

**ARTICLE XX**

**REQUIREMENTS BY OVERLAY ZONE**

**2000. Commercial Corridor Overlay Zone (CCO)**

**Intent.** It is the intent of this section to establish and delineate areas within unincorporated, commercially zoned Georgetown County, which shall be identified as “Commercial Corridor Overlay Zones.” The purpose of establishing these zones is to identify areas of the county which clearly reflect its cultural heritage and most significant built and natural environments; to promote the preservation and enhancement of these features; to foster visual and design continuity; to promote education and preservation of the general welfare; to ensure harmonious and orderly growth and development; and to strengthen the local economy by stabilizing and improving property values.

In establishing such zones, the county recognizes that certain areas within unincorporated Georgetown County, particularly those along established public thoroughfares, contain significant densities of natural, cultural and historic features that warrant extraordinary measures of protection.

2000.1 Permitted Uses. As an overlay zone, permitted uses are determined by the underlying or primary zoning classifications in effect for each particular parcel located within the overlay zone. If not specifically stated in this section, related land use requirements may be found in the Requirements by District under Article VI of this Ordinance.

2000.2 Building Requirements.

2000.201 Exterior Architectural Features. Within the zone, unless otherwise set forth herein, no exterior portion of any building or other structure used for commercial purposes shall be erected, altered, restored, or moved, until an application for Architectural Design Review has been submitted to and approved by the County Department of Planning and Development. No Building Permit for purposes of construction or alteration of structures shall be issued until approval of the aforementioned application has been granted.

2000.202 Maintenance and Repair. Within this section of the ordinance, no portion shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature in the Commercial Corridor Overlay Zone, as long as such activity does not involve a change in design, materials, color, or outer appearance thereof; nor to prevent the construction, reconstruction, alteration,

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restoration, or demolition of any such feature, which the Building Inspector or designee shall certify is required for the public safety, because of an unsafe or dangerous condition.

2000.3 Administrative Procedures. Establishment of the Commercial Corridor Overlay Zone shall require architectural review and evaluation of commercial development projects within the zone as cited herein. The intent of such review is to achieve architectural compatibility and ensure protection of the zone's significant natural and built environments. It is not intended to stifle innovative design or diversity, but to safeguard property values and long-term economic assets by ensuring compatible, harmonious and orderly growth and development.

It shall be the responsibility of the County Department of Planning and Development to conduct an architectural review of all proposals for new construction and major alterations to existing structures within the designated Commercial Corridor Overlay Zone as well as proposals for new freestanding signs. Planning and Development staff shall: *(Amended Ord. 2014-29)*

2000.301 Review, approve or disapprove of architectural plans, in whole or in part, for new buildings and structures to be located within designated zones;

2000.302 Review, approve or disapprove of proposals for major alterations and/or additions to existing commercial buildings, whose cumulative alteration costs exceed 50% of the market value as established by the County Assessor's Office or by a local independent/accredited appraiser paid for by the applicant. The higher market value established by the County Assessor or by an independent appraiser will be utilized to determine the applicable value. If those cumulative alteration costs are estimated to be less than 50% of the market value, however, the property owner shall not be required to submit those alteration plans to architectural review, and is not subject to the conditions listed in this Article. This shall not apply to exterior color changes; and *(Amended Ord. 2009-41)*

2000.303 Review, approve or disapprove of exterior color changes, in whole or in part, for existing buildings and structures located within designated zones. *(Ord 2001-22)*

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2000.304 Review, approve or disapprove of proposals for new freestanding signs to be located within designated zones. *(Amended Ord. 2014-29)*

2000.4 Additional Exemptions. In addition to exemptions to this Article listed in 2000.202 regarding the ability to undertake ordinary maintenance and repair without submission to architectural review, and the exemption listed under 2000.302 regarding a structure whose alteration costs will not exceed 50% of the market value, the following shall also apply:

2000.401 All residential properties located within the Commercial Corridor Overlay Zone are exempt from the requirements of this Article. Residential property owners within the Zone shall have the ability to repair, alter or paint the exterior of their homes without restriction under this Article, as long as those changes are in compliance with existing zoning regulations.

