**TOWN OF GRAY COURT**

**UNIFIED DEVELOPMENT ORDINANCE**

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**TOWN OF GRAY COURT**

**UNIFIED DEVELOPMENT ORDINANCE (UDO)**

**STATEMENT OF INTENT**

1. WHEREAS, it is the desire of the Town of Gray Court to manage and regulate the

development of the Town to assure future development will preserve the existing character of the Town; and

2. WHEREAS, the Town of Gray Court’s desire to manage the development and

preserve natural and historical resources will be materially facilitated by zoning

regulations; and

3. WHEREAS, industrial development around and within the town is anticipated; and

4. WHEREAS, to protect the environment as well as to prevent the degradation of the natural water systems surrounding Gray Court; and

5. WHEREAS, this ordinance will support a variety of affordable options for housing in

the Town; and

6. WHEREAS, this plan considers all aspects of Gray Court’s growth, with its aim of

promoting not deterring the Town’s orderly growth and development.

1. **General**

A. This ordinance pertains to and describes the various zoning categories for

the Town of Gray Court as shown on the accompanying map.

B. Any property not conforming to this ordinance at the time of its adoption

will be categorized “legal, non-conforming” and will remain as such with no

change in use or zoning required. However, the discontinuation of the

non-conforming use for a period of one (1) year will result in the property

being zoned to conform with the ordinance and attached map.

 C. Here and after in this document when references are made to Town

Council, Planning Commission or Board of Zoning Appeals, those

references shall indicate the Town of Gray Court’s Council, Planning

Commission or Board of Zoning Appeals.

 D. Here and after in this document when reference is made to the Zoning

Administrator that can also indicate the Director’s designee.

1. **Administrative and Procedural**

**Town Council**

1. The Town Council does not act in a review or recommending capacity.

2. The Town Council shall have final (local) decision-making authority on the

following matters:

A. Comprehensive Plan amendments;

B. Unified Development Ordinance text amendments;

C. Zoning Map amendments (Rezonings);

D. Planned Development Plans and Planned Development Zoning

Map amendments; and

E. Acceptance of public dedications.

**Planning Commission**

1. The Planning Commission acts in a review and recommending capacity

on the following matters:

A. Comprehensive Plan amendments;

B. Unified Development Ordinance text amendments;

C. Zoning Map amendments (Rezonings);

D. PD Development Plans and PD Zoning Map amendments; and

E. Acceptance of public dedications.

2. The Planning Commission shall have final (local) decision-making

authority on the following matters:

A. Preliminary Subdivision Plats;

B. Public Project review;

C. Appeals of Administrative Decisions on Final Subdivision Plats;

D. Appeals of Administrative Decisions on Subdivision Matters; and

3. The Planning Commission shall be composed of not less than 5 members

and shall be organized pursuant to Sections 6.29.350 and 6.29.360 of Title 6, Chapter

29 of the Code of Laws of South Carolina, as amended.

**Board of Zoning Appeals**

1. The Board of Zoning Appeals does not act in a review or recommending

capacity.

2. The Board of Zoning Appeals shall have final (local) decision-making

authority on the following matters:

A. Special Exceptions;

B. Variances; and

C. Appeals of Administrative Decisions on Zoning Matters.

3. The Board of Zoning Appeals will adopt supplemental rules of procedure

in accordance with the provisions of this ordinance and not inconsistent with the

provisions of Title 6, Chapter 29 of the Code of Laws of South Carolina. In its actions

relating to this ordinance, the Board will be governed by these regulations, and rules

adopted.

4. The Board of Zoning Appeals shall be composed of not less than 5

members and shall be organized pursuant to Sections 6.29.780, 6.29.790, and 6.29.800

of Title 6, Chapter 29 of the Code of Laws of South Carolina, as amended.

**Design Review Board**

The applicable zoning laws of the Town of Gray Court are hereby amended as follows:

1. There is hereby created, pursuant to Section 6-29-870 of the South

Carolina Code of Laws, 1976, as Amended, a *Design Review Board* for the Town of Gray Court whose purpose shall be to oversee, on behalf of the Town of Gray Court, (i) the preservation and protection of historic and architectural invaluable districts and

neighborhoods, (ii) the preservation and protection of significant or natural scenic areas,

and (iii) the protection and preservation of the unique, special and desired

characteristics of the Town of Gray Court.

2. The Design Review Board shall accomplish the purposes set forth above

by means of the following restrictions and conditions listed in Appendix C of this

document.

3. The composition, qualification, organization and operation of the *Design*

*Review Board* shall be in accordance with Sections 6-29-870 through 6-29-940, South

Carolina Code of Laws, 1976, as amended.

4. Guidance Standards – For consistency in policies and decisions, records

of the Board’s actions should be maintained and held in the custody of the Design Review Board.

**Zoning Administrator**

1. The Zoning Administrator shall act in a review capacity on the following

matters:

A. Comprehensive Plan Amendments;

B. Unified Development Ordinance Text Amendments;

C. Zoning Map Amendments (Rezonings);

D. Minor PD Development Plans and PD Zoning Map Amendments;

E. Major PD Concept Plans and PD Zoning Map Amendments;

F. Preliminary Subdivision Plats;

G. Final Subdivision Plats;

H. Special Exceptions; and

I. Public Project Review.

2. The Zoning Administrator shall have final (local) decision-making authority on

the following matters:

A. Written Interpretations;

B. Zoning Permits;

C. Sign Permits; and

D. Final Subdivision Plats.

3. The Zoning Administrator shall have the following powers and duties in

addition to those otherwise set out under this Ordinance:

A. Maintaining permanent and current records of this Ordinance

including, but not limited to, all zoning maps, amendments, special

exceptions, variances, appeals, and applications thereof and

records of hearings thereon. Such records shall be open to public

inspection during business hours;

B. Providing such clerical, technical, and consultative assistance as

may be required by the Board of Zoning Appeals, Planning

Commission, Town Council, and other boards, commissions and

officials in the exercise of their duties relating to this Ordinance;

C. Maintaining a record of all applications for zoning permits, including

all plats and plans submitted therewith, which record shall be open

to public inspection during business hours;

D. Receiving, filing, and forwarding to the Board of Zoning Appeals the

records of all appeals and variances;

E. Receiving, filing, and forwarding to the Board of Zoning Appeals all

applications for Special Exceptions; and

F. Reviewing, approving, and issuing Administrative Permits as

authorized by this Ordinance and maintain records of these

**Definitions**

**Accessory Unit**: An additional unit on the same property. Not to be subdivided; for use by an employee or family member; not to be rented. For example: guest house, caretaker quarters, servants quarters, or house for elderly parent.

**Accessory Use** – A subordinate use which is incidental to and customary in connection with the principal buildings or use and which is located on the same lot with such principal building unit or use.

**Adult Uses** – See Sexually Oriented Businesses

**Access:** A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**Access Point:** The location of the intersection of a highway or street or driveway with the highway.

**Accessory Use:** An incidental and subordinate use that is customarily associated with the principal use of a lot or building located upon the same lot as the principal use.

**Acre:** A measure of land area containing 43,560 square feet.

**Alteration:** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or stricture, whether horizontally or vertically, or the moving of a building or structure from one location to another. This excludes normal repairs and maintenance of the structure.

**Annexation:** The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

**Applicant:** the owner(s) of record or the legally authorized agent of the owner(s) of record.

**Bed and Breakfast:** Private home offering lodging and breakfast to guests. Accommodations are limited to a maximum of four (4) guest rooms. This type of establishment is primarily a private home offering lodging and breakfast to guests. The appearance and primary function of the home shall remain as a residence, not a lodging establishment.

**Berm:** A mound of earth or the act of pushing earth into a mound. Berms are usually two (2) to six (6) feet high and are used to shield, screen, and buffer undesirable views and to separate incompatible land uses. They also provide visual interest, decrease noise, control the direction of water flow, and act as dams.

**Board of Zoning Appeals:** A quasi-judicial board appointed by the Gray Court Town Council which hears and decides on variances to the Zoning Ordinance and Land Development Ordinance of the Town of Gray Court.

**Buffer:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

**Buildable Area:** The area of a lot remaining after the minimum yard, lot coverage, and buffer requirements of the zoning ordinance have been met.

**Building:** Any structure built for the support, shelter, or enclosure of persons, animals, fowl, or property of any kind.

**Building Height:** Building height shall be measured vertically from the highest point of the structure, to the ground level of the grade where the walls or other structural elements intersect with the ground. The height limitations shall not apply to;

1. chimneys,
2. spires,
3. belfries,
4. cupolas, and
5. domes

provided that they are not intended for human occupancy, do not exceed sixty (60) square feet in size, do not exceed seven (7) feet in total height, and are enclosed by an entry door.

**Building Inspector:** The individual designated by the appointing authority to enforce the provisions of the building code.

**Building Permit:** A permit obtained from the Town of Gray Court which sets the inspection schedule and construction techniques for a project.

**Building Setback Line:** A line establishing the minimum allowable distance between the nearest portion of any building excluding steps, gutters, and similar fixtures, and the property line when measured perpendicularly.

**Business, Wholesale:** Establishments selling commodities in large quantities to retailers, including wholesalers for all types of retail products, bulk stations for gasoline, kerosene, fuel, oil, bottled gas, etc., and warehouses.



**Caliper:** The diameter of a tree trunk. *See Figure 1*.

**Car Wash:** Any automobile cleaning facility that provides exterior washing and cleaning, either automated, full-service, or self-service.

**Certificate of Occupancy:** A certificate allowing the occupancy of use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

**Change in Use:** Any use that substantially differs from the previous use of a building or land.

**Child Care Center:** Any home, center, agency, or place where eight or more children not related to the operator are received for custodial care or educational training, apart from their parents, for compensation, reward, or otherwise, during part of all of the day or night and upon any number of successive days or nights.

**Church:** A structure or group of structures providing housing for religious worship, religious education, and charitable activities as may be prescribed by the tenets and practices of a particular religious body.

**Commercial, General:** Use pertaining to the exchange of cash, goods, services, or any other remuneration for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over a period of time.

**Communication Tower:** A tower of any size which supports communication (broadcast or receiving) equipment utilized by commercial, governmental, or other public and quasi-public users. This does not include communication equipment operated by a public service agency, private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the Federal Communications Commission.

**Community Center:** A building used for recreational, educational, or cultural activities that is owned by a public or non-profit agency or group.

**Conditional Use:** A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

**District:** A section, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

**Dwelling, Attached:** A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

**Dwelling, Detached:** A dwelling that is not attached to any other dwelling by any means.

**Dwelling, Detached Zero Lot Line:** A single family dwelling on an individual lot with private yards on three sides. The building is set on one of the side property lines; windows are prohibited on the lot line side. An easement for maintenance on the adjoining lot is one of the requirements for this type of construction.

**Dwelling, Duplex:** A building with two dwelling units, each one having only one common wall with the other.

**Dwelling, Multifamily:** A building containing two or more dwelling units on the same lot, including units that are located one over the other.

**Dwelling, Single-Family:** A one-family dwelling unit located on a separate lot.

**Dwelling, Townhouse:** A townhouse is a single-family, attached dwelling with one dwelling unit from ground to roof and having individual outside access. No more than four townhouses in one row unit are allowed.

**Dwelling Unit:** One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**Existing Use:** The use of a lot or structure at the time of the enactment of a zoning ordinance or amendment thereof.

**Facade:** The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

**Family:** One or more persons related by blood, marriage, adoption or guardianship, and not more than five persons not so related, except that nine mentally or 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, including approval or licensing of the home in which they are located by a state agency for that purpose.

**Family Day Care Home**: A home in which care is given during the day only, for one and not more than seven children, including the day care parent’s own children.

**Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**Garage:** A structure, either attached or detached, that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof.

**Group Care Home:** A residence in which 6 or fewer individuals are housed who are not necessarily related and who are physically handicapped, aged, disabled, mentally ill, alcoholic or drug addicted, or who are in need of adult supervision and/or family support. Any group care home which houses alcoholic or drug addicted individuals must be a noncommercial organization which can ensure its residents have completed a recognized drug and/or alcohol treatment program and are no longer using alcohol or controlled substances. In addition, facilities for mentally ill, alcoholic or drug-addicted individuals must be licensed by the South Carolina Department of Health and Environmental Control (DHEC) as a Community Residential Care Facility as defined in the South Carolina Code of Laws 1976, as amended, Regulation 61-84. Only those residing in the home may be involved in the day-to-day operation of the Group Care Home. Such homes include children’s homes, rest homes, homes for the elderly, and family support homes. Group Care Homes do not provide continuous medical and skilled nursing care such as a nursing home nor provide any service to the resident beyond personal assistance.

**Home Occupation:** Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident’s dwelling unit. Home Occupations shall have no more than 1 non-resident employee, exclusive of relatives. Maximum floor area used for such occupation shall not exceed 600 square feet or 25% of the gross floor area. No exterior indication of the use is evident other than a sign permitted by the applicable district regulations.

**Hotel or Motel:** A building or group of buildings containing individual sleeping or living units designed for the temporary occupancy of tourists or transient guests.

**Impervious Surface:** Any material that prevents absorption of stormwater into the ground. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces.

**Industrial Park:** A tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities (rail and highway), circulation, parking, utility needs, aesthetics, and compatibility.

**Junk Yard:** Any land or area used, in whole or in part, for commercial storage and/or sale of waste paper, rags, scrap metal, or other junk and including storage of vehicles and machinery and/or dismantling of such vehicles or machinery.

**Kennel:** A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

**Lodge:** A place where members of a local chapter of an association hold their meetings, and the local chapter itself.

**Lot Frontage:** The length of the front lot line measured at the street right-of-way line.

**Manufactured Multi-Section Home:** a portable unit designed and built to be towed on its own Chassis, comprised of frame and wheels, connected to utilities, and designed to be used without a permanent foundation for a permanent resident. A single section unit nay contain parts that may be folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity. These units may be used for residential, commercial, educational, or industrial purposes. Travel trailers, travel motorized homes, pickup coaches, and camping trailers are excluded from this definition. This definition includes units referred to as double-wide mobile homes but does not include units referred to as double-wide homes built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

**Manufactured Single-Section Home:** a portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed to be used without permanent foundation for permanent residence. A single section unit may contain parts that may be folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity. These units may be used for residential, commercial, educational, or industrial purposes. Travel trailers, traveled motorized homes, pickup coaches, and camping trailers are excluded from this definition. This definition includes units referred to as single wide mobile homes but does not include units referred to as single wide mobile homes built prior to the enactment of the Federal Home Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

**Manufactured Home Park:** Any place, area, or tract of land maintained, offered, or used for parking of two or more manufactured homes used or intended to be used for living or sleeping purposes regardless of whether or not a charge is made for such accommodations.

**Manufacturing:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

**Mini**-**Warehouse**: A facility composed of one or multiple structures divided into sections for use as storage of items either temporary or long-term and not to be used for any other purpose (such as small office, garage,etc). Such facility may include one accessory managers office which is clearly subordinate to the primary use of the facility for warehousing purposes.

**Modular Home**: A home consisting of two or more factory fabricated components that do not have an integrated chassis which are transported to the home site where they are put on a permanent foundation or slab and joined to make a permanent single-family house. Such units shall comply with all state and locally adopted building codes.

**Nightclub**: Any establishment, whether public or a private club, including cocktail lounges, etc serving an adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises in conjunction with dancing or live performances. The purchase of food is at the option of the customers and not required by the operator. The sale of alcoholic beverages, beer, and wine must be licensed by the State Alcoholic Beverage Commission.

**Nonconforming Lot:** A lot; the area, dimensions, or location of which were lawful prior to the adoption, revision, or amendment of the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**Nonconforming Structure or Building:** A structure or building, the size, dimensions, or location of which lawfully existed prior to the adoption, revision, or amendment to the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**Nonconforming Use:** A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**Nursing Care Facility:** A facility or institution, also known as a nursing home, providing continuous medical and skilled nursing care to two or more individuals who by reason of illness, physical or mental infirmity, or age are unable to properly care for themselves.

**Nursing Continuous Care Retirement Center:** A continuing care retirement center that has a 2:1 or greater ratio of nursing beds to residential units. This facility must contain some independent residential units and not be developed entirely as a nursing care facility.

**Office:** A use or location primarily used for conducting the affairs of a business, profession, service, industry, or government or like activity.

**Outdoor Storage:** The keeping in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

**Parcel:** A contiguous lot or tract of land owned and recorded as the property of the same persons or controlled by a single entity.

**Pedestrian Oriented Development:** Development which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option or choice of not having to use a car to travel between uses, and will provide a variety of interesting and detailed streetscapes which balance the needs of pedestrian and vehicular traffic equally.

**Pedestrian Scale:** The proportional relationship between an individual and his or her environment. The relationship between the person and his or her environment, whether natural or created, is comfortable, intimate, and contributes to the individual’s sense of accessibility.

**Permitted Use:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Planned Development:** An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained according to a master plan as a single entity and containing one or more structures with appurtenant common areas.

**Public Hearing:** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

**Restaurant:** Any establishment, whether open to the public or operated as a private club, including drive-ins, whose primary business is serving meals prepared on the premises for consumption on the premises. Any defined portion of the restaurant where alcoholic beverages, including beer and wine, are served but the purchase of food is optional shall be clearly subordinate to the main dining area, where the purchase of food is expected and required by the operator. The sale of alcoholic beverages, beer, and wine must be licensed by the State Alcoholic Beverage Commission.

**Retail, General:** Establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**Scale:** The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

**Screening** - Growth and vegetation left as a natural border along property lines and to be at least four (4’) feet in height. Where applicable, screening shall be located within the first thirty (30’) feet of all front yards. Where growth is not sufficient, planting and landscaping shall be provided. Screening will be shown on the site plan at the time of application for a permit and must be in place prior to occupancy.

**Services, Business:** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

**Services, Manufacturing:** Construction establishments engaged in the construction, repair, or demolition of buildings, streets, water and sewer systems, bridges, and similar construction, including but not limited to buildings.

**Services, Personal:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services usually include the following; laundry, including cleaning and pressing service, linen supply, diaper service, beauty shops, barbershops, shoe repair, funeral services, steam baths, reducing salons and health clubs, clothing rental, locker rental, porter service, and domestic services.

**Service Station:** An establishment used for the servicing of automobiles including the sale of gasoline, oil, grease, minor accessories, and washing and polishing, but excluding the sale of automobiles, body repairing, major motor repairing, and painting.

**Setback:** The mandatory distance between a lot line and a building wall.

**Sexually Oriented Business:** An establishment consisting of, including, or having the characteristics of any or all of the following:

1. **Adult Bookstore**-An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
2. **Adult Cabaret**-(1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
3. **Adult Motion Picture Theater**-An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

**Sign:** Any object, device, display, or structure, or part thereof situated outdoors, 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 (excluding national or state flags, window displays, athletic scoreboards, or the official announcements or signs of government).

**Sign, Animated or Moving:** Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation (excepting time or temperature indicators).

**Sign, Awning or Canopy:** A sign that is mounted, painted, or attached to an awning or canopy.

**Sign, Directory:** A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

**Sign Face:** The area or display surface used for the message.

**Sign, Flashing:** Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

**Sign, Freestanding:** Any non-movable sign not affixed to a building.

**Sign, Ground:** Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground (less than three [3] feet) and is independent of any other structure.

