

ZONING ORDINANCE

OF THE

CITY OF FLORENCE

ADOPTED BY

THE CITY OF FLORENCE

July 2008

Updated through April 2015

Disclaimer:

The Zoning Ordinance for the City of Florence that is published is current at this time. However, changes are made periodically to this document. The official copy of this Ordinance is maintained at the City of Florence Office of Urban Planning and Development. For information on the most current copy of the Zoning Ordinance, please contact or come to the Urban Planning and Development Office at (843)665-2047 or 324 West Evans Street, Florence, S.C. 29501.

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**ZONING ORDINANCE
CITY OF FLORENCE**

AN ORDINANCE OF THE CITY OF FLORENCE REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE HEIGHT OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; ESTABLISHING DEVELOPMENT STANDARDS; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

PREAMBLE

IN ACCORDANCE WITH AUTHORITY CONFERRED BY THE GENERAL STATUTES OF SOUTH CAROLINA, 1976 CODE OF LAWS, TITLE 6, CHAPTER 29 OF THE COMPREHENSIVE PLANNING ENABLING ACT OF 1994, AS AMENDED, AND FOR THE PURPOSE OF PROMOTING PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, APPEARANCE, PROSPERITY, AND GENERAL WELFARE; LESSENING CONGESTION IN THE STREETS; SECURING SAFETY FROM FIRE; PROVIDING ADEQUATE LIGHT, AIR, AND OPEN SPACE; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATION OF POPULATION; FACILITATING THE CREATION OF A CONVENIENT, ATTRACTIVE AND HARMONIOUS COMMUNITY; PROTECTING AND PRESERVING SCENIC, HISTORIC AND ECOLOGICALLY SENSITIVE AREAS; FACILITATING THE PROVISION OF PUBLIC SERVICES, AFFORDABLE HOUSING, AND DISASTER EVACUATION, IN HARMONY WITH THE ADOPTED COMPREHENSIVE PLANS, THE RESPECTIVE COUNCILS OF EACH GOVERNMENT HEREBY ORDAIN AND ENACT INTO LAW THE FOLLOWING ARTICLES AND SECTIONS, WHICH SHALL COMPRISE AND BE KNOWN AS THE ZONING ORDINANCE OF THE CITY OF FLORENCE, AND SHALL BE APPLICABLE THROUGHOUT THE LEGALLY RECORDED JURISDICTIONS OF SAID GOVERNMENT, AS NOW OR HEREAFTER ESTABLISHED.

ARTICLE 1

ESTABLISHMENT, PURPOSE, RULES FOR THE INTERPRETATION OF ZONING DISTRICTS, AND ZONING ANNEXED PROPERTY

Section 1.1 Establishment of Districts

For purposes of this Ordinance, the following zoning districts are hereby established:

Residential Districts	Business Districts	Rural Districts	Special Purpose Districts
R-1, Single-Family, Large lots	B-1, Limited	RU-1, Community	PDD, Planned Development
R-2, Single-Family, Medium lots	B-2, Convenience	RU-2, Resource	FH, Flood Hazard
R-3, Single-Family, Small lots	B-3 General		AC, Airport Compatibility
R-4, Multi-Family, Limited	B-4, Central		
R-5, Multi-Family	B-5, Office-Light Industrial		
	B-6, Industrial		

Section 1.2 Purpose of Districts

Collectively, these districts are intended to advance the purposes of this Ordinance, as stated in the Preamble. Individually, each district is designed and intended to accomplish the following more specific objectives.

Residential Districts

R-1, R-2, and R-3 Single-Family Residential Districts: Aside from differences in lot sizes and densities, these districts are intended to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses.

R-4 Multi-Family Residential District, Limited: This district is intended to promote and accommodate residential development consisting principally of single-family and two-family dwellings, and related support uses.

R-5 Multi-Family Residential District: This district is intended to accommodate higher density residential development and a variety of housing types on small lots or in project settings in areas accessible by major streets and in proximity to commercial uses, employment opportunities, and community facilities. It is further intended to permit development flexibility in meeting the demands and preferences of a changing housing market, and doing so in an orderly, compatible manner.

Business Districts

B-1 Limited Business District: This district is intended to accommodate office, institutional, and residential uses in areas whose character is changing, or where such a mix of uses is appropriate. It is designed principally for use along major streets dominated by older houses in transition.

B-2 Convenience Business District: The intent of this district is to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in these districts are of the “convenience variety.” The size of this district should relate to surrounding residential markets and the location should be at or near major intersections, in proximity to and/or on the periphery of residential areas.

B-3 General Commercial District: The intent of this district is to provide for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region in which it holds a central position.

B-4 Central Commercial District: The intent of this district is to promote the concentration and vitality of commercial and business uses in the downtown area. This district is characterized by wall-to-wall or lot line to lot line development, sidewalks, and public parking lots.

B-5 Office and Light Industrial District: The intent of this district is to promote the development of business parks, including office, distribution, and light manufacturing uses in an environment suited to such uses and operations while promoting land use compatibility through the application of performance standards.

B-6 Industrial District: The intent of this district is to accommodate certain industrial uses which, based on their operational characteristics, are potentially incompatible with residential, social, medical, and commercial environs. As a result, the establishment of such districts shall be restricted to areas geographically removed or buffered from such environs.

Rural Districts

RU-1 Rural Community District: The intent of this district is to sustain and support rural community centers as an integral part of the rural environment, serving the commercial, service, social, and agricultural needs of nearby rural residents.

RU-2 Rural Resource District: The intent of this classification is to conserve and protect from urban encroachment rural characteristics and resources, particularly agricultural, and maintain a balanced rural-urban environment.

The retention of open lands, woodlands, and wetlands, which make up a large part of this area, are essential to clean air, water, wildlife, many natural cycles, and a balanced environment, among other things. Even more essential from an economic perspective are the agricultural lands and farming operations in this area. Also provided by this district is a rural environment preferred by many people over subdivisions and higher density urban or community settings.

Special Purpose Districts

PD Planned Development District: The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance public health, safety, morals, and general welfare.

Within the PD, regulations adapted to unified planning and

development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of “planned development”, it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

FH Flood Hazard District: It is the intent of this district to protect human life and health, minimize property damage, encourage appropriate construction practices, and minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

Additionally, this district is intended to help maintain a stable tax base by providing for the sound use and development of flood-prone areas and to ensure that potential home buyers are notified that property is in a flood area. The provisions of this district are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions; and to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

AC Airport Compatibility District: It is the intent of this district to protect the dual interests of airports and neighboring land uses, and to:

1. Protect and promote the general health, safety, economy, and welfare of airport environs,
2. Prevent the impairment and promote the utility and safety of airports,
3. Promote land use compatibility between airports and surrounding development,

4. Protect the character and stability of existing land uses, and
5. Enhance environmental conditions in areas affected by airports and airport operations.

Florence Downtown Overlay Districts: The purpose of creating these overlay districts for the City of Florence is to promote and control preservation, redevelopment, restoration, and revitalization in its traditional downtown core, and to ensure the harmonious, orderly, and efficient growth and redevelopment of the Downtown area.

Section 1.3 Establishment of Official Zoning Maps

The boundaries of the use districts established by this Ordinance are shown on official zoning maps which shall be maintained by the Zoning Administrator. The official zoning maps and all amendments, certifications, citations, and other matters entered on the official zoning maps are hereby a part of this ordinance and have the same legal effect as if fully set out herein. The official zoning maps shall be identified by the signature of the Zoning Administrator and attested by the Clerk of jurisdiction.

Section 1.4 Adoption of Flood Hazard Area Maps

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Florence as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study, dated December 16, 2014 with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance.

Upon annexation, any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of Florence County, with accompanying map and other data are adopted by reference and declared part of this ordinance.

Section 1.5 Amendments to the Official Zoning Maps

Amendments to the official zoning maps shall be adopted by Ordinance as provided for herein. Promptly after the adoption of an

amendment, the Zoning Administrator shall alter or cause to be altered the official zoning maps to indicate the amendment. The Clerk of jurisdiction shall enter in writing upon the face of the map a certification indicating the alterations and citing the date of adoption and the effective date of the ordinance amending the map.

Section 1.6 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of a district shown on the official zoning maps, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, or public utility easements shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot or tract lines shall be construed as following such lines, whether public or private.
3. Boundaries indicated as approximately following political boundaries (city limits) shall be construed as following such boundaries.
4. Boundaries indicated as approximately following the center lines of natural barriers such as streams, shall be construed to follow such center lines.
5. Boundaries indicated as parallel to, or extensions of features indicated in Subsections 1 through 4 above, shall be determined by the Zoning Administrator.
6. Where uncertainties continue to exist after the application of the above rules, an appeal may be taken to the Board of Zoning Appeals.

Section 1.7 Zoning Annexed Property

Wherever any petition for the annexation of any area, pursuant to the provisions of any procedure for annexation now or hereafter authorized under the laws of South Carolina is presented, the City

Council with jurisdiction shall, upon acceptance of such petition, refer same to the Florence County Planning Department with a complete legal description for a recommended zoning designation.

The Planning Director shall review the petition in relation to the Comprehensive Plan, present use, and surrounding development, and shall recommend an appropriate zoning classification, which shall accompany the petition for annexation, and shall be brought before the Council with jurisdiction for a public hearing as a single ordinance, providing for both the annexation and zoning of the subject property.

Any requested zoning classification by the applicant/petitioner contrary to the Plan and the recommendation of the Planning Director shall be processed in the manner prescribed for zoning map amendments generally (Article 9).

Section 1.8 Previously Zoned Map Designations

The existing zoning maps of each participating government adopting this Ordinance are hereby amended to change and reestablish the map designations in accord with the following conversion table, specifying a corresponding designation established by Section 1.1 of this Ordinance.

Previously Zoned Map Designations							Corresponding Zone Map Designations Established by Section 1.1
Florence	Florence County	Johnsonville	Olanta	Scranton	Timmonsville	Quinby	
Residential Districts							
R-12	RS-1		R-1	R-1	R-1	R-1	R-1, Single-Family
R-9	RS-2	R-10		R-2			R-2, Single-Family
R-7.5	RS-3	R-6			R-2, R-3		R-3, Single-Family
R-6/R-4.4	RG-1, RG-2	APT	R-2	R-3		R-2	R-4, Multi-Family
RMF-4.4-20,000	MH	MH	R-3	MH	GR	R-3	R-5, Multi-Family
Business Districts							
OPB	C-1						B-1, Limited
NB	C-2	NC, NCR		NC			B-2, Convenience
GB	C-3		GC	HNC	C-1	GC	B-3, General
CB		CC			CB		B-4, Central
	M-1	LI	LI			LI	B-5, Office - Light

Previously Zoned Map Designations							Corresponding Zone Map Designations Established by Section 1.1
							Industrial
IND	M-2	BI			BI		B-6, Industrial
Rural Districts							
AO-12,000	RU, D-1	FA, CP	AR		FA	AR	RU-1, Community
							RU-2, Resource
Special Purpose							
PD	PUD						PD, Planned Development
FH							FH, Flood Hazard
							AC, Airport Compatibility

Section 1.9 Unzoned Areas

Unzoned areas of the county shall be subject to the requirements of Section 2.7, FH, Flood Hazard Districts; Section 3.6, Manufactured Home Parks; Section 3.15, Sexually Oriented Businesses; Section 3.21, Development Standards for Unzoned Areas; Section 3.22, Special Use Permit and Article 5, Signs.

ARTICLE 2

ZONING DISTRICT REGULATIONS

Section 2.1 Establishment of Regulations

The uses permitted in the several zoning districts established by Article 1, the off-street parking requirements, and the dimensional requirements of each are set forth herein. The requirements for uses in Residential, Business, and Rural Districts are presented on tables.

Section 2.3 (Table I) sets forth use and off-street parking requirements for the five residential districts. Section 2.4 (Table II) establishes use and off-street parking requirements for Business and Rural Districts. Section 2.5 (Table III) sets forth lot area, yard, setback, height, density, floor area, and impervious surface requirements for all districts. Section 2.6 establishes regulations for the Planned Development District; Section 2.7 prescribes regulations for development in the Flood Hazard District, and Section 2.8 establishes regulations for the Airport Compatibility District.

Section 2.2 Application of Regulations

The North American Industry Classification System, 2002 is the basis for determining the use of property permitted by the various zoning districts. Where uncertainty exists relative to a given use not specifically listed by the tables, the NAICS Manual should be consulted. In general, all uses listed by a given NAICS number and category shall be construed as being permitted in the assigned zoning district, unless separately listed.

Uses not listed in the NAICS Manual are identified by the letters “NA” (Not Applicable) in the NAICS Column.

Where the letter “P” is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this Ordinance.

Where the letter “C” is shown, the use to which it refers is conditionally permitted in the indicated district, subject to requirements for uses set out in Article 3.

Where the letter “N” is shown, the use to which it refers is not permitted in the indicated district.

Where a given use or NAICS reference is not listed by either Table I or II, said use shall not be permitted.

A section number reference following a use category means the use must meet the additional conditions and requirements of the referenced section.

To aid in the use of the Tables they are arranged by NAICS Sectors, followed by the uses and codes included in the respective sector:

- Sector 11: Agriculture, Forestry, Fishing and Hunting
- Sector 21: Mining
- Sector 22: Utilities
- Sector 23: Construction
- Sector 31-33: Manufacturing
- Sector 42: Wholesale Trade
- Sector 44-45: Retail Trade
- Sector 48-49: Transportation and Warehousing
- Sector 51: Information
- Sector 52: Finance and Insurance
- Sector 53: Real Estate and Rental and Leasing
- Sector 54: Professional, Scientific, and Technical Services
- Sector 55: Management of Companies and Enterprises
- Sector 56: Administrative and Support and Waste Management and Remediation Services
- Sector 61: Educational Services
- Sector 62: Health Care and Social Assistance
- Sector 71: Arts, Entertainment, and Recreation
- Sector 72: Accommodation and Food Services
- Sector 81: Other Services (except Public Administration)
- Sector 92: Public Administration

Uses and NAICS code references are displayed within the appropriate sector in numerical order, beginning with Sector 11 (Agricultural, Forestry, Fishing and Hunting) and running through Sector 92 (Public Administration).

Section 2.3 Table I: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements for Residential Districts

	NAICS	R-1	R-2	R-3	R-4	R-5	Off-Street Parking Requirements
Residential Uses							
Site Built Dwellings							
Single-family detached	81411	P	P	P	P	P	None
Duplex	81411	N	N	N	P	P	2.0 spaces per unit
Townhouse (Sec. 3.1)	81411	N	N	C	C	C	2.0 spaces per unit
Patio Home (Sec. 3.2)	81411	N	N	C	C	C	2.0 spaces per unit
Triplex	81411	N	N	N	N	P	2.0 spaces per unit
Quadraplex	81411	N	N	N	N	P	1.5 spaces per unit
Multi-family	81411	N	N	N	N	P	1.5 spaces per unit
Rooming & boarding houses	72131	N	N	N	N	P	1.0 spaces per bedroom
Bed & Breakfast Inns (Sec. 3.3)	721191	N	N	C	C	C	1.0 spaces per bedroom
Manufactured Dwellings (Footnote)							
Residential Designed (Sec. 3.4)	81411	N	N	C	N	C	None
Standard Designed (Sec. 3.4)	81411	N	N	N	N	N	None
Mobile Home (Sec. 3.4)	81411	N	N	N	N	N	2.0 spaces per unit
Modular Home	81411	P	P	P	P	P	None
Manufactured Home Park (Sec. 3.7)	81411	N	N	N	N	C	2.0 spaces per unit
Accessory Uses (Sec. 7.6)							
Bathhouses, cabanas	NA	P	P	P	P	P	None
Domestic animal shelters	NA	P	P	P	P	P	None
Child day care services	6244	P	P	P	P	P	None
Satellite dishes/antennas	NA	P	P	P	P	P	None
Accessory Apartment (Sec. 3.7)	NA	N	N	N	N	N	None
Coin operated laundries & dry cleaners	81231	N	N	N	N	N	None
Non-commercial greenhouse	NA	P	P	P	P	P	None
Private garage & carport	NA	P	P	P	P	P	None
Storage building	NA	P	P	P	P	P	None
Swimming pool, tennis courts	NA	P	P	P	P	P	None
Auxiliary shed, work shop	NA	P	P	P	P	P	None
Home Occupation (Sec. 3.8)	NA	C	C	C	C	C	None
Horticulture, gardening	NA	P	P	P	P	P	None
Signs – See Article V							None
Support Uses							
Recreational							
Public parks, playgrounds, & community centers	71394	P	P	P	P	P	1.0 per 250 GFA activity buildings, 1% land area to parks
Golf courses, public & private	71391	P	P	P	P	P	5.0 spaces for each hole
Swimming & tennis clubs	71394	P	P	P	P	P	1.0 space for each 200 s.f. GFA
Educational							
Elementary schools	6111	P	P	P	P	P	2.0 spaces per classroom, plus 5.0 admin. spaces
Secondary schools	6111	P	P	P	P	P	5.0 spaces per classroom, plus 10 admin. spaces

Footnotes: Manufactured homes shall be limited to the RU-1 District (Table 2) in the City of Florence.

	NAICS	R-1	R-2	R-3	R-4	R-5	Off-Street Parking Requirements
Supported Uses Cont'd							
Social							
Nursing & residential care facilities	623	N	N	N	P	P	0.4 per bed, plus 1.0 space per 500 s.f. GFA
Day care services	62441	N	N	N	P	P	1.0 space per 200 s.f. GFA
Religious organizations	81311	P	P	P	P	P	0.3 Spaces per seat, main seating
Utilities							
Communication transmission only, except towers/antennas	5133	P	P	P	P	P	None
Communication towers & antennas	51332	N	N	N	N	N	None
Electric, gas, transmission only	221121	P	P	P	P	P	None
Sewerage treatment facilities	22132	P	P	P	P	P	None
Water supply & irrigation systems	22131	P	P	P	P	P	None
Public Order & Safety	9221	P	P	P	P	P	1.0 space per 350 s.f. GFA
Fire Protection	92216	P	P	P	P	P	4.0 spaces per bay
Temporary Uses							
Temporary Uses (Sec. 3.9)		C	C	C	C	C	By individual review

Section 2.4 Table II: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements for Business & Rural Districts

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Sector 11: Agriculture, Forestry, Fishing, and Hunting										
Agricultural Production, crops (1)	111	P	P	P	N	P	P	P	P	None
Agricultural Production, Livestock, animals	112									
Livestock, except feedlots	112111	N	N	N	N	N	N	P	P	None
Feedlots	112112	N	N	N	N	N	N	N	P	None
Poultry & eggs	1123	N	N	N	N	N	N	N	P	None
Animal specialties	1129	N	N	N	N	N	N	N	P	None
Horses & other equine	11292	N	N	N	N	N	N	P	P	None
General Farms	11299	N	N	N	N	P	P	P	P	None
Fishing, Hunting, Trapping	1141-2	N	N	P	N	N	P	P	P	None
Agricultural Services	115	N	N	N	N	N	N	P	P	None
Forestry (2)	11531	N	N	P	N	P	P	P	P	1.0 per 1,000 s.f. GFA
Sector 21: Mining										
Mining	212	N	N	N	N	N	P	N	P	None
Sector 22: Utilities										
Electric, gas, & sanitary services	221									
Electric	2211									
Generation	22111	N	N	N	N	N	P	N	N	1.0 per 500 s.f. GFA
Transmission	22112	P	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Natural gas distribution	2212	P	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Water supply systems	22131									
Storage/Treatment	22131	N	N	P	N	P	P	P	P	1.0 per 500 s.f. GFA
Transmission	22131	P	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Sewerage systems	22132									
Collection	22132	P	P	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Treatment	22132	N	N	P	N	P	P	N	P	1.0 per 500 s.f. GFA
Steam & Air Conditioning supply	22133	N	N	P	N	P	P	N	N	1.0 per 500 s.f. GFA
Sector 23: Construction										
Bldg. Construction – general contract & operative builders	233	N	N	P	N	N	P	N	N	1.0 per 1,000 s.f. GFA
Heavy construction other than building construction-contractors	234	N	N	P	N	N	P	N	N	1.0 per 1,000 s.f. GFA
Special Trade Contractors	235	N	N	P	N	N	P	N	N	1.0 per 1,000 s.f. GFA
Sector 31-33: Manufacturing										
Food	311	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Beverage & Tobacco	312	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Textile mill products	313	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Textile Product Mills	314	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Apparel	315	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Leather & allied products	316	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Wood products	321	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Paper & allied products	322	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Petroleum products	324	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Chemical products	325	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Sector 31-33: Manufacturing – cont'd										
Plastic & Rubber	326	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Nonmetallic Mineral products	327	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Primary Metal Industry	331	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Fabricated metal products	332	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Machinery	333	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Computer & Electronic Products	334	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Electrical equipment, Appliances & components	335	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Transportation equipment	336	N	N	N	N	N	P	N	P	1.0 per 500 s.f. GFA
Furniture & related products	337	N	N	P	N	P	P	N	P	1.0 per 500 s.f. GFA
Misc. manufacturing Indus.	339	N	N	N	N	P	P	N	P	1.0 per 500 s.f. GFA
Sector 42: Wholesale Trade										
Wholesale trade-durable goods	421	N	N	P	P	P	P	N	P	1.0 per 5,000 s.f. GFA
Recycle materials (Sec. 3.12)	42193	N	N	N	N	N	C	N	N	1.0 per 5,000 s.f. GFA
Wholesale trade-nondurable goods	422	N	N	P	P	P	P	N	P	1.0 per 5,000 s.f. GFA
Sector 44-45: Retail Trade										
Motor vehicle & parts	441	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive dealers	4411	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Other motor vehicle dealers	4412	N	N	P	P	N	N	N	N	1.0 per 600 s.f. GFA
Automotive parts	4413	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Furniture & home furnishings	442	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Electronics & Appliances	443	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Building materials, garden supplies	444									
Building materials & supplies	4441	N	N	P	N	N	N	P	N	1.0 per 1,000 s.f. GFA
Paint & wallpaper	44412	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Hardware stores (Sec. 3.13)	44413	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Lawn & garden equipment & supplies stores	4442	N	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Food stores (3.13)	445	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Beer, Wine, & Liquor stores (Sec 3.13)	4453	N	N	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Health & Personal care (Sec. 3.13)	446	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Gasoline stations	447	N	P	P	P	N	N	P	P	1.0 per 600 s.f. GFA
Truck stops	44719	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Clothing & accessory stores	448	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Sporting goods, Hobbies, Books, & Music	451	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
General Merchandise, except pawn shops & flea markets (Sec. 3.13)	452	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Miscellaneous retail	453	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Florists (3)	453110	P	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Used merchandise, except pawn shops & flea markets (Sec. 3.13)	4533	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Flea Markets	4533	N	N	P	N	N	N	P	N	1.5 per stall
Retail not elsewhere classified except grave monuments, fireworks, sexually oriented businesses	4539	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Manufactured home dealers	45393	N	N	P	N	N	N	N	N	1.0 per 600 s.f. GFA
Fireworks	453998	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Gravestones, monuments	443998	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA
Miscellaneous retail	45399	N	N	P	N	N	N	N	N	1.0 per 350 s.f. GFA
Non-store retailers	454	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Fuel Dealers	45431	N	N	P	N	N	P	N	N	1.0 per 500 s.f. GFA
Sector 48-49: Transportation Warehousing										
Air Transportation	481	N	N	P	N	P	P	N	N	1.0 per 250 s.f. GFA
Rail Transportation	482	N	N	P	P	P	P	P	P	1.0 per 500 s.f. GFA
Truck Transportation	484	N	N	P	P	P	P	N	N	1.0 per 500 s.f. GFA
Transit and ground passenger transportation	485	N	N	P	P	P	P	N	N	1.0 per 500 s.f. GFA
Scenic & Sightseeing Transportation	487	P	P	P	P	P	P	N	N	1.0 per 500 s.f. GFA
Support Activities for Transportation	488	N	N	P	P	P	P	N	N	1.0 per 500 s.f. GFA
U.S. Postal Service	491	P	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Couriers & Messengers	492	P	P	P	P	P	P	N	N	1.0 per 500 s.f. GFA
Warehousing & Storage	493	N	N	P	P	P	P	P	P	1.0 per 1,000 s.f. GFA
Sector 51: Information										
Publishing Industries	511	N	P	P	P	P	P	N	P	1.0 per 500 s.f. GFA
Motion pictures & Sound Industries	51	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Motion picture theaters	512131	N	P	P	P	N	N	N	N	1.0 per 5 seats
Broadcasting & Telecommunications	513	N	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Communication Tower & Ant. (Sec. 3.11)	5131	N	C	C	C	C	C	C	C	None
Info. Services & Data Processing	514	N	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Libraries	51212	P	P	P	P	P	N	P	N	1.0 per 350 s.f. GFA
Sector 52: Finance & Insurance										
Banks	521	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Credit Intermediation	522	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Pawn Shops	522298	N	N	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Security & commodity contracts, financial investments	523	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Insurance Carriers & related activities	524	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Funds, Trust, & other financial vehicles	525	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Sector 53: Real Estate & Rental & Leasing										
Real Estate	531	P	P	P	P	P	P	P	N	1.0 per 350 s.f. GFA
Mini-warehouses	53113	N	N	P	P	P	P	N	N	1.0 per storage units
Rental & Leasing Services	532	N	N	P	P	P	P	N	N	1.0 per 500 s.f. GFA
Video tape rental (Sec. 3.13)	53223	N	P	P	P	N	N	C	N	1.0 per 350 s.f. GFA
Sector 53: Real Estate & Rental & Leasing										
Professional, Scientific, Technical Svcs.	541	N	P	P	P	P	N	P	N	1.0 per 300 s.f. GFA
Display advertising – Signs	54185	See Article V								
Legal services	5411	P	P	P	P	P	N	P	N	1.0 per 350 s.f. GFA
Engineering, accounting, research management & related services	5412-9	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Tax return prep. service	541213	P	P	P	P	N	N	P	N	1.0 per 500 s.f. GFA
Sector 54: Professional, Scientific, Technical Services – cont'd										
Photographic studios, portraits	54192	P	P	P	P	N	N	N	N	1.0 per 300 s.f. GFA
Veterinary Services	54194	N	N	P	N	N	P	P	P	1.0 per 1,000 s.f. GFA
Sector 55: Management of Companies and Enterprises										
Mgmt. Of Companies and Enterprises	551	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Sector 56: Administrative and Support and Waste Management and Remediation Services										
Administrative & support services	561	P	P	P	P	P	P	P	P	1.0 per 750 s.f. GFA

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Landscape services	56173	N	P	P	N	P	P	P	P	1.0 per 1,000 s.f. GFA
Refuse systems (Sec. 3.14)	562	N	N	C	N	N	C	N	C	1.0 per 500 s.f. GFA
Sector 61: Educational Services										
Educational Services	6117	P	P	P	P	N	N	N	N	1.0 per 200 s.f. GFA
Elementary Schools	6111	P	P	P	P	N	N	P	P	2.0 per classroom plus 5 admin. Spaces
Secondary Schools	6111	P	P	P	P	N	N	P	P	5.0 per classroom plus 10 admin. Spaces
Jr. Colleges, Colleges, Universities, professional schools	6112-3	P	P	P	P	P	P	N	N	5.0 per classroom plus 2 per admin. Office
Business schools, Computer, & Management Training	6114-5	P	P	P	P	P	P	N	N	5.0 per classroom plus 2 per admin. Office
Other schools and instruction	6116	P	P	P	P	P	P	N	N	5.0 per classroom plus 2 per admin. Office
Education Support Services	6117	P	P	P	P	P	P	N	N	1.0 per 200 s.f. GFA
Sector 62: Health Care and Social Assistance										
Ambulatory Health Care Services	62	P	P	P	P	P	N	N	N	1.0 per 150 s.f. GFA
Medical & dental laboratories	6215	N	N	P	P	P	P	N	N	1.0 per 500 s.f. GFA
Home health care services	6216	P	P	P	P	P	N	P	N	1.0 per 500 s.f. GFA
Hospitals	622	N	N	P	P	P	N	N	N	0.7 per bed
Nursing & residential care facilities	623	P	P	P	P	P	N	P	P	0.4 per bed
Nursing Care Facilities	623	N	N	P	N	N	N	P	P	1.0 per 500 s.f. GFA
Community Care for Elderly	623	P	P	P	P	P	N	P	P	0.4 per bed
Social Services	624	N	N	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Individual & Family Social Services	6241	N	P	P	P	N	N	N	N	1.0 per 350 s.f. GFA
Community, Food & Housing & Emergency & Relief services	6242	N	N	P	P	P	N	N	N	
Rehabilitation services	6243	N	N	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Day care services	6244	P	P	P	P	P	P	P	P	1.0 per 200 s.f. GFA
Sector 71: Arts, Entertainment, and Recreation										
Performing Arts & Spectator Sports	711	N	N	P	P	N	N	N	N	1.0 per 300 s.f. GFA
Performing Art Companies	7111	P	P	P	N	N	N	N	N	1.0 per 200 s.f. GFA
Spectator Sports	7112	N	N	P	P	N	N	N	N	By individual review
Museums, Historical sites, & Similar Institutions	712	P	P	P	P	N	N	N	N	1.2 per 1,000 s.f. GFA
Sector 71: Arts, Entertainment, and Recreation – cont'd										
Amusement, Gambling, & Recreation	713	N	N	P	N	N	N	N	N	By individual review
Amusement Parks & Arcades	71311	N	N	P	N	N	N	N	N	By individual review
Coin operated amusement, cash payouts more than 5 machines (Sec. 3.17)	7132	N	N	C	N	N	N	N	N	1.0 per 200 s.f. GFA
Golf courses & Country Clubs	71391	N	N	P	N	P	P	N	P	5.0 per hole
Marinas	71392	N	N	N	N	P	P	P	P	1.0 per slip
Public parks & playgrounds	71394	P	P	P	P	P	P	P	P	1% land area
Physical fitness facilities	71394	N	P	P	P	P	P	N	N	1.0 per 300 s.f. GFA
Bowling centers	71395	N	N	P	P	N	N	N	N	5.0 per lane
Coin operated amusement non-cash payouts	71399	N	P	P	P	N	N	N	N	1.0 per 200 s.f. GFA
All other Amusement & Recreational Industries	71399	N	N	P	N	N	N	N	N	1.0 per 200 s.f. GFA

Sector 72: Accommodation and Food Services	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Accommodations	721									
Hotels & motels	72111	N	N	P	P	P	N	N	N	1.0 per rental unit
Bed and Breakfast Inns (Sec. 3.3)	721191	C	N	P	P	P	N	C	C	1.5 per bedroom
Camps & recreational vehicle parks	721191	N	N	C	N	N	N	N	C	Not applicable
Rooming & boarding houses, dormitories, group housing	72121	N	N	P	N	N	N	N	N	1.0 per bedroom
Eating Places	7221-3	N	P	P	P	P	P	P	N	1.0 per 150 s.f. GFA
Drinking Places (Sec. 3.20)	7224	N	N	C	C	N	N	N	N	1.0 per 150 s.f. GFA
Sector 81: Other Services (except Public Administration)										
Auto repair & maintenance (Sec. 3.13)	8111	N	N	P	P	N	N	C	N	1.0 per 500 s.f. GFA
Car washes (multiple bays)	811192	N	N	P	N	N	N	N	N	None
Other Repair (Sec. 3.13)	8112-4	N	P	P	P	N	P	C	N	1.0 per 350 s.f. GFA
Shoe repair, shoe shine shops	81143	N	P	P	P	N	N	N	N	1.0 per 300 s.f. GFA
Personal & Laundry services	812									
Personal Care Services	81221	N	P	P	P	N	N	P	N	2.5 per chair basin
Tattoo Facilities (Sec. 3.23)	812199	N	N	C	N	N	N	N	N	1.0 PER 150 s.f. GFA
Funeral Homes & Services	81221	P	P	P	P	N	N	N	N	5.0 plus 1.0 per 2 seats main assembly
Cemeteries	81221	N	N	P	N	N	N	P	P	None
Crematories	81222	N	N	N	N	N	P	N	N	1.0 per 500 s.f. GFA
Laundry & Dry Cleaning Services	8123	N	N	P	P	N	P	N	N	1.0 per 500 s.f. GFA
Coin operated laundries/dry cleaning	81231	N	P	P	P	N	N	P	N	1.0 per 250 s.f. GFA
Pet Care	81291	N	N	P	N	N	P	P	P	1.0 per 1,000 s.f. GFA
Automotive parking lots & garages	81293	N	P	P	P	P	P	N	N	None
Sexually oriented business (Sec. 3.15)	81299	N	N	C	N	N	N	N	N	1.0 per 350 s.f. GFA
All other personal services	81299	N	P	P	P	N	N	N	N	1.0 per 300 s.f. GFA
Religious, fraternal, professional, political, civic, business organizations	813	P	P	P	P	P	P	P	P	1.0 per 250 s.f. GFA
Religious Organizations	81211	P	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
All Other Organizations	8132-9	N	P	P	P	N	N	N	N	1.0 per 500 s.f. GFA
Sector 92: Public Administration										
Executive, legislative, & general govt.	921	P	P	P	P	P	N	N	N	1.0 per 350 s.f. GFA
Justice, public order & safety	922	N	N	P	P	P	P	N	P	1.0 per 350 s.f. GFA
Courts	92211	N	N	P	P	N	N	P	P	1.0 per 350 s.f. GFA
Police Protection	82212	P	P	P	P	P	P	P	P	1.0 per 350 s.f. GFA
Correctional institution	92214	N	N	P	P	N	P	N	P	1.0 per jail cell, plus 1.0 per 250 s.f. GFA
Fire Protection	92216	P	P	P	P	P	P	P	P	4.0 per bay
Administration of human resources	923	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Ad. of environ. Quality & housing prog.	924-5	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Administration of economic programs	926	P	P	P	P	P	P	N	N	1.0 per 350 s.f. GFA
Space Research & Technology	927	N	N	P	P	P	P	N	N	
National Security & Internal Affairs	928	N	N	P	P	P	P	N	N	
Residential Uses										
Site Built Dwellings	NA									

	NAICS	B-1	B-2	B-3	B-4	B-5	B-6	RU-1	RU-2	Off-Street Parking Requirements
Single-family detached	NA	P	P	P	N	N	N	P	P	None
Duplex	NA	N	N	N	N	N	N	P	N	2.0 spaces per unit
Multi-family, apts. (Sec. 3.19)	NA	N	N	P	C	P	N	N	N	1.5 spaces per unit
Rooming & Boarding houses	72131	N	P	P	P	N	N	N	N	1.0 spaces per bedroom
Manufactured Dwellings	NA									
Residential designed (Sec. 3.4)	NA	N	N	N	N	N	N	C	C	2.0 spaces per unit
Standard designed (Sec. 3.4)	NA	N	N	N	N	N	N	C	C	2.0 spaces per unit
Mobile Homes (Sec. 3.5)	NA	N	N	N	N	N	N	N	N	2.0 spaces per unit
Modular Homes	NA	P	P	P	N	N	N	P	P	2.0 spaces per unit
Accessory Uses to Residential Uses										
Bathhouses & cabanas	NA	P	P	P	N	NA	NA	P	P	None
Domestic animal shelters	NA	P	P	P	N	NA	NA	P	P	None
Non-commercial greenhouses	NA	P	P	P	P	NA	NA	P	P	None
Private garage & carport	NA	P	P	P	P	NA	NA	P	P	None
Storage building	NA	P	P	P	P	NA	NA	P	P	None
Swimming pool, tennis courts	NA	P	P	P	P	NA	NA	P	P	None
Auxiliary shed, workshop	NA	P	P	P	N	NA	NA	P	P	None
Home occupation (Sec. 3.8)	NA	P	P	P	P	NA	NA	C	C	None
Horticulture, gardening	NA	P	P	P	P	NA	NA	P	P	None
Family day care home	NA	P	P	P	P	NA	NA	P	P	None
Satellite dishes, etc.	NA	P	P	P	P	NA	NA	P	P	None
Accessory Uses to Residential Uses										
Buildings, structures	NA	P	P	P	P	P	P	P	P	None
Open storage (Sec. 3.18)	NA	N	N	C	N	C	C	C	N	None
Temporary Uses										
All Temporary Uses (Sec. 3.9)	NA	C	C	C	C	C	C	C	C	None

Notes:

- a. Off street parking is not required in the B-4 District.

