaces	—
Multifamily dwelling, townhouse/condominium	Two spaces per dwelling unit	—
Mobile home in a mobile home development	Two spaces	—
Mobile home development	Two spaces per each mobile home space	Plus one space per each employee living on premises
Boarding and rooming house	One space per each sleeping room	Plus one space per each employee
Group dwelling	One space per each two bedrooms	—

Public and Semi-public Uses		
Nursing home, sanitarium, inpatient clinic, home for the aged, and similar institutions	One space per each four patient beds	Plus one space per each regular employee in single shift
Medical and dental office and outpatient clinic	One space per each 200 square feet of gross floor space (minimum of four spaces)	—
Church and other places of worship, recreation, and places of public assembly	One space per four fixed seats in main assembly hall	Or five spaces per classroom, whichever is greater
Places of public assembly or recreation not containing fixed seats in the main assembly room	One space per each 100 square feet of gross floor area in the main assembly room	—
Nursery, elementary, or junior high	One space per each ten seats in the main assembly	Or one space per classroom, whichever is greater, plus one space per each employee
High school, trade or business school	One space per each four seats in the main assembly room	Or five spaces per classroom, whichever is greater, plus one space per each two employees
Country club or golf club	One space per each four members	Plus one space per each two employees
Library, museum, art gallery, or similar building	Ten spaces	Plus one space per each 500 square feet of floor area
Club, fraternity, sorority, or lodge	One space per sleeping room or suite	Or one space per four active members, whichever is greater, plus one space per each three employees
Commercial Uses		
Public or private office buildings	One space per 300 square feet of gross floor area (four space minimum)	—
Bank, savings and loan association, and similar lending institutions	One space per each 200 square feet of gross floor space	—

Service or repair establishment, not otherwise mentioned specifically	One space per each 250 square feet of gross floor area not used for storage	—
Retail business not otherwise specifically mentioned	One space per each 200 square feet of gross retail floor space not used for storage (three spaces min.)	Plus one space per each employee
Theater, night club, and similar places of assembly	One space per each four seating accommodations	Plus one space per each three employees on shift of greatest employment
Automobile service stations	One space per employee, but in all cases, a minimum of five spaces	Plus one space per each grease rack or wash rack
Motel, hotel, and tourist court	One space per sleeping room or suite	Plus one space per each three employees
Furniture, home furnishing, appliances, machinery, equipment, automotive, farm and boat sales and service	One space per 300 square feet of retail floor area (three spaces minimum)	Except that automobile sales and service must have ten spaces minimum
Bowling alley	Five spaces per lane	—
Funeral home or mortuary	One space per 50 square feet of gross floor area exclusive of storage and work areas	—
Planned shopping center	Four spaces per 1,000 square feet gross leasable area	—
Standard restaurant	One space per each four seats	Plus one space per each two employees on shift of greatest employment
Drive-in restaurant	One space per each 35 square feet of gross building area	Plus on space per each three employees on shift of greatest employment
Fast food restaurant	One space per each 100 square feet of gross building area	Plus one space per each three employees on shift of greatest employment
Outdoor decks and porches at eating and drinking establishments	One space per every 100 square feet of deck or porch area	—
Printing, publishing, plumbing, heating, or broadcasting station	One space per each three employees	Or one space per 1,500 square feet, whichever is greater

Wholesale and industrial uses		
Manufacturing, processing, research testing laboratories, settling, wholesaling, storage, warehousing, junk and supply yard, brick or coal, or lumber yard, and similar establishments	One space per each two employees at maximum employment	Plus one space for each company vehicle operating from the premises
Transportation terminal facility including bus depot, truck terminal	One space per 100 feet of public waiting room	Plus one space for each two employees, plus all commercial vehicles incident to the facility

SECTION 7-3 – APPLICATION OF PARKING REQUIREMENTS

1. Location of off-street parking areas. All parking spaces required herein shall be located on the same lot with the principal building or use or uses served.
2. Mixed uses. Where more than one principal or accessory use or uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, unless a detailed parking study based upon ULI standards is submitted to, and approved by, the Zoning Administrator or designee.
3. Change in use, alteration of use, or extension of use. Off-street parking spaces shall be provided in accordance with these regulations whenever a building or use is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise.
4. Requirements for uses not specifically listed. The parking space requirements for a use not specifically listed in THIS SECTION shall be the same as for a listed use of similar characteristics or parking demand generation, as determined by the Zoning Administrator.
5. Compilation of total employment.

a. Except as otherwise provided, the number of employees shall be compiled on the basis of the number of persons employed on the premises at one time on an average day or average night, whichever is greater.

b. Seasonal variations in employment may be recognized in determining an average day.

6. Fractional computations. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

SECTION 7-4 – AREA AND PAVING REQUIREMENTS

1. Excluding aisles, maneuvering space, turnaround space, and drives, each required off-street parking space shall not be less than 9 feet in width and 18 feet in length.
2. No parking or maneuvering area shall be located in any public right-of-way.
3. All off-street parking spaces shall be paved, except:
   a. As specified in this section, and;
   b. Those serving one and two family dwelling units, and other uses requiring six or fewer parking spaces, which may instead be surfaced with other suitable material, as determined by the Zoning Administrator.
4. Parking spaces 90 degrees to the travel way aisle shall be 9 feet in width and 18 feet in length.
5. The travel way aisle for one or two-way travel shall be 22 feet in width.
6. The paved length of the parking stall may be reduced to 17 feet, providing that curbing or anchored concrete wheel stops are furnished at the edge of paving to allow the vehicle to overhang the landscape area.
7. The total length of the stall shall not be reduced, and the overhang area shall not be included as a part of any buffer or setback requirements.
8. Angled parking spaces positioned at other than 90 degrees to the aisle travel way shall be dimensioned in accordance with recognized standard criteria.
9. However, all two-way aisles shall be 22 feet in width.
10. The ends of parking rows shall be terminated in a landscaped area, outlined either by curb and gutter, landscape timbers or concrete wheel stops, subject to drainage considerations.
    a. Depth of termination area and height of landscaping shall be determined by preserving a sight triangle within the parking area formed by a long leg of 50 feet and a height of eye of 3½ feet.
11. Stop signs shall be provided at the transition from the parking area to the public right-of-way.
12. For businesses that have drive-through access, parking spaces and aisles shall be set back from the public access driveway to provide a minimum of 30 feet of reservoir space between the public edge of pavement and any parking area aisle.

SECTION 7-5 – NON-RESIDENTIAL DESIGN REGULATIONS

1. Landscaped Area.
   a. The area to be landscaped shall be 10% of the Total Available Area.

b. The Total Available Area shall be calculated by subtracting the land area covered by buildings, structures, stormwater ponds, minimum required buffers, and minimum required parking from the total land area of the site, and then multiplying this area by 10%.

c. This amount of land shall be devoted to landscaping, which includes hardscape elements (plazas and courtyards), trees, shrubs, and ground covers, with complementary grass, mulch, and other landscape treatment.

d. Any required landscaping, including parking lot islands and service yard or parking lot screening may be included in the required landscaped area. However, required minimum bufferyards are excluded.

e. Parking lots shall contain planter islands and peripheral landscaping to provide breaks in the expanse of paving.

   i. Landscaped islands shall be required. A maximum of 10 parking spaces in a row will be allowed without a landscaped island. However, this requirement may be adjusted by the Zoning Administrator, when strict application will significantly limit the efficiency of the parking area.

   ii. Planter islands shall have a minimum of 150 square feet in area (approximately 9’-0” x 18’-0” with appropriate radii).

   iii. Planter islands shall contain at least one 2.5-inch-caliper Canopy Tree.

   iv. Light poles, transformers, junction boxes, water meters, and/or fire hydrants shall not be placed where they conflict with required trees.

   v. The island shall be landscaped with shrubs, ornamental grasses, groundcover, and/or mulch. The use of lawn within an island should be avoided or minimized.

   vi. Parking lots immediately adjacent to a right-of-way or property line where no bufferyard is otherwise required shall have a minimum 5’-0” wide landscaped strip with 3 gal. evergreen shrubs or ornamental grasses a maximum of 5’-0” on center (as is appropriate for the plants selected) and Canopy Trees a maximum of 27’-0” on center. Where possible, avoid aligning trees with the middle of a parking space. Aligning trees with parking lots striping is preferred.

   vii. Where no buffers are required between lots, the equivalent of a type A buffer shall be calculated for the length of the dividing property line. The calculated number of plants shall then be required somewhere on the property. The plants may be placed along the calculated property line, the interior of the property, or amongst other buffers. However, effort should be made to spread the vegetation out and not cluster all required additional plantings.

2. Lighting.

a. Parking lots, vehicular use areas, and pedestrian areas shall be lighted. Glare from site lighting shall not be greater than 50-foot lamberts or one-half (0.50) of a foot candle when measured at the lot line of adjacent land uses.

b. Lighting fixture selection shall be considered as part of the overall site design.

c. Lighting Plans (photometric plans) showing compliance with this provision shall be required for site plan approval.

d. Low Pressure Sodium fixtures are prohibited. LED fixtures are encouraged.

3. Screening.

a. All loading docks and service areas shall be screened with appropriate landscaping. Required bufferyards may meet this requirement.

b. All dumpsters and/or compactors shall be enclosed by an opaque fence or wall and gates that are one foot (1') taller than the highest point of the waste container. If the dumpster is located behind the structure or is not otherwise visible from streets, parking areas, or adjacent less-intensive land uses, no screening is required.

SECTION 7-6 – BUFFERYARDS

1. Definition and Purpose of Bufferyards.

a. Bufferyards shall be required to separate incompatible land uses from each other in order to reduce potential nuisances such as views, noise, and light by providing spatial separation and landscaping to soften or mitigate those impacts.

b. The term *bufferyard* refers to both the area of land where buffer vegetation is planted as well as the planting required thereon.

i. Both the amount of land and the type and amount of planting specified for each bufferyard required by this section are designed to ameliorate conditions between incompatible adjacent land uses, or between a land use and a street.

ii. The planting requirements of bufferyards are intended to ensure that they reduce the impacts of adjacent incompatible land uses while also being horticulturally appropriate.

2. Location of Bufferyards.

a. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line, except for smaller parcels (outparcels) within a larger development where internal bufferyard requirements shall be determined through the design review process of the overall development.

b. Bufferyards shall not be located on any portion of an existing public or private street or right-of-way.

c. Bufferyards shall not impede sight triangles at drives or intersections.

3. Determination of Bufferyard Requirements. To determine the Bufferyard required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:

   a. Identify the proposed land use.

   b. Identify the adjacent land use along each property line or segment of property line. If the adjacent parcel is undeveloped (vacant), determine the zoning from the Zoning Map. The adjacent Future Land Use as designated by the Comprehensive Plan may be used with Zoning Administrator's approval. Adjacent properties outside of Town limits will be treated the same as those within Town limits for buffering requirements.

   c. Bufferyards shall not be required adjacent to existing bufferyards which meet the intent of this ordinance. Specifically, double bufferyards are not required. However, bufferyards may be required to bring combined bufferyards up to these standards.

   d. Use of Table.

      i. Determine the bufferyard required on each boundary (or segment thereof) of the subject parcel by referring to the **Table of Bufferyard Requirements** in Section 7.8.

      ii. The letter designations contained in the table refer to the Bufferyard Type shown in Section 7.8.

