

## ARTICLE VIII

### EXCEPTIONS AND MODIFICATIONS

800. **Lot Reduction Prohibited.** No yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created or reestablished shall meet at least the minimum requirements established by this Ordinance. *(Amended Ord. 2008-02)*

801. **Use of Substandard Lots of Record.** Where the owner of a lot of record established before March 1, 2009 does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, such lot may, nonetheless, be used as a building site. The Planning Director is authorized to issue a permit for the use of the property provided that the proposed use and structure meets all other ordinance requirements including setbacks, buffers, parking and pervious/impervious ratios. The Planning Director shall not approve any use for a lot of record less than 5,000 square feet in area. Lots of record smaller than 5,000 square feet may only be granted a waiver for use by the Zoning Board of Appeals.

Any lot rendered substandard by a zoning change after March 1, 2009 may be approved as a building site by the Planning Director provided that said lot requirements are not reduced below the minimum specified in this ordinance by more than 20%. Such lots requiring waivers below the 20% of the minimum set forth in this ordinance shall be considered by the Board of Appeals. *(Amended Ord. 2008-79)*

802. **Adjoining Substandard Lots of Record.** A plot of land consisting of two or more adjacent lots in single ownership, which individually are less than the dimensional requirements contained in this Ordinance, shall be considered as a single lot or several lots of minimum permitted size.

803. **Front Yards.** The front yard requirements of this Ordinance for buildings shall not apply to any lot where the average depth of existing front yards on developed lots located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots provided that said front yard is not reduced below the minimum specified in this Ordinance by more than twenty (20%) percent. Any property owner desiring a setback more than the 20% allowed by this section may petition the Board of Appeals for a variance.

804. **Exception to Height Limits.** The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments; water towers; observation towers; transmission towers; silos; chimneys; smokestacks; conveyors; flag poles; masts; aerials and roof decks/widows walks. See Section 806 for regulations regarding properties in flood zones V, A and AE. *(Amended Ord. 2012-18)* Public landfills shall not exceed two hundred (200) feet in height and other landfills existing on January 25, 2011 shall not exceed two hundred (200) feet in height. Hospitals may exceed

the height limitations of the Ordinance with the approval from the fire district having jurisdiction and provided the structure shall not exceed four floors plus all appurtenances required for HVAC and other supportive equipment. Except as otherwise provided or as necessary to airport operations, no structure or tree shall be constructed, altered, maintained or allowed to grow in any airport safety zones as created by this Ordinance so as to project above any of the imaginary airspace surfaces described. Where an area is restricted by more than one height limitation, the more restrictive limitation shall prevail. *(Amended Ord. 2010-57)*

805. **Group Housing Projects.** In the case of a group housing project of two or more buildings to be constructed on a plot of ground of at least one acre not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this Ordinance to the individual building units in such housing projects, a special exception to the terms of this Ordinance may be made by the Planning Commission in a manner that would be in harmony with the character of occupancy and any intensity of land use no higher and a standard of open space no lower than that permitted by this Ordinance in the District in which the project is to be located. In no case, however, shall the Planning Commission authorize a use prohibited in the District in which the project is located, or a smaller lot area per family than the minimum required in such District, or a greater height, or greater lot coverage than the requirements of this Ordinance permit in such a District. *(Amended Ord. 2009-41)*

806. **Exception to Height in Flood Zones.** *(Amended Ord. 2012-18)*

**Flood Zone X:** In X flood zones as identified on the FEMA Flood Insurance Maps, the maximum height of a structure shall be 35 feet to the midpoint between the eaves and the ridge of the roof. In addition to the 35 foot maximum, a structure may be elevated one foot above ground to allow for proper grading.

**Flood Zone A:** In A and AE flood zones as identified on the FEMA Flood Insurance Maps, the maximum height of a structure shall be 35 feet measured from the Base Flood Elevation (BFE), as indicated on the Flood Elevation Certificate, to the midpoint between the eaves and the ridge of the roof.