Section 2.5 Table III: Schedule of Lot Area, Yard, Setback, Height, Density, Floor area, and Impervious Surface Requirements for Residential, Business And Rural Districts

District	Minimum Lot Area (a)		Lot Width (ft) (b)	Front Yard Setback	Side Yard Setback		Rear Yard Setback		Max Hgt. (ft) (c)	Max Impervious Surface Ratio (%)	Max. Floor Area Ratio: Non-Res. Uses (d)
	Residential I	Non-Residential			Res	Non Res	Res	Non Res			
R-1	15,000	30,000	100	25	10	50	30	60	38	40	0.25
R-2	10,000	20,000	80	25	8	25	25	50	38	45	0.30
R-3	6,000	12,000	50	25	5	25	25	50	38	45	0.30
R-4	6,000	12,000	50	25	5	25	20	40	38	45	0.30
R-5	6,000	12,000	50	25	5	25	20	40	4 stories	70	0.30
B-1	5,000	5,000	50	35	5	5	20	20	38	70	0.30
B-2	5,000	5,000	50	35	5	5	20	20	38	80	0.50
B-3	5,000	5,000	50	35	5	5	20	20	(e)	90	None
B-4	NA	None	None	None	NA	None	NA	None	(e)	100	None
B-5	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None
B-6	NA	10,000	10,000	35	NA	10	NA	25	(e)	90	None
RU-1	15,000	15,000	15,000	35	10	10	30	30	38	40	0.25
RU-2	87,120	43,560	43,560	35	15	50	30	60	38	20	0.15

Notes To Table III

a – Lot area is expressed in square feet.

b – Measurement from front property line.

c – Measurement from average elevation of finished grade of the front of the structure.

d – Total floor measured as a percent of total lot area

e – There is no maximum; provided side and rear setbacks shall increase by one (1) foot for each two (2) feet in height over thirty-five (35) feet for buildings outside of the B-4 District; further provided that approval of buildings over thirty-five (35) feet shall be based on fire ladder capabilities as determined by the Fire Department with jurisdiction.

NA = Not Applicable

Section 2.6 PDD Planned Development District

Section 2.6-1 Establishment of PD

A PD shall be established on the official Zoning Map by the same procedure as for amendments generally (Article 9) and in accord with the requirements of this section.

Additionally, each PD shall be identified by a prefix and number indicating the particular district, as for example "PD - 98 - 1" (Zone - Year - Number), together with whatever other identification appears appropriate.

Section 2.6-2 Permitted uses in PD

Any use or combination of uses meeting the objectives of this section may be established in a PD upon review and approved amendatory action by the Council with jurisdiction. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed on the basis of classification, i.e. retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title, so long as the PD zoning applies to the land, unless otherwise amended by Ordinance.

Section 2.6-3 Development Standards

1. Minimum Area Required

Minimum area requirements for establishing a PD shall be two acres.

2. Density

Residential density, setbacks, impervious surface ratios, floor area ratios, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities, i.e. transportation, water and sewerage systems, recreation facilities, etc.

3. Overall Site Design

Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and use relationships. Variety in building types, heights, facades, setbacks, and size of open spaces shall be encouraged.

4. Parking and Loading

Off-street parking and loading spaces for each PD shall comply with the requirements of Sections 2.3 and 2.4, as applicable for the various uses proposed for the PD, and the requirements of Article 6.

5. Buffer Areas

Buffer areas shall be required for peripheral uses only, and shall be provided in accordance with the minimum requirements for adjacent uses prescribed by Section 4.1. Buffer areas are not required for internal use.

6. Streets and Street Improvements

Private streets may be permitted in a PD provided such streets meet the design and construction standards promulgated for public streets; further provided that an acceptable maintenance plan be submitted to and approved by the Planning Commission prior to permitting.

7. Landscaping and Common Open Space

Landscaping and open space requirements for each PD shall comply with the provisions of Sections 4.3 and 4.4 of this Ordinance.

8. Signage

Signage shall be in harmony and scale with and reflective of the proposed PD.

Section 2.6-4 Site Plan Requirements

Site Plan showing the proposed development shall be prerequisite to the approval of a PD. The Site Plan shall adhere to the requirements of this section and shall show the information called for in Section 8.7-3.

Section 2.6-5 Financial Guarantees

Where public improvements and/or “common” amenities or infrastructure are proposed, such improvements shall be installed in accord with a development schedule to be approved as part of the PD Plan.

Where proposed or requirement improvements have not been completed by the applicant/developer prior to the scheduled target date and certified by the Zoning Administrator, the applicant/developer may provide financial guarantees to ensure the proper installation of such required improvements. The nature and duration of the guarantees shall be structured to achieve this goal without adding unnecessary costs to the developer.

Section 2.6-6 Action by Planning Commission and Council

Action by the Planning Commission and Council with jurisdiction may be to approve the Plan and application to establish a PD, to include specific modifications to the Plan, or to deny the application to rezone or establish a PD. If the Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PD Plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages. If the application is denied, the applicant shall be so notified.

Section 2.6-7 Administrative Action

After a PD Plan has been approved, building and sign permits shall be issued in accord with the approved Plan as a whole or in stages, or portions thereof, as approved. Said permits shall be issued in the same manner as for building and sign permits generally.

Section 2.6-8 Changes in Approved PD Plans

Except as provided in this section, approved PD Plans shall be binding on the owner and any successor in title.

Minor changes in approved PD site plans may be approved by the Zoning Administrator on application by the applicant, upon making a finding that such changes are:

1. In accord with all applicable regulations in effect at the time of the creation of the PD District; or
2. In accord with all applicable regulations currently in effect.
3. Changes less than 10 percent from the original requirements.

In reaching a decision as to whether the change will require the governing authority's approval, the Zoning Administrator shall use the following criteria:

1. Any increase in intensity or use shall constitute a modification requiring the governing authority's approval. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in the amount of outside land area devoted to sales, displays, or demonstrations.
2. Any change greater than 10 percent in parking areas resulting in an increase or reduction in the number of spaces approved shall constitute a change requiring the governing authority's approval.
3. Structural alterations significantly affecting the basic size, form, style, and location of a building, as shown on the approved Plan, shall be considered a change requiring the governing authority's approval.

4. Any reduction in the amount of open space or buffer area, or any change in the location or characteristics of open space, shall constitute a change requiring the governing authority's approval.
5. Any change in use from one use group to another shall constitute a change requiring the governing authority's approval.
6. Any change in pedestrian or vehicular access or circulation shall constitute a change requiring the governing authority's approval.

Section 2.7 FH Flood Hazard District

Flood Hazard Districts include (1) flood plains, (2) areas of shallow flooding, (3) areas of special flood hazard, and (4) floodways. The development of these areas, where shown on Flood Hazard Boundary Maps, issued by the Federal Emergency Management Agency (FEMA) for the City of Florence may not occur where alternative locations exist due to the inherent hazards and risks involved. Before a building permit is issued, the applicant shall demonstrate on the Plan submitted with the zoning compliance application that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized. Where there is no alternative to a location in a Flood Hazard District, all permit applications shall be reviewed to determine whether proposed building sites will be reasonably safe from flooding. If a building site is in a flood-prone area, all development shall adhere to the following criteria: (4)

Section 2.7-1 Administration

1. Development Permit and Certification Requirements.

- a. **Development Permit:** - Application for a development permit shall be made to the local floodplain administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:
 - i. A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the local floodplain administrator of Section 2.7-1.2.k or the Standards for Subdivision Proposals of Section 2.7-2.2 and the Standards for streams without Estimated Base Flood Elevations and Floodways of Section 2.7-2.3. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of Section 2.7-1.2.k or the standards for subdivision proposals of Section 2.7-2.2.1 and the standards for streams without estimated base flood elevations and floodways of Section 2.7-2.3.

ii. Where base flood elevation data **is** provided as set forth in Section 1.4 or the duties and responsibilities of the local floodplain administrator of Section 2.7-1 the application for a development permit within the flood hazard area shall show:

(1)The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and

(2)If the structure will be floodproofed in accordance with the Non-Residential Construction requirements of Section 2.7-2.2.b the elevation (in relation to mean sea level) to which the structure will be floodproofed.

iii. Where base flood elevation data is **not** provided as set forth in Section 1.4 or the duties and responsibilities of the local floodplain administrator of Section 2.7-1.2.k, then the provisions in the standards for streams without estimated base flood elevations and floodways of Section 2.7-2.3 must be met.

iv. Alteration of Watercourse: Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood- carrying capacity of the altered or relocated watercourse is maintained and a map showing the location of the proposed watercourse alteration or relocation.

b. **Certifications**

i. Floodproofing Certification - When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of Section 2.7-2.2.b and Section 2.7-2.5.b.ii.

ii. Certification During Construction – A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

iii. As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of Section 2.7-1.b.i and ii that the development is built in accordance with the submitted plans and previous pre-development certifications.

2. Duties and Responsibilities of the Local Floodplain Administrator - shall include, but not be limited to:

- a. **Permit Review** - Review all development permits to assure that the requirements of this ordinance have been satisfied.
- b. **Requirement of Federal and/or state permits** - Review proposed development to assure that all necessary permits have been received from those governmental

agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

c. **Watercourse Alterations –**

- i. Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- ii. In addition to the notifications required watercourse alterations per Section 2.7-1.2.c.i, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
- iii. If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to the start of construction.
- iv. Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of Section 2.7-1.1.b.iv, the applicant shall submit as-built certification, by a registered

professional engineer, to the Federal Emergency Management Agency.

- d. **Floodway encroachments** - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 2.7-2.2.e are met.
- e. **Adjoining Floodplains** - Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- f. **Notifying Adjacent Communities** – Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.
- g. **Certification requirements** –
 - i. Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in Section 2.7-1.1.b.ii.
 - ii. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in Section 2.7-1.1.b.i.
 - iii. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in Section 2.7-2.2.b.
- h. **Map Interpretation** - Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The

person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- i. **Prevailing Authority** – Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in Section 2.7-2.2.g.ii.
- j. **Use Of Best Available Data** - When base flood elevation data and floodway data has not been provided in accordance with Section 1.4, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in Section 2.7-2.2.i, in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
- k. **Special Flood hazard Area/topographic Boundaries Conflict** - When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.

- l. **On-Site inspections** - Make on-site inspections of projects in accordance with the administrative procedures outlined in Section 2.7-1.3.
- m. **Administrative Notices** - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in 2.7-1.3.
- n. **Records Maintenance** - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
- o. **Annexations and Detachments** - Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas.
- p. **Federally Funded Development** - The President issued *Executive Order 11988, Floodplain Management May 1977*. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
- q. **Substantial Damage Determination** – Perform an assessment of damage from any origin to the structure using FEMA’s Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.
- r. **Substantial Improvement Determination** – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work

counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

The market values shall be determined by one of the following methods:

- i. the current assessed building value as determined by the county’s assessor’s office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.
- ii. one or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, *less the cost of site improvements and depreciation for functionality and obsolescence.*
- iii. Real Estate purchase contract within 6 months prior to the date of the application for a permit.

3. Administrative Procedures

- a. **Inspections of Work in Progress** - As the work pursuant to a permit progresses, the local floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

- b. **Stop-Work Orders** - Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

- c. **Revocation of Permits** - The local floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

- d. **Periodic Inspections** - The local floodplain administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

- e. **Violations to be Corrected** - When the local floodplain administrator finds violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

- f. **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
- i. the building or property is in violation of the Flood Damage Prevention Ordinance,
 - ii. a hearing will be held before the local floodplain administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - iii. following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- g. **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe; provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- h. **Appeal:** Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body

shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

- i. **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

- j. **Denial of Flood Insurance under the NFIP:** If a structure is declared in violation of this ordinance and after all other penalties are exhausted to achieve compliance with this ordinance then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.

- k. The following **documents** are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at www.fema.gov:
 - i. All FEMA Technical Bulletins

 - ii. All FEMA Floodplain Management Bulletins

 - iii. FEMA 348 Protecting Building Utilities from Flood Damage

Section 2.7-2 Provisions for Flood Hazard Reduction

1. General Standards

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the

inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

- a. **Anchoring** - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
- b. **Flood Resistant Materials and Equipment** - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency.
- c. **Minimize Flood Damage** - All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages,
- d. **Critical Development** - shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data,
- e. **Utilities** - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus one foot (freeboard).
- f. **Water Supply Systems** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,

- g. **Sanitary Sewage Systems** – New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,
- h. **Gas Or Liquid Storage Tanks** – All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent floatation and lateral movement resulting from hydrodynamic and hydrostatic loads.
- i. **Alteration, Repair, Reconstruction, Or Improvements** - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.
- j. **Non-Conforming Buildings or Uses** - Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,
- k. **American with Disabilities Act (ADA)** - A building must meet the specific standards for floodplain construction outlined in Section 2.7-2.2, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements

required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

2. **Specific Standards**

In all areas of special flood hazard (Zones A and AE) where base flood elevation data has been provided, as set forth in Section 1.4 or outlined in the Duties and Responsibilities of the local floodplain administrator Section 2.7-1, the following provisions are required:

- a. **Residential Construction** – All new construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Section 2.7-2.2.d.

- b. **Non-Residential Construction**
 - i. All new construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Section 2.7-2.2.d. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the

capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

- ii. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in Section 2.7-1.1.b.i. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Article 9 of this ordinance. Agricultural structures not meeting the criteria of Article 9 must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.

c. **Manufactured Homes**

- i. Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- ii. Manufactured homes that are to be placed or substantially improved on sites in an existing

manufactured home park or subdivision that are not subject to the provisions for residential construction in Section 2.7-2.2.a of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower one foot than above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

iii. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 40-29-10 of the *South Carolina Manufactured Housing Board Regulations*, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

iv. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.

d. **Elevated Buildings** - New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed

to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:

- (1) Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to flooding.
- (2) The bottom of each opening must be no more than 1 foot above the higher of the interior or exterior grade immediately under the opening,
- (3) Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
- (4) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (5) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

ii. Hazardous Velocities - Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.

iii. Enclosures Below Lowest Floor

(1) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(2) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.

(3) One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in Section 2.7-2.2.a, b, and c.

(4) All construction materials below the required lowest floor elevation specified in the specific standards outlined in Section 2.7-2.2.a, b, c, and d should be of flood resistant materials.

e. **Floodways** - Located within areas of special flood hazard established in Section 1.4, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

i. No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:

(1) It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.

(2) A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.

ii. If Section 2.7-2.2.e.i is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2.7-2.

iii. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Section 2.7-2.2.c and the encroachment standards of Section 2.7-2.2.e.i are met.

iv. Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

f. **Recreational Vehicles**

i. A recreational vehicle is ready for highway use if it is:

(1) on wheels or jacking system

(2) attached to the site only by quick-disconnect type utilities and security devices; and

(3) has no permanently attached additions

ii. Recreational vehicles placed on sites shall either be:

(1) on site for fewer than 180 consecutive days; or

(2) be fully licensed and ready for highway use, or **meet** the development permit and certification requirements of Section 2.7-1.2, general standards outlined in Section 2.7-2.1, and manufactured homes standards in Section 2.7-2.2.c and d.

g. **Map Maintenance Activities** – The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in Section 1.4 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

i. **Requirement to Submit New Technical Data**

(1) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such

changes be submitted to FEMA as soon as practicable , but no later than six months of the date such information becomes available. These development proposals include; but not limited to:

- (a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
- (b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
- (c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
- (d) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 2.7-2.3.a.

(2) It is the responsibility of the applicant to have technical data, required in accordance with Section 2.7-2.2.g, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.

(3) The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

(a) Proposed floodway encroachments that increase the base flood elevation; and

(b) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

(4) Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 2.7-2.2.g.

ii. Right to Submit New Technical Data - The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

h. **Accessory Structures**

i. A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements* or be elevated in accordance with Section 2.7-2.2.a and d or dry floodproofed in accordance with Section 2.7-2.2.b.

ii. If accessory structures of \$3,000 or less are to be placed in the floodplain, the following criteria shall be met:

(1) Accessory structures shall not be used for any uses other than the parking of vehicles and storage,

(2) Accessory structures shall be designed to have low flood damage potential,

(3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,

(4) Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure,

(5) Service facilities such as electrical and heating equipment shall be installed in accordance with Article IV.A.5,

(6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Section 2.7-2.2.d.i, and

(7) Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

- i. **Swimming Pool Utility Equipment Rooms** - If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

- i. Meet the requirements for accessory structures in Section 2.7-2.2.h.
 - ii. The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.
- j. **Elevators**
- i. Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
 - ii. All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- k. **Fill** - An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of Section 2.7-2.2.a or b and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:
- a) Fill may not be placed in the floodway unless it is in accordance with the requirements in Section 2.7-2.2.e.i.
 - b) Fill may not be placed in wetlands without the required state and federal permits.

- c) Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
- d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.
- e) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
- f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- g) Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built On Fill in or Near Special Flood Hazard Areas Are Reasonable Safe from Flooding*.

I. Standards for Subdivision Proposals and Other Development

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.

- d) The applicant shall meet the requirement to submit technical data to FEMA in Section 2.7-2.2.g when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

3. Standards for Streams Without Established Base Flood Elevations and Floodways -

Located within the areas of special flood hazard (Zones A and AE) established in Section 1.4, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

- a. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- b. No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- c. If Section 2.7-2.3.a is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Section 2.7-2 and shall be elevated or floodproofed in accordance with elevations established in accordance with Section 2.7-1.3.k.
- d. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If

an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

- e. When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:

- i. Contour Interpolation

- (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.

- (2) Add one-half of the contour interval of the topographic map that is used to the BFE.

- ii. Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.

- iii. Hydrologic and Hydraulic Calculations- Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

4. Standards for Streams with Established Base Flood Elevations but Without Floodways - Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS.

- a. No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

5. Standards for Areas of Shallow Flooding (AO Zones) -

Located within the areas of special flood hazard established in Section 1.4, are areas designated as shallow flooding. The following provisions shall apply within such areas:

- a. All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.
- b. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,
 - ii. Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Section 2.7-1.2.

- c. All structures on slopes must have drainage paths around them to guide water away from the structures.

Section 2.7-3 Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is based on scientific and engineering considerations. However, larger floods can and will occur on rare occasions. Therefore, this Ordinance shall not create liability on the part of the participating governments or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 2.8 AC Airport Compatibility District(s)

Section 2.8-1 Boundaries

The boundaries of an Airport District shall be determined by application of the following zones or sub-districts, as applicable, to an existing or proposed airport or heliport.

Approach Zones

Approach zones include all land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of an approach surface is at the same width and elevation as, and coincides with, the end of the primary surface, unless otherwise specified.

The dimensions of an approach zone shall be determined on the basis of the following:

1. Approach Zone Determination for Visual Approach Utility Runway-The approach zone shall expand outward from the primary surface uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface.
2. Approach Zone Determination for Nonprecision Instrument Utility Runway - The inner edge of the zone shall have an established width of 500 feet, and shall expand outward from the primary surface a width of 2,000

feet at a horizontal distance 5,000 feet from the primary surface.

3. Approach Zone Determination for Runway Instrument Utility Visual Approach Runway - The approach zone shall extend outward from the primary surface uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface.
4. Approach Zone Determination for Runway Larger Than a Utility Runway with a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach. The approach zone shall expand outward from the primary surface uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface.
5. Approach Zone Determination for Runway Larger Than a Utility Runway with a Visibility Minimum as Low as 3/4 Mile Nonprecision Instrument Approach - The inner edge of the zone shall have an established width of 1,000 feet, and shall expand outward from the primary surface uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface.
6. Approach Zone Determination for Precision Instrument Runway- The inner edge of the zone shall have an established width of 1,000 feet and shall expand outward from the primary surface uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface.
7. Approach Zone Determination for Heliport - The approach zone shall expand outward from the primary surface uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface.

Transitional Zones

Transitional zones are the areas beneath the transitional surfaces. The dimensions of a transitional zone shall be determined on the basis of the following:

1. Transitional Zone determination for airports- Refer to Section 2.8-3, "Height Restrictions for Transitional Zones."
2. Transitional Zone determination for heliports - These zones extend outward from the sides of the primary surface and the heliport approach zone a horizontal distance of 250 feet from the primary surface centerline and the heliport approach zone centerline.

Horizontal Zones

The horizontal zone is established by swinging arcs of 5,000 feet radii for utility and visual runways and 10,000 feet radii for all other runways, 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 or the transitional zones.

Conical Zones

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

The boundaries of such zones shall be clearly drawn on county tax maps, showing all properties to be included in the Airport Compatibility District and applicable zone designations.

Section 2.8-2 Permitted-Prohibited Uses

The AC District is an "overlay" zone. As such, permitted uses are determined by the "underlying" or primary district. However, these regulations are intended to temper and modify the use and development standards of the primary district to the extent necessary to achieve the stated purpose of this district, Section 1.2. To that end, primary district regulations are hereby amended to prohibit the following:

In All Airport Zones

Any use which would:

1. Create electrical interference with navigational signals or radio communication between the airport and aircraft;
2. Diminish the ability of pilots to distinguish between airport lights and other lights;
3. Result in glare in the eyes of pilots using the airport;
4. Impair visibility in the vicinity of the airport;
5. Create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

In Primary Approach and Transitional Zones Only

1. Single-family residential dwellings, including mobile or manufactured dwellings in excess of two units per acre;
2. Multi-family dwellings, cluster housing projects, mobile home parks, and group housing;
3. Transient lodging, motels and hotels;
4. Hospitals, sanatoriums, and nursing homes;
5. Schools and day care centers; and
6. Churches, theaters, auditoriums, and similar places of assembly.

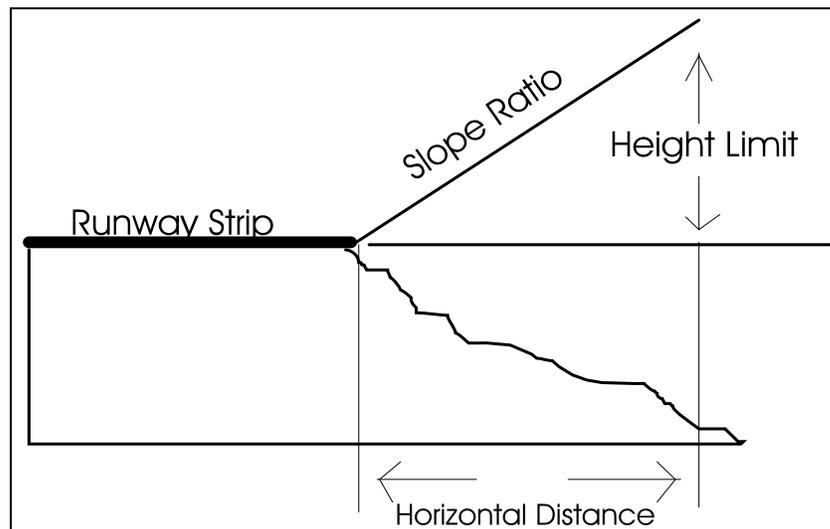
Section 2.8-3 Height Restrictions

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 limits herein established for such zone, as follows:

Approach Zones

Height limitations for approach zones shall be determined for the various runways by calculating a slope ratio (measured in feet outward and upward) from the end of and at the same elevation as the primary surface extending along the extended runway centerline to a prescribed horizontal distance, as follows:

Runway Type	Horizontal Distance	Slope Ratio
Utility Visual Runway	5,000 ft.	20:1
Utility Nonprecision Instrument Approach Runway	5,000 ft.	20:1
Runway Larger Than Utility With Visual Approach	5,000 ft.	20:1
Runway Larger Than Utility With Visual Minimum Greater Than $\frac{3}{4}$ Mile, Nonprecision Instrument Approach	10,000 ft.	34:1
Runway Larger Than Utility With Visual Minimum As Low As $\frac{3}{4}$ Mile, Nonprecision Instrument Approach	10,000 ft.	34:1
Precision Instrument Approach Runway	10,000 ft.	50:1
Plus Additional	40,000 ft.	40:1



Airport Transitional Zone

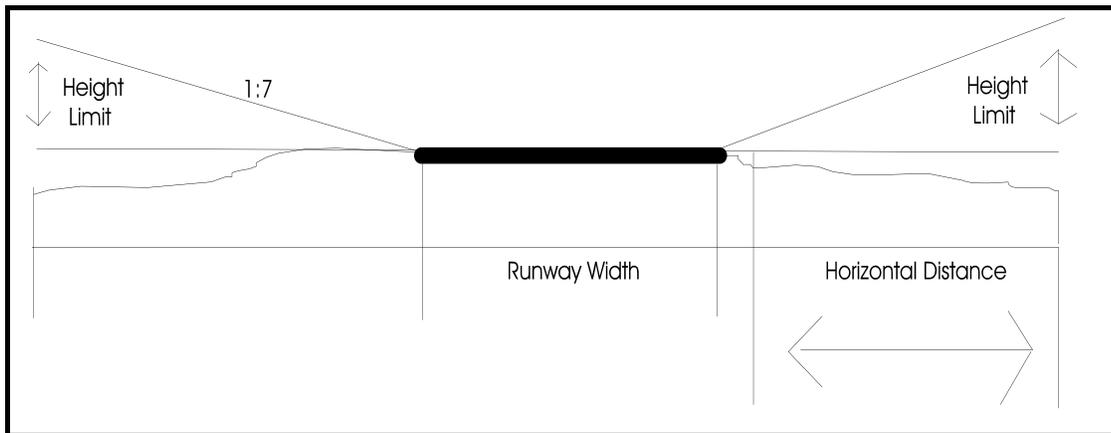
Height limits for an Airport Transitional zone shall be determined by measuring outward and upward at a 7:1 slope from the sides of and at the same elevation as the Approach Surface, and extending to the point of intersection with a horizontal surface or conical surface.

Heliport Transitional Zone

Height limits for a heliport transitional zone shall be determined by measuring outward and upward at a 2:1 slope from the sides of and at the same elevation as the approach surface and extending a distance of 250 feet measured horizontally from and at 90 degree angles to the heliport approach zone centerline.

Horizontal Zone

Height limits in the horizontal zone are established at 150 feet above airport elevation.



Conical Zone

Height limits in the conical zone are established by measuring from the periphery of the horizontal zone and at 150 feet above elevation outward and upward at a 20:1 slope to a height of 350 feet above airport elevation.

Section 2.8-4 Noise Restrictions

Noise restrictions shall apply within the Approach Zone of a Precision Instrument Runway only. Private airports and all runways designed for other than precision instrument landings shall be exempt from the provisions of this section.

Where permitted within the Approach Zone of an Airport District, residential dwellings and portions of buildings where the public will be received, shall be structurally designed and constructed to achieve an outdoor to indoor Peak Noise Level Reduction (NLR) of at least 30 db. (decibels). All other permitted uses and structures shall be exempt from this section.

Normal construction can be expected to provide an NLR of 20 db., thus the actual required reduction is only 10 db. Lowering the NLR shall be achieved through incorporation into the design and construction of all proposed uses, sound insulation materials and methods for improving acoustic insulation performance.

A description of such methods and materials shall accompany all building applications for uses affected by this section, and shall be subject to approval by the Building Official prior to the issuance of a building permit.

Section 2.8-5 Lighting Regulations

No permitted use, subdivision, or project in an Airport District shall have outdoor lighting or illumination arranged and/or operated in such a manner as to be misleading or pose a danger to aircraft operations.

Section 2.8-6 Regulations Applicable to Existing Structures

The owner of any existing structure or vegetation that is currently penetrating any referenced surface within an established Airport District shall permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, or the South Carolina Aeronautics Commission to indicate to the operators of aircraft in the vicinity of an airport the presence of an airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the Airport Operator.

However, the regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any existing structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of an existing use. Nothing contained herein shall require any change in the construction, alternation, or intended use of any structure, the construction or alternation of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

Section 2.8-7 Variances

Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this section may apply for a variance from such regulations to the Zoning Board of Appeals, in accord with the provisions of Article 9. The application for a 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.

Additionally, no application for a variance to the requirements of this Ordinance may be considered by the Board unless a copy of the application has been furnished to the Airport Operator for advice as to the aeronautical effects of the variance. If the Airport Operator does not respond to the application within fifteen days after receipt, the board may act on its own to grant or deny the application for a variance.

Any permit or variance granted, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure in question to install, operate, and maintain at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the South Carolina Aeronautics Commission, and the Airport Operator.

Sec. 2.9. Florence Downtown Overlay Districts

Sec. 2.9-1. A Purpose and Intent.

In order to promote the economic and general welfare of the City of Florence and of the public generally, the City of Florence seeks to promote and control preservation, redevelopment, restoration, and revitalization in its traditional downtown core, and seeks to ensure the harmonious, orderly, and efficient growth and redevelopment of the Downtown area. History demonstrates that the promotion of these goals requires that the City take action to preserve the qualities relating to the history of the Downtown area and to create a harmonious outward appearance of structures by emphasizing the preservation and restoration of the historic areas and buildings, the continued construction of buildings in historic styles and with general harmony as to the style, form, color, proportion, texture, and material between the buildings in the Downtown area, and by fostering civic pride and the orderly efficient growth and redevelopment of the Downtown area. The creation of Downtown Overlay Districts for the City of Florence is done in order to establish a mechanism for the accomplishment of these objectives.

Sec. 2.9-2. Establishing Florence Downtown Overlay Districts

(A) There are hereby established five (5) overlay districts in the Downtown Florence area, those districts being designated as follows:

D-1. Downtown Redevelopment District: The intent of this district is to promote the cultural, economic, and general welfare of the public by providing a mechanism for the identification, recognition, preservation, maintenance, protection, and enhancement of existing architecturally valuable structures, properties, and neighborhoods which make up the district. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

D-2. Downtown Central District: The intent of this district is to promote good urban design and to establish and maintain a unified, improved identity for Downtown Florence. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

D-3. Downtown Arts and Cultural District: The intent of this district is to promote good urban design and to build on the attractive and significant architecture that exists through new infill development. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

D-4 Timrod Park Residential District: The intent of this district is to promote good urban residential design and to maintain and build upon the attractive and significant historic architecture that exists throughout the District. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

H-1. Florence Historic District: The intent of this district is to respect and build on the historic character of Downtown Florence and to establish the initial parameters for the possible pursuit of National Register Historic District designation. This overlay district will be subject to the Design Guidelines referred to below and incorporated herein by reference.

