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Cynthia B. Forte  
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As  
Agreement

Recorded On: May 26, 2006

Parties: GOOSE CREEK CITY OF  
To  
CARNES CROSSROADS ASSOCIATES LLC

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Cynthia B Forte - Register of Deeds

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00062297 Vol: 5647 Pg: 2

**THE PROVISIONS OF THIS AGREEMENT ARE  
SUBJECT TO ARBITRATION PURSUANT TO  
THE SOUTH CAROLINA UNIFORM ARBITRATION ACT**

**CARNES CROSSROADS  
DEVELOPMENT AGREEMENT  
BETWEEN THE  
CITY OF GOOSE CREEK  
AND CARNES CROSSROADS ASSOCIATES, LLC ET AL**

**Developer:  
Carnes Crossroads Associates, LLC  
230 Seven Farms Drive, Suite 201  
Charleston, South Carolina 29492**

**Prepared by:  
Warren & Sinkler, L.L.P.  
171 Church Street, Suite 340  
Charleston, SC 29401  
(843) 577-0660**

**TABLE OF CONTENTS**

**1. Definitions..... 2**

(a) Agreement..... 2

(b) Association..... 2

(c) Building Development Standards ..... 2

(d) CCARB..... 2

(e) Carnes Crossroads Covenants ..... 2

(f) Carnes Crossroads PUD..... 2

(g) City..... 2

(h) County ..... 2

(i) Comprehensive Plan..... 2

(j) Current Regulations..... 2

(k) Density..... 2

(l) Developer ..... 3

(m) Development..... 3

(n) Development Parcel ..... 3

(o) Development Permit..... 3

(p) Dwelling Unit ..... 3

(q) Dwelling Unit Lot..... 3

(r) Facilities..... 3

(s) Impact Fees ..... 4

(t) Land Development Regulations..... 4

(u) Laws..... 4

(v) Local Government..... 4

(w) Parties ..... 4

(x) Permitted Uses ..... 4

(y) Planning Commission ..... 4

(z) Project..... 4

(aa) Property Owner..... 4

(bb) Real Property ..... 5

(cc) Vested Dwelling Unit Lots ..... 5

(dd) Zoning Board of Appeals..... 5

(ee) Zoning Ordinance..... 5

(ff) Zoning Procedures..... 5

**2. Parties ..... 5**

**3. Relationship of the Parties..... 6**

**4. Legal Description of the Real Property ..... 6**

**5. Additional Real Property..... 6**

6. **The Property Owner and Developer** ..... 6

    (a) Identity of Property Owner..... 6

    (b) Identity of Developer..... 7

7. **Benefits and Burdens** ..... 7

8. **Consistency with the City’s Comprehensive Plan and Land Development Regulations** ..... 7

9. **Development Agreement Governs**..... 7

10. **Legislative Act**..... 7

11. **Applicable Land Use Regulations** ..... 7

    (a) Applicable Laws and Development Regulations ..... 7

    (b) Zoning Procedures..... 8

    (c) Changes in City Procedure for Administering Current Regulations..... 8

    (d) Applying New City Development Standards..... 8

12. **Building Codes and Laws Other Than Land Use Regulations** ..... 9

13. **Local Development Permits and Other Permits Needed** ..... 9

14. **Vested Rights Governing the Development of the Real Property** ..... 9

    (a) Vested Rights ..... 9

    (b) The Real Property..... 9

    (c) Vested Rights ..... 10

15. **Vested Rights as to Permitted Uses for the Real Property**..... 10

    (a) Uses..... 10

    (b) Mixed Uses ..... 10

    (c) Use Flexibility..... 10

    (d) Transitional Overlay Zone ..... 10

    (e) Agricultural Zone..... 10

    (f) Creation of Lakes..... 11

    (g) Approval of Uses by CCARB ..... 11

16. **Aesthetics** ..... 11

17. **Impact Fees/Exactions** ..... 12

18. **Facilities and Services** ..... 12

    (a) Drainage ..... 12

    (b) The Project's Roads ..... 13

    (c) Water and Sewer ..... 13

    (d) Streetlights ..... 13

    (e) Bike Trails/Sidewalks ..... 14

    (f) Utility Easements ..... 14

    (g) Stoplights and Street/Traffic Control and Other Street Signage ..... 14

    (h) Garbage and Trash Pick-Up ..... 14

    (i) Police Protection ..... 14

    (j) Timber Management ..... 15

19. **Archeological and Historic Sites/Wetlands/Endangered Species**..... 15

20. **Development Schedule for the Project** ..... 15

    (a) Commencement Date ..... 15

    (b) Interim Completion Date ..... 15

    (c) Completion Date ..... 16

21. **Term of the Agreement** ..... 16

22. **Amending or Canceling the Agreement** ..... 16

23. **Modifying or Suspending the Agreement** ..... 16

24. **Periodic Review** ..... 17

25. **Severability** ..... 17

26. **Merger** ..... 17

27. **Contingencies** ..... 17

28. **Cooperation** ..... 18

29. **Governing Law** ..... 18

30. **Remedies/Nonbinding Arbitration** ..... 18

31. **Recording**..... 18

32. **Third Parties**..... 19

33. **City Determination Relating to the Project**..... 19

34. **Successors and Assigns**..... 19

    (a) **Binding Effect** ..... 19

    (b) **Transfer of Real Property** ..... 19

    (c) **Release of Property Owner** ..... 20

    (d) **Estoppel Certificate** ..... 20

35. **General Terms and Conditions** ..... 21

    (a) **Agreements to Run with the Land** ..... 21

    (b) **State and Federal Law**..... 21

    (c) **No Waiver** ..... 21

    (d) **Entire Agreement** ..... 22

    (e) **Attorneys Fees**..... 22

    (f) **Notices** ..... 22

    (g) **Execution of Agreement** ..... 23

**Exhibit A Property Description**  
**Exhibit B Property Map**

**Appendix 1 Carnes Crossroads PUD**  
**Appendix 2 Goose Creek Zoning Ordinance**  
**Appendix 3 Goose Creek Zoning Procedures**  
**Appendix 4 Goose Creek Impact Fees**

**CARNES CROSSROADS  
DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF GOOSE CREEK  
AND CARNES CROSSROADS ASSOCIATES, LLC ET AL**

**THIS DEVELOPMENT AGREEMENT** is entered into this 9 day of May, 2006 by and among the City of Goose Creek, a municipal corporation organized and existing under the laws of the State of South Carolina ("City"), and Carnes Crossroads Associates, LLC, a South Carolina Limited Liability Company ("Developer") and Carnes Water Tower, LLC, a South Carolina limited liability company, Harmon Crossing, LLC, a South Carolina limited liability company, Harmon Run One, LLC, a South Carolina limited liability company, Harmon Run Two, LLC, a South Carolina limited liability company, Harmon Run Three, LLC, a South Carolina Limited Liability Company and Harmon Run Four, LLC, a South Carolina limited liability company (collectively "Harmon").

**RECITALS**

This Agreement is predicated upon the following:

1. The Code of Laws of South Carolina Sections 6-31-10 through 6-31-160, inclusive, enable municipalities to enter into binding development agreements with persons or entities intending to undertake any development on real property containing certain minimum acreages of highland and having a legal or equitable interest in the real property to be developed. The City has adopted an ordinance pursuant to this legislation authorizing the City to enter development agreements;
2. Under Code S.C. Section 6-31-30, and pursuant to City Ordinances, the City Council of the City has adopted City Ordinance #02-004, establishing procedures and requirements for considering and entering development agreements;
3. Under S.C. Code Section 6-31-50, and City Ordinance #02-004, the City conducted public hearings regarding its consideration of this Agreement on April 11, 2006, and May 9, 2006, after publishing and announcing notice of its intent to consider this Agreement, all in satisfaction of provisions S.C. Code Section 6-31-50, City Ordinance #02-004, and any other notice requirements;
4. The Developer and Harmon submitted the Real Property for annexation into the City conditioned upon entry into this Agreement and the zoning of the Real Property as a Planned Development District with this Agreement constituting the approved zoning plan for Development of the Real Property;
5. Under S.C. Code Section 6-31-60(A)(7) and City Ordinance #02-004, the City Council of the City found that this Agreement is consistent with the City Comprehensive Plan and Land Development Regulations; and
6. The City Council of the City adopted Ordinance Nos. 06-014 and N/A on

May 9 \_\_\_\_\_, 2006, approving the zoning the Real Property as a Planned Development District and approving this Agreement.

**NOW, THEREFORE, the Parties agree:**

**1. Definitions.**

In this Agreement, unless the word or phrase is non-capitalized; provided that capitalized terms not defined in this Agreement shall have the meaning ascribed to it in the Current Regulations.

- (a) "Agreement" means this Development Agreement, including the recitals and exhibits and appendices attached hereto.
- (b) "Association" means Carnes Crossroads Property Owners Association, Inc. to be formed by Developer.
- (c) "Building Development Standards" means minimum standards for the area width, depth, accessory structures or uses, building Setback, and yard requirements, and the maximum standards for Height and building coverage, for Lots or Development Parcels.
- (d) "CCARB" means the Carnes Crossroads Architectural Review Board formed, or to be formed, by the Developer.
- (e) "Carnes Crossroads Covenants" means and refers to the Declaration of Covenants, Conditions and Restriction for the Real Property to be recorded in the Office of the Register of Deeds for Berkeley County, and all amendments and supplements thereto which will impose additional restrictions and design guidelines which shall be consistent with the Carnes Crossroads PUD.
- (f) "Carnes Crossroads PUD" means the Master Plan attached hereto as **Appendix I** and incorporated herewith by reference.
- (g) "City" is the City of Goose Creek, South Carolina, a municipal corporation organized and existing under the laws of the State of South Carolina.
- (h) "County" is the County of Berkeley, South Carolina.
- (i) "Comprehensive Plan" means the comprehensive plan for the City adopted pursuant to City Ordinance #99-003.
- (j) "Current Regulations" shall mean the Carnes Crossroad PUD, the Zoning Ordinance and the Zoning Procedures.



- (k) "Density" means the total number of Dwelling Units and Dwelling Unit Lots permissible under the terms of this Agreement and the Appendices to this Agreement, taking into account Lot Criteria and Height and Lot Occupancy restrictions. No other density requirements are applicable to the Real Property.
- (l) "Developer" means Carnes Crossroads Associates, LLC, a South Carolina limited liability company, its successors and designated assigns.
- (m) "Development" means the planning for or carrying out of a building activity or mining operation, the making of a material change in the use or appearance of any structure or property, or the dividing of land into three or more parcels, and is intended by the Parties to include all uses of, activities upon or changes to the Real Property as are authorized by the Agreement.

"Development" as designated in a land or development permit, includes the planning for and all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "Development" refers to the planning for or the act of developing or to the result of development. Reference to a specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this item.

- (n) "Development Parcel" means any parcel of land on which Development may occur, including platted Lots and unplatted parcels, but excluding street rights of way.
- (o) "Development Permit" includes a building permit, zoning permit, subdivision approval, rezoning certification, conditional use, variance, certificate of occupancy or any other official action of Local Government having the effect of permitting the Development or use of property.
- (p) "Dwelling Unit" means 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. Dwelling Unit does not include accessory buildings. Dwelling Units include single-family homes, townhomes, condominiums and other multi-family units.
- (q) "Dwelling Unit Lot" or "Lot" means a single subdivided lot upon which any type of Dwelling Unit or building or buildings consisting of Dwelling Units, as defined by the Current Regulations, has been constructed. The number of Lots will be determined by market factors and will be governed by Lot Criteria and Height and Lot Occupancy restrictions.

- (r) "Facilities" means major capital or community improvements including, but not limited to, transportation, sanitary sewer, solid waste, drainage and potable water. The Property Owner is responsible for only those specific Facilities that Property Owner expressly undertakes to install in this Agreement.
- (s) "Impact Fees" means and refers to all fees, charges, dedications, obligations, or exactions of any kind whatsoever that may be imposed by the City under existing or future City Ordinances, existing or future state statutes, or as a matter of legal or equitable right arising, directly or indirectly, from any Development of the Real Property and include the Impact Fees set forth in the Current Regulations (see **Appendix 4**).
- (t) "Land Development Regulations" means ordinances and regulations enacted by the appropriate governing body for the regulation of any aspect of Development and includes, but is not limited to, Local Government zoning (including the Zoning Ordinance), rezoning, subdivision, building construction, occupancy, aesthetic, road, or sign regulations or any other regulations controlling the Development or use of property.
- (u) "Laws" means all ordinances, resolutions, regulations, Comprehensive Plans, Land Development Regulations, policies and rules, custom and usage (formal or informal) adopted by a Local Government affecting the Development of property and includes laws governing Permitted Uses of the property, governing density, and governing design, improvement, and construction standards and specifications, except as provided in Section 6-31-140(A).
- (v) "Local Government" means any county, municipality, special district, or governmental entity of the State, county, municipality, or region established pursuant to law which exercises regulatory authority over, and grants Development Permits for land Development or which provides public Facilities.
- (w) "Parties" are the Developer, Harmon and City.
- (x) "Permitted Uses" or "Uses" means the specific land uses permitted under the Current Regulations.
- (y) "Planning Commission" means the Planning Commission for the City as created under the City's ordinances Section 101 et seq.
- (z) "Project" is the Development that has occurred and will occur on the Real Property.
- (aa) "Property Owner" means Carnes Crossroads Associates, LLC, a South Carolina Limited Liability Company, Carnes Water Tower, LLC, a South

Carolina limited liability company, Harmon Crossing, LLC, a South Carolina limited liability company, Harmon Run One, LLC, a South Carolina limited liability company, Harmon Run Two, LLC, a South Carolina limited liability company, Harmon Run Three, LLC, a South Carolina Limited Liability Company and Harmon Run Four, LLC, a South Carolina limited liability company their successors in interest, or successors in title (as to any portion of the Real Property) and/or assigns. When used herein with reference to a specific Development Parcel, Lot, or specific portion of the Real Property, Property Owner shall mean and refer to that specific person or entity that has legal title to a Development Parcel, Lot, or specific portion of the Real Property. This definition of Property Owner shall not be understood to impose obligations, burdens, or liabilities on any of the particular person or entities comprising the Property Owner for portions of the Real Property not owned by them. Property Owner warrants that there are no other legal or equitable owners of the Real Property.

- (bb) "Real Property" is the real property described on **Exhibit A** and shown on the map attached as **Exhibit B**, each of which is incorporated herein by reference. The Real Property includes any improvements or structures customarily regarded as part of real property.
- (cc) "Vested Dwelling Unit Lots" means the total number of Dwelling Unit Lots authorized by this Agreement and the Appendices to this Agreement.
- (dd) "Zoning Board of Appeals" or "ZBA" means the duly appointed Zoning Board of Appeals of the City of Goose Creek.
- (ee) "Zoning Ordinance" means the City of Goose Creek Zoning Ordinance revised June 9, 1999, with latest amendment dated March 14 \_\_\_\_\_, 2006, a copy of which is attached hereto as **Appendix 2** and incorporated herein by reference.
- (ff) "Zoning Procedures" means collectively the Procedures Manual: Subdivisions and Planned Districts, the Procedure Manual: Commercial Sites and Buildings, the Procedures Manual: Single Family Residential Construction, Procedures Manual: Accessory Buildings, Additions, Repair, Maintenance and Remodeling, City of Goose Creek - Impact Fees and City of Goose Creek - Other Fees, each as amended through the passage date of this Master Plan, a copy of which are attached hereto as **Appendix 3** and incorporated herein by reference.

## 2. Parties.

Parties to this Agreement are the Property Owner and the City. When used herein with reference to, Development Parcel, Lot, or other specific portion of the Real Property, Parties shall mean and refer to the City and that specific person or entity that has legal title to Development Parcel, Lot, or specific portion of the Real Property. If portions of this

Agreement apply to one or more, but not all, of the entities or persons comprising the Property Owner, those particular Parties may be separately referred to.

**3. Relationship of the Parties.**

This Agreement creates a contractual relationship among the Parties. This Agreement is not intended to create, and does not create, the relationship of master/servant, principal/agent, independent contractor/employer, partnership, joint venture, or any other relationship where the City or Property Owner may be held responsible for the acts of the other Party. Further, this Agreement is not intended to create, nor does it create, a relationship whereby the conduct of the Property Owner constitutes "state action" for any purpose.

**4. Legal Description of the Real Property.**

The Real Property which is the subject of this Agreement is described as follows:

A map of the Real Property is set forth in **Exhibit B**. A legal description of the Real Property is set forth in **Exhibit A**.

**5. Additional Real Property.**

The Real Property currently consists of approximately Two Thousand Three Hundred Sixty Four (2,364) acres of highland. The Parties contemplate that this Agreement will be amended to add additional properties in the event the Property Owner acquires additional property in the vicinity of the Real Property which is or becomes located within the City limits. The City agrees that it will amend this Agreement upon request of the Property Owner to add such additional property and to make such property subject to the Carnes Crossroad PUD.

**6. The Property Owner and Developer.**

**(a) Identity of Property Owner.**

Property Owner means Carnes Crossroads Associates, LLC, a South Carolina Limited Liability Company, Carnes Water Tower, LLC, a South Carolina limited liability company, Harmon Crossing, LLC, a South Carolina limited liability company, Harmon Run One, LLC, a South Carolina limited liability company, Harmon Run Two, LLC, a South Carolina limited liability company, Harmon Run Three, LLC, a South Carolina Limited Liability Company and Harmon Run Four, LLC, a South Carolina limited liability company their successors in interest, or successors in title (as to any portion of the Real Property) and/or assigns by virtue of assignment or other instrument pursuant to Section 34 hereof. When used herein with reference to a Development Parcel, Lot, or specific portion of the Real Property, Property Owner shall mean and refer to that specific person or entity that has legal title to, the Development Parcel, Lot, or specific portion of the Real Property. This definition of Property Owner shall

not be understood to impose obligations, burdens, or liabilities on any of the particular persons or entities comprising the Property Owner for portions of the Real Property not owned by them. Property Owner warrants that there are no other legal or equitable owners of the Real Property.

(b) Identity of Developer.

Developer means Carnes Crossroads Associates, LLC, its successors and designated assigns who are specifically granted rights under this Agreement as the Developer.

7. Benefits and Burdens.

The City and Property Owner agree that the burdens of this Agreement bind, and the benefits of this Agreement shall inure to, each of them and to their successors in interest and, in the case of the Property Owner, its successors in interest, successors in title and/or assigns pursuant to Section 34 hereof. The City and the Property Owner enter this Agreement in order to serve benefits and burdens referenced in City Ordinance #02-004.

8. Consistency with the City's Comprehensive Plan and Land Development Regulations.

This Agreement is consistent with the City's Comprehensive Plan and Land Development Regulations.

9. Development Agreement Governs.

Whenever express or implied substantive provisions of this Agreement are inconsistent or in conflict with the applicable standards set forth in the Ordinances of the City of Goose Creek or other Laws of a Local Government, the provisions and standards set forth in this Agreement shall govern. This rule of interpretation shall replace that set forth in the City's Zoning Ordinance Section 1101 with regard to the effect of "Interpretation and Conflict".

10. Legislative Act.

Any change in the standards established by this Agreement or to Laws pertaining to the same shall require the approval of the City Council, subject to compliance with applicable statutory procedures and consistent with Section 10(a) of this Agreement. This Agreement constitutes a legislative act of the City Council of the City. The City Council adopted this Agreement only after following procedures required by S.C. Code Section 6-31-10 et seq. and City Ordinance #02-004. This Agreement shall not be construed to create a debt of the City as referenced in S.C. Code Section 6-31-145. This Agreement shall be subject to and have the benefits of the Vested Rights Act, S.C. Code Section 6-29-1510 et seq. (the "Vested Rights Act")

11. Applicable Land Use Regulations.

(a) Applicable Laws and Development Regulations.

Except as otherwise provided by this Agreement or by S.C. Code Section 6-31-10 et seq. and City Ordinance #02-004, the Law applicable to Development of the Real Property that is subject to this Agreement are those in force at the time of execution of this Agreement, including, but not limited to, the Vested Rights Act. The City shall not apply subsequently adopted Laws and Land Development Regulations to the Real Property unless specifically provided for under the Vested Rights Act and the City has held a public hearing and has determined: (1) the proposed subsequent Laws or Land Development Regulations are not in conflict with the Laws or Land Development Regulations governing the Agreement and do not prevent the Development set forth in this Agreement; (2) the proposed subsequent Laws or Land Development Regulations are essential to the public health, safety, or welfare and the proposed subsequent Laws or Land Development Regulations expressly state that they apply to a development that is subject to a development agreement; (3) the proposed subsequent Laws or Land Development Regulations are specifically anticipated and provided for in this Agreement; (4) substantial changes have occurred in pertinent conditions existing at the time of approval of this Agreement which changes, if not addressed by the City, would pose a serious threat to the public health, safety, or welfare; or (5) this Agreement is based on substantially and materially inaccurate information supplied by the Property Owner.

(b) Zoning Procedures.

The Zoning Procedures as modified by the Carnes Crossroad PUD are a part of the Current Regulations and apply to the Real Property except that any express provisions in this Agreement shall control and govern if there are inconsistent or incompatible provisions in the Current Regulations.

(c) Changes in City Procedure for Administering Current Regulations.

During the term of this Agreement, the City may modify city-wide procedures or composition of entities that review various matters under the City's zoning and development procedures. If a review entity identified in the Current Regulations no longer exists, the Parties shall agree upon an alternative review procedure. The alternative review procedure shall not be more demanding, restrictive, or costly to the Property Owner than the procedure existing under the Current Regulations, provided that the substitute procedure shall not materially change the Property Owner's rights under this Agreement nor materially increase the time and expense of obtaining such rights.

(d) Applying New City Development Standards.