**Flood Zone V:** In V flood zones as identified on the FEMA Flood Insurance Maps, the maximum height of a structure shall be 35 feet measured from the Base Flood Elevation (BFE), as indicated on the Flood Elevation Certificate, to the midpoint between the eaves and the ridge of the roof, plus an additional three feet to accommodate the floor system as required by FEMA.

In any A or V flood zone where the BFE is at least five feet above the ground level, the structure may be granted an additional four feet of height only if needed to allow for parking

underneath the structure.

General: A structure in an A or V flood zone that measure greater than 35 feet from ground level to the midpoint between eaves and the ridge of the roof shall utilize a roof pitch not less than 4/12. Roof decks and widows walks are exempt from the overall height restriction except that no such deck may exceed 150 square feet. Additionally, no such exempted roof deck or widow's walk shall have a floor that extends more than one foot above the peak of the roof. Any proposed building height must comply with the International Building Code as currently adopted by Georgetown County.

807. **Exception to Minimum Lot Sizes for Certain Uses.** Public buildings, facilities, uses, utility substations or sub-installations shall be exempt from the minimum lot sizes as required in Article VII. Such exceptions shall not exempt these uses from the requirements as contained in the conditional use sections within the district regulations. The Planning Commission may approve smaller lot sizes for these uses in individual situations as site plans are submitted for their review and approval.

808. **Setback Exceptions for Certain Structures.** On-grade patios, fences, sidewalks, pavement, business identification signs, off-site signs on unoccupied lots, pay telephones, drive-in restaurant menu boards, docks, dune crossovers and boardwalks shall be exempt from the minimum setback requirements as required in Article VII. *(Amended Ord. 2009-27)*

Accessory Structures for residential uses may be located in the rear yard setback no closer than five feet from the property line. *(Amended Ord. 2002-39)* Refer to Article IV, Section 411, Accessory Structures.

Docks, dune crossovers, and boardwalks shall be exempt from all setback requirements and the requirements as stated in Section 809. *(Amended Ord. 2003-81)*.

Overhangs, stairs, steps, and HVAC units may extend into any setback area a maximum distance of five (5) feet. Such exceptions shall not exempt these uses from other requirements contained elsewhere in this Ordinance. *(Amended Ord. 2001-30)*.

Bus shelters are exempt from the setback requirements found in Article VII, Area, Yard and Height Requirements but must comply with Section 813, Bus Shelters of this Ordinance. *(Amended Ord. 2012-21)*

809. **Setback from Wetlands.** A minimum fifteen (15) foot setback shall apply from the edge of any salt water marsh wetland line as determined by DHEC/OCRM.

810. **Business ID Signs.** The maximum number of signs allowed by this Ordinance shall not

apply to shopping centers containing more than four (4) uses which are not located within PD's. These shopping centers shall be allowed one sign per storefront tenant in addition to the allowable Business ID sign.

811. **Heirs Property.** Heirs Property may be utilized without the parcel being subdivided as long as all other zoning requirements are met, such as minimum lot size, setbacks and building separation. *(Amended Ord. 2008-75)*

812. **Conditional and Temporary Uses.** Conditional uses, as set forth in Article VI of this Ordinance, and temporary uses, as set forth below, are declared to possess characteristics which require certain controls in order to insure compatibility with other uses in the District within which they are proposed for location.

812.1 **General Requirements.** Conditional uses shall be permitted subject to a determination by the Zoning Administrator that they conform to all regulations set forth herein and elsewhere in this Ordinance, with particular references to those requirements established for those districts in which they are proposed for location.

812.2 **Conditional Use Administration and Duration.** Application for permission to build, erect or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in this Article prior to the issuance of any permits.