4. Bufferyard Specifications.

   a. The requirements are stated in terms of the minimum width of the bufferyard and the number of plants required per 100 feet of bufferyard.

   b. Multiply the length of the bufferyard segment by the plant requirements to determine the quantity of plants required. Fractions are rounded up to the nearest whole number.

   c. The "plant multiplier" is a factor by which the number of plants required for a given bufferyard segment may be modified, given a change in the width of that buffer.

   d. Arrangement of plants, as well as plant type and plant species, shall be determined through the design approval process, based upon the proposed use of the subject property and the uses of adjoining properties.

   e. Massing and grouping of plants should be intentional and part of the overall site design. Arrangement may be either formal and regimented or naturalistic. Examples of bufferyard design approaches are shown in **Section 7-9** for illustrative purposes only.

   f. Where fences or walls are used, the design shall be appropriate to the project.

g. The ground plane of the bufferyard shall be required shrubs, lawn, groundcover, and/or mulch. Bare ground shall not be allowed.

h. Any existing plant material, which otherwise satisfies the requirements of this section, may be counted toward satisfying all such requirements.

i. Irrigation is not required but is encouraged. Where irrigation is not in place a nearby water source shall be provided to facilitate watering of plants.

j. Plants shall meet the requirements of the American Standard for Nursery Stock.

k. Plants listed by Clemson University or the South Carolina Forestry Commission as invasive shall not be allowed.

5. Change in Land Use. When a land use of a previously developed parcel is changed to a more intense land use (according to Table 7.7), the bufferyard shall be increased as necessary to meet the requirements for bufferyards between the new land use and existing adjacent uses.

6. Use of Bufferyards. A bufferyard may be used for passive recreation, such as paths or trails, providing all spatial and planting requirements are met.

7. Bufferyard Part of Required Yards. Where front, side, and rear yard setbacks or build-to lines are required the bufferyards may be established inclusive of such required setbacks.

8. Bufferyards may be interrupted to provide vehicular and/or pedestrian ingress and egress to serve the property. In this case, the widths of ingress and egress areas are subtracted from the length of the bufferyard segment.

SECTION 7-7 – MAINTENANCE

1. Requirements for Maintaining Buffers and Interior Landscaping.

   a. Responsibility. The responsibility for maintenance of a required buffer, to include fences, shall remain with the owner of the property. Maintenance is required in order to ensure the proper functioning of a buffer as a landscaped area which reduces or eliminates nuisance and/or conflict. The owner shall be responsible for installing live, healthy plants. Replacement plants shall be provided for any required plants that die or are removed.

   b. Maintenance. Maintenance shall consist of mowing, mulching, edging, removal of litter, removal of dead plant materials, and necessary pruning. The removal of limbs higher than eight (8) feet is prohibited unless the individual limb has died due to damage. The removal of all limbs above eight feet, i.e. “topping,” is prohibited, as is preventing a tree from reaching said height by pruning. Topped trees will be required to be removed and replaced with new, healthy trees of a similar category (canopy or understory).

c. Where replacement planting is required the total caliper inches of replacement trees shall equal at least one-third of the total DBH of the trees to be removed. However, where replacement planting is required as a result of a violation of this Ordinance, the total caliper inches of replacement trees shall equal at least 100% of the total DBH of the trees that were removed.

d. Where pedestrian or bicycle trails are allowed within a buffer, these trails shall be maintained to provide for their safe use. Such maintenance shall include pruning of plants to remove obstructions, removal of dead plant materials, litter, or other hazards.

e. Natural watercourses within a buffer shall be maintained as free-flowing and free of debris. Stream channels shall be maintained so as not to alter floodplain areas.

f. Failure to Maintain. Failure to maintain a buffer shall be considered violation of the zoning ordinance.

SECTION 7-8 TABLE OF BUFFERYARD REQUIREMENTS

	Existing Land Use															
Proposed Land Use	Single Family Detached	Duplex	Townhomes	Multu-Family	Mobile Homes	Nursing Home/Assisted Living	Mixed Use	Religious	Schools	Office / Professional	Retail / Commercial	Light Industrial	Heavy Industrial	Arterial Street (1)	Collector Street (1)	Local Street (1)
Single Family Detached	*	*	*	*	*	*	*	*	B	B	B	B	B	B	A	A
Duplex	*	*	*	*	*	*	*	*	B	B	B	B	B	B	B	B
Townhomes	*	*	*	*	*	*	*	*	B	A	A	B	B	C	B	B
Multi-Family	D	C	B	*	*	*	*	B	A	A	A	B	B	C	C	C
Mobile Homes	D	D	D	D	*	D	D	D	D	D	D	D	D	D	D	D
Nursing Home/Assisted Living	B	B	B	A	A	*	B	B	B	B	B	C	C	C	C	C
Mixed Use (2)	*	*	*	*	*	*	*	*	*	*	*	*	*	C	C	C
Religious	C	B	B	B	*	*	*	*	*	A	A	*	*	A	A	A
Schools	B	B	B	B	B	B	B	B	*	B	B	C	C	A	A	A
Office / Professional	C	C	B	B	B	B	*	B	C	*	*	B	B	B	B	B
Retail / Commercial	D	C	C	C	C	C	*	C	C	*	*	B	B	B	B	B
Light Industrial	E	E	E	D	D	D	D	D	D	C	C	*	*	E	E	E
Heavy Industrial	E	E	E	E	E	E	E	E	E	D	D	*	*	E	E	E
Planned Development	All buffers for Planned Development Districts and Development Agreement Districts, both internal and peripheral, shall be defined in the development plan, if required. If not defined in the development plan, they default to standard buffers. Required buffers for outparcels that are part of a larger project shall be determined through the design review process of the overall development.															
(1) If the project addresses (faces) the street, no buffer is required. If the project backs up to (doesn't face) the street, buffers are required as shown.																
(2) Buffers are not required within a mixed-use district unless described as part of a development plan. The exterior boundary of a mixed use district may require a buffer, based on adjacent uses.																
Note: an asterisk (*) identifies land uses where buffers are not required. Buffers are never required between identical land uses.																

SECTION 7-9 –BUFFERYARD TYPES

Buffer Type	Min. Buffer Width (Feet)	Width x .67 Plant Multiplier	Width x .5 Plant Multiplier	Width with Opaque Screen	Canopy Trees. Understory Trees, and/or Upright Evergreen / 100 LF	Evergreen Shrubs / 100 LF
Type A	10	*	*	*	3	25
Type B	15	*	*	A	4	50
Type C	25	50	75	B	6	50
Type D	50	75	100	C	8	75
Type E	75	100	150	D	12	75

1. Opaque Screens may be wood or masonry (block, brick, or stucco) and must be a minimum of 6'-0" tall and placed at the property line. If screening is used the bufferyard requirement defaults to the next less intensive bufferyard planting and width requirements. Along streets, opaque screens shall be placed at the interior edge of the buffer, not at the property line. Opaque screens may not be used along streets for Type A, B, or C buffers, except for residential uses, in which case no reduction of buffer type shall apply.
2. Berms must be two feet (2’) in height and have a minimum crown width of two feet (2’). Buffer width may be reduced by 25% with the inclusion of a landscaped earth berm in addition to the required number of plantings. Reduction requires Zoning Administrator approval.
3. Canopy Trees, Understory Trees, and Upright Evergreen Trees must be selected from the list of approved species. Canopy trees must be a minimum of 2.5" caliper at planting. Upright Evergreens and Understory Trees must be a minimum of 6'-0" tall at planting and should generally be specified as 6' - 8' tall. Over the total length of all bufferyards for a project, tree species and type may vary, as appropriate to the project. However, at least 1/3 of the total number of required trees shall be Canopy Trees. Likewise, no more than 1/3 of the total number of required trees shall be Understory Trees. Bufferyard designs are subject to approval by the Town Community Development Director. Palmetto (Sabal palmetto) shall not count toward required tree requirements except by special exception. When allowed, Palmettos may be substituted at a ratio of three palmettos for each required tree.
4. Evergreen Shrubs must be a minimum size of 3 gallon at installation but shall be species that reach a mature height of at least 6'-0". Other smaller shrubs and groundcover may be included as part of the overall buffer design but shall not count towards this requirement. For Type A, B, and C bufferyards fronting streets, the 6’-0” requirement does not apply.

Approved Canopy Trees*:

Acer rubrum (Red Maple)

Liriodendron tulipifera (Tulip Poplar)

Nyssa sylvatica (Blackgum, Tupelo)

Quercus alba (White Oak)

Quercus phellos (Willow Oak)

Quercus virginiana (Live Oak)

Quercus texana (Nuttall Oak)

Quercus acutissima (Sawtooth Oak)

Quercus falcata (Southern Red Oak)

Quercus laurifolia (Laurel Oak)

Quercus lyrata (Overcup Oak)

Quercus shumardii (Shumard Oak)

Ulmus americana (American Elm)

Taxodium ascendens (Pond Cypress)

Taxodium distichum (Bald Cypress)

Ulmus parvifolia (Chinese Elm)

Approved Upright Evergreen Trees*:

Ilex x attenuata 'Eagleston' (Eagleston Holly)

Ilex x attenuata 'Fosteri' (Foster's Holly)

Ilex x attenuata 'Savannah' (Savannah Holly)

Ilex cassine (Dahoon Holly)

Ilex opaca (American Holly)

Juniperus virginiana 'Brodie' (Brodie Cedar)

Magnolia grandiflora (Southern Magnolia)

Juniperus virginiana (Eastern Red Cedar)

Approved Understory Trees*:

Acer buergerianum (Trident Maple)

Amelanchier canadensis (Serviceberry)

Cercis canadensis (Eastern Redbud)

Chionanthus virginicus (White Fringetree)

Cornus florida (Flowering Dogwood)

Eriobotrya japonica (Loquat)

Hamamelis virginiana (Witch-Hazel)

Ilex vomitoria (Yaupon Holly)

Magnolia × soulangeana (Saucer Magnolia)