2000.402 All commercial properties in operation at the time this article becomes effective, which have been determined to be in non-compliance with the conditions of the Article, shall not be required to be in compliance unless alterations are proposed whose costs exceed 50% of the market value. This shall not apply to color changes. However, commercial properties in Murrells Inlet located along US Highway 17 Business shall be allowed to construct or reconstruct any building existing at the time of the adoption of this Article regardless of the value of work without meeting the provisions of this article. The County shall maintain a pictorial inventory of such commercial buildings so they can be architecturally duplicated if warranted. *(Amended Ord 2008-76)*

2000.403 A residential structure to be converted to a commercial use shall be exempt from the requirements of this Article if:

1. its total square footage is less than eighteen hundred (2000) square feet, or
2. its exterior appearance is not to be altered at a cost to exceed 50% of its market value. *(Amended Ord 2008-76)*
3. the exemption stated in 2000.4.3 shall not apply to exterior color changes. *(Amended Ord.2002-64)*

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2000.404 Under the powers granted to County Council, with regard to its authority to declare a state of disaster or emergency (Code of Ordinances of Georgetown County, South Carolina, Chapter 2, Administration, Section 2-320), and should it elect to exercise this power under such an emergency, all repairs or replacement of commercial structures within the Commercial Corridor Overlay Zone as a result of such disaster shall be exempt from the requirements of this Article.

2000.405 All commercial properties along Business 17 in Murrells Inlet as identified in Section 2000.1.1 are exempt from any provision of this ordinance regulating color or the signage requirements found in Section 2100.605. *(Amended Ord. 2014-29)*

2000.5 Architectural Review Process. The architectural review process has been established as a systematic and uniform procedure to evaluate impacts of proposed new construction and major alterations, in order to ensure architectural design compatibility within the zone. The Current Building Codes, as adopted by Georgetown County, require that a design professional who “shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering shall affix his official seal to said drawings, specifications and accompanying data, for the following:

1. All Group A,E and I occupancies (assembly, educational and institutional);
2. Buildings and structures three stories or more high; and
3. Buildings and structures 5,000 sq. ft. (465 m2) or more in area” *(Amended Ord. 2003-35)*

Applicants, however, are encouraged to enlist the assistance of design professionals under all circumstances to assist in the application of the design guidelines contained herein, to ensure that submitted plans are in compliance with this Ordinance. The architectural review process is a two-step procedure that may lead to the issuance of a Building Permit. The process consists of *(Amended Ord#2009-41)*:

2000.501 Preliminary Review. Preliminary Review provides an opportunity for initial comment from Department of Planning and Development staff, prior to applicant investment of time and expense in the preparation of construction documents. If the proposal is found acceptable at the Preliminary Review step, approval shall be granted to

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the applicant to proceed with the preparation of Final Review documents. If, in the opinion of staff, design changes are necessary, no further action will be taken by staff until Preliminary Review comments and required changes have been incorporated into plans and specifications.

- 2000.502 Final Review. Final Review is necessary to ensure that comments from the Preliminary Review and any required changes have been incorporated into final construction drawings.
- 2000.503 Other Conditions. Certain small-scale projects may not require both steps to assess design appropriateness, and if so determined by the Planning and Development staff, the applicant may proceed directly to the Final Review step.
- 2000.504 Preliminary and Final Review Timetable. Upon submission of complete Preliminary Design documents, Planning and Development staff shall have no more than fifteen (15) business days to review and provide written comments to the applicant. Additionally, and upon submission by the applicant of Final Design documents, the Director of Planning and Development shall have no more than fifteen (15) business days in which to render a final decision on this building design application. It shall be understood that the fifteen (15) day timetable, in each instance, shall not begin until staff determines that the submission package is complete and in full compliance with the requirements of this ordinance. If either deadline is missed, the proposal is automatically approved.
- 2000.6 Review Criteria. In both preliminary and Final Design Reviews, Planning and Development staff shall review all design elements within the context of form, mass, scale, proportion, height, color, architectural style, and site location. In denying approval, staff shall offer significant justification citing specific non-compliance with these guidelines, while offering specific remedies. Building set back, landscape, parking, lighting and signage elements of all design proposals shall be subject to the primary or underlying Zoning Ordinance requirements of Georgetown County.
- 2000.7 Preliminary Design Review Submittal. As the applicant identifies design objectives, three (3) sets of preliminary plans in the form of schematic sketches and dimensioned drawings shall be submitted to the Department of Planning and Development for review. These plans shall consist of