**Sign, Pole:** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet (6’) or more above grade.

**Sign, Portable:** A sign that is not permanently, affixed to a building, structure, or the ground.

**Sign, Projecting:** A sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches (12”) from such building.

**Sign, Roof:** A sign erected upon or which extends above the roof of the building to which it is attached.

**Sign, Wall:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more that twelve inches (12”) from such building or structure.

**Sign Area:** The entire face of a sign, measured by calculating the height by the length of the smallest rectangle that can be drawn to include all sign elements.

**Structure:** Anything constructed or built, an edifice or building of any kind, constructed of parts joined together in a definite manner.

**Tattoo Parlor:** An establishment or facility in which the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment, including the application of permanent cosmetics, is performed.

**Transportation:** Ground-establishments providing for the interchange of passenger and freight including but not limited to bus passenger and parking terminals, truck terminals, railroad passenger and freight terminals, railway express freight terminals, and taxicab stands and yards.

**Travel Trailer:** Any vehicle mounted on wheels and not more than 26 feet in length designed and intended to serve primarily as short-term shelter.

**Tree, Grand:** Tree measuring 18 inches or greater DBH.

**Tree, Large Maturing:** Trees that grow to a minimum height of 30 feet.

**Tree, Protected:** Tree measure 8 inches or greater DBH.

**Tree, Small Maturing:** Trees that grow to a minimum height of 15 feet.

**Truck Stop:** Any gasoline or diesel station designed to service tractor trailer rigs or vehicles.

**Yard**: An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

**Yard, Front**: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot (or proposed front street line).

**Yard, Rear**: A yard extending across the full width of the lot and abutting the rear lot line, the required depth of which yard is a prescribed minimum distance between the rear lot line and a line parallel thereto on the lot.

**Yard, Side**: A yard extending from the front yard (or front lot line where no front yard is required) to the rear yard and abutting a side lot line, the required width of which is a prescribed minimum distance between the side lot line and a line parallel thereto on the lot. A side yard facing a street on a corner lot shall be considered a front yard.

**Zoning Administrator:** The person designated by the Town to be responsible for the administration of this Ordinance.

**Zoning Permit:** Written permission issued by the Town of Gray Court for the construction, or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities.

**Zoning District Description** – Requirements for each zoning category are outlined in this section.

**Agricultural District (AG)**

**Purpose**

 This District is intended to protect and preserve areas which are presently rural or agricultural in character and use; to provide for a full range of agricultural activities; and to allow low density residential development for those who are willing to live in more remote locations and to assume the costs of providing many of their own services. The regulations which apply within this district are designed: 1) to encourage the formation and continuance of a compatible environment for public and recreational areas, farming, orchards, livestock, ranches, dairies, timberland, forest management areas, horticultural nurseries, and other agricultural uses which involve the growing of crops, livestock and animals and /or trees; 2) to provide suitable services, commercial and otherwise, to residents of the district; 3) to discourage any encroachment by incompatible housing developments, commercial and/or industrial operations, or other uses capable of adversely affecting the basic agricultural or environmentally sensitive areas of the district.

**General**

**1. Minimum Parcel Size:** 2 acres

**2. Minimum Lot Width:** 200 feet

1. **Minimum Front Yard Depth:** Fifty (50) feet; except that stands or displays of seasonal agricultural produce or other permitted commercial activities may be located within the minimum front yard area but no closer to the nearest street right-of-way than ten (10) feet.
2. **Minimum Side Yard:** Thirty (30) feet
3. **Minimum Rear Yard:** Thirty (30) feet
4. **Maximum Building Height:** Thirty-five (35) feet

 Silos, water towers, chimneys, flag poles, masts and aerials are permitted to exceed height limits, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

1. Lot shall adjoin or have direct access to at least one street or road.

**Uses**

1. **Permitted Uses:** The following uses or combination of uses shall be considered:
2. Farms or establishments for the growing , care and handling of field crops, truck farming, fruit and/or nut trees, poultry, and/or animals, livestock, or fish;
3. Tree farms and/or forest management areas:
4. Horticultural or aquatic plant nursery;
5. Church;
6. Private or semi-private club, lodge, or union hall or social center;
7. Animal hospital or boarding facility;
8. Any publicly owned and operated building, facility, or land;
9. Golf course;
10. One-family dwelling, accessory to farm operation on same property with farm and occupied by full-time owners and laborers on said farm
11. Wildlife refuge, including one-family or two-family dwelling units of caretakers employed to maintain and protect the refuge

**Conditional Uses**

 The following uses shall be permitted in any Agricultural district subject to conditions set forth herein below:

1. Stand or shelter for the selling and/or display of agricultural products provided that such uses provide at least four (4) off-street parking spaces that are adequately maintained.
2. Commercial riding stable provided that no building or enclosure for animals is located closer than one hundred (100) feet from any property line or other residence;
3. Cemetery, when accessory to and on the same property as a permitted use in the FA district;
4. Temporary use in compliance with stated regulations;
5. Telecommunications Towers – transmission and receiving towers provided towers are under two hundred (200’) feet, are painted silver or gray or retain galvanized finish in order to camouflage against the sky (unless Federal Aviation Administration imposes other requirements); and provided no strobe lights are used (unless required by the FAA).

**Low Density Residential District (R1)**

**Purpose**

The purpose of this district is to provide for low density residential development of relatively spacious character together with such schools, churches, public recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is designed to protect existing development of this character and contains vacant land considered appropriate for such development in the future.

**General**

 **1. Minimum Parcel Size:** 12,000 square feet for Residential Uses

 20,000 square feet for Non-residential uses

1. **Minimum Lot Width:** 100 feet
2. **Minimum Front Yard Depth:**  35 feet for all permitted uses

**Minimum Side Yard:** 10 feet for residential uses, 20 feet for non-residential

**Minimum Rear Yard:** 25 feet for residential uses, 50 feet for non-residential

**Maximum Building Height:** Thirty-five (35) feet

**Uses**

1. **Permitted Uses:** The following uses or combination of uses shall be considered:
2. Site built, single family, detached, residential dwellings;
3. Schools, either public or private, offering general education courses and public utilities;
4. Neighborhood and community parks and centers, golf courses and similar uses;
5. Churches or similar places of worship, including parish houses, parsonages, and child care centers, when accessory thereto;
6. Family Day Care Homes as defined by this Ordinance;
7. Home Occupations, as defined by this Ordinance;
8. Accessory buildings and uses, including private garages, swimming pools, greenhouses, workshops, and satellite dishes;
9. Signs, in accordance with the applicable provisions of this ordinance.

**Medium Density Residential District (R2)**

**Purpose**

The purpose of this district is to promote and accommodate residential development consisting principally of single family dwellings and related support uses.

**General**

 **1. Minimum Parcel Size:** Not applicable for Manufactured Home Parks

 10,000 square feet for all other uses

1. **Minimum Lot Width:** 150 feet
2. **Minimum distance from street right-of-way:** 35 feet

**Minimum distance from property line**: 20 feet for Manufactured Home Parks

 10 feet for all other uses

**Maximum Building Height:** Thirty-five (35) feet

**Uses**

1. **Permitted Uses:** Within the R2 District a building or premises shall be used only for the following purposes:
2. Any use, together with the conditions attached thereto, permitted in the R1 district;
3. Residential designed Manufactured Multi-section Home provided such dwellings shall:
4. Be built according to the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976. Manufactured housing built prior to the effective date of the Code shall not be permitted for reasons of safety;
5. 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;
6. Be underpinned with brick;
7. 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;
8. Have all moving or towing apparatus removed including hitch, wheels, and axles; and,
9. 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. 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.

**High Density Residential District (R3)**

**Purpose**

The purpose of this district is to provide for high density residential development as might be appropriate for apartments and condominiums, and to permit a variety of housing types to meet market conditions and housing demands without compromising the relatively low density single-family character of the town.

**General**

 **1. Minimum Parcel Size:** 10,000 square feet for single family dwelling

 18,000 square feet for two family dwelling

 18,000 square feet plus 3,500 square feet

 for each unit over two

 (maximum of 8 units per acre)

1. **Minimum Lot Width:** 200 feet
2. **Minimum Front Yard Depth:**  35 feet for all permitted uses

**Minimum Rear Yard:** Single Family dwelling 20 feet, Two-family dwelling 20 feet, Multi-family dwelling 30 feet, other permitted uses 40 feet

**Minimum Side Yard:** Single-family and two-family dwellings 8 feet; Townhouses 8 feet between end unit and exterior property line and 15 feet between rows of units; Patio Homes 8 feet on one side only, and between end unit and exterior property line; Multi-family dwellings 25 feet between any unit and side property line, 25 feet between buildings on same lot

**Maximum Building Height:** 40 feet

**Uses**

1. **Permitted Uses:** The following uses or combination of uses shall be considered:
2. Any use, together with the conditions attached thereto, permitted in the R1 district;
3. Dwelling, two-family attached, duplexes and garage apartments;
4. Dwelling, multi-family, including condominiums, apartments, and other attached long-term occupancy units;
5. Hospitals, clinics, and related uses
6. Manufactured Home Parks, to include Residential and Standard Design Manufactured Homes, as defined by this Ordinance; provided such uses shall comply with the following design and development standards:
7. The park site shall be not less than two acres, and not have more than 200 feet frontage on a public dedicated and maintained street or road.
8. 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.
9. All manufactured home 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 sixteen feet in width which shall have unobstructed access to a public street or road.
10. All on-site roadway intersections shall be provided with a street light.
11. Each individual home site shall be at least 25 feet from any other home site and at least 25 feet from the right-of-way of any street or drive providing common circulation.
12. All homes shall be installed in accord with the installation requirements of Section 19-425.39 fo the South Carolina Manufactured Housing Board Regulations.
13. Not less than 10% of the park site shall be set aside and developed for common open space and recreation usage.
14. The maximum number of manufactured home spaces shall not exceed eight per acre.
15. 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.
16. Existing trees and other natural features shall be preserved to the extent feasible.
17. 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.
18. Accessory uses, including for manufactured home parks a park office, Laundromat, and maintenance building, and home occupations.
19. Signs, in accordance with the applicable provisions of this ordinance.

**Business District (B1)**

**Purpose**

The purpose of this district is to accommodate existing business development and to provide for the orderly expansion of business activity in the Town of Gray Court. It is also designed to lessen the impact of business operations on neighboring residential districts.

**General**

 **1. Minimum Parcel Size:** Residential Uses same as R3 district

 Business uses no minimum

1. **Minimum Lot Width:** 200 feet
2. **Minimum Front Yard Depth:**  35 feet for all permitted uses, no setback required for non-residential uses on Main Street between Ropp Street and Mill Street.

**Minimum Rear Yard:** Same as R3 district for residential uses; None for a business use, except where contiguous to an R zoning district, then 25 feet shall be required, plus a planted or evergreen buffer or a six foot wall or solid fence; 20 feet for an industrial use, except where contiguous to an R zoning district, then 50 feet shall be required, plus a 10 foot evergreen buffer or a six foot wall or solid fence; 15 feet for all other uses.

Minimum Side Yard Depth: Same as R3 district for residential uses; 40 feet each side for industrial uses; 20 feet each side for other permitted uses. No side yard required for business uses on Main Street between Ropp Street and Mill Street. Other business uses must have 5 feet on each side, or ten feet on one side only, except where contiguous to an R zoning district, then 15 feet shall be required.

**Maximum Building Height:** Thirty-five (35) feet

**Uses**

1. **Permitted Uses:** Within the B1 District, a building or premise shall be used only for the following purposes:
2. Any use, together with the conditions attached thereto, permitted in the R3 district;
3. Except for those uses prohibited by Section 5.5-3, any business, wholesale, or retail use shall be permitted in this district; provided such uses shall meet the following standards regulating the emission or existence of dangerous, detrimental and objectionable elements, where applicable:
4. Fire and explosive hazard – All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion including adequate firefighting and fire suppression equipment.
5. Radioactive elements – There shall be no radiation emitted from any source on the property.
6. Smoke, Dirt, and Dust – There shall be no emission of visible smoke, dust, dirt, fly ash particulate matter from any pipes, vents, or other openings, or from any other source, into the air. All fuel shall be either smokeless in nature or shall be used so as to prevent any emission of visible smoke, fly ash, or cinders into the air.
7. Fumes, Vapors, and Gases – There shall be no emission of any fumes, vapors or gases of a noxious, toxic, or corrosive nature which can cause any damage or irritation to health, animals, vegetation, or to any form of property.
8. Vibration – There shall be no perceptible earth vibration measured at the property line.
9. Heat, Cold, Dampness, or Movement of Air – Activities which could produce any adverse effect on the atmosphere beyond the lot line shall not be permitted.
10. Noise – There shall be no perceptible noise or sound emission at the property line on which the principal use is located.
11. Odor – There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive beyond the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.
12. Glare – There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible at the property line.
13. Compliance Guarantee – The applicant shall acknowledge in writing his understanding of the performance standards applicable to his proposed business and shall submit an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this Ordinance and shall be treated accordingly.
14. Accessory buildings and uses;
15. Signs, in accordance with the applicable provisions of this ordinance.

**Prohibited Uses**

The following uses are specifically prohibited from this district:

1. Adult Uses or any sexually oriented businesses;
2. Junk Yards and salvage operations;
3. Shipping containers;
4. Standard designed manufactured homes used for business purposes;
5. Truck stops, as defined by this ordinance.

**Maximum Impervious Surface**

1. Residential Uses- 50%
2. Business and other uses located on Main Street between Ropp Street and Mill Street – 100%
3. All other uses – 70%

**Industrial District (I)**

**Purpose**

The purpose of the Industrial district is to accommodate manufacturing businesses within the town limits. The I district shall have limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities. The I district is intended to generate development through the use of industrial parks and clustering.

**General**

A. Minimum Lot Size: 5 acres

B. Maximum Height: 35 feet

C. Setbacks:

1. Adjacent to roads: No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than 50 feet to the right-of-way of any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.

1. Adjacent to Residential Uses/Districts: No buildings, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than 100 feet to any existing or zoned residential district. No parking shall be permitted closer than 50 feet to any such districts and uses.
2. Adjacent to Other Nonresidential Districts: 15 feet for minimum for buildings, parking, outdoor storage, and loading areas.

D. Minimum Distance Between Buildings: 30 feet

E. Maximum % Impervious Service: 50%

1. Trash containers shall be located in the parking area and shall be screened from the right-of-way.

G. Mechanical equipment at ground level should be placed on the parking lot side of building, away from buildings on adjacent sites, and screened from view of public streets and residential uses.

**Uses**

1. Permitted Uses: The following uses shall be permitted in the I district.

1. Any use, together with the conditions attached thereto, permitted in the B1 district

 2. Wholesale Business

3. General Commercial

4. Business Services

5. Personal Services

6. Office

7. Manufacturing Services

8. Public utility or communication tower, setback a minimum of one (1) foot for each one (1) foot in height.

1. Prohibited Uses: The following uses shall be prohibited in the I district.
2. Residential Uses
3. Manufactured/Mobile homes
4. Accessory Uses: The following uses shall be permitted in the I district as an accessory to the primary use.
5. Outdoor Storage provided it does not front on any street and is completely screened from any street
6. Outdoor Sales

**Performance District (PER)**

**Intent**

The Performance District (PER) permits the development of land in a manner consistent with the historic and timelessness of Gray Court's existing neighborhoods. A PER may combine a variety of housing types with commercial and civic uses in a compact, walkable neighborhood setting. PERs feature an interconnected street network and setbacks appropriate to create a public realm built on a human scale. A PER is developed such that the street network recognizes and compliments site topography and other natural features. A PER relaxes certain standards to allow for creativity in design and to allow for affordable development. Those exceptions to the development standards are noted below. Unless noted the development standards will apply.

**Use Patterns**

Size and Location of Site

A PER may be located adjacent to, but shall not be bisected by, an
arterial street unless the street is designed to conform to the requirements of an avenue or main street as set forth in Article, Streets.

If the PER is located adjacent to a collector or higher classification street
and the street is not designed to conform to the standards of an avenue or main street, the following criteria shall apply:

a. The internal streets providing access to the PER shall be aligned perpendicular to the collector or higher order street; and

b. The buildings or structures that take access from the internal streets shall face the internal streets.

The site shall be divided into the following subareas:

a. A "Center" should consist of civic, retail, service and multi-family uses. A Center shall only be located on a main street as determined by the Planning Commission. A continuous system of sidewalks shall connect the Center with streets and lanes which provide access to dwelling units.

b. A neighborhood or series of neighborhoods consisting of multi-family and single-family uses, small-scale retail and service uses and public outdoor gathering places.
It is the intent of this Section that all areas within a neighborhood are within a five (5) minute walking distance from edge to edge. A neighborhood shall not exceed forty (40) acres in size, not including greenbelts.

Dimensional Standards

The requested densities, in terms of number of units per gross residential acre and total number of dwelling units, shall be set forth in the subdivision or site plan application.

Uses

The location of uses shall be governed by street frontage, as shown in

PER Uses by Street Classification. "P" means the use is permitted on a lot with primary frontage on the designated street and the structure fronts on the designated street.

**PER USES BY STREET CLASSIFICATION**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **A** | **B** | **C** | **D** | **E** |
| **Street** | **Civic Uses** | **Retail or Service Uses** | **Multi-Family Uses** | **Single-Family Uses** |
| **1.** | **Arterials** | **P** | **-** | **--** | **~** |
| **2.** | **Collectors** | **P** | **P** | **P** | **—** |
| **3.** | **Boulevard** | **P** | **P** | **P** | **—** |
| **4.** | **Large** | **P** | **P** | **P** | **—** |
| **5.** | **Local** | **~** | **-** | **P** | **P** |

Multi-family and non-residential buildings may be constructed on any lot type. Such buildings have no setback, build-to line or building coverage limitations. Parking is not allowed forward of any portion of the front plane of the building, except for on-street parking.

Accessory buildings and accessory dwellings shall conform to the previous requirements stated in this Ordinance.

Adequate Public Facilities

The town hereby finds that the proximity of jobs and retail uses to housing in a PER can achieve significant trip reductions produced by the internal capture of home-work and home-retail trips. The town further finds and determines that there is a compelling public interest to encourage new development to occur in accordance with the criteria set forth in this section.

Lot Types

Additional or modified lot types may be approved by the Planning Commission in conjunction with the concept plan for any phase or a preliminary plat.

Subdivision of Platted Lots

Unimproved individual single-family lots may be subdivided to create smaller lots provided that each resulting lot meets the dimensional requirements of this Section and each lot is occupied by a primary residential structure. Adequate street frontage, access to the lot and parking must be
provided. Accessory structures and dwelling units may be developed on the resulting lots subsequent to the primary residential structure. Improved lots may not be subdivided to create smaller lots unless each resulting lot meets the dimensional requirements of this ordinance, each lot is subsequently occupied by a primary residential structure and each primary residential structure meets the setback requirements of this Section. Accessory dwelling units may not be subdivided from a single-family lot that also contains a primary residential structure unless both resulting lots and residential structures meet the dimensional requirements of this Section.

Architectural Elements

Architectural elements including stoops, ramps, stairs, porches, awnings, colonnades, arcades, marquees, balconies and bay windows, projecting forward of the front plane of the building, may encroach upon the build-to zone (front setback) to within six (6) inches of the property line. Stoops, stairs, ramps, canopies and awnings may extend into the public rights of way, and shall extend no further than three (3) feet into the right of way, provided vehicular and pedestrian circulation is not unreasonably restricted and the encroachment is approved in writing by the Zoning Administrator.