In recognition of the fact that the City may, in the future, improve the City Zoning and Land Development Regulations in existence at the Effective Date, Developer may notify the City Zoning Administrator in writing that the Developer elects to have the modified provision(s) become a part of the Current Regulations. Thereafter, the modified provision shall also apply to the Real Property and be considered part of the Current Regulations.

12. **Building Codes and Laws Other Than Land Use Regulations.**

Notwithstanding any provision which may be construed to the contrary in this Agreement, the Property Owner must comply with any flood, building, housing, electrical, plumbing and gas codes subsequently adopted by the City or other governmental entity, as authorized by Chapter 9 of Title 6 of the South Carolina Code. This Agreement shall not be construed to supersede or contravene the requirements of any flood, building, housing, electrical, plumbing and gas codes subsequently adopted by the City or other governmental entity, as authorized by Chapter 9 of Title 6 of the South Carolina Code. The provisions of this Agreement are not intended, nor should they be construed in any way, to alter or amend in any way the rights, duties and privileges of the City to exercise governmental powers and pass laws not applicable to Development of the Real Property including, but not limited to, the power of eminent domain and the power to levy and collect taxes; provided, however, that Laws applicable to the Development of the Real Property shall be subject to Section 10(a).

13. **Local Development Permits and Other Permits Needed.**

The Parties anticipate that the following local Development Permits and other regulatory permits will be needed to complete the Development of the Project:

City plat approvals, City development permits, City building permits and City certificates of occupancy.

The failure of the Agreement to address a particular permit condition, term, or restriction does not relieve the Property Owner of the necessity of complying with the law governing the permit requirement, conditions, terms, or restrictions.

14. **Vested Rights Governing the Development of the Real Property.**

(a) **Vested Rights.**

Subject to the provisions of Section 10(a) of this Agreement, all rights and prerogatives accorded the Property Owner by this Agreement shall immediately constitute vested rights for the Development of the Real Property, including vested rights pursuant to the Vested Rights Act. Section 10(a) of this Agreement does not abrogate any rights either preserved by S.C. Code Section 6-31-140, City Ordinance #02-004, or that may have vested pursuant to common law and otherwise in the absence of a development agreement. No

moratorium or allocation on buildings or permits adopted by the City shall affect the rights and prerogatives of the Property Owner under this Agreement

(b) The Real Property.

The Real Property, which is the subject of this Agreement, is described on **Exhibit A** and delineated on **Exhibit B**.

(c) Vested Rights.

The Real Property is entitled, as a vested right of the Property Owner, to the benefit of the Current Regulations, including without limitation, the Building Development Standards, uses, Densities, dwelling units, Dwelling Unit Lots and other Development rights and prerogatives set forth in this Agreement and the Current Regulations.

**15. Vested Rights as to Permitted Uses for the Real Property.**

(a) Uses.

All residential and commercial or other uses allowed under the Current Regulations shall be considered to be vested and permitted as a matter of right on the Real Property.

(b) Mixed Uses.

The City shall allow all Permitted Uses on each particular Lot or Development Parcel.

(c) Use Flexibility.

The Developer shall have the flexibility to allocate residential and commercial or other uses allowed under this Agreement within the parcels of the Tract, provided that the use is permitted by the Current Regulations.

(d) Transitional Overlay Zone.

The Carnes Crossroads PUD includes a transitional overlay zone where either the Building Development Standards of the Carnes Crossroads Residential Zone or of the Carnes Crossroads Town Center Zone can apply. When the Developer has completed the necessary planning and site work for a Development Parcel within the Transitional Overlay Zone, the Developer shall designate the Development Parcel as either within the Carnes Crossroads Town Center Zone or within the Carnes Crossroads Residential Zone by delivery of written notification to the Zoning Administrator.



(e) Agricultural Zone.

The Carnes Crossroads PUD includes a base agricultural zone in order that parcels will continue to be managed for historical timber and agricultural uses and for the operation of commercial borrow pits until a parcel is made available for Development. Each parcel of the Real Property is zoned Carnes Crossroads Agricultural Zone until (i) Property Owner delivers a written request to the City for reclassification or (ii) the parcel no longer is classified as "qualified agricultural" for ad valorem tax purposes; thereafter, the parcel automatically shall be zoned Carnes Crossroads Residential, Town Center or Transitional Overlay as provided by the Carnes Crossroads PUD.

(f) Creation of Lakes

The Developer shall be entitled to create lakes and ponds on the Property and to dispose of any excavated materials offsite, whether by commercial sale or otherwise.

(g) Approval of Uses by CCARB.

Developer shall adopt the Carnes Crossroads Covenants and will form the CCARB which will interpret and apply the Development guidelines and regulations contained in the Carnes Crossroads Covenants and the Carnes Crossroads PUD. Prior to application to the City for a variance or request for a conditional or accessory use, an applicant must submit such request to the CCARB. Thereafter, the CCARB in accordance with procedures promulgated by Developer may approve or disapprove (in its sole discretion) such application for variances and requests for conditional or accessory uses. If approved, the applicant may then apply to the City for such variance or request for conditional or accessory use pursuant to this Agreement and the Zoning Ordinance. The CCARB may approve such applications, with or without conditions. Final determinations of applications for variances, conditional or accessory uses and/or interpretation shall be made in writing by the CCARB and copied to the City. The applicant shall be subject to both the requirements of the CCARB and the City, in the event of a conflict between the CCARB's interpretation of the Carnes Crossroads PUD and the City's, the City agrees to defer to the interpretation by the CCARB, provided such interpretation is not inconsistent with the provisions of the Carnes Crossroads PUD and the Carnes Crossroads Covenants. Developer shall determine the size and composition of the CCARB and may adopt more specific guidelines for such CCARB.

16. Aesthetics.

Subject to the provisions of this Agreement, the Developer shall have the right to

determine the (i) size, configurations and aesthetics of all structures and improvements on the Real Property, including, but not limited to, building design, site planning, outside lighting and landscaping, subject, however, to approval by the CCARB and, as to commercial improvements, to review by the Planning Staff of the City to determine whether the development is compatible with existing City guidelines and (ii) the use of each Development Parcel.

**17. Impact Fees/Exactions.**

The City agrees that the only Impact Fees or exactions of any kind as a result of the Development of the Real Property shall be the fees imposed by its Ordinances Section 508 et seq. of the Zoning Ordinance and those fees charged by the City's Department of Public Works. See **Appendix 4**. The City agrees that the fees required under Section 508 et seq. and by the City's Public Works, along with the improvements, parks, recreational areas and Facilities required by this Agreement, and existing improvements and Facilities shall satisfy all current and future obligations of the Property and for monetary exactions and/or the provisions or dedication of lands on the Real Property. If City Ordinance Section 508 et seq. (or the rate schedule of the City's Department of Public Works) is amended to increase these fees, the Property Owner shall not be subject to such increases. If City Ordinance Section 508 et seq. (or the rate schedule of the City's Department of Public Works) is amended to decrease these fees, the Property Owner shall have the benefit of such decrease, as of the effective date of such amendment. The Parties agree that the Property Owner need not perform any further impact assessment of the Project.

**18. Facilities and Services.**

Although the nature of this long term Project prevents the Developer from now providing exact completion dates, the Developer certifies that the following services and Facilities will be in place (or if not fully in place, the cost of their construction fully bonded or letter of credit posted pursuant to the Current Regulations), at the times provided below and as to roads, sewer and water infrastructure, at the times Lots or Dwelling Units in subdivided real property are offered for purchase to the public. Subject to compliance with applicable Laws and with all provisions of this Agreement, the City hereby authorizes the Developer to install the Facilities which it has undertaken to provide herein.

Impact Fees assessed and/or collected by the City with respect to the Real Property shall be expended by the City only on projects directly related to the Carnes Crossroads Project. The Developer agrees to donate to the City a parcel of land of sufficient and suitable size at an agreed location for a police/fire station.

(a) Drainage.

Property Owner shall provide adequate drainage for the Development of the Real Property in accord with Current Regulations, except as amended herein, and other applicable regulatory guidelines, including those of the Department of Ocean and Coastal Resource Management. Property Owner agrees to

dedicate to the City after completion all drainage easements related to the roads in a form of easement mutually acceptable to the Property Owner and the City. Property Owner shall have the right to place plantings, fencing, signs, parking lots and anything else that is not a habitable structure within the drainage easements, provided they do not impair drainage and provided Property Owner will timely and competently clean around these if requested by the City.

(b) The Project's Roads.

The Developer shall at its expense develop and provide roads and their related infrastructure in accordance with the Carnes Crossroads PUD. All roads and related drainage easements shall be publicly dedicated to the City in accordance with the provisions of the Carnes Crossroads PUD. The City may elect to convey such public roads to the County.

(c) Water and Sewer.

The City of Goose Creek and Developer shall mutually determine the provider of water service to the Project. The service and facilities for sewer shall be provided by the Berkeley County Water and Sanitation Authority unless agreed to by the Parties.

(d) Streetlights.

The Property Owner shall have the right to decide the location and number of streetlights as well as the design; provided, however, there shall be one (1) light fixture per four (4) Dwellings Units (other those located in apartments or condominium buildings). The Property Owner will pay all streetlight installation expenses above those normally paid by the City. The City will pay the electricity consumption charges for one (1) light fixture per four (4) dwellings and for the light fixtures along public rights of way serving commercial properties, unless the City's overall streetlight policy changes to pay the electricity charges for an increased number of streetlights per dwelling, in which event the City agrees that the Property Owner shall be treated the same and receive the benefit of this change. City will also pay for all streetlights located in a public right-of-way.

(e) Bike Trails/Sidewalks.

The Developer shall provide the number, size, configuration, lighting, location and path surfaces of sidewalks and bike paths throughout the Real Property as provided in the Carnes Crossroads PUD. The Property Owner and City will cooperate to provide a hiker/biker system in the Property. Should the City desire to build additional extensions of the hiker/biker system or to connect same to the City's system of pedestrian and bike paths/sidewalks, Property

Owner agrees to cooperate in the donation of easements for such purpose.

(f) Utility Easements.

Property Owner shall furnish necessary easements for water, sewer, gas, electricity, telephone, cable television and other utilities. Adequate easements for utilities shall be reserved by Property Owner in conveyances of Lots, Dwelling Units and Development Parcels. The location and size of such easements shall be in the discretion of the Property Owner. All utilities shall be installed underground.

(g) Stoplights and Street/Traffic Control and Other Street Signage.

The Property Owner shall have the authority to determine and install, at its expense, all street and traffic control signs, provided such signs are in accordance with existing City guidelines. In addition, all traffic control signs must meet the standards of the South Carolina Department of Transportation. Property Owner will cooperate, if requested, in assisting the City and neighboring communities in obtaining traffic signal(s).

(h) Garbage and Trash Pick-Up.

The City will provide the curbside garbage and trash pick-up service to the Project that is common and customary to other mixed-use developments and residential subdivisions in the City.

(i) Police Protection.

(i) Law Enforcement Services.

The City agrees that it will furnish standard police patrolling and monitoring throughout the Project.

(ii) Animal Control.

The City agrees to provide standard animal control services including having its animal control officers patrol the Project. The City agrees that these animal control officers, when on duty and available, shall respond in a standard prompt manner to requests from residents within the Project.

(j) Timber Management.

The Property Owner shall have the right to manage timber on any parcel of the Real Property which is still within the Carnes Crossroads Agricultural Zone and such parcels shall be exempt from any City regulation of tree removal

contained in the Current Regulations.

**19. Archeological and Historic Sites/Wetlands/Endangered Species.**

No archeological or historical study will be required by the City for the Development of any part of the Real Property.

The City agrees that the wetlands fill permit obtained (or to be obtained) by the Property Owner from federal and/or state regulatory agencies shall control between the Property Owner and the City as to the filling of wetlands specified in such a permit.

The City agrees that it shall not require any further endangered species studies beyond those already performed by Property Owner for the Development of any part of the Real Property.

**20. Development Schedule for the Project.**

(a) Commencement Date.

January 1 \_\_\_\_\_, 2007

(b) Interim Completion Date.

The Property Owner estimates that in the following years after the execution and adoption of this Agreement, the following percentage of the Real Property will be developed:

<u>Year</u>	<u>% Complete</u>
2010	15%
2020	75%

(c) Completion Date.

The Property Owner projects that by the year 2035 the Project should be complete (i.e. all infrastructure installed, commercial structures built).

**21. Term of the Agreement.**

This Agreement shall expire thirty (30) years from the date of its execution. The Parties agree that the Real Property contains more than two thousand (2,000) acres of highland as required by S.C. Code Section 6-31-40 for a term greater than twenty years. Nothing in this Agreement shall be interpreted to preclude the Parties from extending the termination date by mutual agreement or from entering into subsequent development agreements. The Property Owner agrees to send written notice to the City of its election to

add additional real property pursuant to Section 4 to be governed by this Agreement, which shall be delivered prior to ten (10) years from the date of the execution of this Agreement.

**22. Amending or Canceling the Agreement.**

Subject to the provisions of City Ordinance #02-004, this Agreement may be amended or canceled in whole or in part only by mutual consent of the Parties in writing or by their successors in interest and, in the case of the Property Owner, its successors in title.

Any amendment to this Agreement shall comply with the provisions of City Ordinance #02-004. If an amendment affects less than all the persons and entities comprising the Property Owner, then only the City and those affected persons or entities need to sign such written amendment. Because this Agreement constitutes the plan for this planned development district under the zoning ordinances, minor modifications to the site plan or development provisions may be made in accord with S.C. Code Section 6-29-740 (Cum.Supp. 2001) without a public hearing or amendment to applicable ordinances.

Any requirement of this Agreement requiring consent or approval of one of the Parties shall not require amendment of this Agreement unless the text expressly requires amendment. Whenever said consent or approval is required, the same shall not be unreasonably withheld. A major modification of this Agreement shall occur only after public notice and a public hearing by the City. This Agreement shall be amended if the Property Owner elects to add additional property pursuant to Section 4 of this Agreement.

**23. Modifying or Suspending the Agreement.**

In the event state or federal laws or regulations prevent or preclude compliance with one (1) or more provisions of this Agreement, the pertinent provisions of this Agreement shall be modified or suspended as may be necessary to comply with the such state or federal laws or regulations.

**24. Periodic Review.**

The Zoning Administrator of the City, or, if the City has no Zoning Administrator, an appropriate officer of the City, shall review the Project and this Agreement at least every twelve (12) months, at which time the Property Owner shall demonstrate good faith compliance with the terms of this Agreement.

If, as a result of its periodic review, the City finds and determines that the Property Owner has committed a material breach of the terms or conditions of this Agreement, the City shall serve notice in writing upon the Property Owner setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the Property Owner a reasonable time in which to cure the material breach.

If the Property Owner fails to cure any material breach within the time given, then the City unilaterally may terminate or modify this Agreement; provided, that the City has first given the Property Owner the opportunity: (1) to rebut the City's finding and determination; or (2) to consent to amend this Agreement to meet the concerns of the City with respect to the findings and determinations.

If the Property Owner finds and determines that the City has committed a material breach of the terms and conditions of this Agreement, the Property Owner shall serve notice in writing upon the City, setting forth with reasonable particularity the nature of the breach and the evidence supporting its finding and determination and providing the City a reasonable time in which to cure the material breach.

**25. Severability.**

Subject to the provisions to City Ordinance #02-004, if any word, phrase, sentence, paragraph, or provisions of this Agreement shall be finally adjudicated to be invalid, void, or illegal, it shall be deleted and in no way affect, impair, or invalidate any other provision hereof

**26. Merger.**

This Agreement, coupled with its Exhibits and Appendices which are incorporated herein by reference, shall state the final and complete expression of the Parties' intentions. All prior negotiations and representations are superseded and merged herein.

**27. Contingencies.**

This Agreement is contingent upon (a) its execution and approval in this form by the Parties; (b) the passage of the Carnes Crossroads Ordinance; and (c) the annexation of the Real Property into the City (conditioned on the fulfillment of contingencies (a) and (b)).

**28. Cooperation.**

The Parties hereto agree to cooperate with each other to effectuate the provisions of this Agreement and to act reasonably and expeditiously in all performance required under the Agreement.

In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the Parties hereby agree to cooperate in defending such action. Such cooperation does not require, in the event of such challenge, that a Party to this Agreement pay for the expense of litigation for any other Party.

**29. Governing Law.**

This Agreement shall be construed and enforced in accordance with the laws of the State

of South Carolina.

**30. Remedies/Nonbinding Arbitration.**

If there is a material breach of this Agreement, the non-breaching Party may pursue all available legal and equitable remedies. Each Party recognizes that the other Party would suffer irreparable harm from a material breach of this Agreement and that no adequate remedy at law may exist to enforce this Agreement. Consequently, the Parties agree that any non-breaching Party who seeks enforcement of the Agreement is entitled to seek the equitable remedies of injunction and specific performance.

If there is a dispute between the City and the Property Owner concerning the terms, meaning, interpretation, or rights or obligations under this Agreement, the Parties agree to submit such issue(s) to prompt binding arbitration. This binding arbitration shall be initiated by one Party's notifying the other in writing of the dispute and that Party's request for arbitration as described herein. Each side shall within five (5) days of receipt of such notice pick an arbitrator and these two (2) arbitrators shall pick a third. The Parties shall then promptly convene a conference with the arbitration panel and present their positions. The panel shall apply the commercial rules of the American Arbitration Association in conducting the arbitration. The majority of the arbitrators shall promptly render their decision. Upon the rendering of the arbitration panel's decision, either side may then immediately pursue proceedings for legal or equitable remedies. The Parties shall each bear the cost of its appointed arbitrator and split 50/50 the cost of the third arbitrator and any separate expenses associated with the arbitration conference.

**31. Recording.**

Within fourteen (14) days after execution of this Agreement, the Property Owner shall record the Agreement with the Office of the Register of Deeds for Berkeley County. The burdens of this Agreement are binding upon, and the benefits of this Agreement shall inure to, all successors in interest and assigns of the Parties to this Agreement.

**32. Third Parties.**

Notwithstanding any provision herein to the contrary, this Agreement shall not be interpreted to create or bestow any rights, remedies, or obligations on persons or entities that are not Parties or successors and assigns to this Agreement under Section 34.

**33. City Determination Relating to the Project.**

The City Council has approved the Project and the Agreement under the process set forth in #02-004 of the City's Ordinances.

**34. Successors and Assigns.**



(a) Binding Effect.

This Agreement shall be binding on the personal representatives, successors and assigns of the Property Owner in the ownership or Development of any portion of the Real Property or the Project. A purchaser or other successor in title of any portion of the Real Property shall be responsible for performance of Property Owner's obligations hereunder as to the portion of the Real Property so transferred. Property Owner shall be released from obligations under this Agreement upon the sale of Lots, Development Parcels and individual pad sites in the property conveyed.

This Agreement shall also be binding on the City and all future City Councils for the duration of this Agreement, even if the City Council members and/or mayor change.

(b) Transfer of Real Property.

Property Owner shall be entitled to transfer any portion or all of the Real Property to a purchaser(s) and assign its rights and obligations under this Agreement subject to the following exceptions:

(i) Notice of Property Transfer by Property Owner.

If the Property Owner intends to transfer all the land comprising the Real Property prior to commencement of development of the Real Property, the Property Owner shall notify the City in writing. With respect to such transfer, the Property Owner's assignment of rights and obligations under this Agreement (and the transferee's assumption thereof) shall be effective only if the City gives its written consent. The City's decision whether to consent shall be based on the proposed transferee's ability to perform the obligations of this Agreement. The City's consent shall not be unreasonably withheld.

(ii) Transfer of Facility and Service Obligations/Notice to City

If the Property Owner transfers any portion of the Real Property on which the Property Owner is required to provide and/or construct certain Facilities or provide certain services, distinct from those provided throughout the Project and which are site-specific to the portion of the Real Property conveyed, then the Property Owner shall be required to obtain a written agreement from the purchaser expressly assuming all such separate responsibilities and obligations with regard to the parcel conveyed and the Property Owner shall provide a copy of such agreement to the City.

(iii) Mortgage Lenders.

Notwithstanding anything to the contrary contained herein, the exceptions to transfer contained in this Section shall not apply; (i) to any mortgage lender either as the result of foreclosure of any mortgage secured by any portion of the Real Property or any other transfer in lieu of foreclosure; (ii) to any third party purchaser at such a foreclosure; or (iii) to any third party purchaser of such mortgage lender's interest subsequent to the mortgage lender's acquiring ownership of any portion of the Real Property as set forth above. Furthermore, nothing contained herein shall prevent, hinder or delay any transfer of any portion of the Real Property to any such mortgage lender or subsequent purchaser shall be bound by and shall receive the benefits from this Agreement as the successor in title to the Property Owner in accordance with Section 6 hereof.

(c) Release of Property Owner.

In the event of the sale or other conveyance of all or a portion of the Real Property and compliance with the conditions set forth herein, the Property Owner shall be released from any further obligations with respect to this Agreement as to the portion of the Real Property so transferred, and the transferee shall be considered as substituted as the Property Owner under the Agreement as to the portion of the Real Property so transferred.

(d) Estoppel Certificate.

Upon request in writing from an assignee or the Property Owner to the City sent by certified or registered mail or publicly licensed message carrier, return receipt requested, the City will provide a certificate in recordable form that solely with respect to the portion of the Real Property described in the request, there are no violations or breaches of this Agreement, except as otherwise described in the Certificate. The City will respond to such a request within thirty (30) days, unless a longer time is mutually agreed to in writing by the Parties, of the receipt of the request, and may employ such professional consultants, municipal, county and state agencies and staff as may be necessary to assure the truth and completeness of the statements in the Certificate. The reasonable costs and disbursements of private consultants will be paid by the person making the request.

If the City does not respond to such request within thirty (30) days of the time of its receipt, the portion of the Real Property described in the request will be deemed in compliance with all of the covenants and terms of this Agreement. A certificate of such conclusion may be recorded by the Property Owner, including a copy of the request and the notice of receipt and it shall be binding on the City as of its date. Such notice shall have the same effect as a Certificate

issued by the City under this Section 34(d).