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drawings that reflect general form, spatial relations, materials, articulation and circulation patterns. Specifically, they shall contain the following:

- 2000.701 A Schematic Landscape Plan showing the location of the building, parking areas, walks and proposed landscaping concepts;
- 2000.702 A Topographic Survey and plan identifying trees to be retained in accordance with the Landscaping regulations of this Ordinance;
- 2000.703 A Dimensioned Site Plan drawn on a copy of the Topographic Survey showing the roof plan of the building with dimensions indicating conformity with all required easements, landscape buffers, setbacks, locations of parking areas, walks, service yards, HVAC units, electrical transformers and all utility locations and dumpsters; and the footprint of buildings on adjacent properties, from front corners to rear corners, along adjacent property lines;
- 2000.704 Scaled Elevation Drawings representing the view of all exterior sides of the proposed structure(s).

2000.8 Final Design Review Submittal. Based on the comments received from the Department of Planning and Development at the Preliminary Design Review stage, six (6) sets of construction documents shall be prepared and submitted by the applicant. Owners and architects are advised, should they be unsure of required design changes, to meet with Planning and Development staff before proceeding with the Final Design Review submittal. Final Design Review shall not proceed until all of the following elements have been submitted:

- 2000.801 A Dimensioned Site Plan, similar to the preliminary plan, but including any recommended changes and proposed utility services;
- 2000.802 A Landscape Plan and Tree Plan, drawn to the same scale as the site plan, conveying a scale representation of all planting material identified to size, common name and variety; the plan shall also show location of landscape lighting with fixture catalog cuts, walks, fences, signs, and other significant site appurtenances; and an indication that screening shall be provided for HVAC units, service yards and dumpsters in accordance with the landscape requirements of the Zoning Ordinance;

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- 2000.803 A Grading Plan showing proposed drainage patterns, structures and retention/detention areas;
- 2000.804 Floor Plans that shall constitute construction documents;
  - 2000.8041 Elevations, drawn at the same scale as floor plans, accurately representing the view of all sides of the building; floor elevations shall be delineated and existing and proposed grade levels shall be shown; all exterior materials shall be labeled and the location of all screening elements to obscure exterior HVAC equipment, electric meters and transformers, storage units and refuse containers shall be delineated; building mounted light fixtures shall be shown; and the applicant shall demonstrate compliance with lighting level requirements contained in the IES Lighting Handbook;
- 2000.805 Building Sections, which shall be drawn to scale necessary for clarification and construction, with a typical wall section, exterior trim, window and door details, signs, exterior walls and/or fences, and any other details as needed for clarity of construction; and
- 2000.806 Samples of Exterior Building Construction Details depicting the texture and color of sheathing materials, and catalog cuts of all exterior light fixtures.
- 2000.807 All signage will be reviewed as part of the overall plan review. *(Amended Ord. 2003-67)*

2000.9 Integration of Processes. The Design Review Process is an integral part of the process required for issuance of a Building Permit. Both actions shall be undertaken as parallel processes.

In addition to the documents required for submittal under Section 2000.7 above, the following documents, which are required for Building Permit application, shall be forwarded simultaneously to the Department of Planning and Development.

- 2000.901 Parking Plan
- 2000.902 Foundation Plan

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- 2000.903 HVAC Layout
- 2000.904 Electrical Layout
- 2000.905 Plumbing Layout
- 2000.906 OCRM Approval or Exemption
- 2000.907 Water and Sewer Receipts
- 2000.908 Elevation Certificate for "A" & "V"

At the same time documents required for Final Design Review are being reviewed by Planning and Development staff, documents listed under Sections 2000.8.1 to 2000.8.6 and 2000.9.1 to 2000.9.8, above, shall be forwarded to the County Building, Zoning and Fire departments to initiate application for a Building Permit.