Street Design

Streets shall comply with the street standards of this Ordinance. All streets required to include curb and gutter shall have a six (6) inch vertical curb. Curb cuts shall provide handicap access at all intersections and points of
pedestrian crossing.

All sidewalks shall run parallel with the street and have a width of not less
than five (5) feet, as required by the Americans with Disabilities Act.

Landscaping

Uses within a PIZ shall be exempt from the standards relating to buffers.

Parking – Except as otherwise provided by this section, parking requirements for all uses shall be in accordance with the requirements of this ordinance.

**Off-Street Parking**

 Off-street automobile storage or parking space shall be provided on every lot except those fronting Main Street between Ropp Street and Mill Street. The number of parking spaces provided everywhere shall be at least as great as the number specified below for the particular uses. When application of said provision results in a fractional space requirement, the next larger requirement shall prevail.

|  |  |
| --- | --- |
| **Principal Use** | **Required Off-Street Parking** |
| Auditorium, theater, places of public assembly | One space for every four seats based on maximum occupancy |
| Auto Service Station full service | Two spaces for each gasoline pump, plus three spaces for each service rack or wash rack |
| Auto Service Station self service | Two spaces for each gasoline pump |
| Auto Service Station self service with convenience store | Two spaces for each gasoline pump, plus one space for each 300 sq. ft. of gross floor area |
| Church | One space for every four seats based on maximum capacity |
| Child Care Center | One space for every four children of maximum capacity |
| Rooming or boarding house | One space for each bedroom or sleeping room |
| Dwelling Unit | One space for each one bedroom unit, 1.5 spaces for each 2 bedroom unit, and 2 spaces for each 3 bedroom unit |
| Financial Institution | One space per 300 sq. ft. gross floor area |
| Funeral Home | Five spaces minimum, plus one space for every four seats in the main assembly hall |
| Grocery or supermarket | One space for every 150 sq. ft. of gross floor space |
| Grocery/Convenience store | One space for every 100 sq. ft. of gross floor space |
| Hospital | One space for each patient bed, plus one space for each 300 sq. ft. of office and administrative area |
| Hotel, motel, or motor court | One and one-tenth (1.1) space per rental unit, plus requirement for any use associated with the establishment |

|  |  |
| --- | --- |
| **Principal Use** | **Required Off-Street Parking** |
| Industrial, manufacturing and processing uses | One space per 1,000 sq. ft. of gross floor area |
| Nursing Home | One and one-tenth (1.1) space for each patient bed |
| Office and professional building | One space per 250 sq. ft. of gross floor area |
| Office, Medical or Dental | Five spaces per doctor or dentist |
| Public or private club | One space for each 300 sq. ft. of gross floor area |
| Public utility building | One space for each 300 sq. ft. of gross floor area |
| Recreation: Indoor or outdoor swimming pools (except as accessory to a residential use) | One space for 100 sq. ft. of water or one space for every four spectator seats, whichever is greater |
| Restaurants and other establishments dispensing food, including drive-ins | One space for each 150 sq. ft. of gross floor area |
| Retail stores and personal service shops | One space per 300 sq. ft. of gross floor area |
| Sales and service not listed elsewhere | One space for each 300 sq. ft. of gross floor area |
| Shopping Center | One space for each 200 sq. ft. of gross floor area |
| Wholesaling, warehousing and distribution operations | One space per 1,000 sq. ft. of gross floor area |

The parking space requirements for a use not specifically listed shall be the same as for a listed use of similar characteristics of parking demand generation. Reducing the amount of impervious surface is a goal of the town, and any reasonable plans to safely and effectively reduce the amount of impervious surface while maintaining the required number of parking spaces for each use will be considered by the planning commission.

Whenever a building or use, constructed or established after the effective date of these regulations, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, so as to create a need for an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

**Parking Spaced for those with a Physical Handicap**

When off-street parking is required for any building or use, with the exception of single-family dwellings, parking for the handicapped shall be included when calculating the overall parking requirements for a building or use. The number and size of the spaces required is based on the requirements of the Americans with Disabilities Act. Below is a generalized guide for parking lots with between one and two hundred parking spaces. Please consult the Americans with Disabilities Act for specific parking requirements beyond 200 spaces.

Number of Required Spaces Number of Reserved Spaces for the Disabled

Up to 25 1

26 to 50 2

51 to 75 3

76 to 100 4

101 to 150 5

151 to 200 6

Parking spaces for the disabled shall measure 12 feet long by 20 feet wide and shall be located as close as possible to ramps, walkways, and entrances. Parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, and walkways.

**Reduction of Off-street Parking Spaces**

Off-street parking facilities at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirement of this Ordinance.

**Land to Provide Parking**

The land to provide parking for a building or use must be contiguous to and under the same ownership as the building or use for which the parking is required, and if constituting a separate lot, must be re-platted as one.

**Parking Design Standards**

Parking stalls shall be not less than 9 feet by 19 feet, except that a maximum of 10% of the total number of stalls may be 8.5 feet by 18 feet. However, the dimensions of all parallel parking stalls shall be not less than 9 feet by 24 feet. Minimum aisle width shall be as follows:

90 degree parking 24 feet

60 degree parking 20 feet

45 degree parking 15 feet

**Paving Requirements**

Where 10 or more stalls are required by this Ordinance, such stalls and all ingress and egress drives and handicapped accessible paths shall be surfaced with an all-weather impervious surface material, approved by the Zoning Administrator.

**Drainage and Maintenance**

Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets. Off-street parking areas shall be maintained in a clean and weed-free condition at the expense of the owner or lessee and not use for the sale, repair, or dismantling or servicing of any vehicle or equipment, except for service and auto repair stations. Plans for drainage shall be reviewed by DHEC and approved by the Zoning Administrator. Landscaping to hide drainage features is strongly encouraged.

**Separation from Walkways and Streets**

Off-street parking spaces shall be separate from walkways, sidewalks, streets, or alleys and required yards by a wall, fence, curbing, or other approved protective device.

**Entrances and Exits**

Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All parking facilities, except those serving single family detached and two-family dwellings shall be designed so that all existing movements onto a public street are 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 feet, measured along the curb line, from the intersection of the nearest curb lines.

**Marking**

Parking spaces in lots of more than 20 spaces shall be marked with painted lines, curbs, or other means to indicate individual spaces. Signs or markers, as approved by the Zoning Administrator, shall be used as necessary to insure efficient traffic operation of the lot.

**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. The Zoning Administrator will review all lighting plans before construction of new lots.

**Landscaping**

Where off-street parking, developed in conjunction with a permitted use or as a separate use occupying an individual lot or lots, comprises 20 or more off-street parking spaces, at least 10% of the impervious surface area shall be open and landscaped in such a manner as to divide and break-up the expanse of paving with islands and barriers. The natural landscape shall be preserved in all possible instances. Whenever healthy plant material exists on a site, the minimum planting standards may be adjusted for such plant material, if in the opinion of the Zoning Administrator such adjustment is in the best interests of the Town and preserves all intents of this Ordinance.

**Parking, Storage, and Use of Certain Vehicles**

Automobiles and trucks of any kind or type without current license plates shall not be parked, and construction equipment shall not be stored on any lot zoned for residential use, other than in completely enclosed buildings. The parking or storage of tractor trailers is not permitted in the R1 residential zone, with the exception of vehicles not exceeding three-quarter (3/4) ton loading capacity. Not more than one travel or camping trailer per family living on the premises shall be permitted on a lot in any residential zone; and the trailer shall not be occupied temporarily or permanently while it is parked or stored.

All uses not in compliance with the provisions of this section shall be removed or brought into conformity within 90 days of the effective date of this Ordinance.

**Home Occupations**

General

Some types of work can be conducted at home with little or no effect on the surrounding

neighborhood. The home occupation regulations of this section are intended to permit

residents to engage in home occupations, while ensuring that home occupations will not

be a detriment to the character and livability of the surrounding area. The regulations

require that home occupations (an accessory use) remain subordinate to the principal

residential use of the property and that the viability of the residential use is maintained.

Zoning Permits shall be required for all home occupations.

Where Allowed

Home occupations that comply with the regulations of this section shall be allowed as

an accessory use to any allowed residential principal use.

Allowed Uses

The home occupation regulations of this section establish performance standards rather

than detailed lists of allowed home occupations. Uses that comply with all of the

standards of this section will be allowed as home occupations unless they are

specifically prohibited.

Prohibited Uses

1. Vehicle/Equipment Repair, Rental or Sales

Any type of repair, rental, sales or assembly of vehicles or equipment with

internal combustion engines (such as autos, motorcycles, scooters,

snowmobiles, outboard marine engines, lawn mowers, chain saws, and

other small engines) or of large appliances (such as washing machines,

dryers, and refrigerators) or any other work related to automobiles and

their parts is prohibited as a home occupation.

2. Restaurants

Restaurants and food service establishments are not allowed as home

occupations.

3. Employee Dispatch Centers

Dispatch centers, where employees come to the site to be dispatched to

other locations, are not allowed as home occupations.

4. Animal Care or Boarding

Animal care or boarding facilities (including animal hospitals, kennels,

stables and all other types of animal boarding and care facilities) are not

allowed as home occupations.

5. Medical Offices or Clinics

Medical offices and medical clinics are not allowed as home occupations.

This includes doctors’ offices, dentists’ offices, psychologist’s offices,

hospitals and all other medical care facilities. The prohibition shall not be

interpreted as preventing medical practitioners from seeing patients in

their home on an emergency basis.

6. Funeral Homes

Funeral homes and funeral service activities are not allowed as home

occupations.

7. Barber Shops, Beauty Shops and Nail Salons

Barber shops, beauty shops, nail salons and other cosmetology services

are not allowed as home occupations.

8. Dancing Schools

Dancing schools are not allowed as home occupations.

9. Bed and Breakfasts

Bed and Breakfasts are not allowed as home occupations.

Employees

Home Occupations shall have no more than 1 nonresident employee, exclusive of

relatives.

Resident Operator

The operator of a home occupation shall be a full-time resident of the dwelling unit.

Customers

Customers may visit the site of a home occupation only during the hours of 8 a.m. to 8

p.m. No more than 6 customers or clients may visit the site of a home occupation in any

single day and no more than one (1) customer or client may visit the home occupation

per hour.

Floor Area

No more than two hundred fifty (250) square feet of the total floor area of the dwelling

unit may be used to house a home occupation, or up to one thousand (1,000) square

feet of an accessory structure, such as a garage. All activities and storage areas

associated with home occupations must be conducted in completely enclosed

structures.

Exterior Appearance

There shall be no visible evidence of the conduct of a home occupation when viewed

from the street right-of-way or from an adjacent lot. Signs for a home occupation are

expressly prohibited. There may be no change in the exterior appearance of the

dwelling unit that houses a home occupation or the site upon which it is conducted that

will make the dwelling appear less residential in nature or function. Examples of such

prohibited alterations include construction of parking lots, paving of required setbacks,

adding additional entrances to the dwelling unit or adding signs or commercial-like

exterior lighting.

Operational Impacts

No home occupation or equipment used in conjunction with a home occupation may

cause odor, vibration, noise, electrical interference or fluctuation in voltage that is

perceptible beyond the lot line of the lot upon which the home occupation is conducted.

No hazardous substances may be used or stored in conjunction with a home

occupation.

Trucks

No truck or van with a payload rating of more than 1½ ton may be regularly parked at

the site of a home occupation with the exception of equipment so parked at the adoption

of this ordinance.

Deliveries

Deliveries or pick-ups of supplies or products associated with home occupations are

allowed only between 8 a.m. and 8 p.m.

**Signs**

**General Provisions**

Purpose

This article provides comprehensive regulations for signage in Town of Gray Court

designed to promote public safety and welfare by reducing visual clutter along

highways, facilitating the efficient transfer of information, and thus enhancing

traffic flow and the ability to locate needed goods and services.

**Administration and Enforcement**

Non-Commercial Copy

Any sign authorized in this section is allowed to contain noncommercial copy in

lieu of any other copy. Noncommercial on-premise signs are permitted in any

zoning district provided that such signs comply with the regulations of that

district.

Building and Electrical Code Standards

All permanent signs must meet the structural and installation standards of the

Standard Building Code and electrical standards of the National Electrical Code

as enforced by the Town of Gray Court or their contractor.

Permit Required

No signs, except real estate signs shall be erected unless a sign permit has been

issued by the Zoning Administrator.

Fees

An applicant for a sign permit shall pay such fees as determined necessary for

application processing. These fees are due upon submission of an application

and shall be determined by Town Council.

Documentation of Signs

Upon Request, the owner of any existing sign shall provide the Town of Gray Court

Zoning Administrator with evidence that documents the size, location and date of

construction of all existing signs on the premises.

Prohibited Signs

The following signs shall be prohibited:

1. Flashing Sign/Lighted Sign

2. Pennants, Streamers, and other Moving Devices

3. Signs Imitating Traffic Devices (Signal)

4. Signs Imitating Traffic Signs

5. Signs attached to, painted on, or built into vehicles or other machinery

6. Signs in Right-of-Way

7. Snipe Signs, or any sign or advertising device attached to or painted on a fence, power or telephone pole, tree, stone, or any natural object

8. Vehicle Sign

9. Roof sign

Signs Allowed in the B1 and I Districts

In the B1 and I districts, the following signs, and no others, requiring permits shall be permitted:

1. Signs mounted flat against or painted on the front surface of a building wall. The total area of all such signs shall not exceed 20% of the front surface area of the building.
2. Signs mounted flat against or painted on the rear or side surface of a building. The total area of all such signs shall not exceed 15% of the rear or side surface area of the building.
3. One projecting sign and/or awning sign(s) for each business on the premises, not to exceed 12 square feet.
4. One free-standing business identification sign may be permitted per street for each lot or parcel; provided such sign shall not exceed one foot in sigh area for each two feet of road or street frontage, and maximum sign area shall not exceed 200 square feet. Further provided that such sign shall be located no closer than five feet from any street right-of-way line and no closer than 10 feet from any other property line, shall not exceed 20 feet in height, and shall in no way interfere with vehicular or pedestrian traffic movement.
5. Signs may be illuminated; provided such illumination shall be shielded so that no direct light will shine on abutting residential property or in normal line of pedestrian or vehicular traffic.
6. Pennants, flags, portable signs, fluttering devices and similar exhibits to announce grand openings and mark special occasions, provided such exhibits and signs are removed within 30 days of the occasion, further provided that not more than one extension of 30 days may be granted on request, and no exhibit shall be re-permitted within 12 months of the time or a similar display is removed from the premises.

House Numbers

All permanent, free-standing, on-premise signs shall contain house numbers

containing number at least four (4”) inches in height. The area devoted to

required house numbers shall not be included in the calculation of maximum sign

area.

Signs In Disrepair

Signs in disrepair shall be repaired, renovated, or removed from the premises

within sixty (60) days following notice by the Zoning Administrator.

Abandoned Signs

Signs advertising a person, business, service, event or other activity that is no

longer available or other signs that contain inaccurate or outdated information

shall be considered abandoned. Remedial action shall be taken within thirty (30)

days after a sign becomes abandoned. If no remedial action is taken, the

Zoning Administrator shall give notice to the owner of record who shall have thirty

(30) days to take remedial action prior to any further enforcement action being

pursued. This provision shall apply to all abandoned signs, including those

abandoned before adoption of this ordinance.

Signs Interfering with Vehicular Vision

1. In the area near the entrance of a driveway, no sign shall obscure the

travel vision from three (3’) to ten (10’) feet above ground level in

triangular areas formed by measuring from the point of intersection of any

front lot line and driveway, a distance of fifteen (15’) feet along the front lot

line and driveway and connecting the points to form a triangle.

2. No sign or structure shall be erected so as to interfere with the vision of

vehicles operated along any highway, street, road or driveway, or at any

intersection of any street, highway or road with a railroad track. Signs

determined by the Zoning Administrator to be in violation shall be removed or

relocated immediately upon notice.

Duration

1. Non-Commercial temporary signs shall be allowed for a maximum of thirty

(30) days per event.

2. Commercial signs temporary shall be allowed for a maximum of thirty (30)

days, starting with the opening of a business.

Real Estate Signs

1. Maximum size, number and height of real estate signs shall conform with

this Ordinance.

2. Signs shall face a maximum of 2 directions, and may be mounted

back-to-back or V’ed.

3. Where signs are V’ed, the space between panels shall not exceed three

(3’) feet at the point at which panels are closest, and the interior angle

formed by signs shall not exceed 60 degrees. For purposes of these

requirements, V’ed signs shall be counted as 1 sign.

4. Where signs face two (2) directions, whether back-to-back or V’ed, both

signs must be the same standard size.

Flags used as Signs

1. A permit shall be required for the installation of all flag poles or flag display

devices erected on lots zoned for multi-family, office, commercial, or

industrial use or occupied by a multi-family, office, commercial, or

industrial use.

2. Applicants must submit with the permit application a scaled site plan

giving the location of all flag poles and complete dimensional and

installation engineering data.

3. Applicants must provide documentation of minimum clearance from

electric, telephone or cable TV lines as certified by the proper utility prior

to issuance of permit, or installation.

4. Maximum size and number of flags used as signs, and height of flag poles

shall conform with this Ordinance.

5. The American flag and the flag of the State of South Carolina are exempt

from the provisions for maximum size of flags and maximum size of

flagpoles in this Ordinance, and no permit shall be required for flags or flagpoles.

**LANDSCAPING AND BUFFER YARDS**

**Intent**

 It is the intent of this ordinance to preserve as many existing trees as practical when development occurs, and to provide a landscaped environment which will minimize the unbroken expanse of parking lots and to provide for the visual separation of different types of land uses on adjacent properties and from public thoroughfares .

**Applicability**

 All commercial, industrial, public, semi-public, residential land developments and other uses required by the Zoning Ordinance, Land Development Regulations, Manufactured Home Park Ordinance, or other Town of Gray Court Ordinances to implement landscaping plans and/or buffer yards must establish landscaping in accordance with these provisions of the Zoning Ordinance. All reviewing and approving authorities are expected to apply these requirements in such a way that takes into account existing vegetation, clearing and grading required to implement development plans, unique lot shapes and other conditions which may be unique to each project. Alternative landscaping design solutions may be applied where physical site features inhibit compliance with the requirements of this section or when a unique design achieves the spirit and intent of this ordinance.

**Section 12.3 Tree and Root Protection**

Tree and root protection fencing requirements. During development of the property, the owner shall be responsible for the erection of any and all tree and root protection fencing necessary to protect any existing or installed vegetation from damage both during and after construction. All significant vegetation, native ornamental species and perimeter landscaping that are to be preserved during development shall be protected with a sturdy and visible fence before clearing and grading begins. The existing site conditions will be considered by both applicant and staff in determining the exact location of any tree protection fencing. Generally, the location should be as far as possible from the vegetation in order to preserve soil and root structure. The location of tree protection fencing and method of construction shall be noted on the landscape plan. Tree protection fencing shall remain in place and in good condition until all development activities are completed. The tree protection fence shall be located no less than one (1) foot from the tree trunk for each one (1) inch in tree diameter for specimen trees, significant vegetation, or from the trunkline of any forest canopy stand to be preserved, with a minimum distance of 10 feet required from the edge of the trunk. Tree protection fencing for forest canopy stands are to be located no less than one (1) foot from the tree trunk for each one (1) inch in tree diameter of the trunk line trees identified up to ten feet. Tree protection fencing shall be constructed from any material substantial enough to protect the roots, trunk, and crown of the tree, such as 2"x4" wood posts and 1"x4" wood rails, silt fencing or orange safety fencing a minimum of 4 ft in height on metal or wood posts.