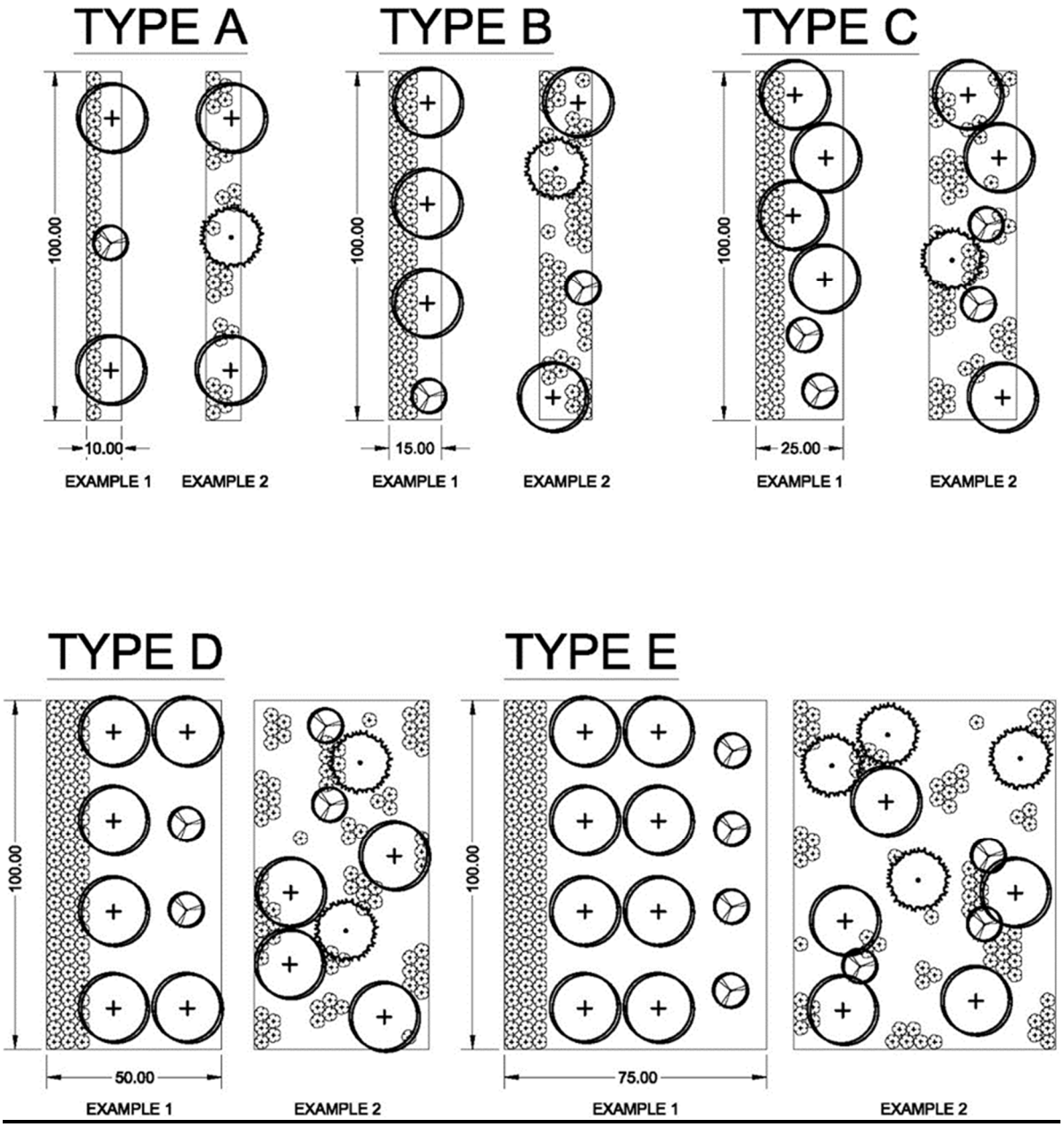
Magnolia stellata (Star Magnolia)

Magnolia virginiana (Sweetbay Magnolia)

Myrica cerifera (Wax Myrtle)

Vitex agnus-castus (Chaste Tree)

Note: * Improved cultivars and varieties of the approved species are also allowed. For example, Oklahoma Redbud, a variety of redbud (Cercis canadensis var. texensis 'Oklahoma') would be included in the list of allowed trees.



SECTION 7-10 – EXISTING PLANT MATERIAL

1. Where practicable, the natural vegetation on a site shall be preserved according to the provisions of this chapter and the Town Tree Protection Ordinance.
2. Wherever healthy plant material exists on a site, the above-mentioned standards may be adjusted to allow credit for such plant material, if, in the opinion of the Zoning

Administrator, such adjustment is in the best interests of the Town and preserves all intents of this chapter and the Tree Protection Ordinance.

SECTION 7-11 – JOINT USES

1. Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses, as separately computed in accordance with the provisions of this section, unless a detailed parking study based upon ULI standards is submitted to and approved by the Zoning Administrator or designee.
2. Also provided that where such space is not located on the same lot as the principal use or uses, the owner of the lot relinquishes, through a covenant agreement with the town, his or her development rights over the property, until such time as parking space is provided elsewhere or on the same premises as the principal use or uses.
3. In such cases where the parking space is not located on the same lot as the principal use, the off-site parking area shall be no more than 400 feet from the entrance of the principal use, as measured along the street right-of-way.
4. The off-site parking spaces may not be separated from the use by a street right-of-way greater than 80 feet in width.

SECTION 7-12 – OFF-STREET LOADING REQUIREMENTS

1. Off-street loading area required.
    a. Areas suitable for loading and unloading motor vehicles in off-street locations, and specifically designated for this purpose, shall hereafter be required at the time of the initial construction or alteration or conversion of any building or structure used, or arranged to be used, for commercial, industrial, governmental, or multifamily residential purposes.
2. Such off-street loading areas shall have access to a public alley or street, and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.
3. Number of off-street loading spaces required. The number of off-street loading spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to the requirements indicated in this section.

Type of Use	Square Feet in Total Floor Area	Required
Retail and personal service establishment	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, educational institution, recreation, business service, terminal and 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 or office building	0-4,999	None
	5,000-9,999	1
	10,000-20,000	2
	For each additional 50,000	1 additional

4. Amount of area required for each loading space.
    a. Each off-street loading and unloading space required by the provision of this chapter shall be at least 12 feet wide, 40 feet long and 14 feet high.
    b. Such space shall be clear and free of obstruction at all times.
5. Location of off-street loading areas.
    a. Required off-street loading and unloading areas shall in all cases be located on the same lot or parcel of land as the structure they are intended to serve.
    b. In no case shall the required off-street loading space be considered as part of the area provided to satisfy off-street parking requirements as listed herein.
6. Adequacy of loading area.
    a. All uses, whether specified in this chapter or not, shall provide off-street loading areas sufficient for their requirements.

b. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in, or project into, a public street, walk, alley, or way.

SECTION 7-13 – ARCHITECTURAL STANDARDS

1. **Purpose.** To promote architectural design which is harmonious with adjacent structures and sensitive to the natural environment. No single architectural style will be mandated within Moncks Corner. The primary purpose of this policy statement is to achieve the following goals:
    a. Enhance and protect the Moncks Corner quality of life and community image through agreed upon architectural design objectives;
    b. Protect and promote long-term economic vitality through architectural design objectives which encourage high quality development, while discouraging less attractive and less enduring alternatives.

2. **Applicability.** The following architectural design objectives are intended to apply to all nonresidential, attached and multi-family residential development. New building construction shall provide a sense of permanence and timelessness. High quality construction and materials should be used to ensure that buildings will not look dated or worn down over time, nor require excessive maintenance

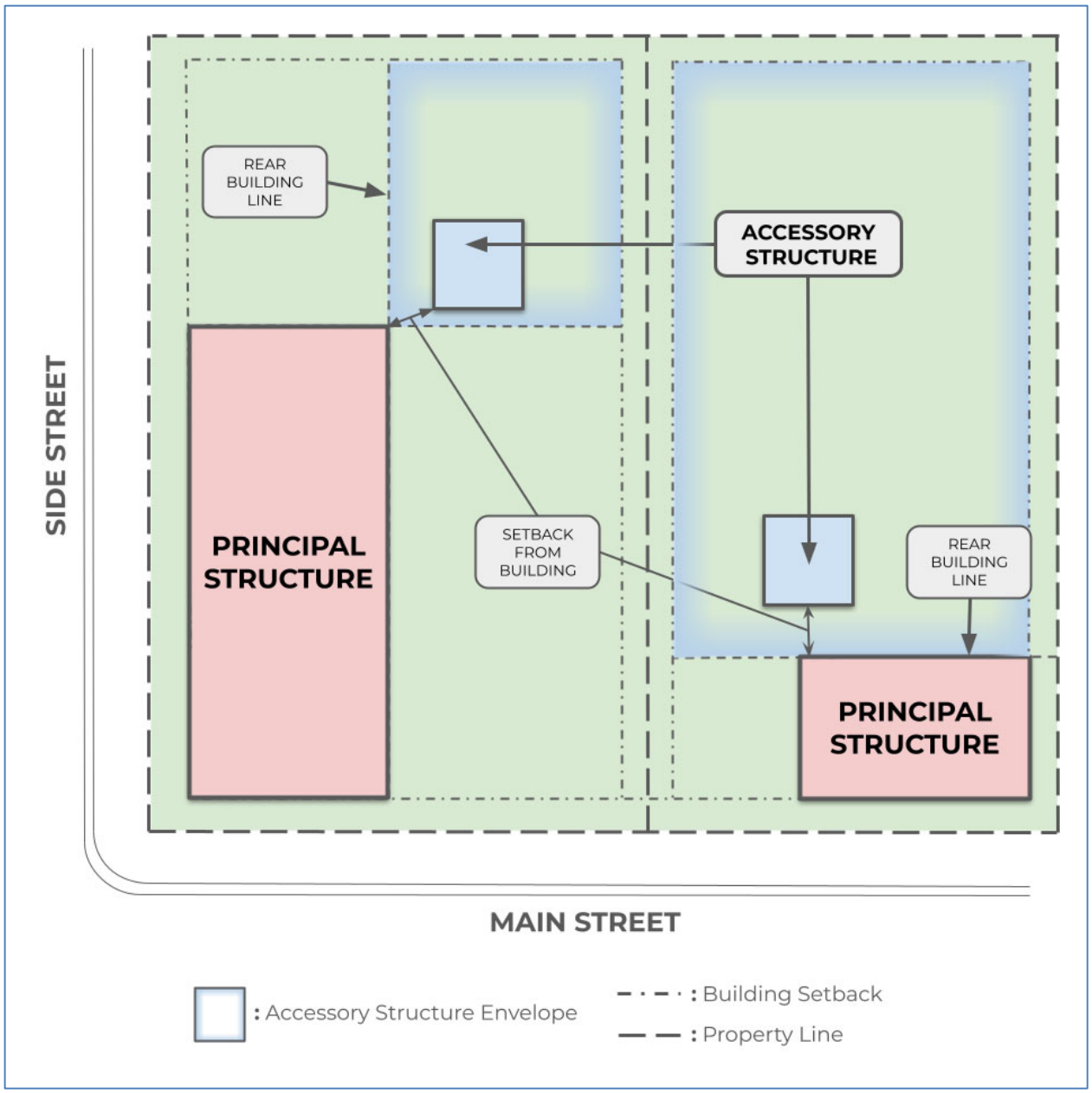
3. **Architectural Design.** Strongly thematic architectural styles associated with retail, restaurants or other commercial uses are discouraged and shall be modified to be compatible with the Town's design objectives. The reliance on or use of a standardized "corporate or franchise" style is prohibited, and new structures shall be designed to accent, blend with, or complement newer surrounding structures, complimenting the Town's unique and low country aesthetics.
    a. **Roof Design.** For low-rise retail, office, and multi-family residential buildings utilizing pitched roof designs, architectural asphalt shingles or standing-seam metal panels shall be used. Flat roofs shall be avoided to the best extent practical.