812.3 **Temporary Uses.** The Zoning Administrator is authorized to issue a Temporary Certificate of Zoning Compliance for temporary uses, as follows:

Whereas, Georgetown County recognized the economic, social and cultural benefits of special events such as festivals, fairs, concerts and similar undertakings; with all of the positive benefits, regulations must exist that assure such events are conducted in an orderly fashion to minimize vehicular and pedestrian congestion and unsafe situations. Unregulated events can gridlock transportation systems, inhibit emergency vehicle access, disturb residential neighborhoods, impede access to nearby businesses and stress existing public safety agencies. Reasonable regulations will reduce the negative aspects of large gatherings and promote the quality of permitted special events. It is further recognized that public charities that provide a benefit to the public at large are often associated with special events and should be recognized for their endeavors. *(Amended Ord. 2012-28)*

812.301 **Special Events.** A special event is defined as “an infrequent activity that is wholly or partially outdoors involving the assembly or has the expectation of attracting more than four hundred (400) people at a for social, fraternal, cultural, ceremonial or celebratory purposes regardless of whether the event generates profit or is intended to generate profit. Such events includes but not by way of limitation, festivals, fairs, rodeos, circuses, rallies and concerts. Bona fide time

weddings, funerals, music recitals, events sponsored by the Georgetown County Recreation Department, political demonstrations and private parties where nothing is sold or monies are generated in any fashion are excluded from this definition. A special event requires the issuance of a Temporary Certificate of Zoning Compliance and must submit the application at least fourteen (14) calendar days before the event. The following provisions must be met before issuance of such permit: *(Amended Ord. 2014-35)*

812.3011 Special events shall be permitted in commercial districts, industrial districts, forest and agricultural districts, commercially zoned planned developments and planned unit developments with amenities designed for such activities. A special event shall not be permitted in a residentially zoned district unless the event is on the same parcel as a bona fide government facility. Events may also be allowed in residentially zoned districts on property owned by a bona fide school, church or other religious entity that meets the qualifying standards of the Internal Revenue Service.

812.3012 A site plan including a parking plan, with the exceptions noted in Section 812.3020, must be submitted. If needed parking is off site, a letter from the affected property owner must be provided granting permission to use the site for parking. Parking is not allowed on public right-of-way unless the right-of-way is designated for parking by the public agency in control of the right-of-way. *(Amended Ord. 2014-35)*

812.3013 The permit for such an event shall not be for a period longer than fourteen (14) days and only two permits will be granted for any one parcel in a calendar year. Permits shall not be issued within one week of any other special event permit on the same parcel. Permits for one day special events shall not be issued for consecutive days on the same parcel and are limited to six (6) per year on a parcel. However, special events held in residential districts are limited to no more than three (3) days. *(Amended 2014-35)*

- 812.3014 All events shall comply with the noise regulations of Georgetown County.
  
- 812.3015 One temporary on site sign specifically advertising the event shall be allowed. Such sign shall not include flashing or lighting that gives the appearance of movement. The sign shall not exceed twenty four (24) square feet in area, impede vision or exceed twelve (12) feet in height. Additionally, two off site directional signs, not located on public property, may be utilized that do not exceed sixteen (16) square feet per sign and twelve (12) feet in height. Any such off site sign may be lighted but shall not include flashing lights or lights that create the appearance of movement. *(Amended Ord. 2014-35)*
  
- 812.3015 Vendors located at the site of the special event are exempt from the provisions of Article VI, Section 611.214 of this ordinance except that each shall apply for a vendor permit and pay a fee of \$100.00 Vendors shall not impede the parking needs expected for the event. Parking spaces for any business existing on site cannot be utilized or impeded by any vendor. Each vendor shall be allowed one sign that may be lighted but not flashing or giving the appearance of movement. Such sign shall be limited to six (6) square feet and not exceed ten (10) feet in height. No vendor shall vend or provide tattoos or body piercing, as defined by the South Carolina Code of Laws at 44-32-10 and 44-34-10, et. Seq., unless all of the provisions of the Zoning Ordinance are met. A special one day event permit, or any other vendor permit does not relieve the vendor from compliance with all applicable South Carolina State Codes and Regulations regarding the vending activity being or to be conducted. *(Amended Ord. 2014-35)*
  
- 812.3017 No special event shall begin operation before 9:00 AM and must cease operations by 12:00 AM. Races which need to begin before 9:00 AM due to weather and the health and safety of the participants are excluded from

the 9:00 AM start restriction.

812.3018 The special event organizer or sponsor shall pay a fee of \$50.00 to off-set some of the costs associated with administering the provisions of this ordinance.