No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, storage of heavy equipment is allowed in the tree and root protection area(s), or within the drip line of trees to be retained.

An existing healthy tree greater than eight (8) inches in DBH (diameter breast high), as defined by the diameter of the tree at four and one-half feet from the ground, is a valuable natural resource by virtue of age, size, and contribution to the environment. Such trees should be preserved and protected to the extent practical and feasible on all building lots. All such trees shall be shown on a required development plan. A minimum of fifty (50%) percent of eight (8) inch trees DBH outside of the building and other site development structures (accessory buildings, walkways, driveways, parking lots, etc.) footprint shall be preserved except by variance granted by the Board of Zoning Appeals. The footprint shall be defined as the actual ground surface area to be occupied by the proposed structure except that the principal structure shall be allowed an additional ten-foot perimeter buffer to be included in the footprint. In the event a variance is granted, each tree removed shall be replaced by two (2) trees of at least two (2) inches caliper in another place on the lot.

Timber harvesting is permitted as long as appropriate South Carolina Forestry Commission Best Management Practices (BMPs) - Forest management practices, developed pursuant to federal water quality legislation, to minimize or prevent non-point source water pollution - are followed. Clear cutting - the total removal of a merchantable tree crop from an area- of trees is not permitted in any zoning district within the Town limits. Not withstanding any other applicable BPM’s, all timber harvesting operations shall be conducted in a manner in which the equivalent of a Type E, Street Protective Yard, is retained to buffer all public right of ways.

**General Provisions**

 1.Location. The perimeter landscaping required by this Chapter shall be located

along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line. Plants comprising the perimeter landscape shall be appropriately spread across the entire width of the landscape area.

2.Existing vegetation, fences, walls, and berms. The use of existing trees or shrubs to satisfy the perimeter landscaping requirements of this Section is strongly encouraged. Existing significant vegetation within the required perimeter landscaped area shall be preserved and credited toward standards for the type of perimeter landscaping required, unless otherwise approved by the Town of Gray Court at the time of site plan approval. Existing berms, walls, or fences within the perimeter landscaped area but not including chain link fencing, may be used to fulfill the standards for the type of perimeter landscaping required, provided that these elements are healthy and/or in a condition of good repair. Other existing site features within the required perimeter landscaped area which do not otherwise function to meet the standards for the required perimeter landscaping shall be screened from the view of other properties or removed, as determined during review and approval of the site plan.

3. Installation of new vegetation and other features. If existing significant vegetation and other site features do not fully meet the standards for the type of landscaping required, then additional vegetation and/or site features (including fences and/or walls) shall be planted or installed within the required landscaping area. The use of native species of trees, shrubs, vines, groundcovers and perennials is encouraged in order to make planted areas compatible with existing native habitats.

4. Standards for new planting. All shrubs required to be planted shall be measured at least three (3) gallons in container size and one and one-half (1 ½) feet (3 feet for Type A Screen/Buffers)above ground level and shall reach the height required for performance within five (5) years after installation. All treesnecessary to be planted to meet the requirements *of* this chapter shall be at least eight (8) feet high above ground level and at least two (2) inches in caliper at the time of installation, and shall have an expected mature height of at least 40' for shade (canopy) trees and 15' for small-maturing trees*.* The selection of plants, planting methods, minimum height, root ball and container size, number of branches, and width, shall conform to the American Standard for Nursery Stock published by the American Association of Nurserymen for that type of tree or shrub at the time of installation. Groves of trees, as well as isolated islands with single trees, are encouraged. Adequate drainage and mulching shall be provided for planting medians and islands. Each canopy tree shall be provided with a minimum pervious ground area of eight (8) feet by eight (8) feetand should be planted on slopes not to exceed 4:1 horizontal to vertical distance.

5. Grading and development within the perimeter landscaping. If grading within a perimeter landscaped area is proposed, slopes of 3:1 or less are encouraged to ensure the proper transition of grades to the adjacent property and to facilitate landscaping. The required perimeter landscaping shall not contain vehicular parking areas, storage, utility surface, display, loading surface areas, or any other site features that do not function to meet these standards.

6. Easements. No vegetative screening or fencing required in this section shall be planted inside utility and drainage easements, excluding overhead easements, without the consent of the zoning administrator and the easement holder. If plantings or fences inside utility or drainage easement areas are allowed, these planting and fences shall be maintained in accordance with the terms of consent and any applicable maintenance provisions of this ordinance. Any tree planted within the right of way of overhead utility lines shall be a small-maturing tree of a mature height of no greater than fifteen (15) feet.

7. Responsibility for installation. Where a vacant parcel is being developed adjacent to another vacant parcel, then the developer or owner of the first parcel to be developed shall provide the perimeter landscaping required adjacent to the vacant land. Where a vacant parcel is being developed adjacent to an existing land use, then the developer or owner of the vacant parcel shall provide the perimeter landscaping required adjacent to the existing land use.

8. Zoning change. If the zoning district classification changes for an existing use or parcel, then the parcel shall comply with the applicable landscaping requirements of this Chapter or, at a minimum, the intent of this Chapter as prescribed by the Zoning Administrator. The owner or developer may need to install additional plant material on the parcel in order to meet the intent of this Chapter, especially on developed sites, or to bring the parcel up to the standards for the type of perimeter landscaping which would be required under this Chapter~~.~~

9. Standards for fences. Fences are permitted only where they are of uniform design, materials and construction. Fences shall supplement the existing and/or required plantings. Fences shall be maintained by the owner. The use of chain link fences in the front yard of commercial buildings or structures is prohibited. The use of chain link fences as buffer yard screening is prohibited.

10. Design standards for berms. All berms shall not exceed a slope with maximum rise of 1 ft to a run of 2 ft (expressed as a 1:2 ratio or 50% slope) and a maximum height of four feet. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.

11. Irrigation. The use of irrigation is encouraged in all landscaping areas as required by this Chapter.Drip irrigation of ornamental plantings is encouraged.

12. Unlawful cutting of vegetation. No person may remove any vegetation from within any recorded public streetright-of-way except in areas approved by the Town of Gray Court and/or the SC Department of Transportation.

13. Stream and wetland buffers. Land-disturbing activities for construction in, on, or under a lake or natural watercourse shall be planned and conducted to minimize the extent and duration of disturbance of the stream channel or lake bed. Where relocation of a stream is an essential part of the proposed activity, the relocation shall be planned and executed to minimize changes in the stream flow characteristics, except where the developer or landowner demonstrates that the significant alteration of the flow characteristics is justified.

(a) An undisturbed, natural buffer shall be maintained along each perennial stream within the Town’s jurisdiction. The minimum buffer width shall be 20 feet from each side of the stream as measured from the top of the bank

(b) No land-disturbing activities shall take place within a stream buffer or delineated wetland area, except for required streets and associated facilities, utility mains and easements, and/or greenways and pedestrian paths. Roads and golf courses may cross a buffer, provided they do not cross at an angle of less than 60 degrees.

(c) Streams, wetlands, and required buffers shall be shown on all site plans submitted for approval and recording~~.~~

14.All required landscaping must be located outside of the recorded public street right of ways.

**Types of Landscaping and Buffering**

 The five types of landscaping are defined as follows, and shall meet the following performance requirements:

 TYPE A (Opaque Screen/Buffer)

Type A buffer yards function as an opaque screen from the ground to a height of at least eight (8) feet. This type excludes visual contact between uses and creates a strong impression of spatial separation

Location and Required Usage:

 **Buffer yard between Business and Industrial** **Districts and Residentially zoned districts and districts with residential uses**

 Minimum width: 30 ft

 **Buffer yard between Industrial districts and Business districts**

 Minimum width: 20 ft.

 **Buffer yard between Business, and Residentially zoned districts**

 Minimum width: 15 ft.

 **Edge of all yards abutting right-of-way**

 Minimum width: 25 ft.

Composition of the Type A landscaping may include a wall, wood fence, landscaped earthen berm, planted vegetation, existing vegetation, or any appropriate combination of these elements.

Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 15 feet and have no unobstructed openings wider than ten (10) feet between tree canopies upon maturity.

Shrub plantings shall have a minimum height of three (3)feet at installation and have no unobstructed openings wider than four (4) feet.

At least 50% of the required trees, and at least 75% of the required shrubs, shall be evergreen species locally adapted to the area. The requirement for the edge of all yards abutting the \_\_\_\_\_\_\_\_\_\_ right-of-way shall be that 100% of required trees and shrubs shall be evergreen species locally adapted to the area.

 This section does not preclude common walls between buildings on adjacent lots*.*

 **Special buffer yard between Industrial lots and residentially zoned districts.**

 A buffer yard of at least two hundred (200) feet in width shall be maintained adjacent to any residential zoning district line. The first 20 feet from the residential zoning district line shall be densely planted with evergreens which will reach a height of not less than twenty (20**)** feet at maturity to create an opaque screen. The remaining 180 feet of the buffer yard shall be left in its natural growth. Planting requirements for these 180 feet shall consist of intermittent planting of deciduous and evergreen trees which shall obtain a height at maturity of no less than 40 feet and have no unobstructed openings wider than 20 feet between canopies upon maturity. If the pre-existing wooded conditions do not meet intermittent planting requirements, supplemental planting of additional trees shall be required.

B. TYPE B (Semi-Opaque Screen)

1. Purpose and Definition

Type B buffers function as a semi-opaque screen from the ground to at least a height of four (4) feet for screening of car lights and glare.

2. Location and Required Usage:

**Transition yard between commercially zoned lots or between industrially zoned lots** - Minimum width 10 ft.

Composition of the Type B landscaping may include a wall, fence, planted vegetation, existing vegetation, or any appropriate combination of these elements.

Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 15 feet and have no unobstructed openings wider than 20 feet between canopies upon maturity.

Shrubbery shall be planted between the tree spaces. Shrub plantings shall have no unobstructed openings wider than four (4) feet and shall obtain a height at maturity of no less than. four (4) feet.

At least 75 % of the required shrubs shall be evergreen species locally adapted to the area.

This section does not preclude common walls between buildings on adjacent lots.

C. TYPE C Commercial, Industrial, and Apartment Complex off-street Parking

Areas

1. PURPOSE AND DEFINITION

Type C buffers function to create an opaque screen between the site parking areas and public streets and to serve as visually aesthetic transitions to separate the parking areas from public thoroughfares. Interior plantings break up parking areas from large monotonous expanses of pavement into smaller lots.

**1.)****Interior Plantings**

LOCATION & REQUIRED USAGE:

a. Large parking areas with an unbroken expanse of pavement shall be avoided to the extent practicable by breaking the lot into small sections with internal planting areas (landscape islands) that feature trees planted in grass or other ornamental landscaping. Parking areas shall be designed as a series of smaller lots that provide parking space for no more than thirty (30) automobiles for double-sided parking and fifteen (15) automobiles for single-sided parking. These smaller parking lots shall be separated by landscape islands which shall be designed in consideration of automobile overhang so as to avoid damage to plantings.

b. Canopy (shade) trees, evergreen or deciduous trees of a species with an expected mature height of over forty (40) feet and an expected crown spread of over thirty (30) feet, shall be planted, or existing trees utilized such that no off-street parking space may be located more than sixty (60) feet from the trunk of a large canopy tree.

c. No tree may be planted closer than three and one-half (3 ½) feet to the back of a curb or the paved portion of the parking lot.

**2.) Screening for parking areas located adjacent to a public street**

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LOCATION AND REQUIRED USAGE

a Screening shall be no less than three (3) feet and no more than four (4) feet high

 b Screening can be composed of:

1) Masonry walls - Plain concrete block must be rendered with decorative facing such as stucco, brick veneer, etc.

 c) Wood fences - stockade fences and unpainted fences not allowed

d) Landscaped berms - berms may incorporate street protective yard (Type E) trees.

d) landscape islands at least five (5) feet in width planted with shrubbery with no unobscured openings between shrub plantings or street protective yard (Type E) trees. Shrubs shall be evergreen species locally adapted to the area. Landscape islands and berms shall be designed in consideration of automobile overhang so as to avoid damage to plantings.

 e) Parking area screening is required in conjunction with type E street protection yard landscaping

D. TYPE D (Service Areas)

 1. PURPOSE AND DEFINITION

This type functions as at least a seventy-five (75%) percent opaque screen from the ground to at least one: foot higher than the item being screened (including but not limited to garbage collection sites, exposed non-power utility fixtures, power utility substations, and exposed metal cabinets over five feet in height).

However:

(a) The screening shall not be less than six (6) feet in height.

(b) Composition of the Type D landscaping may include a wall, fence, planted vegetation, existing vegetation, or any appropriate combination of the elements

(c) Shrub plantings shall have no unobstructed openings wider than four (4) feet.

(d) Large trees shall be placed no more than twelve (12) feet apart

(e)At least 75 % of the required shrubs shall be evergreen species locally adapted to the area.

 2. LOCATION AND REQUIRED USAGE

**The perimeter of services areas**.

 Minimum width: 3 feet unless wall or fence is used

This type functions as at least a seventy-five (75%) percent opaque screen from the ground to at least one foot higher than the item being screened (including but not limited to garbage collection sites, exposed non-power utility fixtures, power utility substations, and exposed metal cabinets over five feet in height). However:

(a) The screening shall not be less than six (6) feet in height.

(b) Composition of the Type D landscaping may include a wall, fence, planted vegetation, existing vegetation, or any appropriate combination of the elements

(c) Shrub plantings shall have no unobstructed openings wider than four (4) feet.

(d) Large trees shall be placed no more than twelve (12) feet apart

(e) At least 75 % of the required shrubs shall be evergreen species locally adapted to the area.

TYPE E (Street Protective Yard)

PURPOSE AND DEFINITION. A street protective yard is a landscaped area located parallel and adjacent to a recorded public street right of way. This area contains plantings of trees and other vegetation designed to provide more pleasing views along streets, reduce the amount of impervious surface and thereby reduce storm water run-off, provide shade, and preserve a remnant of Gray Court’s natural vegetative cover.

REQUIRED USAGE AND LOCATION

All residential, commercial, and industrial developments requiring landscaping under section 101 must conform with the street protective yard requirements of this Ordinance.

Street protective yards shall be located on private property and not within any street right of way. Portions of the property needed for driveways and/ or curb cuts are exempted from street protective yard requirements. No vehicular parking areas, storage, utility surface, display, or loading surface areas shall be permitted in this yard. Pedestrian walkways connecting the site structures to sidewalks and/or streets and walls and fences may be located in the street protective yard.

REQUIREMENTS

1.) Tree quantity and spacing. Each street protective yard shall contain at least one Canopy (shade) tree, an evergreen or deciduous tree of a species with an expected mature height of over forty (40) feet and an expected crown spread of over thirty (30) feet, for approximately every forty (40) linear feet of street protective yard or fracture thereof as measured along the property line abutting the right of way. Trees need not be evenly spaced every forty (40) feet but must average one tree per forty (40) linear feet of frontage (excluding access). No street protective yard shall contain less than one (1) shade tree. In street protective yards shrubs, groundcover, small-maturing trees, and/or turf shall cover at least seventy-five (75) percent of the street yard area not used for shade trees, driveways, walkways, and walls and fences (See special requirements for street protective yards for commercial off-street parking areas adjacent to public streets).

2.) Width of street protective yards

 a. No street protective yard shall be less than five (5) feet wide as measured from the recorded public right of way abutting the property.

 b. Lots smaller than two acres or with a lot depth of less than 200 feet from the right of way. The average street protective yard width shall be at least ten (10) feet and shall have a minimum width of five (5) feet.

 c. Lots greater than two acres but less than five acres or with a lot depth of less than 400 feet from the right of way. The average street protective yard width shall be at least fifteen (15) feet and shall have a minimum width of ten (10) feet.

d. Lots greater than five acres. The average street protective yard width shall be at least twenty (20) feet and shall have a minimum width of fifteen (15) feet.

e. Any street protective yards requirements within Planned Development Districts (PDD) shall be specified in the individual PDD plan.

Type E screening requirements do not preclude zero set-back buildings if otherwise permissible under the provisions of this ordinance.

3 Special requirements for street protective yards for commercial and industrial off-street parking areas adjacent to public streets:

 a. Minimum width requirement is five (5) feet regardless of lot size

 b. Type C2 screening shall to be located within the street protective yard and contiguous to the recorded public right of way.

**TIMES FOR INSTALLATION OF REQUIRED LANDSCAPING**

1. Time limit*.* All landscaping, including mulching and seeding shall be completed in accordance with the approved site plan prior to issuance of a Certificate of Occupancy for the site.

2. Extensions and exceptions. The Town of Gray Court may grant exceptions and extensions to the above time limit under the following conditions:

a) Extensions may be granted due to unusual environmental conditions, such as drought, ice, over-saturated soil (deep mud), or inappropriate planting, provided that the developer or property owner provides the Town with a surety bond ensuring the installation of the remaining landscape materials.

b) Exceptions may be granted due to the substitution or unavailability of plant species or acceptable plant size as specified on the site plan, provided that the developer or property owner provides the Town with a bond to ensure that the unavailable plants will be installed on the property.

c) Exceptions may be granted due to circumstances beyond the developer's or property owner's control, such as incomplete construction or utility work to occur in a proposed landscaped area within 30 days after expected site completion. Exceptions may be granted provided that the developer or property owner submits a letter from the utility company to the Town stating the estimated installation date, and provides a cash bond to ensure installation of the required landscaping.

3. Bonds. Any bond posted as surety for exceptions bond shall be accompanied by documentation of the estimated cost of the remaining landscaping to be completed. This documentation may be a landscaping contractor's bid or contract, a nurseryman's bill, or a similar document. The amount of the bond shall be one and one-forth (1 1/4) times the cost of the plant material yet to be installed, based on the highest estimate received. Town Council may authorize the release of a portion of any security posted as the improvements are completed and approved by the Town of Gray Court. Such funds shall be released within ten (10) days after the corresponding improvements have been approved.

4. Inspections. A permanent Certificate of Occupancy for the development shall not be issued unless the landscaping required under this Chapter is installed in accordance with these standards and in accordance with the approved site plan or subdivision plat

**MAINTENANCE RESPONSIBILITY AND REPLACEMENT OF DAMAGED VEGETATION**

 Maintenance responsibility. The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all plantings and physical features required by this ordinance in a healthy, growing condition, for replacing them when necessary, and for keeping the area free of refuse and debris. All plant materials should be allowed to reach their mature size and maintained at their mature size. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe pruning, shall be replaced with locally-adapted vegetation which conforms to the standards of this Section and to the approved site or subdivision plan. In the event that any vegetation or physical element functioning to meet the standards of this ordinance is severely damaged due to an unusual weather occurrence or natural catastrophe, the owner shall have one growing season to replace or replant after reconstruction is complete. All required landscaped areas shall be free of refuse and debris in accordance with the site or subdivision plan approved by Town of Gray Court, and shall be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.

Failure to establish or maintain any landscaped area shown on an approved site shall constitute a violation of this zoning ordinance.