(B) The boundaries for the overlay districts hereby established shall be shown on an amendment to the Consolidated Zoning Map, and the boundaries hereby established are set forth below:

D-1. Downtown Redevelopment District: The boundaries of the Downtown Redevelopment District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 1.

D-2. Downtown Central District: The boundaries of the Downtown Central District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 2.

D-3. Downtown Arts and Cultural District: The boundaries of the Downtown Arts and Cultural District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 3.

D-4. Timrod Park Residential District: The boundaries of the Timrod Park Residential District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 4.

H-1. Florence Historic District: The boundaries of the Florence Historic District shall include all parcels shown on the map thereof which is attached hereto and incorporated herein as Appendix 5.

- (C) The overlay districts referred to above shall be incorporated into the Consolidated Zoning Map and shall be maintained in both the Florence County - Municipal Planning Department and in the office of the Florence Downtown Planning Coordinator.
- (D) Variances for residential uses on any lot or parcel, including mixed use developments, may be permitted within the Downtown Redevelopment District as a Special Exception by the City Board of Zoning Appeals. To ensure conformity to the Consolidated Zoning Ordinance and compatibility with the intent of the overlay district for which that use is proposed, a Certificate of Appropriateness is required from the Design Review Board and a variance must be obtained from the City Board of Zoning Appeals. Prior to submitting a request for a variance from the City Board of Zoning Appeals the owner must first obtain a Certificate of Appropriateness which shall be used to determine that the proposed residential use is compatible with the purposes of the Overlay District for which it is proposed.

Sec. 2.9-3. Adoption of Design Guidelines

In the interest of promoting the cultural, economic, and general welfare of the public by providing a mechanism for the identification, recognition, preservation, maintenance, protection, and enhancement of the existing architecturally valuable structures and to promote the redevelopment and revitalization of the traditional Downtown Area of Florence by insuring the harmonious, orderly, and efficient growth and redevelopment of the Downtown Area, the City of Florence hereby adopts and incorporates by reference the Design Guidelines attached hereto as Appendix 6.

Sec. 2.9-4. Actions Requiring a Certificate of Appropriateness.

Within any of the designated overlay districts established herein, an application must be submitted to the Design Review Board through the Downtown Planning Coordinator and a Certificate of Appropriateness issued before any of the following activities can be undertaken, unless such activity falls within the "major governmental construction" exception set out in (E) below:

- (A) The issuance of a permit by the Building Official and/or Zoning Administrator for erection, alteration, improvement, demolition, or moving of such structure, building, or signage.

- (B) All requests related to land use.
- (C) Landscape changes which include either the removal of any tree four (4) inches in caliper, or greater, or the removal of any hedge or shrub group that is at least thirty (30) inches in height
- (D) Exterior modifications or maintenance which may change or impact the appearance of the structure, including, but not limited to, roofing, façade repairs, fencing, grading or paving, awnings, shutters or window replacement.
- (E) There is hereby established an exception to the requirement for a Certificate of Appropriateness for the following circumstances involving major governmental construction projects.
- (1) For the purposes of this ordinance, a "major governmental construction project" is defined as a construction project being built by a governmental agency (federal, state, county, or city) and for which the total costs of the project exceeds One Million and no/100th (\$1,000,000.00) Dollars.
 - (2) For a "major governmental construction project" as defined above, no Certificate of Appropriateness is required.
 - (3) In lieu of the requirement of applying for and obtaining a Certificate of Appropriateness for such a "major governmental construction project", the governmental agency shall, prior to seeking a permit from the Building Official and/or the Zoning Administrator, submit a detailed description of the project, including cost information establishing that the total project costs exceed \$1,000,000.00, to the Downtown Planning Coordinator to establish that the project falls within this exception and to further establish that the project substantially complies with the intent of the Design Guidelines. Upon receipt of the application, the Downtown Planning Coordinator shall then certify that the project falls within this exception and further certify, by submitting findings of fact, that the project substantially complies with the intent of the Design Guidelines. Such certification shall be made part of the public record and shall be forwarded to the City Attorney, City Manager, Design Review Board Chair and Mayor and City Council. Upon approval of said submission, the Downtown Planning Coordinator shall issue a Certificate certifying that the project falls within the exception created herein and authorizing the Building Official and/or the Zoning Administrator to issue required permits without a Certificate of Appropriateness.

Sec. 2.9-5. Powers of Design Review Board

Toward this objective, The Design Review Board shall have the following powers and duties:

- (A) To adopt procedural regulations;
- (B) To conduct and/or maintain an ongoing survey to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the City;
- (C) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each such designation;
- (D) To advise and assist owners of all properties or structures within the overlay districts on the physical and financial aspects of preservation, renovation, rehabilitation, and reuse and, where appropriate, to advise such owners of the procedures of the inclusion of structures on the National Register of Historic Places;
- (E) To work in conjunction with the Downtown Redevelopment Coordinator to inform and educate the citizens of Florence concerning the Downtown historic and architectural heritage by publishing appropriate maps, newsletters, brochures, and pamphlets; by holding programs and seminars; and through media exposure;
- (F) To consider, analyze, and make a determination with respect to all applications for a Certificate of Appropriateness by applying the Design Guidelines herein adopted to the project and property in question;
- (G) To make recommendations for amendments to the Design Guidelines for any of the overlay districts with final approval of the Design Guidelines to be accomplished by the City Council by resolution. Once approved, to implement any amendments to the Design Guidelines.
- (H) To assist the public entities in the development of streetscapes within the overlay districts which are consistent with the information contained in the Design Guidelines.
- (I) To hear and act upon appeals regarding the acceptance and granting of a Certificate of Compliance by the Downtown Planning Coordinator

Sec. 2.9-6. Certificates of Appropriateness, Criteria for Issuance

In considering the issue of appropriateness of a particular project, the Design Review Board shall be guided by the Design Guidelines adopted herein by reference.

Sec. 2.9-7. Design Review Board; Rules of Procedure.

- (A) Officers: The officers of The City of Florence Design Review Board shall be a chairman and a vice-chairman elected for one
 - (1) year at the first meeting of the Design Review Board in each calendar year. The officers of the Design Review Board may serve four (4) consecutive terms. The

Downtown Planning Coordinator for the City of Florence shall serve as the staff representative to the Design Review Board. The City Manager will assign a member of the staff of the City to serve as secretary to the Design Review Board. The designated officers of the Design Review Board shall have the following authority, duties, and responsibilities:

- (1) Chairman: The Chairman shall be a voting member of the Design Review Board and shall:
 - (a) Call meetings of the Design Review Board;
 - (b) Preside at meetings;
 - (c) Act in conjunction with the Downtown Planning Coordinator as a spokesperson for the Design Review Board;
 - (d) Sign documents for the Design Review Board;
 - (e) Perform other duties approved by the Design Review Board.
- (2) Vice-Chairman: The Vice-Chairman shall be a voting member of the Design Review Board and shall exercise the duties of the chairman in the absence, disability, or disqualification of the Chairman. In the absence of the Chairman and the Vice-Chairman, an acting Chairman shall be elected by the members present.
- (3) Secretary to the Design Review Board: The Secretary to the Design Review Board shall:
 - (a) Provide notice of all meetings;
 - (b) Assist the Chairman in the preparation of agendas;
 - (c) Keep minutes of meetings and hearings;
 - (d) Maintain the Design Review Board's records as public records;
 - (e) Attend to Design Review Board correspondence;
 - (f) Perform any other duties normally carried out by a Secretary.

(B) Meetings

- (1) Time and place: An annual schedule of regular monthly meetings shall be adopted, published, and posted at the City-County Complex in January of each year. Special meetings may be called by the Chairman upon twenty-four (24) hour notice, posted, and delivered to all members of the Design Review Board and the local media. Meetings shall be held in a place to be stated in the notice, and shall be open to the public.
- (2) Agenda: A written agenda shall be furnished by the Secretary to each member of the Design Review Board and to the news media, and it shall be

- posted at least four (4) days prior to each regular meeting and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda at a meeting by a majority vote of the members present.
- (3) Quorum: A majority of the members of the Design Review Board shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling a meeting.
 - (4) Voting: A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member(s) affected, and any such member so affected shall announce the reasons for disqualifications, have it placed in the minutes, and shall refrain from deliberation or voting on the question.
 - (5) Public Input: Except for public hearings and additional public input sought by the Design Review Board, no person shall speak at a Design Review Board meeting unless invited to do so by the Design Review Board. The presiding officer at the Design Review Board meeting reserves the right to determine the amount of public input desired.
 - (6) Minutes: The Secretary to the Design Review Board shall prepare minutes of each meeting for approval by the Design Review Board at the next regular meeting. Minutes shall be maintained as a public record.
 - (7) Attendance: The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The Design Review Board shall recommend to the Mayor and City-Council the removal for cause of any member who is absent from three (3) consecutive meetings without adequate reason.

Sec. 2.9-8. Design Review Board, Application Requirements for a Certificate of Appropriateness.

- (A) Applications for a Certificate of Appropriateness shall be submitted through the office of the Downtown Planning Coordinator. Prior to the placement of an item on the agenda for the Design Review Board, an application for a Certificate of Appropriateness must be “complete” as determined by the Downtown Planning Coordinator and must be submitted with the details as set forth in the Design Guidelines which are attached hereto and incorporated herein by reference. In the event that the Downtown Planning Coordinator has made a determination that the application for a Certificate of Appropriateness is not “complete” but the owner believes that the project application is “complete”, the owner may make a written request to place the application on the agenda. To have the application placed on the agenda, the owner must provide the Chairman of the Design Review Committee with a letter outlining and documenting the reasons and facts which the owner contends make the application “complete”. The applicant has five (5)

working days from the notification of denial from the Downtown Planning Coordinator to provide the letter requesting placement on the agenda.

Unless specified elsewhere, at the time of consideration of a proposed project, the Design Review Board shall approve, approve with modifications, or disapprove the application. Additionally, action may be deferred by the Design Review Board to the next monthly meeting, but only upon concurrence of the owner/developer/agent.

- (B) **Certificate of Appropriateness, Application Fee:** Upon presentation of a signed application, the owner/agent must pay the required application fee of \$100.00 in order for the application to be considered. Once received by the City of Florence, the application fee is not refundable. An application fee will not be required from any local, state, or federal governmental entity. Additionally, an application fee will not be required of any owner or developer for a project which is approved by the Downtown Planning Coordinator pursuant to the authority under subparagraph (F) below.
- (C) **Option for Preliminary Plan Approval:** The applicant may submit for consideration by the Design Review Board a "Preliminary Plan" of the proposed project. Such a submittal shall be submitted and considered in accordance with the provisions of the Design Guidelines adopted herein.
- (D) **Certificate of Appropriateness, Public Hearing Requirement:** A public hearing shall be required when an application for a Certificate of Appropriateness is to be considered by the Design Review Board. The time and location of the public hearing shall be published in a newspaper of general circulation in The City of Florence at least fifteen (15) days prior to the public hearing. The property in question shall be posted for the same period as the newspaper notice. The manner of posting shall follow the same signage/notification requirements as specified in The Florence County-Municipal Consolidated Ordinance.
- (E) **Certificate of Appropriateness, Demolition:** When it is determined by the Downtown Planning Coordinator that demolition is a part of a project covered by an application for a Certificate of Appropriateness, the Design Review Board may, if in their judgment the public is best served, postpone action for not more than two (2) scheduled monthly meetings. The initial hearing before the Design Review Board shall be counted as the first of the two monthly meetings. At the end of the above referenced deferral period the Design Review Board shall approve, disapprove, or approve with modifications. Additionally, action may be deferred further by the Design Review Board to the next monthly meeting, but only upon concurrence of the owner/developer or agent.
- (F) **Certificate of Appropriateness, Approval by the Downtown Planning Coordinator:** The Downtown Planning Coordinator is hereby granted the authority to approve and issue a Certificate of

Appropriateness administratively, without going before the Design Review Board, provided that the Downtown Planning Coordinator specifically determines that the materials, paint color, design, architectural features, or style of the project or signage conforms to the applicable district in the following situations:

- (1) Any project or signage for which the total cost does not exceed \$5,000 in which a specific determination is made by the Downtown Planning Coordinator that the project in question is not a part of a larger project:
- (2) Interior modifications/maintenance or exterior maintenance, which does not change or impact the appearance of the structure, including, but not limited to, roofing, façade repairs, awnings, shutters or window replacement. This power does not extend to those properties and structures listed on the State or National Register of Historic Places.
- (3) For emergency and/or permanent repairs relating to the incident to any structure resulting from a Force Majeur, fire or accident beyond the control of the property owner or tenant as long as the repair in question does not exceed 25% of the value of the structure as determined by the tax assessor and the materials used in the repairs are consistent with the Design Guidelines for the District in which it is located.

In all cases, the Downtown Planning Coordinator may, in his discretion, refer the application to the Design Review Board for review and consideration with particular attention being paid to properties and structures within the H-1 Historic district.

- (G) Certificate of Appropriateness, Resubmission of a Denied Application: A property owner or agent may resubmit the same application for a Certificate of Appropriateness affecting the same parcel or project after twelve (12) months have passed. If, in the opinion of the Downtown Planning Coordinator, there are substantial changes and improvements in the application for a project, the Downtown Planning Coordinator shall allow an owner to resubmit an application for Certificate of Appropriateness affecting the same parcel or lot after a waiting period of ten (10) days from the date of the initial denial. The applicant is required to meet the forty-five (45) day submittal schedule as outlined in the Design Guidelines.
- (H) Mandatory Mediation of Dispute Between Applicant and Design Review Board: In the event an applicant for a Certificate of Appropriateness disagrees with the determination of the Design Review Board regarding the

issuance of said certificate, before the applicant can file an appeal pursuant to §2.9-9 below, the applicant is required to take the administrative step of attempting to mediate the dispute by doing the following:

- (1) Within ten (10) days of receiving notice of the initial decision by the Design Review Board, the applicant must provide to the Downtown Planning Coordinator written Notice of Disagreement and Agreement to Mediate the issues.
- (2) Within thirty (30) days of receiving said Notice of Disagreement, a mediation conference will be held regarding the issues with the following participants: a mediator selected and supplied by the Downtown Redevelopment Corporation; the applicant; a member of the Design Review Board designated as its mediation representative by the chair of the Design Review Board; and the downtown planning coordinator.
- (3) At the mediation conference, the parties will attempt to agree upon a solution to the issues regarding the issuance of a Certificate of Appropriateness. The mediator will make a written report outlining the results of the mediation to the Design Review Board, and consideration of the Certificate of Appropriateness in light of the results of the mediation will be placed on the agenda at the first monthly meeting following the mediation for final consideration by the board.
- (4) The decision regarding the Certificate of Appropriateness by the Design Review Board after receiving the report from the mediator shall be the final decision of the board.

Sec. 2.9-9. Certification of Compliance with Certificate of Appropriateness

Prior to the Building Official issuing a Certificate of Occupancy for any project in the overlay districts, the owner must obtain from the Downtown Planning Coordinator a Certificate of Completion Compliance which shall result and be issued upon compliance with all conditions and requirements contained in the Certificate of Appropriateness. In the event a Certificate of Compliance is denied by the Downtown Planning Coordinator the owner may appeal the decision by writing to the Design Review Board. In the event of an appeal, the Design Review Board shall consider and act on the appeal at its next regularly scheduled meeting.

Sec. 2.9-10. Appeal from The Design Review Board

Any person with a substantial interest in any final decision of the Design Review Board may appeal from any decision of the Design Review Board to the Court of Common Pleas for Florence County by filing a Petition in Writing with the Clerk of Court for Florence County setting forth plainly, fully, and distinctly why the decision

of the Design Review Board is contrary to law. Any such appeal must be filed within thirty (30) days after the affected party receives actual notice of the final decision of the Design Review Board.

Sec. 2.9-10. Administrative Officer and Responsibilities

- (A) The Downtown Planning Coordinator shall be the administrative officer who shall have the responsibility for implementation and enforcement of all of the provisions relating to the overlay districts and the Design Guidelines. The Downtown Planning Coordinator may delegate duties to subordinate officials to assist in such administration and implementation and to represent the Downtown Planning Coordinator as needed. Ultimate responsibility to the City Manager for such implementation, enforcement, and representation shall remain with the Downtown Planning Coordinator.
- (B) The Downtown Planning Coordinator shall accept and examine all applications for a Certificate of Appropriateness and shall coordinate with the Florence County Planning Department and the Building Official to ensure that all applications for new construction, renovation, rehabilitation, and demolition shall require a Certificate of Appropriateness if the property involved is located within the overlay districts. For landscape changes involving the removal of trees four (4) inches in caliper or greater or the removal of any hedge or shrub group exceeding thirty (30) inches in height, the owner/developer/agent shall submit an application for a Certificate of Appropriateness if the property involved is located within the overlay districts. Failure to comply with this requirement shall subject the owner/developer/agent to penalties as set forth in Section 1.7 of the Code of Ordinances, City of Florence, South Carolina.
- (C) If the Downtown Planning Coordinator shall find that any of the provisions of this ordinance are being violated within the overlay districts, he/she shall notify the person responsible for such violation in writing, indicating the nature of the violation and ordering the action necessary to correct it. The Downtown Planning Coordinator shall order the discontinuance of any unlawful uses of land, and (in full cooperation with the Building Official) the discontinuance of any unlawful building or demolition activity within the overlay districts or shall take any other action authorized by this ordinance or any other ordinance adopted by the City of Florence to ensure compliance with or to prevent violations of its provisions.
- (D) The Downtown Planning Coordinator shall have the authority and duty to accomplish all other tasks and responsibilities assigned to that position in the Design Guidelines which are incorporated herein.

Section 2.10 Open Space Development Districts (Cluster Dev.)

This section applies only to Open Space Development Districts (cluster developments), as allowed within the city limits of the City of Florence.

Section 2.10-1 Definition

For the purposes of this Section, Open Space Development Districts (cluster developments) may be defined as residential developments that concentrate homes and buildings in specific areas on the site in order to allow the remaining land to be undisturbed and used for recreation, open space, wildlife corridors, and preservation of environmentally sensitive features.

Section 2.10-2 Establishment of an Open Space Development District

Similar to Planned Development Districts, Open Space Development Districts shall be established on the official Zoning Map by the same procedure as for amendments (Article 9) and in accordance with the requirements of this section.

Additionally, each Open Space Development District shall be identified by a prefix and number indicating the particular district, as for example "OSDD - 98 - 1" (Zone - Year - Number), together with whatever other identification appears appropriate.

Section 2.10-3 Permitted uses in Open Space Development Districts

All land use within an Open Space Development District must be either residential or undisturbed area and as specified in the Open Space Development District Ordinance.

Section 2.10-4 Development Standards for Open Space Development Districts

The following development standards are intended to be incentives for the use of Open Space Development Districts:

1. Areas Allowed

Open Space Development Districts are eligible for approval in areas the Comprehensive Plan designates Residential.

2. Minimum Total Area Required

Minimum area requirements for establishing an Open Space Development District shall be five acres.

3. Minimum Undisturbed Area

At least 50% of the total area shall be left undisturbed. Such undisturbed areas are to be perpetually kept as open space by conservation easement, dedication to the City, or other acceptable legal means. At least 75% of the open space shall be contiguous, with no portion less than 100 feet wide. Reasonable effort must be made to locate green space adjacent to green space in an adjoining property so that wildlife corridors may be preserved.

4. Minimum Lot Size

The minimum lot size shall be 4,000 ft².

5. Minimum Setbacks

The minimum front and rear yard setbacks shall be 15 ft. The minimum side yard setbacks shall be 5 feet.

6. Total Number of Lots (Dwelling Units) Allowed

Total number of residential lots allowed is determined by subtracting the area of the streets, rights-of-way, shares areas, and other un-buildable areas from the parent parcel, and then dividing the remaining available land by the minimum lot size.

7. Overall Site Design

Irregular lot shapes and shared driveways are allowed.

Section 2.10-5 Additional Requirements for Open Space Development Districts

The site plan requirements, financial guarantee requirements, required action by Planning Commission and Council, administration action requirements, and procedures for changes to approved plans shall be the same as that required for Planned Development Districts (Section 2.6).

Sec 2.11 Florence Environmental Protection Overlay Districts

Sec 2.11-1 Purpose and Intent

In order to address general environmental concerns within a designated area, the City of Florence establishes environmental protection overlay districts as may be necessary and appropriate.

Sec 2.11-2 Jeffries Creek Protection Overlay District

Sec 2.11-3 Purpose and Intent.

In order to promote the general welfare of the City of Florence and of the public generally, the City of Florence seeks to regulate and control development activities adjacent to Jeffries Creek within the City Limits of Florence. The City of Florence seeks to preserve the Jeffries Creek Floodway in order to protect and improve the water quality, scenic beauty, and wildlife habitat of the creek. The creation of Jeffries Creek Protection Overlay District for The City of Florence is done in order to establish a mechanism for the accomplishment of these objectives.

Sec. 2.11-4. Establishment of Jeffries Creek Protection Overlay District

(A) There is hereby established one (1) overlay district in the Jeffries Creek area of Florence, being designated as follows:

JCP-1. District: The intent of this district is to regulate and control development activities within the district in order to protect and improve water quality of Jeffries Creek and to preserve the scenic beauty and wildlife habitat of the area.

- (B) The boundaries for the overlay districts hereby established shall be shown on an amendment to the Consolidated Zoning Map, and the boundaries hereby established are set forth below:

JCP-1. District: The boundaries of the Jeffries Creek Protection District shall be the Jeffries Creek Floodway as shown on the FEMA Flood Insurance Rate Maps for Florence, SC, attached hereto and incorporated herein as Appendix 1.

- (C) The Jeffries Creek Protection District shall apply to all areas of the Floodway within the City Limits, and shall automatically be revised to include all areas within the Floodway boundaries annexed into the City in the future.
- (D) The overlay district referred to above shall be incorporated into the Consolidated Zoning Map and shall be maintained in the Florence County – Municipal Planning Department.
- (E) Restrictions to the development or use of property within the Jeffries Creek Protection District shall be in accordance with the Riparian Buffer requirements in Section 2.21 of the City of Florence Zoning Ordinance. The riparian buffer requirements of this ordinance are not superseded or invalidated by the issuance of any other permit(s).
- (F) Variances, waivers, and exemptions shall not be permitted within the Protection Overlay District.

(Section 2.12 through Section 2.20 reserved).

Section 2.21 Riparian Buffer Requirements

Section 2.21-1 Definition and Purpose

A riparian buffer is an area of trees, shrubs, and other vegetation that borders an existing watercourse, wetland, or other water body (including open stormwater conveyances), for the purpose of reducing contamination from surface water runoff. Riparian buffers apply in all zoning districts, and must be maintained in the areas established below.

Section 2.21-2 Boundaries & Specifications

- (A) While riparian buffers are encouraged throughout Florence County to maintain water quality, the riparian buffer requirements in this ordinance have been established only for those portions of certain water bodies that lie within the city limits of the City of Florence.
- (B) Riparian buffer requirements do not apply to wet ponds used as structural BMPs. However, ponds which intersect the stream channel shall have riparian buffer requirements.
- (C) The riparian buffer requirements associated with each type of water body are provided below:
 - (1) Level I Water Bodies: (Black Creek, Jeffries Creek, Middle Swamp)

A buffer must be maintained within the floodway, and 20 feet outside of the floodway, as delineated on the Flood Insurance Rate Map (FIRM), dated December 16, 2004. Improvements or other activities that are recognized to disturb the land or degrade water quality are not allowed. Exceptions may be granted for water access (e.g., boardwalks, docks, etc.) or allowed by staff when disturbance is necessary to facilitate drainage in unusual circumstances. Jeffries Creek buffer will be a non-development overlay district.

The riparian buffers for Level I water bodies are divided into the following zones:

Zone 1: A riparian buffer of at least 20 feet is required on each (outer) side of the floodway. This 20-foot outer offset area should consist of forest, small trees/shrubs, grassed area, walking paths, and other passive recreational uses.

Zone 2: A riparian buffer of at least 20 feet is also required on each (inner) side of the floodway, if available. Clear-cutting is not allowed within the 20-foot inner offset area. It should consist of naturally landscaped areas including canopy trees and small trees/shrubs.

Zone 3: All remaining areas within the established floodway shall be left undisturbed in perpetuity.

- (2) Level II Water Bodies: (including, but not limited to High Hill Creek, Beaver Dam Creek, Alligator Branch, Gully Branch from Cherokee to Jeffries Creek, Forest Lake, and Pye Branch), i.e. – natural creek or drainage feature with permanent flow.

A buffer of at least 30 feet on each side is required, measured from the edge of bank. Improvements or other activities that are recognized to disturb the land or degrade water quality are not allowed. Exceptions may be granted for water access (e.g., boardwalks, docks, etc.) or allowed by staff when disturbance is necessary to facilitate drainage in unusual circumstances. The riparian buffers for Level II water bodies are divided into the following zones:

Zone 1: The outer 20 feet should consist of forest, small trees/shrubs, grassed area, walking paths, and other passive recreational uses.

Zone 2: The inner 10 feet shall not be clear-cut and shall be left undisturbed in perpetuity.

- (3) Level III Water Bodies: (other tributaries, outfalls, and open drainage conveyances)

A buffer of at least 10 feet is required on each side, measured from the top edge of existing bank. Improvements or other activities that are recognized to disturb the land or degrade water quality are not allowed. This buffer may consist of forested area, small trees/shrubs, or grasses. Exceptions may be granted by staff when disturbance is necessary to facilitate drainage in unusual circumstances

Section 2.21-3 Permitted & Prohibited Uses

Riparian buffers may count towards buffer yard and open space requirements located elsewhere in this ordinance. The riparian buffer requirements of this ordinance are not superseded or invalidated by the issuance of any other permit(s).

ARTICLE 3

CONDITIONAL USE REGULATIONS

The regulations contained in this Article are intended to ameliorate (lessen) the impact and improve the siting of uses, buildings, and projects whose characteristics could adversely affect surrounding property and environmental conditions. Toward this end, standards and criteria over and above those set forth elsewhere in this Ordinance are imposed herein on all conditional uses listed on Tables 1 and 2, and set out below.

Use	Section Reference
Townhouse projects	3.1
Patio and zero lot line housing projects	3.2
Bed and Breakfast Inns	3.3
Residential Designed Manufactured Dwellings	3.4
Standard Designed Manufactured Dwellings	3.4
Mobile Homes	3.5
Manufactured Home Parks	3.6
Accessory apartments	3.7
Home Occupation	3.8
Temporary uses (portable buildings, tents, etc.)	3.9
(Reserved - Performance Standards)	3.10
Communication Towers & Antennas	3.11
Recyclable Material	3.12
Hardware, general merchandise, food stores, drug, liquor, used merchandise, auto repair, miscellaneous, and video tape rental stores in rural areas	3.13
Refuse Systems	3.14
Sexually Oriented Businesses	3.15

Use	Section Reference
Camps & Recreational Vehicle Parks	3.16
Coin operated amusements, Cash payouts	3.17
Open Storage	3.18
Apartments in the B-4 District	3.19
Drinking Places	3.20
Development Standards for Unzoned Areas	3.21
Special Use Permit	3.22
Tattoo Facilities	3.23

Section 3.1 Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table III are hereby waived and the following design requirements imposed for all such projects:

1. Lot Size

All projects shall meet the following:

- a. A minimum of 0.5 acres, except for those being developed in a Planned Development District (PD), which require a minimum of two (2) acres per Section 2.6-3 of this Ordinance.
- b. Minimum lot width per unit shall be eighteen (18) feet.

In addition, all units must be established on single lots and so arranged to ensure public access. As such, townhouse units may be initially established on separate parcels or must be designed to accommodate future subdivision of property as determined by the Florence County/Municipal Planning Department.

2. **Setbacks**

All projects shall meet the following:

- c. Front yard setbacks shall be as required by Table III, in addition to the following parameters:

Not more than eight (8) nor fewer than two (2) townhouses may be joined together with the same or staggered minimum required front yard setback. If a development is proposed with staggered front setback lines, the unit that is established closest to the front property line must meet the minimum required front yard setback for the district in which it is being built as required by Table III.

No building will be allowed to encroach beyond the established minimum required front yard setback nor shall any building encroach more than fifty (50) % in depth of the adjoining building.

All other applicable lot area and setback requirements of this section must be met for all joined units.

- d. Side yard setbacks at the end unit of a building shall meet the requirements of the zoning district in which the projects to be located, with not less than a distance of twenty (20) feet between buildings in the project area.
- e. Rear yard setbacks for each unit shall be as required by Table III.

3. **Height**

Maximum height of buildings shall not exceed thirty-eight (38) feet.

4. **Sidewalks**

Sidewalks not less than three (3) feet in width shall be provided along the front property line of each project building.

5. **Fences and Accessory Buildings**

Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than five hundred (500) square feet in GFA (Gross Floor Area).

Section 3.2 Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the dimensional requirements of Table III are hereby waived and the following requirements imposed on all such projects:

- (1) Such projects shall have a minimum of 1.5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit.
- (3) Minimum lot width shall be 40 feet.
- (4) Maximum height of buildings shall not exceed 35 feet.
- (5) Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.
- (6) At least one side yard extending not less than five (5) feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five (5) feet.
- (7) The side yard of the exterior units shall be five (5) feet from the "outside" property line.
- (8) Rear yard setbacks shall be not less than 10 feet.
- (9) Front yard setbacks shall be as prescribed by Table III.

Section 3.3 Bed and Breakfast Inns

Bed and Breakfast Inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where permitted by this Ordinance, shall:

- (1) Be occupied by the resident/owner.
- (2) Only be permitted in older residential structures that are recognized by the Florence County Historical Commission as architecturally, historically or culturally significant.

- (3) Serve no regularly scheduled meal other than breakfast.
- (4) Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guest rooms above the number of bedrooms in the original structure.
- (5) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
- (6) Provide off-street parking on the basis of one space per guest room, plus two spaces for the resident innkeeper; further provided that sufficient off-street parking space shall be available on site to accommodate private gatherings, where proposed by the applicant.
- (7) Be permitted one non-illuminated identification sign, not to exceed four (4) square feet in area.

Section 3.4 Manufactured Housing

Section 3.4-1 Setup

Manufactured housing, where permitted by this Ordinance, shall prior to the issuance of a certificate of occupancy:

- (1) Be installed in accord with the Manufacturer's Installation Manual. In the absence of such a Manual, the home must be installed in accord with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- (2) Be underskirted around the entire home with brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.
- (3) Have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing steps at each exterior doorway, in accord with applicable Building Codes.
- (4) Have all moving or towing apparatus removed or concealed including hitch, wheels and axles.

- (5) Be provided with a sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.
- (6) Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter. Any existing home not in compliance with this Section upon the effective date of this Ordinance shall be served by a separate meter within one hundred eighty (180) days of the effective date, or be declared by the Zoning Administrator to be in violation of this Ordinance, and processed accordingly as provided for in Article 8.14.

It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of all approved permits.

Section 3.4-2 Installation

In order for a permit to be issued to install a manufactured home in Florence County, a photocopy of the current license of the installer, transporter, or contractor, issued by the South Carolina Manufactured Housing Board, must be submitted with the application for the permit. If a retail dealer is installing the home, a current photocopy of the retail dealer's license, issued by the South Carolina Manufactured Housing Board, must be submitted with the application for a permit. The installer, transporter, contractor, or dealer may submit an electronic copy of the license, in an acceptable format such as JPEG or PDF, by email in place of a photocopy.

Section 3.5 Mobile Homes

Mobile homes, as defined by this Ordinance, shall not be permitted, established or reestablished within the jurisdiction of this Ordinance. Where in existence at the time of adoption of this Ordinance, such uses may be continued in accord with the provisions of Section 7.9 Nonconformities.

Section 3.6 Manufactured Home Parks

The establishment and operation of a manufactured home park shall comply with the following design and development standards:

- (1) The park site shall be not less than three (3) acres, and have not less than 200 feet frontage on a publicly maintained public road.

- (2) The park shall be served by public water and sewer systems or other systems approved by DHEC, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.
- (3) All dwelling spaces shall abut upon an interior all weather roadway of crushed stone, asphalt, cochina, concrete slag or other all weather material of not less than twenty (20) feet in width which shall have unobstructed access to a public street.
- (4) All on-site roadway intersections shall be provided with a street light.
- (5) Each individual home site shall be at least 25 feet from any other site and at least 25 feet from the right-of-way of any street or drive providing common circulation.
- (6) All homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- (7) Not less than 10 percent of the park site shall be set aside and developed for common open space and recreation usage.
- (8) Space Numbers: Permanent space numbers shall be provided on each manufactured home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.
- (9) No manufactured home space shall have direct access to a public street, but shall instead access an internal driveway system.
- (10) The maximum number of manufactured home spaces shall not exceed eight (8) per acre.
- (11) Two parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas.
- (12) Existing trees and other natural site features shall be preserved to the extent feasible.

(13) Bufferyards shall be provided on the perimeter of the park or court in accord with the requirements of Section 4.1.

(14) License Required, Revocation: A license shall be requisite to the opening or operation of a manufactured home park and shall be subject to annual renewal.

Said license may be revoked by the Zoning Administrator for a violation of this Ordinance or other applicable ordinances and regulations governing the operation of such uses.

(15) Site Plan Required: A Site Plan showing the above required data, and in all other respects meeting the minimum requirements for a Building Permit shall accompany all applications to establish a manufactured home park.