812.3019 The sponsor of the special event or property owner is responsible for clearing all debris including but not limited to litter, signs or structures within three (3) calendar days of the end of the event. Failure to clean the property will result in issuance of a citation in the amount not less than \$200.00.

812.3020 Exceptions. A special event whose beginning time and ending time, fall within one consecutive twenty four (24) hour period, hereafter referred to as a one day special event, shall not be required to register vendors. Additionally, said vendors shall not be required to remit a vendor fee to the County to vend at the event. Vendors shall meet the sign provisions of Section 812.315 and Section 812.3016 of this Ordinance; however, sign permits shall not be required. A site plan reflecting the location of said vendors is not required; however, the event organizer must contact and receive approval from all applicable County emergency services to assure access is provided for emergency vehicles and other safety concerns are satisfactorily addressed. The event organizer or its sponsor of the one day special event shall pay a fee of fifty and no/100 dollars (\$50) and submit a special event permit application. This application is intended to facilitate communication from the Zoning Department to applicable emergency services that such an event is occurring; however, this provision does not relieve the event organizer or its sponsor of the responsibility to also contact applicable emergency services. *(Amended Ord. 2014-35)*

812.302 Religious meeting in a tent or other temporary structure in any District for a period not to exceed sixty (60) days.

- 812.303 Open lot sale of Christmas trees for a period not to exceed forty-five (45) days.
- 812.304 Real estate sales office relating to a development, in any district, for a period not to exceed one (1) year, provided that no cooking or sleeping accommodations are maintained in the structure. *(Amended Ord. 2009-77)*
- 812.305 Contractor's office and equipment shed, in any district, for a period of one (1) year provided that such use be placed on, or within 400 feet of, the property to which it is appurtenant. Such unit shall not be occupied as a residence. *(Amended Ord. 2009-77)*
- 812.306 Firework stands are only permitted in General Commercial (GC), Limited Industrial (LI), and Heavy Industrial (HI) zoning districts for a period not to exceed thirty (30) days and three (3) times per year. *(Amended Ord. 2009-77)*
  - 812.3061 Only one fireworks stand shall be allowed on a parcel.
  - 812.3062 Any stand shall be at least 25 feet from the front property line.
  - 812.3063 A minimum of three (3) parking spaces are required for each fireworks stand.
- 812.307 The placement of tractor trailer boxes and cargo boxes used for the purpose of the storage of goods, equipment or debris in the One Acre Residential District (R-1 AC), One Half-Acre Residential District (R-1/2 AC), 10,000 Square Feet Residential District (R-10), 10,000 Square Feet Village Residential (VR-10), General Residential (GR), General Resort Residential District (GRR), Planned Development District (PD), and Three Quarter Acre Residential District (R-3/4 AC) shall be permitted for new construction, renovations or remodeling only. These containers shall meet all setback requirements as outlined in Section 411 Accessory Structures. Construction dumpsters and portable rental storage units shall also be allowed, but are exempt from all setback requirements. There will be a limit of twelve (12) months from the time of issuance of the building permit with one six (6) month extension permitted when requested in writing from the property owner, after which, such container must be removed from the site. *(Amended Ord. 2009-27)*

812.308 All Temporary Certificates of Zoning Compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and would not create a nuisance to surrounding uses.

813. **Bus Shelters.** Any bus shelter located within the right-of-way of a road owned by the State must comply with all regulation of the State and a copy of the State permit granting approval must be provided to the County. The County shall not require a permit for such shelter.  
*(Amended Ord. 2012-21)*

813.1 **Bus Shelters Located on a County or Private Road.** Bus shelters may be located within a County or private road right-of-way subject to the standards below.

813.101. Any bus shelter proposed to be located within a County right-of-way must be approved by the County Public Works Department and any utility company that may have utilities in the area that could be impacted before a building permit is issued by the County.

813.102 As a condition of issuing a permit for the erection of a bus shelter on the right-of way of a public road, the County shall require that the bus shelter be properly maintained and that its location shall meet minimum setback requirements as follows:

Where a curb and gutter are present, there shall be a minimum of four feet clearance from the face of the curb to any portion of the bus shelter or the bus shelter shall be placed at the back of the existing concrete sidewalk; or

Where no curb or gutter is present, the front of the bus shelter shall be at least ten feet from the edge of the main traveled roadway.