 This Section shall not apply to fully vegetated natural areas, except where the property owner has

damaged or destroyed vegetation in a required landscaped area, or caused vegetation to be damaged

 or destroyed. In no instance will the Town of Gray Court be responsible for the maintenance of any

 vegetation unless such vegetation is located within the public right of way of a Town maintained

 street or is located on property owned by the Town of Gray Court.

**NONCONFORMING LANDSCAPING AND SCREENING**

1.If there is a change of use or an expansion to the heated square footage of 25% or greater to an existing business the lot shall fully comply with all street protective yard landscaping, and loading and storage area screening requirements.

2. Expansions to the parking area or loading areas which increase the total area more than *25%* shall be required to comply with all applicable parking and loading area landscaping and screening.

**VIOLATIONS**

Failure to comply with these landscaping provisions of the Zoning Ordinance shall constitute a violation of the Zoning Ordinance and is subject to the provisions of the Violations section under the Administration article of this ordinance.

Tree Protection and Preservation

**General**

Findings

Trees are an essential natural resource, an invaluable economic resource, and a

priceless aesthetic resource. Trees play a critical role in purifying air and water,

providing wildlife habitat, and enhancing natural drainage of storm water and

sediment control. They also help conserve energy by providing shade and shield

against noise and glare. Trees promote commerce and tourism by buffering

different land uses and beautifying the landscape.

Purpose

The Tree Protection and Preservation regulations of this article are intended to

enhance the health, safety and welfare of the Gray Court citizens.

Applicability and Exemptions

1. Applicability

The provisions of this article in their entirety shall apply to commercial or industrial

zoned property in Gray Court, except as otherwise expressly exempt.

2. The provisions of this article in their entirety shall apply to all Grand Trees

and any reference to tree or trees in this article.

3. Definition of Protected Trees.

A. All Oak species of trees 8” or greater DBH on commercial or industrial parcels located within the Town of Gray Court shall be protected.

B. All other species shall be protected as Grand Trees (trees 18”

or greater DBH).

These trees are subject to protections, removal, mitigation, and violations

section of the tree ordinance.

4. Exemptions

A. This article shall not restrict public utilities and electric suppliers

from maintaining safe clearance around existing utility lines, and

existing easements in accordance with applicable state laws. Siting

and construction of future gas, telephone, communications,

electrical line or other easements shall not be exempt from the

provisions of this article.

B. All pine species shall be exempt from tree protection and

preservation.

Definition of Tree Removal

For the purpose of this article, the term “tree removal” shall include, but not be

limited to damage inflicted to the root system by machinery, girdling, storage of

materials and soil compaction, changing the natural grade above or below the

root system or around the trunk; damage inflicted on the tree permitting fungus

infection or pest infestation; excessive pruning; excessive thinning; paving with

concrete, asphalt or other impervious material within such proximity as to be

harmful to the tree; or any act of malicious damage to a tree. Excessive pruning

or thinning shall be pruning or thinning that exceeds more than twenty-five (25%)

percent of the leaf surface on both the lateral branch and the overall foliage of a

mature tree that is pruned within a growing season. Additionally, one-half of the

foliage of a mature tree is to remain evenly distributed in the lower two thirds of

the crown and individual limbs upon completion of any pruning.

Measurements

*Diameter Breast Height* - Diameter Breast Height is used for measuring all trees

greater than 18” caliper. The Diameter Breast Height (DBH) of a tree is the total

diameter, in inches, of a tree trunk or trunks measured four and one-half (4½’)

feet above existing grade (at the base of the tree). In measuring DBH, the

circumference of the tree shall be measured with a standard diameter tape, and

the circumference shall be divided by 3.14. If a tree trunk splits at ground level

and do not share a common base, then each trunk shall be measured as a

separate tree. If a multi-trunk tree splits below the 4.5 foot mark, all trunks shall

be measured separately and count as one tree.

**Administration**

Zoning Permit Required

Tree Removal:

Removal of grand trees is prohibited prior to the issuance of a Zoning

Permit by the Zoning Administrator. Zoning Permits will be issued only after a

tree plan is approved by the Zoning Administrator, as outlined below.

**Tree Plans and Surveys**

General

Tree plans of the same scale as, and superimposed on a development site plan

or preliminary plat shall include location, number, size (DBH or caliper), and

species with a scaled graphic representation of each Grand Tree, canopy size

and shape, and the trunk location. All tree surveys shall include the name,

address, signature, and seal of a licensed surveyor, landscape architect, or civil

engineer registered in the State of South Carolina. The survey shall include

grand trees including dead and damaged trees. The licensed professional shall

be responsible for the accuracy of information provided shall be included on the

tree survey.

Other Required Surveys

A plan outlining the manner in which trees are to be protected during

development (tree barricades, fencing, etc.)

Inspections and Final Approval

The Zoning Administrator shall periodically visit development sites prior to

completion to monitor compliance with the tree barricade plan approved for a

project.

Emergency Provisions

In the event that a tree poses a serious and imminent threat to public safety due

to death, disease or damage resulting from emergencies including, but not

limited to fires, flooding, storms, natural disasters, negligence, the Planning

Director may waive requirements of this article. Written findings must later be

issued, outlining the threat to public safety which initiated the removal. The

Zoning Administrator may require replacement of trees that are removed where it is

determined that death or disease resulted from negligence.

Variances

See Grand Tree Removal

**Required Tree Protection**

General

Grand Trees are prohibited from removal and are to be protected per this

Chapter during development and construction, unless specifically permitted to be

removed by this Chapter.

Pre-Construction Planning Conference

Prior to commencement of development activities, a pre-construction planning

conference for tree preservation may be required on-site with the Zoning Administrator’s representative, the applicants, and any parties deemed appropriate for

the purpose of determining if there is a need for additional tree protection

techniques and for designating placement of tree barricades, construction

employee parking.

Tree Protection During Development and Construction

Protective barricades shall be placed around all required trees in or near

development areas, as approved by the Zoning Administrator, prior to the start of

development activities. These barricades, constructed of wood or plastic fencing

or other approved materials shall be erected and placed beneath the canopy drip

line or one and five tenths (1.5’) feet times the diameter breast height of the tree.

Other protective devices or construction techniques may be used as approved by

the Zoning Administrator. The barricades shall remain in place until development

activities are complete. The area within the protective barricade shall remain free

of all building materials, dirt, fill, or other construction debris, vehicles, and

development activities.

Partial Exception for Limited Clearing

Limited clearing and grubbing may be authorized by the Zoning Administrator prior to

the installation of protective tree barricades on sites that exhibit unusually heavy

undergrowth where access to the interior of the site and its protected trees would

be otherwise highly impractical. If permitted, this clearing shall be done by hand

with hand tools or gas powered push type or walk behind equipment designed for

brush and undergrowth clearing. Under no circumstances will metal tracked

bulldozers, loaders, or similar rider/operator types of equipment be allowed on

the site until the protective barricades are erected and a zoning permit is issued.

Separation of Trees from Pavement, Grading and Structures

Paved areas shall be separated from trees by a minimum distance of the drip line

or one and five tenths (1.5’) feet times the diameter breast height or as modified

by the Zoning Administrator as deemed necessary to protect the root system of the

tree. Paved areas shall not constitute more than twenty-five (25%) percent of the

protected area beneath a tree. Any paving, grading, trenching, or filling within the

remaining seventy-five (75%) percent of the protected area must be approved by

the Zoning Administrator and may require specific construction techniques be used

in order to preserve the health of the tree. When grading and construction within

the protected area of a tree has been approved, all damaged roots shall be

severed clean and inspected by the Zoning Administrator prior to the receipt of a Zoning Permit.

**Grand Tree Removal**

General

Healthy grand trees may be removed only where approved by the Board of

Zoning Appeals and shall be replaced according to a schedule determined by the

Board. The Zoning Administrator will make recommendations to the Board

concerning the number, species, diameter breast height or caliper, and

placement of such trees. The Board of Zoning Appeals is empowered to require

trees of larger caliper as determined appropriate for site-specific conditions and

the circumstances, lawful or illegal, under which removal occurred.

Permitted Removal

Permits for Grand Tree removal may be approved administratively where trees

are diseased, dead, or dying, and pose and imminent danger to public health and

safety as determined by the Zoning Administrator.

**Violations and Tree Replacement**

General

Where Grand Trees have been removed in violation of this Ordinance or where

removal is necessitated at any time due to acts of negligence, trees shall be

recommended to be replaced in accordance with a replacement schedule

recommended by the Zoning Administrator. The replacement schedule shall

establish the number, species, caliper, and location of replacement trees and at a

minimum shall require:

1. That the combined caliper of replacement trees is equal to or greater than

3 times the caliper of the Grand Tree removed;

2. Individual replacement of trees are of the largest transplantable caliper

available or equal to the loss of diameter breast height inches; and

3. Where Grand Tree removal is necessitated by emergencies as defined in

this article, or death and disease of trees to natural causes, as determined

by the Zoning Administrator, replacement will not be required.

### Telecommunications Towers and Antennae

**Purpose and Intent**

This ordinance is designed to aid in the siting of communications towers in the Town of Gray Court. It is the intent of this ordinance to create regulations that allow for the harmonious co-existence of communications towers and other land uses. It is also the intent of this ordinance to reduce the overall negative impact of communications towers by: (1) reducing the number of towers needed through a policy of encouraging co-location, and (2) if co-locations are not feasible, encouraging either the clustering of towers (“owner farms”), the disguising of towers through alternative designs, or the location of communications equipment on existing tall structures.

**Definitions**

*Antenna.* A device, dish or array used to transmit or receive telecommunication signals.

*Communications tower.* (as used in this section) A tower, pole, or similar structure which supports a telecommunication antenna operated for commercial purposes above ground in a fixed location.

*Height (*of a communications tower). The distance from the base of the tower to the top of the structure.

*Telecommunications.* (as defined in the Federal Telecommunications Act of 1996) The transmission between or among points specified by the user of information of the user’s choosing, without change in the form or content of the information as sent and received.

**Permitted as Conditional Use**

A communication tower and/or antenna may be permitted by the planning director or his/her designee without further review upon determination that all of the applicable conditions in this section are met.

Districts in which conditional uses are permitted; height limitations.

(a) Permitted height; free standing or guyed tower.

Residential: Free-standing tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires special exception.

Business: Free-standing or guyed tower with height not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet requires special exception.

Industrial: Free-standing or guyed tower with height not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires special exception.

Agriculture: Free-standing or guyed tower with height not exceeding 500 feet is a permitted conditional use; height exceeding 500 feet requires special exception.

Performance District or Planned Development District (PER and PDD): Tower with height specified in approved plan is permitted under conditions set forth in plan.

(b) Permitted height above structure.

All districts: Tower and/or antenna mounted on building, water tank or structure other than a free-standing or guyed communications tower must not extend more than 30 feet above the highest part of the structure:

(c) Special exceptions and variances.

(1) All districts except Performance or Planned Development: Free-standing or guyed tower and/or antenna exceeding height limitations may be permitted by the Zoning Board of Appeals as a special exception. See requirements for special exceptions. All districts: Variances from conditions imposed by this section may not be granted by the Zoning Board of Appeals. Variances from other general districts regulations may be granted under standards in S.C. Code 1976 § 6-29-800.

Application requirements.

The application for a conditional use zoning permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file with the planning director or his/her designee an application accompanied by a fee and the following documents, if applicable as determined by the planning director or his/her designee:

**Specifications**. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.

**Site plan**. 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. A site plan is not required if antenna is to be mounted on an approved existing structure.

**Search Ring**. A copy of the tower search ring and search ring for other towers determined appropriate by the planning director or his/her designee.

**Tower location map**. A current map, or update for an existing map on file, showing locations of applicant’s antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the county.

**Antenna capacity; wind load**. A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA-222 (latest revision) standards.

**Antenna owners**. Identification of the owners of all antennae and equipment to be located on the site.

**Owner authorization**. Written authorization from the site owner for the application.

FCC license. Evidence that a valid FCC license for the proposed activity has been issued.

**Visual impact analysis**. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

**Removal agreement**. A written agreement to remove the tower and/or antenna within 180 days after cessation of use. In the event of bankruptcy, it will remain the sole responsibility of the tower’s owner to remove the tower along with all appendages.

Conditions met. Evidence that the applicable conditions in subsection (b) of this section are met.

Additional information: Additional information required by the planning director or his/her designee for determination that all applicable zoning regulations are met.

**Conditions**.

Applicant must show that all applicable conditions are met.

Location, visual impact: The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant’s technical design requirements.

Inability to locate on existing structure: Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant’s technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant. Financial consideration is not an appropriate consideration.

Necessity for location in residential district: Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.

Public property or other private property not suitable: Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant’s technical design requirements.

Design for multiple use: Applicant must show that new tower is designed to accommodate additional antennae equal in number to applicant’s present and future requirements.

Safety codes met: Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.

Paint, illumination: A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations.

Fencing: A six foot non-climbable fence must be placed around the tower and any associated building. Guy wires may be fenced separately.

Distance from existing tower: A permit for a proposed tower site within one mile of an existing tower (regardless of ownership) shall not be issued unless the applicant certified that the existing tower does not meet applicant’s structural specifications and applicant’s technical design requirements, or that a co-location agreement could not be obtained.

Speculation towers are prohibited.

Indemnity, claim resolution: Applicant must show by certification from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the planning director or his/her designee a written indemnification of the county and proof of liability insurance or financial ability to respond to claims up to $1,000,000.00 in aggregate which may arise from operation of the facility during its life, at no cost to the town, in form approved by the town attorney.

Application of zoning regulations: Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign storage and all other general zoning district regulations except setback and height shall apply to the use. Setback and height conditions in this section apply.

For aesthetic and visual consideration, the tower must be located no closer to a residential structure than a distance equal to one and one-half (1 ½) feet for each foot in height of the proposed tower plus fifty (50) feet as measured from the center of the proposed tower. At a minimum, there must be a one-hundred-fifty (150) feet distance between the proposed tower and a residential structure, except structures associated with the tower.

Minimum setbacks: The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower’s fall zone from encroaching onto adjoining properties (the fall zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer’s signature and seal).

Surrounding property owner notification. Within ten (10) days of receipt of a completed application for a communications tower zoning permit.

New uses: New uses are strictly prohibited in corridor overlay, historic overlay and community preservation or residential conservation areas and shall not adversely affect any property, road or waterway which has been officially recognized or designated as scenic within the county. The expansion or replacement of existing towers in a community preservation area shall require a special use permit and are limited to 150 feet in height.

**Appeal to board**

Applicant may appeal to the Zoning Board of Appeals as follows:

Time limit for action by planning director or his/her designee on complete application as determined by the planning director or designee. Failure of the planning director or designee to act on an application which is determined to be complete under this section within 45 days, unless extended by agreement, may be considered by applicant to be a denial of a permit which is subject to appeal to the Zoning Board of Appeals.

Variance. Applicant may appeal to the Zoning Board of Appeals for a variance from general zoning districts regulations and setback requirements in this section, but not from any other conditions in this section. Towers exceeding height limitations may be permitted only by special exception pursuant to Section 123 of this Section.

**Special Exceptions**

A tower, pole or antenna may be permitted by special exception granted by the Zoning Board of Appeals after public hearing and findings of fact based on the following criteria. The Zoning Board of Appeals must find and conclude:

Application; conditions: All application requirements and conditions imposed by this conditional use are met except height limitations and setbacks.

Height limitations: If additional tower height is requested, total tower height will not exceed 150 percent of the maximum height permitted in the district as a conditional use.

Necessity for additional height: Applicant has demonstrated that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the county.

Setback requirements; additional conditions: Setback requirements and such additional conditions are established by the Zoning Board of Appeals as it deems necessary to remove danger to health and safety, and to protect adjacent property.

Denial on substantial evidence: The Telecommunication Act of 1996 requires that a denial of a permit be supported by substantial evidence.

Variance prohibited: The Zoning Board of Appeals may not grant a variance from the standards imposed for a communications tower or antenna in connection with granting a special exception.

**General and Supplemental Regulations**

The regulations set forth in this Article clarify, supplement, or modify the district regulations in this Ordinance.

**Conformity with Regulations Required**

No building, structure, or land shall hereafter be used, and no building, structure, or part thereof shall be erected, reconstructed, converted, enlarged, moved or structurally altered unless in conformity with the regulations set forth in this Ordinance.

**Encroachment; Reduction of Lot Area**

The minimum yards, parking spaces, open spaces, and lot are required by this Ordinance for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereafter provided, nor shall any lot area or lot dimension be reduced below the requirements of these regulations.

**Measurement of Yards Abutting Street Right-of-Way**

Yards, which abut public streets, shall be measured from the abutting street right-of-way line.

**Modifications of Yard Regulations**

Whenever more than one main building is to be located on a lot, the required yards shall be maintained around the group of buildings.

Front Yards – The front yard setback requirements for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within 400 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setbacks, but not less than the average of the setbacks of the aforementioned existing buildings.

Where a lot fronts on two nonintersecting streets, or two intersecting streets forming an angle of 60 degrees or less, front yards shall be provided on both streets.

Side Yards – Where a side yard abuts a street (corner lot), the minimum side yard requirement shall be not less than 50% of the front yard required on the lot lying to the rear of such corner lot when the rear lot faces the side street. If, however, the rear lot faces the opposite street, and in fact constitutes another corner lot, then the side yard setbacks for the district in which the lot is located shall prevail.

**Structures Projecting into Required Yards**

The following structures within the limits set forth may project into the required yards:

1. Buttress, chimney, cornice, and pier, projecting not more than 30 inches into the required front yard and not more than 12 inches into the required side yard
2. Unenclosed steps not extending above the first floor level and not closer than five feet to a property line
3. Retaining wall of any necessary height, but not closer than 18 inches to a street right-of-way
4. A protective hood or overhang over a doorway may extend not more than 3 feet into the required minimum yards

**Exceptions to Height**

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, transmission towers and antennas, utility poles, chimneys, conveyors, flag poles, radio and television towers, masts, antennas, or roof-mounted equipment, provided that water towers and transmission towers and antennas shall be set back from side and rear property lines one foot for each one foot in height.

**Location of Accessory Buildings and Uses in Required Yards**

The following conditions shall govern the location of accessory uses in required yards. Accessory uses located within the buildable area of a lot shall not be subject to such conditions, except that no accessory building on a corner lot shall extend beyond the front yard line of the lot to the rear of such corner lot.

|  |  |
| --- | --- |
| **Accessory Use** | **Conditions** |
| Off-street Parking | May be located in any required yard |
| Signs | May be located in any required yard |
| Accessory Buildings, tennis courts, swimming pools, and other structures | May be located in required rear and side yards only, provided said uses shall be located no closer than 5 feet from the rear property line and three feet from the side property line. Buildings and other structures shall not exceed one story or 15 feet in height, not 600 sq. ft. in gross floor area, and shall occupy no more than 30% of the required yard. |
| Fences and Walls | May be located in all required yards, provided they shall be no closer than 18 inches to a public street right-of-way |
| Satellite dishes, ham radio towers and conventional TV antennas | May be located on roofs and in all required yards, except in residential districts where they shall be confined to rear yards only, provided said uses shall be no closer than 10 feet from the nearest property line. |
| Outdoor lights | May be located in any required yards, provided said lighting shall be shielded or directed away from adjoining residences |
| Kennels and pens | May be located in required rear yards only; provided they are no closer than 20 feet from the nearest residential property line. |

**Nonconforming Uses**

**Existing Nonconforming Use May Be Continued**

Except as otherwise provided, the lawful use of land, buildings or signs existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. Except as herein provided, an existing nonconforming use may not be enlarged, extended, reconstructed, or structurally altered.