4. **Exterior Building Materials.** High quality construction and materials should be used to ensure that buildings will not look dated or worn down over time, nor require excessive maintenance.
    a. **Generally.** Shall be aesthetically pleasing and compatible with materials and colors of nearby structures. Predominant exterior building facade materials shall consist of high quality, durable

products, including but not limited to cementitious siding (i.e. HardiePlank), brick, sandstone, fieldstone, decorative concrete masonry units, wood, and glass. External Insulation Finished Systems (E.I.F.S.) material shall be utilized only on the building trim and accent areas.

b. Metal Exteriors. Any structure that utilizes a metal exterior on any facade of the building is subject to the following standards. Metal exteriors are not permitted unless otherwise permitted below:

1. **Architectural Style.** Used as an architectural style, such as modern steel and glass architecture
2. **Industrial Structures.** For buildings or structures constructed within any Industrial zoning district.
3. **Accessory Structures.** Shall be subordinate and secondary to the principal building and use of the parcel.
    a. **Location.** Shall be located behind rear building line of principal structure, as determined by street frontage. For corner lots, the accessory structure shall be behind all rear building lines for facades fronting a street.



b. **Individual Accessory Structures.** May be up to 20% of the principal structure(s) gross floor area, not to exceed1,500 ft2.

c. **Collectively.** Total allowance of all metal exterior structures on a parcel shall not exceed 20% of the total square foot of the principal structure(s).

5. **Building Colors.** Building colors shall accent, blend with, or complement surroundings. Façade colors shall be neutral or earth tone colors, low reflectance and subtle (e.g., grays, greens, burgundies, browns, and tans). The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.

Black or primary colors are to be reserved for trim and accent areas.

6. **Building Lighting.** Exposed neon tubing, LEDs, marquee lights or other bright lighting used for the purpose of attracting attention is prohibited on buildings or windows facing the exterior. This does not prevent the use of lighting as an accent (such as goose neck lamps with white lights lighting the roofline) or the use of interior-lit signage.

7. **Development Types.**
   a. **Large Retail.** Described as strip malls, big box stores, and shopping centers;
      a. Buildings shall provide elevations which reflect this objective through variations in facade setback and parapet wall presentations. Roof colors are requested to be muted and compatible with the dominant building color; long blank walls on retail buildings are to be avoided through the use of foundation landscaping and architectural details and features.
      b. **Elevation Variations.**
         i. Width variations shall be provided to reduce scale and avoid large, flat walls. This may be achieved with architectural elements and unit offsets of at least two (2) feet. Variations shall be provided at a reasonable intervals along the front façade as oriented with primary entrances, and any façade over one hundred (100) feet in length.
         ii. Height variations shall be provided to reduce scale and give the appearance of distinct elements. This may be achieved with architectural elements and roof line offsets of at least two (2) feet in height.;
         iii. Roof top mechanical installations shall be appropriately screened so as to block the view from adjacent public and private streets and properties. Such screening shall match or compliment the overall theme of the building.

8. **Interpretation.** It shall be the duty of the Community Development Director to determine whether any specific request shall be considered in accordance with the Architectural Standards. Any party who disagrees with the decision regarding the Architectural Standards may appeal the decision to the Board of Zoning Appeals.

Section modified April 14, 2026

SECTION 7-14 – HEAVY DUTY COMMERCIAL VEHICLE PARKING

Heavy duty commercial trucks shall be prohibited from parking in the following districts: R-1, R-2, R-3, PD-R, TD, C-1 and Corner Renaissance Overlay District, whether on-street or off-street on private property, public property, or public right-of-way except when said trucks are being used during normal business hours to make deliveries or perform service.

The types of trucks specifically prohibited include but are not limited to: tractor-trailers; truck tractors; trailers only; box trucks; stake trucks; flat-bed trucks; tank trucks including those with and without DHEC identification numbers; dump trucks; concrete mixers; trucks equipped for hauling shipping containers; timber; rocks; dirt; logs; wood chips; automobiles, and boats; and any other type of truck with eight or more wheels.

The Zoning Administrator shall be authorized to make a determination whenever there is a question regarding the commercial nature of a vehicle under this ordinance. *(Amended May 18, 2021)*

SECTION 7-15 – FREIGHT CONTAINERS

Freight containers are permitted under the following conditions.

1. Temporary use mobile storage containers such as PODS are permitted for up to 30 days.
2. Residential and low impact commercial zones, including D-1, R-1, R-2, R-3, TD, PD-R, C-1 and Corner Renaissance Overlay District:
   a. The container shall be converted to permanent use and may be used as a primary or accessory structure if all of the following are met. Containers not converted to permanent use are prohibited.
   b. All requirements of the International Building Code are met
   c. Proper permits have been issued by the Town
   d. The unit has been securely attached to the ground meeting all wind and seismic requirements
   e. The final structure has received a certificate of occupancy from the Town of Moncks Corner.
3. C-2, M-1 & M-2 Zones:
   a. Freight containers on or off wheels may be placed temporarily in these districts for up to 180 days.
   b. After 180 days such containers must be secured to the ground and made permanent as per the rules of the residential zones, above.
   c. Containers must be placed to the rear of the property, meet all setback requirements of an accessory structure, and be buffered from adjacent lots with the equivalent of a Type B buffer. If the container is placed such that it is not visible from off-site no additional buffer is required.

SECTION 7-16 – RECREATIONAL VEHICLE AND TRAILER PARKING & USAGE

No recreational vehicles, motorhomes, tow-behind campers or boats shall be used for habitation for more than a two-week period, with a maximum of three two-week periods per year. Likewise, no lot may allow the use of a such a vehicle for habitation for more than a two-week period, with a maximum of three two-week periods per year. This rule does not apply to businesses licensed as a campground.

Neither these listed vehicles, nor any trailers, shall be allowed to park in the right-of-way.

New section added April 19, 2022

SECTION 7-17 – LAWN REQUIREMENTS; ALL ZONES

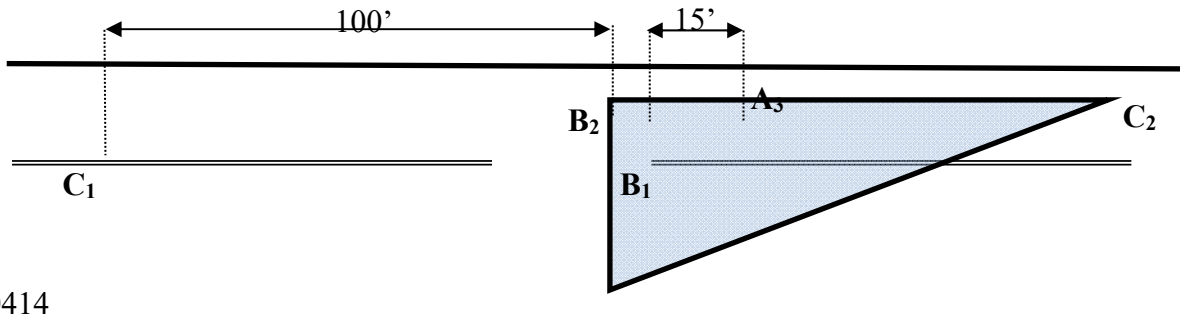
All lawn areas involving new or completely renovated construction shall be sodded completely on all sides (front, sides and rear) to and including all property lines of record.

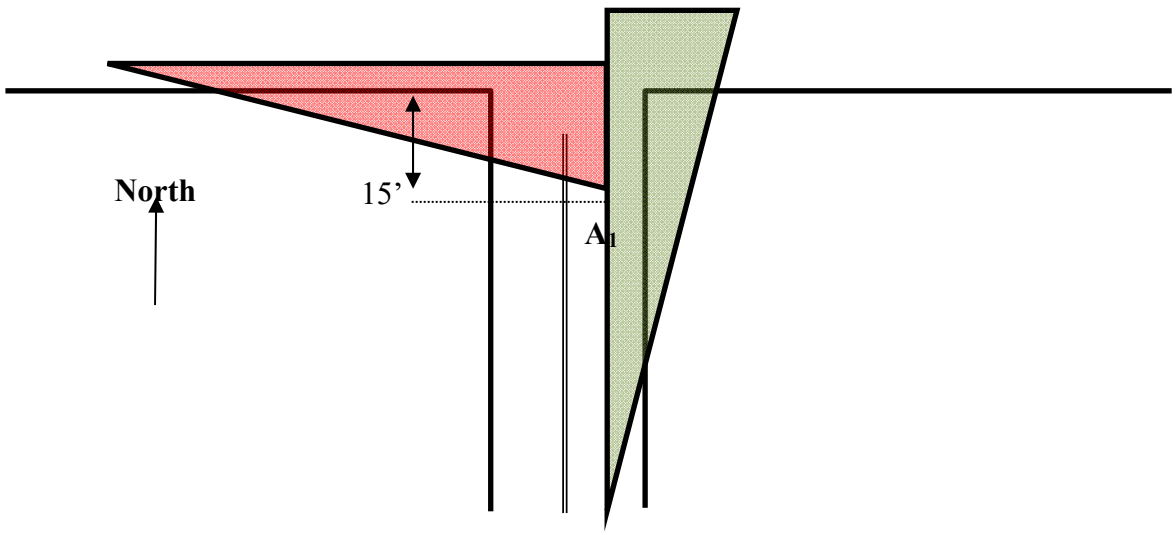
SECTION 7-18 – VISIBILITY AT INTERSECTIONS

1. Sight Clearance to be Maintained. At each corner of each street intersection a sight area shall be maintained. Within the sight area no fence, wall, sign, or other structure, no slope or embankment, no parked vehicle, no hedge, foliage or other planting, and no other object or structure shall be placed, erected or maintained which will obstruct visibility within the sight area between heights of two-and-one-half feet (2½') and ten feet (10').

2. Dimensions of Sight Areas. The sight area is a triangular area formed at the intersection of two streets. One corner of the triangle (Point A) is located on the approaching lane fifteen feet (15') from the edge of the traveled way. The second corner (Point B) is in the middle of the through lane where the approach lane leads. The third corner (Point C) is located one hundred feet (100') from Point B in the middle of the through lane.

   For example, if a driver is traveling north and wishes to turn right, the sight triangle $A_1B_1C_1$ is shown in red below. There is 15' from the edge of the traveled way (i.e. the curb) to Point A_1. Point B_1 is located in the middle of the drive lane which heads east, and Point C_1 is located 100' west of Point B_1 in the middle of the drive lane. The area within this triangle must be clear of obstruction between 2½' to 10' vertically. Additional sight triangles for northbound traffic turning west (Triangle $A_1B_2C_2$, in blue) and eastbound traffic heading south (Triangle $A_3B_2C_3$, in green) are shown below.





C3

SECTION 7-19 – ANTENNAS

No antenna or similar structure shall be permitted between the front of principal structure and the street, and in the case of corner lots, the side of a principal structure and the street. These provisions shall apply in the following zoning districts: R-1, R-2, R-3, TD, MH-1, and C-1. In all zoning districts, such structure shall comply with all other yard and setback requirements. Antennas measuring over seventeen (17) feet above ground to the top of the antennas require approval of the board of appeals as a special exception.

SECTION 7-20 – NEIGHBORHOOD ACCESS

Any new housing development that has a master plan for the development of 30 or more lots must have more than one ingress/egress point in the plan. These different ingress/egress points are strongly encouraged to be on two exterior different roads.

ARTICLE EIGHT

TREE PROTECTION

Article Eight removed in its entirety from Zoning Ordinance May 16, 2017. Tree Protection Ordinance can be found in the Town of Moncks Corner Code of Ordinance, Article III, Chapter 16.

ARTICLE NINE

HOME OCCUPATIONS

SECTION 9-1-HOME OCCUPATIONS

Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following provisions; provided however, contractor offices, barber shops, and beauty shops are classified as special exceptions which must be approved by the zoning board of appeals.