2000.10 Appeals. The decision of the Department of Planning and Development with regard to project design acceptability may be appealed to the County Zoning Board of Appeals, except for projects within a Planned Development. Appeals to the project design acceptability in a PD will go before the Planning Commission and County Council as an amendment to the PD. Appeals to the Board may be taken by any person aggrieved or by an officer, board or bureau of the County, in accordance with Article XIX of this Ordinance. *(Amended Ord. 2013-56)*

2001. **Airport Safety Overlay Zone (ASO)**

**Intent**. The purpose of the Airport Safety Overlay Zone is to restrict uses of land and/or water areas in the vicinity of the Georgetown County Airport and the Andrews Municipal Airport in order to preserve and enhance the safety of airport operations. *(Amended Ord. 2008-18)*

2001.1 **Height Restrictions in Airport Safety Zones**

2001.101 Authority and Enactment: It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Georgetown County Airport and the Andrews Municipal Airport and property or occupants of land in its vicinity; and that an obstruction may reduce the size of area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Georgetown County Airport, Andrews Municipal Airport, and the public investment therein. Accordingly, it is declared:

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- 2001.102 That the creation or establishment of an obstruction has the potential of being a public nuisance and injure the region served by the Georgetown County Airport and the Andrews Municipal Airport;
- 2001.103 That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented, and;
- 2001.104 That the prevention of these obstructions shall be accomplished, to the extent legally possible, by the exercise of police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are in the public interest for which a political subdivision may raise and expend public funds and acquire land or interests in land.

2001.2 General Use Restrictions in Airport Safety Zones. In any Airport Safety Overlay Zone established in this Zoning Ordinance, no use shall be made of land or water in such a manner as to:

- 2001.201 Create electrical interference with navigational signals or radio communication between the airport and aircraft;
- 2001.202 Diminish the ability of pilots to distinguish between airport lights and other lights;
- 2001.203 Result in glare in the eyes of pilots using the airport;
- 2001.204 Impair visibility in the vicinity of the airport;
- 2001.205 Create the potential for bird strike hazards; or,
- 2001.206 Otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.
- 2001.207 While private airfields are not included in the definition section of this Ordinance, the public need for safety at such airfields is recognized. If a private airport owner requests safety precautions for the airport’s surrounding airspace, the restrictions of this Ordinance may be applied. Before

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restrictions can be activated for a private airport, the private airport owner shall submit an application for a Zoning Map amendment, along with proof of ownership of the land for the landing area, and approach zone data and elevations.

2001.3 Airport Zones. In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Georgetown County Airport and Andrews Municipal Airport. Such zones are shown on Georgetown County Airport Height Restriction Zoning Map consisting of 1 sheet, prepared by Talbert & Bright, Inc., and dated June, 2000 (Amended March 2008) and on Andrews Municipal Airport Height Restriction Zoning Map consisting of 1 sheet, prepared by Talbert & Bright, Inc. and dated June, 2000 (Amended March 2008) which are attached to this Ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

2001.301 Precision Instrument Runway Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (Applies to approach to Runway 5 at the Georgetown County Airport).

2001.302 Runway Larger Than Utility With A Visibility Minimum Greater Than ¾ Mile Non-precision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (Applies to approaches to Runway 11-29 at the Georgetown county Airport and Runway 20-36 at Andrews Municipal Airport).

2001.303 Runway Larger than Utility With a Visibility Minimum as Low as ¾ Mile Non-precision Instrument Approach Zone- The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the

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primary surface. Its centerline is the continuation of the centerline of the runway. (Applies to approach to Runway 23 at the Georgetown County Airport).

2001.304 Transitional Zones – The transitional zones are the areas beneath the transitional surfaces.

2001.305 Horizontal Zone – The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others 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.

2001.306 Conical Zone – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of 4,000 feet.

2001.4 Airport Zone Height Limitations. Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

2001.401 Precision Instrument Runway Approach Zone – Slopes 50 feet outward from each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline. (Applies to approach to Runway 5 at the Georgetown County Airport).

2001.402 Runway Larger Than Utility With a Visibility Minimum Greater Than ¾ Mile Non-precision Instrument Approach Zone - Slopes 34 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 10,000 feet along the extended runway centerline. (Applies to approaches to Runway 11-29 at Georgetown County Airport).