**Existing Lots of Record May Be Used**

Where a lot of record at the time of the effective date of this Ordinance has less area than herein required in the district in which it is located, said lot may nevertheless be approved for use by the Zoning Administrator for any use permitted within the district in which it is located, provided that yard requirements are reduced no more than 20%. Where a variance greater than 20% is needed to build on said lot, the matter shall be referred to the Board of Zoning Appeals for a variance.

**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:

1. The total amount of nonconforming space shall not be increased;
2. The proposed development will have less of an adverse impact and will be more compatible with surrounding property than the current or previous nonconforming use.
3. If a change to a permitted use nonconforming only as to dimensional restrictions such as height, density, setbacks, or other dimensional requirements such as off-street parking is proposed the change may be permitted, provided all applicable requirements that can reasonably be complied with will be 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. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this section to construct a building or add to an existing building if additional nonconformities would be created.
4. 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.

**Replacement of Nonconforming Use**

If damaged or destroyed by any cause whatsoever:

1. A building nonconforming only as to height, area, yard, bulk, or off-street parking requirements may be altered, extended, repaired, or replaced provided such alteration, extension, repair, or replacement does not increase the degree of nonconformity in any respect.
2. A building nonconforming as to use may be repaired or reconstructed if the extent of damage is less than 50% of the fair market value immediately prior to the damage; provided that such repair or reconstruction be substantially completed within 12 months of the date of such damage. The provisions of this subsection shall not apply to any bona fide residence. These uses may be re-established regardless of the extent of damage.
3. If the extent of damage exceeds 50% of the fair market value immediately prior to the damage, then all rights of a nonconforming use are terminated, and any restoration, repair, or replacement shall be in conformity with the regulations of the district within which the use is located.

**Extensions of Use Within Existing Nonconforming Building**

The nonconforming use of a building may be hereafter extended throughout those parts of a building which are primarily arranged or designed for such use at the time of the enactment of this Ordinance.

**Discontinuance of Nonconforming Use**

No building or portion thereof use in whole or part for a nonconforming use which remains idle or unused for a continuous period of 120 days, 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

No nonconforming mobile or manufactured home, having been removed for whatever reason for seven consecutive days, shall again occupy the same lot or parcel.

**Intermittent Use**

The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

**Annexation**

All territory, which may hereafter be annexed to the Town of Gray Court, shall be submitted first to the Gray Court Planning Commission for zoning designation. Representatives of the annexed territory may request a zoning classification at the time of annexation, but it must be reviewed by the Commission, which shall submits it recommendation as to the type of zoning to be attached to said territory to Town Council.

The Town Council shall act on the zoning recommendation at the same time it rules on the annexation.

**Visual Clearance at Street Intersections**

In all zoning districts established by this Ordinance, no fence, wall, terrace, building, sign, shrubbery, hedge, planting or other structure or object capable of obstructing driver vision between the height of two and one-half feet and ten feet above finished street level shall be permitted within 15 feet of an intersection. However, structures (poles) or hedges less than two and one-half feet in height, structures less than 12 inches in diameter, and free-standing signs at least 9 feet above ground may be permitted in such visual clearance areas.

**Erosion and Sediment Control**

No development shall be undertaken that directly or indirectly increases the erosion of land or its potential for erosion. SCDHEC and the Zoning Administrator will provide guidance and oversight for the erosion and sediment control process.

1. Existing Uncovered Areas – All uncovered areas not actively being developed on the effective date of this Ordinance, which resulted from previous land disturbing development activities, and which exceed one contiguous acre, and are causing off-site visual evidence of erosion or sedimentation, shall be provided with a ground cover or other protective measures sufficient to restrain accelerated erosion and control off-site sedimentation.
2. Erosion Control During Construction – The developer shall take all reasonable measures to reduce soil loss and contain sediment during construction. Exposed soil shall be stabilized. An erosion and sediment control plan shall be submitted, reviewed and approved prior to construction by SCDHEC and the Zoning Administrator.
3. Ground Cover Requirements Near Water Bodies – To help retain sediment generated by land disturbing development activities within the boundaries of the development tract, the developer shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion immediately following completion of such development.
4. Construction Buffer Zones – No land disturbing activity except recreational uses with grasses and other vegetation shall be permitted in proximity to a water body unless a vegetated strip is provided along the margin of the water course of sufficient width to prevent sediment from leaving the site and entering the water course. The strip shall be inspected for approval by the Zoning Administrator.
5. Graded Slopes and Fills – The angle for graded slopes and fills on sites meeting the requirements of this section shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed shall be stabilized sufficiently to restrain erosion.

**Ordinance Administration and Enforcement**

**Responsibility**

The responsibility for the enforcement of this Ordinance is delegated to the

Gray Court Zoning Administrator appointed by the Town Council. The Zoning Administrator shall notify in writing the person responsible for such

violations, setting forth the nature of the violation and the action necessary to

correct it.

**Notice**

If the Gray Court Zoning Administrator may find that any of the provisions of

this Ordinance are being or have been violated, the Zoning Administrator

shall notify in writing the person responsible for such violation, setting forth the

nature of the violation and the action necessary to correct it.

**Complaints**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred,

any person may file a signed written complaint with the Gray Court Town Council.

Such complaint shall state fully the causes and basis thereof.

The Gray Court Zoning Administrator shall properly record such complaint,

immediately investigate to determine the validity of the charge, and take

whatever action is determined by the Gray Court Planning Commission to be

necessary to assure compliance with this Ordinance.

**Authority**

The Gray Court Zoning Administrator shall have the authority to enter upon

the premises subject to this Ordinance for the purpose of enforcing the provisions

of this Ordinance.

**Remedies and Enforcement Powers**

On behalf of the Town, the Gray Court Zoning Administrator may take any one (1) or

more of the following actions as a remedy for any violation of this Ordinance:

• withholding any approvals or permits required by this Ordinance or order

other officials to withhold such approvals or permits;

• issuing stop orders against any work undertaken by an entity not having a

proper approval or permit required by this Ordinance;

• issuing stop orders against any actions in violation of this Ordinance;

• bringing an action for an injunction (or, in appropriate cases, for

mandamus) to prevent the violation and/or to prevent the occupancy or

use of any site or structure involved in the violation;

• bringing an action for injunction or mandamus to abate a violation;

• issuing and personally serving on the violator an ordinance summons for

violations observed first-hand; or

• pursuing prosecution of a violation of this Ordinance as a misdemeanor.

1. No activity regulated by this Ordinance shall be undertaken except in full

compliance with the express provisions of this Ordinance.

2. No activity that is the subject of any permit or approval issued pursuant to

the provisions of this Ordinance shall be undertaken except in full compliance with the

subject permit or approval, including any attached conditions.

3. The commencement or continuation of any activity regulated by this

Ordinance that is not in compliance with the express provisions of this Ordinance, or

that is not in compliance with the express provisions of any permit or approval, including

any attached conditions, shall be violation of this Ordinance, and subject to enforcement

under the terms of this chapter and South Carolina law.

**Violations**

All of the following constitute violations of this Ordinance:

• to use or attempt to use land or a building in any way not consistent with

the requirements of this Ordinance;

• to erect or attempt to erect a building or other structure in any way not

consistent with the requirements of this Ordinance;

• to engage or attempt to engage in the development or subdivision of land

in any way not consistent with the requirements of this Ordinance;

• to transfer title to any lots or parts of a development unless the subdivision

has received all approvals required under this Ordinance and an approved

plan or plat, if required, has been filed with the Gray Court Planning

Commission;

• to submit for recording with a Town office any subdivision plat that has not

been approved in accordance with the requirements of this Ordinance;

• to install or use a sign in a way not consistent with the requirements of this

Ordinance;

• to engage in the use of a building or land, the use or installation of a sign,

the subdivision or development of land or any other activity requiring one

(1) or more approvals or permits under this Ordinance without obtaining all

such required approvals or permits;

• to engage in the use of a building or land, the use or installation of a sign,

the subdivision or development of land or any other activity requiring one

(1) or more approvals or permits under this Ordinance in any way

inconsistent with any such approval or permit and any conditions imposed;

• to violate the terms of any approval or permit granted under this

Ordinance or any condition imposed on such approval or permit;

• to obscure or obstruct any notice required to be posted or otherwise given

under this Ordinance;

• to violate any lawful order issued by any person or entity under this

Ordinance; or

• to continue any violation as defined above, with each day of continued

violation to be considered a separate violation for purposes of computing

cumulative civil or criminal penalties.

**Tree Protection and Preservation Violations**

In addition to the provisions listed in Remedies and Enforcement Powers (see above),

the following shall apply:

**Trees Removed Without Permits**

General:

If sites are cleared of protected trees prior to obtaining a permit (a

violation), trees shall be replaced in accordance with a replacement

schedule recommended by the Town of Gray Court.

The Town’s replacement schedule shall specify the number, species, caliper and location of replacement trees, according to the following minimum criteria:

• combined caliper of which equals or exceeds eighty (80”) inches

per acre, and

• one-half of individual replacement trees which are four (4”) inches

or greater caliper.

**Grand Trees**:

Where Grand Trees have been removed in violation of this article or

where removal is necessitated at any time due to acts of negligence, trees

shall be replaced in accordance with a replacement schedule

recommended by the Town of Gray Court. The replacement schedule shall establish the number, species, Diameter Breast Height (DBH), and location of replacement trees, and at a minimum shall require:

1. that the combined caliper of replacement trees is equal to or

greater than three (3) times the caliper of the Grand Tree removed;

or

2. individual replacement trees are of the largest transplantable

caliper available or equal to the loss of DBH inches.

Where Grand Tree removal is necessitated by emergencies or death and

disease of trees due to natural causes, as determined by the Gray Court

Planning Commission, replacement will not be required.

**Recovery from Tree Violations**

Any person, firm, organization, society, association, corporation, or any agent or

representative thereof who commits, participates, or assists in a violation of the Tree

Protection and Preservation standards may each be found guilty of a separate offense

and suffer the penalties herein provided. Each unauthorized removal, destruction or

failure to replace a tree shall constitute a separate offense.

Should violations be noted during the course of a project or at final inspection, the

Gray Court Zoning Administrator shall take appropriate actions, including, but not

limited to the following:

• requiring replacement of illegally removed trees and vegetative buffer;

• requiring replacement of required trees and vegetative buffer that are

damaged, diseased, dying or dead;

• requiring protection of trees and vegetative buffer during construction;

• revoking Zoning Permits; and

• denying Certificates of Occupancy.

Nothing herein shall prevent the Town from taking such other lawful action as is

necessary to prevent or remedy any violations.

**Sign Violations**

Signs Subject to Impoundments

In addition to other remedies and enforcement powers of this chapter, The

Gray Court Zoning Administrator shall have the authority to remove and hold

any of the following types and signs or sign structures:

• Any prohibited sign is subject to impoundment without notice to the

owner.

• Any sign that is installed or used in any way that is not consistent

with the requirements of this Ordinance, provided that notice has

been given and no action has been taken by the owner within the

specified time frame.

Recovery of Impounded Signs

The owner of an impounded sign structure may recover same upon the payment

of Fifty and No/100 ($50.00) Dollars for each sign plus the costs of removal. In

the event it is not claimed within ten (10) days from the date of impoundment, the

Gray Court Code Enforcement Officer shall have authority to dispose of such sign

or sign structure without compensation to the owner.

**Violations Continue**

Any violation of the previous Zoning Ordinance or Subdivision Ordinance will continue

to be a violation under this Ordinance and be subject to penalties and enforcement

under this chapter, unless the use, development, construction, or other activity complies

with all applicable provisions of this Ordinance, in which case enforcement action shall

cease, except to the extent of collecting penalties for violations that occurred before

ordinance adoption. Any prior lack of enforcement shall not constitute any degree of

recognition, approval or other entitlement.

**Subdivision Regulations**

**General**

Applicability

Unless expressly exempted, no subdivision shall be made, platted, or recorded

for any purpose nor shall parcels resulting from such subdivisions be sold or

offered for sale, unless such subdivision meets all applicable standards of this

Ordinance and has been approved in accordance with the procedures.

1. All lots shown on plats whether subdivided or not, shall have the Planning

Commission Stamp of either approval or exemption on said plat; the

Tax Assessor shall not record any plat without such

stamp. The plat for an individual lot exempted by virtue of pre-existence

must be accompanied by a surveyor’s statement on the plat that the lot is

a single, individual lot, and not newly created.

2. Parcels that were recorded by deed or plat prior to the adoption of these Subdivision Regulations will receive automatic approval under a Grandfather’s Clause, providing

the parcel involved is still in the same size and shape as when recorded

and is properly platted in accordance with present standards.

The recorded information must be provided and attested to by the

surveyor or attorney involved.

Standard Specifications for Road and Drainage Systems

The regulations and standards of this chapter are intended to supplement the

County‘s *Standard Specifications for Road and Drainage Systems.* In the event

of conflict, the County’s *Standard Specifications for Road and Drainage Systems*

shall control.

**Exemptions**

Procedures

The following shall be exempt from the Subdivision Plat Procedures, if the

Planning Staff determines that all other applicable requirements of this Ordinance

have been met.

1. The combination or re-combination of portions of previously platted and

recorded lots where the total number of lots is not increased and all lots or

residual parcels thus created comply with all applicable requirements of

this Ordinance.

2. The public acquisition of land for right-of-way or drainage easements.

3. When contiguous properties are to be divided for the purpose of

exchanging or trading parcels of land**.**

4. Where a parcel of land is proposed to be used as the site for a utility

substation, power line easements or right-of-way, pumping station,

pressure regulating station, electricity regulating substation, gas pressure

control station, or similar facilities.

5. Where properly platted lots or parcels are created and approved by

judicial action.

**Subdivision Plat Procedures**

Relationship to Development Review Procedures

The “General” procedural requirements and standards shall apply to the

subdivision plat procedures of this section.

Minor vs. Major Subdivision

Minor Subdivision:

A minor subdivision is division of any tract of land in one ownership, into 5

or fewer lots, provided that:

1. No street right-of-way dedications are involved;

2. No utility or drainage easements are necessary;

3. The lots meet Health Department requirements for the installation

of a conventional or modified individual sewage disposal system;

and

4. No new or residual parcels will be created that do not comply with

all applicable requirements of this Ordinance**.**

Major Subdivision:

Any land division that is not a Minor Subdivision shall be processed as a

“Major Subdivision.”

Overview of Review and Approval Process

Minor Subdivisions:

There is 1 required step in the Minor Subdivision process: Final Plat

review and approval. Applicants for minor subdivision are strongly

encouraged to schedule and attend a Pre-application Conference prior to

filing a minor subdivision**.**

Major Subdivisions:

Applicants for major subdivision are required to schedule and attend a

Pre-application Conference prior to filing a subdivision application. After

the pre-application conference, there 2 required steps in the process**:** (1)

Preliminary Plat review and approval; and (2) Final Plat review and

approval. Each step of the process shall be completed before initiating the

next step.

Pre-application Conference

Pre-application Conferences offer an opportunity to familiarize applicants with

applicable procedures, submittal requirements, development standards, and

other pertinent matters before finalizing the development proposal or laying out

the proposed subdivision. Applicants shall be responsible for scheduling

pre-application conferences with the Zoning Administrator who shall be responsible for

contacting the Public Works Department and other affected agencies.

Application:

Minor Subdivisions

Pre-application conference applications for minor subdivisions shall

be submitted to the Planning Commission on forms available in Town Hall. Pre-application Conferences are not

mandatory for minor subdivisions.

Major Subdivisions

Pre-application conference applications for major subdivisions shall

be submitted to the Planning Commission and include the following:

A. A completed application form (available in Town Hall);

B. A Plat of Survey of the subject property, if available, or a Tax

Map that identifies the subject property; and

C. A Concept Plan that includes the following information:

(1) the proposed means of access to a public road;

(2) surrounding land uses;

(3) all adjacent roads;

(4) a preliminary map and analysis of natural resources

present on the subject property and surrounding

property; and

(5) a conceptual layout of the proposed subdivision,

which shall be overlaid on the preliminary natural

resources map and which shall show streets, lots,

parks and other facilities located to protect natural

resource areas.

Preliminary Plat

Applicability:

Preliminary Plats shall be required for all Major Subdivisions**.**

Application:

1. Applications for Preliminary Plat approval shall be submitted to

Planning Department on forms available in Town Hall. Ten copies of the Preliminary Plat shall be filed with

the application.

2. Preliminary Plats shall be drawn to scale no smaller than 1” = 100’.

Where large areas are being platted, they may be drawn on 1 or

more sheets, twenty-two (22”) inches by thirty-four (34”) inches in

size. For small areas being platted, a scale of 1” = 50’ shall be

used.

3. Even though a sub-divider intends to subdivide only a portion of a

parcel or tract of land initially, the Preliminary Plat shall show a

proposed street and lot layout, drainage plan and other

requirements for the entire parcel or tract of land in which such

portion is contained**.**

4. The following information shall be required on each plat:

A. The courses and distances of the perimeter of the land

involved shall be shown with the courses marked to show

which are actual field observations and which are computed.

B. References to a known point or points such as street

intersections and railroad crossings shall be shown.

C. The total acreage of the land involved in the subdivision.

D. The names of adjacent land owners and streets where

known or available shall be given (with the tax parcel

numbers) and all intersecting boundaries or property lines

shall be shown.

E. Proposed divisions to be created shall be shown, including

the right-of-way widths, roadway widths, and names of

streets; the locations of proposed utility installations and

utility easements; lot lines, dimensions and angles; sites

reserved or dedicated for public uses; and sites for

apartments, civic/institutional, commercial and industrial

uses.

F. The title, scale (including graphic scale), north arrow

(magnetic, grid, or true), date, name of sub-divider and the

name of engineer or surveyor with South Carolina

Registration Number shall be shown.

G. All existing physical features of the land, including contours,

drainage ditches, roads and wooded areas shall be shown.

The contour interval shall be 1 foot, unless otherwise

approved in advance of submission by the Zoning Administrator.

 All contour information shall be based on mean sea

level datum and shall be accurate within ½ foot. The Bench

Mark, with its description, and the datum used for the survey

shall be clearly noted on the plat.

H. General drainage features, including proposed drainage

easements and detention/retention basins. Proposed cuts

and fills shall be shown. Also the proposed direction of

drainage on each street, ditch and lot shall be indicated by

the use of arrows and proposed street names.

I. The location of required landscape buffers, which shall not

be located within drainage easements unless expressly

approved by the Zoning Administrator.

J. Jurisdictional wetlands, with the date of certification**.**

K. The notarized signature of the owner or their agent and a

statement indicating ownership of the property and the plat

shows their intent to subdivide the property.

5. Accompanying Data

A. The Preliminary Plat shall be accompanied by a statement

as to the availability of and specific indication of the distance

to and location of the nearest public water supply and public

sanitary sewers.

B. The Preliminary Plat shall be accompanied by a statement

indicating what provisions are to be made for water supply

and sewage disposal.