Section 3.7 Accessory Apartments

Accessory apartments shall not be permitted as conditional uses in any of the residential zoning districts in the City of Florence. Accessory apartments, where permitted elsewhere as conditional uses, shall meet the following conditions:

- (1) The principal structure (dwelling) must be owner occupied.
- (2) The apartment, whether attached or detached, cannot exceed 50 percent of the gross floor area of the principal dwelling, or contain more than two bedrooms.
- (3) The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
- (4) An accessory apartment may be accessory only to a single family dwelling, and not more than one apartment shall be allowed per dwelling or lot.
- (5) Within the R-3 District, minimum lot size shall be at least twice the minimum lot requirement for the district.
- (6) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 20 feet from the principal dwelling.

- (7) A third off-street parking space shall be required.
- (8) Neither the primary residence nor the accessory apartment shall be a manufactured home.

Section 3.8 Home Occupations

Home occupations, as defined by this ordinance, shall meet the following requirements, where conditionally permitted by Tables I and II.

- (1) The home occupation shall be carried on wholly within the principal building.
- (2) The floor area dedicated to such use shall not exceed 25 percent of the floor area of the principal building, up to 400 square feet.
- (3) No activity shall be conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard.
- (4) No signs shall be allowed.
- (5) No merchandise or articles shall be displayed so as to be visible from outside the building.
- (6) No person not residing in the residence shall be employed in the home occupation.
- (7) No traffic shall be generated in an amount above that normally expected in a residential neighborhood.
- (8) No parking is needed above that required by the principal residential use.
- (9) There is no alteration whatsoever of the residential character of the building(s) and/or premises.
- (10) The occupation, profession, or trade is properly licensed, and generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.

(11) The occupation shall not involve the retail sale of merchandise manufactured off the premises.

Section 3.9 Temporary Uses

Section 3.9-1 Permit Required

The Zoning Administrator is authorized to issue a permit for temporary uses as specified in this Ordinance. No temporary use may be established without receiving such permit.

Temporary use permits may be renewed no more than twice within one calendar year, provided that said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Zoning Administrator.

Section 3.9-2 Type and Location

The following temporary uses and no others may be permitted by the Zoning Administrator, subject to the conditions herein.

- (1) Religious meetings in a tent or other temporary structure in the B-3, RU-1, and RU-2 Districts for a period not to exceed sixty (60) days.
- (2) Open lot sales of Christmas trees in the R-5, B-1, B-2, B-3, B-4, RU-1, and RU-2 Districts for a period not to exceed sixty (60) days.
- (3) Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one (1) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.
- (4) Temporary "sale" stands in the B-2, B-3, RU-1, and RU-2 Districts for a period not to exceed ninety (90) days.
- (5) Portable classrooms in any district for cultural or community facilities, educational facilities, or religious complexes, for an indefinite period provided all required setbacks for the district in which the structures are to be located shall be met and the portable structure shall be located on the same site as the principal structure.

- (6) Temporary office trailers in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.

Section 3.9-3 Removal

Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

Section 3.9-4 Off-Street Parking

Unless specified by Tables I or II for a specific use, a minimum of five (5) off-street parking spaces shall be required, and ingress/egress areas shall be clearly marked.

Section 3.10 (Reserved - Performance Standards)

Section 3.11 Communication Towers and Antennas

Where conditionally permitted as a principal use by Table II, communication towers and antennas shall adhere to the following regulations.

- (1) All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- (2) All applicable safety code requirements shall be met.
- (3) Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations.
- (4) No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained.
- (5) Towers or antennas shall be exempt from the maximum height requirements of this ordinance, except as provided in Section 7.2.

- (6) Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:
- (a) One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
 - (b) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].
 - (c) A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.
 - (d) Identification of the owners of all antennae and equipment to be located on the site.
 - (e) Written authorization from the site owner for the application.
 - (f) Evidence that a valid FCC license for the proposed activity has been issued.
 - (g) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
 - (h) A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
 - (i) A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the affected government and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the affected government.

Section 3.12 Recyclable Material

The location of these uses, where permitted by Table II, shall be regulated by the following:

- (1) No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park.
- (2) No material because it is discarded and incapable of being reused in some form shall be placed in open storage.
- (3) No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water or other causes.
- (4) All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully enclosed buildings.
- (5) All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative material, excluding points of ingress or egress, at least eight (8) feet in height.

Section 3.13 Hardware, General Merchandise, Food, Drug, Liquor, Used Merchandise, Auto Repair, Miscellaneous, and Video Tape Rental Stores in Rural Areas

The above business uses are conditionally permitted in the RU-1, Rural Community District; provided such uses shall not exceed 5,000 square feet gross floor area; liquor stores shall permit no on-premises consumption; and no uncovered open storage or keeping of material not associated with a principal use shall be permitted in public view.

Section 3.14 Refuse Systems

Due to environmental concerns and consideration for public health and safety, refuse systems where conditionally permitted as a principal use by Table II shall be limited to the following and shall comply with the supplemental development standards of this Section.

Sanitary Landfills - Inert Landfills
Recycling Drop -Off Stations

1. Sanitary Landfills

- a. Sanitary landfills shall be located no closer than 1,000 feet to any existing residential, recreational, religious, educational, medical, or public use (measured in a straight line).
- b. A geotechnical engineering firm approved by the Zoning Administrator shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.
- c. A drainage and sedimentation plan shall accompany the request, showing all off-site run off.
- d. The facility shall be enclosed by an opaque fence or wall structure illustrated by Section 4.2-4, on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
- e. A plan showing restoration of the site on completion of use as a landfill shall accompany the request.

2. Inert Landfill

- a. An inert landfill may be located up to, but no closer than, 100 feet from any property line, except such landfill shall not be located closer than 300 feet from any dwelling, school building, day care center, religious, recreational, or medical facility.
- b. No material shall be placed in open storage or areas in such a manner that it is capable of being transferred out by wind, water, or other causes.
- c. All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the Zoning Administrator where such facility will be utilized for a period not to exceed 90 days.

- d. The site shall be restored and re-vegetated on completion of use as a landfill.

3. Recycling Drop -Off Stations

- a. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or pelletized.
- b. The site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.
- c. Space shall be provided on site for the anticipated peak load of customers to circulate, park, and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers or the peak load, whichever is higher, except where the Zoning Administrator determines that allowing overflow traffic is compatible with surrounding business and public safety.
- d. Where a facility is to be located within 500 feet of property in a residential zone, it shall not be in operation between 7:00 p.m. and 7:00 a.m.
- e. No collection containers shall be located closer than 100 feet of any residential property line.
- f. Donation areas shall be kept free of litter and debris. Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

Section 3.15 Sexually Oriented Business

Section 3.15-1 Location

Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious affect of such uses on existing

businesses and/or residential areas around them, the location of such uses where conditionally permitted by Table II or where proposed for an unzoned area of Florence County, shall be tempered by the supplemental siting criteria of this section.

No such use shall be located within 1,000 feet (measured in a straight line and documented on a map drawn to scale) of:

- (1) a residence or a Residential Zone,
- (2) a church or religious institution,
- (3) public or private schools and educational facilities,
- (4) public parks and recreational facilities,
- (5) U. S. Highways 378, 76, 301, 52, and S.C. Highways 341, 403, 327, 51, 41, 403, and Interstate 95,
- (6) another sexually oriented business, or
- (7) day care facilities.

Section 3.15-2 License Required

It shall be a misdemeanor for a person to operate a sexually oriented business without a valid Permit and/or License, issued by the responsible governing authority for the particular type of business.

- (1) An application for a permit and/or license must be made on forms provided by the County Planning Department.
- (2) The premises must be inspected and found to be in compliance with the law by health, fire and building officials.

Section 3.15-3 Expiration of License

Each permit and/or license shall expire at the end of each calendar year and may be renewed only by making application as provided herein.

Section 3.15-4 Fees

The annual fee for a sexually oriented business license shall be five hundred dollars (\$500).

Section 3.15-5 Inspection

- (1) An applicant or permittee and/or licensee shall permit the Zoning

Administrator and representatives of the police, health or fire departments or other governmental departments or agencies involved in code enforcement to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

- (2) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

Section 3.15-6 Suspension

The Zoning Administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:

- (1) Violated or is not in compliance with any section of this Ordinance, or
- (2) Refused to allow an inspection of the sexually oriented business premises as authorized by this Section.

Section 3.15-7 Revocation

- (1) The Zoning Administrator shall revoke a permit and/or license if a cause of suspension occurs and the permit and/or license has been suspended within the preceding twelve (12) months.
- (2) The Zoning Administrator shall revoke a permit and/or license if he determines that:
 - (a) A permittee and/or licensee gave false or misleading information in the material submitted to the building department during the application process.
 - (b) A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.

- (c) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises.
- (d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.
- (e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises.
- (f) A permittee and/or licensee is delinquent in payment to the city, county, or state for any taxes or fees past due.

Section 3.16 Camps and Recreational Vehicle Parks

Camps and recreational vehicles (RV) parks, where permitted by Table II, shall comply with the following site and design standards.

- (1) The site shall be at least two (2) acres.
- (2) The site shall be developed in a manner that preserves natural features and landscape.
- (3) The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
 - (a) Maximum impervious surface ratio shall not exceed 35 percent of the project site.
 - (b) Minimum setbacks for all structures and recreational vehicles shall be:

Street frontage	50'
All other property lines	25'
 - (c) Maximum density shall not exceed 12 vehicles per acre.
 - (d) Bufferyards shall be as specified by Section 4.1.

- (4) Areas designated for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress. All drives shall be located at least one hundred fifty (150) feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress.
- (5) All streets within RV Parks shall be private and not public.
- (6) Each park site shall be serviced by public water and sewer or other systems approved by DHEC.

Section 3.17 Coin Operated Amusement Devices, Cash Payouts

No coin operated amusement device which provides payouts authorized by Section 17-19-60 of the South Carolina Code of Laws shall be located within three hundred feet of a public or private elementary, middle or secondary school; a public or private kindergarten; a public playground or park; a public vocational or trade school or technical educational center; a public or private college or university; or house of worship; nor shall such device be operated in a non-permanent structure such as a tent, mobile home, trailer or temporary structure. The provisions of this section shall not apply to any location with machines:

- (1) licensed before May 30, 1993, or
- (2) not involving payouts authorized by Section 17-19-60 of the Code of Laws of South Carolina.

Section 3.18 Open Storage Areas

Open storage as an accessory use may be permitted where indicated by Table II; provided such storage area does not occupy over 20 percent of the buildable area, is not located in any required setback area, and is screened from public view, where practical.

Section 3.19 Apartments in the B-4 District

Use of commercial buildings in the B-4 District may be converted to residential apartments; provided some of the structure(s) remains for business and/or commercial use; further provided that off-street parking requirements

shall not apply to apartment uses, but may be provided in contiguous zone districts, notwithstanding restrictions against off-street parking facilities in such districts.

Section 3.20 Drinking Places

A drinking place (bar), where conditionally permitted by Table 2, shall be located not less than 500 feet from another drinking place. (See Section 7.10 for additional regulations.)

Section 3.21 Development Standards for Unzoned Areas

Any new construction or additions for commercial or industrial property in unzoned areas of Florence County must comply with the following development standards unless otherwise stated.

1) Definitions

Commercial or **office** uses are those uses that provide sales or services to the public with a smaller impact than that of a shopping center. This includes shopping centers with a floor area of 250,000 square feet or less. These would include but are not limited to:

- a) Hotels, Motels, and Inns
- b) Multi-family projects
- c) Eating Places and Drinking Places
- d) All other Organizations

Industrial uses are those which produce or sell products on a large scale. These would include but are not limited to:

- a) Manufacturing
- b) Shopping centers or office parks with a floor area of greater than 250,000 square feet
- c) Flea markets
- d) Whole trade
- e) Mining

Heavy Industrial uses are those which have a potential for negative impact on uses close to them. These uses sometimes have severe potential for generation of odor and may involve large amounts of storage. These uses have 200,000 square feet or more of combined floor area or more than 500 employees on any shift.

Light Industrial uses are those that are generally not objectionable because of noise, heavy truck traffic or fumes, or

generate nuisances. These are uses with less than 200,000 square feet of combined floor area or fewer than 500 employees on a shift.

Institutional uses are those uses that are supportive foundations of a society. These would include but are not limited to:

- a) Churches
- b) Banks
- c) Schools
- d) Hospitals
- e) Public Administration
- f) Libraries and Museums

Warehousing uses are primarily engaged in storing goods and keeping them secure. There are no sales on the premises.

2) Minimum Lot Dimensions

- a) 5,000 square feet for commercial and office (following the B-3, General Commercial District guidelines set forth in Section 2.5, Table III)
- b) 10,000 square feet for industrial (following the B-5, Office and Light Industrial District; and B-6, Industrial District guidelines set forth in Section 2.5, Table III)
- c) 10 acres for industrial use
- d) 10 acres for sanitary landfill, incinerator, and dump sites
- e) 2 acres for transfer stations
- f) 1 acre for convenience Centers or Drop-off Centers
- g) The lot width of the parcel must be in accordance with the Florence County Land Development Regulations.
- h) The Zoning Administrator shall be authorized to modify or waive lot dimension requirements if it is determined that:
 - i) The parcel is a prerecorded lot and sold for the intention of commercial or industrial use
 - ii) All other requirements can be met.

3) Off-street parking requirements

The number of off-street parking spaces required are shown on Table II, page 12 of the Consolidated Zoning Ordinance. The following shall be a supplement to those requirements.

- a) Where applications of the requirements of Table II result in a fraction space requirement, the next larger requirement shall apply.

- b) Where a building or use is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- c) Off-street parking areas provided to comply with the provisions of this Ordinance shall not be reduced below the requirements of this Ordinance.
- d) Off-street parking shall have direct access to a street or alley, and shall be designed, developed, and maintained in accordance with the requirements of this Article.
- e) Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required.
- f) Parking spaces shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of ten percent (10%) of the total number of spaces may be 8.5 feet by eighteen (18) feet. Minimum isle width shall be as follows:

90 degree parking	60 degree parking	45 degree parking	30 degree parking
22 feet	18feet	13 feet	11 feet

- g) Parking lot construction shall be designed to minimize off-street storm water run off. Parking lots shall be designed so as not to drain into or across public sidewalks or on to adjacent property, except into a natural watercourse or a drainage easement. In developed areas where this condition may be impossible to meet, the Zoning Administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage.
- h) Off street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall fence, curbing, or other protective device approved by the Zoning Administrator, and illustrated by Section 4.3-6.
- i) All off-street parking areas shall be designed so that all movement onto a public street is in a forward motion.
- j) Parking lots containing ten (10) or more spaces shall be marked by painted lines, curbs, or other means to indicate individual spaces.
- k) Adequate lighting shall be provided. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas.
- l) Parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following formula:

Number of Required Spaces	Number of Spaces Reserved for Handicapped Persons
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
over 500	2% of total required

- m) Parking spaces for the physically handicapped shall measure 12 feet by 20 feet or 8 feet in width with an adjacent access isle 8 feet in width. Shall be located as close as possible to ramps, walkways, and entrances.
- n) Where more than one principal use occupies the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- o) All off-street loading spaces shall be arranged 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 private street.

4) Bufferyard Requirements

Bufferyard shall be provided in accordance with Table I, along the outer perimeter of a lot or parcel, extending to the parcel boundary line. Table II explains the plant requirements for each bufferyard type. Bufferyards shall not be located on any portion of an existing public or private street or right-of-way.

TABLE I
Existing Adjacent Uses

Proposed Land Use	Single Family Use on residential streets	Multi-family and all other residential uses	Manufactured Home Parks	Office and Commercial	Industrial	Institutional
Office and Commercial Uses						
Less than .35 floor area ratio	B	A	A	*	*	B
Mini-Warehouses	B	A	A	*	*	B
.35 to 1.00 floor area ratio	C	B	B	*	*	B
1.00 floor area ratio or greater and shopping centers or office parks 250,000 square feet or less.	E	E	D	*	*	B
Convenience Center or Drop-Off Center	C	C	C	*	*	B
Industrial use						
Light	E	E	C	B	*	E
Heavy	F	F	D	C	*	F
Sanitary landfill, incinerator, and dump sites	F	E	D	C	*	F
Transfer Stations, Communication Towers & Antennas	F	E	D	C	*	F
Automotive Race and Testing Tracks	F	E	D	C	*	F
Mining and Extraction Operations	F	E	D	C	*	F
Institutional	B	B	A	*	*	*
Warehouse	F	F	D	C	*	F

* No bufferyard required

TABLE II

Standard	Bufferyard Type					
	A	B	C	D	E	F
Minimum Buffer Depth (feet from property line)	5	10	15	20	30	100
Minimum Land Use Buffer Landscaping (plants per 100 linear feet)						
Canopy Trees	2	3	4	5	6	4
Understory Trees	2	6	6	7.5	9	6
Shrubs	3	9	24	30	30	30
Evergreens/Conifers	3	6	12	15	15	12
Structure	None	4' Wood Stockade	6' Wood Stockade	6' Wood Stockade	6' Wood Stockade or Earthen Berm	6' Wood Stockade

- a) The Zoning Administrator shall be authorized to modify or waive bufferyard requirements if it is determined that:
 - i) Buffer will not serve any useful purpose due to the fact that fence, walls, berms, or landscaping of at least equivalent height, opacity, and maintenance already exist on the adjacent parcel;
 - ii) Buffers will not serve any useful purpose due to the location of uses, vehicle, buildings, structures, or storage, loading display, or service area; or
 - iii) The area of required bufferyard would exceed 25% of the site proposed for development.

- b) Screening shall be required on all open storage areas not devoted to retail sales visible from any public street, including open storage areas for shipping containers, building materials, appliances, trash containers of 4 or more cubic yards, salvage materials, and similar enclosed uses.
 - i) Screening shall be accomplished by an opaque divide not less than six (6) feet high or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight obscuring plant materials, earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Zoning Administrator.

5) Landscaping Requirements

- a) A perimeter landscaped area of at least 5 feet in depth shall be provided at the perimeter of all off-street parking, loading, and vehicular use areas.

- b) Within, the interior, peninsula or island type landscaped areas shall be provided for any open vehicular area containing 20 or more parking spaces.

Use	Institutional	Industrial/wholesale/storage	Office	Commercial -retail- service	Multi- family Projects
% of parcel	15%	10%	10%	5%	10%

6) Certain Uses and Industrial Projects

- a) Sanitary Landfill, Incinerator, Dump sites, Transfer Stations and Communication Towers & Antennas
- i) 1500 feet from an existing use
 - ii) Proposed facilities shall have direct access off a collector or arterial street
 - iii) Shall be enclosed on all sides by an opaque cycle fence
 - iv) No waste material capable of being blown from the site shall remain uncovered or unsecured at the end of a workday
 - v) When the site is full or no longer in operation, it shall be fully restored and revegetated where applicable.
- b) Convenience Centers or Drop-off Centers
- i) 500 feet from an existing residential use
 - ii) Proposed facilities shall have direct access off a collector or arterial street
 - iii) No waste material capable of being blown from the site shall remain uncovered or unsecured at the end of a workday
- c) Automotive Race and Testing Tracks
- i) 2500 feet from any residential use
 - ii) Dirt tracks shall be no closer than one mile from any residential use
 - iii) Proposed facilities shall have direct access off a collector or arterial street
- d) Mining and Extraction Operations
- i) Minimum 2500 feet from any residential use; where explosives are to be employed, the minimum distance shall be one mile
 - ii) A vegetated strip shall be required along the margins of the excavation site to reduce sedimentation and air borne debris.
 - iii) Proposed facilities shall have direct access off a collector or arterial street
- e) Automotive wrecking, Salvage, and Junk Yards
- i) 500 feet from any residential use, church, school, historic place, or public park

- ii) No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water or other causes.
 - iii) All material and activities not within fully enclosed buildings shall be enclosed by a 6' wood stockade fence, on all sides visible from the road or street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
- f) Mini-warehouses
- i) Maximum 2 acres
 - ii) Limited to covering 50% of the total parcel
 - iii) Vehicular ingress-egress shall be limited to one point for each side of the property abutting any street

7) Setbacks

Proposed Use	Front	Rear	Side
Commercial	25'	20'	10'
Industrial/Warehousing/ Storage	25'	50'	50'
Office/Institutional	25'	20'	20'
Accessory Use	25'	5'	5'

8) Signs

10 foot setback from any property line. This is addition to the regulations in Article 5 of the Consolidated Zoning Ordinance.

10) Site Plan Requirements

Site plan showing the proposed commercial and/or industrial use with all requirements of this section shall be required along with the application requirements of Section 8.7-3 of the Consolidated Zoning Ordinance.

Section 3.22 Special Use Permit

1) Purpose

It is the purpose of this section to provide for an efficient and timely method to approve uses that are temporary by their nature on private property, public, parks or on public right-of-ways involving the congregation of five thousand (5000) persons or more.

2) A Special Use Permit is required for the following uses:

- 1) circuses;
- 2) concerts;
- 3) public entertainment events.

3) Uses not requiring a Special Use Permit:

- 1) sales promotion or grand opening, provided that the application for a temporary sign permit is obtained;
- 2) garage and rummage sales by private citizens on property within their ownership or other control;
- 3) uses specifically regulated per other authority.

4) Application

The Planning Department shall provide an application form that must be completed and submitted to the Planning Department 120 days prior to the opening of the event. In addition, the Planning Director may request the following if determined necessary to properly assess the application or protect the County and property owners:

- 1) a site plan showing location of the use, other building(s), and parking area with the adequate amount of spaces as determined by the Planning Director on the site, all driveways to the site and all surrounding properties and streets, and the location and types of all signs, including lighting and heights;
- 2) a cash bond to be set by the Planning Director shall be posted or a signed contract for the disposal, shall be required as a part of the application to ensure that the premises will be cleared of all debris during and after the event;
- 3) an arrangement for traffic control, required by the City Police, County Sheriff's Department, and South Carolina Department of Transportation Highway Patrol in the vicinity and at major intersections, shall be arranged by the applicant;
- 4) documentation from the Florence County Health Department that adequate arrangements for temporary sanitary facilities have been secured must be provided;
- 5) insurance policy or policies naming the County, if officers, agents, and employees, as additional insured by a company authorized to write in South Carolina, in a format which is satisfactory to the County Attorney, and in an amount determined to be adequate for

- the risks involved in the activity, as determined by the Planning Director;
- 6) documentation from the property owner agreeing to the use as specified in the application;
 - 7) such other data as may be required to demonstrate that the project meets the criteria.

5) Decision Process

- 1) The Planning Director, or his or her designee, shall immediately upon receipt of a completed application as determined by the Planning Director, distribute the application to the following:
 - A) appropriate City and/or County Departments for review and comments on matters pertaining to site plan, land use, building construction, streets, grading and public safety;
 - B) Other local governmental agency or utility district as necessary.
- 2) Notice to all adjacent property owners of the property for which the application has been made.
- 3) A decision shall be rendered by the Planning Director or his or her designee within six (6) working days of receipt of the completed application based on the comments received.
- 4) The Planning Director may approve, approve with conditions, or deny the application.
- 5) The applicant may request an accelerated decision provided that an additional fee is paid to accommodate the special processing required to accelerate.

6) Conditions of Approval

The Planning Director is authorized to place conditions on an approved Special Use Permit that include, but are not limited to the following:

- 1) a fixed period for each use;
- 2) hours of operation;
- 3) limits on ingress and egress to the site and appropriate directional signing, barricades, fences or landscaping;

- 4) security;
- 5) temporary off-street parking facilities;
- 6) removal of all materials and equipment and restoration of the premises to the original condition;
- 7) special signage.

7) Appeals

An applicant or aggrieved person may appeal any determination of the Planning Director or any condition or requirement of a Special Use Permit to the Planning Commission.

8) Revocation

A Special Use Permit may be revoked for the following reasons:

- 1) the applicant acquired the special use permit by making or causing to be made factual misrepresentations, material nondisclosure or false or misleading statements in its application for such permit or in any statements in its application for such permit or in any statement or representation to the Planning Director;
- 2) conditions of the permit have not been fully complied with.

9) Re-application

No person shall reapply for a similar Special Use Permit if an application for such has been denied or revoked, if such re-application is within a period of one calendar year from the date of the final decision on a previously similar application. The Planning Director may waive this restriction if it is determined that conditions have materially changed since the previous denial or revocation.

Section 3.23 Tattoo Facilities

Section 3.23 Tattoo Facilities

Tattoo facilities, where conditionally permitted by Table II or where proposed for an unzoned area of Florence County, shall be tempered by the supplemental siting criteria of this section.

Section 3.23-1 Definition

As defined by Section 44-34-10 of the South Carolina Code of Laws, “

'Tattoo facility' means any room, space, location, area, structure, or business, or any part of these places, where tattooing is practiced or where the business of tattooing is conducted" (South Carolina Code of Laws Section 44-34-10).

For the purpose of this section, "spacing buffer area" shall be defined as the distance between the tattoo facility and the other use, such as a church, school, playground, residential use, or public park, and shall be measured according to the specific and appropriate guidelines set forth in this section for such uses.

Section 3.23-2 Location/Site Requirements

The location of a tattoo facility must comply with Table II of this Ordinance and Section 44-34-110 of the South Carolina Code of Laws, which requires the tattoo facility must be at least 1,000 feet from a church, school, or playground (South Carolina Code of Laws Section 44-34-110). The distance must be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of the church, school, or playground. (South Carolina Code of Laws Section 44-34-110)

In addition to above regulations, the following requirements must also be met for tattoo facilities under the jurisdiction of this ordinance:

Buffer Requirements for Residentially Zoned Areas:

1. A minimum of 500 ft. road frontage spacing buffer area from residential uses shall apply to tattoo businesses unless they are conditionally allowed pursuant to subparagraph 2 below. This shall be measured in a straight line from the outer wall of the occupied space of the tattoo business to the nearest boundary line of a residentially zoned district.
2. A 200 ft. minimum spacing buffer area measured in a straight line from the outer wall of the occupied space of the tattoo business to the nearest boundary line of a residentially zoned district shall apply from tattoo businesses if they meet all of the following conditions:
 - (a) Additional buffering must be present or installed by one of the following:
 - (1) The existence of a major commercial street of at least four lanes defined at a minimum as either an arterial or a collector street and commercial

- development between tattoo facility and the nearest residentially zoned district; or
- (2) Landscape buffering between tattoo facility and the nearest residentially zoned district meeting the minimum requirements described in the box set out in the footnote below;¹ and
- (b) Signage on the tattoo facility to meet all requirements for signage in B-3 zoning district as set out in this Ordinance with additional restriction of no window signage, flashing, neon, LED, reader board signage, or signs containing animation within the direct line of sight of any immediately adjacent residentially zoned district; and
- (c) The tattoo facility shall be open to the public only between the hours of 8:00 am and 9:00 pm.

Section 3.23-3 Zoning Compliances

Zoning Compliance for tattoo facilities shall be governed by Section 8.7 of this Ordinance.

Section 3.24 Design Standards for Duplex, Triplex, Quadraplex and Townhouse.

It is the intent of design standards to cause development to be compatible with the existing built environment. Good design ensures neighborhood compatibility by appropriate scale and massing adjacent to existing houses. The provisions of this section shall apply to all duplex, triplex, quadraplex, and townhouse developments throughout the City. These standards shall supersede existing regulations elsewhere in the Zoning Ordinance and Land Development and Subdivision Ordinance when in conflict with this section. In all cases, compatibility with the neighborhood shall govern. The provisions of this section shall apply to all new duplex, triplex, quadraplex, and townhouse construction and; additions or alterations to an existing duplex, triplex, quadraplex, or townhouse, totaling 25 percent or more of the gross floor area of the existing building. Interior improvements that do not affect the

footprint or façade of the building are excluded. Only the portions of the building or site being altered or added to shall be required to integrate design standards into the design of the alteration or addition. The provisions of this section shall apply to all use conversions to duplex, triplex, quadraplex, and townhouse where conditionally permitted.

In order to provide flexibility and creativity of project designs and to promote development that is more compatible with the existing built environment, departures from these standards may be permitted subject to the approval of the Director of Planning, Research, and Development. In making this determination the director shall find that the departure creates a project design that meets or exceeds the overall purpose and intent of the design standards and replicates the design features existing within the surrounding area⁵. The Director may require such plans as necessary to render such a decision. The applicant may request to have their request for departure from these standards reviewed by the Planning Commission. In such cases, the Director shall determine whether the application is sufficient and therefore complete. In the event the Director makes the determination that the application is incomplete; the applicant may request that the Chairman of the Planning Commission review the application for sufficiency and completeness. In those cases, the decision of the Planning Commission Chairman shall govern. In all cases the Director may, at his discretion, refer the request from departure from these standards to the Planning Commission for review and approval.

The following design standards are intended to implement the City's vision for housing as set forth in the Comprehensive Plan.

Section 3.24-1: Duplex

A duplex is a structure that contains two dwelling units constructed on a single lot.

6. Site Standards

a. Duplexes that have vehicular access from the street

⁵ The term surrounding area as used throughout Section 3.24 is defined as the area within the shorter distance of the block or five hundred (500) feet in each direction on the same side of the street, as measured from the corners of the front property line and including properties that are whole or in part within the aforementioned distance.

may provide a separate hard surface driveway for each unit that shall be no more than 20 feet wide or provide a shared hard surface driveway for both units no greater than 27 feet wide.

b. Parking shall only be allowed in developed designated areas which may be inclusive of the driveways.

c. Landscaping shall be provided in a manner that protects the single family character of the surrounding area as defined in footnote one.

d. The schedule of lot requirements follows the City of Florence Zoning Ordinance Section 2.5 Table III with the exception that the rear setback for a standard duplex shall be 15 feet.

7. Building Development Standards

a. Front facing garage doors shall not be greater than sixteen (16) feet wide and be separated by at least eighteen (18) inches. Garages accessed from an alley or if oriented perpendicular to the street are exempt from width and dimension requirements.

b. Primary entrance(s) into the building shall be oriented to face a street. Duplexes may share a primary building entrance with interior access to each unit.

c. Primary building entrances shall be separated by at least three feet.

d. Primary entrance(s) shall be sheltered by a covered front porch.

e. The roof of the covered porch shall be attached to and compatible with the architecture of the building.

f. Each entry door shall be lit by an external light fixture fixed to the building.

g. The architecture of the buildings shall include features that are repetitive or similar to architectural features of the existing buildings of the surrounding area as defined in footnote one.

h. Building facades, defined as the street front face of the building, shall be articulated for visual interest. The following are examples of features that may be used to accomplish this standard:

- (1) Building offsets.
- (2) Interesting fenestration and roof lines
- (3) Front porches to encourage eyes on the street.

i. If more than fifty (50) percent of the existing principal structures in the surrounding area as defined in footnote one, have an elevated first floor, then the first floor of the duplex shall be elevated above the finished grade across the front building line to an average of the principal structures as defined. Provided, however, in no event shall the first floor be elevated less than 8 inches. The foundation shall be skirted with brick, split faced block, rock or like material, stucco or similarly applied cementuous treatment.

j. Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of doors and windows which shall include associated shutters, and decorative framing. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of doors and windows as described above.

k. The front façade shall incorporate wall finish materials that are compatible with the surrounding area as defined in footnote one. It is recommended that one or more of the following wall finish materials be used: cementous siding (e.g. hardi-plank, permastone, etc.), brick, eternal woods (pressure treated), stucco, vinyl or other material as may become

available⁶. In all cases related to the façade, compatibility with the surrounding area, as defined in footnote one, shall be maintained.

l. Roofing materials shall be architectural shingles, three tab flat shingles, concrete tile, slate, or building integrated photovoltaics. If the existing principal structures in the surrounding area, defined in footnote one, have alternate roofing materials then the alternate roofing materials may be used.

8. Sidewalks

a. Sidewalks, compliant with standards as set forth in the current Americans with Disabilities Act and current requirements of SCDOT, shall be provided along the front property line of each project building where at least forty (40) percent of the surrounding area as defined in footnote one has front sidewalks or either adjacent lot has a sidewalk.

b. A sidewalk, compliant with standards as set forth in the current Americans with Disabilities Act and current requirements of SCDOT, shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

Section 3.24-2: Triplex and Quadraplex

The principle design for triplex and quadraplex construction is single family detached. A triplex is a building that contains three separate dwelling units that share a primary front building entrance. A quadraplex is a building that contains four separate dwelling units that share a primary front building entrance. Alternate entrances to each unit may be located on the side or rear of the building. These standards for triplexes and quadraplexes shall only apply for infill developments. For purposes of this section, infill development shall be defined as development on lots containing less than two (2) acres and not fronting a private street or existing parking lot. However, in cases where lots are in excess of (2) acres; the

⁶ Other material as may become available must be approved by the Planning Commission.

Director shall only approve development applications if in his determination, they maintain the character of the surrounding area as defined in footnote one.

1. Site Standards

a. The schedule of lot requirements follows the City of Florence Zoning Ordinance Section 2.5 Table III with the exception that the minimum lot area shall be 9,000 square feet with a minimum lot width of 90 feet.

b. Parking shall only be allowed in developed designated areas which may be inclusive of the driveways.

c. A continuous landscape screen⁷, a minimum of three feet in height at planting or fencing as approved, shall be required along the perimeter of the parking area or area affected by parking in those areas that adjoin existing residential uses or a publicly maintained street.