**35. General Terms and Conditions.**

(a) Agreements to Run with the Land.

This Agreement shall be recorded against the Real Property as described in **Exhibit A**. The agreements contained herein shall be deemed to run with the land. The burdens of this Agreement are binding upon, and the benefits of the Agreement shall inure to, all successors to and assigns of the Parties to the Agreement, as set forth in Section 33.

(b) State and Federal Law.

The Parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. In the event state or federal laws or regulations prevent or preclude compliance with one or more provisions of the development agreement, the provisions of this Agreement shall be modified or suspended as may be necessary to comply with state or federal laws or regulations. The Parties further agree that if any provision of this Agreement is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect.

(c) No Waiver.

Failure of a Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such Party to exercise at some future time said right or any other right it may have hereunder. Unless this Agreement is amended by vote of the City Council taken with the same formality as the vote approving this Agreement, no officer, official or agent of the City has the power to amend, modify, or alter this Agreement or waiver any of its conditions as to bind the City by making any promise or representation not contained herein. Any amendments are subject to Section 21 herein.

(d) Entire Agreement.

This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by Harmon, the Developer and the City.

(e) Attorneys Fees.

Should any Party hereto employ an attorney for the purpose of enforcing this Agreement, or any judgment based on this Agreement, for any reason or in any legal proceeding whatsoever, including insolvency, bankruptcy, arbitration, declaratory relief or litigation, including appeals or rehearings, the prevailing Party shall be entitled to receive from the other Party thereto reimbursement for all attorneys' fees and all costs and expenses. Should any judgment or final order be issued in that proceeding, said reimbursement shall be specified therein.

(f) Notices.

All notices hereunder shall be given in writing by certified mail, postage prepaid, at the following addresses:

To the City:

Mayor  
City of Goose Creek  
519 North Goose Creek Boulevard  
Goose Creek, SC 29445

Timothy A. Domin, Esquire  
Clawson & Staubes, LLC  
304 Meeting Street  
Charleston, SC 29401

To the Property Owner:

Carnes Crossroads Associates, LLC  
230 Seven Farms Drive, Suite 201  
Charleston, SC 29492  
Attention: Matthew Sloan

Harmon addressees:  
80 Indigo Point Drive  
Charleston, SC 29407  
Attention: George R. Herrin

With copies to:

Planning Administrator  
City of Goose Creek  
519 North Goose Creek Boulevard  
Goose Creek, SC 29445

City Administrator  
City of Goose Creek  
519 North Goose Creek Boulevard  
Goose Creek, SC 29445

With copies to:

Susan M. Smythe, Esquire  
Buist Moore Smythe McGee PA  
P.O. Box 999  
Charleston, SC 29402

James K. Kuyk  
Grant & Kuyk  
151 Meeting Street, Suite 415  
P.O. Box 395  
Charleston, SC 29402

(g) Execution of Agreement.

This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the

















IN WITNESS WHEREOF, this Carnes Crossroads Development Agreement between the City Of Goose Creek and Carnes Crossroads Associates, LLC, *et. al.* has been executed by the Parties on the day and year first above written.

WITNESSES

HARMON RUN FOUR, LLC

*[Signature]*  
*[Signature]*

By: *[Signature]*  
George R. Herrin  
Its: Manager

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF BERKELEY        )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of May, 2005 by the within named HARMON RUN FOUR, LLC, by George R. Herrin, its Manager.

*[Signature]*  
Notary Public for South Carolina  
My Commission Expires: My Commission Expires March 6, 2010

**EXHIBIT A****TMS# 222-00-00-094 (Tract A)**

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 286.38 acres, more or less, identified as Tract "A" on that certain survey prepared by F. Elliotte Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the end of the northwestern right-of-way line of Rose Drive; Thence N 46°19'49" E, a distance of 2,236.32 feet along a Tie line to a point; Said point being the point of beginning;

Thence N 44°59'51" E, a distance of 931.86 feet to a point;  
Thence N 89°06'41" E, a distance of 1,387.53 feet to a point;  
Thence N 82°05'17" E, a distance of 748.35 feet to a point;  
Thence N 62°03'18" E, a distance of 1,591.98 feet to a point;  
Thence S 64°54'42" E, a distance of 1,438.67 feet to a point;  
Thence S 70°39'09" E, a distance of 950.67 feet to a point;  
Thence S 15°08'02" E, a distance of 640.68 feet to a point;  
Thence S 15°12'35" E, a distance of 343.27 feet to a point;  
Thence S 37°25'42" W, a distance of 152.61 feet to a point;  
Thence S 34°06'36" W, a distance of 485.58 feet to a point;  
Thence S 47°58'36" W, a distance of 819.77 feet to a point;  
Thence S 48°21'20" W, a distance of 1,148.86 feet to a point;  
Thence N 45°31'48" W, a distance of 301.85 feet to a point;  
Thence N 47°31'50" W, a distance of 2,614.09 feet to a point;  
Thence S 50°03'51" W, a distance of 1,678.50 feet to a point;  
Thence N 47°16'47" W, a distance of 1,889.08 feet to a point;  
Said point being the point of beginning.

**DERIVATION:** This being a portion of the same property conveyed to Harmon Crossing, LLC (55.90%) by deed from Herrin Properties, Limited Partnership dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 247 and re-recorded on August 11, 2005 in Book 4910 at page 45 in the Office of the Register of Deeds for Berkeley County; and this being the same property conveyed to Harmon Run One, LLC (22.05%) by deed from George Ronald Herrin dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 259 in the Office of the Register of Deeds for Berkeley County; and this being the same property conveyed to Harmon Run Two, LLC (22.05%) by deed from Patricia H. Herrin dated June

14, 2005 and recorded on June 17, 2005 in Book 4778, at page 264 in the Office of the Register of Deeds for Berkeley County.

Formerly part of TMS# 222-00-00-093, new TMS to be assigned (Tract B)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 116.34 acres, more or less, identified as Tract "B" on that certain survey prepared by F. Elliotte Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the intersection of the northwestern right-of-way line of U.S. Highway 17 Alternate and the northwestern right-of-way line of U.S. Highway 176; Thence S 37°36'26" W , a distance of 4,285.83 feet along a Tie line to a point; Said point being the point of beginning.

Thence S 87°17'18" W , a distance of 1,394.47 feet to a point;

Thence S 87°04'20" W , a distance of 309.70 feet to a point;

Thence S 87°07'06" W , a distance of 200.65 feet to a point;

Thence N 17°19'55" W , a distance of 61.34 feet to a point;

Thence N 80°39'29" W , a distance of 327.46 feet to a point;

Thence N 15°12'35" W , a distance of 343.27 feet to a point;

Thence N 15°08'02" W , a distance of 640.68 feet to a point;

Thence N 70°39'09" W , a distance of 950.67 feet to a point;

Thence N 37°01'13" E , a distance of 854.26 feet to a point;

Thence N 44°36'38" E , a distance of 1,405.07 feet to a point;

Thence S 32°55'49" E , a distance of 3,087.51 feet to a point;

Thence S 32°55'49" E , a distance of 21.99 feet to a point;

Thence S 30°05'21" E , a distance of 412.50 feet to a point;

Said point being the point of beginning.

**DERIVATION:** This being a portion of the same property conveyed to Harmon Crossing, LLC (55.90%) by deed from Herrin Properties, Limited Partnership dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 247 and re-recorded on August 11, 2005 in Book 4910 at page 45 in the Office of the Register of Deeds for Berkeley County; and this being the same property conveyed to Harmon Run One, LLC (22.05%) by deed from George Ronald Herrin dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 259 in the Office of the Register of Deeds for Berkeley County; and this being the same property conveyed to Harmon Run Two, LLC (22.05%) by deed from Patricia H. Herrin dated June

14, 2005 and recorded on June 17, 2005 in Book 4778, at page 264 in the Office of the Register of Deeds for Berkeley County.

TMS# 222-00-00-062 (Tract C)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 269.71 acres, more or less, identified as Tract "C" on that certain survey prepared by F. Elliotte Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the intersection of the northeastern right-of-way line of U.S. Highway 176 and the southeastern right-of-way line of Domingo Drive; Thence N 50°37'55" W, a distance of 379.26 feet along a Tie line to a point; Said point being the point of beginning;  
Thence S 35°20'38" E, a distance of 4,435.68 feet to a point;  
Thence S 54°39'11" W, a distance of 35.00 feet to a point;  
Thence S 35°20'38" E, a distance of 100.00 feet to a point;  
Thence N 54°39'11" E, a distance of 35.00 feet to a point;  
Thence S 35°20'38" E, a distance of 155.47 feet to a point;  
being the point of curvature of a curve to the right, having a radius of 11,409.19 feet, a central angle of 1°37'24", and a chord length of 323.22 feet bearing S 34°31'56" E ; Thence proceed along the arc of said curve 323.23 feet to a point;  
Thence S 33°58'41" W, a distance of 483.29 feet to a point;  
Thence N 82°00'02" W, a distance of 3,079.03 feet to a point;  
Thence S 32°34'31" W, a distance of 496.97 feet to a point;  
Thence S 80°37'39" W, a distance of 533.42 feet to a point;  
Thence S 44°36'38" W, a distance of 409.58 feet to a point;  
Thence N 32°55'49" W, a distance of 474.87 feet to a point;  
Thence N 27°15'36" W, a distance of 724.02 feet to a point;  
Thence N 28°43'24" E, a distance of 4,356.17 feet to a point;  
Thence S 50°37'55" E, a distance of 379.26 feet to a point;  
Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Harmon Run One, LLC by deed from George Ronald Herrin dated August 11, 2005 and recorded on August 11, 2005 in Book 4910, at page 58 in the Office of the Register of Deeds for Berkeley County.

Formerly part of TMS# 222-00-00-062, new TMS to be assigned (Tract D)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 203.55 acres, more or less, identified as Tract "D" on that certain survey prepared by F. Elliott Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the intersection of the northwestern right-of-way line of U.S. Highway 17 Alternate and the northwestern right-of-way line of U.S. Highway 176; Thence S 36°54'30" W, a distance of 345.64 feet along a Tie line to a point; Said point being the point of beginning;

Thence S 34°00'22" W, a distance of 25.07 feet to a point;  
Thence S 55°59'38" E, a distance of 10.00 feet to a point;  
Thence S 34°00'22" W, a distance of 1,096.08 feet to a point;  
Thence N 55°59'38" W, a distance of 10.00 feet to a point;  
Thence S 34°00'22" W, a distance of 30.00 feet to a point;  
Thence S 55°59'38" E, a distance of 10.00 feet to a point;  
Thence S 34°00'22" W, a distance of 1,194.49 feet to a point;  
Thence N 55°59'38" W, a distance of 20.00 feet to a point;  
Thence S 34°00'22" W, a distance of 40.00 feet to a point;  
Thence S 55°59'38" E, a distance of 20.00 feet to a point;  
Thence S 34°00'22" W, a distance of 909.59 feet to a point;  
Thence S 34°00'22" W, a distance of 485.58 feet to a point;  
Thence N 63°28'15" W, a distance of 279.44 feet to a point;  
Thence S 26°23'28" W, a distance of 116.04 feet to a point;  
Thence N 30°05'21" W, a distance of 412.50 feet to a point;  
Thence N 32°55'49" W, a distance of 21.99 feet to a point;  
Thence N 32°55'49" W, a distance of 3,087.51 feet to a point;  
Thence N 44°36'38" E, a distance of 409.58 feet to a point;  
Thence N 80°37'39" E, a distance of 533.42 feet to a point;  
Thence N 32°34'31" E, a distance of 496.97 feet to a point;  
Thence S 82°00'02" E, a distance of 3,079.03 feet to a point;  
Thence S 38°50'43" E, a distance of 278.14 feet to a point;  
Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Harmon Run One, LLC by deed from George Ronald Herrin dated August 11, 2005 and recorded on August 11, 2005 in Book 4910, at page 58 in the Office of the Register of Deeds for Berkeley County.

TMS# 222-00-00-050 (Tract E)



ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 148.85 acres, more or less, identified as Tract "E" on that certain survey prepared by F. Elliotte Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the intersection of the northwestern right-of-way line of U.S. Highway 17 Alternate and the northwestern right-of-way line of U.S. Highway 176; Thence S 43°40'06" E, a distance of 377.39 feet along a Tie line to a point; Said point being the point of beginning;

Thence S 32°41'38" E, a distance of 2,268.26 feet to a point;  
Thence S 57°16'45" W, a distance of 236.77 feet to a point;  
Thence N 32°43'15" W, a distance of 883.38 feet to a point;  
Thence S 57°16'45" W, a distance of 50.00 feet to a point;  
Thence S 57°16'45" W, a distance of 516.05 feet to a point;  
Thence S 41°09'10" E, a distance of 32.62 feet to a point;  
Thence S 25°23'33" W, a distance of 87.63 feet to a point;  
Thence S 4°14'46" W, a distance of 50.06 feet to a point;  
Thence S 37°01'49" E, a distance of 101.46 feet to a point;  
Thence N 68°09'28" E, a distance of 99.72 feet to a point;  
Thence S 59°20'26" E, a distance of 87.73 feet to a point;  
Thence N 85°23'18" E, a distance of 114.65 feet to a point;  
Thence S 3°28'34" E, a distance of 60.89 feet to a point;  
Thence S 6°56'14" E, a distance of 104.77 feet to a point;  
Thence S 71°33'54" E, a distance of 113.08 feet to a point;  
Thence N 89°26'16" E, a distance of 122.52 feet to a point;  
Thence S 79°52'22" E, a distance of 107.82 feet to a point;  
Thence S 43°59'59" E, a distance of 60.33 feet to a point;  
Thence S 47°10'21" E, a distance of 62.74 feet to a point;  
Thence S 44°11'39" W, a distance of 105.95 feet to a point;  
Thence S 38°40'32" E, a distance of 94.29 feet to a point;  
Thence S 82°48'14" W, a distance of 74.03 feet to a point;  
Thence S 72°50'13" W, a distance of 58.59 feet to a point;  
Thence S 76°26'46" W, a distance of 113.29 feet to a point;  
Thence S 45°49'53" W, a distance of 117.71 feet to a point;  
Thence S 17°36'50" E, a distance of 60.92 feet to a point;  
Thence S 33°19'18" W, a distance of 150.03 feet to a point;  
Thence S 44°56'39" W, a distance of 74.44 feet to a point;

Thence S 26°04'30" W, a distance of 66.94 feet to a point;  
Thence S 56°22'48" W, a distance of 30.33 feet to a point;  
Thence S 48°27'12" E, a distance of 32.27 feet to a point;  
Thence S 49°02'31" W, a distance of 45.19 feet to a point;  
Thence S 28°53'27" E, a distance of 37.89 feet to a point;  
Thence S 59°11'51" W, a distance of 447.80 feet to a point;  
Thence S 61°27'37" W, a distance of 885.82 feet to a point;  
Thence S 61°38'15" W, a distance of 658.66 feet to a point;  
Thence N 10°39'43" E, a distance of 74.71 feet to a point;  
Thence N 63°39'19" W, a distance of 733.87 feet to a point;  
Thence N 63°41'24" W, a distance of 482.84 feet to a point;  
Thence N 34°00'22" E, a distance of 1,373.43 feet to a point;  
Thence S 55°59'38" E, a distance of 20.00 feet to a point;  
Thence N 34°00'22" E, a distance of 40.00 feet to a point;  
Thence N 55°59'38" W, a distance of 20.00 feet to a point;  
Thence N 34°00'22" E, a distance of 1,150.46 feet to a point;  
Thence S 55°59'38" E, a distance of 20.00 feet to a point;  
Thence N 34°00'22" E, a distance of 30.00 feet to a point;  
Thence N 55°59'38" W, a distance of 20.00 feet to a point;  
Thence N 34°00'22" E, a distance of 1,134.11 feet to a point;  
Thence S 55°59'38" E, a distance of 10.00 feet to a point;  
Thence N 34°00'22" E, a distance of 91.00 feet to a point;  
Thence S 59°55'08" E, a distance of 192.73 feet to a point;  
Thence N 58°13'53" E, a distance of 152.77 feet to a point;  
Thence N 58°13'50" E, a distance of 51.75 feet to a point;  
Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Wildcat Run, LLC by deed from Carnes Grove, LLC dated February 12, 2004 and recorded on February 13, 2004 in Book 3832, at page 238 in the Office of the Register of Deeds for Berkeley County.

TMS# 222-00-00-128 (Tract E-1)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 15.53 acres, more or less, identified as Tract "E-1" on that certain survey prepared by F. Elliott Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the intersection of the northwestern right-of-way line of U.S. Highway 17 Alternate and the northwestern right-of-way line of U.S. Highway 176; Thence S 34°03'47" E, a distance of 3,006.79 feet along a Tie line to a point; Said point being the point of beginning.

Thence S 61°06'33" W, a distance of 1,244.16 feet to a point;  
Thence N 28°53'27" W, a distance of 37.89 feet to a point;  
Thence N 49°02'31" E, a distance of 45.19 feet to a point;  
Thence N 48°27'12" W, a distance of 32.27 feet to a point;  
Thence N 56°22'48" E, a distance of 30.33 feet to a point;  
Thence N 26°04'30" E, a distance of 66.94 feet to a point;  
Thence N 44°56'39" E, a distance of 74.44 feet to a point;  
Thence N 33°19'18" E, a distance of 150.03 feet to a point;  
Thence N 17°36'50" W, a distance of 60.92 feet to a point;  
Thence N 45°49'53" E, a distance of 117.71 feet to a point;  
Thence N 76°26'46" E, a distance of 113.29 feet to a point;  
Thence N 72°50'13" E, a distance of 58.59 feet to a point;  
Thence N 82°48'14" E, a distance of 74.03 feet to a point;  
Thence N 38°40'32" W, a distance of 94.29 feet to a point;  
Thence N 44°11'39" E, a distance of 105.95 feet to a point;  
Thence N 47°10'21" W, a distance of 62.74 feet to a point;  
Thence N 43°59'59" W, a distance of 60.33 feet to a point;  
Thence N 79°52'22" W, a distance of 107.82 feet to a point;  
Thence S 89°26'16" W, a distance of 122.52 feet to a point;  
Thence N 71°33'54" W, a distance of 113.08 feet to a point;  
Thence N 6°56'14" W, a distance of 104.77 feet to a point;  
Thence N 3°28'34" W, a distance of 60.89 feet to a point;  
Thence S 85°23'18" W, a distance of 114.65 feet to a point;  
Thence N 59°20'26" W, a distance of 87.73 feet to a point;  
Thence S 68°09'28" W, a distance of 99.72 feet to a point;  
Thence N 37°01'49" W, a distance of 101.46 feet to a point;  
Thence N 4°14'46" E, a distance of 50.06 feet to a point;  
Thence N 25°23'33" E, a distance of 87.63 feet to a point;  
Thence N 41°09'10" W, a distance of 32.62 feet to a point;  
Thence N 57°16'45" E, a distance of 516.05 feet to a point;  
Thence S 32°43'15" E, a distance of 933.38 feet to a point;  
Thence N 57°16'45" E, a distance of 286.74 feet to a point;  
Thence S 32°41'38" E, a distance of 317.18 feet to a point;  
Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Wildcat Run, LLC by deed from Carnes Grove, LLC dated February 12, 2004 and recorded on February 13, 2004 in Book 3832, at page 238 in the Office of the Register of Deeds for Berkeley County.

TMS# 222-00-00-050 (Tract F)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 1.34 acres, more or less, identified as Tract "F" on that certain survey prepared by F. Elliotte Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the intersection of the northwestern right-of-way line of U.S. Highway 17 Alternate and the northwestern right-of-way line of U.S. Highway 176; Thence S 34°13'28" E, a distance of 2,689.71 feet along a Tie line to a point; Said point being the point of beginning;

Thence S 57°16'45" W, a distance of 286.74 feet to a point;

Thence N 32°43'15" W, a distance of 933.38 feet to a point;

Thence N 57°16'45" E, a distance of 50.00 feet to a point;

Thence S 32°43'15" E, a distance of 883.38 feet to a point;

Thence N 57°16'45" E, a distance of 236.77 feet to a point;

Thence S 32°41'38" E, a distance of 50.00 feet to a point;

Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Wildcat Run, LLC by deed from Carnes Grove, LLC dated February 12, 2004 and recorded on February 13, 2004 in Book 3832, at page 238 in the Office of the Register of Deeds for Berkeley County.

TMS# 222-00-00-051 (Tract G)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 2.94 acres, more or less, identified as Tract "G" on that certain survey prepared by F. Elliotte Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the intersection of the northwestern right-of-way line of U.S. Highway 17 Alternate and the northwestern right-of-way line of U.S. Highway 176, said point being the point of beginning; Thence S 34°00'22" W, a distance of 350.59 feet to a point; Thence N

38°50'43" W, a distance of 18.31 feet to a point; Thence N 38°50'43" W, a distance of 278.14 feet to a point; Thence N 33°58'41" E, a distance of 483.29 feet to a point; being the point of curvature of a curve to the right, having a radius of 11,409.19 feet, a central angle of 1°1'36" , and a chord length of 204.46 feet bearing S 33°12'26" E ; Thence proceed along the arc of said curve 204.46 feet to a point; Thence S 32°41'38" E, a distance of 3.45 feet to a point; Thence S 0°39'22" W, a distance of 167.07 feet to a point; Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Harmon Crossing, LLC by deed from Herrin Properties, Limited Partnership, dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 247 and re-recorded on August 11, 2005 in Book 4910 at page 45 in the Office of the Register of Deeds for Berkeley County.