1. No one other than members of a family residing on the premises shall be engaged in the occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no sign or change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation to include the parking of more than one commercial vehicle on the premises.
4. The home occupation shall be conducted only within the principal structure.
5. There shall be no sales of merchandise on the premises in connection with the home occupation.
6. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off the street and other than in a required front yard.
7. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
8. No outdoor storage shall be allowed in connection with any home occupation.

ARTICLE TEN

ADMINISTRATION, ENFORCEMENT, AND PENALTIES

SECTION 10-1 – RESPONSIBILTY FOR ADMINISTRATION

A Zoning Administrator shall administer and enforce this ordinance. It is the intent of this ordinance that all questions of administration and enforcement shall first be presented to the Zoning Administrator and enforcement shall first be presented to the zoning administrator and that such questions shall be presented to the board of appeals only upon reference by, or appeal from, the Zoning Administrator, and that recourse from the decisions of the board of appeals shall be to the courts as provided by law.

It is further the intent of this ordinance that the function of the Town Council under this ordinance shall not include hearing and deciding questions of interpretation and enforcement which may arise, but that the Town Council shall have only the responsibility for acting on proposals for amendment or repeal of this ordinance, and for establishing a schedule of fees and charges as herein provided.

SECTION 10-2 – DUTIES OF THE ZONING ADMINISTRATOR

The duties of the zoning administrator shall include:

1. Interpretation of the terms and provisions of this ordinance:
2. Administration of the provisions of this ordinance relating to zoning permits and certificates;
3. Administration of provisions of this ordinance relating to applications for special exceptions, variances, appeals from an administrative decision and other actions before the zoning board of appeals.
4. Administration of provisions of this ordinance relating to applications for zoning amendments and giving notice of hearings on such amendment requests as specified herein;
5. The receipt of complaints from persons who allege that violations of this ordinance have occurred, to properly investigate or cause to be investigated such complaints, and to initiate or cause to be initiated action to prevent, enjoin, abate, or remove such violations;
6. The maintenance of the official copy of the zoning map and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of this ordinance; and
7. Other such duties as may properly relate to the accomplishment of the spirit and intent of this ordinance.

SECTION 10-3 – ZONING PERMITS

1. Zoning Permits Required. No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit therefore issued by the Zoning Administrator. A zoning permit shall not be issued by the Zoning Administrator except in conformity with the provisions of this ordinance, unless he receives a written order from the board of appeals in the form of an interpretation involving error or a special exception or variance. If the permit is denied, reasons shall be started for the denial.

2. Applications for Zoning Permits. All applications for zoning permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of all buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application or plans shall include such other information as lawfully may be required by the zoning administrator, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units and building is designed to accommodate; conditions existing on the lot and on nearby lots; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance. One (1) copy of the plans shall be returned to the applicant by the administrative official; after he shall have marked the copy either as approved or disapproved and attested to same by his signature on the copy.

3. Expiration of Zoning Permit. If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, or in the case of a special exception, within the time limit established therefore, the permit shall expire and be automatically cancelled.

   If the work described in any zoning permit has not been substantially completed within one (1) year of the date of issuance thereof said permit shall automatically expire, except as follows:

   a. In the case of a special exception, work shall be substantially completed within the time limit established therefore by the zoning board of appeals; or

   b. In the case of work, which may reasonably be expected to require more than one (1) year of completion, the zoning administrator may specify a time limit in excess of one (1) year at the time of original issuance of the zoning permit.

4. No renovated, new or used structure may be occupied or used until the Zoning Administrator has approved a certificate of zoning compliance.

SECTION 10-4 – CERTIFICATES OF ZONING COMPLIANCE.

1. Certificates of Zoning Compliance to be issued. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Administrator stating that the building or proposed use of the building or land conforms to the requirements of this ordinance.
2. Certificates may be issued for Nonconforming Uses. Upon enactment or amendment of this ordinance, owners or occupants of uses made nonconforming shall apply for certificates of zoning compliance for the purpose of establishment of vested interest in those nonconforming uses, and the zoning proof that the nonconformity was in existence at the time of such enactment or amendment and certificates of zoning compliance issued upon such applications shall state specifically wherein the nonconforming use differs from the requirements of this ordinance.

SECTION 10-5 – CONSTRUCTION AND USE TO BE AS APPROVED

Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the zoning administrator and other officials or agencies where additional approval is required authorize only the use, arrangement, location set forth in the approved plans and applications, and no other use, arrangement, location or construction. Use, arrangement, location or construction at variance with that authorized shall be deemed violations of this ordinance, punishable as provided herein.

SECTION 10-6 – SCHEDULE OF FEES AND CHARGES

1. The Town Council may establish a schedule of fees and charges, and a collection procedure, for zoning permits, certificates of zoning compliance, appeals, amendments, and other matters pertaining to these regulations. This schedule of fees and charges, if established, shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Town Council, provided however, that such fees and charges shall not be levied against the Town Council, the Planning Commission, the Zoning Administrator, or any department or agency of the town.
2. No permit, certificate, special exception, or variance shall be issued or granted unless and until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proposed amendments or on proceedings before the board of appeals unless and until applicable charges and fees have been paid in full.

SECTION 10-7 –VIOLATION

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall in writing notify the owner or tenant of the property, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with, or to prevent violation of, its provisions.

SECTION 10-8 – COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file verbal complaint. The complaint stating fully the causes and basis thereof, shall be filed with the zoning administrator. He shall record the complaint properly, investigate promptly, and take action thereon as provided by this ordinance.

SECTION 10-9 – REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, maintained or used or any land is used in violation of this ordinance, or regulations in furtherance hereof, the city council, city attorney, Zoning Administrator, or any person aggrieved may, in addition to other remedies provided by law, institute injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

SECTION 10-10 – PENALTIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any structure or land is used in violation of this ordinance; or the violation of any condition or requirement in connection with special exceptions, variances, or rezoning's under the terms of this ordinance, that violation shall constitute a misdemeanor. Violation of this ordinance or failure to comply with any of the requirements hereof shall be a misdemeanor. Each day such violation continues after due notice to discontinue that violation shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, surveyor, builder, engineer, contractor, agent, or other person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 10-11 – ADMINISTRATIVE VARIANCES

The Zoning Administrator is authorized to grant administrative variances upon written application by the landowner for lot width, lot coverage, lot size, setbacks, access, structure height, parking or buffer requirements, or other details as determined by the Zoning Administrator. Such variances may only be granted should the request be within 10% of the requirement stated in the Zoning Ordinance and where unusual circumstances or a particular hardship which would make a strict interpretation of the ordinance go beyond the intent of the Town Council.

The Zoning Administrator, at his discretion, may refer any request for a variance to the BZA, and the applicant may appeal any decision of the Zoning Administrator to the BZA.

Examples of cases where a variance might be granted would be as follows:

1. A house is to have a 10’ side setback but has been built 9’ 3” from the side property line. Construction is complete and changing the size of the house would be a hardship, while the lot line itself cannot be moved.
2. A landowner wishes to create an 11,500 sq. ft. lot in the R-1 District. Surrounding lots in the district are less than 12,000 sq. ft. in size.
3. A business wishes to open with 18 parking spaces. The Zoning Ordinance requires 20 spaces.

Amended, September 17, 2019

ARTICLE ELEVEN

BOARD OF APPEALS

SECTION 11-1 – PROCEDURES OF THE BOARD OF ZONING APPEALS (BZA)

1. Establishment and Membership. A board of appeals is hereby established which shall consist of five (5) members appointed by city council, a majority of which shall constitute a quorum. The members shall be appointed for staggered terms of three (3) years and until successors are appointed and qualified. Members may be removed by city council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. None of the members shall hold any other public office or position in the city.

2. Proceedings. The board shall elect one of its members chairman, who shall serve for one year or until he is re-elected or his successor is elected and qualified. The Zoning Administrator shall serve as the secretary of the BZA. The board shall adopt rules of procedure in accordance with the provisions of this ordinance and state law. Meetings of the board must be held at the call of the chairman and at such other times as the board may determine. Public notice of all meetings of the BZA shall be provided by publication in a newspaper of general circulation in the municipality. In cases involving variances or special exceptions conspicuous notice shall be posted on or adjacent to the property affected, with at least one such notice being visible from each public thoroughfare that abut the property. The chairman or, in his or her absence, the acting chairman may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board and must be a public record.

SECTION 11-2 – POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS

The BZA has the following powers:

1. Administration Review: The board of appeals shall hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance; provided however, such appeals must be taken within thirty (30) days after the order, requirement, decision, or determination which is alleged to be in error is made.

2. Special Exceptions

   a) Duties of the Board

      1. To permit uses by special exception subject to the terms and conditions for the uses set forth below. Special exceptions may be allowed after determination by the BZA of

additional controls required and after the holding of a public hearing. A listed special exception is eligible for location within the subject zoning district if all of the following conditions can be clearly demonstrated to exist:

a. The proposed use is consistent with the purpose and intent of the Town's Comprehensive Plan as well as the character and intent of the underlying zoning district;

b. The proposed use is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;

c. Adequate provision is made for such items as setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors;

d. Where applicable, the proposed use will be developed in a way that will preserve and incorporate and important natural features;

e. The proposed use shall not destroy, create a loss, or cause damage to natural, scenic, or historic features of significant importance;

f. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered;

g. The proposed use complies with all applicable regulations and development standards of the Town. (*Amend. 10/2015*)

2. To decide the questions as are involved in determining whether special exceptions should be granted;

3. To prescribe appropriate conditions and safeguards in conformity with this ordinance;

4. To deny special exceptions when not in harmony with the intent and purpose of this ordinance.

3. Variance

a) Duties of the Board

1. To hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following finding:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. These conditions do not generally apply to other property in the vicinity;

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

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

ii. In granting a variance, the board may attach to it such conditions regarding the location, character or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare;

b) Effect of Failure to Meet Condition

1. Violation of conditions and safeguards prescribed in conformity with this ordinance when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance, punishable under penalties established herein.

2. Failure to begin, or begin and complete an action for which a variance is granted, within the time limit specified, when such time limit is made a part of the terms under which the variance is granted shall void the variance.

4. Appeals. Appeals to the board may be taken by any person aggrieved or by the officer, department, board, or bureau of the municipality or county. The appeal must be taken within thirty (30) days by filing with the officer from whom the appeal is taken and with the board of appeals notice of appeal specifying the grounds of it. The officer from whom the appeal is taken immediately shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In that case, proceedings may not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

5. Hearings Notice. The board shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give at least fifteen days public notice of it in a newspaper of general

circulation in the community, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

6. Action on Appeals. In exercising the above power, the board of appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The board in the execution of the duties specified in this ordinance may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.
7. Filing of Decisions. All final decisions and orders of the board must be in writing and be permanently filed in the office of the board as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board, which must be delivered to parties of interest by certified mail.