2. Building and Development Standards

a. Front facing garage doors shall not be greater than 16 feet wide and be separated by at least eighteen (18) inches. Garages accessed from an alley or oriented perpendicular to the street are exempt from width and dimension requirements.

b. Primary entrance into the building shall be oriented to face a street.

c. A garage including the frame shall not be greater than 50 percent of the horizontal plane of the front façade.

d. If more than fifty (50) percent of the existing principal structures in the surrounding area, as defined in footnote one, have an elevated first floor, then the first floor of the duplex shall be elevated above the finished grade across the front building line to an average of the principal structures as defined. Provided, however, in no event shall the first floor be elevated less than eight (8) inches. The foundation shall be

⁷ The materials for the landscape screen shall be approved by the Director.
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skirted with brick, split faced block, rock or like material, stucco or similarly applied cementuous treatment.

e. Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of doors and windows which shall include associated shutters, and decorative framing. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of doors and windows as described above.

f. The front façade shall incorporate wall finish materials that are compatible with the surrounding area as defined in footnote one. It is recommended that one or more of the following wall finish materials be used: cementous siding (e.g. hardi-plank or permastone), brick, eternal woods (pressure treated), stucco, vinyl or other material as may become available, if approved by the Planning Commission (see foot note two). In all cases related to the façade, compatibility with the surrounding area as defined in footnote one shall be maintained.

g. Roofing materials shall be architectural shingles, three tab flat shingles, concrete tile, slate, or building integrated photovoltaics. If the existing principal structures in the neighborhood as defined in footnote one have alternate roofing materials, then the alternate roofing materials may be used.

3. Sidewalks

a. Sidewalks, compliant with standards as set forth in the current Americans with Disabilities Act and current requirements of SCDOT, shall be provided along the front property line of each project where at least forty (40) percent of the surrounding area as defined in footnote one has front sidewalks or either adjacent lot has a sidewalk.

b. A sidewalk, compliant with standards as set forth in the current Americans with Disabilities Act and current

requirements of SCDOT, shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

Section 3.24-4: Townhouse

Townhouse design is a single-family attached unit in a building containing two or more units, contiguous to each other only by the sharing of one common bearing wall; such buildings are of the townhouse or rowhouse type as contrasted to multiple dwelling apartment structures. All townhouses in the City of Florence must comply with the requirements of zoning ordinance Section 3.1 unless altered by applicable provisions set out below. No single building shall contain in excess of eight units and each unit shall have separate and individual front and rear entrances. These standards for townhouses shall only apply for infill developments. For purposes of this section, infill development shall be defined as development on lots less than two (2) acres and not fronting on a private street or existing parking lot. However, in cases where lots are in excess of (2) acres; the Director shall only approve development applications if in his determination, they maintain the character of the surrounding area, as defined in footnote one.

1. Site Standards

- a. Shall follow City of Florence Zoning Ordinance Section 3.1, unless altered by applicable provisions set out below and
- b. A minimum of three connected units shall be oriented to each street adjacent to the development. Two unit buildings shall only be permitted in the interior of a lot.
- c. Lot width may be reduced to 16 feet.

2. Building Development Standards

- a. Built in first floor garages for each unit shall not be greater than 12 feet wide and be separated by at least 18 inches. Garages accessed from an alley are exempt from width and dimension requirements.

- b. Primary entrance into the building shall be oriented to face a street.
- c. All primary entrances shall be sheltered by a covered front porch.
- d. Primary unit entrances shall be separated by at least three feet.
- e. Each unit door shall be lit by an external light fixture fixed to the building.
- f. Parking shall only be allowed in designated areas which may be inclusive of the driveways.
- g. A continuous landscape screen, as defined in footnote three, a minimum of three (3) feet in height at planting or fencing as approved, shall be required along the perimeter of the parking area or area affected by parking in those areas that adjoin existing residential uses or a publicly maintained street.
- h. Windows shall be incorporated into the front façade and shall be accented with shutters, awnings, or decorative framing, or shall be articulated with an offset of at least four inches. At least 20 percent of the vertical planes of the front façade shall be composed of doors and windows which shall include associated shutters and decorative framing. Where the front façade includes a garage door, at least 10 percent of the vertical planes shall be composed of doors and windows as described above.
- i. The front façade shall incorporate wall finish materials that are compatible with the surrounding area as defined in footnote one. It is recommended that one or more of the following wall finish materials be used: cementuous siding (e.g. hardi-plank or permastone), brick, eternal woods (pressure treated), stucco, vinyl or other material as may become available, if approved by the Planning Commission (see footnote two). In all cases related to the façade, compatibility with the surrounding area as defined in footnote one shall be maintained.

3. Sidewalks

- a. A sidewalk, compliant with current standards as set forth in the current Americans with Disabilities Act and current requirements of the SCDOT, shall connect the primary building entrance to the driveway, street front sidewalk, or rear parking area.

ARTICLE 4

APPEARANCE, BUFFERING, SCREENING, LANDSCAPING, AND OPEN SPACE REGULATIONS

The regulations contained in this Article are intended generally to ensure land use compatibility, promote the greening of development, improve aesthetics, and ensure adequate provision of open space within the jurisdiction of this Ordinance.

Section 4.1 Bufferyards

Section 4.1-1 Definition

The bufferyard is a unit of yard together with the planting, fences, walls, and other screening devices required thereon.

Section 4.1-2 Purpose

The purpose of the bufferyard is to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions, and promote land use compatibility.

Section 4.1-3 Where Required; Location

Bufferyards shall be provided in accord with the requirements of Table VI, and shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing public or private street or right-of-way.

Section 4.1-4 Determination of Requirements

To determine the bufferyard required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:

1. Identify the proposed land use.
2. Identify the use of land adjacent to the proposed use.

3. Determine the bufferyard required on each boundary (or segment thereof) of the subject parcel by referring to Table VI, **Bufferyard Requirements** and **Bufferyard Illustrations** of this section. The letter designations contained in the table refer to the type of bufferyard specified by the illustrations.
4. Any of the several options contained in the illustrations shall satisfy the requirements of buffering between adjacent land uses and streets.

Section 4.1-5 Responsibility for Bufferyard

1. It shall be the responsibility of the proposed use to provide the bufferyard required by Table IV.
2. When a use is first to develop on two adjacent vacant parcels, the first use shall provide the buffer specified for vacant land. The second use to develop shall, at the time it develops, provide all additional plant material and/or land necessary to provide the total required bufferyard.

Section 4.1-6 Bufferyard Specifications

The bufferyard illustrations contained in this section graphically indicate the specifications of each bufferyard. The requirements are stated in terms of the width of the bufferyard and the number of plants required per 100 feet of bufferyard. The requirements of a bufferyard may be satisfied by any one of the options illustrated.

The “plant unit multiplier” is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of the bufferyard. The type and quantity of plant materials required for each bufferyard option are specified by the illustrations. Each illustration depicts the total bufferyard located between two uses. Whenever a wall, fence, or berm is required within a bufferyard, they are shown as “structures.”

The exact placement of required plants and structures shall be the decision of the developer, except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.

All buffer yards shall be seeded with lawn grass or suitable ground cover.

Section 4.1-7 Bufferyard Substitutions

The following plant material substitutions shall satisfy the requirements of this Ordinance.

1. Evergreen canopy or evergreen understory trees may be substituted as follows:

In the case of deciduous canopy forest trees, up to a maximum of 50% of the total number of canopy trees otherwise required;

Evergreen canopy or evergreen understory trees may be substituted for deciduous understory trees and deciduous shrubs, without limitations.

2. In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitations.
3. Any existing plant material that otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
4. Structures, where required, may be substituted with approval of the Zoning Administrator.

Section 4.1-8 Use of Bufferyards

A bufferyard may be used for passive recreation; however, no plant material may be removed.

Section 4.1-9 Bufferyards Part of Required Yards

Where front, side, and rear yards are required by this Ordinance, bufferyards may be established within such required yards.

Section 4.1-10 Minimum Plant Size

Plants shall be sufficiently sized to insure buffering and screening at the time of installation. Where the Bufferyard Illustrations indicate a mass or line of plants paralleling the length of the property line, the plant materials shall be sufficiently sized to insure obscurity at the time of installation. However, seedling plants may be used where berms or structures are required as part of the bufferyard, or where the proposed use is contiguous to a street or vacant land.

The following table shall serve as a guide for determining minimum plant size.

Table V: Determining Minimum Plant Size

Plant Material Type	Planting in bufferyards abutting vacant lands, fences, berms	All other plantings
Canopy Tree		
Single-stem	1-1/2 inch caliper	2-1/2 inch caliper
Multi-stem clump	6 feet high	10 feet high
Understory Tree	4 feet high	1-1/2 inch caliper
Evergreen Tree	3 feet high	5 feet high
Shrub		
Deciduous	15 inches high	24 inches high
Evergreen	12 inches high	18 inches high

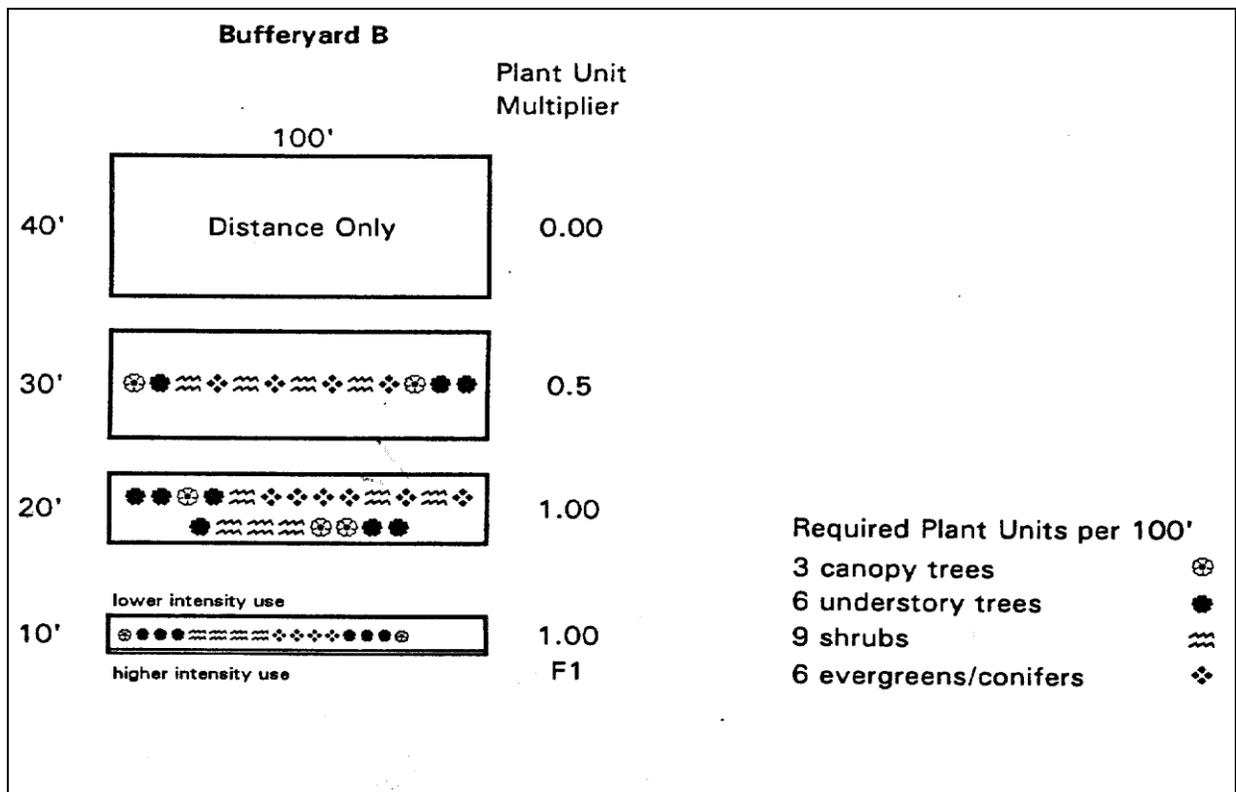
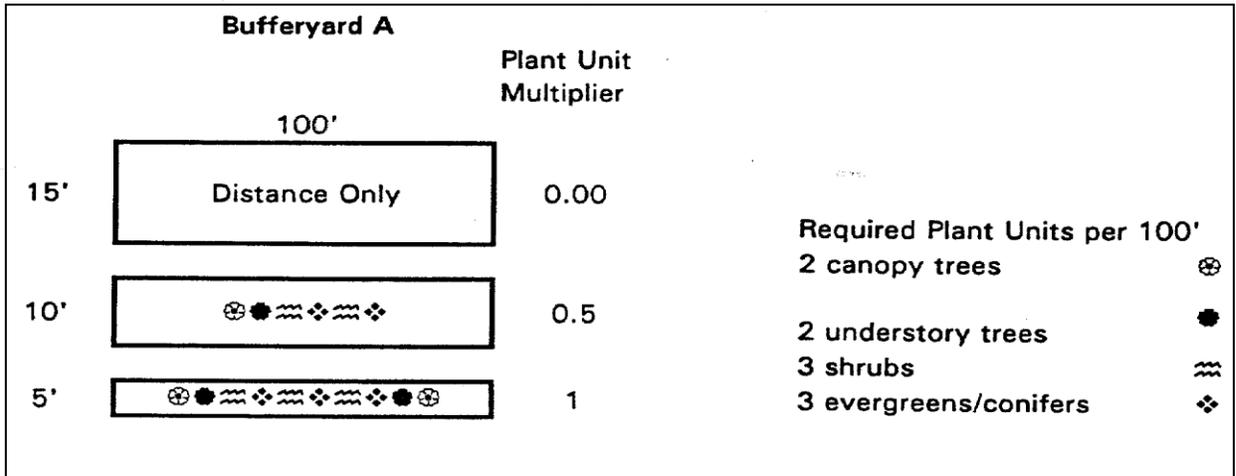
Section 4.1-11 Required Maintenance

The maintenance of required bufferyards shall be the responsibility of the property owner. All such yards shall be properly maintained so as to assure continued buffering. To this end, such areas shall be provided with an irrigation system or readily available water supply. Dead trees shall be removed and replaced; debris and litter shall be cleaned up; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance and may be remedied by the Zoning Administrator in the manner prescribed for other violations.

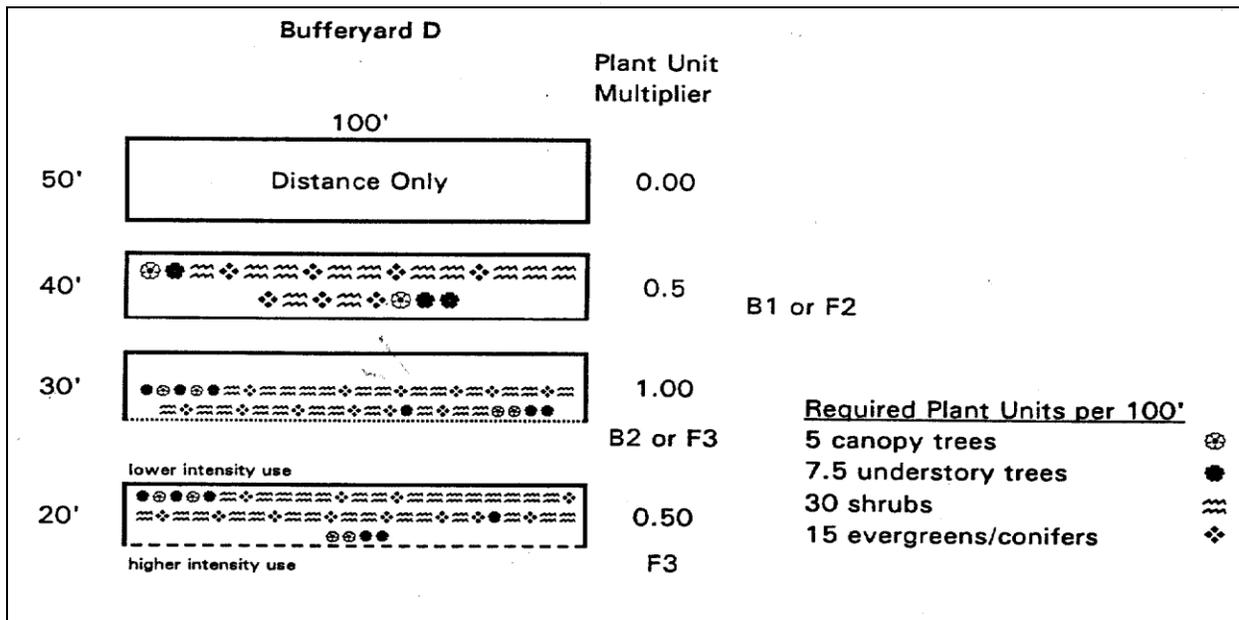
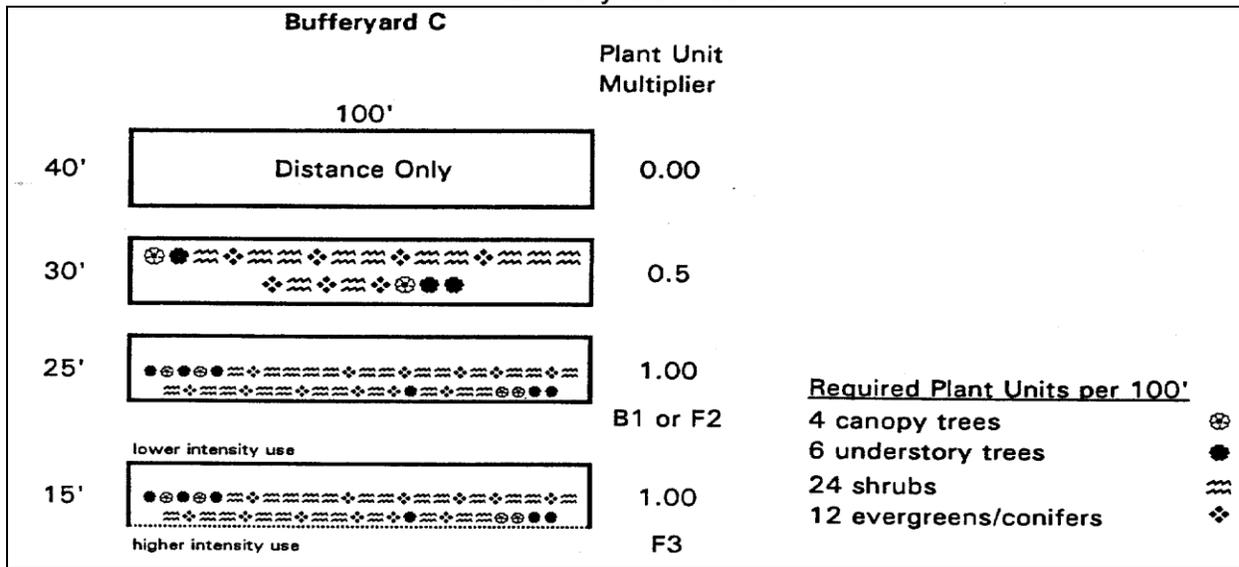
**Table VI
Bufferyard Requirements**

Existing Adjacent Land Use										
Proposed Land Use	Single & duplex dwelling in residential zone	Townhouses, multiplexes, apt.	Motels, group quarters, etc.	Manufactured home park	Residential use in commercial or industrial zone	Religious, education, recreation, nursing home	Office & institutional	Commercial	Industrial	Vacant land
Single & duplex dwelling in residential zone	*	*	*	*	*	*	*	*	*	*
Townhouses, multiplexes, apt.	B	*	A	A	B	C	B	B	*	A
Motel, group quarters, etc.	C	A	*	A	*	C	*	*	*	A
Manufactured home park	D	C	C	*	C	C	C	C	*	B
Religious, education, recreation, nursing home	C	A	B	B	B	*	B	B	*	A
Office & institutional	B	A	B	B	*	B	*	*	*	*
Commercial use/parking lot	C	B	C	C	*	B	*	*	*	*
Industrial use	D	D	D	D	C	D	C	C	*	B
<p>* No bufferyard required. Note: Uses not specifically listed shall meet the bufferyard requirements of the use to which they are most similar.</p>										

Bufferyard Illustrations



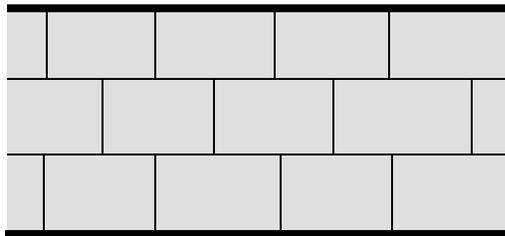
Bufferyard Illustrations



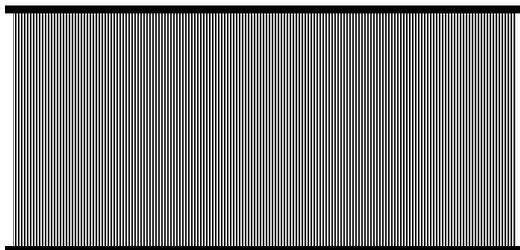
Structures

	<u>Fences</u>			<u>Berms</u>		
Symbol	Height	Material	Symbol	Height	Material	
F1	4'	Wood Stockade	B1	4'	Earthen	
F2	5'	Wood Stockade	B2	6'	Earthen	
F3	6'	Wood Stockade				

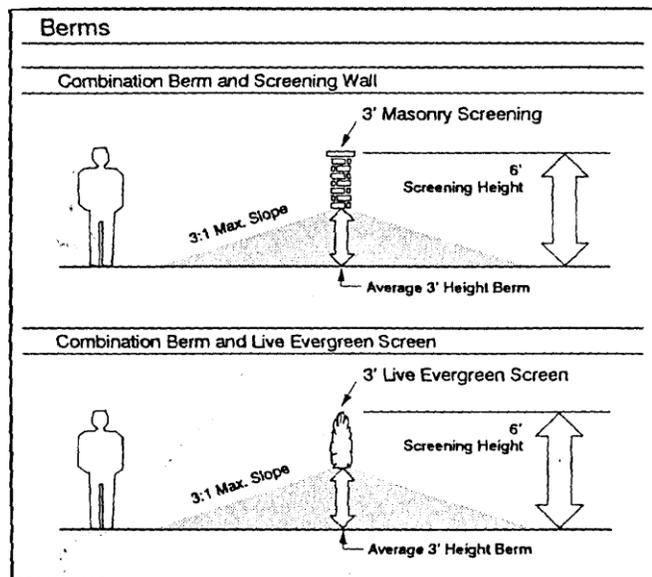
The structure is on the higher intensity side of the bufferyard, with landscaping continuing toward the less intense use.



Masonry Wall



Wood Stockpile



Section 4.2 Screening

Section 4.2-1 Definition

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

Section 4.2-2 Purpose

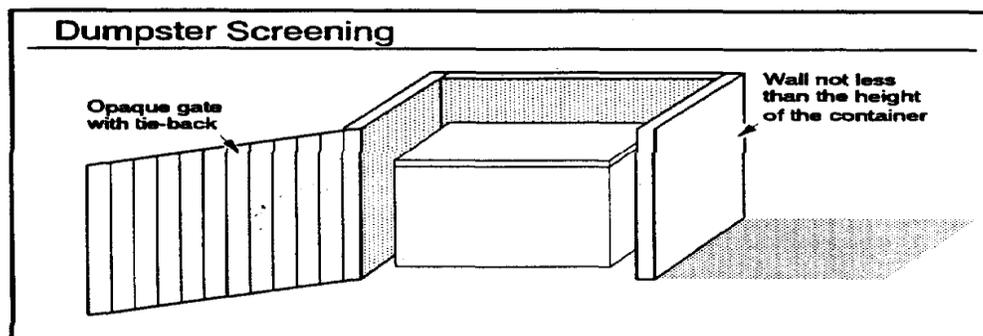
The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

Section 4.2-3 Where Required

Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for shipping containers, building materials, appliances, trash containers of 4 or more cubic yards, salvage materials and similar unenclosed uses.

Section 4.2-4 Type Screening Required

Screening shall be accomplished by an opaque divider not less than six (6) feet high or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Zoning Administrator.



Section 4.3 Landscaping

Section 4.3-1 Definition

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

Section 4.3-2 Purpose

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to enhance environmental and visual characteristics, to promote the greening of development, and the reduction of noise pollution, storm water run off, air pollution, and artificial light glare, and to safeguard property values, protect public and private investments, and promote high-quality development.

Section 4.3-3 Where Required

Except in the B-4 District, no proposed commercial, institutional, industrial or other non-residential use, or multi-family project or manufactured home park, shall hereafter be established or reestablished in an existing building or structure, and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure, or vehicular use area shall be enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site.

Section 4.3-4 Landscaping Plan.

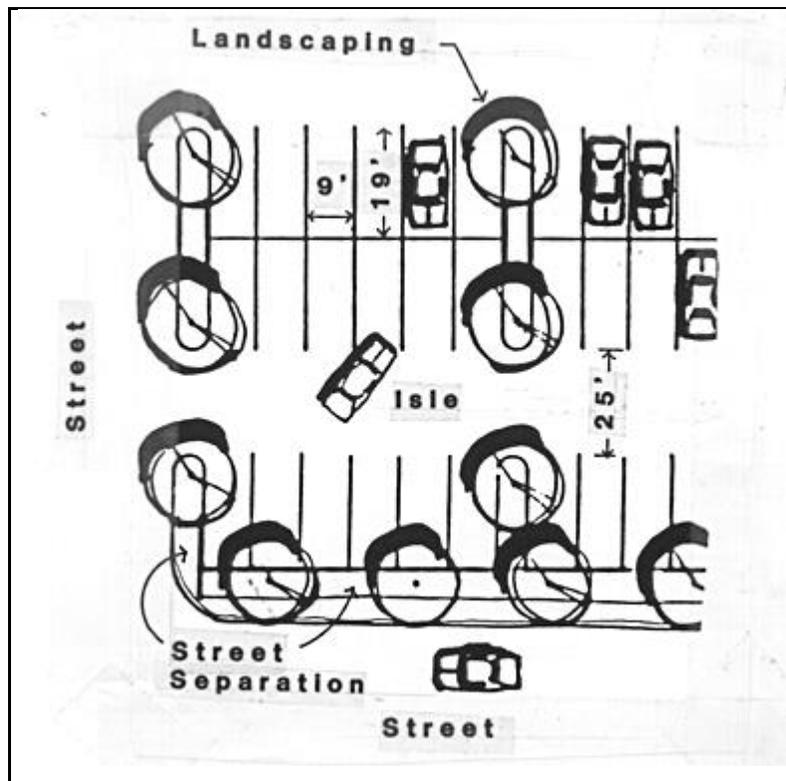
A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

Section 4.3-5 Landscaping Requirements.

Required landscaping shall be provided as follows:

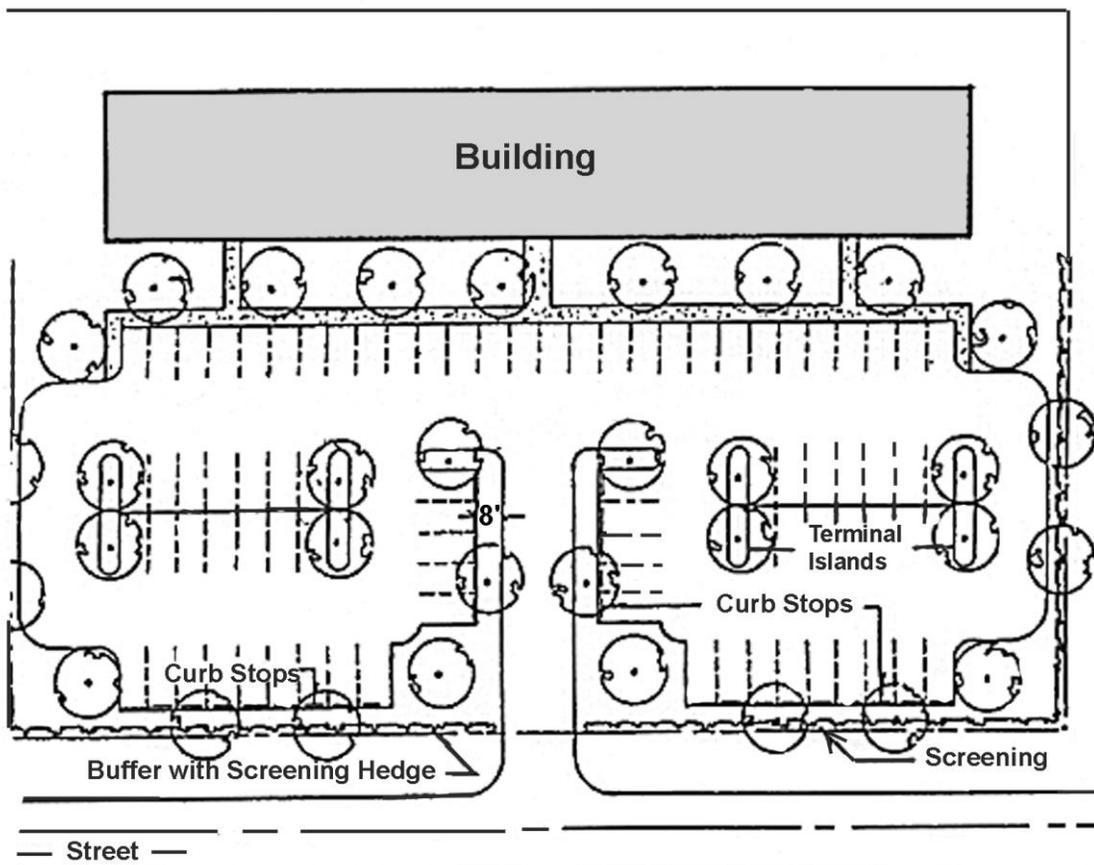
- (1) **Along the outer perimeter of a lot or parcel**, where required by the buffer area provisions of this Article, to buffer and separate incompatible land uses. The amount specified shall be as prescribed by Section 4.1, **Buffer Areas**.
- (2) **Within the interior**, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site and separate the building from the vehicular surface area.



At a minimum, interior lot landscaping shall be provided in the following amounts:

Use	% of Lot
Institutional	15%
Industrial/wholesale/storage	10%
Office	10%
Commercial-retail-service	5%
Multi-family Projects	10%
Manufactured Home Parks	10%

Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.



Section 4.3-6 Landscaped Areas

- (1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb, wheel stop, or an equivalent barrier of six (6) inches in height. The barrier need not be continuous.
- (2) Landscaped areas must be at least 25 square feet in size.



Wheel Stop

Section 4.3-7 Required Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 4.4 Common Open Space

Section 4.4-1 Definition

Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of the open space, roads, or parking nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

Section 4.4-2 Purpose

The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery and/or natural areas into such projects; to promote the health and

safety of residents of such projects; to compensate for the loss of open space inherent in single-family residential projects; and to lessen the impact of surface water runoff on water bodies using a vegetative (riparian) buffer.

Section 4.4-3 Where Required

The following uses/projects consisting of seven (7) or more units shall provide common open space in the amounts prescribed:

<u>Proposed Uses/Projects</u>	<u>Common Open Space Ratio (% Lot)</u>
Open Space (Cluster) Developments	15%
Open Space Developments (within City of Florence)	50%
Townhouse Projects	15%
Manufactured Home Parks	20%
Multi-family Projects	20%

Note: Landscaped buffer areas provided to meet the requirements of Section 4.3 for multi-family projects and manufactured home parks ,or riparian buffers provided to meet the requirements of Section 2.21, may be applied toward meeting the above requirements if held in common ownership.

- (1) **New Sites:** No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.
- (2) **Existing Sites:** No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.

Section 4.4-4 Common Open Space Plan

Proposed uses/projects set forth in 4.4-3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
- (2) Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.
- (3) Specify the manner in which common open space shall be perpetuated, maintained and administered.

Section 4.4-5 Types of Common Open Space and Required Maintenance

The types of common open space which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each are as follows:

- (1) Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
- (2) Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ballfields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.
- (3) Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways

between residences and recreational areas are encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances, or unhealthy conditions.

- (4) Landscaped areas, lawns and required buffer areas, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned, and weeded regularly.

Section 4.4-6 Preservation of Open Space

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

- (1) Dedication of and acceptance by the governing authority.
- (2) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.
- (3) Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the city/county may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

ARTICLE 5

SIGN REGULATIONS

The purpose of this Article is to protect the dual interest of the public and the advertiser. The regulations herein are designed to protect public safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication, and advertising.

Section 5.1 Applicability and Conformance

This Article regulates the number, size, placement, and physical characteristics of signs; allows certain signs without permits; prohibits certain signs; and requires permits for certain signs.

From and after the adoption of this Ordinance, no sign may be erected or enlarged within the jurisdiction of this Ordinance unless it conforms to the requirements of this Article.

Section 5.2 Signs on Private Property

Signs shall be allowed on private property in accord with Table VII. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning district represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district represented by that column. If the letters "SE" appear for a sign type in a column, such a sign is allowed only by the Board of Zoning Appeals issuing a variance for a Special Exception for the sign type on a specific parcel of land. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning district represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "A" in Table VII shall be allowed only if in compliance with the conditional requirements of Table VIII.