TMS# 222-00-00-134 (Tract H)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 12.54 acres, more or less, identified as Tract "H" on that certain survey prepared by F. Elliotte Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the intersection of the northwestern right-of-way line of U.S. Highway 17 Alternate and the northwestern right-of-way line of U.S. Highway 176; Thence S 47°01'00" W, a distance of 8,185.65 feet along a Tie line to a point; Said point being the point of beginning; Thence N 80°17'43" W, a distance of 164.49 feet to a point; being the point of curvature of a curve to the left, having a radius of 1,188.26 feet, a central angle of 2°2'56", and a chord length of 42.49 feet bearing N 81°19'11" W ; Thence proceed along the arc of said curve 42.49 feet to a point; Thence N 3°04'52" E, a distance of 420.26 feet to a point; Thence N 84°46'47" W, a distance of 105.00 feet to a point; Thence S 3°04'52" W, a distance of 420.44 feet to a point; being the point of curvature of a curve to the left, having a radius of 1,188.26 feet, a central angle of 6°17'41", and a chord length of 130.48 feet bearing S 89°26'39" W; Thence proceed along the arc of said curve 130.55 feet to a point; Thence N 38°54'49" W, a distance of 421.18 feet to a point; Thence N 48°21'20" E, a distance of 1,148.86 feet to a point; Thence S 27°29'46" E, a distance of 654.89 feet to a point; Thence S 80°48'34" W, a distance of 122.13 feet to a point; Thence S 80°07'36" W, a distance of 364.48 feet to a point; Thence S 7°52'55" E, a distance of 163.91 feet to a point; Thence S 79°16'03" W, a distance of 34.31 feet to a point; Thence S 6°17'47" E, a distance of 203.44 feet to a point; Thence S 6°33'06" E, a distance of 100.15 feet to a point; Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Harmon Crossing, LLC by deed from Herrin Properties, Limited Partnership, dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 247 and re-recorded on August 11, 2005 in Book 4910 at page 45 in the Office of the Register of Deeds for Berkeley County.

TMS# 221-00-00-065 (Tract I)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 189.94 acres, more or less, identified as Tract "I" on that certain survey prepared by F. Elliotte Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the end of the northwestern right-of-way line of Rose Drive; Thence N 53°27'59" W, a distance of 954.49 feet along a Tie line to a point; Said point being the point of beginning;

Thence N 53°48'28" W, a distance of 600.40 feet to a point;

Thence N 22°15'28" E, a distance of 5,280.46 feet to a point;

Thence S 69°04'11" E, a distance of 1,508.50 feet to a point;

Thence S 22°15'41" W, a distance of 5,695.36 feet to a point;

Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Harmon Run One, LLC by deed from George Ronald Herrin dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 259 in the Office of the Register of Deeds for Berkeley County.

TMS# 222-00-00-093 (Tract J)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 231.09 acres, more or less, identified as Tract "J" on that certain survey prepared by F. Elliotte Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet

M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the end of the northwestern right-of-way line of Rose Drive; Thence N 45°56'18" E, a distance of 3,168.01 feet along a Tie line to a point; Said point being the point of beginning;

Thence N 44°59'51" E, a distance of 5,167.70 feet to a point;

Thence S 42°05'49" E, a distance of 2,606.38 feet to a point;

Thence N 47°34'24" E, a distance of 920.70 feet to a point;

Thence S 32°55'49" E, a distance of 474.87 feet to a point;

Thence S 44°36'38" W, a distance of 1,405.07 feet to a point;

Thence S 37°01'13" W, a distance of 854.26 feet to a point;

Thence N 64°54'42" W, a distance of 1,438.67 feet to a point;

Thence S 62°03'18" W, a distance of 1,591.98 feet to a point;

Thence S 82°05'17" W, a distance of 748.35 feet to a point;

Thence S 89°06'41" W, a distance of 1,387.53 feet to a point;

Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Harmon Crossing, LLC (55.90%) by deed from Herrin Properties, Limited Partnership dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 247 and re-recorded on August 11, 2005 in Book 4910 at page 45 in the Office of the Register of Deeds for Berkeley County; and this being the same property conveyed to Harmon Run One, LLC (22.05%) by deed from George Ronald Herrin dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 259 in the Office of the Register of Deeds for Berkeley County; and this being the same property conveyed to Harmon Run Two, LLC (22.05%) by deed from Patricia H. Herrin dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 264 in the Office of the Register of Deeds for Berkeley County.

TMS# 222-00-00-106 (Tract K)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 466.76 acres, more or less, identified as Tract "K" on that certain survey prepared by F. Elliotte Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the end of the northwestern right-of-way line of Rose Drive; Said point being the point of beginning; Thence N 44°56'15" E, a distance of 1,486.05 feet to a point;

Thence N 53°35'32" W, a distance of 2,016.55 feet to a point; Thence N 22°15'41" E, a distance of 5,695.36 feet to a point; Thence S 69°04'11" E, a distance of 4,653.23 feet to a point; Thence S 44°59'51" W, a distance of 5,167.70 feet to a point; Thence S 44°59'51" W, a distance of 931.86 feet to a point; Thence S 45°11'47" W, a distance of 741.97 feet to a point; Thence S 53°45'47" E, a distance of 4.04 feet to a point; Thence S 44°56'15" W, a distance of 1,494.31 feet to a point; Thence N 45°03'45" W, a distance of 55.00 feet to a point; Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Harmon Crossing, LLC by deed from Herrin Properties, Limited Partnership, dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 247 and re-recorded on August 11, 2005 in Book 4910 at page 45 in the Office of the Register of Deeds for Berkeley County.

TMS# 222-00-00-072 (Tract L)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 192.57 acres, more or less, identified as Tract "L" on that certain survey prepared by F. Elliott Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the intersection of the northeastern right-of-way line of U.S. Highway 176 and the southeastern right-of-way line of Domingo Drive; Thence N 50°37'55" W, a distance of 379.26 feet along a Tie line to a point; Said point being the point of beginning; Thence S 28°43'24" W, a distance of 4,356.17 feet to a point; Thence S 27°15'36" E, a distance of 724.02 feet to a point; Thence S 47°34'24" W, a distance of 920.70 feet to a point; Thence N 42°05'49" W, a distance of 2,606.38 feet to a point; Thence N 44°42'46" E, a distance of 2,212.58 feet to a point; Thence N 45°53'01" E, a distance of 3,096.38 feet to a point; Thence S 35°20'38" E, a distance of 707.21 feet to a point; Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Harmon Crossing, LLC by deed from Herrin Properties, Limited Partnership, dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 247 and re-recorded on August 11, 2005 in Book 4910, at page 45 in the Office of the Register of Deeds for Berkeley County.

TMS# 209-00-01-049 (Tract M)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 141.17 acres, more or less,



identified as Tract "M" on that certain survey prepared by F. Elliott Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads, City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the intersection of the northeastern right-of-way line of U.S. Highway 176 and the southeastern right-of-way line of Domingo Drive; Said point being the point of beginning.

Thence N 59°59'19" E, a distance of 216.14 feet to a point;  
Thence S 43°36'02" E, a distance of 49.61 feet to a point;  
Thence N 59°59'18" E, a distance of 75.00 feet to a point;  
Thence S 43°17'26" E, a distance of 606.87 feet to a point;  
Thence S 43°18'50" E, a distance of 137.58 feet to a point;  
Thence N 69°23'42" E, a distance of 390.03 feet to a point;  
Thence N 68°37'47" E, a distance of 773.40 feet to a point;  
Thence N 67°04'52" E, a distance of 309.19 feet to a point;  
Thence N 66°38'39" E, a distance of 1,544.38 feet to a point;  
Thence S 18°51'01" E, a distance of 637.99 feet to a point;  
Thence S 18°03'08" E, a distance of 258.70 feet to a point;  
Thence S 17°54'24" E, a distance of 23.90 feet to a point;  
Thence S 33°00'23" W, a distance of 3,308.56 feet to a point;  
Thence N 35°20'38" W, a distance of 2,529.07 feet to a point;  
Thence N 54°37'23" E, a distance of 178.34 feet to a point;  
Thence N 35°23'32" W, a distance of 193.62 feet to a point;  
Thence S 82°26'21" W, a distance of 201.40 feet to a point;  
Thence N 35°20'38" W, a distance of 772.26 feet to a point;  
Said point being the point of beginning.

DERIVATION: This being the same property conveyed to Carnes Water Tower, LLC by deed from George Ronald Herrin as Trustee of the George A. Herrin and Hazel Mead Herrin Irrevocable Trust, said deed dated June 16, 2005 and recorded on June 17, 2005 in Book 4778, at page 255 in the Office of the Register of Deeds for Berkeley County.

TMS# 209-00-01-046 (Tract N)

ALL that certain piece, parcel or tract of land, situate, lying and being in St. James Goose Creek Tax District, Berkeley County, South Carolina, containing 85.16 acres, more or less, identified as Tract "N" on that certain survey prepared by F. Elliott Quinn III, R.L.S., of Thomas & Hutton Engineering Co., dated January 15, 2006, entitled "Carnes Crossroads,

City of Goose Creek, Berkeley County, S.C., Plat of Tract A (286.38 acres), Tract B (116.34 acres), Tract C (269.71 acres), Tract D (203.55 acres), Tract E (148.85 acres), Tract E-1 (15.53 acres), Tract F (1.34 acres), Tract G (2.94 acres), Tract H (12.54 acres), Tract I (189.94 acres), Tract J (231.09 acres), Tract K (466.76 acres), Tract L (192.57 acres), Tract M (141.17 acres), and Tract N (85.16 acres)", recorded on January 17, 2006, in Plat Cabinet M, at pages 277H through 287H in the Office of the Berkeley County Register of Deeds, whose metes and bounds are more particularly described as follows:

Commencing at the intersection of the northeastern right-of-way line of U.S. Highway 176 and the southeastern right-of-way line of Domingo Drive; Thence S 35°20'38" E, a distance of 3,588.93 along a Tie line along the northeastern right-of way line of U.S. Highway 176 to a point; Said point being the point of beginning;

Thence N 33°00'23" E, a distance of 3,308.56 feet to a point;

Thence S 17°54'24" E, a distance of 880.14 feet to a point;

Thence S 19°25'03" E, a distance of 143.27 feet to a point;

Thence S 18°04'04" E, a distance of 125.07 feet to a point;

Thence S 18°04'02" E, a distance of 490.42 feet to a point;

Thence S 33°56'57" W, a distance of 625.79 feet to a point;

Thence N 56°07'39" W, a distance of 369.28 feet to a point;

Thence N 33°56'57" E, a distance of 68.49 feet to a point;

Thence N 56°03'03" W, a distance of 180.00 feet to a point;

Thence S 33°56'57" W, a distance of 180.00 feet to a point;

Thence S 56°03'03" E, a distance of 180.00 feet to a point;

Thence N 33°56'57" E, a distance of 91.51 feet to a point;

Thence S 56°07'39" E, a distance of 369.28 feet to a point;

Thence S 33°56'57" W, a distance of 668.61 feet to a point;

Thence S 33°55'58" W, a distance of 750.00 feet to a point;

Thence N 56°04'02" W, a distance of 7.50 feet to a point;

Thence S 33°55'58" W, a distance of 250.00 feet to a point;

Thence N 56°04'02" W, a distance of 5.00 feet to a point;

Thence S 34°00'22" W, a distance of 148.01 feet to a point;

Thence N 56°31'25" W, a distance of 219.93 feet to a point;

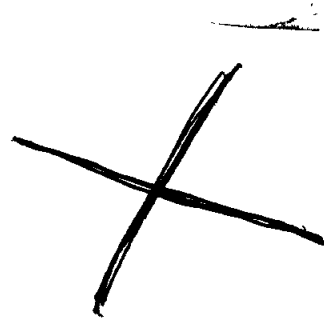
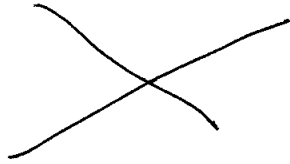
Thence S 57°28'11" W, a distance of 205.15 feet to a point;

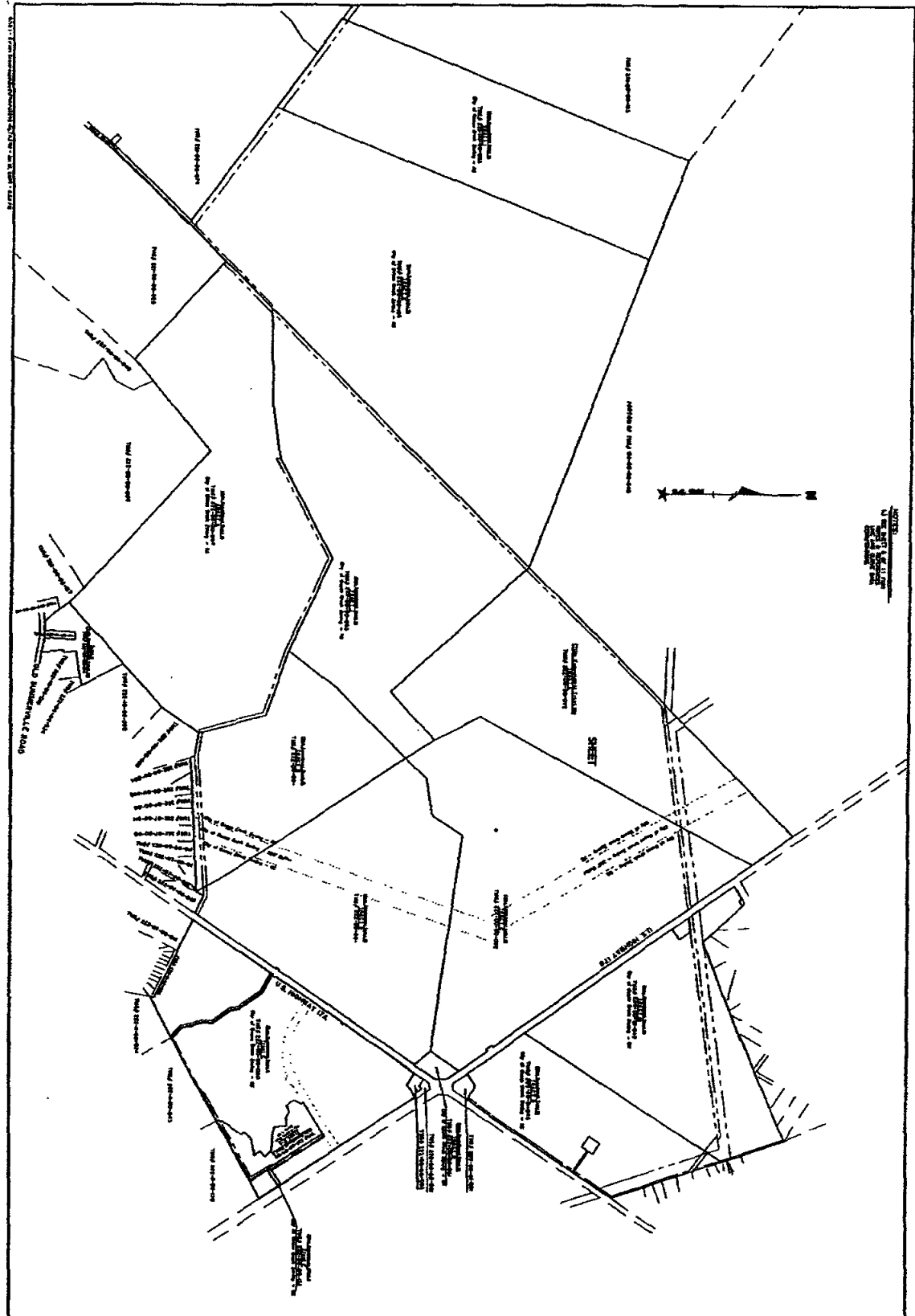
being the point of curvature of a curve to the left, having a radius of 11,509.19 feet, a central angle of 1°15'19", and a chord length of 252.14 feet bearing N 34°42'58" W ; Thence proceed along the arc of said curve 252.15 feet to a point; Thence N 35°20'38" W, a distance of 736.38 feet to a point; Said point being the point of beginning.

DERIVATION: This being a portion of the same property conveyed to Harmon Run One, LLC (25%) by deed from George Ronald Herrin dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 259 in the Office of the Register of Deeds for Berkeley County; and this being a portion of the same property conveyed to Harmon Run Two, LLC (25%) by deed from Patricia H. Herrin dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 264 in the Office of the Register of Deeds for Berkeley County; and this being a portion of the same property conveyed to Harmon Run Three, LLC (25%) by deed

from Paige H. Stowell dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 268 in the Office of the Register of Deeds for Berkeley County; and this being a portion of the same property conveyed to Harmon Run Four, LLC (25%) by deed from Drake Foster Herrin dated June 14, 2005 and recorded on June 17, 2005 in Book 4778, at page 245 in the Office of the Register of Deeds for Berkeley County.

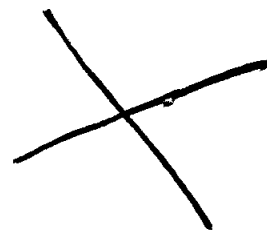
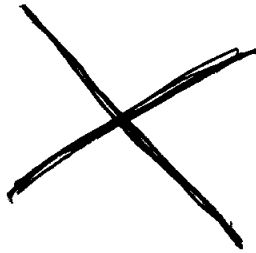
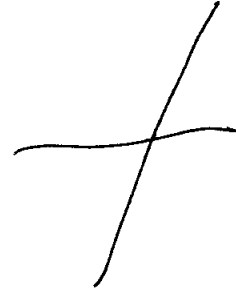
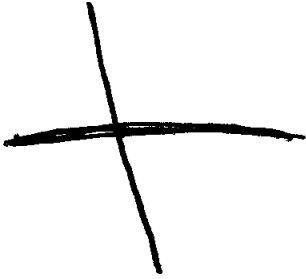
EXHIBIT B  
MAP OF PROPERTY  
PARCELS A-N





<p>1 11</p>	<p>An ALTA/ACSM Survey of        Tract A, Tract B &amp; Tract C        Tract D, Tract E &amp; Tract E-1        Tract F, Tract G &amp; Tract H        Tract I, Tract J &amp; Tract K        Tract L, Tract M &amp; Tract N</p>	<p><b>F</b> THOMAS &amp; HUTTON ENGINEERS, INC.        100 HUNTER HOLLOWAY DRIVE        SUITE 100, WASHINGTON, NC 27584-9000        WWW.THEH.COM</p>	<p><b>CARNES CROSSROADS</b>        City Of Coosa Creek        BERKELEY COUNTY, S.C.</p>	
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APPENDIX 1  
CARNES CROSSROADS PUD



**THE MASTER PLAN ZONING TEXT FOR CARNES CROSSROADS**

**GOOSE CREEK**

**BERKELEY COUNTY, SOUTH CAROLINA**

Adopted May 9, 2006: Ordinance 06-014.

**TABLE OF CONTENTS**

Section 1. Introduction..... 1

Section 2. Definitions..... 1

Section 3. General Provisions ..... 3

    3.1 Relationship to City Zoning..... 3

    3.2 Design Guidelines..... 3

    3.3 Changes & Modifications ..... 4

    3.4 Overlay Zones..... 4

        3.4(a) Agricultural Overlay Zone ..... 4

        3.4(b) Transition Overlay Zone ..... 4

    3.5 Permitted Interim Uses ..... 5

    3.6 Density.....5

    3.6 Drainage..... 5

    3.7 Stoplights and Street Signage ..... 5

    3.8 Landscaping, buffers and tree protection..... 5

    3.9 Underground utilities ..... 6

Section 4 Master Plan Development Concepts ..... 6

    4.1 Overview..... 6

    4.2 CC-PUD..... 6

        4.2(a) An Open Community ..... 6

        4.2(b) Diverse Housing Opportunities..... 6

        4.2(c) Neighborhoods, not subdivisions ..... 7

        4.2(d) Creation of a Town Center ..... 7

        4.2(e) Ecological Protection..... 7

    4.3 Land Uses..... 7

    4.4 PUD Overlay Zones ..... 7

    4.5 PUD Building Standards..... 7

    4.6 Open Space ..... 7

Section 5 Carnes Crossroads Residential Zone ..... 8

    5.1 General Concept..... 8

    5.2 Neighborhood Focal Point..... 8

    5.3 Streets..... 8

    5.4 Relationship of Homes to Street & Each Other ..... 9

    5.5 Relationship of Garages to Street: ..... 10

        5.5(a) Front Entry Garages ..... 10

        5.5(b) Rear Entry Garages ..... 10

        5.5(c) Alley Entry Garages ..... 10

        5.5(d) Detached Garages..... 10

    5.6 Allowed Uses ..... 10

    5.7 Lot Criteria..... 11

    5.8 Parking Minimums..... 12

Section 6 Carnes Crossroads Town Center Zone ..... 13

    6.1 Concept ..... 13

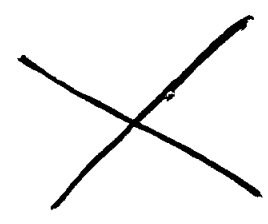
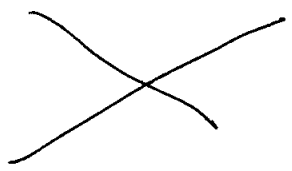
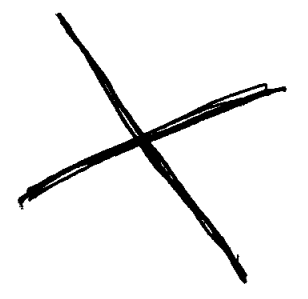
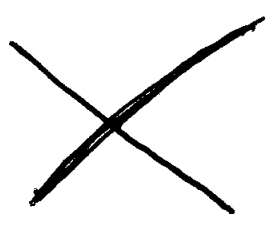
    6.2 Open Space. .... 13

    6.3 Vehicular and Pedestrian Circulation ..... 13



- 6.4 Parking..... 13
- 6.5 Sidewalks..... 14
- 6.6 Allowed Uses..... 14
- 6.7 Front Set Back Lines..... 17
- 6.8 Rear and Side Setbacks..... 17
- 6.9 Height..... 17
- 6.10 Lot Occupancy..... 17
- Section 7 Accessory Buildings..... 17
- Section 8. Standards for subdivision Street..... 18
- 8.1 General Street Design Standards..... 18
  - 8.1(a) Layout..... 18
  - 8.1(b) Street Types..... 18
- 8.2 Easements..... 18
  - 8.2(a) Drainage Easements..... 18
  - 8.2(b) Utility Easements..... 18
  - 8.2(c) Maintenance..... 18
- 8.3 Storm Drainage:..... 18
  - 8.3(a) Design and construction standards..... 18
  - 8.3(b) Off-Street drainage..... 19
  - 8.3(c) Public storm sewers..... 19
  - 8.3(d) Detention Ponds..... 19
  - 8.3(e) Ditches..... 19
  - 8.3(f) Positive Drainage..... 19
  - 8.3(g) Filling, grading..... 19
- 8.4 Erosion, Runoff and Sedimentation Control..... 19
- 8.5 Coordination Required..... 20
- 8.6 Drainage Design Guidelines..... 20
- 8.7 Markers..... 20
  - 8.7(a) Street Markers..... 20
  - 8.7(b) Drainage easement markers..... 20
  - 8.7(c) Lot Markers..... 20
  - 8.7(d) Benchmarks..... 20
  - 8.7(e) Buffer and critical line attachment markers..... 20
- 8.8 Streets..... 21
  - 8.8(a) General..... 21
  - 8.8(b) Street Names..... 21
  - 8.8(c) Dead End Streets..... 21
- 8.9 Licenses and Permits Required and Complete Plans to be Furnished..... 21
- 8.10 Subdivision plans..... 21
- 8.11 Elevation and Grades..... 21
  - 8.11(a) Paving and Grading..... 21
  - 8.11(b) Licensed professional to do work..... 22
- 8.12 Specifications for Streets..... 22
- 8.13 Design Standards..... 22
- Section 9 Approval Procedures..... 23
- Section 10 Signs..... 24

TABLE I ..... 25



## Section 1 . Introduction

These Zoning Regulations create the Carnes Crossroads Planned Unit District (CC-PUD) and include provisions on specific zoning requirements for allowed uses, lot size, height and setback and coverage, open space and street and block systems.