6. Sight Lines for Inspection

Sight lines shall be cut a maximum of two hundred (200’) feet apart

for the purpose of making the topographic survey and to allow

visual inspection of the property after application has been made

for approval of the Preliminary Plat.

**Zoning Administrator  Review and Report**

The Zoning Administrator shall compile a staff report (which includes the comments

and recommendations of the affected agencies) that reviews the Preliminary Plat application in light of all applicable requirements of this Ordinance. This report shall be forwarded to the Planning Commission.

**Planning Commission  Review and Decision**

Within the sixty (60) days of receipt of a complete application, the Planning

Commission shall review the proposed Preliminary Plat and act to approve,

approve with conditions or deny the Preliminary Plat, based on whether it

complies with all applicable requirements of this Ordinance.

**Effect of Preliminary Plat Approval**

Approval of a Preliminary Plat shall constitute general acceptance of the overall

planning concepts for the proposed subdivision and is a prerequisite for the filing

of a Final Plat application.

**Lapse of Preliminary Plat Approval**

An approved Preliminary Plat shall lapse and be of no further force and effect if a

Final Plat for the subdivision (or a phase of the subdivision) has not been

approved within two (2) years of the date of approval of the Preliminary Plat. If

the subdivision is to be developed in phases, a phasing plan shall be approved

as part of the Preliminary Plat approval.

For the purpose of preliminary plat applications, a complete application means one that

includes all required information and fees and that addresses the findings of the

inspection report and has received all approvals from other agencies that are a

prerequisite for preliminary plat approval.

**Appeals**

Any person with a substantial interest in a Preliminary Plat decision of the

Planning Commission or any officer, board, or bureau of the county may appeal

the Planning Commission decision to the Circuit Court of Laurens County.

Appellants shall file with the Court Clerk a written petition plainly and fully setting

forth how such decision is contrary to law. Such appeal shall be filed within thirty

(30) days of the date of the Planning Commission’s decision.

**Construction Plans**

After approval of a Preliminary Plat and before commencing any work within the

proposed subdivision (including land clearing and grading), road plans and

profiles and a detailed drainage plan prepared by an engineer registered in the

state of South Carolina shall be submitted to the Zoning Administrator for review

and approval in accordance with the County’s *Standard Specifications for Road*

*and Drainage Systems.*

**Inspections**

1. Subdivision plats that are submitted for review are field inspected by

Town staff or contractors to ensure compliance with any applicable

Ordinance requirements and county standards**.**

2. When no public sewer is provided to the proposed lot, a representative of

South Carolina Department of Health and Environmental Control will visit

the site and test the soil for minimum septic system requirements.

3. Where subdivision streets and/or drainageways are being constructed, an inspector will make periodic visits to the site at no cost to the developer to ensure construction compliance with approved road and drainage plans. The Town’s

certification that all roads and drainage systems have been constructed in

compliance with the plans is required prior to final approval of the

development. This approval is necessary for both public and private

developments.

**Final Plat**

**Conditional Plat Approval:**

Prior to approval of a Final Plat, the developer shall install all required

public improvements or post an approved financial guarantee of

performance and maintenance, in accordance with the requirements. If

financial guarantees are posted, decision-making bodies shall be

authorized to grant conditional plat approval, with final approval contingent

upon completion and acceptance of all required improvements. After

conditional plat approval is granted, the sales of subdivision lots shall be

permitted and building permits may be granted, but no Certificates of

Occupancy shall be issued until all required improvements have been

installed and accepted.

**Applicability:**

Final Plats shall be required for all Minor and Major Subdivisions**.**

**Application:**

1. Applications for Final Plat approval shall be submitted to the Planning

Commission on forms available in Town Hall. Ten copies of the Final Plat

shall be filed with the application**.**

2. Certification from the design engineer that the subdivision’s road

and drainage infrastructure has been constructed in accordance

with the approved plans.

3. The Final Plat shall be drawn in ink on a material specified by the

Tax Assessor’s recording, on sheets twenty-two

(22”) inches by thirty-four (34”) inches in size, and at a scale of 1” =

100’ or larger. Where necessary the plat may be on several sheets

accompanied by an index sheet or key map insert showing the

entire subdivision.

4. The Final Plat shall show the following**:**

A. All information required on the Preliminary Plat, with the

exception of topographic data.

B. All property lines with accurate bearings or deflection angles.

If a control traverse is run between any 2 points on any

property lines, then it shall be noted. For property lines which

are curves or are in part curves, the arc length shall be

shown. Also, in dashed lines, the chord length from property

corner to property corner along the curve shall be shown

with appropriate bearings and angles.

C. Curve data for all curves consisting of the following:

The Delta angle, the degree of the curve, the tangent

distance, the length of curve, the radius, and an indication of

whether the arc method or chord method was used.

D. The location of all points of curvature and tangency.

E. The location of points of intersection where circular curves

are not used.

F. Block and lot numbers suitably arranged by simple system.

G. Certificates:

(1) A surveyor’s certificate as to accuracy of survey and

plat. “I, name of surveyor, a registered surveyor of the

State of South Carolina do hereby certify that I have

surveyed the property shown hereon, that this plat

shows the true dimensions of the property and that all

necessary markers have been installed and the

precision is 1: “ (state actual precision). The

unadjusted field measurement of lots and blocks shall

be accurate within the standards set forth in the

minimum Standards Manual of the South Carolina

Board of Engineering Examiners.

(2) A statement of dedication by the property owner of

streets, right-of-ways, easements, and any other sites

for public use. If any change in ownership is made

subsequent to the submission of the plat and prior to

the granting of final approval, the statement of

dedication shall be corrected accordingly.

(3) The signature and seal of the registered land surveyor

in accordance with the current Minimum Standard

Manual for the Practice of Land Surveying in South

Carolina.

H. All easements shall include their width and centerline.

5. Accompanying Data

A. A certificate of title or a sworn affidavit establishing the

ownership of the land to be recorded. If any change in

ownership occurs subsequent to the date of the certificate to

title or affidavit and prior to the granting of final approval, a

new certificate of title or sworn affidavit establishing the

ownership of the land shall be submitted to the decision making

body.

B. In subdivisions where existing public water and public sewer

systems have been extended and/or a new system installed,

a certification of inspection from the South Carolina

Department of Health and Environmental Control shall be

submitted.

6. Certification of Approval

When Planning Commission or Council has approved the plat, a

certificate noting such approval and carrying the signature of the

Zoning Administrator and the Chair of the Planning Commission,

shall be placed on the original drawing of said plat.

7. Statements on Plat

A. The Planning Commission reserves the right to require the

following statements to be placed upon the plat if the

proposed roads and drainage have not been constructed in

conformance with standards and specifications of the

County’s *Standard Specifications for Road and Drainage*

*Systems*

(1) “The approval of this plat does not obligate the Town

of Gray Court in any way to accept for maintenance any

of the roads or easements shown hereon.”

(2) “WARNING! Approval of this plat does not indicate

approval nor adjudicate title of the access or

right-of-way shown hereon.”

B. The Planning Commission reserves the right to require

additional statements to be placed upon the plat if the

proposed subdivision does not meet all requirements of the

Subdivision Regulations. These notes shall be included in

the approval of the final plat.

8. Where road rights-of-way or drainage easements are being

dedicated whether public or private, a certificate of ownership

prepared by a licensed attorney and establishing the complete and

actual ownership of the property to be dedicated shall be submitted.

**Zoning Administrator  Review and Decision**

Within the forty-five (45) days of receipt of a complete Final Plat application, the

Zoning Administrator shall review the proposed Final Plat and the reports for the

Public Works Department and other affected agencies and act to approve,

approve with conditions or deny the Final Plat, based on whether it complies with

the approved Preliminary Plat and all applicable requirements of this Ordinance.

**Acceptance of Dedications**

Approval of a Final Plat shall not constitute acceptance of any public

improvements. Such acceptance will require County Council acceptance of

dedication. Once approved, a Certificate of Dedication Acceptance shall be

attached to copies of the approved plat, which shall be provided to the developer.

**Recording**

Approved Final Plats shall be recorded by the Zoning Administrator with the Tax Assessor within thirty (30) days of final approval.

**Appeals**

**Appeals of Zoning Administrator’s Decision**:

Any person with a substantial interest in a Final Plat decision of the

Zoning Administrator may appeal the decision to the Planning Commission by

filing an appeal with the Zoning Administrator within thirty (30) days of the date

of the decision.

**Appeal Powers**

In exercising the appeal power, the Planning Commission may

reverse or affirm wholly or partly or may modify the decision being

appealed. If the Planning Commission determines that it is necessary

to obtain additional evidence in order to resolve the matter, it may

remand the matter to the Zoning Administrator, with directions to obtain

such evidence and to reconsider the decision in light of such

evidence.

**Consideration of Evidence**

The Planning Commission shall consider only the same application,

plans, and related project materials that were the subject of the

original decision and only the issues raised by the appeal.

**Burden of Persuasion or Error**

In acting on the appeal, the Planning Commission shall grant to the

Zoning Administrator’s decision a presumption of correctness, placing the

burden of persuasion of error on the appellant.

**Approval Criteria**

An appeal shall be sustained only if the Planning Commission finds

that the Zoning Administrator erred.

**Appeals of Planning Commission’s Decision:**

Any person with a substantial interest in a Final Plat (appeal) decision of the

Planning Commission may appeal the Planning Commission decision to the

Circuit Court of Laurens County. Appellants shall file with the Court Clerk

a written petition plainly and fully setting forth how such decision is contrary

to law. Such appeal shall be filed within thirty (30) days of the date of the

Planning Commission’s decision.

**Lots**

**Size**

1.  Lots shall comply with the lot size standards of the underlying zoning district and all other applicable standards of this Ordinance except for flag lots that have been approved as part of a Subdivision Plan pursuant to this Ordinance.

2. Depth of residential lots shall not exceed 2.5 times width, except in

the case of attached dwellings or in cases where the additional

depth is provided for the purpose of providing separation from

existing major streets or railroads, non-access reservations,

easements, or marshes. The depth-width ratio shall not apply in

cases where the width of a lot exceeds three hundred (300’) feet for

its entire depth.

**Access**

1. Double-frontage lots shall be avoided except where essential to

provide separation of residential development from major roadways

or to overcome specific disadvantages of topography and

orientation. An easement with a minimum width of ten (10’) feet

may be required to restrict access from the major street or other

area.

2. All lots shall be provided with access by means of streets that have

been constructed in conformance with the standards and

specifications of this Ordinance.

**Flag Lots**

Flag lots may be allowed in subdivisions established pursuant to the standards of

this Ordinance.

**Permitted Use of Flag Lots:**

1. A flag lot may be utilized to facilitate subdivision of a long narrow

parcel that has sufficient area but insufficient width to be otherwise

subdivided.

2. A flag lot may be used to eliminate multiple access points to

collector or arterial roads.

3. A flag lot may be used when the buildable area of a parcel isrestricted due to the presence of a natural resource or the irregular

shape of a parcel.

**Prohibited Use of Flag Lots:**

1. Flag lots shall not be used to avoid the development of streets

otherwise required by this Ordinance when the effect of such flag

lots would be to increase the number of access points (driveways)

on a publicly dedicated road right-of-way.

2. Flag lots may be denied when an adjoining parcel also has

sufficient area but insufficient width to otherwise be subdivided. In

such cases, in lieu of platting a flag lot, a half-width road right-ofway

may be required to be platted along the common property line

to facilitate the platting of a full width road right-of-way when the

adjoining property is subdivided.

**Standards for Flag Lots**:

1. Flag lots shall have direct access to streets that comply with the

standards of this Ordinance.

2. The area within the flagpole portion of a flag lot shall not be

counted as lot area for the purpose of meeting the minimum lot

area requirements of this Ordinance.

3. As a condition of approval of a flag lot, decision-making bodies may

require an access easement to be placed on the flag lot to allow the

adjoining parcel to share access to the road.

**Sidewalks**

**Where Required**:

Concrete sidewalks shall be required on at least one side of all streets in

subdivisions located within the Town.

**Width; Setback from Curb:**

Sidewalks shall be at least four (4’) feet in width and setback at least three

(3’) feet from the back of curb, or, where not curbs are present, at least

four (4’) feet from the pavement edge.

**Construction:**

Construction details for sidewalks shall be in accordance with the

*Standard Specifications for Road and Drainage Systems*.

**Streets**

**Principles and Philosophy**:

**Design Philosophy**

Streets are the links that provide the basis for safe, efficient and

economical access to commercial, industrial and residential areas. Safe

residential streets are attained by specifying street geometries that

discourage excessive speed and emphasize access. Residential streets

should therefore promote:

1. Safe and efficient movement of vehicular and pedestrian traffic; and

2. Cost-effectiveness, that takes into consideration both initial

construction and future maintenance costs.

**Principles**

Streets and roads shall be designed to:

1. Provide safe, smooth, efficient vehicular flow;

2. Provide acceptable sight distance visibility;

3. Provide good roadway foundation and sub-grade drainage;

4. Provide acceptable environmental features;

5. Provide space for utilities, if necessary;

6. Provide drainage for adjacent properties, when practical;

7. Consider a community or subdivision master plan;

8. Follow natural contours and preserve natural features;

9. Minimize traffic speed, volume and congestion; and

10. Minimize the amount of paved area as a means of reducing

stormwater runoff.

**Street and Road Classifications**:

**Collector Street**

Collector streets (Hwys 14 and 101 in the Town of Gray Court) serve as the

principal traffic arteries within residential and commercial areas. Collector

streets carry relatively high traffic volumes from arterial streets to lower

classification streets.

Sub-collector Street

Sub-collector streets provide passage to access streets and convey traffic

to collector streets. Sub-collectors provide access to residential lots and

also carry some through traffic to lower classification streets. Sub-collector

streets may provide access to 25 to 100 dwelling units (lots).

**Access Street**

Access Streets are designed to conduct traffic to up to 25 dwelling units

and sub-collector streets.

**Rural Road Standards**

Rural roads are located in low-density areas away from commercial shopping

areas. Rural roads are more informal and should blend into the surrounding

landscape.

Ingress/Egress Easements are allowed for access for a maximum of five (5) lots.

The landowner/developer shall determine the location of easement(s) and the

type of access to be provided. The location of the easement(s) shall be clearly

depicted and labeled on submitted plats or plans. The landowner/developer is

responsible for informing prospective property owners, whether solicited or

unsolicited, of all conditions and responsibilities, or lack thereof, that have been

placed on the property. Further, the Town of Gray Court is neither obligated nor

responsible for private ingress/egress maintenance.

**Centerline Radius of Horizontal Curves**

1. Centerline radius for horizontal curves is dependent upon many factors

including type and condition of roadway surface, horizontal and vertical

sight distances, design speed and degree of curvature.

2. The roadway designer is required to utilize appropriate design techniques

as outlined in American Association of State Highway and Transportation

Officials (AASHTO) Design Publications in the design of horizontal and

vertical curvature of roads.

**Public Maintenance of Streets and Roads**

In order to be eligible for public maintenance, streets and roads must comply with

the County ‘s *Standard Specifications for Road and Drainage Systems*.

**Roadway Drainage**

Acceptable Methods:

The methods of roadway drainage shall be acceptable, as detailed in the

County‘s *Standard Specifications for Road and Drainage Systems*:

1. Roadside ditching.

2. Curb and gutter piped systems.

**Sheet Flow**:

Sheet flow from roadways is acceptable only where drainage discharges

directly into a certified wetland area (such as at a causeway). Where

freshwater wetlands are considered, the applicant’s engineer must provide

drainage calculations showing run-off impact.

**Pavement/Sub-grade**:

1. The county standard non-industrial asphalt pavement section is

minimum one and one-half (1½”) inches hot plant mix asphaltic

concrete with prime coat on minimum six (6”)-inch compacted

stabilized aggregate base course on prepared sub-grade, in

accordance with county standards.

A prime coat is recommended where FABC will not be paved within

2 weeks. Geotechnical data shall be submitted to substantiate the

design of all new arterial roads, collector roads and parkways.

**Wetlands**

It is the responsibility of the developer to locate and to protect any wetlands. No development impacting any wetland area can be

approved by Town of Gray Court without prior approval by appropriate wetlands

protection agencies. It is recommended that the developer contact U. S. Army

Corps of Engineers Permit Section for specific wetland

regulation information.

**Utilities**

1. The developer shall arrange to install all necessary utilities (water, sanitary

sewer, electricity, telephone, street lighting, or cable TV) as part of the

development, or appropriate space must be allocated for future

installation.

2. Placement of utilities under the roadway surface will be considered on a

case-by-case basis by the Town.

3. Lawn sprinkler systems are acceptable only if the design and installation is

authorized by encroachment permit by SCDOT.

**Encroachments**

Encroachments into existing road rights-of-way and/or drainage easement will be

authorized if the following criteria are met:

1. a permit authorizing the encroachment is acquired from the SCDOT;

2. the encroachment meets safety requirements;

3. the encroachment does not prevent normal maintenance operations and

the county is relieved of all damage liability resulting from maintenance;

4. the encroachment will be properly maintained by the permittee; and

5. the permittee agrees to temporarily or permanently relocate/remove the

encroachment when requested by the Town, at no cost to

the Town.

**Minimum Offset of Trees and Shrubs from Road Pavement**

1. Trees and shrubs shall be set back from street and road pavement at least five feet.

Tree limbs hanging below fifteen (15’) feet in height shall be trimmed so that they do not

encroach beyond the back of the curb. Minimum overhead clearance of eighteen (18’) feet should be maintained for safe passage. When a barrier curb or guiderail exists, offset is measured from the face of the curb or guiderail to the face of the tree at ground level.

2. Understory trees may be located two (2’) feet from the edge of pavement

with the approval of the Zoning Administrator.

**Maintenance**

1. All roads to be maintained by Laurens County must first be constructed

(or upgraded) to meet current standards of this Ordinance and the

County‘s *Standard Specifications for Road and Drainage Systems*.

2. Any subdivision required to meet Laurens County standards, but

intended to be maintained privately, must be designed to meet all current

standards. With approval of the decision-making body, construction of a

portion of the facilities, such as removal of trees, can be deferred until

such time as Laurens County is asked to maintain the facilities. In such

situations, the developer is required to submit a maintenance plan

showing specifically what work is to be accomplished, specific schedules,

who is perform the work, and how payment for the work will be made. The

potential owners of the development, or portion of the development, must

be made aware of those factors through Homeowners Association Bylaws

and/or deed restrictions. The county will not perform any maintenance

services in such developments until the roadway and/or drainageways

have been brought up to then-current county standards.

Street Names, Street Signs and Street Lights

**Names:**

No street names shall be used that will duplicate or be confused with the

names of existing streets. Street names proposed by the sub-divider shall

be subject to approval by the decision-making body.

**Street Name Signs**:

Street name signs shall be installed by the development in accordance

with the South Carolina Uniform Manual on Traffic Control Devices.

**Street Lights**:

Street lights are encouraged within subdivisions.

**Underground Utilities and Services**:

All electrical, telephone, cable television and similar distribution lines

providing service to a development site should be installed underground.

**Water Supply and Sewage Disposal**

1. In accordance with South Carolina Department of Health and

Environmental Control Regulations, all subdivisions shall be served by

approved public water and sewerage systems, if accessible for connection

or, if in the opinion of the South Carolina Department of Health and

Environmental Control, the public’s health and the environment would best

be protected by the installation of such systems. Where public sewer is

not available, all buildable lots must meet minimum soil requirements

established by South Carolina Department of Health and Environmental

Control.