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- 2001.403 Runway Larger Than Utility With a Visibility Minimum as Low as ¾ Mile Mon-precision Instrument Approach Zone - Slopes 34 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 10,000 feet along the extended runway centerline. (Applies to approach to Runway 23 at Georgetown County Airport).
- 2001.404 Transitional Zones – Slopes 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 38.7 feet above mean sea level for Georgetown County Airport, and 26.4 feet above mean sea level for Andrews Municipal Airport. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface.
- 2001.405 Horizontal Zone – Established at 150 feet above the airport elevation or at a height of 208.7 feet above mean sea level for Georgetown county Airport, and 176.4 feet above mean sea level for Andrews Municipal Airport.
- 2001.406 Conical Zone – Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport, (388.7 above mean sea level for Georgetown County Airport and 376.4 feet above sea level for Andrews Municipal Airport).
- 2001.5 Land Use in Airport Safety Zones/Safety Zoning. In order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Georgetown County Airport and Andrews Municipal Airport and to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:
  - 2001.501 Safety Zone A – All land in the approach zones of a runway, As defined in Article III, Section 305 which extends outward from the end of the primary surface for a distance of 1,700 feet and is 1,010 feet wide at the outer edge and 500 feet wide at the inner end for Runway 11-29 at Georgetown County Airport and Runway 20-36 at

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Andrews Municipal Airport; and extends for 1,700 feet and is 1,510 feet wide at the outer edge and 1,000 feet at the inner end for Runway 23 at Georgetown County Airport; and extends for 2,500 feet and is 1,750 feet wide at the outer edge and 1,000 feet at the inner end for Runway 5 at Georgetown County Airport. This area corresponds to the Runway Protection Zone (RPZ) for the runways as designated by the Federal Aviation Administration.

2001.502 Safety Zone B – All land in that portion of the approach zones of the runway, as defined in Article III, Section 305 which extends outward from Safety Zone A for a distance of 2,300 feet and is 1,700 feet wide at the outer edge and 1,010 feet wide at the inner edge for Runway 11-29 at Georgetown county Airport and Runway 20-36 at Andrews Municipal Airport; and extends a distance of 2,300 feet and is 2,200 feet wide at the outer edge and 1,510 feet at the inner edge for Runway 23 at Georgetown county Airport; and extends a distance of 1,500 feet and is 2,200 feet wide at the outer edge and 1,750 feet at the inner edge for Runway 5 at Andrews Municipal Airport.

2001.6 Land Use Restrictions.

2001.601 Safety Zone A – The following uses are specifically prohibited in Zone A; Churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other places of public or semi-public assembly, as defined in the International Building Code, Group A. Single Family Housing is not permitted. Existing Single Family Housing will be grandfathered in and shall be allowed to rebuild according to Georgetown County Zoning Regulations in case of loss due to wind, fire or other act of God.

2001.602 Safety Zone B – The following uses are specifically prohibited in Zone B; Churches, hospitals, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds, and other places of public or semi-public assembly. Single Family Housing will be permitted.

2001.7 Nonconforming Uses.

2001.701 Regulations Not Retroactive – The regulations prescribed

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by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, 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 Ordinance, and is diligently prosecuted. All nonconforming buildings or uses shall comply with the requirements of Section 400 of the Zoning Ordinance.

2001.702      Marking and Lighting – Notwithstanding the preceding provision, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator; or his designee, 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 Georgetown County.

2001.8      Permits.

2001.801      Future Uses – Except as specifically provided in 2001.8.2 and 2001.8.3 hereunder, no material change 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 and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to enable 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 Ordinance shall be granted unless a variance has been approved.

2001.802      In the area lying within the limits of the horizontal zone and conical zone, no permit, specifically related to the Airport Overlay Zone, shall be required for any tree or structure less than seventy-five feet of 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.

2001.803 In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance.

2001.9 Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or then it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

2001.10 Nonconforming Uses Abandoned or Destroyed. Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 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.