Carnes Crossroads represents a long-term commitment to responsible regional growth management and to plans and strategies which have precedent and are flexible, principled and feasible. The objective of the Carnes Crossroads PUD is to create important new neighborhoods in the City of Goose Creek ("City"), not just to allow for another set of barely distinguishable subdivisions. Therefore, this plan seeks to logically develop from the general pattern of the City while establishing new approaches for the creation of neighborhoods for all the citizens of the region.

## Section 2 . Definitions

The definitions in Section. 204 (Definitions of Words and Terms) of the Zoning Ordinance are incorporated by reference except as amended herein, and are supplemented as follows:

**Architectural Review Board or ARB:** The Board as described in Article X of the Zoning Ordinance

**Bed and Breakfast:** A use by the record owner of property, who is also the resident of the property which contains no more than eight (8) units consisting of one (1) or more rooms each arranged for the purpose of providing sleeping accommodations for transient occupancy.

**Block:** A tract of land within a Parcel that is or will be divided into lots.

**Building Frontage:** The side of a building parallel to, or most closely parallel to, and nearer to the Front Property Line.

**Civic Use:** A building used solely by public, religious, educational, social, or charitable nonprofit agencies to provide services, at no or nominal cost, to the general public.

**Detached Garage:** A garage where no wall (whether structural or decorative) is shared with the principal building. A garage connected by a breezeway to the principal building is a detached garage.

**Developer:** The owner of the Property subject to the CC-PUD at the time of passage of the CC-PUD Ordinance, its successors and designated assigns.

**Dwelling Unit Lot:** A single subdivided lot upon which any type of dwelling unit, as defined by the Current Regulations, has been constructed.

**Finished Grade:** The elevation of a Lot after site improvements.

**Front Property Line:** The property line bounding on the street. The Developer shall designate the Front Property Line of any lot that fronts on more than one street. There are no restrictions on the location of the primary entrance to a building in relationship to the Front Property Line.

**Front Setback Line:** A line inside the lot's Front Property Line, established at the time of platting, which may also serve as the build-to line for a building on the lot.

**Front Setback Zone:** The area between the Front Property Line and the Front Setback Line, in which no structures may be placed, except as specifically provided herein.

**Height:** The vertical distance in feet or stories measured from one foot above Finished Grade at the Front Setback Line to the highest point of the finished roof surface, excluding parapets and cupolas.

**Impervious Surfaces:** Surfaces on a lot that would not absorb water, including roofs, parking area, driveways, roads, sidewalks, and other areas of concrete and/or asphalt, given as a percentage of the net acreage of a lot.

**Live/Work Units:** A dwelling unit that is the owner's primary residence and that includes a commercial component for the owner's business on the first floor.

**Lot Coverage:** The horizontal area measured within the exterior walls or foundations of the building(s) on a lot.

**Master Plan:** This master plan zoning text for Carnes Crossroad PUD District ("CC-PUD")

**Neighborhood:** A clustering of dwelling units. A Parcel may include one or more neighborhoods. The Developer shall have sole discretion in delineating the size, location and configuration of each neighborhood.

**Neighborhood Focal Point:** An open space of one to three acres in a residential neighborhood located to serve as the neighborhood's important civic gathering place.

**Parcel:** A Parcel is a development tract. There is no minimum size to a Parcel; however, no Parcel used for single family residences may contain fewer than twelve (12) Dwelling Unit Lots.

**Pervious Surface:** A surface that presents an opportunity for precipitation to infiltrate into the ground.

**Predominantly:** More than 50%.

**Publicly Accessible:** Open to the general public, either at no charge or, for commercial, civic, or recreational establishments, for the normal and customary charge. Areas required to be Publicly Accessible may include essentially public and visitor servicing uses such as hotels, restaurants, and civic and recreational buildings. Privately maintained areas to be Publicly Accessible shall be subject to rules and regulations to be promulgated by the owner, including hours of operations.

**Service Access Area:** The location adjacent to a building or buildings where activities such as supplying, distributing, and waste removal are permitted.

**Side Lot Line House:** A house located with one wall on a side lot line.

**Side Street Line:** The side lot line coincident with a street on a corner lot.

**Site Plan:** A site plan is the preliminary plan of a project used for the planning conference and will have such details as required by the Zoning Ordinance or Zoning Procedures for that type of project.

**Zones:** Carnes Crossroads Residential Zone, Carnes Crossroads Town Center Zone, Carnes Crossroads Transitional Overlay Zone and Carnes Crossroads Agricultural Zone as delineated on **Drawing Sheet Number A (Carnes Crossroads Zones)**.

**Zoning Ordinance:** City of Goose Creek Zoning Ordinance revised June 9, 1999, amended through the date of this Master Plan.

**Zoning Procedures:** Collectively, the Procedures Manual: Subdivisions and Planned Districts, the Procedure Manual: Commercial Sites and Buildings, the Procedures Manual: Single Family Residential Construction, Procedures Manual: Accessory Buildings, Additions, Repair, Maintenance and Remodeling, City of Goose Creek – Impact Fees and City of Goose Creek – Other Fees, each as amended through the passage date of this Master Plan.

## **Section 3 . General Provisions**

### **3.1 Relationship to City Zoning**

The Zoning Ordinance and the Zoning Procedures are incorporated by reference; except as amended herein. Any matter that is addressed in this Master Plan and PUD shall supersede the provisions in the Zoning Ordinance or the Zoning Procedures relating to the same topic.

### **3.2 Design Guidelines**

The Developer shall create Carnes Crossroads Design Guidelines, which shall be administered by the Carnes Crossroads Architectural Review Board created by the Developer. These will be more restrictive than this Master Plan but shall be consistent with the design and building standards contained in this Master Plan. The Developer

shall furnish the City with a copy of the Carnes Crossroads Design Guidelines, as amended from time to time. The City shall not issue a building permit or development permit without receipt by the City of proof that the proposed project has been approved by the Carnes Crossroads Architectural Review Board. Certification by the Carnes Crossroads Architectural Review Board of compliance with the Carnes Crossroads Design Guidelines shall constitute evidence of compliance with such City zoning requirements which are the same or are less stringent than the Carnes Crossroads Design Guidelines for purposes of the issuance of a building permit. Such certification by the Carnes Crossroads Architectural Review Board shall not affect any enforcement proceedings that the City might elect to institute with respect to alleged violations of this Master Plan or the City Zoning Ordinance.

### 3.3 Changes & Modifications

The Master Plan may be modified by the Developer without approval by the City to change the locations or use of any area as long as written notice of such change is provided to the City in the form of a revised Master Plan.

The location of the Zones as shown on **Drawing Sheet Number A (Carnes Crossroads Zones)**, with the precise location of the boundary between Carnes Crossroad Residential Zone and Carnes Crossroads Town Center Zone to be fixed at such time as the Site Plan for any area within the Transitional Overlay District is submitted to Goose Creek.

The Zoning Administrator may grant exemptions from setback, build-to and street Frontage requirements where necessary, in his/her view, for preservation of natural features or grand trees, as minor amendments.

### 3.4 Base Zone and Overlay Zone

#### 3.4(a) Agricultural Zone

The base zoning for the Carnes Crossroads PUD is Carnes Crossroads Agricultural Zone in order that parcels will continue to be managed for historical timber and agricultural uses and for the operation of commercial borrow pits until made available for development. Lakes and ponds may be created and any excavated materials may be disposed of offsite, whether by commercial sale or otherwise. Each parcel shall be zoned Carnes Crossroads Agricultural Zone until (i) the owner of a parcel delivers a written request to the Zoning Administrator for reclassification or (ii) the parcel no longer is classified as "qualified agricultural" for ad valorem tax purposes; thereafter, the parcel automatically shall be zoned Carnes Crossroads Residential, Town Center or Transitional Overlay as provided by **Drawing Sheet Number A (Carnes Crossroads Zones)**.

#### 3.4(b) Transition Overlay Zone

The Carnes Crossroads PUD includes a variable transitional overlay zone where either the Building Development Standards of the Carnes Crossroads Residential

Zone or the Carnes Crossroads Town Center Zone can apply. The purpose of this transitional overlay zone is to allow the delineation of the final boundary line between the Carnes Crossroads Residential Zone and the Carnes Crossroads Town Center Zone to be established as development progresses. The final boundary line between Carnes Crossroads Residential Zone and Carnes Crossroads Town Center Zone will have varying distances from Highway 176, from between 600 feet to 1,600 feet. When the Developer has completed the necessary planning and site work for a parcel within the Transitional Overlay Zone, the Zoning Administrator and the Developer shall designate the parcel as within the Carnes Crossroads Residential Zone (See Section 5) or within the Carnes Crossroads Town Center Zone (See Section 6) .

### **3.5 Permitted Interim Uses**

In all Zones within Carnes Crossroads, interim nonpermanent uses, including but not limited to nurseries, golf driving ranges, outdoor athletic facilities and other commercial or public recreation activities, are permitted uses until a lot or Parcel is to be developed. In connection with the creation of lakes and other water resources for the Project, the Developer shall be entitled to dispose of any excavated materials offsite, whether by commercial sale or otherwise.

### **3.6 Density**

The number of Dwelling Unit Lots within the Carnes Crossroads PUD property shall be determined by the minimum standards for the area, width, depth, Accessory Buildings, and setback requirements, and the maximum standards for Lot Coverage for Dwelling Unit Lots, as well as by market factors.

### **3.7 Drainage**

The developer shall provide adequate drainage for the development of the Property in accord with legal requirements, including those of the Department of Ocean and Coastal Resource Management. The developer agrees to publicly dedicate to the City all drainage easements related to the road system after completion of road construction. The developer shall have the right to place plantings, fencing, signs, driveways, parking lots and anything else that is not a habitable structure within the drainage easements, provided they do not impair drainage and provided Developer will timely and competently clean around these if requested by the City.

### **3.8 Stoplights and Street Signage**

The Developer shall have the authority to determine all street and traffic control signs; provided all traffic control signs must meet the standards of the South Carolina Department of Transportation. Alternative street signage design and materials shall be metal, with contrasting colors on street name plates for visibility. Style and color of signage shall not be garish and shall be consistent with the Carnes Crossroads Design Guidelines. Developer will cooperate, if requested, in assisting the City and neighboring communities in obtaining traffic signal(s).

### **3.9 Landscaping, buffers and tree protection**

The Carnes Crossroads Design Guidelines to be prepared by the Developer shall include landscaping requirements that are more stringent than those contained in Section 504 of the Zoning Ordinance. Certification by the Carnes Crossroads Architectural Review Board of compliance with the landscaping requirements of the Carnes Crossroads Design Guidelines shall be sufficient for purposes of issuing any building permit and shall be sufficient for the issuance of a certificate of occupancy for any single family residence. The buffer provisions of Section 506 of the Zoning Ordinance shall not apply. The standard for the protection of large trees in Section 501.1.2 is changed to a tree of the following species measuring twenty-four (24) inches in diameter; Red Maple, Dogwood, American Holly, Savannah Holly, Crepe Myrtle, Southern Magnolia, Blackgum, White Oak, Willow Oak, Live Oak, Bald Cypress. These trees shall be surveyed and their locations will be considered in planning the site. Removal will be allowed if it is not reasonably feasible to leave them in place. If they are to be saved, appropriated barricades shall be installed during construction.

### **3.10 Underground utilities**

All utility lines (including, without limitation, all electrical distribution and transmission lines, cable water and sewer lines) shall be placed underground. Cable television lines shall be underground and shall be located in the rear of a lot unless a different location on a lot is approved by the Developer and the City.

## **Section 4 Master Plan Development Concepts**

### **4.1 Overview**

The Master Plan for Carnes Crossroads is designed to provide Goose Creek and Berkeley County with an attractive, harmonious, coherent, and practical new place to live and work. The plan draws upon the architectural and planning traditions of the South Carolina low country and other successful historic American towns, villages, and rural settings. The predominant land use is a group of discrete but interconnected neighborhoods organized around a development-wide open space/lake system.

### **4.2 CC-PUD**

Carnes Crossroads represents a long-term commitment to responsible regional growth management; to plans and strategies which have precedent and are flexible, principled, and feasible; to a proper balance between the need for privacy and communal life, urbanity and rural character, familiar charm and the unexpected experience. The following design precepts form the basis for the CC-PUD:

**4.2(a) An Open Community.** Carnes Crossroads will be an open, publicly accessible community.

**4.2(b) Diverse Housing Opportunities –** Carnes Crossroads is designed to encourage a mixture of housing types, mixing large lots with small lots, townhomes, attached housing, multi-family and live/work units.



**4.2(c)** Neighborhoods, not subdivisions - The Master Plan creates neighborhoods, not subdivisions, through its widely varying housing types, encouraged in each development parcel, its requirement for connection of neighborhood to neighborhood, its park and open space network, and nature trail bicycle path network.

**4.2(d)** Creation of a Town Center - The CC-PUD plan includes the development of a Town Center. Zoned for retail, offices, and higher density residential, this Town Center will become the economic, social and cultural hub of the CC-PUD and a portion of Goose Creek. Designed to be a civic center it is expected that this will focus residents' lives around a traditional American town experience, rather than the scattered sprawl of post-war suburbia.

**4.2(e)** Ecological Protection – The plan seeks to preserve, wherever possible, natural features including wetlands, significant trees, tree stands, hedgerows and views. This concern for natural features has directed the plan into a richly textured interspacing of open and wooded areas, view and treed neighborhoods. Natural features control the location of roads, lakes, and development sites, not the reverse.

### **4.3 Land Uses.**

The Master Plan is focused on three primary land uses: residential, town center and open space. The boundaries of the Carnes Crossroads Residential Zone, the Carnes Crossroads Town Center Zone and the Carnes Crossroads Transitional Overlay Zone are given their approximate location on **Drawing Sheet Number A (Carnes Crossroads Zones)**. Open space is distributed throughout the development rather than isolated in a parcel, therefore it is not shown as a zone on the plan. The Master Plan delineates how the Developer may use each Parcel.

### **4.4 PUD Overlay Zone.**

The Carnes Crossroads PUD includes a transitional overlay zone where either the building development standards of the Carnes Crossroads Residential Zone or the Carnes Crossroads Town Center Zone can apply. More detail is included in Section 3, Overlay Zones.

### **4.5 PUD Building Standards.**

This Master Plan contains building standards for each type of use without defining the minimum size of specific lots. Minimum lot sizes in the Carnes Crossroads PUD shall be determined by application of the building standards contained in this Master Plan.

### **4.6 Open Space**

**4.6(a)** The plan creates a varied network of open space, parks and community facilities for diverse groups of citizens from the neighborhood, the Development, the City, and the region. These will be public and private recreational facilities, including community playgrounds, major parks, and a trail system planned to serve neighborhood residents. The provisions of this Master Plan shall control and the City's Policy for Land Set Aside/Dedication Requirements for Parks and Recreational Areas shall not apply.

**4.6(b)** At least 20% of the total gross acres in the Carnes Crossroads PUD shall remain as open space.

**4.6(c)** Residential communities at Carnes Crossroads should be designed as a series of neighborhoods oriented around a park or green space and made accessible by walkways, bikeways and nature trails.

**4.6(d)** The Developer may elect to publicly dedicate an open space or may elect to have such open space owned and maintained by a homeowner's association, subject to permanent deed restrictions limiting the use of the parcel to open space uses.

**4.6(d)(i) Neighborhood Focal Point Parks:** Most neighborhoods should contain at least one park which is a Neighborhood Focal Point. The park should be at least one acre and most of the park shall abut a street, a wetland, lake or another type of open space. The Neighborhood Focal Point Park is intended to serve as a neighborhood civic gathering space. A Neighborhood Focal Point Park may serve more than one neighborhood.

**4.6(d)(ii) District Parks:** Other parks of an acre or more may, but not necessarily, be more internally oriented. Examples of this type park include the open space around an internal storm water retention lake, creeks and drainage ways or conservation areas. Existing features of the land shall determine the number and location of District Parks.

**4.6(d)(iii) Greenways:** There shall be at least one greenway or linear open space connection between adjacent neighborhoods or Parcels.

**4.6(d)(iv) Wetlands and Associated Buffers:** It is the intent of the Developer that wetlands and associated buffers will be dedicated to the City but will be maintained by a homeowner's association.

## **Section 5 Carnes Crossroads Residential Zone**

**5.1 General Concept.** Residential neighborhoods should reflect the natural or man-made features of the land. The Master Plan's delineation of neighborhoods will be influenced by the pattern of historic Lowcountry towns, vegetation and topography. No Parcel which is a neighborhood of single family residences may contain fewer than twelve (12) Dwelling Unit Lots.

**5.2 Neighborhood Focal Point:**

Each neighborhood should contain at least one Neighborhood Focal Point Park as described in the open space Section.

**5.3 Streets**

**5.3(a)** Streets at Carnes Crossroads form neighborhoods that are organized around a park or other focal point. The design of the street system should help to create a

neighborhood with an individual identity. There shall be no obligation to connect streets of Carnes Crossroads with the streets of competing, adjacent residential developments. The majority of streets should visibly go somewhere, towards a view of the proposed lake or wetland, a significant intersection, a public open space, to other streets, or a civic building located so that it terminates views down a street.

**5.3(b)** Different street types (with differing dimensional characteristics) can be combined within each neighborhood subdivision. The layout of neighborhoods should be easy to understand, walkable, and should have the inter-connections necessary to promote a sense of neighborhood identity. Streets shall be connected to other streets and adjoining neighborhoods or terminate at a cul-de-sac. Pedestrian friendly design is essential and all streets shall have the following in common:

**5.3(b)(i) Sidewalks:** Either a sidewalk, a path with an impervious surface or a path with a pervious surface shall be located on each side of the street and shall be a minimum of 4' wide. Sidewalks are required from the front door of the house and/ or multi-family unit to the walk or path adjacent to the street (and are permitted to the curb). Residential subdivisions or developments which are physically isolated by freshwater wetlands or lakes from other development areas shall not require sidewalks.

**5.3(b)(ii) Trees:** A regular pattern of trees shall be planted no more than 40' on center, or in the alternative in groupings with an equivalent number trees.

**5.3(b)(iii) Parking:** Angled and parallel on street parking will be allowed.

**5.3(b)(iv) Lighting:** Street lights shall be placed in the right-of-way to promote extended use of the sidewalks.

**5.3(b)(v) Gates** Any gated neighborhood with private restricted roads must be approved by the City.

#### **5.4 Relationship of Homes to Street & Each Other**

Special care and attention will be given in the planning of Carnes Crossroads to integrate it with the natural features. Developers and builders should also strive to preserve existing vegetation, natural drainage systems and unusual topography. Neighborhoods should take into consideration the following:

**5.4(a)** Lot widths and depths will vary within each neighborhood based on the topography, existing vegetation, the target market, house sizes, locations of garages, and means of access to garages. Lots sizes must be clearly shown on the design plans for each neighborhood and approved by Goose Creek.

**5.4(b)** Build-To-Lines: Front setback lines and side setback lines adjoining a street are also build-to-lines and are established to create and maintain continuity along the streets and help prevent architectural conflicts; however, in order to be able to create variety and

spatial interest, the owner with the approval of the Carnes Crossroads ARB shall have the right to have the build to line vary from the front setback line by fifteen (15') feet in either direction. Setback lines may vary among neighborhoods, based on lot sizes, house sizes and other considerations. Generally, houses will be placed far enough back from the street to create attractive front yards but close enough to the sidewalks to allow residents on their front porches to converse with their neighbors strolling by.