SECTION 11-3 – CONTEMPT

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

SECTION 11-4 – APPEAL TO CIRCUIT COURT

A person who may have a substantial interest in any decision of the board of appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the board to the circuit court in and for the county by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board is mailed.

a. Upon the filing of the appeal, the clerk of the court shall give immediate notice of it to the secretary of the board and within thirty (30) days from the time of the notice the board shall file with the clerk a certified copy of the proceedings held before the board of appeals, including a transcript of the evidence heard before it, if any, and the decision of the board including its findings of fact and conclusions.
b. The filing of an appeal in the circuit court from a decision of the board shall not ipso facto act as a supersedeas but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.
c. At the next term of the circuit court or, in chambers, upon ten (10) days' notice to the parties, the presiding judge of the circuit court of the county shall proceed to hear and pass upon the appeal on the certified record of the board proceedings. The findings of fact by the board of appeals shall be treated in the same manner as a finding of fact by a jury and the court may

not take additional evidence. In the event the judge determines that the certified record is insufficient for review, the matter may be remanded to the zoning board of appeals for rehearing. In determining the questions presented by the appeal the court shall determine only whether the decision of the board is correct as a matter of law. In the event that the decision of the board is reversed by the circuit court, the board is charged with the costs, and the costs must be paid by the City of Moncks Corner.

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

ARTICLE TWELVE

AMENDMENT

SECTION 12-1 – AUTHORITY

The Town Council may, from time to time, amend any part of the text or map of this ordinance.

SECTION 12-2 – WHO MAY INITIATE AN AMENDMENT

1. Amendments to the zoning text may be initiated by:
    a. Adoption of a motion by the planning commission.
    b. Adoption of a motion by city council.
    c. The zoning administrator.

2. An amendment to the zoning map may be initiated by:
    a. Adoption of a motion by the Town Planning Commission.
    b. Adoption of a motion by Town Council.
    c. The Zoning Administrator.
    d. The filing of an application by the property owner or his authorized agent.

SECTION 12-3 – APPLICATION CONTENT

The application for amendment shall contain at least the following information:

1. Name, address, and phone number of application;
2. Tax map reference (sheet, block, and lot numbers) and street address of property;
3. Proposed amendment to the text or property map reference;
4. Present use;
5. Present zoning district;
6. Proposed zoning;
7. A fee as established by city council; and
8. Signature of the application and/or written certification of authorized agent.

SECTION 12-4 – MINIMUM AREA FOR NEW DISTRICTS

No request from any individual, corporation, or agency for a change in zoning classification or creation of a separate district shall be considered which involves an area less than two (2) acres, except that the following changes may be made to apply to areas of less than two (2) acres:

1. The extension of existing district boundaries;
2. The addition of C-1 zoning contiguous to existing commercial or industrial zones;

SECTION 12-5 – PLANNING COMMISSION RECOMMENDATION TO TOWN COUNCIL

Within thirty (30) days from the date that any proposed zoning amendment is referred to it, the Planning Commission shall submit its report and recommendation to Town Council. The recommendation of the Planning Commission shall be advisory only. If the Planning Commission does not submit its report within the prescribed time, the Town Council may proceed to act on the amendment without further awaiting the recommendations of the Planning Commission.

SECTION 12-6 – PUBLIC NOTICE

1. Posting of Property for Certain Developments. A sign shall be erected on the property at least fifteen (15) days prior to the meeting of the Planning Commission should a rezoning application feature a development of over five (5) acres, twenty (20) homes, attached residential units or if, in the opinion of the Zoning Administrator, that such a posting is warranted. These signs must be at least 4’ x 6’ and placed along all adjacent roads in a conspicuous location. The signs must feature the following information:
    a. A description of the development
    b. Number of units by type
    c. Minimum lot size
    d. Any amenities
    e. A concept sketch of the development and/or the structures
    f. Dates of all public meetings
    g. Contact information for the Zoning Administrator. Additional contact information for the developer or a link to more information is encouraged.

    Additionally, the Zoning Administrator reserves the right to require a public meeting prior to the Planning Commission meeting for the purposes of receiving public input prior to application submittal.

2. After receipt of the Planning Commission recommendation or after the expiration of the thirty (30) day time limit for a recommendation, the Town Council will schedule a public hearing on zoning amendments.

    a. Notice of Public Hearing in Newspaper. In scheduling a public hearing for proposed zoning map and text amendments, the Town Council shall publish a notice at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the city.

    b. Posting of Property. When a proposed amendment deals with the district classification of particular pieces of property, the Zoning Administrator shall cause to be conspicuously located on or adjacent to the property affected, one (1) hearing notice for every street frontage. Such notice shall be posted at least fifteen (15) days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, and time, date and place of the hearing.

SECTION 12-7 – RECONSIDERATION OF PROPOSED AMENDMENTS

The Town Council shall not reconsider a proposed amendment that has been denied for a period of one (1) year unless the Planning Commission recommends to the Town Council that the reconsideration be given, after the Planning Commission has found that either (1) there has been a substantial change in the character of the area or (2) evidence or factors or conditions exist which were not considered b the Planning commission or the Town Council in previous deliberations which might substantially alter the basis upon which the previous determination was reached.

ARTICLE THIRTEEN

SIGNS

SECTION 13-1 – GENERALLY

1. General provisions.
   a. The regulations set forth in this article shall apply and govern in all districts. No sign shall be erected, altered or maintained unless it is in compliance with the regulations of this article.
   b. A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the department of planning and development.
   c. All signs must be constructed of durable materials, maintained in good condition and shall not be permitted to become dilapidated or a hazard to the health, safety or general welfare of the community.
   d. The Zoning Administrator or designated agent shall require the property owner or tenant to remove, replace or repair the sign as is deemed appropriate by the Zoning Administrator.
   e. All signs attached to buildings must meet all applicable wind standards as defined by the International Building Code. All freestanding signs greater than six feet (6') in height must meet all applicable wind and seismic standards as defined by the International Building Code.
   f. The purpose of this section is to provide comprehensive regulations for signs within the town that will eliminate confusing, distracting and unsafe signs, ensure the efficient transfer of information; and, enhance the visual environment of the town. It is declared that the regulation of signs within the town is necessary and in the public interest and also is related to the following goals:
      i. To protect property values within the town;
      ii. To protect the general public from damage or injury caused by, or partially attributable to the distractions and obstructions which result from improperly designed or situated signs;
      iii. To provide a pleasing overall environmental setting and community appearance which is deemed vital to tourism and to the continued economic attractiveness of the town;
      iv. To improve the legibility and effectiveness of commercial and governmental signs;
      v. To allow signs appropriate to the planned character of each zoning district; and

vi. To promote the public safety, welfare, convenience and enjoyment of the unique historic character of the town.

g. Any signs, display or device allowed under this article may contain, in lieu of any other copy, an otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity of service for sale, and that complies with size, lighting and spacing requirements of this article.

h. All signs shall comply with existing state and federal laws.

SECTION 13-2 – DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. **Abandoned sign** means a sign which was erected on property in conjunction with a particular use which has been discontinued for a period of 60 days or more, or a sign the content of which pertains to a time, event or purpose which no longer applies.

B. **Banner** means any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame or one or more edge. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

C. **Beacon** means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

D. **Building sign** means any sign attached to any part of a building, as contrasted to a freestanding sign.

E. **Canopy sign** means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

F. **Changeable Copy Sign** means any sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or surface of the sign.

G. **Commercial message** means any sign wording, logo, other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

H. **Electronic Message Center** means any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

I. **Flag** means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity.

J. **Freestanding sign** means any sign supported by structures or supports that are placed on, or anchored in; the ground and that are independent from any building or other structure. Portable signs which fit these criteria are classified as a freestanding sign.

K. **Incidental sign** means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

L. **Nonconforming sign** means any sign lawfully existing at the adoption or amendment of this chapter may continue in use and be maintained in a proper manner but may not be changed or enlarged unless it is in conformity with all the requirements of this chapter.

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

N. **Person** means any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

O. **Portable sign** means any sign made of permanent materials such as metal and plastic which usually rests on the ground on wheels or metal legs, and may be temporarily anchored by cables attached to stakes driven into the ground.

P. **Projecting sign** means any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Q. **Roof sign** means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

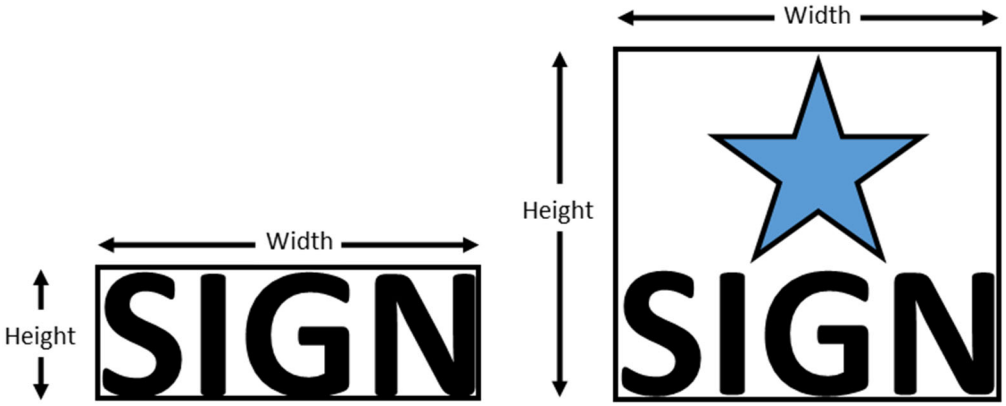
R. **Roof sign, integral**, means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

S. **Sandwich board and pedestal sign** means a freestanding movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. (Also known as "A" and "T" stands.)

T. **Sign** means any material, structure or device used or located out-of-doors or on the exterior of any building including the exterior of windows for the purpose of displaying, illustrating

or directing attention to an advertisement, announcement, notice or name or emblem for the identification of a person, place, object or product.

U. **Sign area** means the area of a sign shall be that area which is contained within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between elements of such sign. It shall include any material or color forming an integral part of the display or used to differentiate such signs from its background, but shall not include supports. Where two sides of a double-faced sign are separated by an angle of forty five (45) degrees or less, each sign face shall be calculated separately. At greater than forty five (45) degrees the sign area shall be calculated as one face.



V. **Temporary sign** means any sign that is used only temporarily and is not permanently mounted.

W. **Wall sign** means any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

X. **Window sign** means any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window glass panes and is visible from the exterior of the window.

SECTION 13-3 – SIGNS PERMITTED BY ZONE

Sign Type	R-1, R-2, PDR, MH-1	TD	C-1	C-2, PDC, M-1
Awning & Canopy		X	X	X
Freestanding		X	X	X
Governmental Flags	R	R	R	R
Holiday Decorations	R	R	R	R
Home Occupation	X	X	X	X
Incidental Sign				X
Informational Sign	R		R	R
Multi-Face Sign			X	X
Multiple Family Group Dwelling	X			
Outdoor Display				X
Projecting Sign		X	X	X
Public Agency/Official Notice	R	R	R	R
Real Estate	R	R	R	R
Sandwich Board/Pedestal		R	R	R
Subdivision, Permanent	X			
Subdivision, Temporary	X			
Temporary Sign	X	X	X	X
Wall Sign		X	X	X

X – Allowed with Permit

R – Allowed by Right, no permit required

(Blank) – Not allowed

Amended, September 2023

SECTION 13-4 – SIGN REGULATIONS BY TYPE

A. General Regulations

1. All sign dimensions listed are maximums.
2. All signs are to be unlit unless otherwise noted

B. Awning and Canopy signs



1. Definition: any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.
2. Permitted Zones: TD, C-1, C-2, PDC, M-1
3. Requirements: Awning and canopy signs are considered wall signs for purpose of area allowances. Such signs may be externally lit.