2001.11 Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or use of property not in accordance with the regulations prescribed in this Ordinance may apply to the Georgetown County Board of Appeals for a variance, as per the provisions of Article XIII. Any 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 a 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 Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Appeals unless a copy of the application has been furnished to the Georgetown County Airport Commission for advice as to the aeronautical effects of the variance. If the Georgetown County Airport Commission does not respond to the application within

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30 days after receipt, the Zoning Board of Appeals may act on its own to grant or deny said application.

2001.12 Obstruction Marking and Lighting. The owner of any new structure with a height on excess of fifty (50) feet above grade permitted within the boundaries of any Airport Safety Zone shall be required to install, operate, and maintain at his own expense, such markings or lightings as may be deemed necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of such structure. Notwithstanding the provisions of Section 2001.3, the owner of any nonconforming structure may be required to permit the installation, operation, and maintenance thereon of such markers and light, at the expense of Georgetown County.

2002. **Rural Area Tree Overlay Zone.** See Article XIII, Tree Regulations, Section 1302 for regulations specific to this overlay Zone.*(Amended Ord. 2018-20)*

2003. **Urban Area Tree Overlay Zone.** See Article XIII, Tree Regulations, Section 1303 for regulations specific to this overlay Zone.*(Amended Ord. 2018-20)*

2004. **Solar Energy Facility Floating District.***(Amended Ord. 2018-36)*

**Intent.** The purpose of the Solar Energy Facility Floating District is to establish appropriate locations for commercial scale solar facilities. These facilities are recognized by the County as being important energy providers now and in the future. Additionally, the county recognizes that provisions should be established that protect nearby properties from any negative effects such a facility may produce. The SEFFD adds an extra layer of land use regulations over an existing zoning district. The provisions of the underlying, existing district still apply, with the exception of uses, in addition to the regulations found in this Article. This district is not intended to supersede regulations from local, State or Federal agencies.

2004.1 Application. Creation of a SEFFD requires a zoning map amendment, which requires an application to the Planning Commission and three reading by County Council to be approved. The fee schedule utilized for Planned Developments shall be implemented to submit an application to create a SEFFD.

2004.101 A SEFFD may be created in any district except Conservation Preservation (CP), Preservation Agriculture (PA), General Residential (GR), 6,000 Square Feet Residential (R-6), 8,000 Square Feet Residential (R-8), Village 10,000 Square Feet Residential (VR-10), 10,000 Square Feet Residential (R-10), 10,000 Square Feet Residential Mobile (MR-10), Resort Residential (RR) and General Resort Residential (GRR) provided:

2004.1011 The solar facility consists of a minimum of three (3) acres. A solar facility may be located on multiple leased properties and may cross

property lines. In such cases the buffers and setbacks shall be established around the exterior perimeter of the facility.

2004.1012 Any portion of a solar facility must be located within two (2) miles of an existing electrical transmission line. The submitted plan must reflect all off-site infrastructure required to connect to the power grid.

2004.1013 A conceptual plan must be submitted that illustrates that the proposed facility will meet the provisions of the County's ordinances.

2004.1014 Georgetown County may require, at the sole discretion of County Council, a development agreement between the developers for properties developed under the provisions of an SEFFD as a prerequisite to plan approval. This agreement may include, but not be limited to, financial guarantees and decommissioning plans including decommissioning fees if deemed needed by County Council. As solar project can vary greatly in size and scope, fees associated with a development agreement shall be negotiated individually by County Council or its delegated staff.

2004.1015 Unless a deviation from regulations found in this ordinance is provided for in this article, properties zoned SEFFD shall meet all provisions of the Zoning Ordinance and Development Regulations.

2004.2 Design and development standards. Unless otherwise addressed through private land covenants and agreements with adjacent property owners setting specific standards for setbacks, buffers and fencing/landscaping requirements which are approved by Georgetown County Council and recorded in the Georgetown County Register of Deeds Office, the establishment and operation of a solar energy facility shall comply with the following design and development standards.

2004.201 Location. A SEFFD may be created in any district except Conservation Preservation (CP), Preservation Agriculture (PA), General Residential (GR), 6,000 Square Feet Residential (R-6), 8,000 Square Feet Residential (R-8), Village 10,000 Square Feet Residential (VR-10), 10,000 Square Feet Residential (R-10), 10,000 Square Feet Residential Mobile (MR-10), Resort Residential (RR) and General Resort Residential (GRR).