#### **5.5 Relationship of Garages to Street:**

One of the key elements in establishing the architecture of community is to place emphasis on the architecture of the individual homes and to de-emphasize the role of the car and garage from the front street elevation of the home. Attached garages whose doors are less than 90 degrees rotated from the street shall not be wider than necessary for two cars. The following options are available for locating garages:

**5.5(a) Front Entry Garages:** Garages shall be set back at least 15' from the house front façade inclusive of a front porch. Driveway widths shall be 10' from the street to the front façade of the house. For two car garages, the driveway width can increase past the point of the house's front façade.

**5.5(b) Rear Entry Garages:** Rear entry garages can be placed at the rear of the house, either attached to the house or detached. The garage can be accessed from the street in front of the house with a 10' maximum width driveway leading to a rear turnout.

**5.5(c) Alley Entry Garages.** When alleys are provided, garages are to be accessed by alley rather than the street, unless special circumstances exist which make street access acceptable.

**5.5(d) Detached Garages.** Detached Garages shall be set back at least 15' from the house front façade inclusive of a front porch.

#### **5.6 Allowed Uses.** In Carnes Crossroads Residential Zone, land may be used and buildings may be erected, altered or used for the following permitted uses:

**5.6(a)** One-family detached dwellings, attached dwellings, town houses, two-family dwellings, residential condominiums and multifamily dwellings. Mobile homes are not allowed.

**5.6(b)** Parks, playgrounds, golf courses, club houses and outdoor athletic facilities.

**5.6(c)** Civic uses, which are to be located proximate to neighborhood focal points.

**5.6(d)** Static electric transformer station, water or sewage pumping stations, gas regulator station, or telephone switching station.

**5.6(e)** Preschool, elementary, junior high and high schools offering general educational courses. Establishment, construction or expansion of such schools shall be permitted only as provided below:

**5.6(e)(i)** Principal buildings shall occupy no more than 50 percent of the lot area.

**5.6(e)(ii)** Sufficient well-designed parking spaces will be provided internal to the campus and not within 50 feet of residentially developed property.

**5.6(e)(iii)** Excessive traffic will not be generated on a residential street.

**5.6(f)** Community parking lots which are graded and finished so as to provide a dustless and well-drained permanent parking surface for the volume and type of vehicles intended to be served.

**5.6(g)** Accessory uses, incidental to any of the principal uses above listed including home offices, guest quarters, private garages and carports not attached to the principal building, tool sheds and similar storage facilities, gazebos, private swimming pools adequately fenced, and the like .

**5.6(h)** Home occupations may be established in a dwelling unit as an exception, by Special Zoning Permit, where the Zoning Administrator, after reviewing a written request.

## **5.7 Lot Criteria**

**5.7(a)** All Single Family Residential Units in the Carnes Crossroads Residential Zone shall have a maximum height of 50'; Multi-Family Residential Units shall have a maximum height of 55'.

**5.7(b)** Minimum lot width at the Front Property Line shall be:

- 40' for single family detached
- 20' minimum "pole" width for flag lots for single family detached
- 16' for attached residential
- The minimum width may be reduced by 50% on curvilinear streets

**5.7(c)** Maximum Lot Coverage for single family detached is 70%; Maximum Lot Coverage for attached residential is 90%.

**5.7(d)** All Single Family detached lots shall have the following setback standards for the primary structure::

- 10 foot front yard setback at a minimum
- 12 feet total (3 feet minimum) side yard setback
- 20 foot rear yard setback, except as set forth in 5.7 (f) below.

**5.7(e)** For a Single Family detached lot that abuts wetlands or wetland buffers the 20 foot rear yard setback, as set forth in 5.7 (e) above, may be reduced at the discretion of the Carnes Crossroads Architectural Review Board.

**5.7(f)** Stoops, stairs, bay windows, balconies, open porches, and roofs of the principal building may extend beyond the Front Setback Line;

**5.7(g)** No lot shall have more than one driveway, which the exception of a lot with multiple dwellings on which two driveways will be allowed. Driveways shall be no wider than 10 feet in the Front Setback Zone. The minimum spacing between driveways of two separate lots shall be 6 feet measured from the face of the curb or edge of the pavement of the driveway or their extensions as measured along the property line; **Drawing Sheet No. B (Driveway Exhibit)** illustrates this method of driveway width and spacing. Driveways shared between two lots may be 16 feet in width in the Front Setback Zone.

**5.7(h)** Up to 12 single-family attached dwellings may be constructed or attached together in a continuous row.

**5.7(i)** Mechanical equipment (other than equipment installed by utility companies) and waste containers above grade level may not be located in the Front Setback Zone and are to be screened from street view.

**5.7(j)** Each lot shall be provided with access by means of a street or alley meeting the street standards set forth in **Section 8 Standards for Subdivision Streets**. Lot access by any one of these street types shall satisfy the requirements of the City for the approval of a subdivision plat.

**5.7(k)** Utility and drainage lots shall be exempt from zoning district dimensional requirements, public road frontage requirements and street improvement requirements provided herein; provided, however, that such lots shall be created in conformance with the subdivision review, approval and recordation requirements provided in the Zoning Ordinance. Lots created for the purpose of providing for utility and drainage facilities and structures shall be of a size, width, depth, shape and orientation appropriate for the proposed use. Each lot shall be served by either frontage on a public right-of-way or an access and maintenance easement to the lot from a public right-of-way. An application for subdivision approval shall be accompanied by a statement establishing that the proposed installation is necessary to accomplish a utility or drainage function. The subdivision plat creating a utility or drainage lot shall include a designation of the lot "for utility (or) drainage purposes only".

**5.8 Parking Minimums.** At least two (2) off street parking spaces shall be provided for a lot with a one family dwelling. All multifamily residences shall have at least one (1) off-street parking space per dwelling unit.

- 5.9 Design Review** The residential and accessory buildings in the Crossroads Residential Zone shall not be subject to aesthetic design review by the City.

## **Section 6 Carnes Crossroads Town Center Zone**

### **6.1 Concept**

**6.1(a)** The Carnes Crossroads Town Center Zone shall include the frontage on Highway 17A and Highway 176, as well as designated interior parcels as shown on **Drawing Sheet Number A (Carnes Crossroads Zones)**.

**6.1(b)** Carnes Crossroads Town Center should be an attractive environment for pedestrians with a network of streets defined by Building frontages, screen walls and landscaping. There will be a lively mix of retail establishments, hotels and offices, parks, civic buildings and a residential component of houses and multi-family of different sizes, constructed in a range of different densities. It is entirely appropriate for apartments and / or offices to be located over retail stores

- 6.2 Open Space.** At least 5% of the gross acreage of the Town Center shall be allocated to open space.

### **6.3 Vehicular and Pedestrian Circulation**

**6.3(a)** While Highway 17A and Highway 176 are major highways, internal streets and sidewalks should be designed primarily to enhance the experience of pedestrians and to facilitate traffic movement, but not to facilitate traffic movement at high speeds. Most of the primary Town center streets should provide for on-street parking. Sidewalks should be ample, and there should be generous landscaping.

**6.3(b)** Buildings should be constructed parallel to internal streets and in close relationship to the street frontage in the Town Center. The building setback lines for buildings fronting on Highway 176 or Highway 17A shall be established when the site plan is submitted; buildings in these locations may be built on the property line or may be set back from the property line.

### **6.4 Parking**

**6.4(a)** Off-street parking spaces shall be provided for all developments in the Town Center in accordance with the following minimum requirements:

- (i) One space per dwelling unit, except none required for residential units located in commercial buildings;
- (ii) one space per three hotel rooms in a hotel;
- (iii) two spaces per 1,000 square feet of gross floor space for all other uses.

**6.4(b)** Parking spaces shall be located on the same lot as the principal building or on a properly zoned lot within 400 feet of the building, as measured between the nearest points of the two lots.

## **6.5 Sidewalks**

Sidewalks along Commercial Streets in the Town Center adjacent to buildings other than single-family detached dwellings shall have a minimum width of 6 feet; however, a sidewalk can have a width of less than six feet where there is a tree well. Since the site development process makes the installation of permanent sidewalks impractical until completion of the lot construction, temporary 5 feet sidewalks shall be installed at the time the streets are constructed and shall be sufficient for acceptance of the public street by the City. The permanent sidewalk shall be installed in front of each lot upon completion of the improvements on the lot.

## **6.6 Allowed Uses**

**6.6(a)** Within the Carnes Crossroads Town Center Zone, land may be used, and buildings or structures may be erected, altered or used, for the following purposes:

All uses permitted in Carnes Crossroads Residential Zone; except, no neighborhood of single family detached houses shall have less than 12 Dwelling Unit Lots.

The following uses are also allowed in Carnes Crossroads Town Center Zone:

### Convenience Retail or Service Establishments

- Antique stores
- Appliance Stores
- Art galleries, commercial
- Artists' supply stores
- Automobile driving schools
- Automobile supply stores with no installation or repair services
- Bakeries
- Banks
- Barber shops
- Beauty parlors
- Bicycle sales, rental and repair
- Book stores
- Building maintenance service contractors
- Carpet, rug, linoleum, or other floor-covering stores
- Candy or ice cream stores
- Cigar or tobacco stores
- Clothing or clothing accessory stores
- Clothing rental establishments
- Computer sales and service
- Drug stores
- Drycleaning establishments dealing directly with ultimate



- consumers
- Dry goods or fabric stores
- Eating or drinking establishments
- Electrolysis studios
- Exterminators
- Fishing tackle or equipment, rental or sales
- Florist shops
- Food stores
- Furniture stores
- Furrier shops, custom
- Frozen food lockers
- Gift shops
- Gun sales and repair
- Hardware stores
- Interior decorating establishments
- Jewelry or cut metal craft shops
- Laundry establishments, self-service
- Leather goods or luggage stores
- Loan offices
- Locksmith shops
- Marine supplies or equipment
- Medical or orthopedic appliance stores
- Meeting halls
- Millinery shops
- Monument sales, not production
- Moving or storage office
- Music or record stores
- Nail salons
- Newsstands
- Optician or optometrist establishments
- Package liquor stores
- Paint and wallpaper stores
- Pet shops
- Photographic studios
- Photographic equipment stores
- Plumbing, heating or ventilating equipment sales
- Picture framing shops
- Post offices
- Restaurant
- Seed or garden supply stores
- Sewing machine stores, household
- Shoe stores
- Shooting clubs, indoors
- Sporting or athletic stores
- Stationery stores
- Studios; art, music, dance

- Tailor or dressmaking shops, 00062297 Vol: 5647 Pg: 74
- Taxidermist shops
- Theaters
- Toy stores
- Travel bureaus
- Variety stores
- Venetian blind, shade, or awning shops
- Watch or clock sales and repair
- Other similar sales and service establishment uses of a non-nuisance nature as determined by the Zoning Administration

Preschool, elementary, junior high, high school and college level school uses.

Auto-dependent uses including service stations, auto repair and installation, building materials and storage yards, fast food stores with drive-in or drive-through facilities, moving and storage offices with on-site storage, auto sales and marine storage and repairs.

Movie theaters, and music and dance halls

Wholesale trade establishments

Production facilities for artisans and craftsmen.

An individual owner of property, who is also the resident of the property involved, may rent guest rooms by the night where the Zoning Administrator, after a review of an application, finds that the proposed use meets the definition of a Bed and Breakfast.

Clubs, Lodges, Civic or Fraternal Organizations

Hospitals and medical and dental clinics and offices, and testing and research facilities and laboratories

Sewage pumping and water pumping facilities.

Live/Work Units

Hotels and Inns

Parking

Any use permitted in the Town Center may be located anywhere within the Town Center

**6.7 Front Set Back Lines**

The Front Set Back Lines for lots in the Town Center Zone shall be established at the time a site plan is submitted for approval. The Front Set Back Lines shall be established by the Developer and the Carnes Crossroad ARB in a manner consistent with the Carnes Crossroad Design Guidelines, taking into consideration the intended use of the building and its location. If the building is located on either Highway 17A or Highway 176 and the Front Set Back Line is not the Front Property Line, there shall be a landscape or architectural buffer between the street and the building.

**6.8 Rear and Side Setbacks:**

A minimum rear setback of 20 feet is required for principal buildings except that the rear setback for multiple dwellings must be a minimum of 30 feet when an accessory garage is constructed on the lot. No side yards are required in the Town Center unless mandated by the applicable fire code requirements. If a side setback is provided, its minimum width shall be 3 feet.

**6.9 Height:** The maximum height for a principal building within the Town Center Zone shall not exceed sixty five (65') feet which is the maximum height that can currently be serviced by the City's fire trucks. If in the future the City's fire equipment can accommodate higher buildings, the maximum height shall automatically be extended to the service height of the City's fire equipment.

**6.10 Lot Occupancy.**

For retail and office buildings, mixed use buildings, hotels and filling stations, the Lot Occupancy of the Buildings shall not exceed 90%.

For multiple dwellings of more than 3 units and institutional uses, the Lot Occupancy of the Buildings shall not exceed 70%. For attached dwellings, the Lot Occupancy of the Buildings shall not exceed 70% and for other types of detached dwellings, the Lot Occupancy of the Buildings shall not exceed 50%.

**Section 7 Accessory Buildings**

**7.1** Accessory buildings may be habitable and may have a side yard equal to or greater than 1 foot 6 inches, provided however that the distance between said accessory building and an existing principal building on adjacent Lots is not less than 10 feet, measured parallel to the fronting street.

**7.2** Accessory buildings must be set back 5 feet from any type of rear street; otherwise accessory buildings must have a minimum rear yard of 2 feet or the minimum distance required by the fire code. The minimum side yard for an accessory building is 2 feet, except that on corner lots, the accessory buildings along a street frontage must conform to the building placement requirements established pursuant to **Section 6**.

**7.3** The height of an accessory building shall not exceed 36 feet.

7.4 An accessory building shall not exceed 1,000 square feet in size.

## Section 8 Standards for subdivision Street

### 8.1 General Street Design Standards.

**8.1(a) Layout.** The layout and design of streets as to arrangement, character, width, grade and location shall be required to conform to the Carnes Crossroads Master Plan, to adjoining street systems of adjoining properties, to the topography, natural features and drainage systems to be provided, adjoining land uses and anticipated traffic capacity. The neighborhoods are to relate to each other in an interconnected system where other streets also tie parcels together. The plat for a parcel shall take such streets to the parcel's boundary line; the subsequent design of the adjacent parcel should continue the development of these streets.

**8.1(b) Street Types** The streets, including pavement widths, right of way widths, and locations of sidewalks, will be in accordance with the typical details provided herein and elsewhere in this Master Plan.

### 8.2 Easements

**8.2(a) Drainage Easements.** Drainage easements adequate to allow for maintenance will be provided where needed. Easements may be private or public.

**8.2(b) Utility Easements:** Adequate areas of suitable size and location shall be allocated for utility easements. The location and size of such easements shall be agreed to by the public and private utilities involved.

**8.2(c) Maintenance:** Easements shall be deeded to the town for the purpose intended, as shown on the plat and stated in the deed of dedication, or may be between private entities. The easement grants to the City to the right to enter, inspect, survey, and conduct needed activities related to the easements' purpose. The City has no obligation to repair, replace or compensate the easement owner for the trees, plants, grass, shrubs or other elements damaged or destroyed during the course of its activities.

**8.3 Storm Drainage.** A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision, and the drainage area of which it is a part, to permit the unimpeded flow of natural watercourses.

**8.3(a) Design and construction standards.** Drainage systems shall be designed and constructed by the subdivider/developer consistent with the design principals and standards contained herein and established by SCDHEC-OCRM. Drainage systems in all cases shall conform to cross sections, dimensions, erosion control measures and grades as shown on the approved construction plans.

**8.3(b) Off-Street drainage.** The off-street drainage system shall include the watershed affecting the subdivision, and shall be extended to a natural watercourse or publicly maintained drainage facility that is adequate to receive the storm drainage.

**8.3(c) Public storm sewers.** Where adequate existing public storm sewers are reasonably accessible as determined by the City of Goose Creek, the system proposed for the land being subdivided shall be connected thereto.

**8.3(d) Detention Ponds.** Where detention/retention ponds, lakes, and the other components are incorporated as part of the drainage system, the designing engineer shall designate a minimum flood elevation. The minimum finished flood elevation shall be such that flooding shall not result from a 100-year flood as determined in a drainage basin study.

**8.3(e) Ditches.** Open drainage ditches (a ditch is a waterway with side slopes 3:1 or steeper) shall not be permitted in the City except in a temporary situation.

**8.3(f) Positive Drainage.** The subdivider/developer shall be responsible for providing positive drainage for each lot individually as a part of the project development. Individual lot drainage shall be detailed on the construction plans and may include, but not be limited to, yard drains for lawn areas, side and rear yard features to include swales and a piped system of inlets and other items necessary for the removal of water from the lot. It is not necessary to provide pad-ready lots during subdivision development. However, positive drainage is required for each lot prior to plat approval. Rear yard pipe systems are allowed and shall be designed to accommodate two-year storm events with minimal flooding. Inlets shall be designed to minimize debris clogging.

**8.3(g) Filling, Grading.** Filling, grading, permanent erosion control features, and installation of drainage systems for lots and streets shall be provided prior to final plat approval

#### **8.4 Erosion, Runoff and Sedimentation Control**

**8.4(a)** Engineering and construction on any land within the City shall be carried out in such a manner as to protect neighboring persons and property from damage or loss resulting from excessive stormwater runoff, soil erosion, or deposition upon private property or public streets of water-transported silt and debris.

**8.4(b)** Drainage plans and studies shall be submitted for review by the Department of Planning and Development. These plans and studies shall be prepared by a design professional currently registered to practice in the state, with his or her stamp affixed. Profile for drainage pipes shall be included and will show existing ground line, finished grade, drainage structures, intersecting sanitary sewers and other intersecting underground utilities. Existing and proposed utility lines crossing the storm drain pipe shall be shown in the profile on their proper elevation. Pipes that conflict at crossings shall be adjusted with adequate details included.

## 8.5 Coordination Required.

**8.5(a)** All land development activity must comply with the applicable sections of the latest edition of the *South Carolina Stormwater Management and Sediment Control Handbook for Land Disturbance Activities*.

**8.5(b)** A stormwater approval letter from SCDHEC-OCRM shall be submitted to the town before construction approval or a Clearing and Grading Permit will be issued.

## 8.6 Drainage Design Guidelines.

**8.6(a)** Piped Drainage Systems and Culvert. Piped collection systems for public streets (catch basins, inlets, cross drains, and longitudinal piping) shall be designed for the ten-year frequency storm event. Culverts that have an upstream area greater than 10 acres shall be designed for a 25-year frequency flood event. Culverts that have an upstream area greater than 100 acres shall be designed for a 100-year frequency flood event. The design flow, acres drained, and the hydraulic grade line for the design flow shall be shown on the plans. Reinforced concrete pipes shall be used under public streets. High density polyethylene can be used at other locations.

## 8.7 Markers.

**8.7(a)** Street Markers. All changes in direction (P.C., P.T., and the like) of street centerlines shall be marked with a large nail or spike in the pavement. The radius center point of cul-de-sacs shall be marked with a large nail or spike. The points thus marked in divisions (A)(1) and (A)(2) above shall be shown on the final plat, along with such bearings and distance ties as needed for their use in locating lot corners

**8.7(b)** Drainage Easement Markers. All changes in direction and all intersections with street right-of-way and lot lines shall be marked as directed in division (C)(1).

**8.7(c)** Lot Markers. Lot corners shall be marked with 1/2-inch diameter, 18-inch long iron rods, except that where the distance, as measured along the street right-of-way, exceeds 500 feet between markers, additional markers shall be installed. Intervisible corner markers shall be shown on the final plat, along with the bearing and distance for these intervisible markers noted on the plans. The intersection of lot lines and right-of-way lines of drainage easements shall be marked with 1/2-inch iron rods as in division (C)(1) above.

**8.7(d)** Benchmarks. Benchmarks shall be monumented and complete descriptions and elevations given on the final plat.

**8.7(e)** Buffer and critical line attachment markers. All changes in direction in direction of buffers and the OCRM Critical Line shall be marked with 1/2-inch iron rods.

## 8.8 Streets

**8.8(a) General.** Temporary endings shall be provided with a circular turn around with a minimum radius of 40 feet. A stable surface of base course material will be provided. Minor streets shall be so laid out that their use by through traffic will be discouraged. Half streets along property lines shall be prohibited. Street names proposed by the subdivider shall be approved by The City of Goose Creek. Alleys shall be permitted. Alleys will conform to details herein. Prior to acceptance by the town, streets and drainage systems shall be cleaned. Traffic control devices shall conform to the requirements of latest edition of the South Carolina Manual on Uniform Traffic Control Devices.

**8.8(b) Street Names** Landscaping, signs, or other objects shall not interfere with needed sight distance. Street name signs, pavement markings and other traffic-control devices shall be installed at all intersections and other locations by the sub-divider. The design, construction, materials, and placement of all street name signs shall conform to the Carnes Crossroads Standard Details.

**8.8(c) Dead End Streets.** Dead-end streets, designed to be so permanently, shall be no longer than 800 feet except as noted below. All permanent dead-end streets shall be provided at the closed end with a turnaround having a minimum pavement diameter of 80 feet. Dead end streets longer than 800 feet will be allowed when dictated by geographical features.

**8.9 Licenses and Permits Required and Complete Plans to be Furnished.** Before commencing any construction, clearing, or grading on any commercial or residential tract lot, streets, road or any lands within Carnes Crossroads. All necessary licenses and permits shall be obtained; and complete plans, consisting of general and specific drawings, specifications, and analysis, together with details to provide a comprehensive plan of the construction contemplated, shall be furnished to, and approved by, the town.

**8.10 Subdivision Plans.** Subdivision plans shall show: Alignment, Street and right of way width, street name, a typical section, North arrow; and original and proposed center and right-of-way line elevations.

**8.11 Elevation and Grades.** Elevations are not to be assumed, but are to be tied into the closest Coast and Geodetic Survey benchmark, or to an approved benchmark that has been previously tied to the same. Data shall be platted to NGVD 1929 Datum. Road profiles shall be a minimum scale of one inch equals 100 feet horizontal, and one inch equals two feet vertical.