813.103 The person or entity to whom a permit has been issued for the erection and maintenance of a bus shelter on the right-of-way of a County road shall at all times assume all risks for the bus shelter and shall indemnify and hold harmless Georgetown County, South Carolina against all losses or damages resulting solely from the existence of the bus shelter.

813.104 Bus shelters shall be maintained in good repair and persons erecting bus shelters under this subsection shall be responsible for the cleaning, repairing or replacement of any part thereof, including signs,

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sidewalks, walkways, curbs or foundations encompassed by shelter. Such work as is necessary to relocate, alter or bus shelter will be done in such a manner that it will not in any interfere with or endanger the safety of the general public in their use of the roads.

813.105 If a bus shelter is located on a private road, the applicant must have written documentation from the owner or their representative where the bus shelter(s) are to be located, approving the erection and maintenance of each bus shelter.

813.106 The applicant must provide written documentation from the public transit authority serving the area certifying that all locations identified for bus shelters are at designated bus stop locations.

813.107 The applicant must agree to maintain the bus shelter as well as the area immediately around the shelter. This will include cleaning up litter, cutting and trimming of the grass around the shelter. and surrounding area must be kept clean at all times.

The shelter

813.108 Each bus shelter must be positioned parallel to the street and cannot be located in the radius of any street intersection or conflict with sight distance standards established in this Ordinance.

813.2 Bus shelters on private property or not located in a road right-of-way.

813.201 Persons or entities erecting bus shelters located on private property shall obtain a building permit before construction.

813.202 Bus shelters shall be setback a minimum of five (5) feet from the front property line and not be located in any sight clearance standard.

813.3 Bus shelter in general.

813.301 Bus shelters may be equipped for displaying commercial or other advertising, incorporating an enclosed standard size advertising panel with poster dimensions. The panel may provide for two advertising faces back-to-back with a lighting source contained within the panel cabinet. Only two advertisements will be allowed in each shelter. Advertisements will be limited to a poster dimension of 4' wide by 6'

high. This section applies to all shelters including those located on state and federal highways, private roads or private property.

813.302 Each shelter shall consist of a framework suitable for supporting transparent wall panels and opaque roof panels. The shelter must have, as a minimum, a rear wall section. The transparent wall section must be of tempered glass.

813.303 As a minimum, each shelter must have a 4 foot bench, a bus route and schedule holder and be illuminated during hours of darkness if the mass transit operates after dark. The shelter must be installed on and attached to a concrete foundation.

813.304 Each bus shelter must be erected in accordance with ADA specifications and requirements. The permittee is responsible for meeting the ADA standards and any complaints of nonconformance must be rectified by permittee at his expense within thirty (30) days of notification by the County or South Carolina Department of Transportation depending on ownership of the right-of-way. Under this subsection, ADA compliance includes, but is not limited to, sidewalk on ramps, tactile warnings and signage or directional arrows indicating handicap accessibility.

813.305 Should it be necessary to discontinue or remove a particular bus shelter location temporarily or permanently from the County right-of-way, the County reserves the right to do so. Bus shelters temporarily discontinued or removed from the permit may be restored by the permittee without additional charge. If, and when, the bus shelter is moved or removed, either on the demand of the County or at the option of the permittee, the rights-of-way shall be immediately restored to their original condition at the expense of the permittee. If a bus shelter is removed at the option of the permittee, the permittee shall have seven days to notify the County of the discontinuance.

813.306 All bus shelters will be placed on the County's GIS mapping system.

814. **Parcels Equal to or Less Than One Acre Existing Prior to Countywide Zoning in 2008.** All parcels zoned Forest and Agriculture (FA) that were not zoned prior to June 10, 2008 that are less than one acre in area shall be exempt from the side yard setbacks established in the FA district. These parcels, however, shall meet a ten (10) foot side yard setback, except on corner lots where the requirements of Section 412

Corner Lots, Article IV, General Provisions of the Zoning Ordinance shall apply.*(Amended Ord. 2013-38)*