C. Freestanding Signs



1. Definition: means any sign supported by structures or supports that are placed on, or anchored in; the ground and that are independent from any building or other structure.

2. Permitted Zones: C-1, C-2, PDC, M-1, TD
3. Requirements:
    i. In C-1 or TD District
        1. Height: Six (6) feet
        2. Area: Sixteen (16) square feet per exposed side; thirty two (32) square feet aggregate
        3. Location: At least ten (10) feet from any street right-of-way.
        4. Changeable copy signs shall constitute no more than fifty percent (50%) of the total sign area
        5. Externally lit only
    ii. In C-2, PDC, and M-2 Districts
        1. Height: Fifteen (15) feet
        2. Area: Fifty (50) square feet per exposed side; one hundred (100) square feet aggregate
        3. Location: At least ten (10) feet from any street right of way
        4. Electronic message centers or changeable copy signs shall constitute no more than fifty percent (50%) of the total sign area
        5. Such signs may be externally or internally lit

D. Governmental Flags



1. Definition: means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity.
2. Permitted Zones: All
3. Requirements

i. Height of Flagpole: Fifteen (15) feet maximum residential; Twenty-five (25) feet maximum commercial

ii. Area of Flag: Per the guidelines of the U.S. General Services Administration, a flag pole should be approximately three (3) to four (4) times the length of the flag. As such, a fifteen (15) foot tall pole should utilize 3' x 5' flags, a twenty (20) foot pole should use 3' x 5' or 4' x 6' flags, and a twenty-five (25) foot pole should use 4' x 6' or 5' x 8' flags. The maximum flag sizes allowed per this ordinance are fifteen (15) square feet per flag, no more than thirty (30) square feet total (residential); Forty (40) square feet per flag, no more than one hundred twenty (120) square feet total (commercial)

iii. Number of Flagpoles Allowed: One (1) residential; Three (3) commercial

iv. Setback: Pole must be setback from all property lines an amount equal to or greater than the height of the pole

v. Governmental flags must be externally lit or removed at dusk.

vi. If the flags of the United States and the State of South Carolina are flown, a third, commercial flag may be flown on the third pole. The flag will not be included in the overall sign area total on the lot.

E. Holiday Decorations

1. Definition: Signs or other material temporarily displayed on traditionally accepted civic, patriotic or religious holidays containing no commercial message
2. Permitted Zones: All
3. Requirements: Materials may be displayed for no more than thirty (30) days with the exception of Christmas decorations, which may be displayed from November 15 – January 15.
4. Such signs may be internally or externally lit.

F. Home Occupation



1. Definition: A sign advertising a home based business
2. Permitted Zones: All
3. Requirements: One (1) square foot, unlit, mounted against the wall of the principal building. Only permitted on residential structures.

G. Incidental Sign

1. Definition: A sign which provides information that is secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading zone,” or “drive through,” and other similar directives.
2. Permitted Zones: C-2, PDC, M-1
3. Requirements: Any commercial message on such a sign must not exceed six (6) square inches in area
4. Such signs may be externally or internally lit.





H. Informational Sign



1. Definition: Signs which direct the reader to the location of a public facility, to a facility operated by a nonprofit entity, to a facility relating to the public health, safety or welfare, to scenic or historical districts, or general business or industrial districts or a subdivision.

2. Permitted Zones: All
3. Requirements:
    i. The Zoning Administrator is authorized to develop written and publicly posted guidelines for these types of signs.
    ii. The signs are erected by the town.
    iii. The entire cost of the signs is borne by the entity requesting the sign.
    iv. The signs are installed at locations where they would not constitute a traffic hazard.
    v. Such signs are allowed in the right-of-way

I. Multi-face sign

1. Definition: Free standing sign advertising more than four businesses located within the same development
2. Permitted Zones: C-1, C-2, PDC, M-1



3. Requirements:
    i. In C-2, PDC or M-1 District
        a. Height: Twenty (20) feet.
        b. Area: One hundred fifty (150) square feet per exposed side; three hundred (300) square feet aggregate.
        c. Number and Location: One sign per entrance, with a maximum of two such signs. Such signs advertising the same development must be at least two hundred (200) feet apart.
        d. Electronic message centers or changeable copy signs shall constitute no more than fifty percent (50%) of the total sign area.
        e. Such signs may be externally or internally lit.

ii. In C-1

1. Height: Ten (10) feet.
2. Area: One hundred (100) square feet per exposed side; two hundred (200) square feet aggregate.
3. Number and Location: One sign per entrance, with a maximum of two such signs. Such signs advertising the same development must be at least two hundred (200) feet apart.
4. Electronic message centers or changeable copy signs shall be prohibited.
5. Such signs may be externally lit.

J. Multiple Family Group Dwelling



1. Definition: Permanent signs announcing the entrance to a multiple family group dwelling, such as an apartment complex.
2. Permitted Zones: R-3, PDR
3. Requirements:
   i. Number: One (1) permanent sign shall be permitted per principle entrance to the subdivision.
   ii. Sign Area: Fifty (50) square feet per exposed side; one hundred (100) square feet aggregate
   iii. Location: Such signs shall be located on the premises of the dwelling, set back at least ten (10) feet from any street right of way
   iv. Height: Multiple family group dwelling signs shall not exceed six (6) feet in height as measured from average grade of lot.
   v. Such signs may be externally lit.

K. Outdoor Display



1. Definition: Temporary or permanent outdoor placement of inventory intended for immediate sale and used to advertise or promote the interests of any persons when placed in view of the general public, traveling along a public street right-of-way. Outdoor vehicle sale lots are considered outdoor displays.
2. Permitted Zones: C-2, PDC, M-1
3. Requirements
    i. In addition to a freestanding sign, a business may use a display with a valid sign permit. The display must be set ten (10) feet back from the right-of-way and be no more than ten (10) feet in height. Multiple displays may be used provided that they conform to the required setbacks and height limitations subject to approval of the Zoning Administrator.
    ii. Displays that are not intended for immediate sale and/or do not meet the guidelines of this ordinance will be considered outdoor storage of inventory.
    iii. Temporary Displays are displays that are only used during business operating hours. After business operating hours, temporary displays must be placed indoors or behind a solid six (6) foot stockade fence.
    iv. Permanent Displays are defined as a display that is used during business hours as well as after business hours. Permanent displays may be accompanied, in lieu of the required fencing, by a ten (10) feet wide vegetative strip placed along the right-of-way. The vegetative strip must meet the Type A Buffer Requirements detailed in Section 7 of this Code. Shrubs at a ratio of 3:1 may replace required trees.
    v. No off-premise displays are allowed
    vi. Permanent and temporary outdoor displays shall meet all other requirements of free standing signs.
    vii. Displays may be externally lit

L. Portable Sign



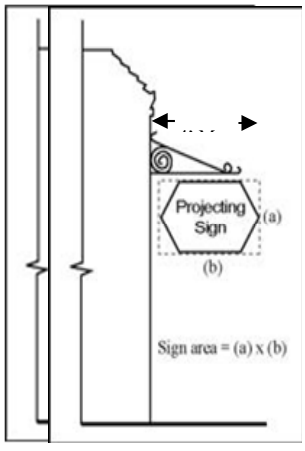


1. Definition: Any sign made of permanent materials such as metal and plastic which usually rests on the ground on wheels or metal legs, and may be temporarily anchored by cables attached to stakes driven into the ground.
2. Permitted Zones: C-2, PDC, M-1
3. Requirements: Same as those for temporary signs, below. Such signs may not be illuminated or electrified

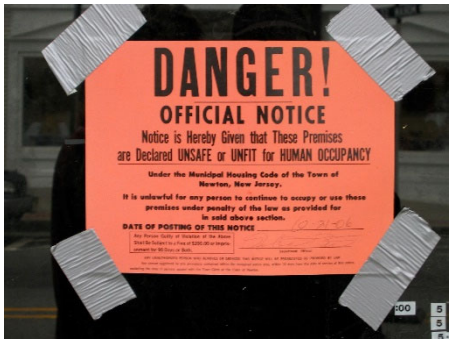
M. Projecting Sign

1. Definition: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
2. Permitted Zones: TD, C-1, C-2, PDC, M-1
3. Requirements: Such signs may extend outward from the wall of a building not more than four feet and no part of any projecting sign shall extend above the roof line of a building or into a public right-of-way. Maximum allowable size is calculated along with any other wall signs.
4. Such signs may be externally lit





N. Public Agency/Official Notice



1. Definition: Public agency signs are those erected by any public agency, such as the state, county, or local government. Such signs include traffic signals and signs, informational signs, and the like. Official notices are postings placed by any court, officer, or other public agency.
2. Permitted Zones: All
3. Permitted in the right-of-way

O. Real Estate



1. Definition: A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease, or for sale.
2. Permitted Zones: All
3. Requirements
   i. Residential: Unlit, maximum size four (4) square feet, four (4) feet in height
   ii. Commercial: Unlit, maximum size thirty two (32) square feet, ten (10) feet in height

P. Sandwich Board/Pedestal





1. Definition: means a freestanding movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way. (Also known as "A" and "T" stands.)
2. Permitted Zones: TD, C-1, C-2, PDC, M-1
3. Requirements
    i. Only one sandwich board or pedestal sign shall be allowed for any single building; provided, however, that where more than one business occupies a building, each business may have a sandwich board or pedestal sign.
    ii. A minimum separation of 20 feet shall be maintained between sandwich boards or pedestal signs.
    iii. Sandwich boards or pedestal signs shall not exceed 24 inches in width and 36 inches in height; provided, however, that a minimum unobstructed sidewalk width of 42 inches shall be maintained.
    iv. No sign shall be placed in a manner which obstructs the clearance vision at a street intersection.
    v. Sandwich boards or pedestal signs located within a public right-of-way shall be placed within that portion of the public right-of-way which abuts the building containing the business or use, provided that an encroachment permit has been secured from the zoning officer.
    vi. Sandwich boards or pedestal signs placed in the internal area of a shopping center walkway meeting the general criteria in subsections 1-5 of this section are permitted without a permit, provided that permission is given by the property owner. Such signs shall not be placed in a manner in which they may be construed to be a freestanding sign advertising to highway traffic.