**8.11(a) Paving and Grading.** Details shall be furnished for all projects and shall include, as required, typical pavement sections, curb and gutter, inlet, manhole, frame, grate, sewer, painted stripes, signs, and walks. Pavement sections shall show the typical location of all utilities. Curb and gutter inlets will be used to intercept runoff from vehicular pavements where curb and gutter is used to control drainage. Grate or weir type inlets will be used in turf areas. The log shall be provided at the time of request for

acceptance of the work by the town. As-built plans, including road center lines and drainage system shall be furnished to the City of Goose Creek upon completion of the work prior to final acceptance.

**8.11(b) Licensed Professional To Do Work.** Plans and specifications covering road, street, parking areas, drainage, and grading work will be accepted only from registered professionals qualified under state law. When submitting plans and analyses for road, street, drainage, and grading work, the professional shall place his or her seal on all documents. All work shall be based on surveys prepared by a professional licensed in the state and shall conform to Class "A" surveys, as defined by the State Board of Registration for Land Surveys.

**8.12 Specifications for Streets.**

**8.12(a)** All streets public and private, shown on the final plat shall be graded, constructed, and surfaced in accordance with standards and specifications contained in this section. The developer shall be responsible for correcting any and all deficiencies in streets, resulting from faulty design or construction, for a period of one year from the time the streets are accepted by the town, as evidenced by the recording of the final plat into the town's system.

**8.12(b)** All public street and public drainage construction shall be done in accordance with the latest edition of the *State Highway Department Standard Specifications for Highway Construction*, and the Carnes Crossroad Zoning Document. Anything not defined in Carnes Crossroads Zoning shall default to State Highway Department Standard Specifications for Highway Construction.

**8.12(c)** Where private development facilities tie into public facilities, the work shall meet the requirements of this section.

**8.13 Design Standards.** All streets shall be designed and constructed in accordance with the following standards:

**8.13(a)** French drains shall be installed along both sides of the roadway for all streets, except where a pavement design by a registered geotechnical engineer indicates it is not necessary.

**8.13(b)** Minimum base course thicknesses shall be eight inches.

**8.13(c)** Minimum wearing course thicknesses for minor streets shall be a total of 2 inches compacted. Major roads shall have specific design calculations submitted for design thickness.

**8.13(d)** No catch basins shall be permitted within the radius portion of street intersections.



**8.13(e)** No manhole covers or water valves shall be permitted within the curb portion of the roadways.

**8.13(f)** All pipe trenches under pavement or which the 1:1 shear plane intersects a line two feet from the back of pavement shall be compacted in six-inch lifts to 98% modified proctor density.

**8.13(g)** Geometric design elements for collector and arterial streets shall be in accordance with AASHTO design guidelines.

**8.13(h)** The minimum road elevation shall be above the ten-year storm as defined in a drainage basin study.

**8.13(i)** Compound curves are prohibited.

**8.13(j)** When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve street centerline radius that shall be a minimum of 100 feet on residential minor streets, and a minimum of 25 feet shall be provided between reversed curves on these streets.

**8.13(k)** Street Intersection Radii. Streets shall be laid out so as to avoid acute angles between streets at their intersections. Small radius alignment on the approach to the intersections shall be avoided. Property lines at street intersections shall be rounded with a radius of not less than 20 feet. Larger radii or chambered corners will be required when such design is advisable to permit the construction of curbs of large radii. The minimum street intersection radius shall be 20 feet. Provide a larger radius when so necessary to accommodate truck traffic.

**8.13(l)** Street Widths. Street widths shall comply with cross sections on the attached **Drawing Sheet Nos. 1 through 6.**

**8.13(m)** Permitted Encroachments Within Street Right-Of-Way. The following encroachments are permitted within that portion of the street right-of-way which is not paved or curbed: Signs, arcades, bay windows, stairs, stoops and other similar features.

## **Section 9 Approval Procedures**

**9.1** The Developer shall submit plans and specifications for each road to the Zoning Administrator. In addition to the fees set forth in the Zoning Procedures, the Developer shall also pay for the out of pocket expenses incurred by the City in retaining an engineering inspection service to review the Developer's road plans and to periodically test the construction of such roads. The Developer shall submit a list of qualified engineers which list shall be approved by the City and Developer shall have the right to contract with any of the City approved engineers for inspection services. The Developer may submit an amended list of qualified engineers from time to time for the City's approval.

**9.2** All roads and any related drainage systems shall be publicly dedicated by the Developer to the City. Upon completion and approval by the City's retained engineer, the Developer shall deed the road and any related drainage easement to the City and shall deliver an eighteen (18) month maintenance bond in a form reasonably acceptable to the City.

**9.3** Developer retains the right to determine the location of curb cuts, provided the City is provided with a certification from a qualified engineer reasonably acceptable to the City that the curb cut's location does not present a significant safety hazard. The location of any internal connecting streets between parcels shall be in the Developer's discretion.

**9.4** The Developer shall have the right to obtain final subdivision plat approval from the City for a recordable subdivision plat prior to the completion of the construction of roads, drainage, sewer and water infrastructure, provided that the Developer posts a bond or letter of credit or other form of security in a form reasonably acceptable to the City in the amount of one hundred fifteen (115%) percent of the total contract price for an uncompleted work as certified by a licensed engineer. Upon the recordation of the final subdivision plat, lots may transfer and building permits may be issued. However, the City shall have no obligation to issue a certificate of occupancy until (1) the water and sewer services are in operation, and (2) the curbing, guttering, base course road bed and final wearing surface has been constructed and approved by the City. The final subdivision plat shall contain a notation which delineates the restrictions on the issuance of certificates of occupancy.

**9.5** All Utility lines (including, without limitation, all electrical distribution and transmission lines, cable, water and sewer lines) shall be placed underground. Cable television lines shall be underground and shall be located in the rear of a lot unless a different location on a lot is approved by the Developer and the City.

**9.6** The procedures manuals of the Zoning Procedures are hereby modified to reflect the different standards and provisions contained in this Master Plan. All submissions to the City shall include evidence that the Developer or the Carnes Crossroads ARB has reviewed and approved the submittal.

## **Section 10 Signs**

**10.1** All signs shall be subject to the provisions of Section 505 of the Zoning Ordinance; however, the setback requirements for a sign shall not be greater than the setback requirements for a building.

**10.2** The Developer shall have the authority to determine all street and traffic control signs provided all traffic control signs meet the standards of the South Carolina Department of Transportation.

**TABLE I**  
**Lot & Bldg Regulations**

Regulation	CC-R Principal Bldg	CC-TC Principal Bldg	CC- R and TC Accessory Bldg
Maximum Height	50' 55' for multifamily	65 feet as increased pursuant to Section 6.9	36'
Minimum Setbacks			
Front Yard	See Section 5.7(e)=10' and Section 5.4(b) [15' variation right]	0	25'
Side Street	10'	0	--
Side Yard	3' (detached) 12' total	none required but 3' minimum if provided	--
Rear Lot Line	20' (except as set forth in Section 5.7(f))	0	2', 5' if rear street
Minimum Lot Front Property Line	single detached 40' attached 16'	20' 30' if accessory garage	--
Maximum Lot Coverage	detached 70% attached 90%	90% commercial 70% multifamily dwellings and institutional uses 90% attached dwellings 70% detached dwellings	1,000 sq. ft size limitation.
Minimum Number of Offstreet Parking spaces	2 for a single family lot 1 per dwelling unit for multifamily units	1 per dwelling unit except none required for dwelling unit in business building 1 per 3 hotel rooms in hotel 2 per 1,000 s.f. gross floor space all other uses	

In the event of conflict between this table and the zoning text, the zoning text shall control.

# CARNES CROSSROADS Zones - Exhibit A

All labeled zones will remain Carnes Crossroads Agricultural Zone until changed pursuant to Section 3.4.

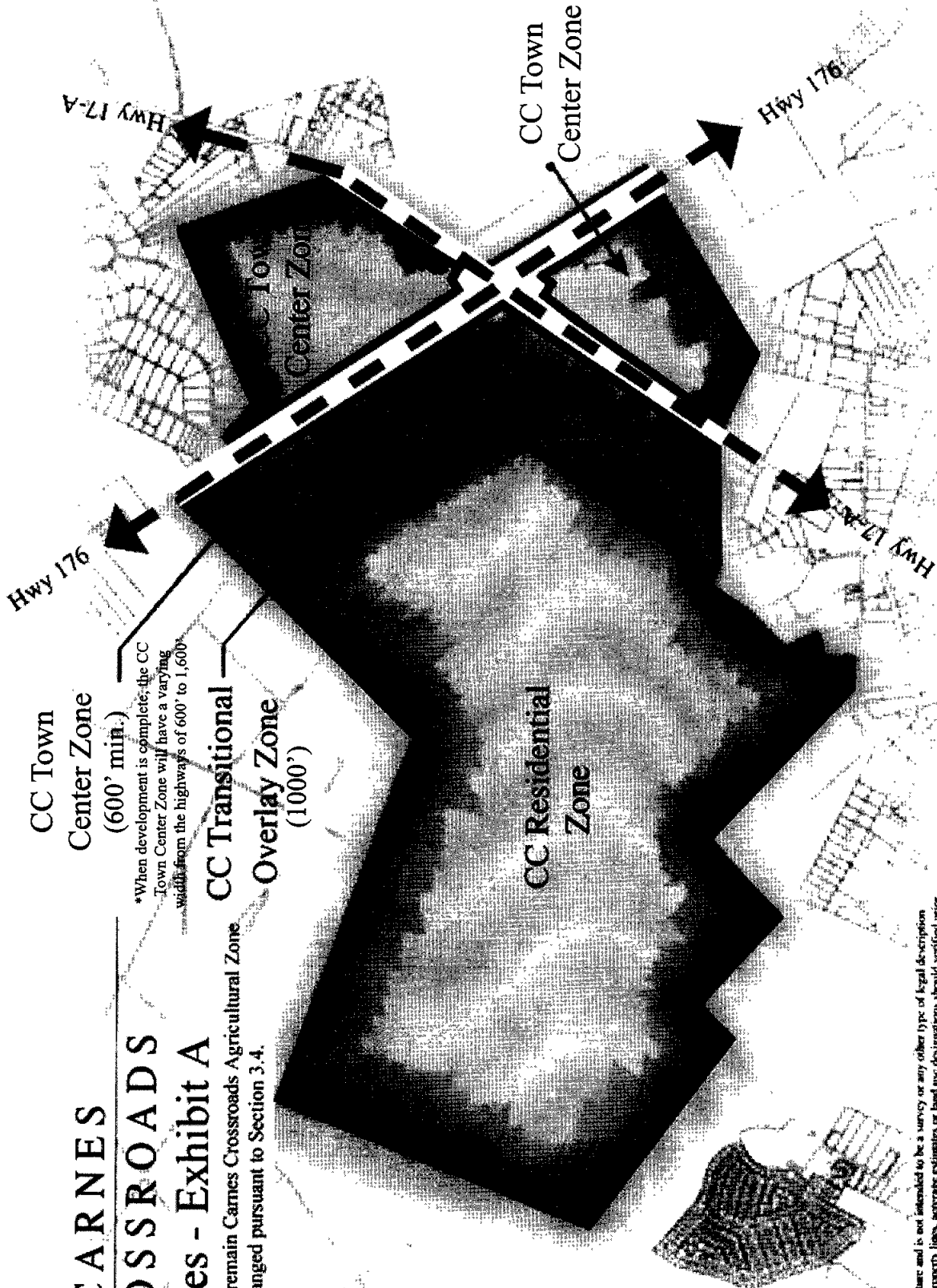
CC Town  
Center Zone  
(600' min.)

\*When development is complete, the CC Town Center Zone will have a varying width from the highways of 600' to 1,600'

CC Transitional  
Overlay Zone  
(1000')

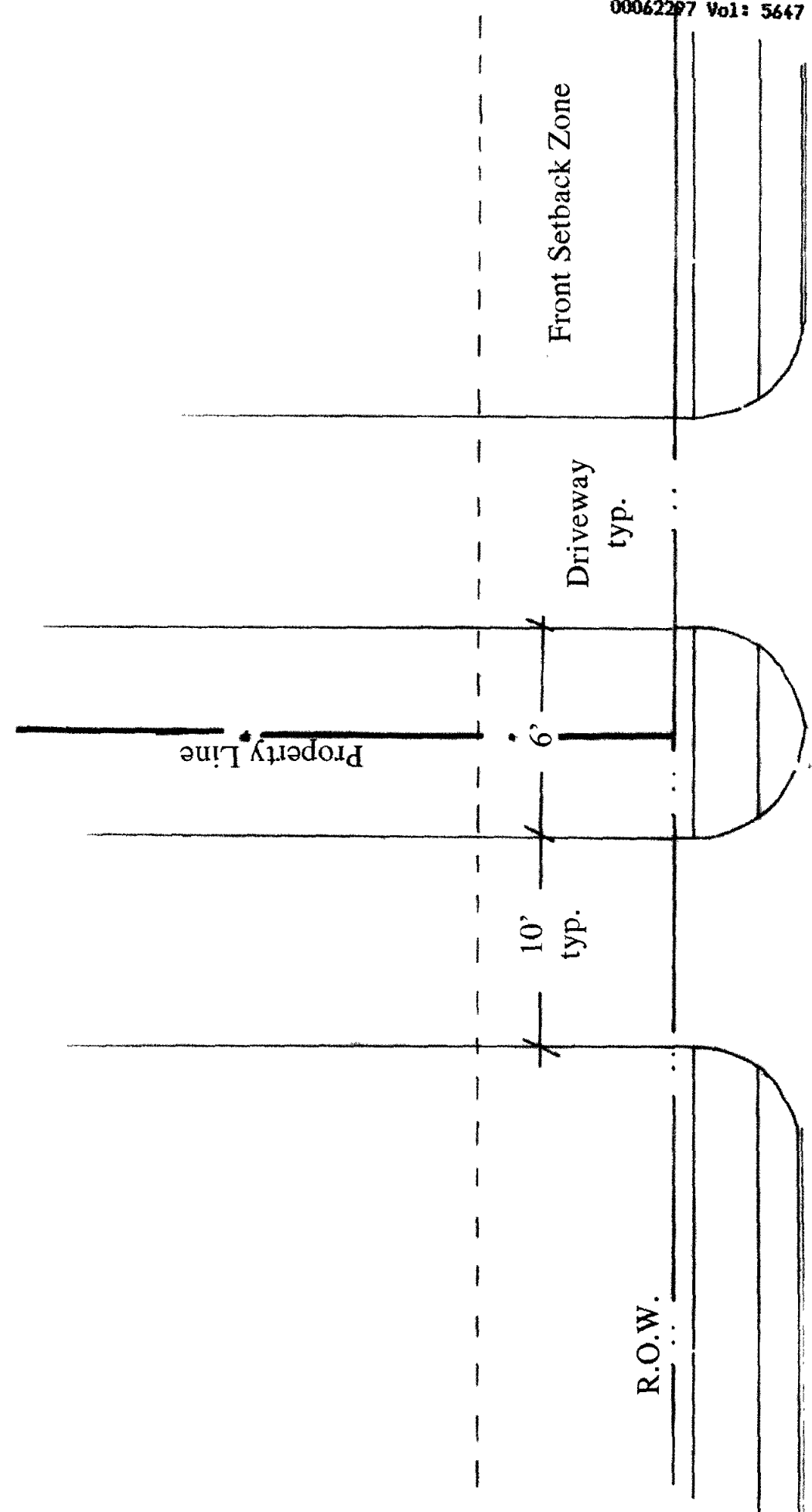
CC Residential  
Zone

CC Town  
Center Zone



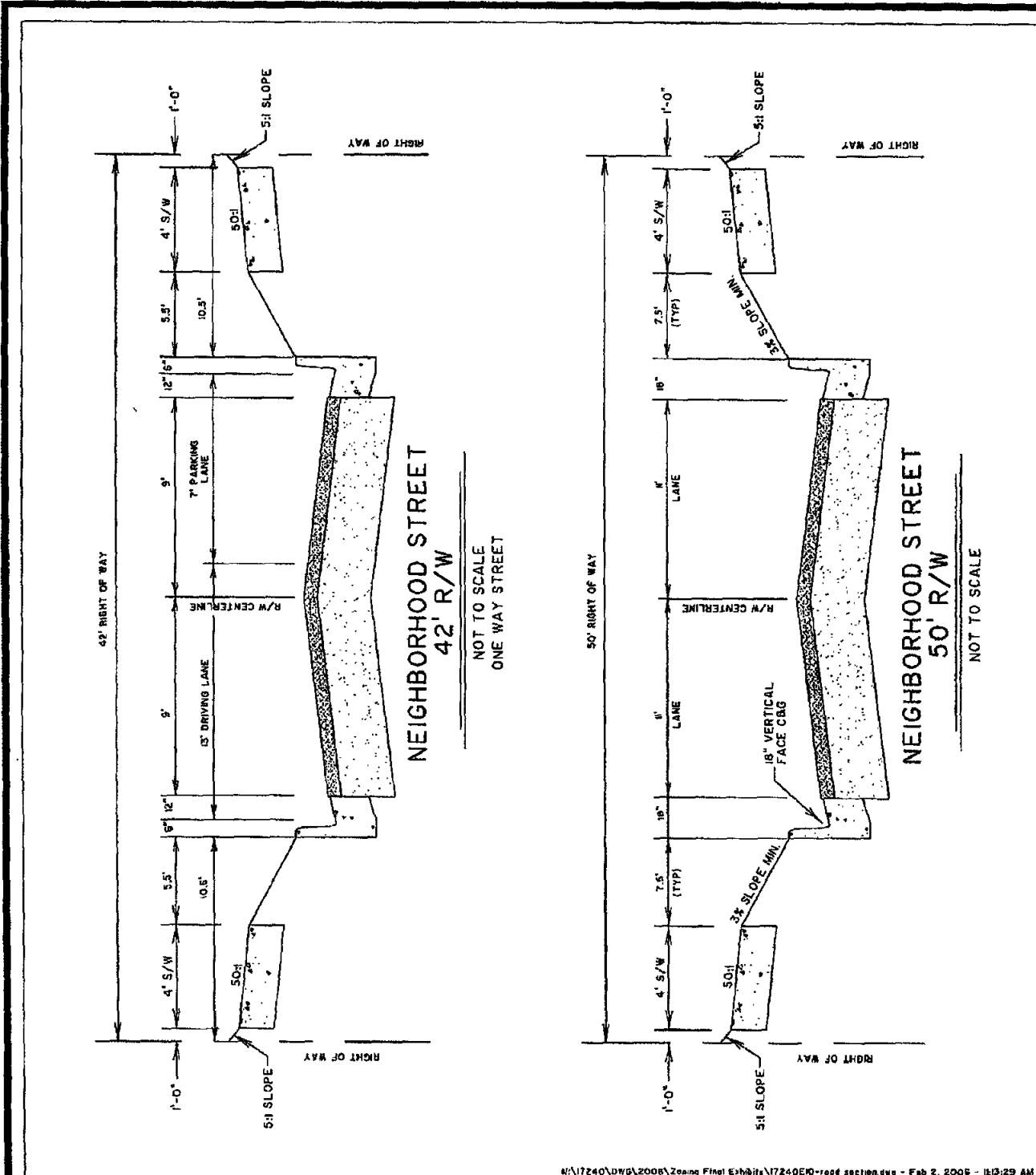
Not to Scale.

This plan is conceptual in nature and is not intended to be a survey or any other type of legal description of the subject property. All property lines, acreage estimates or land use designations should be verified prior to any land planning exercises.

