

## 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. 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.

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 Velocity Flood Zones.** The maximum building height of thirty five (35) feet from grade may be exempt in V and A flood zones, as shown on the Flood Insurance Rate Maps. Structures located within these flood zones may be constructed forty five (45) feet from grade but shall not exceed two and one-half stories. Any proposed building height must comply with the Standard Building Code, Table 400, as required through adoption of Appendix C of the Standard Building Code for one and two family dwellings. *(Amended Ord 2003-80)*
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 810. *(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).*

- 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:
    - 812.301 Festival, carnival, circus, fair or outdoor concert for a period not to exceed seven (7) days, provided that:
      - 812.3011 Such us will not be permitted within five hundred (500) feet of any residential property.

- 812.3012 A parking plan shall be provided, showing the location, and number of parking spaces available and the ingress and egress of traffic to the event.
- 812.3013 A non-refundable fee in the amount of two hundred (\$200) dollars shall be *(Amended Ord 2000-72)* paid to the County. *(Amended Ord 2009-77)*
- 812.3014 If the site is not cleared of all debris and temporary structures within three (3) days after the permit has expired, the Zoning Administrator shall have the right to refuse issuance of any future permit for the same applicant or event.
- 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 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.