Q. Subdivision, Permanent



1. Definition: Permanent signs located at the entrance of a subdivision
2. Permitted Zones: R-1, R-2, PDR, MH-1
3. Dimensional Requirements
    i. Number: Two (2) permanent subdivision signs shall be permitted per principal entrance to the subdivision if single sided signs are placed on either side of the entrance, as on a wall. Otherwise, one (1) permanent subdivision sign is permitted per principal entrance.
    ii. Sign Area: Fifty (50) square feet per exposed side; one hundred (100) square feet aggregate
    iii. Location: Such signs shall be located on the premises of the land subdivision, at least ten (10) feet from any street right of way.
    iv. Height: Subdivision signs shall not exceed six (6) feet in height as measured from average grade of lot.
    v. Such signs may be externally lit

R. Subdivision, Temporary

1. Definition: Temporary signs announcing a new subdivision development
2. Permitted Zones: R-1, R-2, PDR, MH-1
3. Requirements
    i. Number: One (1) temporary subdivision sign shall be permitted per principle entrance to the subdivision.
    ii. Sign Area: The sign area shall not exceed thirty two (32) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of sixty four (64) square feet.

iii. Location: Temporary subdivision signs shall be located on the premises of the land subdivision, at least ten (10) feet from any street right of way.

iv. Height: Temporary subdivision signs shall not exceed ten (10) feet in height as measured from average grade of lot.

v. Special Conditions: Temporary subdivision signs shall be removed from the premise once fifty (50%) percent of the lots are conveyed or when a permanent subdivision sign is permitted and constructed.

vi. Such signs may be externally lit

S. Temporary Sign







1. Definition: Any sign conveying a message which is made of impermanent materials designed to be used temporarily and is not permanently mounted. Temporary signs may include, but are not limited to,

   i. freestanding banners

   ii. banners attached to permanent structures

   iii. feather banners

   iv. non-governmental flags

   v. any advertising and informational materials stuck into the ground using temporary wooden stakes or wire frames, including political signs; temporary directional signs; work under construction signs, garage sale signs; real estate open houses; and signs advertising civic, philanthropic, religious, or educational organizations or events

2. Permitted Zones: All

3. Requirements
    i. Residential Lots: One (1) sign with a maximum size of four (4) square feet is allowed to remain on a permanent basis without permit
    ii. Commercial Lots:
        a. One (1) sign per fifty (50) feet of road frontage
        b. Maximum size of thirty-two (32) square feet per sign
        c. Height: Temporary signs shall not exceed ten (10) feet in height as measured from average grade of lot.
        d. Maximum of sixty (60) days per year. Days may be non-consecutive.
        e. Such signs must be permitted by the zoning administrator and the permit must show the beginning and ending dates of the sign placement.
    iii. During the period thirty (30) days prior to a political primary or election until seven (7) days following such an event the maximum number of temporary signs allowed and the need for any permits shall be waived.
    iv. Such signs shall not be permitted in the right of way.
    v. Such signs shall not be lit

T. Wall Signs



1. Definition: any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
2. Permitted Zones: C-1, C-2, PDC, M-1, TD
3. Requirements

i. Awning, canopy, and projecting signs are included in the total square footage allowed on a wall sign

ii. No part of any sign shall extend above the roof line of a building or into a public right of way.

iii. In C-1 or TD District

1. The total area of signs on the exterior front surface of a building shall not exceed ten square feet or eight percent of the front surface of the building, whichever is less.

2. No signs shall be permitted on the side or rear of a building

3. Such signs may be externally lit and illuminated only during business hours

iv. In C-2, PDC, or M-1 District

1. The total area of signs on the exterior front surface of a building shall not exceed eight percent of the front surface of the building.

2. The total area of signs on the exterior side or rear surface of a building shall not exceed three percent of that surface of the building.

3. Such signs may be internally or externally lit

SECTION 13-5 – PROHIBITED SIGNS

A. Prohibited signs shall be defined by example as follows:

1. No sign displaying intermittent lights resembling the flashing lights customarily used in traffic signals or on police, fire or rescue vehicles is permitted nor shall any sign use the words "stop," "danger" or any other word, phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver.

2. Permanent moving signs, windblown signs or devices to attract attention, all or part of which move by any means, including fluttering, rotating or otherwise moving devices, set in motion by movement of the atmosphere or by mechanical, electrical or other means, including but not limited to, flags, pennants, posters, propellers, discs, ribbons, streamers, strings of light bulbs, spinners, moving, fluttering or revolving devices, regardless of whether they contain written messages, except as permitted in this article.



3. Except as provided in this article, no signs, whether temporary or permanent, except traffic signs, signals and information signs erected by a public agency, are permitted within any street or highway right-of-way.
4. 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.
5. Signs copying or imitating official government signs or which purport to have official government status.
6. Roof Signs. Any sign or sign structure, other than freestanding, any portion of which extends above the parapet, building roofline or canopy against which the sign is located.
7. Signs which display intermittent or flashing lights or lights of varying degrees of intensity or moving parts, except barber's poles, time/temperature signs and signs erected by a public agency.
8. Portable or mobile signs utilizing any type of illumination or electrical connections.
9. Changeable copy signs unless they meet the requirements of Sec 13-4.B.3.ii.4, above.
10. Signs that identify or advertise a product or business not located at the premises.
11. Signs that create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
12. Signs that display a message or graphic representation that is lewd, indecent or otherwise offensive to public morals.
13. Abandoned or dilapidated signs.



14. Searchlights and beacons.
15. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign. The parking of any vehicle which is not in operating condition or lacking current registration bearing a commercial message in the public view. (This does not apply to allowed portable signs, lettering on buses, taxis or vehicles operating during the normal course of business).
16. Inflatable signs and tethered balloons.
17. Strings of lights not permanently mounted to rigid background, except those exempt under section 13
18. Signs on street furniture (benches, trash cans, etc) except for one sign of less than 64 square inches showing the donor of the item, provided that the item is accepted by the town.
19. Portable signs, except those permitted by this Ordinance
20. Signs referencing businesses which have been out of business for more than 30 days
21. Sign structures no longer containing signs;
22. Signs which emit audible sound, odor or visible matter;
23. Signs violating any provision of any law of the state relative to outdoor advertising;
24. Signs made structurally sound by unsightly bracing;
25. Snipe signs; any form of leaflets, handbills, posters, flyers, announcements, or any other advertising and informational materials that are tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, buildings, the ground or other objects.
26. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way;

B. Nonconforming signs

1. Any sign that does not meet the regulations herein in terms of size, height, construction, quantity, or type; as of the date of passage of this Ordinance shall hereby be declared nonconforming. To avoid undue hardship, any nonconforming signs associated with single tenant uses, and wall signs in multiple-tenant developments may remain in use until such time as they are voluntarily removed by the owner; damaged in excess of fifty percent (50%) of their current replacement cost by fire, storm, or other act of God; or if the business being advertised by the sign ceases operation. Any of the above conditions shall cause the sign to lose its grandfathered status, and the sign owner shall be required to remove the sign within thirty (30) days. Failure to do so shall constitute authorization for the City to remove it and assess the full cost to the sign owner; in addition to any other penalties prescribed for violation of this Ordinance. Such signs shall not be expanded, even if the tenant does not change. For multiple-tenant developments, existing, nonconforming directory signs (regardless of construction) may remain in use until such time as fifty percent (50%) of the original tenants at the time of passage of this Ordinance change. At such time, the nonconforming directory signs shall be removed by the landowner, and may be replaced with a conforming directory sign. Failure to do so shall constitute authorization for the City to remove it and assess the full cost to the sign owner; in addition to any other penalties prescribed for violation of this Ordinance. Such signs shall not be expanded, even if the tenant(s) does (do) not change.

C. Enforcement

1. Signs which are found to be in violation of the provision of this article shall be subject to the following provisions. Where notice is required, such notice shall be by certified mail and may be reasonable under the circumstances surrounding the violation. Notices shall be addressed to the last known address of the sign owner.

    a. Notice of violation. The Zoning Administrator shall send notice, by certified mail to the sign owner, stating the nature of the violation and granting an appropriate period of time to correct the violation.

    b. In the event the certified mail is not accepted, notification of the violation shall be posted on the sign with a description of the violation and timeline to remedy the violation.

    c. Continued violation. In the case where the Zoning Administrator has sent notice to the sign owner, or posted the sign when notice is not accepted and granted an appropriate period of time to correct the violation and the violation has not been remedied a citation may be issued to the sign owner. Each day such violation continues shall constitute a separate offense.

    d. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

2. Any sign installed or placed on public property, except in conformance with the requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies under this article, the town shall have the right to recover from the owner or person placing a sign the full costs of removal and disposal of such signs.
3. Violation of this article or failure to comply with any of the requirements hereof unless remedied by actions and within the time frame prescribed by the administrator shall be classified as a misdemeanor punishable by a maximum $200.00 fine, and/or a maximum of 30 days imprisonment. In addition, each sign displayed or erected in violation of this article represents a separate offense. Any person, firm, organization, society, association or corporation, or any agent or representative thereof who commits, participates, or assists in such violations may each be found guilty of a separate offense and suffer the penalties herein provided.

SECTION 13-6 – ADMINISTRATIVE VARIANCES

The Zoning Administrator is authorized to grant administrative variances upon written application by the landowner for the number, height, setback, square footage or placement of signs in cases where unusual circumstances or a particular hardship which would make a strict interpretation of the ordinance go beyond the intent of the Town Council. Examples of cases where a variance might be granted would be as follows:

1. In areas of the town which have unusually large right-of-way areas the setback requirement may be granted a variance as the sign would be a sufficient distance from the pavement without any setback.
2. On lots where there is more than one business in separate and distinct buildings and each building could meet the subdivision requirements to be a separate lot, a variance may be granted to treat each building as a separate lot.
3. The Zoning Administrator, at his discretion, may refer any request for a variance to the BZA, and the applicant may appeal any decision of the Zoning Administrator to the BZA.

ARTICLE FOURTEEN

TEMPORARY USES

SECTION 14-1 – TEMPORARY USES

It is hereby recognized that certain uses and activities, which may not be expressly listed as a permanent use by this Ordinance, can nevertheless be such that their establishment and operation for a limited period of time would serve the public interest. For the purpose of this Ordinance, such uses are declared to be temporary uses that may be permitted in certain districts upon application to and approval by the Zoning Administrator subject to the following:

1. The proposed use is of such a nature that at the time of application that it would not exert a detrimental effect upon the use of neighboring properties.
2. The proposed use will contribute to the general welfare and needs of the Town of Moncks Corner and the general public.
3. The Temporary Use complies with the requirements of the Code of Ordinances of the Town of Moncks Corner and all other government entities.
4. Only one (1) temporary use shall be active on a single parcel at any given time. An exception to this limitation shall be allowed with written consent from the property owner and the review and approval by the Zoning Administrator so long as the combined proposed uses continue to follow all local and state ordinances.
5. If the proposed temporary use is permitted by right in the applicable district, the duration of the proposed use shall not exceed three (3) thirty-day periods per year. Periods of temporary use or events cannot run concurrently, with a minimum separation between periods of no less than 30 days.
6. If the proposed use is not listed as a permitted, conditional, or special exception use in the applicable zoning district, then the proposed temporary use shall not be established for more than two (2) seven-day periods within any 12-month period. The same temporary use cannot run concurrently for two (2) seven-day periods, with a minimum separation between periods of no less than 30 days.
7. All applications for a temporary use or event shall be accompanied by a sketch plan that indicates provisions/locations of facilities for adequate parking on site, entrances and exits to the site for safe ingress/egress to the site.
8. The approval of a temporary use by the Zoning Administrator that would otherwise not be permitted within the zoning district shall not create grounds for the said temporary use to become a permanent use.
9. Permits for temporary uses or events are not transferable with the land.

Any use that is or may become obnoxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise or that is detrimental or injurious to the public health, safety or welfare or used for any purpose that constitutes unusual public hazard due to fire, explosion or any other similar cause may be curtailed immediately by the Building Official or the Zoning Administrator.

Moved from Section 13-7 by Zoning Administrator, January 24, 2018
Amended, May 2023

LEGAL STATUS

INTERPRETATION AND VALIDITY

Should any section or provision of this ordinance or application of a provision under this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof, other than the part or application so declared to be unconstitutional or invalid.

REPEAL OF PREVIOUS ZONING ORDINANCE

This Zoning Ordinance of the Town of Moncks Corner, South Carolina does hereby repeal any previous zoning ordinances.