Table VII
Number, Dimension, and Location of Permitted Signs,
By Zoning District

Sign Type	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (3)	UZ (5)
Permanent										
Freestanding										
Billboards (4)	N	N	N	P	N	P	P	N	N	P
Other	P (1)	P (1)	P	P	P	P	P	P (1)	P	NA
Directional (6)	N	A	A	A	A	A	A	A	A	NA
Building										
Canopy	N	P	P	P	P	P	P	P	N	NA
Identification	A	A	A	A	A	A	A	A	A	NA
Directional (8)	N	A	A	A	A	A	A	A	A	NA
Marquee	N	N	P	P	P	P	P	N	N	NA
Projecting	N	N	P	P	P	P	P	N	N	NA
Roof	N	N	P	P	P	P	P	N	N	NA
Roof, Integral	N	N	P	P	P	P	P	N	P	NA
Wall	N	P	P	P	P	P	P	P	P	NA
Window	N	A	A	A	A	A	A	A	A	NA
Temporary (2)										
A-Frame	N	N	A	A	A	A	A	N	N	NA
Banner	N	N	P	P	P	P	P	N	P*	NA
Posters	A	A	A	A	A	A	A	A	A	NA
Portable	N	N	N	P	N	N	P	P	N	NA
Inflatable	N	N	P	P	N	N	P	N	N	NA
Pennant	N	N	P	P	N	P	P	N	N	NA
Identification	A	A	A	A	A	A	A	A	A	NA
Sign Characteristics										
Animated (7)	N	N	P	P	P	P	P	N	SE (9)	NA
Changeable Copy	N	A	A	A	A	A	A	A	A	NA
Illumination Indirect	A	A	A	A	A	A	A	A	P(8)	NA
Illumination Internal	A	A	A	A	A	A	A	A	P(8)	NA
Illumination, Exposed bulbs or neon	N	N	N	N	N	N	N	N	N	NA

1 – Signs identifying or announcing land subdivisions, residential projects, or agricultural operations, where permitted.

2 – See Section 5.5

3 – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted in residential zoning districts, i.e., churches, schools, parks, etc., and includes historical markers.

4 – Where permitted by Table VII, billboards may be established only on lots or parcels fronting or within 600 feet of Interstate ROW as defined by Table VIII and U.S. designated highways.

5 – Un-zoned area of County.

6 – Though allowed w/o prior permitting, must meet the conditional requirements of Table VIII

7- Animated signs shall comply with South Carolina State Code 63-364, Subsections (E), (F), and (I). Illumination should not shine directly on adjacent properties. Where permitted in the INS illumination shall not be displayed from sunset to sunrise where visible from adjacent residential properties. This provision shall apply unless the criteria stated in footnote nine (9) below are met.

8 - Where permitted in the INS, signs may be illuminated from sunset to sunrise where visible from adjacent residential properties only by making use of an Optical Sensor as defined in this ordinance (See Article 10. Definitions) and in compliance with subsection 9 (d) below. In no case shall an illuminated sign as previously allowed be illuminated greater than 0.3 foot candles over ambient illumination measured at the closest residential property.

9 - Where permitted in the INS, animated signs may be illuminated from sunset to sunrise where visible from adjacent residential properties under the following conditions:

- a. The property where the sign is located is in a transitional area, and
- b. Only by making use of an Optical Sensor as defined in this ordinance (See Article 10. Definitions).
- c. The sign shall be set to the lowest possible illumination setting and in no case shall an illuminated sign as previously allowed be illuminated greater than 0.3 foot candles over ambient illumination.
- d. Illuminated signs shall be located according to the table below and in no case shall an illuminated sign be located closer than sixty (60') feet from the property line of the adjacent residential property. NA – Regulation not applicable in un-zoned area of county.

<u>Area of Sign</u>	<u>Measurement</u>
<u>sq. ft.</u>	<u>Minimum Distance (ft.) from adjacent residential property</u>
<u>10</u>	<u>60</u>
<u>15</u>	<u>60</u>
<u>20</u>	<u>60</u>
<u>25</u>	<u>60</u>
<u>30</u>	<u>60</u>
<u>35</u>	<u>60</u>
<u>40</u>	<u>63</u>
<u>45</u>	<u>67</u>
<u>50</u>	<u>71</u>
<u>55</u>	<u>74</u>
<u>60</u>	<u>77</u>
<u>65</u>	<u>81</u>
<u>70</u>	<u>84</u>
<u>75</u>	<u>87</u>
<u>80</u>	<u>89</u>
<u>85</u>	<u>92</u>
<u>90</u>	<u>95</u>
<u>95</u>	<u>97</u>
<u>100</u>	<u>100</u>

* For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula: The square root of the product of the sign area and one-hundred.

Example using a 12 square foot sign:
Measurement Distance in feet = $\sqrt{(12 \text{ Sq. Ft.} \times 100)} = 34.6$

**Table VIII
Regulation of Signs
By Type, Characteristics, and Zoning Districts**

	All Residential Zones	B-1	B-2	B-3	B-4	B-5/B-6	RU-1	RU-2	INS (B)
FREESTANDING SIGNS									
Number Permitted Per lot (E)									
Billboards	N	N	N	NA	N	NA	NA	N	N
Other (J)	1(A)	1	1	1	1	1	1	1 (A)	2(9)
Per Feet of St. Frontage									
Billboards	N	N	N	1:1,200	N	1:1,200	1:1,200	N	N
Other	NA	NA	NA	(D)	NA	(D)	(D)	NA	(L)
Maximum Sign Area (s.f.)									
Billboards	NA	NA	NA	(F)	NA	(F)	(F)	NA	NA
Other	20	20	32	3 s.f. for each ft. st. frontage (G)(10)	80	80	32	20	(M)
Minimum Setback from Property Line									
Billboards	NA	NA	NA	10'	NA	10'	10'	NA	NA
Other	5'	5'	5'	5'	0'	5'	5'	5'	5'
Maximum Height	12'	12'	24'	(H)	24'	(H)	(H)	12'	12'
BUILDING SIGNS									
Number Permitted (K)	1	1	2	2	2	2	2	1	2
Maximum Sign Area (s.f.)	4	12	NA	NA	NA	NA	NA	12	90 (M)
Maximum Wall Area (K)	NA	NA	25 %	25%	25%	15%	25%	NA	20%
TEMPORARY SIGNS	See Section 5								

Table Notes: NA = Not Applicable N= Not Allowed s.f. = Square Feet

A – One-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation

* - Two-use identification signs, not exceeding 20 s.f. each, are permitted for each entrance of a subdivision, residential project, or agricultural operation for the City of Florence only.

B – This column does not represent a zoning district. It applies to institutional and other non-residential uses permitted under the Zoning

Ordinance in residential zoning district, i.e. churches, schools, parks, etc.

C – Minimum distances required by this section shall be measured between billboards located on either side of the street along the centerline of the street from which the billboard is viewed.

D – One per lot or one for each 300 linear feet of street frontage, whichever is less.

E – Lots fronting on two or more streets are allowed one additional sign for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

F – 378 s.f., except where located within 600 feet of an Interstate Highway ROW, where maximum shall be 672 square feet. Interstate highway ROW does not include I-20 Spur or McLeod Blvd. From W. Evans to I-95.

G – Not to exceed 160 square feet.

H - Maximum height of billboards shall not exceed 100 feet where located within 600 feet of Interstate Highway as defined above (measured from the average roadway grade level; maximum height of other signs and billboards not on Interstate ROW shall not exceed forty (40) feet.**

I – Un-zoned areas – Billboards must be within 600 feet of business operation for 12 months, with at least one employee available to public at least 36 hours per week for four (4) days. Business to be equipped with all utilities, including restroom and permanent floor.

J – Directional signs shall meet the following conditional criteria:

- (1) The display surface area of directional signs shall not exceed 2 square feet per sign.
- (2) A limit of three signs stacked may be utilized and shall not exceed five feet in height measured from the ground up.
- (3) The height of a directional sign shall not exceed five feet in height measured from the ground up.
- (4) Sign cannot intrude into the required site triangle.
- (5) Company colors and/or logo may be used but no commercial message may be displayed.

K - One projection or wall sign may be allowed per tenant wall, not above the roof line, meeting the following size requirement and

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10 Ordinance 2008-10

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not to exceed 4 tenant walls; Front and rear walls=20% of wall area not to exceed 200 square feet; side walls=20% of wall areas not to exceed 100 square feet. **This provision shall apply to structures within line of sight of interstate highways and major thoroughfares.**

L- One Additional freestanding sign may be permitted per lot meeting a separation of 300 linear feet per sign.

M- Permitted up to a 20 square foot minimum and a maximum of 1 square foot for each 2 feet of street frontage up to 90 square feet for building signs and 60 square feet for free standing signs.

Article 10 Definitions

Institutional Use – Public, semipublic, and private elementary schools, high schools, civic buildings, community buildings and uses, and public utility uses including substations, government buildings, churches, museums, art galleries, fire houses, post offices, police stations, reservoirs, libraries, parks, essential services, hospitals and similar uses.

Optical Sensor - A device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to emit less than or equal to 0.3 foot candles over ambient illumination measured at the required distance...

Transitional Area – an area located on a roadway of four or greater travel lanes, containing a mixture of commercial and residential uses within the surrounding area as defined in footnote one of Section 3.24 of this ordinance...

Section 5.3 Common Signage Plan Required

A Common Signage Plan shall be prerequisite to the issuance of any sign permit involving:

1. Two or more contiguous lots or parcels under the same ownership,
2. A single lot or parcel with more than one principal use or building (not including accessory uses or buildings) or qualifying on the basis of street frontage for more than one free-standing sign, and
3. A PDD (Planned Development District) project.

The Plan shall contain all information required for sign permits generally (Section 8.10) and shall specify standards for consistency among all signs on the lot affected by the Plan with regard to:

- Lettering or graphic style;
- Lighting;
- Location of each sign on the buildings;
- Material; and
- Sign proportions.

A Common Signage Plan shall limit the number of free-standing signs to a total of one for each street on which there is frontage and shall provide for shared or common usage of such signs; however the maximum sign area may be increased by 25%.

Once approved by the Zoning Administrator, the Common Signage Plan shall become binding on all businesses and uses occupying the affected lots, but may be amended by filing a new or revised Plan in conformance with the requirements of this Ordinance.

If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended Plan or to the requirements of this Ordinance in effect on the date of submission.

Section 5.4 Signs in the Public Right-of-Way

No sign shall be allowed in the public right-of-way, except for the following:

1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
2. Bus stop signs erected by a public transit company;
3. Informational signs of a public agency or utility regarding its facilities;
4. Awning and projecting signs in the B-4 District or where a building has no setback due to highway widening or was constructed prior to the adoption of this Ordinance; provided such signs shall project no closer than 1 ½ feet to the street curb or pavement;
5. Church signs, in accord with state law;
6. Historical signs and markers;
7. Emergency signs; and
8. Directional signs of a temporary nature not to exceed three (3) square feet in area and 24 hours in duration for such events as yard sales, auctions, public gatherings, etc.; provided they are located no closer than 500 feet apart.

Section 5.5 Temporary Signs

Sign Type	Display Period	Display Intervals	Dimensions	Conditions
A-Frame	daylight hours only	off-hours	12 sq. ft.	A
Banner	30 days	6 months	None	B,H Institutional uses only I,J,K,L, M (11)
Posters	30 days	None	6 sq. ft.	C
Portable	30 days	11 Months	32 sq. ft.	D
Inflatable	30 days	1 year	None	E
Pennants	30 days	6 months	None	B
Identification	90 days, or project completion	None	200 sq. ft.	F
Political	Unlimited	Not Applicable	6 sq. ft (Residentially zoned areas); 16 sq. ft (all other areas)	C/G

- A. A-Frame signs, where located on sidewalks, shall be located in such a manner as not to obstruct pedestrian movement.
- B. Banners and pennants shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement.
- C. Posters shall not be allowed on any telephone or power poles or any public right-of-way, and shall be placed no closer than five (5) feet from a street or curb.
- D. Portable signs shall be limited to one per establishment, shall have no colored or flashing lights, shall not be wired so as to obstruct or hinder pedestrian or vehicular traffic or pose any potential for such hindrance (i.e. exposed drop cord), shall not exceed six (6) feet in height, shall be anchored in accord with the Building Code, and shall not be converted to a permanent sign.
- E. Inflatable signs shall be properly anchored and shall not interfere with airport traffic.
- F. Temporary subdivision and work under construction identification signs shall adhere to the Development Standards of Section 5.7.

- G. Political signs shall be removed within 7 days after the election.
- H. The City Manager may declare a special event to be a special public function for a specific period of time during which temporary non-durable signs such as banners, pennants, etc. may be used. Permits are required for a special public function; however, normal fees shall be waived for governmental and eleemosynary (charitable) organizations.
- I. Banners in residential zones to be no larger than 32 square feet. (12)
- J. Banners to be at least 5 feet from property lines. (13)
- K. One banner allowed per 300 feet of street frontage. (14)
- L. Banner limited to 6 events annually with a maximum of 45 days per event. (15)
- M. Banners must be located in compliance with Section 7.5, Visibility at intersection. (16)

Section 5.6 Prohibited Signs

All signs not expressly permitted under this ordinance are prohibited. Such signs include, but are not limited to:

1. Signs painted on or attached to trees, fence posts, telephone or other utility poles, stationary vehicles, or natural features.
2. Signs displaying intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, rescue vehicles or other warning signals, and signs using the words “stop”, “danger”, or any other word, phrase, symbol, or character in a manner that might mislead or confuse motorist.
3. Signs which have been abandoned, and no longer correctly direct or exhort any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available.
4. Signs which have fallen into disrepair (dilapidated), are not properly maintained, are insecure or otherwise structurally

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13 Ordinance 2010-10

14 Ordinance 2010-10

15 Ordinance 2010-10

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unsound, have defective parts in the support, guys and/or anchors, or which are unable to meet minimum safety requirements of the Standard Building Code.

Section 5.7 Development Standards

Section 5.7-1 Visual Area Clearance

No sign shall be located within a vision clearance area as defined in Section 7.5.

Section 5.7-2 Vehicle Area Clearance

When a sign extends over an area where vehicles travel or park, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas. (See Area Clearance Illustration, 4).

Section 5.7-3 Pedestrian Area Clearance

When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure shall be at least 8 feet above the ground. (See Area Clearance Illustration, 4).

Section 5.7-4 Sign Materials; Code Compliance

Permanent and temporary identification signs must be constructed in accord with all applicable provisions of the Building Code and National Electrical Code, and consist of durable all-weather materials.

Images, logos, graphics, etc. painted on permanent signs or buildings must be performed in a professional and workmanlike manner. Permits for painted signs will only be issued to companies who are engaged as sign painters.

Section 5.7-5 Billboard Design

Stacked or double-decked sign faces or side by side sign faces shall not be permitted. Structures permitted after the effective date of this Ordinance, with a 32 square foot or more sign face, shall be designed and constructed with a single steel pole structural support design, meeting the southeastern building code, including a 90 mile per hour wind load.

Section 5.7-6 Sign Illumination

Illuminated signs shall not directly shine on abutting properties. No illumination simulating traffic control devices or emergency vehicles shall be used, nor shall lights which are intermittently switched on and off, changed in intensity or color, or otherwise displayed to create the illusion of flashing or movement be permitted.

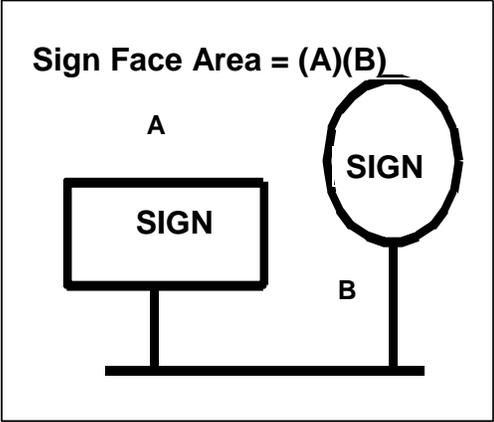
Section 5.8 Sign Measurement

Section 5.8-1 Sign Face Area

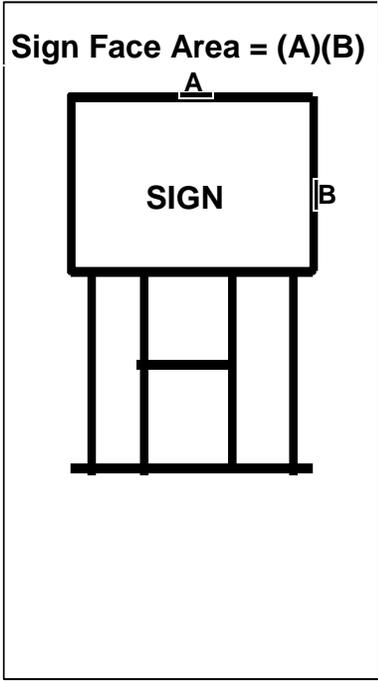
1. The area of a sign enclosed in frames or cabinets is determined by measuring the outer dimensions of the frame or cabinet surrounding the sign face (Illustration 1). Sign area does not include foundations or supports. Only one side of a double-faced or V-shaped, freestanding sign is counted.
2. For signs on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used in the measurement unless it is clear that part of the base contains no sign related display or decoration.
3. For signs constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces (Illustration 2).
4. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (Illustration 3).
5. The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.
6. For signs incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign related display or decoration.

SIGN FACE MEASUREMENT ILLUSTRATIONS

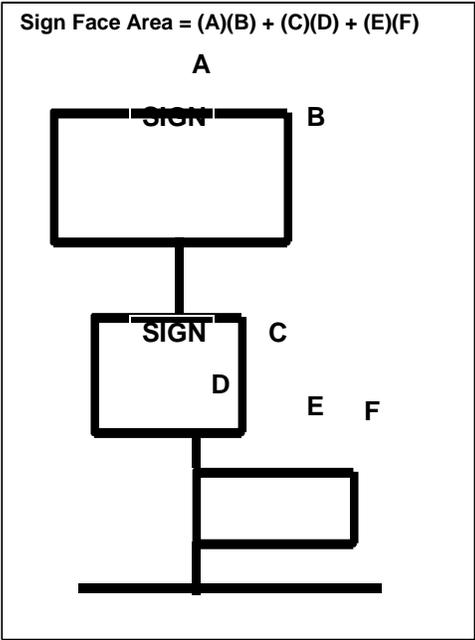
1.



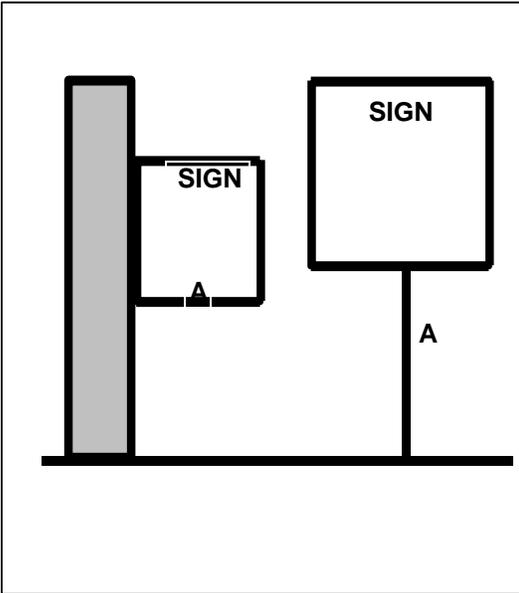
2.



3.



4.



Section 5.8-2 Clearances

Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face (Illustration 4).

Section 5.9 Removal of Signs

1. The lawful use of any permanently mounted sign existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, except those declared abandoned or dilapidated, which shall be removed or remedial action taken upon notification by the Zoning Administrator.
2. Non-conforming permanent signs shall be removed or brought into conformity whenever the following occurs:
 - a. Property changes ownership and the name of the business is to be changed, or
 - b. The occupancy classification of the building is changed.
3. Any existing sign which is subsequently abandoned shall be removed, and any existing sign exceeding the allowable face area by 25 percent, and which is subsequently destroyed or damaged to the extent of 60 percent or more of its replacement cost, shall be removed or brought into conformity with these regulations.
4. Any nonconforming temporary sign shall be removed or brought into conformity no later than sixty (60) days following the effective date of this Ordinance.
5. An order under this Section shall be issued in writing to the owner or responsible party of any such sign, or of the building or premises on which such sign is located to comply within thirty (30) days time. Upon failure to comply with such notice, the Zoning Administrator may cause the sign to be removed and any costs of removal incurred in the process may be collected in a manner prescribed by law.

Section 5.10 Relocation of Billboard Due to Governmental Land Acquisition

Outdoor advertising structures located on property, acquired by a governmental agency for public use, may be relocated on the original parcel of property that was not acquired. The structure must be rebuilt in accordance with the single steel pole structural design and the sign face square footage must remain the same.

ARTICLE 6

SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS

The provisions of this Article shall supplement the off-street parking requirements contained in Tables I and II of this Ordinance (Article 2).

Section 6.1 General Requirements

1. Where application of the requirements of Table I or II in Article 2 result in a fractional space requirement, the next larger requirement shall apply.
2. Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
3. Off-street parking areas provided to comply with the provisions of this Ordinance shall not be reduced below the requirements of this Ordinance.
4. Off-street parking areas shall have direct access to a street or alley, and shall be designed, developed and maintained in accordance with the requirements of this Article. Where parking decks or garages are proposed to meet off-street parking requirements, such structures shall meet the minimum requirements of Table III.

Section 6.2 Land to Provide Parking

Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required.

Section 6.3 Design Standards

1. Parking Dimensions

Parking spaces shall be not less than nine (9) feet by nineteen (19) feet, except that a maximum of ten percent (10%) of the total number of spaces may be 8.5 feet by eighteen (18) feet. However, the dimensions of all parallel parking spaces shall be not less than nine (9) feet by twenty-four (24) feet. Minimum isle width shall be as follows:

90 degree parking	22 feet
60 degree parking	18 feet
45 degree parking	13 feet
30 degree parking	11 feet

2. Construction, Paving

Expansive surface parking lots shall be avoided unless a pervious paving material is used. Where impervious paving materials are used, parking lots shall be broken down into sections as appropriate for the type and size of development, and shall be separated by landscaped divider strips, berms, and similar devices. Paving may consist of asphalt, crushed stones, gravel, pervious asphalt, or other material approved by the Zoning Administrator. Parking lot construction shall be designed to minimize off-site storm water run off.

3. Drainage

Parking lots shall be designed so as not to drain into or across public sidewalks or on to adjacent property, except into a natural watercourse or a drainage easement. In developed areas where this condition may be impossible to meet, the Zoning Administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage.

When possible, locate drains in the center of grassed islands or peninsulas to provide at least some degree of contaminant

removal.

4. Separation From Walkways and Streets

Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the Zoning Administrator, and illustrated by Section 4.3-6.

5. Entrances and Exits

Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All off-street parking areas shall be designed so that all movement on to a public street is in a forward motion. Entrance and exit driveways to public streets and alleys in the vicinity of street intersections must be located at least fifty (50) feet, measured along the curblines, from the intersection of the nearest curblines.

6. Marking

Parking lots containing ten (10) or more spaces shall be marked by painted lines, curbs, or other means to indicate individual spaces. Signs or markers, approved by the Zoning Administrator, shall be used as necessary to ensure efficient traffic operation of the lot.

7. Lighting

Adequate lighting shall be provided if off-street parking spaces are to be used at night. Equipment for lighting parking facilities shall be arranged so that light does not interfere with traffic or adjoining residential areas, if any.

8. Landscaping

Off-street parking areas shall be landscaped in accord with the provisions of Section 4.3.

Section 6.4 Maintenance

All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations / garages.

Section 6.5 Parking Spaces for the Physically Handicapped

*When off-street parking is required for any building or use, except for residential dwellings with fewer than four units, parking for the handicapped shall be included when calculating the overall parking requirements for such building or use, based on the following formula:

Number of Required Spaces	Number of Spaces Reserved for Handicapped Persons
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
over 500	2% of total required
*501 to 1000	2% of total required
*More than 1000	20 plus 1 space for each 100

*Parking spaces for the mobility impaired shall comply with the most recent editions of the International Building Code ANSI A117.1, Accessible

* Change 1-8/9/04

and Usable Buildings Facilities, as adopted by the South Carolina Building Code Council. Compliance will include but is not limited to parking and accessible route surfaces, parking space dimensions, access aisles, passenger loading zones, signage markings, location, ramps, walking surfaces with a slope not steeper than 1:20, and entrances.

Section 6.6 Mixed Uses

Where more than one principal use, whether with the same or different parking requirements occupy the same building or premises or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Section 6.7 Off-Street Loading

All uses shall provide off-street loading space sufficient for their requirements. Such space shall be arranged 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 private street.

Off-street loading and unloading space shall in all cases be located on the same lot or parcel of land as the structures they are intended to serve, except in the B-4 District.

Section 6.8 Storage and Use of Campers or Recreational Vehicles in Residential Zones

No recreational vehicle or boat in excess of seventeen (17) feet shall be parked or stored in any required front or side yard setback area or within five (5) feet of the back property line in a residential district; however, such use may be parked anywhere on a residential lot for a period not to exceed twenty-four (24) hours during loading or unloading, and recreational vehicles may be used for temporary lodging, up to seven (7) days.

Section 6.9 Parking, Storage, and Use of Non-Residential Vehicles and Equipment in Residential Zones

1. No automobile, truck, or non-residential trailer of any kind or type, without current license plates, shall be parked and construction equipment shall not be stored on any lot in the R-

- 1, R-2, R-3, R-4 and R-5 Zone Districts, other than in completely enclosed buildings, or physically removed from vision from the public street serving the property and adjacent properties.
2. Parking of vehicles, implements and/or equipment used for commercial, industrial, or construction purposes in the R-1, R-2, R-3, R-4 and R-5 Zone Districts shall be limited to one vehicle per residence, with a capacity no greater than three and a half (3.5) tons and one implement or equipment no greater than (3.5) tons.
 3. Vehicles with capacity greater than three and a half (3.5) tons and used for commercial, industrial, or construction purposes are prohibited from parking in the R-1, R-2, R-3, R-4 and R-5 Zoning Districts, including the street/highway right-of-way in such districts, when not actively involved in commerce. (17)

Article 7

General and Ancillary Regulations

The regulations set forth in this Article are intended to clarify, supplement, or modify the regulations set forth elsewhere in this Ordinance.

Section 7.1 Application of Regulations

The various zoning district regulations established herein are declared to be the minimum requirements necessary to carry out the purpose of this Ordinance. These regulations apply to each class or kind of structure or land, and are the minimum standards for all site clearing, development, buildings, structures, or alterations to land or structures within the jurisdiction of this Ordinance.

No part of a yard, open space, or off-street parking required in connection with any building for the purpose of complying with the regulations of this Ordinance shall be included as part or all of the required yard, open space, or off-street parking for another building or structure, except as hereinafter provided.

Section 7.2 Exceptions and Modifications

1. Setbacks - Corner Lots

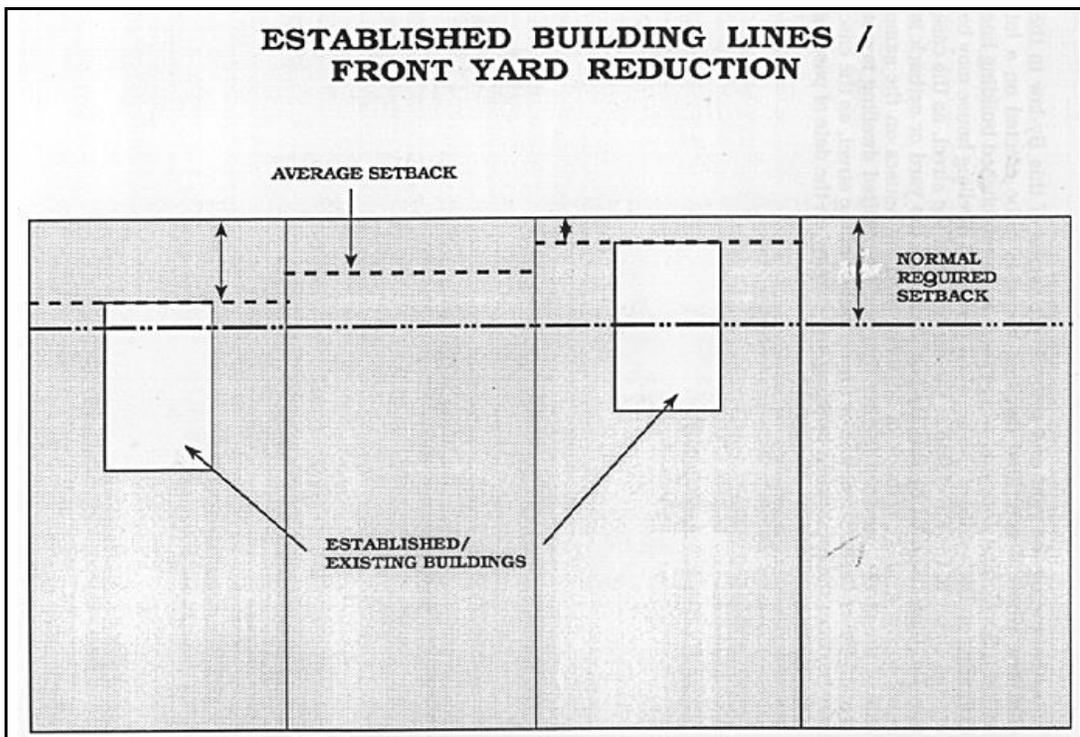
The setback from the street upon which the principal building will face shall be the minimum required front yard setback for the district in which the lot is located. The setback from the street upon which the side of the building will face shall be not less than one-half the front yard distance required for the district, but not less than 10 feet.

4. Setbacks - Through or Double Frontage Lots

Front yard setbacks for double frontage lots shall be provided for both streets upon which the lot has frontage, and any accessory use(s) shall be prohibited from the required front yard setback of the street upon which the principal building fronts.

5. Setbacks - Partially Developed Areas

Where the majority of lots in a block fronting on the same side of a street between two intersecting streets are lawfully occupied with buildings having greater or lesser front yard depth than required by these regulations, no building hereafter erected or altered shall vary in the front yard setback by more than five feet from the average depth of said existing front yard setbacks without written approval of contiguous property owners. However, in no case shall setbacks be less than fifteen feet.



4. Height

The height limitations of this Ordinance shall not apply to the following (except in the AC, Airport Compatibility Districts):

Belfries		Flag Poles
Chimneys		Ornamental towers
	and spires	
Church spires		Public Monuments
Conveyors		Public utility poles
Cooling Towers		Silos
Cupolas		Skylights
Domes		Smoke stacks
Elevator bulkheads		Stage towers or scenery
	lofts	
Fire Towers		

Such features shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve and no height extension shall serve as a place for human habitation.

The height of communication towers and antennas, and water tanks, where permitted by Table II, also shall be exempt from the height requirements of this Ordinance; provided such structures shall be separated from any adjoining residential use by a distance equal to one foot for each one foot in height, measured from the property line.

5. Projections

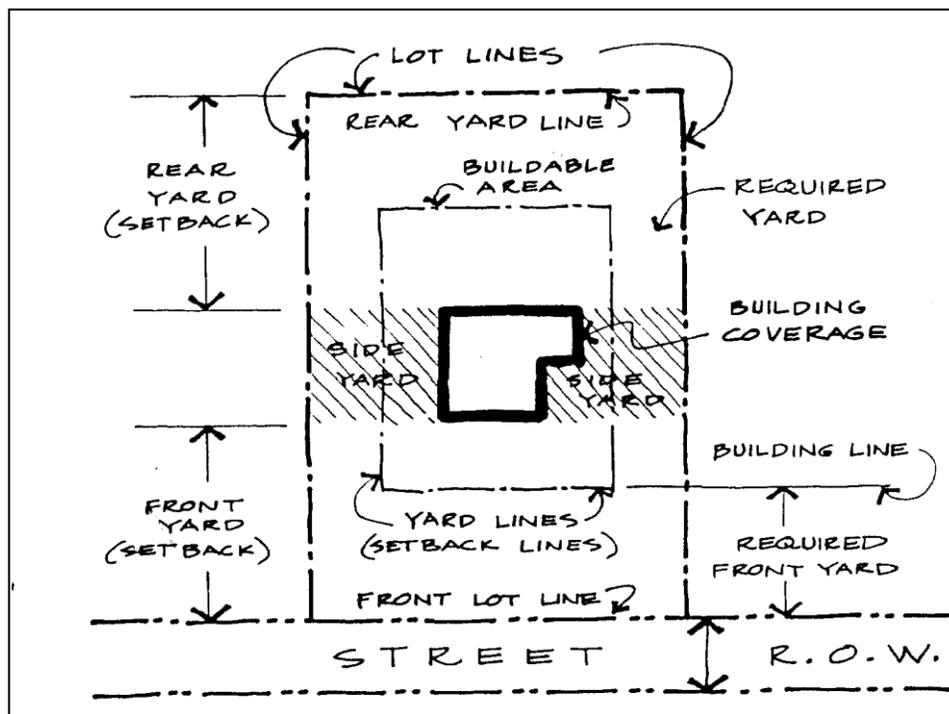
The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, cornices, eaves, window air conditioning units, and other architectural features, provided that such features shall project no more than two feet into any required yard.

Steps and heating and cooling units may project into a required yard a distance not to exceed 5 feet but no closer than three feet of a property line. Fences, walls, and hedges may be erected in any required yard or setback area or along the edge of a property line, provided that no such structure or hedge shall impede visibility at intersections.

Section 7.3 Measurements

1. Yards, Setbacks, Buildable Area

The required front, side, and rear yards for individual lots, as set forth for by Table III shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be known as the “buildable” area within which the approved structure(s) shall be placed.