2004.202 Setbacks. Setbacks shall be equal to the required buffer.

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2004.203 Height. The solar energy system shall not exceed fifteen (15) feet in height, as measured from the ground to the foremost tip of the solar collector, provided there is a demonstration that the screening prevents the system from being visible from the exterior of the property. Buildings that are accessory to the system must meet the normal height requirements in the Zoning Ordinance. Other non-solar or building structures such as transformers and inverters may exceed fifteen (15) feet provided that such structure are not visible from the exterior of the property.

2004.204 Security fencing. A security fence shall be required that is at a minimum of six feet in height designed to secure the facility from the public. A taller fence may be approved if justified. The security fence shall be located at or near the inside line of the buffer except at the entrance gate where it may be brought to the property line. This section supersedes Article III, Definitions regarding fence height.

2004.205 Buffers. The buffer is separate and distinct from the landscaping requirements found in this article and elsewhere in the Zoning Ordinance. Unless otherwise stated, the buffer is to be located along all property lines. The following table establishes the buffer requirements.

Existing Use of Adjacent Properties and Buffers

<u>Use</u>	<u>Buffer</u>
Single Family Dwelling	200'
Other Residential	200'
Commercial/Office	100'
Industrial	100'
Churches/Non Profits	200'
Public Facilities	200'

Such required buffer shall utilize natural vegetation if available. The buffer shall not be cleared or trees cut as the intention is to make the solar facility not visible from adjacent properties or the street.

Landscaping, which must be approved as part of the plan submitted to the County, shall be installed to provide sufficient screening. A combination of landscaping, berms, walls or fences shall be utilized to achieve the screening. Chain link fences may not be used to meet the buffer requirements. Only the following shall be permitted in the required buffer.

1. Vehicular drives which are designated as access points.
2. Landscaping and landscaping fixtures.
3. Fencing.

4. Lighting.
5. Signage.
6. Underground and overhead utility lines.
7. Drainage or storm water detention or retention areas.

2004.206 Landscaping, In addition to the required buffer, screening shall be required by providing landscaping within the buffer which achieves a minimum height of ten (10) feet within three years. The intent is to provide sufficient screening, through a combination of buffers, fencing, landscaping and/or berms to obscure the solar equipment from view of adjoining properties and rights-of-way. This section supersedes Article III, Definitions regarding fence height.

2004.207 Solar collectors shall be designed with anti-reflective coating to minimize glare.

2004.208 On-site electrical interconnections and powerlines shall be installed underground to the extent feasible. Existing above ground utility lines shall be allowed to remain in their current location.

2004.209 A warning sign concerning voltage must be placed at the main entrance that includes the name of the facility operator and a local telephone number.

2004.210 The entrance roadway will include a dogleg or meander to obscure vision from the highway.

2004.211 Access to the site must be controlled by a security gate.

2004.212 If lighting is provided at the site, such lighting shall be installed so that light does not shine toward adjacent parcels.

2004.213 The solar panels shall be designed and installed such that glare is not directed toward a highway in order not to create a traffic hazard. Additionally, glare shall not be created that is directed toward adjacent parcels.

2004.214 The Planning Commission and County Council may impose additional design requirements if it is deemed to be needed to protect property values and life safely of the public.

2004.3 Decommissioning Plan. Unless otherwise agreed to by County Council in the approval of the plan or a development agreement, the applicant shall provide a decommissioning plan signed by both the owner/operator of the facility and the landowner if different. Such plan shall describe the expected life of the solar facility and the estimated cost to decommission the site, in current dollars, including restoration of

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the site to its original condition. The plan shall also outline the method for ensuring the funds will be available to decommission the facility and restore the site to its original condition. Decommissioning will be required following a continuous period of twelve (12) months in which no electricity is generated by the facility other than for mechanical, repair, replacement and/or maintenance purposes. See Section 2002.1.1.4 for additional information.

2005. Exceptions. This overlay zone is not applicable to accessory solar energy systems such as collectors that provide energy to one house or structure. Such systems are considered accessory uses to the principal use.