2. The developer shall install public water lines where public water service is

available within five hundred (500’) feet of the property (measured along

adjacent rights-of-way), provided that this requirement shall not apply

when the decision-making body determines that the extension of public

water service is infeasible.

3. The developer shall install public sanitary sewer lines where public

sanitary sewer service is available within five hundred (500’) feet of the

property (measured along adjacent rights-of-way), provided that this

requirement shall not apply when the decision-making body determines that the extension of public water service is infeasible.

**Fire Protection**

In situations where public water systems with fire hydrants are not available,

developers may be required to provide dry hydrants which can utilize ponded

water from lakes, ponds, streams, detention/retention basins or other sources.

Dry Hydrant design information may be obtained by contacting the U.S.

Department of Agriculture, Natural Resources Conservation Service.

**Drainage and Stormwater Management**

**Applicable Regulations and Standards**:

Stormwater improvements shall meet all applicable county, state and

federal regulations. Those regulations require that the stormwater system

meet water quality and water quantity standards and that no property be

adversely affected by the stormwater runoff from the development. In

addition to the standards of this section, other applicable stormwater

regulations include the following all county, state and federal stormwater

requirements.

**Wetlands**:

It is the responsibility of the developer to locate and to protect wetlands. No development affecting any wetland area can be approved by Town of Gray Court without prior approval by appropriate wetlands protection agencies,

including the U.S. Army Corps of Engineers.

**Drainage Basin Consideration**:

1. Careful consideration of the entire drainage basin must be made

when designing stormwater facilities for a given development.

2. Runoff quantities from any land area depend on many factors

including land area, slopes, soil types, vegetation, channelization

and existing development, all of which must be considered by the

stormwater designer.

3. Even though the development may be a minor segment of the

entire basin, the designer must consider the runoff from the

development itself, any upstream property whose runoff enters the

development, and also any downstream property may be affected

by the runoff from the development.

4. Runoff from upstream properties can be determined by the existing

conditions. Any future development/redevelopment of those

properties will be addressed at the time that

development/redevelopment occurs. Runoff onto downstream

properties include the total runoff quantity from the development

including any runoff from upstream properties.

**Stormwater Runoff**:

1. Stormwater runoff quantities are determined primarily by the

amount of rain that falls during any rainfall event. For the purposes

of design, the design storm shall be the ten (10)-year, twenty-four

(24)-hour rainfall event, SCS Type III distribution and a rainfall

intensity of six and eight tenths (6.8”) inches in a twenty-four (24)-

hour period. For existing channels passing through the

development from upstream, the design storm is a twenty-five (25)-

year, twenty-four (24)-hour rainfall event, SCS Type III distribution

and a rainfall intensity of eight (8.0”) inches in a twenty-four (24)-

hour period.

2. Unless special detention facilities are provided, developers are

required to provide facilities designed for peak rate flow. That is, the

pipe channels must be large enough to handle the maximum rate of

flow so that there is no overflow at any time.

3. Developers shall provide stormwater detention facilities in

accordance with all application federal, state and county

regulations. The rate of flow shall equal pre-development rates.

**Types of Drainageways**:

The following types of drainageways shall be allowed:

**Pipe Structures**:

Pipe structures may be round, rectangular or oval. Pipe material shall be

appropriate for the situation and comply with all applicable federal, state and local specifications.

**Earth Channels**:

Earth Channels are usually trapezoidal shaped, must be 2:1 minimum side

slopes. All disturbed areas shall be vegetated.

**Swales:**

Swales must be 5:1 minimum slope, with all disturbed areas vegetated.

**Lined Channels**:

Channels shall be lined with rock or other approved material.

**Sheet Flow**:

Sheet flow shall be acceptable only where routine maintenance is not

required, such as discharge into a designated wetland area.

**Drainage Easements**:

1. All new developments shall have adequate drainage outfalls.

Drainage easements must be dedicated to use of the public, if

maintenance will be conducted by a public agency or private entity,

such as an approved Homeowners Association.

Developers and/or design engineers shall be liable for any stormwater runoff

damage (to any upstream or downstream property) caused by construction or

stormwater design even if the Town accepts the design and the constructed

system.

2. One purpose of required drainage easements is to allow access to

drainage facilities by maintenance crews and equipment. The width

and length of the easements must be of sufficient dimension to

allow space for appropriate construction personnel and equipment

to maneuver and to inspect, mow, regrade, reshape and clean out

the drainage easement. Although the land area designated as

easement is the property of the landowner, the landowner may not

use it in any way that adversely impacts or restricts access or

maintenance by the maintenance entity.

3. In situations where the developer is required to provide drainage

easements, but is not required to construct the drainageway (such

as when a tract already having road frontage is subdivided), the

easement area provided shall:

A. Be of sufficient width to allow future construction of the

drainageway (a dedication of a temporary construction

easement in addition to the permanent drainage easement is

acceptable and may be required);

B. Be of sufficient width to provide a channel with bottom width

to carry the stormwater (3-foot minimum), 2:1 side slopes,

plus 20-foot shoulder on one side, plus 5-foot shoulder on

the other side (both sides must have 20-foot shoulders

where top bank to top bank channel width exceeds fifteen

(15’) feet);

C. Be free of obstructions (including trees) that would prevent

the construction or maintenance of the drainageway with

heavy equipment; and

D. Be located so that there is continuity with the

drainageway/existing drainage easements upstream and

downstream. While it is not required that the easement be

located on or adjacent to a property, that method is preferred

since maintenance activities can be disruptive and

somewhat unsightly.

**Drainage Rights-of-Way**:

Drainage rights-of-way are similar to street rights-of-way. The land area is

not included in any tax lot and the developer/lot owner does not pay taxes

on the designated area nor do they have any rights to use the land except

as approved by the Town. The developer designs and constructs

drainage facilities within the designated area just as he would normally do

within a drainage easement area.

**Obstacles in Drainageways**:

Existing obstacles (including trees, buildings, utility poles or transformer

structures, items of historical significance) immediately adjacent to

drainageways may be left in place provided that all of the following criteria

are met:

1. the drainage system or the obstacle cannot be feasibly relocated;

2. adequate and safe easement space for maintenance by motorized

equipment is provided;

3. the drainage is not obstructed; and

4. drainage easement width is increased to accommodate

obstructions.

**Detention Storage**:

Detention is the temporary holding back of stormwater and releasing it at a

controlled rate. The entity responsible for maintaining detention basins

shall be identified at the time of Preliminary Plat.

**Dry Basin**:

An excavated area, within the stormwater system, that is relatively dry at

all times excepting during and immediately after a rainfall event. All slopes

must be gentle (maximum 3:1) with vegetation cover for erosion control.

Publicly dedicated basin shall not be used as a picnic or recreation areas.

Trees may be located within the basin except where the location would

interfere with pond maintenance. Concrete or other lining is acceptable.

The basin and outlets must be properly designed to meet computed

quantity requirements. An emergency overflow spillway must be provided.

Private parking lots, for example, may be designed to function in this

capacity upon acknowledgment from the design engineer and applicant

that flooding will occur.

**Wet Basin (Pond):**

Extending the detention basin down to groundwater level will provide

maximum detention storage. The pond must: (1) be excavated to provide

a minimum pond depth of six (6’) feet at time of lowest groundwater

elevation (drought conditions); (b) be populated by fish to ensure mosquito

control; and (3) meet all requirements of SCDHEC-Division of Mining and

Solid Waste Permitting. The developer shall be liable for any claims

resulting from ponded water, even if the county accepts the developer’s

design.

**Soil Information:**

Considerable information regarding Town of Gray Court soils is available in

a manual entitled “Soil Survey of Laurens County, South Carolina”

prepared by the Soil Conservation Service (now called the Natural

Resources Conservation Service), U. S. Department of Agriculture,

current edition.

**Soil Erosion Control:**

Considerable information regarding soil erosion control is available in a

manual entitled “Erosion and Sediment Control Practices for Developing

Areas” prepared by the South Carolina Land Resources Conservation

Commission. A certain acreage of land disturbing activities must be

approved by the South Carolina Land Resource Commission.

**Maintenance:**

1. All developments whose streets and drainage ways are maintained

by Laurens County must first be constructed (or upgraded) to

meet the current standards outlined in this guideline.

2. Any development required to meet Town of Gray Court standards but

intended to be maintained privately must be designed to meet all

standards outlined in this guideline and further described in the

County‘s *Standard Specifications for Road and Drainage Systems*.

With approval of the decision-making body, construction of a

portion of the facilities, such as removal of trees, can be deferred

until such time as Laurens County is asked to maintain the

facilities. In all such situations, the developer is required to submit a

maintenance plan showing specifically what work is to be

accomplished, schedules, who is to accomplish that work, and how

payment for that work will be made. The potential owners of the

development or portion of the development must be made aware of

those factors through Homeowners Association Bylaws and/or

deed restrictions. The County will not perform any maintenance

services until the roadway and/or drainage-ways have been

brought up to current standards by others.

**Bridges and Causeways**

**Bridges**

1. All bridges intended for public use shall comply with the most recent

edition of the American Association of Highway and Transportation

Officials’ “Standard Specifications for Highway Bridges.” All new bridges

and pilings intended for maintenance by Laurens County shall be

constructed of reinforced concrete and shall comply with the County‘s

*Standard Specifications for Road and Drainage Systems*.

2. Minimum bridge widths from curb face to curb face shall be the total of the

lane widths approaching the bridge plus 1 foot.

**Markers**

**Placement**

A marker shall be set on the right-of-way line at the ends of the block for every

block length of street. When blocks occur that have a curve or curves in them,

markers shall be set on both sides of the street at the ends of tangents. Markers

shall also be set on right-of-way line (on each side of the centerline) at angle

points when curves are not used. All interior lot corners shall be marked. The

location and type of markers used shall be indicated on the Final Plat.

**Type**

Markers shall be one of the following types.

1. A reinforced concrete marker with a brass or copper pin in the top.

Concrete markers shall be a minimum of three (3’) feet long and have a

minimum cross sectional area of nine (9”) square inches. They shall

protrude above the ground not less than two (2”) inches and not more than

six (6”) inches.

2. An iron pipe or pins having a minimum diameter of three-quarter (¾”)

inches hollow or one-half (½”) inches solid steel. Such iron pins will be a

minimum of two (2’) feet in length and shall extend above the ground at

least one (1”) inch.

**Timing**

Markers shall be installed prior to the submission of and approval of the Final

Plat.

**Financial Guarantees (Surety)**

**Performance Guarantees:**

1. In lieu of completing the required subdivision improvements of this

chapter, a financial guarantee in the form of a no-contest,

irrevocable bank letter of credit, or performance and payment bond

underwritten by an acceptable South Carolina licensed corporate

surety, or a cashier’s check may be accepted by the decisionmaking

body, subject to county attorney approval of the guarantee

to determine that the interests of Town of Gray Court are fully

protected. Where a cashier’s check is utilized, opinion of counsel

may be waived.

2. The amount of the financial guarantee shall be determined by the

appropriate governmental body that exercises operational control.

(the Town for public water, Commissioners

of the appropriate Public Service Districts for street name signs and

public sewer, and the Town or County for all other

improvements covered in this chapter.) The amount shall be

sufficient to guarantee completion of the required improvement

(one hundred twenty-five (125%) percent of the actual cost of the

improvement with a minimum of Two Thousand and No/100

($2,000.00) Dollars.) within a time period specified by the

government agency, not to exceed two (2) years. The

governmental agency determining the amount of financial

guarantee shall provide a letter to the Planning Commission (copy

to the subdivider) setting forth the amount of bond, conditions of

acceptance and the period covered. The Town staff will inform all interested governmental agencies, particularly the County Building Inspection Department.

3. Developers making use of performance guarantees shall be

required to post required maintenance guarantees at the time that

the performance guarantee is posted.

4. Upon completion of the improvements as required by this section,

written notice thereof shall be given by the subdivider to the bond

holder, who shall cause an inspection of the improvements to be

made. The bond holder will, within thirty (30) days of the date of

notice, authorize in writing the release of the security given,

provided improvements have been completed in accordance with

the required specifications. Should the improvements not be

completed in accordance with the required specifications by the

date originally stipulated in writing by the bond holder, the funds

derived from said bond or cashier’s check will be used by the bond

holder to complete the improvements according to required

specifications, at the earliest reasonable time. Where it appears

that the bond was insufficient to finance the required improvements

after the subdivider has defaulted, Town Council will assess the

individual subdivider the cost of the improvements over and above

the surety amount.

5. In no instance will the bond holder be authorized to extend for the

subdivider the completion date originally stipulated.

6. Pro-rated refunds based on a percentage of overall completion

shall not be authorized, with the exception of an irrevocable bank

letter of credit.

7. The decision-making body shall review and approve or reject each

acceptance of surety in lieu of completion of improvements. In

making its determination, the decision-making shall give due

consideration to the commitments made by the subdivider to

individual purchasers.

8. In lieu of completed subdivision improvements, the decision-making

body may accept the written guarantee of a governmental body to

complete required improvements within ninety (90) days of the date

of such acceptance by Town Council.

9. The acceptance of performance bonds or a cashier’s check in lieu

of completed performance is made possible only by the introduction

of effective occupancy control. This control will be coordinated with

final approvals so as to ensure that all conditions covered by one or

more bonds are completely fulfilled, except as specified in the

County’s Building Code, before an occupancy permit can be issued

by the County Building Inspection Department.

**Maintenance Guarantees:**

Street and Stormwater management/drainage systems that are to be

dedicated to Laurens County for public maintenance shall be under

warranty for all defects and failures for a period of three (3) years. Prior to

Final Plat approval, the developer shall provide written verification of

financial responsible for the correction of any defects and/or failures in

those related improvements that will be dedicated to the county. The

warranty (minimum twenty-five (25%) percent of the construction costs)

shall be in a form satisfactory to the County Public Works Director and effective

for a period of three (3) years after recording of the Final Plat. The County Public

Works Department shall maintain surveillance over the system and

provide written notification to the developer if repair work is required

during the warranty period. The County Public Works Department shall identify

defects not considered to be public safety and notify the developer of such

defects. The developer shall then have thirty (30) days to prepare a

schedule of corrective actions and begin such corrective actions. If not

complete with the approved schedule, the County Public Works Department shall

make the repairs and bill the bonding company. Public safety defects shall

be addressed immediately by the County Public Works Department, with

reimbursement from the bonding company.

**Vested Rights to Develop Property**

**Definitions**

1. Except as hereinafter set forth, the words, terms and phrases when used

in this Ordinance shall have the meaning as set forth in Section 6-29-1520 of the South

Carolina Code of Laws, as enacted by Act 287 of 2004.

2. “Site specific development plan”, in addition and as a supplement to the

definition set forth in Section 6-29-1520 of the South Carolina Code of Laws, as enacted

by Act 287 of 2004, is further defined to mean those documents that comprise a

complete application for a subdivision, planned unit development, or other similar

approval that specifies use or density or both and authorizes the landowner to proceed

with investment in grading, installation of utilities, streets, and other infrastructure, and

to undertake other significant expenditures necessary to prepare for application for a

building permit.

**Establishment and Conditions of Vested Rights**

1. A vested right to develop property in accord with a site specific

development plan is triggered upon the final approval of the site specific development

plan by the final official or body of the municipality authorized to approve a site specific

development plan and the payment to the municipality of all applicable established fees.

2. Except as hereinafter set forth, a vested right established by this

Ordinance is limited to type of use and density, is subject to the conditions and

limitations as set out in Sections 6-29-1540 and 6-29-1550 of the Code of Laws of

South Carolina, as enacted by Act 287 of 2004 and is subject to such conditions, if any,

as are attached to the site specific development plan approval.

3. A vested right for an approved site specific development plan expires two

(2) years after the date of final approval by the final official or body authorized to

approve a site specific development plan.

4. No vested rights are established for phased development plans, including

approved or conditionally approved phased development plans and including phased

development plans applicable to property proposed for annexation. An approved or

conditionally approved site specific development plan is required prior to approval with

respect to each phase of a phased development plan.

5. A vested site specific development plan may be amended if the

amendment conforms to, or does not cause greater nonconformity with, the then current

provisions of the municipal zoning, planning, and land development ordinances,

municipal code sections or regulations. Approval or conditional approval of an

amendment does not re-set or re-start the expiration period of a vested right.

6. No sooner than three (3) months, and no later than forty-five (45) days

prior to the expiration of the two (2)-year vested right period for an approved site

specific development plan, the landowner of property with a vested right in a site

specific development plan may apply to Council for an annual extension of the vested

right. Council must approve an application for an annual extension of the vested right

unless an amendment to the land development ordinances or regulations has been

adopted that requires amendment to the site specific development plan. No more than

five (5) annual extensions of the vested right must be so approved.

**Severability**

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

this Ordinance as a whole or any part thereof which is not specifically declared to be

invalid or unconstitutional.

**APPENDIX**

**Design Review Guidelines**

**Purpose**

The purpose of the design guidelines is to preserve and protect the historic and

architectural districts and neighborhoods; to preserve and protect significant natural and

scenic areas, and to protect and preserve the unique, special and desired

characteristics of the Town of Gray Court.

**Applicability**

These standards shall apply to all residential development requiring a building permit for

Construction of any structures including additions to existing structures. Different

standards apply to the historic district (R-1/2 zoning district) and to the remainder of

Town (R-1 and PD zoning districts).

**Intent**

The Intent of the Design Guidelines is to assure the respect for the character, integrity

and quality of the built and natural environments of the Town of Gray Court. The following criteria shall be used in evaluating application forms.

**Commercial District**

General

1. All elevations shall be in harmony, in terms of scale, proportion, detail,

material color and high design quality.

2. The side and rear elevations of buildings shall be as visually attractive as

the front elevation.

3. The scale of the buildings and the accessory structures shall be

appropriate to the scale of structures located in the surrounding area.

4. The architectural design and material finish of buildings and other

accessory structures shall be compatible with one another and with

adjacent and surrounding structures where such structures are

substantially in compliance with these requirements.

Building Materials and Color

1. Walls that are not stucco finished, hammered, tabby, exposed aggregate

or sandblasted that are simply unadorned concrete shall be prohibited as

an exterior building material.

2. Un-painted or bare metal panels shall be prohibited as an exterior building

material. (exception: galvanized metal “standing seam” or galvanized,

corrugated type metal panels may be used as a roofing material).

3. Vinyl siding used as the main building material shall be discouraged.

4. Materials shall express their function clearly and honestly and shall not

appear as materials which are foreign to the character of the rest of the

building.

5. Architectural roofing shingles and metal standing seam or other materials

with similar appropriate texture and appearance shall be utilized.

6. Color combination of paints shall be complementary to the historic

character of the Town of Gray Court. In general no more than three different

colors per building shall be allowed.

Building Orientation

1. All buildings shall be sited so that a direct relationship with the primary

street is established.

2. Where it is reasonably practical, proposed structures shall not impede

scenic rural views from the main road, from existing structures, or from

natural settings.

3. The siting of a structure and development of a parcel shall show an

attempt to work with and preserve existing native vegetation and natural

features of the site by designing structures and buildings around any such

features. Clear cutting of both protected and unprotected trees shall be

prohibited.

Landscaping

1. The majority of plant materials used as part of the development of a site

shall be of native species commonly found in the Gray Court area. Exotic and non-native plant species are discouraged.