2. Height

The height of a building or structure shall be measured from the average grade elevation within 20 feet of the structure or from the base of a tree when computing height in the several Airport Zones, to the highest point of the building, structure, or tree.

Section 7.4 Number of Principal Buildings/Uses on a Lot

Except in the RU-1 and RU-2 Zoning Districts, no more than one single-family dwelling, duplex, patio home, or manufactured dwelling not in a park (Section 3.6) shall be located on a single lot-of-record. In the RU-1 and RU-2 Districts, any combination of not more than two single-family detached dwellings and/or single occupancy manufactured dwellings may be permitted on a lot-of-record; provided all applicable lot area and setback requirements are met for both units as if they were established on single lots and so arranged to ensure public access in the event the property is subsequently subdivided for sale or transfer.

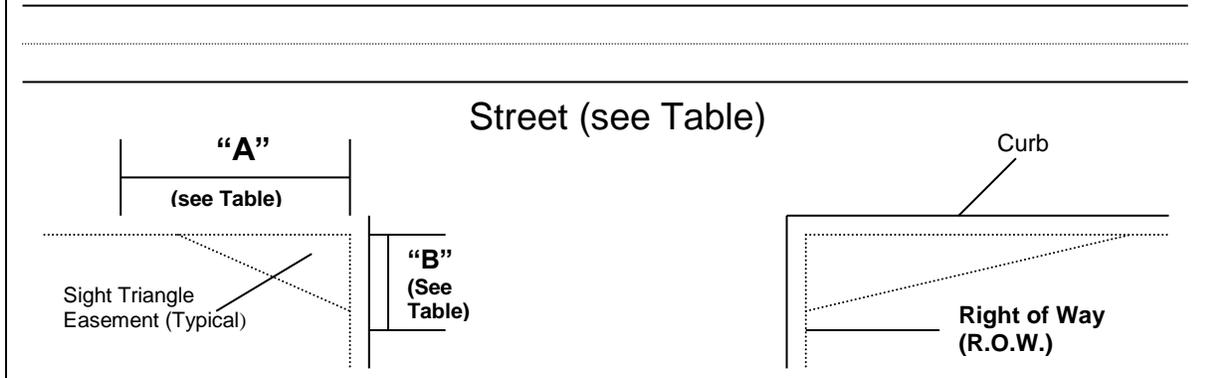
There is no limit on the number of other principal uses; provided such uses meet all applicable requirements of this Ordinance.

Section 7.5 Visibility at Intersections

On any corner lot in any district except the B-4, no planting shall be placed or maintained and no fence, building, wall, or other structure shall be constructed at any point between a height of two and a half (2 ½) feet and ten (10) feet above the upper face of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on two sides by the street right-of-way lines and on the third side by a straight line connecting points on the two street right-of-way lines as required by the site triangular and vertical vision clearance illustration. However, poles and support structures less than 12" in diameter may be permitted in such areas.

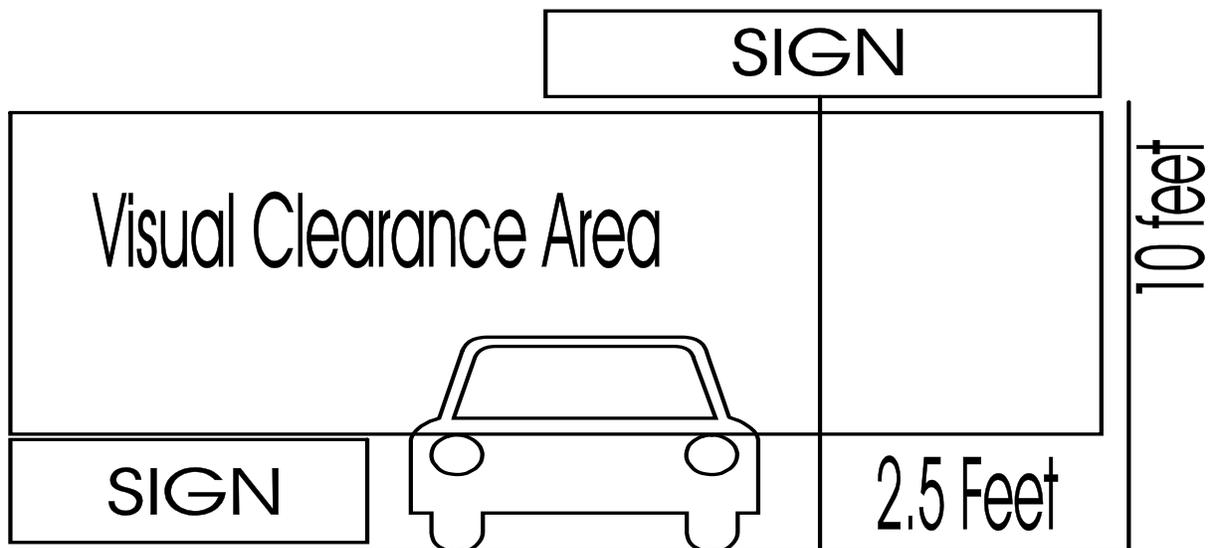
Vision Clearance Illustration

Sight Triangles



**Typical Requirements
By Street Type
(Measured Along R. O. W. Line)**

"A" (Distance in Feet)		"B" (Distance in Feet)	
		Minor	Major
15	Driveway	10	10
30	Minor Street	20	30
45	Major Street	20	30



Section 7.6 Accessory Buildings and Uses

Section 7.6-1 Accessory Uses to Observe Required Setbacks

Unless specifically provided herein, all accessory uses and structures shall observe all required setbacks, yard, and other requirements applicable to the principal building or use for the district within which they are located.

Section 7.6-2 General Requirements

Residential Districts

1. The number of accessory uses shall not exceed two on any lot or parcel.
2. The combined gross floor area (GFA) of all accessory uses shall not exceed 50 percent of the principal use.
3. The height of accessory buildings shall not exceed 20 feet.
4. No mobile home or standard design manufactured home shall be used as an accessory building.

All Other Districts

1. There is no limit to the number of accessory buildings, however such buildings shall occupy no more than 30 percent of the total lot area.
2. If located within the buildable area, accessory buildings shall observe the height limits for the district within which they are located. If located in a required setback area, said buildings shall not exceed 20 feet in height.
3. Accessory uses may be allowed within 3 feet of a side or rear property line, except where contiguous to a residential zone, in which case the accessory use shall observe the setback requirement of the principal use.

Section 7.6-3 Location

Without exception, no accessory use may be located in a required buffer area. Accessory buildings and uses are permitted anywhere within the buildable area of a lot or parcel unless specifically regulated, and are permitted within required yards and setback areas under the following conditions:

1. Off-Street Parking and Loading Space

Off-street parking and loading spaces are permitted in required yards and setback areas.

2. Free-Standing Signs

Freestanding signs are permitted in all required yards, but no closer than 5 feet of a property line.

3. Buildings, Sheds, and Structures for Dry Storage; Greenhouses

Building sheds and structures for dry storage and greenhouses may be located in rear yard setback areas only, but no closer than 3 feet to the property line.

4. Domestic Animal Shelters and Pens

Domestic animal shelters and pens may be located in rear yard setback areas only, but no closer than 10 feet from any side or rear residential property line.

5. Swimming Pools, Tennis Courts, Recreational Uses

These uses may be located in required rear yard and setback areas only; provided said uses shall be no closer than 10 feet to the nearest property line, and shall have all lighting shielded or directed away from adjoining residences.

6. Ground Supported Communication and Reception Antennas

These uses may be located in required rear and side yards only, but no closer than 5' to the property line, and if located in the buildable area shall not extend or be located in front of any principal building.

7. Fences and Walls

May be located in all required yards and along any property line. Fences and walls exceeding eight feet in height require a variance from the Board of Zoning Appeals.

8. Uses Not Specified

Uses not specified above shall observe a three foot setback from the nearest property line.

Section 7.7 Access to Property

1. Street Access

Except as herein provided, no building shall hereafter be erected, constructed, moved, or relocated on a lot not located on a publicly dedicated, publicly accepted or maintained street, or private street as part of an approved PD, or easement which meets all standards of land subdivision. The access point shall be not less than 20 feet wide, measured at the street line and extending to the principal part of the lot.

2. Curb Cuts

Ingress-egress openings in concrete, asphalt, rock, or other street curbing provisions, commonly referred to as "curb cuts" shall be regulated in accord with specifications by the South Carolina Department of Transportation.

Section 7.8 Conversion of Residential Property

When the conversion of a house to a commercial use is proposed, the house shall be made to meet all applicable codes for commercial buildings. Where a house will be used for a dwelling and a commercial use, that section of the house that will be open to the public shall meet all requirements for a commercial building.

All parking, landscaping, buffering, and other requirements of this Ordinance for a commercial use shall be met.

Section 7.9 Nonconformities

Section 7.9-1 Continuation

Nonconforming uses, buildings, or structures are declared by this Ordinance to be incompatible with permitted construction in the districts in which they are located.

However, to avoid undue hardship, the lawful use of any such use, building, or structure at the time of the enactment, amendment, or revision of this Ordinance may be continued even though such structure does not conform with the provisions of this Ordinance.

Section 7.9-2 Modification

A proposed change or modification to a nonconforming use shall be governed by the following:

1. Change of Nonconforming Use

If a change from one nonconforming use to another is proposed and no structural alterations are involved, the change may be permitted, provided:

- a. Nonconformity of dimensional restrictions such as height, density, setbacks, or other requirements such as off-street parking shall not be increased; and
- b. The proposed change will have little discernable impact over the existing nonconforming use.

If a change to a permitted use is proposed which is nonconforming only as to dimensional restrictions such as height, density, setbacks, or other requirements such as off-street parking, the change may be permitted, provided that all applicable requirements that can be reasonably complied with are met.

Compliance with a requirement is not reasonably possible if it cannot be achieved without adding land to the lot of the nonconforming use or moving the use if it is on a permanent foundation.

Whenever a nonconforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed back to a less restricted or nonconforming use.

2. Enlargement or Expansion of Nonconforming Use

Enlargement or expansion of a nonconforming building, use, or structure by no more than 10% shall be permitted; provided such enlargement shall meet all applicable setbacks, buffer area, and off-street parking requirements.

3. Repair or alteration of Nonconforming Use, Building, or Structure

The repair or alteration of a nonconforming use shall in no way increase the nonconformity of said use, except as otherwise permitted by Subsection 2 above.

4. Replacement of Nonconforming Use

A building permit for the replacement of a nonconforming building or structure where damaged or destroyed must be initiated within 6 months of the time of the damage or destruction or forfeit the right of replacement. Replacement, if initiated within 6 months of the time of damage or destruction shall adhere to all applicable requirements of Table III.

Replacement of a nonconforming mobile or manufactured

home once removed from a lot or parcel shall be accomplished within 180 days of removal or forfeit nonconforming status, and if replaced shall not infringe on established setbacks, and shall meet in full the requirements of Section 3.4 of this Ordinance. The applicant for a zoning compliance under this section must provide Planning Department staff with a notarized letter stating that the replacement is occurring within 180 days of the previous home being removed.

Existing outdoor advertising structure owners may apply for rebuilding permits for legal, nonconforming structures that are constructed by means other than the single steel pole structural design, as required by this Ordinance. The sign face square footage must remain the same as the existing sign face. If removed, a nonconforming sign structure shall not be replaced.

5. Reuse of Vacant Nonconforming Commercial Buildings

Existing vacant buildings in residential zones, previously occupied by and structurally designed for commercial usage may be renovated and reoccupied under the following conditions:

- a. All off-street parking requirements associated with the new occupant (use) shall be met on site;
- b. Buffer area requirements of Section 4.2 shall be met;
- c. The reoccupied use shall be permitted in the B-1 and/or B-2 Zone Districts;
- d. There is no encroachment into existing side, rear, or front yard setbacks.

Section 7.9-3 Discontinuance

Except as provided in Section 7.9-2(5), no building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located. In the case of a nonconforming commercial use, a valid business license must have been issued to the use within the last nine months and cannot have been revoked by the governing authority.

Section 7.9-4 Lot of Record

Where the owner of a lot at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the setback requirements of this Ordinance, such lot may nonetheless be used as a building site provided applicable setback requirements are not reduced by more than 25%. Setback reductions greater than 25% shall be referred to the Board of Zoning Appeals for consideration. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell off these lots, they must first be combined to comply with the dimensional requirements of this Ordinance.

Section 7.10 Bars, Nightclubs, Massage Parlors, Adult Bookstores Adult Theaters

1. Intent

There are some uses that, because of their very nature, are recognized as having serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances or located in certain areas thereby having a deleterious effect upon the adjacent area. Special regulation of these uses is necessary to ensure that their adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The control or regulation is for the purpose of preventing a concentration of these uses in any one area and to prevent the location of these uses in certain areas.

2. Locational Requirements

No adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult drive-in motion picture theater, massage parlor or similar establishment shall be located within 1,000 feet of any school, public, or private park, church, or residential area, within the City of Florence, or within 1,000 feet of any such other such establishment.

A 500-foot minimum linear distance must be maintained between bars, nightclubs, and similar onsite consumption establishments in which greater than fifty percent of the revenues are from the sale of alcohol. Restaurants that primarily serve food do not fall under this requirement.

3. Variances

Variances from the locational requirements may be granted by the Board of Zoning Appeals.

Section 7.11 Historic Preservation Ordinance

1. TITLE

The title of this ordinance shall be the City of Florence Historic Preservation Ordinance.

2. PURPOSE

The purpose of this ordinance is:

- (1) to protect, preserve and enhance the distinctive architectural and cultural heritage of the City of Florence;
- (2) to promote the educational, cultural, economic and general welfare of the people of the City of Florence;
- (3) to foster civic pride;
- (4) to encourage harmonious, orderly and efficient growth and development of the City of Florence;
- (5) to strengthen the local economy; and
- (6) to improve property values.

It is the hope of the City of Florence that by encouraging a general harmony of style, form, proportion and material between buildings of historic design and those of contemporary design, the City's historic buildings and historic districts will continue to be a distinctive aspect of the City of Florence and will serve as visible reminders of the significant

historical and cultural heritage of the City of Florence and State of South Carolina.

This ordinance is part of the zoning ordinance of the City of Florence and is enacted pursuant to the South Carolina Code of Laws, Sections 6-29-710 and Section 6-29-870 et sequitur.

3. DEFINITIONS

Alteration

A change in the external architectural features of any historic structure or in the interior of any such structure if the interior feature is specifically included in the historic designation; a change in the landscape features of any historic site or place; or work having an adverse effect upon designated archaeological resources.

Certificate of Historical Appropriateness

Document issued by the Board of Historical Review, following a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable in terms of design criteria relating to the individual property or the historic district.

Historic District

An area designated by City Council, upon the recommendation of the Board of Historical Review, and pursuant to the provisions of this ordinance.

Historic Property

Any place (including an archaeological site or the location of a significant historical event), building, structure, work of art, fixture or similar object that has been individually designated by City Council or designated as a contributing property within a historic district.

Public Space within a building

Spaces designed for use by the public, such as auditoriums, court rooms, lobbies, entrance halls, etc. These spaces are usually gathering places as opposed to corridors for public use.

Substantial Hardship

Hardship, caused by unusual and compelling circumstances, based on one or more of the following:

- a. the property cannot reasonably be maintained in the manner dictated by the ordinance,
- b. there are no other reasonable means of saving the property from deterioration, or collapse, or
- c. the property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

4. BOARD OF HISTORICAL REVIEW ESTABLISHED

4.1 Creation

To implement the provisions of this ordinance, there is hereby established a Board of Historical Review, hereinafter referred to as the Board, for the (use the relevant city/county name) consisting of five (5) members. Members shall be appointed by the Florence City Council giving consideration to the recommendation of the Board.

All members of the board shall have a demonstrated interest in historic preservation. If available in the community, the board should have at least one member who is qualified as:

1. a historian, knowledgeable in local history,
2. an architect, or if an architect is not available to serve, someone knowledgeable in building design and construction.

As required by S.C. Code Section 6-29-870(C), no members shall hold any other municipal office or hold any position in the city.

Members shall assume their duties at the first regular meeting after their appointment. Members shall serve without compensation except for reimbursement for authorized expenses attendant to the performance of their duties.

4.3 Terms of Office.

The term of office for each member shall be two years. Any person who has served as a member of the Board for three consecutive terms shall not be eligible for reappointment for at least one year. A term of less than one year shall not be counted in determining eligibility for reappointment. Membership shall be identified by place numbers 1 through 5. Terms of office for members in the odd-numbered places shall expire in odd numbered years; terms for even numbered members expire in even numbered years, provided, however, that each member shall serve until his successor is appointed and installed.

4.4 Removal.

Any member of the Board may be removed by the city council, for repeated failure to attend meetings of the Board or for any other cause deemed sufficient by the city council.

4.5 Appointment to Fill a Vacancy.

If any place on the Board becomes vacant due to resignation, removal, or for any reason, the city council shall appoint a replacement within 60 days for the remainder of the unexpired term.

4.6 Conflicts of Interest.

Any member of the board who has a personal or financial interest, either directly or indirectly, in any property which is the subject of, or affected by, a decision of the Board shall be disqualified from participating in the decision of the Board concerning the property.

4.7 Liability of Members.

Any member of the Board acting within powers granted by the ordinance shall be relieved from personal liability for any damage and held harmless by the City of Florence. Any suit brought against any member of the Board shall be defended by a legal representative furnished by the city until the termination of the proceedings.

SECTION 5. POWERS AND DUTIES

The responsibility of the Board is to promote the purposes and objectives of this ordinance, to review and recommend to city council the designation of individual historic properties and historic districts, and to review plans and applications, as hereinafter provided, for all construction within historic districts and construction or demolition pertaining to or affecting duly designated historic properties. The Board shall have the power to approve, approve with modifications or deny approval for such applications in accordance with the prescribed procedures and guidelines.

SECTION 6. HISTORIC PROPERTY INVENTORY

The Board shall maintain a local inventory of buildings, structures, objects, and sites more than fifty years old. These records shall be available to the public.

SECTION 7. DESIGNATION OF HISTORIC PROPERTIES

7.1 Criteria for Historic Designation

The Board shall review the local inventory and make recommendations for historic designation(s) to City Council based on the following criteria.

A property may be designated historic if it:

1. has significant inherent character, interest, or value as part of the development or heritage of the community, state, or nation; or
2. is the site of an event significant in history; or

3. is associated with a person or persons who contributed significantly to the culture and development of the community, state, or nation; or
4. exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation; or
5. individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period, or specimen in architecture or engineering; or
6. is the work of a designer whose work has influenced significantly the development of the community, state or nation; or
7. contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
8. is part of or related to a square or other distinctive element of community planning; or
9. represents an established and familiar visual feature of the neighborhood or community; or
10. has yielded, or may be likely to yield, information important in pre-history or history.

7.2 Owner Notification

Owners of properties proposed to be designated historic shall be notified in writing thirty days prior to consideration by City Council. Owners may appear before the City Council to voice approval or opposition to such designation.

7.3 Identification on City Zoning Map

All locally designated historic properties and historic districts shall be clearly shown on the zoning map.

7.4 Opposition to Designation

Any property owner may object to the decision by the City Council to designate his property as historic by filing suit against the City of Florence before the Courts of the State of South Carolina.

SECTION 8. JURISDICTION OF THE BOARD OF HISTORICAL REVIEW

The jurisdiction of the Board, in general, is the city limits. The jurisdiction of the Board for the recommendation of properties to be designated historic is the City of Florence limits. The jurisdiction of the Board for the review of proposed alteration to exteriors of buildings, new construction, and demolition is the individual properties and areas that have been designated by the City Council as historic.

SECTION 9. NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES

The Board may conduct first review and evaluation of all proposed nominations for the National Register of Historic Places for properties that are within its jurisdiction, prior to consideration by the State Board of Review. The Board may send their recommendations to the State Historic Preservation Office for consideration at the meeting of the State Board of Review. The Board shall not nominate properties directly to the National Register; only the State Board of Review shall have this final review authority unless expressly authorized by federal statute.

SECTION 10. CERTIFICATE OF HISTORICAL APPROPRIATENESS

General

A Certificate of Historical Appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification or addition to a designated historic property. Any building permit not issued in conformity with this ordinance shall be considered void.

Application for a Certificate of Historical Appropriateness must be signed by the owner or his authorized representative and the form must be signed by the chairman or vice-chairman of the Board stating its approval, denial, or approval with conditions and the reasons for the decision (See Article 2, Section 2.9-8).

10.1 Required Procedure

An application for a Certificate of Historical Appropriateness shall be obtained from the Department of Urban Planning and Development, and when completed, filed with the appropriate administrative official as designated by the Board.

10.2 Time limits

Applications for a Certificate of Historical Appropriateness shall be considered by the Board at its next regular meeting, provided they have been filed at least seven (7) calendar days before the regularly scheduled meeting of Board. If the Board fails to take action upon any application within 45 days after the complete application is received, the application shall be considered approved, except in cases where the Board has postponed an application to demolish a structure under the provisions contained in this ordinance.

10.3 Board Action on Application

The Board shall review the application, using the design guidelines appearing in Section 11 of this ordinance to make findings of fact to decide whether or not the applicant's plans are appropriate. The decision of the Board, along with the reasons for each decision, will be recorded in the minutes and will be available upon request as a public reference for preservation procedures.

10.4 Contents of Application

The Board shall, in its Rules of Procedure, require such data and information as is reasonable and necessary to determine the nature of the application. An application shall not be considered complete until the required data has been submitted.

10.5 Notification of Affected Property Owners

Prior to the issuance of an approval or denial of a Certificate of Historical Appropriateness, the Board shall inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard.

10.6 Submission of a new Application

If the Board determines that a Certificate of Historical Appropriateness should be denied, a new application affecting the same property may be submitted only if substantial change is made in the plans for the proposed work.

10.7 Maintenance, Repair, and Interior Projects

Nothing in this document shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures designated as historic when that repair does not involve a change in design, material, color, or outer appearance of the structure. The Board shall not consider the interior arrangements or alterations to the interior of a building unless the interior of a public building or the public space of a private building is specifically described and designated as historic. The Board may authorize a staff member to approve minor projects involving repairs and ordinary maintenance that do not alter design, materials, color or the outer appearance of a structure or interior projects not subject to design review.

10.8 Fines and Penalties

The system of fines applied by the City of Florence for violations of the zoning ordinance as found in Section 8 thereof will apply to violations of hereof.

10.9 Substantial Hardship

In the event a Certificate of Historical Appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines for historic properties. Substantial hardship is to be considered by the Board where one or more of the following unusual and compelling circumstances exist:

- a. the property cannot reasonably be maintained in the manner dictated by the ordinance,
- b. there are no other reasonable means of saving the property from deterioration, or collapse, or

- c. the property is owned by a nonprofit organization and it is not feasible financially or physically to achieve the charitable purposes of the organization while maintaining the property appropriately.

The owner may be required to submit documents to show that he cannot comply with the design guidelines and earn a reasonable rate of return on his investment in the property. Information required may include:

1. costs of the proposed development with and without modification needed to comply with the design guidelines as determined by the Board,
2. structural report and/or a feasibility report,
3. market value of the property in its present condition and after completion of the proposed project,
4. cost of the property, date purchased, relationship, if any, between seller and buyer, terms of financing,
5. for the past two years, annual gross income from the property with operating and maintenance expenses, depreciation, and annual cash flow before and after debt service during that time, and
6. other information considered necessary by the Board to determine whether or not the property may yield a reasonable return.

10.10 Demolition

If the Board denies, or postpones for 180 days, a request to demolish a historic building, the Board shall work closely with the owner to find an appropriate use for the property, to help find a buyer or to obtain funding for rehabilitation, including low interest loans or grants. The Board shall inform the community concerning the threat to the building, its value as part of the fabric of the community and, through publicity and contacts with civic groups, seek to provide assistance in preserving the property.

SECTION 11. DESIGN GUIDELINES

11.1 Intent

It is the intent of this ordinance to ensure, insofar as possible, that properties designated as historic shall be in harmony with the architectural and historical character of the City of Florence. In granting a Certificate of Appropriateness, the Board shall take into account the architectural and historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

11.2 The Secretary of the Interior's Standards for Rehabilitation

When considering an application for a Certificate of Historical Appropriateness for new construction, alteration, repair, or restoration, the Board shall use the Secretary of the Interior's Standards for Rehabilitation as guidelines in making its decisions. In addition, the Board may adopt more specific guidelines for local historic districts and local historic buildings. These guidelines serve as the basis for determining the approval, approval with modifications, or denial of an application.

The Secretary's Standards for Rehabilitation are:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

SECTION 12. APPEALS

Any person may appeal a decision of the Board to the Courts of South Carolina pursuant to the South Carolina Code of Laws, Section 6-29-900 et seq.

Article 8

Administration and Enforcement

Section 8.1 Intent

This Article sets forth the procedures required for obtaining certificates of zoning compliance, repair permits, grading permits, sign permits, and certificates of occupancy. It also defines the duties, powers, and limitations of officials, departments, commissions, boards, and other groups which are or may be involved in the administration and enforcement of this Ordinance.

Section 8.2 Administrative Officer

The term “Zoning Administrator,” when used throughout this Ordinance shall refer to the designated administrative official of the City Planning Commission, who shall be responsible for the administration of the provisions of this Ordinance.

Section 8.3 Enforcement Officer

The Director of Urban Planning and Development shall designate a local official to work with the Zoning Administrator in the enforcement of these regulations.

Section 8.4 Responsibility of Administrative Official

Administrative responsibilities shall include, but are not limited to, the following:

1. Interpretation of the general intent and/or specific meaning of any portion of the Ordinance text, position of district boundaries, district designation, or other matters relating to the Official Zoning Maps (atlas).
2. Maintain the Official Zoning Maps (atlas) and record all amendments to and information thereon.

3. Maintain copies of this Ordinance for public inspection and have up to date copies available to the public. A mailing list of Ordinance holders shall be kept in order to expedite dissemination of any annual amendments to the text.
4. Provide public information relating to zoning matters including scheduled meetings of the City Planning Commission and City Board of Zoning Appeals.
5. Receive, process, and record all applications for Certificates of Zoning Compliance, zoning amendments, planned development projects, and variance requests with accompanying plans and documents which shall be a public record.
6. Register and maintain records and maps on non-conforming uses, structures, and undeveloped lots.
7. Receive and process applications for change and/or relief as provided for in Article 9 of this Ordinance.
8. Appear before and provide assistance to the City Planning Commission and the City Board of Zoning Appeals.
9. Revoke permits or certificates in violation of the provisions of this Ordinance.

In designated flood hazard areas, delineated on FEMA Maps, the Zoning Administrator shall have the additional responsibilities as outlined in Section 2.7-1.

Section 8.5 Responsibility of Enforcement Officers

Responsibilities of Enforcement Officers shall include, but are not be limited to, the following:

1. Issue building permits and certificates of occupancy.
2. Serve notice of ordinance violations and process such violations.

3. Maintain public records of violation notices, permits, and certificates, with accompanying plans and documents.
4. Revoke permits or project approvals based on false application statements or misrepresentations.
5. Stop, by written order, work being done contrary to the provisions of this Ordinance or an approved Certificate of Zoning Compliance.
6. Institute appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of property. Initiate legal action after consultation with the Zoning Administrator, and such other local officials as appropriate.
7. Appear before the City Planning Commission and the City Board of Zoning Appeals to furnish information helpful to these groups in reaching decisions.

Section 8.6 Filing Applications; Fees

Applications for permits shall be filed on forms provided by the Zoning Administrator, signed by the owner or developer, and shall be accompanied by the following fees:

Permit / Application	Fee
Certificate of Zoning Compliance	\$25
Repair Permit	See Building Code
Outdoor Advertising Sign Permit	See Building Code
On-Premise Sign Permit	\$25* (18)
Certificate of Occupancy	No Charge
Summary Plat Approval	\$25

*Fees to be waived for permanent and temporary signs for institutional uses

Section 8.7 Certificates of Zoning Compliance

Section 8.7-1 When Required

A Certificate of Zoning Compliance shall be required in advance of:

1. The issuance of a building permit for new construction or a building addition that alters the existing building footprint or vertical elevation.
2. Excavation preparatory to the construction of a structure for which a building permit is required.
3. The placement or relocation manufactured homes.
4. Grading, filling, surfacing, or enlarging parking areas containing more than six parking spaces for a new or changed use.
5. Changing the use of any part of a structure or zoning lot, including any increase in the number of families or dwelling units occupying a building or lot.
6. Installation of any sign for which a permit is required.
7. The establishment of a temporary use.
8. Certificates of Zoning Compliance are not required for maintenance work, repair work or trade work provided that the work will not result in a change of use or alter the building footprint or vertical elevation.

Section 8.7-2 Processing Procedures

1. When the Zoning Administrator receives an application for a Certificate of Zoning Compliance whose proposed improvement and use described and illustrated conforms to all requirements of this Ordinance, he shall issue a Certificate of Zoning Compliance and return a signed copy to the applicant within ten days of receipt of the application.
2. When the Zoning Administrator receives an application for a Certificate of Zoning Compliance whose proposed improvement

and use described and illustrated does not conform to this Ordinance, he shall deny the issuance of a Certificate of Zoning Compliance, and so advise the applicant within 10 days, citing the particular sections of this Ordinance with which the application does not comply.

3. Each application for a Certificate of Zoning Compliance shall be filed with the Zoning Coordinator on a form provided therefore, which form may be combined with the application for a Building Permit required under the Building Code. The application must be signed by the owner or his authorized agent or attorney.

Section 8.7-3 Application Requirements

1. In addition to such information as may be required in an application for a Building Permit, each application for a Certificate of Zoning Compliance shall be accompanied by a plan in duplicate, drawn legibly to scale on either a plat or paper showing:
 - a. The shape and dimensions of the zoning lot.
 - b. The size and location of all existing buildings.
 - c. The lines within which any proposed buildings shall be erected, altered, or moved; the locations of any officially approved building setback lines.
 - d. The heights of all proposed buildings and parts thereof.
 - e. The existing and proposed use of each building and part thereof.
 - f. The use of adjoining properties.
 - g. The number of families or dwelling units in each existing building and the number that each proposed building is intended to accommodate.

- h. The size and location of all proposed driveways, off-street loading areas, and off-street parking areas containing more than six parking spaces.
 - i. If in a special flood hazard area, then refer to Section 2.7-1.1 for additional application requirements.
 - j. Such other reasonable and pertinent information concerning the lot or neighboring lots as the Zoning Administrator may find necessary for the enforcement of this Ordinance.
2. Each application for a Certificate of Zoning Compliance shall be accompanied by a recorded plat of the lot in duplicate, drawn to scale.

Section 8.8 Repair Permits

Where an application for a Certificate of Zoning Compliance is to effect repairs only, the Zoning Administrator may waive the requirements of an approved plat or plan. The work to be performed shall be clearly defined in the Certificate of Zoning Compliance; however, if there is no change of land use or the repairs do not result in altering the building footprint or vertical elevation, a Certificate of Zoning Compliance is not required.

Section 8.9 Sign Permits

Where a sign permit is required by Article 5 of this Ordinance, the permit application shall be accompanied by the following:

1. A common signage plan, where applicable, in accord with the requirements of Section 5.3.
2. Identification of landowner and/or leaseholder of property on which the sign is to be erected, including street address.
3. Name and address of the owner/leasee/lessor of the sign, who shall be responsible for installing and/or maintaining the sign in accord with all applicable regulations.

4. Site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and buffer areas.
5. Correct size, shape, configuration, face area, height, nature, number, and type of sign to be erected, including the size of letters and graphics.
6. The value of the sign and sign structure.
7. Signs exceeding thirty-six (36) square feet in area shall be accompanied by a drawing and written certification from a registered South Carolina engineer or architect that the sign is structurally sound and safe, does not constitute a hazard to persons or property on the premises, on adjoining property, or in the vicinity, and that the sign is in compliance with all building or other construction codes and the requirements of this Ordinance.
8. The Zoning Administrator may waive any of the informational requirements listed above deemed unnecessary to process an application.

Section 8.10 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a Certificate of Occupancy has been issued by the Enforcement Officer stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

Such certificate may be combined with or made a part of the Certificate of Occupancy required under the Building Code. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance or of such Certificate of Zoning Compliance or Subdivision Regulations.

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and punishable under Section 8.14.

Section 8.11 Inspections for Compliance

The Zoning Administrator and/or enforcement officer may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this Ordinance and to ascertain compliance with approved permit applications, plats, plans, and/or certificates.

Section 8.12 Expiration of Certificate of Zoning Compliance

If the work described in any Certificate of Zoning Compliance has not begun within one year from the date of issuance thereof, said certificate shall expire; it shall be canceled and written notice thereof shall be given to the owner/developer, unless extended by the Zoning Administrator upon application by the owner/developer.

Section 8.13 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, the Zoning Administrator or enforcement officer shall record and investigate such complaint, and take such action as provided by this Ordinance. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.

Section 8.14 Penalties for Violations

Any person violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.

Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Ordinance, the zoning administrator or enforcement officer, may in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate

action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

ARTICLE 9

APPLICATIONS FOR CHANGE AND/OR RELIEF

Section 9.1 Intent

All requests for each type of Legislative Change or Relief Measure shall be in the form of an application. The provisions of this Article shall govern the basic requirements for, and processing of the different kinds of applications from the initiation of a request to the final action.

It is the obligation of an applicant, who bears the burden of proof, to present facts about the circumstances which would justify a proposed change or modification in convincing fashion so that the decision-making authorities may be satisfied that the petition is not injurious from a public health, safety, and general welfare outlook, and that the effect of the change will not negatively impact the immediate environs or the County generally.

This Article delineates procedures, standards, and information requirements for each type of change. A single intake point for all petitions is established which also shall be the records center of all change activity authorized by this Ordinance.

Section 9.2 Types of Applications

Applications for Legislative Changes: Amendments

These are changes that must be approved by the City Council. They involve amendments to the text of the Ordinance and changes to the Official Zoning Maps.

Applications for Relief: Variances, Appeals

These are procedures for securing relief from the requirements of the Ordinance or clarification of the terms of the Ordinance.

Section 9.3 Eligible Applicants

Parties and individuals eligible to initiate an application for change and/or relief from the requirements of this Ordinance are identified on Table IX.

Parties not listed may petition the Planning Commission and/or Council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner.

Table IX				
Parties Eligible To Apply For Change And/Or Relief				
From The Requirements Of This Ordinance				
Eligible Applicants	Petition for Legislative Change		Petition for Relief	
	Map Changes (Rezoning)	Text Changes	Variance	Appeal
Property Owners	YES	NO	YES	YES
Agent of Property Owner	YES	NO	YES	YES
Option Holder	YES	NO	NO	NO
Aggrieved Person or Party	NO	NO	NO	YES
Officials Administering this Ordinance	NO	YES	NO	YES
Planning Commission*	YES	YES	NO	NO
Governing Council*	YES	YES	NO	NO

* A petition initiated by the Planning Commission or Council of Jurisdiction shall not relieve the property owner, agent, or option holder of the responsibility of furnishing all required information to support the petition.

Section 9.4 Application Requirements and Fees

All applications shall be filed on forms provided by the Zoning Administrator, and contain or be accompanied by the information required by Table X, together with the required fee to help cover the cost of processing.

TABLE X
INFORMATION REQUIRED TO SUPPORT APPLICATION

Type of Change and/or Relief Sought	Forms	Information	Fees*
Zoning Map Change	Application Forms provided by the Zoning Administrator	1. Boundary map, existing 2. Indicate proposed change to boundary map 3. Existing zoning of lot and adjacent properties 4. Reasons for change	\$100
Text Change	Application Forms provided by the Zoning Administrator	1. Draft of new text to be added and existing text to be deleted 2. State reasons for change	\$0
Variance	Application Forms provided by the Zoning Administrator	1. State nature of variance 2. Provide evidence of unnecessary hardship 3. State necessity of variance	\$100
Appeal	Application Forms provided by the Zoning Administrator	1. State reasons for appeal, with specific reference to action being appealed	\$100

* Application fees shall be waived for administrative officials, agencies, councils, and commissions.

Section 9.5 Administrative Procedures, Action

Step 1. Administrative Examination

Upon receipt of an application, the Zoning Administrator shall examine it for completeness, and shall, within ten (10) days, either return the application for additional information or forward it to the responsible governmental authority for review and action.

Step 2. Public Notice

All Applications

Public notice shall include announcing the application for change or relief in a newspaper of general circulation in Florence County at least 15 days prior to the time the application is scheduled for a public hearing. The notice shall state the nature of the change and the time, date, and place of the hearing.

Application for Zoning Map Change

*In addition to the above, notice of an application for a map change (amendment) shall include posting the affected property. The Zoning Administrator shall post one hearing notice for every four hundred (400) feet of street frontage or portion thereof. Such notice shall be posted at least 15 days prior to the hearing and shall indicate the nature of the change proposed, phone number, time, date, and place of the hearing.

“Where one (1) or more blocks are affected in one application, one hearing notice per block shall be sufficient.”

Application for a Variance

In addition to public notice in a newspaper of general circulation, notice of an application for a variance shall be given to all parties of interest.

* Change 13-8/9/04

Step 3. Public Hearing

The City-County Planning Commission shall conduct a public hearing on all applications for change involving the text of the Zoning Ordinance, and the Zoning Map.

The City-County Board of Zoning Appeals (ZBA) shall conduct a public hearing on all applications for relief involving variances and appeals.

Step 4. Review and Action

By The Planning Commission

1. The Planning Commission shall act on a completed application within thirty (30) days after receipt thereof (1) to defer not more than 30 days or (2) to recommend either denial or approval. The decision shall be determined by a majority of those voting. Failure to act within said time frame shall constitute a recommendation of approval.
2. The Commission shall evaluate the proposed amendment relative to the following:
 - a. How it relates to and affects the Comprehensive Plan.
 - b. Changes in conditions since the adoption of the Plan or Ordinance.
 - c. The need to correct an error or deficiency in the Ordinance or the Plan.
 - d. Any benefits which would be derived from the amendment.
 - e. Any cost to the government generated by the amendment in terms of expenditures for public improvements, facilities, and services.
 - f. Public interest and input.

The Commission shall forward its recommendation to the Council of jurisdiction for final action.

By City Council

City Council shall consider the recommendation of the Planning Commission and vote to approve, deny, or modify a proposed amendment, or refer it back to the Planning Commission for further study, or take other action as it may deem necessary.

By the Board of Zoning Appeals

Applications for a variance shall be evaluated by the Board of zoning Appeals on the basis of the following conditions:

1. That a variance from the terms of this Ordinance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions will in an individual case, result in an unnecessary hardship;
2. That the spirit of the Ordinance will be observed, public safety and welfare secured, and substantial justice done;
3. That there are extraordinary and exceptional conditions pertaining to the particular piece of property;
4. That these conditions do not generally apply to other property in the vicinity;
5. That 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
6. That the authorization of a 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.

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 considered grounds for a variance.

Where an application for a variance is within a Flood Hazard Area, the Board, in addition to the above, shall consider the following in its deliberations:

1. **Historic Structures** - Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
2. **Functionally Dependent Uses** – Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.
3. **Agricultural Structures** - Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Number 6 (Floodways) of this section and the following standards:
 - a. Use of the structure must be limited to agricultural purposes as listed below:
 - i. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,

- ii. Steel grain bins and steel frame corncribs,
 - iii. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
 - iv. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Section 2.7-2.2.b of this ordinance; and,
- b. The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
 - c. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
 - d. The agricultural structure must meet the venting requirement of Section 2.7-2.2.d of this ordinance.
 - e. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE), plus any required freeboard, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 2.7-2.1.e of this ordinance.

- f. The agricultural structure must comply with the floodway encroachment provisions of Section 2.7-2.2.e of this ordinance.
- g. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

4. Considerations - In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g. The compatibility of the proposed use with existing and anticipated development, and the relationship of the

proposed use to the comprehensive plan and floodplain management program for that area;

- h. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- i. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
- j. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

5. Findings - Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

6. Floodways - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

7. Conditions - Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

- a. Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
- e. The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
- f. Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Section 2.7-1.3.e of this ordinance.

Applications appealing decisions of the Zoning Administrator shall be heard and decided by the Zoning Board of Appeals based on information presented by the applicant and the Zoning Administrator relative to the specific ordinance provision being appealed.

Step 5. Notification

All applicants for change or relief from the provisions of this Ordinance shall be notified in writing of final action taken by the authorized governmental authority.

An approved amendment by the City Council shall become effective immediately after such adoption and any such amendment to the zoning map(s) shall be made by the Zoning Administrator within seven days thereafter.

An approved variance or appeal shall be accompanied by an order of the Zoning Board of Appeals to direct the issuance of a permit.

Step 6. Appeals

Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal said decision to the Circuit Court in and for the County of Florence by filing with the clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the Board is rendered.

Section 9.6 Reconsideration of Denied Applications

Neither the Planning Commission, City Council, nor the Board of Zoning Appeals shall reconsider an application for change or relief to the same lot, parcel or portion thereof, within a period of one year from the date of final determination and notification.

ARTICLE 10

DEFINITIONS

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code, or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel."

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

The word "map" or "zoning map" shall mean the Official Zoning Maps of the City of Florence.

The term "Planning Commission" refers to the City-County Planning Commission established by County Ordinance Number 333.

The term "Council" refers to the legally elected governing body of City of Florence.

The term "Council of Jurisdiction" refers to the council with legal authority to act within a political jurisdiction.

The term "Board of Zoning Appeals" refers to the City-County Board of Zoning Appeals established by County Ordinance Number 333.

Other words and terms defined herein are as follows:

Abutting - Sharing a common border; physically touching.

Addition (to an existing building)- an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

Agricultural Structure - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this ordinance.

Airport Elevation - The established elevation of the highest point on the usable landing area.

Airport Hazard - Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

Airport Reference Point - The point established as the appropriate geographic center of the airport landing areas and so designated.

Appeal - a request for a review of the local administrator's interpretation of any provision of this ordinance.

Area of Shallow Flooding - A designated AO or VO Zone shown on Flood Insurance Rate Maps (FIRM) with base flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard - The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Basement - means any enclosed area of a building that is below grade on all sides.

Bed and Breakfast Inn - Any owner-occupied dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation.

Buildable Area - That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

Building, Accessory - A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, etc., when detached from the principal buildings, and carports attached to the principal building when at least 75 percent open or unenclosed.

Building, Alteration - Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

Building, Principal - A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Canopy Tree - A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

Certificate of Occupancy - A document allowing the occupancy or use of a building or certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this Ordinance and the Building Code.

Certificate of Zoning Compliance - A document certifying that a proposed use meets all requirements of this Ordinance.

Child Day Care Services - Where permitted as an accessory use shall mean a home in which care is given by a family member and no others during the day only for one and not more than six children, including the day care parents' own children.

Club, Private - An organization catering exclusively to members and their guests including buildings and grounds with commercial activities serving the membership only.

Cluster Home Development – A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Conditional Use - A use of land or structure which is permitted in a district under conditions specified in the zoning ordinance.

Condominium - A unit in a multi-unit structure owned by an individual who has use of all common areas associated with that structure.

Critical Development – development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

Day Care Services - Day care services shall mean and include any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day or any number of successive days.

Density - The number of dwelling units per acre of land developed or used for residential purposes. Density requirements in this Ordinance are expressed in dwelling units per gross acre; that is, per acre of land devoted to residential use is based on the total land area within a development tract or subdivision, excluding nothing.

Developer - An individual, partnership, or corporation (or agent therefor) that undertakes the activities covered by these regulations.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. (19)

DHEC - South Carolina Department of Health and Environmental Control.

Domestic Animal Shelter - A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept.

Drainage - The removal of surface water or groundwater from land by drains, grading, or other means.

Driveway - A paved or unpaved area used for ingress and egress of vehicles, and allowing access from a street to a building or other structure or facility.

Dwelling - A building or portion of a building arranged or designed exclusively for human habitation.

Dwelling, Apartment - (See dwelling, multi-unit)

Dwelling, Detached - A single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Duplex - A building containing two dwelling units.

Dwelling, Group Occupied - A dwelling unit occupied by five (5) or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit.

Dwelling, Mobile Home - A single family dwelling that is wholly, or in substantial part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence, and built prior to the enactment of the *Federal Manufactured Housing Construction and Safety Standards, June 15, 1976*.

Dwelling, Multi-Family - A building containing five or more dwelling units.

Dwelling, Patio House - A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero lot line dwellings.

Dwelling, Quadraplex - A build containing four dwelling units.

Dwelling, Residential Designed Manufactured Home - A single-family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code, which:

- a. Has a minimum width over 20 feet (multiple-section);
- b. Has a minimum of 900 square feet of enclosed living area;
- c. Has a minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;
- d. Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and
- e. Has a roof overhang of not less than eight (8) inches.

Dwelling, Single-Family - A building containing one dwelling unit.

Dwelling, Standard Designed Manufactured Home - A single family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the definition of a *Residential Designed Manufactured Home*.

Dwelling, Townhouse - A series of attached single-family dwelling units on separate lots which may or may not have a common roof and are separated from each other by common vertical walls.

Dwelling, Triplex - A single building containing three dwelling units.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Zero Lot Line - A zero lot line dwelling is a single family detached unit which instead of being centered on a lot, is placed against at least one of the side lot lines. The term is synonymous with patio homes.

Easement - A right-of-way granted to another party for specific limited use.

Elevated Building - A non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

Evergreen Tree - A coniferous or deciduous tree that remains green throughout the year.

Executive Order 11988 (Floodplain Management) - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Existing Construction - means, for the purposes of determining flood insurance rates, structures for which the start of construction commenced before December 1, 1981.

Existing Manufactured Home Park or Manufactured Home Subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 20, 1972.

Expansion To an Existing Manufactured Home Park or Subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

Family - One or more persons related by blood, marriage, adoption, or guardianship, and not more than four (4) persons not so related, except that mentally and physically handicapped persons for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of 6-7-830 of the South Carolina Code of Laws.

Federal Manufactured Home Construction and Safety Standards - Regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency, and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditions, thermal, and electrical systems.

Flood - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study - An official study provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood. (20)

Flood Proofing – Means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. (21)

Flood-resistant Material - Any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal

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adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway(Regulatory) - The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

Floor Area Ratio - An intensity measure of land use derived at by dividing the total floor area of a building by the total site area.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use- a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Garage, Private - (As defined by the Standard Building Code.)

Garage, Public - (As defined by the Standard Building Code.)

Gross Floor Area (GFA) - The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building which is designed for parking of motor vehicles.

Habitable Dwelling - A dwelling meeting the minimum habitability requirements of this Ordinance, and other applicable regulations.

Highest Adjacent Grade – The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure. (22)

Historic Structure – Any structure that is (a) listed individually in the National Register of Historic Places, a listing maintained by the U.S. Department of the Interior (DOI) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on the State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of the Interior, or (2) directly by the Secretary of the Interior in states without approved programs. Some structures or districts listed on the State or local inventories MAY NOT be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria. (23)

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

Height - The vertical distance of a structure or vegetation.

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Home Occupation - Any occupation within a dwelling, including a hobby and clearly incidental thereto, carried on by a member or members of the family residing on the premises.

Impervious Surface - Impervious surfaces are those that do not absorb water. All buildings, paved parking areas, driveways, roads, sidewalks, and any areas in concrete or asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Zoning Administrator to be impervious within the meaning of this definition also will be classed as impervious surfaces.

Impervious Surface Ratio - The impervious surface ratio is a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the total site area.

Improvement - Any man-made immovable item which becomes part of, placed upon, or is affixed to real estate.

Increased Cost of Compliance (ICC) – applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

Instrument Runway - A runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

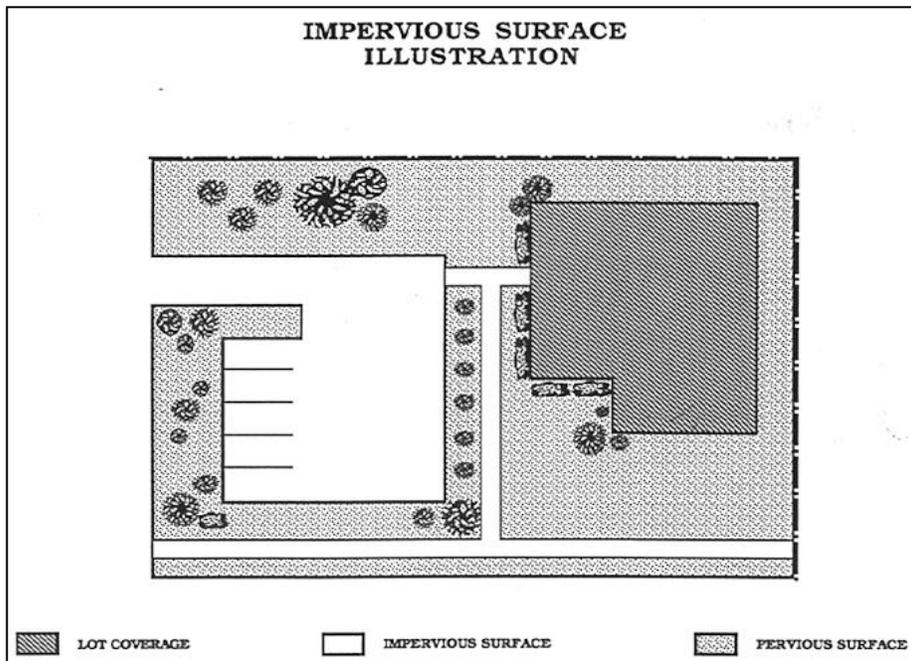
Junk or Salvage - Any materials consisting of waste, discarded or salvage matter which is bought, sold, exchanged, stored, baled, packed or disassembled for profit, trade or hire, and shall include any vehicle damaged so as not to comply with state or federal safety regulations, incapable of self-propulsion or partially dismantled if retained on the premises for more than seventy-two (72) hours whether for repair or not. The term junk shall also mean, but not be limited to old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous material.

Junk or Salvage Yard - Any premises where salvage or junk as defined herein are found and have been permitted to remain with the consent of the owner, lessee, or person(s) responsible for maintenance of such premises.

Larger Than Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Limited Storage - an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Section 2.7-2.1.d of this ordinance.

Lot - A piece of land considered as a unit whose boundaries are established by a recorded deed and, where existing, a recorded plat. The terms “lot”, “lot of record”, “property”, or “tract”, whenever used in this Ordinance are interchangeable. In addition, a lot is not considered a separate piece of land



until the property is legally separated from the parent parcel or tract by means of a recorded deed and is given a separate tax parcel number, as assigned by the Florence County Tax Assessor’s Office.

Lot, Corner - A lot located at the intersection of two or more streets.

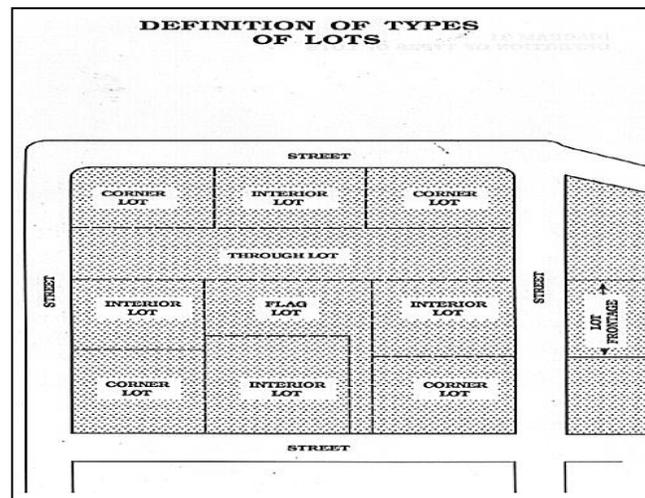
Lot, Through or Double Frontage - A lot which has frontage on more than one street.

Lot, Interior - A lot, other than a corner lot, which has frontage on only one street other than an alley.

Lot, Depth - The horizontal distance between front and rear lot lines.

Lot of Record - A lot, the boundaries of which are filed as legal record.

Lot, Width - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.



Lot Area - The area contained within the boundary line of a lot.

Lot Line - A line bounding a lot which divides one lot from another or from a street or any other public or private space.

Lowest Adjacent Grade (LAG) - is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

Lowest Floor – The lowest floor of the lowest enclosed area (including basement). Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this ordinance. (24)

Manufactured Home – A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “*recreational vehicle”. (25)

Manufactured Home Park – or manufactured home subdivision. A lot or a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale that include improvements and utilities for the long-term parking of three or more manufactured homes which may include services and facilities for the residents. (26)

Manufactured home park or manufactured home subdivision(Existing) - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before September 22, 1982. (27)

Manufactured home park or manufactured home subdivision (Expansion to) – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete slabs). (28)

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Manufactured home park or manufactured home subdivision (New) – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after September 22, 1982. (29)

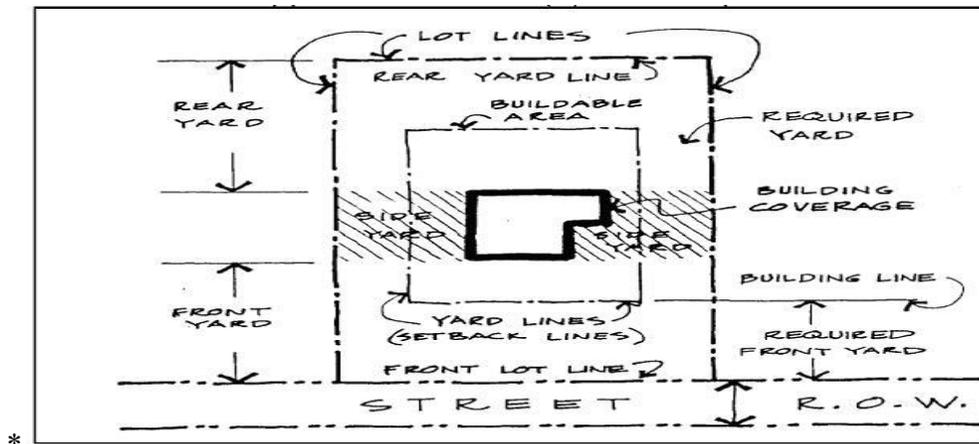
Manufactured Home Park Space - A plot or ground within a manufactured home park designed for the accommodation of one unit.

Mean Sea Level – means, for the purpose of this ordinance, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community’s Flood Insurance Rate Maps (FIRM) are shown.

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 customer's goods or wares.

Minimum Required Setback Line - The line where the required yard and buildable area meet. More specifically:

- Front Yard Setback Line-** The line where the front yard and buildable area of a lot meet
- Rear Yard Setback Line-** The line where the rear yard and buildable area of a lot meet
- Side Yard Setback Line-** The line where the side yard and buildable area of a lot meet



Mixed Occupancy - Any building that is used for two or more occupancies classified by different occupancy use groups.

Modular Building Unit or Modular Structure - Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection. When meeting the requirements of the Modular Building's Construction Act (23-43-10 of the S. C. Code of Laws), said building unit or structure may be located in any zoning district.

National Geodetic Vertical Datum (NGVD) of 1929 - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

New Construction - Structure for which the start of construction commenced after March 20, 1972. The term also includes any subsequent improvements to such structure. (30)

New Manufactured Home Park or Subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after March 20, 1972.

Nonconformity - A nonconformity is any lot of record, use, building, structure or vegetation in existence prior to the effective date of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Ordinance.

Non-residential Use - A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

North American Vertical Datum (NAVD) of 1988 – vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.

Nudity or State of Nudity – Means (a) the appearance of human bare buttocks, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover a human buttocks, anus, male genitals, female genitals, pubic region, or areola or nipple of the female breast.

Open Space Ratio - The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the Total Site Area.

Parcel - A land area bounded by property lines that is recognized as such by the County Assessor's Office.

Park - A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens.

Precision Instrument Runway - A runway with an instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR).

Premises - A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator together with all adjacent land.

Recreational vehicle – see travel trailer. (31)

Repetitive Loss – a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending

on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

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

Section 1316 of the National Flood Insurance Act of 1968 - The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

Sexually Oriented Business - For purposes of this Ordinance, sexually oriented business operations shall mean and include the following:

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore or Adult Video Store means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas";
or
2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such

commercial establishment from being categorized as an adult bookstore or adult video store so long as: one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Cabaret means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the description of "specified sexual activities" or "specified anatomical areas".

Adult Motel means a hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Theater means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Escort Agency means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Massage Parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities," or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas." The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician surgeon, massage therapist, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon chiropractor or osteopath, nor by trainers for any amateur, semiprofessional, or professional athlete or athletic team or school athletic program.

Nude Model Studio means any place where a person who appears in a state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Sexual Encounter Center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Sign - Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention

to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign, Abandoned - A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers.

Sign, Animated - Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

Sign, Awning, Canopy or Marquee - A sign that is mounted or painted on or attached to an awning, canopy or marquee.

Sign, Bench - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Building - Any sign attached to any part of a building.

Sign, Changeable Copy - A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Sign, Face - The area or display surface used for the message.

Sign, Free-Standing - Any nonmovable sign not affixed to a building.

Sign, Identification - A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

Sign, Directional - 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.(32)

Sign, Off-Premise - A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Permanent - A sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use.

Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Sign, Portable - A sign designed to be transported, but not limited by means of wheels.

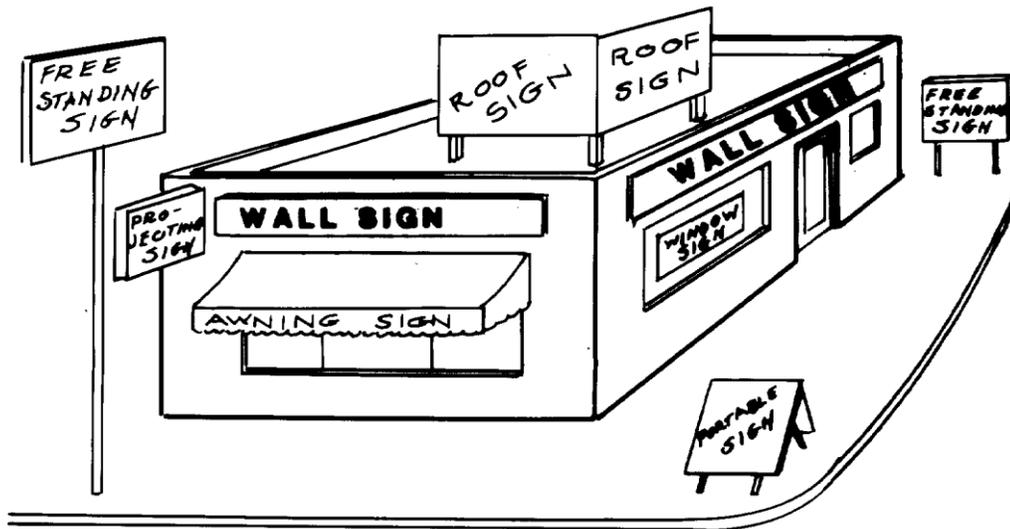
Sign, Projecting - A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, Roof - A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of building with a flat roof, the ridge line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof. Signs mounted on the sloping section of a roof or the gable end of a roof shall be classified as a wall sign.

Sign, Roof Integral - A sign whose structure is integrated into the structure of the roof, and is an integral part thereof.

Sign, Temporary - A sign that is used only for a short period of time and is not permanently mounted.

Sign, Wall - Any sign attached to and within six inches of a wall, painted on the wall surface, 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.



SIGN TYPES

Sign, Window - A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

South Carolina Manufactured Housing Board - Is authorized by State Statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina, which Board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the Board's Manufactured Housing Regulations, May 26, 1990.

Special Flood Hazard Area – See Area of Special Flood Hazard

Specified Anatomical Areas – The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified Sexual Activities – means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1. through 3. above.

Start of Construction – For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure(including a manufactured home)on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
(33)

Street - Any thoroughfare (drive, avenue, boulevard) or space more than 18 feet in right-of-way width which has been dedicated, deeded or designated for vehicular traffic, public or private.

Street, Major - Includes all state primary and federal aid highways and streets that serve to circulate traffic, having signals at important intersections, and stop signs on side streets and/or having controlled access and channelized intersections.

Street, Minor - A street designed principally to collect traffic from subdivisions and provide access to abutting property.

Street, Private - A street not dedicated for public use or maintenance.

Structure - a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

Structural Alteration - Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Substantial damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of “Substantial Improvement”. (34)

Substantial Improvement - Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include Americans with Disabilities Act compliance standards); or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of five years. (3) Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

Substantially Improved Existing Manufactured Home Park or Subdivision - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

34 Ordinance 2009-02

Travel Trailer or Recreational Vehicle – A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel or seasonal use. (35)

Understory Tree - A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Use, Accessory - See Building, Accessory.

Use - The purpose or activity, for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Principal - The primary purpose for which land is used.

Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Variance - A modification of the area regulations of this Ordinance, granted by the Board of Zoning Appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

Vegetation - Any object of natural growth.

Violation – The failure of a structure or other development to be fully compliant with these regulations. (36)

Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures.

Wetlands - Areas of one-quarter (.25) acre or more where standing water is retained for a portion of the year and unique vegetation has adapted to the area. Jurisdictional wetlands are those over which the U.S. Corps of Engineers has permitting jurisdiction.

Yard - An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this Ordinance.

Yard, Front - A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line.

Yard, Rear - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

Yard, Required - That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this Ordinance.

Yard, Side - A yard extending the full length of the lot in the area between the side lot line and a side building line.

Zoning District - A specifically delineated area or district within which regulations and requirements govern the use, placement, spacing and size of land and buildings.

ARTICLE 11

LEGAL STATUS PROVISIONS

Section 11.1 Conflict with Other Laws

Whenever the regulations of this ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Section 11.2 Validity

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 11.3 Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 11.4 Effective Date

This Ordinance shall take effect and be in force from and after the date of its adoption.

AMENDMENTS

<u>Ordinance</u>	<u>Description</u>	<u>Date Adopted</u>
2007-09	AMEND SECTION 2.9 OF THE CONSOLIDATED ZONING ORDINANCE TO ENABLE MORE EFFICIENT ADMINISTRATION	FEBRUARY 19, 2007
2008-34	ADOPTION OF CITY OF FLORENCE ZONING ORDINANCE	JULY 14, 2008
2008-54	AMEND SIGN REGULATIONS BUILDING SIGNS/NUMBER OF	DECEMBER 8, 2008
2009-02	UPDATE FLOOD ORDINANCE	MARCH 9, 2009
2009-33	AMEND ARTICLE 2.4 TABLE II: SCHEDULE OF PERMITTED AND CONDITIONAL USES AND OFF STREET PARKING REQUIREMENTS FOR BUSINESSES AND RURAL DISTRICTS	DECEMBER 14, 2009
2010-10	AMEND ARTICLE 5, SIGN REGULATIONS IN THE ZONING ORDINANCE RELATING TO SIGNAGE FOR INSTITUTIONAL USES	APRIL 12, 2010
2010-13	AMEND ARTICLE 6, SUPPLEMENTAL OFF STREET PARKING AND LOADING REGULATIONS IN THE ZONING ORDINANCE RELATING TO PARKING NON-RESIDENTIAL VEHICLES IN RESIDENTIAL ZNS	APRIL 12, 2010
2011-04	TEXT AMENDMENT TO ARTICLE 7, GENERAL AND ANCILLARY REGULATIONS - ADOPTION OF THE MODEL HISTORIC PRESERVATION ORDINANCE	JANUARY 12, 2011
2011-05	AMEND CHAPTER 16 AND SECTION 4-8 OF THE CODE OF ORDINANCE OF THE CITY OF FLORENCE AND SECTION 7.11 OF THE ZONING ORDINANCE	JANUARY 31, 2011
2011-06	AMEND THE PDD FOR FOREST LAKE SHORES AND SECOND LOOP TOWNHOUSES	FEBRUARY 14, 2011
2011-07	ABANDONING THE CITY OF FLORENCE'S INTEREST IN PORTIONS OF ROSE STREET & COKER STREET	FEBRUARY 14, 2011
2011-08	PROPOSED COMPREHENSIVE PLAN, TO ADOPT THE PLAN WRITTEN ON BEHALF OF THE CITY OF FLORENCE	FEBRUARY 14, 2011
2012-20	AMENDMENT TO ARTICLE 5, SIGN REGULATIONS IN THE ZONING ORDINANCE RELATING TO INSTITUTIONAL USES	JUNE 11, 2012
2012-31	AMEND ARTICLE X, DEFINITIONS IN THE ZONING ORDINANCE TO ADD INSTITUTIONAL USES	NOVEMBER 12, 2012

2012-32	AMEND THE ZONING ORDINANCE FOR THE CITY OF FLORENCE BY AMENDING SECTION 2.3, TABLE 1 AND SECTION 2.4, TABLE 2, AND BY ADDING A NEW SECTION 3.24 IN ORDER TO ESTABLISH NEW DESIGN STANDARDS FOR DUPLEXES, AND TOWN HOUSES BUILT WITHIN THE CITY LIMITS OF THE CITY	DECEMBER 10, 2012
2013-12	AMEND THE CITY OF FLORENCE ZONING ORDINANCE SECTION 8.7, CERTIFICATE OF ZONING COMPLIANCE WHEN REQUIRED AND SECTION 8.8, CERTIFICATE OF ZONING COMPLIANCE-REPAIR PERMITS.	MAY 13, 2013
2014-36	TEXT AMENDMENT TO ARTICLE 5, SECTION 5.2 TABLE VII FOR INSTITUTIONAL AND OTHER NON-RESIDENTIAL USES IN RESIDENTIAL ZONING DISTRICTS.	DECEMBER 8, 2014
2014-40	TEXT AMENDMENT TO SECTION 2.9-4 OF THE CITY OF FLORENCE ZONING ORDINANCE TO EXCLUDE THE UNITED STATES, THE STATE OF SOUTH CAROLINA, AND THEIR AGENCIES AND POLITICAL SUBDIVISIONS FROM THE REQUIREMENTS OF APPLYING FOR AND OBTAINING A CERTIFICATE OF APPROPRIATENESS FOR ACTIVITIES DESCRIBED THEREIN IF THE ACTIVITIES ARE PART OF A PROJECT COSTING IN EXCESS OF \$1,000,000.00.	JANUARY 12, 2015
2014-44	AMEND THE CITY OF FLORENCE ZONING ORDINANCE RELATING TO FLOOD HAZARD DISTRICTS TO MAINTAIN COMPLIANCE WITH CURRENT FEMA REGULATIONS AND ADOPT THE REVISED FEMA FLOOD INSURANCE RATE MAPS.	DECEMBER 8, 2015