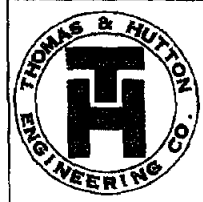


# Driveway Exhibit B

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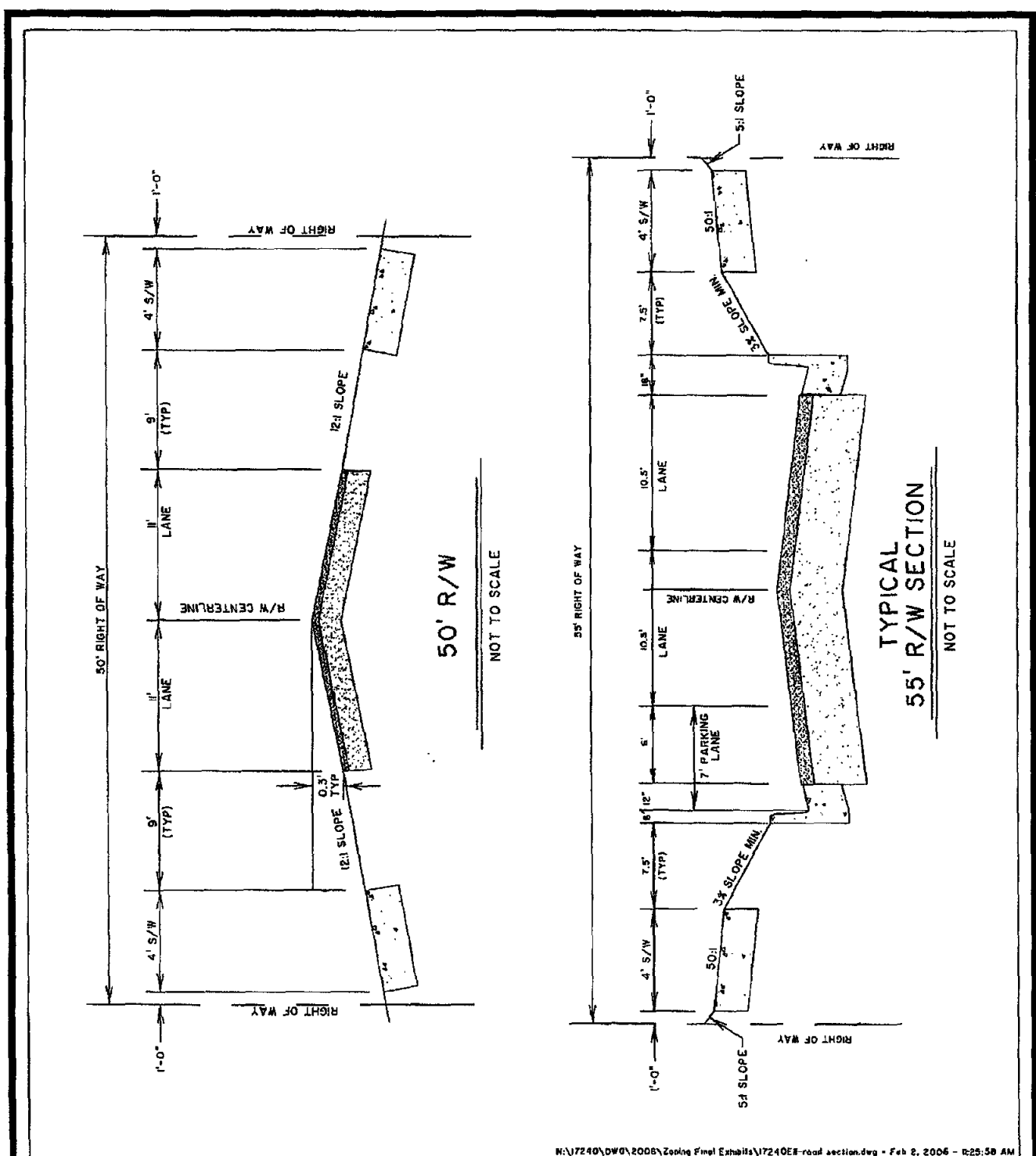


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BOULEVARD SUITE 100  
MOUNT PLEASANT, SC 29465  
(843) 849-0200  
SAVANNAH, GA  
MYRTLE BEACH, SC

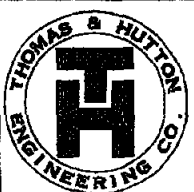
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CARNES CROSSROADS ZONING  
ROAD DETAILS  
FEBRUARY 2, 2006

SCALE: NTS



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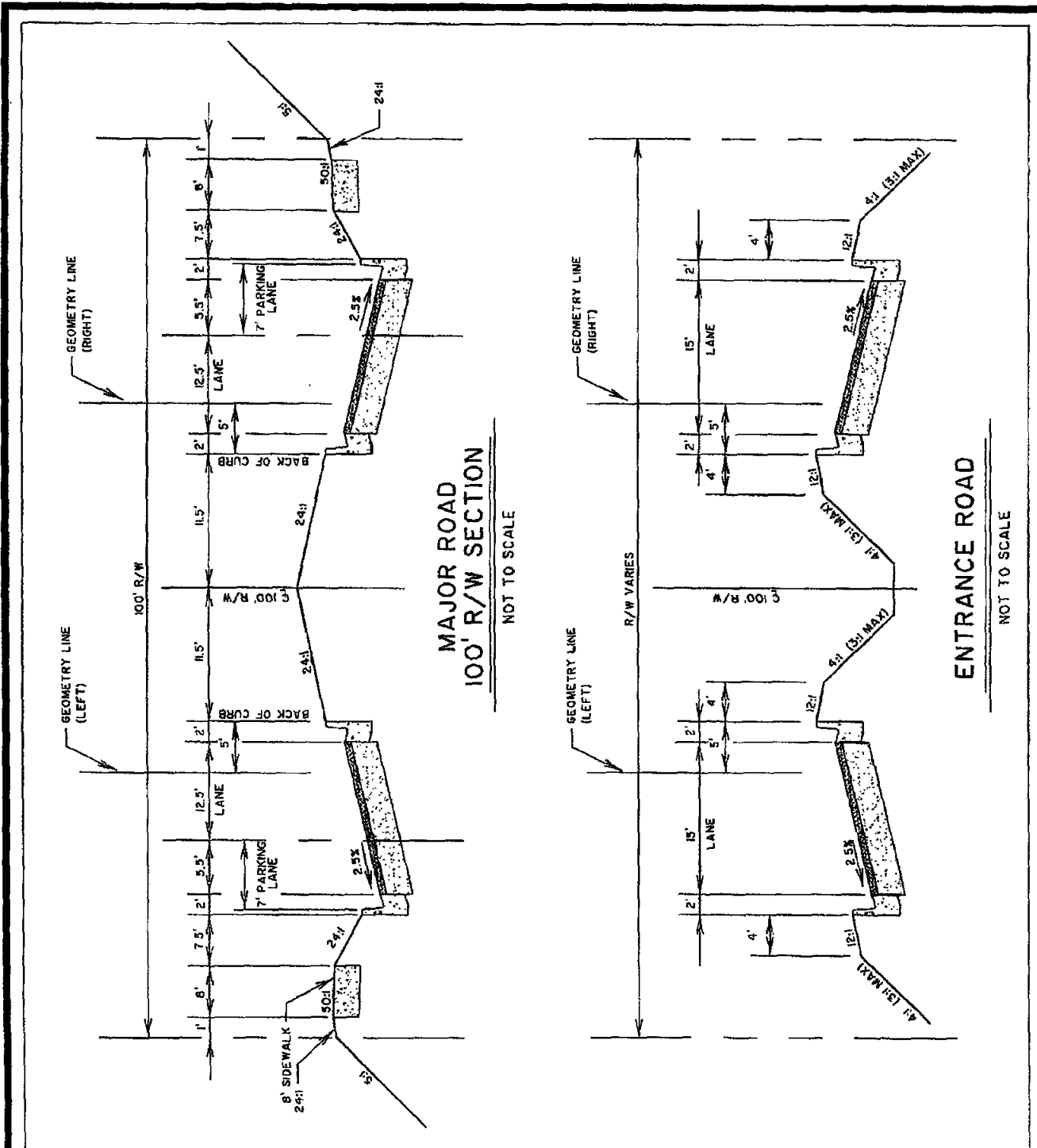
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 BOULEVARD SUITE 100  
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 (843) 849-0200  
 SAVANNAH, GA  
 MYRTLE BEACH, SC

SHEET  
 2

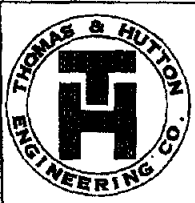
CARNES CROSSROADS ZONING  
 ROAD SECTIONS

FEBRUARY 2, 2006

SCALE: NTS



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MYRTLE BEACH, SC

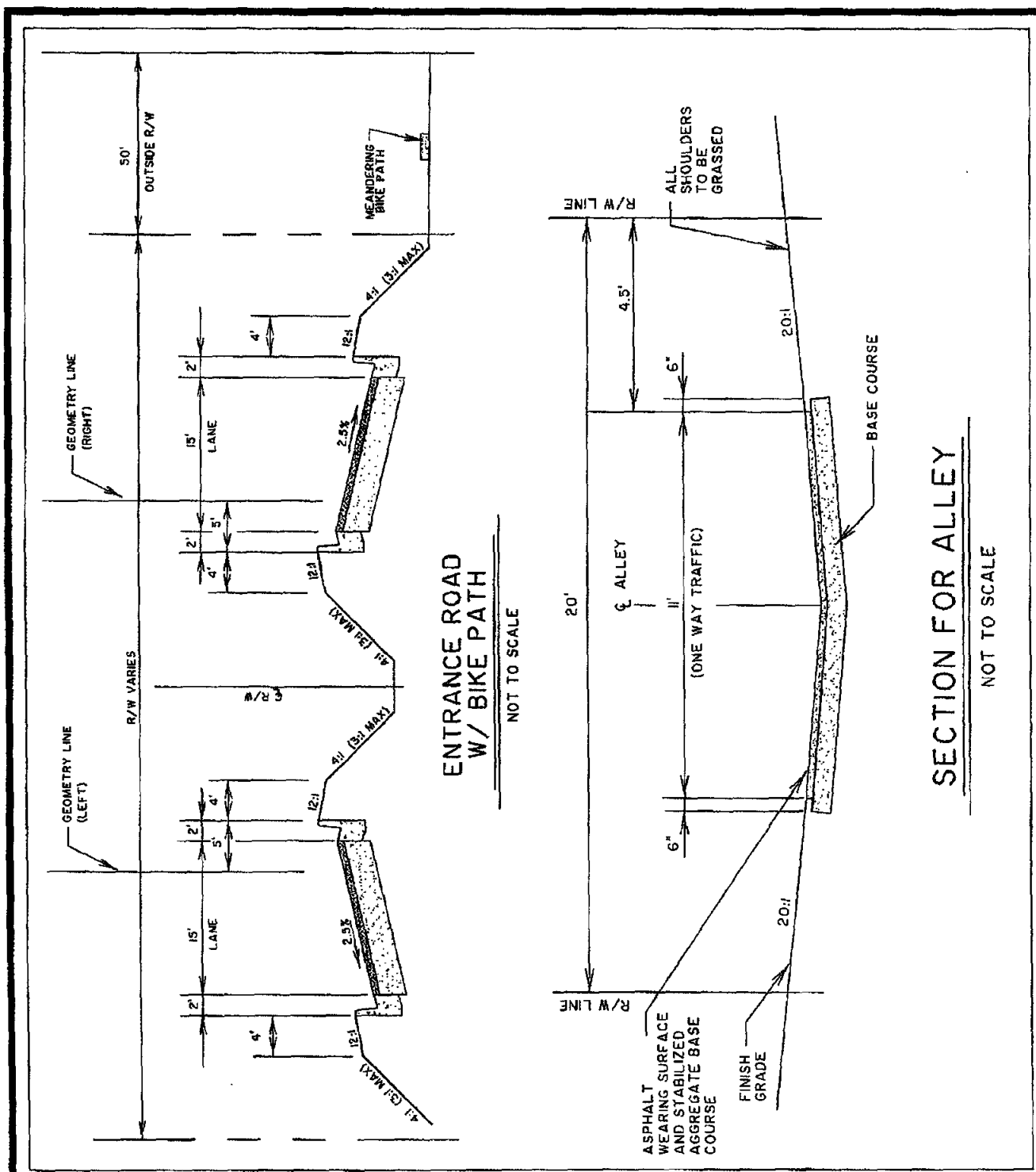
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CARNES CROSSROADS ZONING  
ROAD SECTIONS

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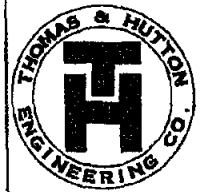


**ENTRANCE ROAD  
W/ BIKE PATH**

NOT TO SCALE

**SECTION FOR ALLEY**

NOT TO SCALE



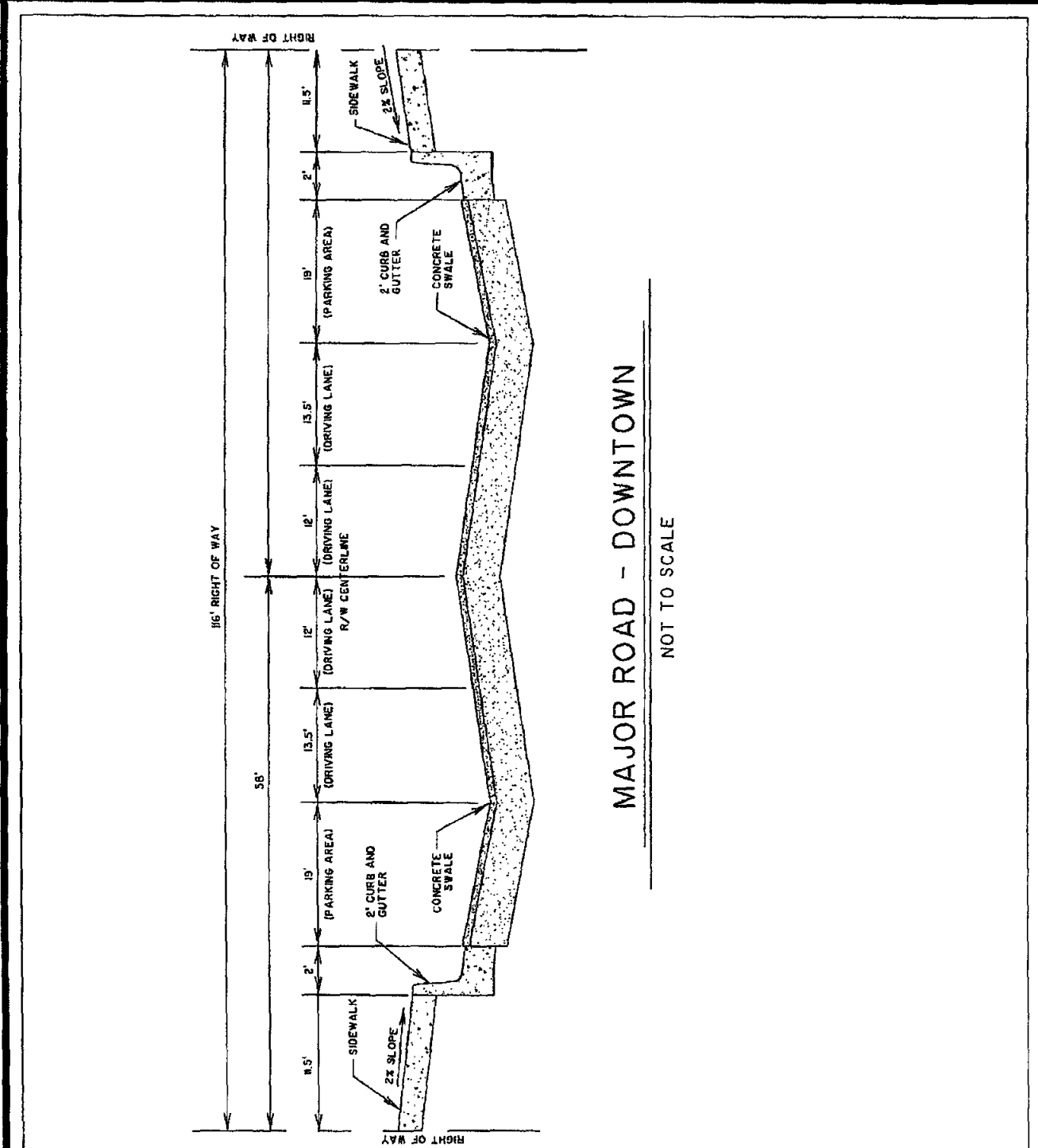
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BOULEVARD SUITE 100  
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SAVANNAH, GA  
MYRTLE BEACH, SC

**SHEET  
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CARNES CROSSROADS ZONING  
ROAD SECTIONS

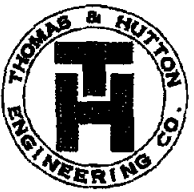
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# MAJOR ROAD - DOWNTOWN

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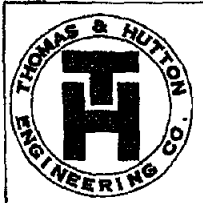
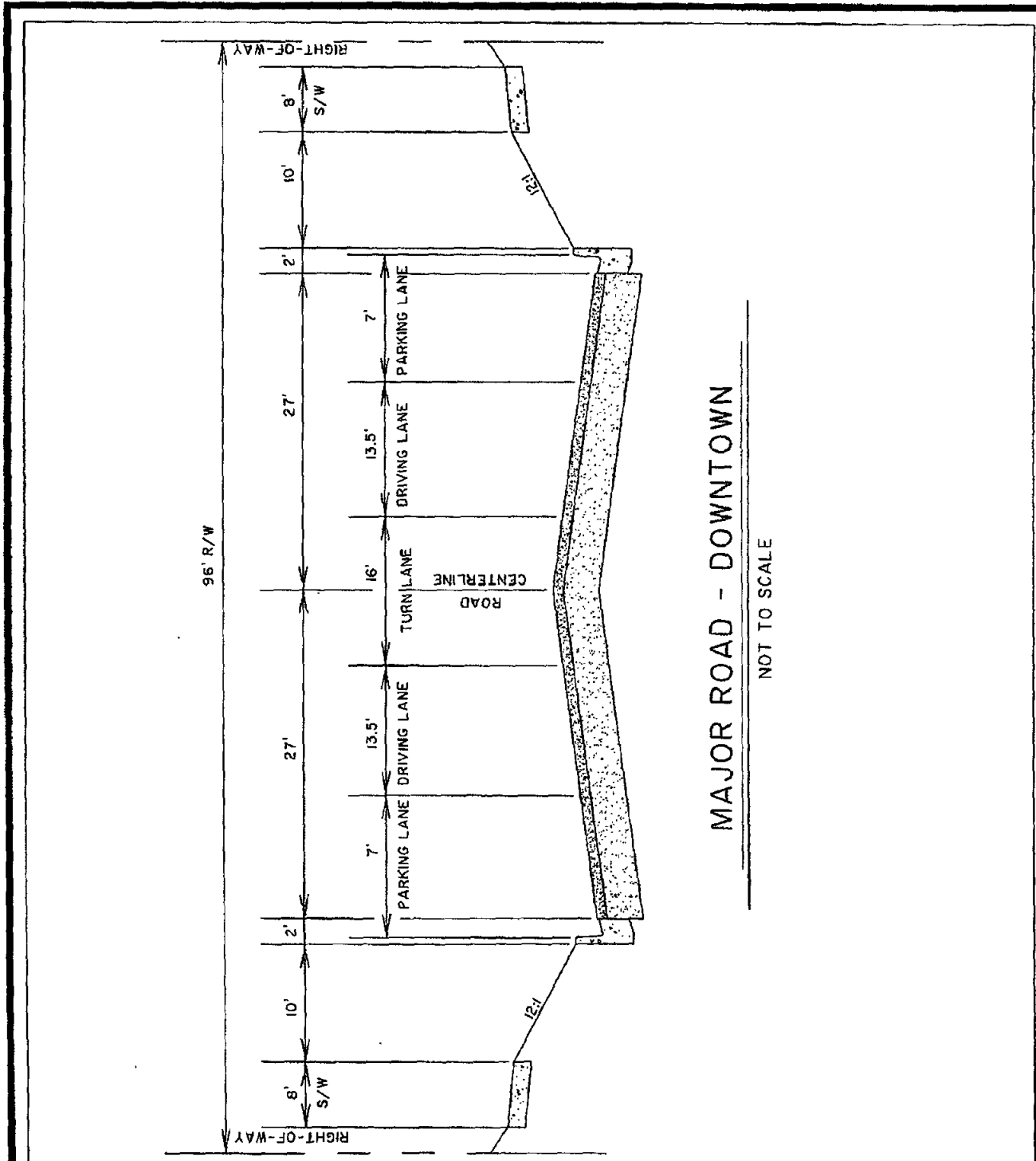
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 MYRTLE BEACH, SC

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CARNES CROSSROADS ZONING  
 ROAD SECTIONS

FEBRUARY 2, 2006

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935 HOUSTON NORTHCUTT  
BOULEVARD SUITE 100  
MOUNT PLEASANT, SC 29465  
(843) 849-0200  
SAVANNAH, GA  
MYRTLE BEACH, SC

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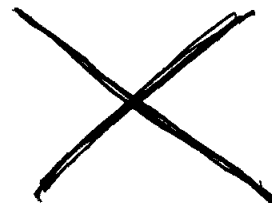
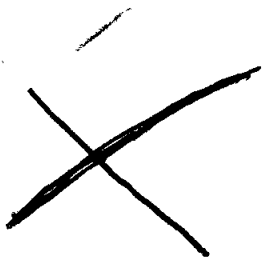
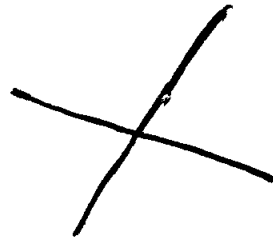
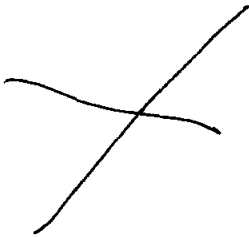
CARNES CROSSROADS ZONING  
ROAD SECTIONS

FEBRUARY 2, 2006

SCALE: NTS

APPENDIX 2  
CITY OF GOOSE CREEK  
ZONING ORDINANCE

00062297 Vol: 5647 Ps: 92



## ZONING ORDINANCE, CITY OF GOOSE CREEK, SOUTH CAROLINA

### TABLE OF CONTENTS

<b>ARTICLE/SECTION</b>	<b>TITLE</b>
<b>Article I -</b>	<b>Authority, Enactment, Commission, And Purpose</b>
101	Authority and Enactment
102	Commission
103	Membership and Appointment
104	Organization of Commission, Meetings
105	Records
106	Referral of Matters to Commission: Reports
107	Planning Session
108	Rules of Procedures
109	Purpose of the Zoning Ordinance
<b>Article II</b>	<b>Establishment of Controls and Definitions</b>
201	Administration
202	Short Title
203	Interpretation and Purposes
204	Definitions of Words and Terms
<b>Article III</b>	<b>Amendments to this Ordinance</b>
301	Authority
302	Requirements for Change
303	Procedure for Amendments
<b>Article IV</b>	<b>Administration and Enforcement</b>
401	Enforcement of Ordinance
402	Permit Required /Penalty
403	Application for Permits
404	Construction Process
405	Expiration of Permit
406	Occupancy Permit
407	Temporary Uses
<b>Article V</b>	<b>General Development Provision</b>
501	Use of Land or Buildings
502	Flood Hazard Controls
503	Design Standards
504	Landscaping Requirements
505	Sign Regulations
506	Buffer Areas and Screens
507	Parking and Loading Space
508	Municipal Impact Fee
<b>Article VI</b>	<b>Zoning Districts and Boundaries</b>
601	Establishment of Districts and Maps
602	Interpretation of District Boundaries
603	Change of City Boundaries
604	Accessory Uses

605	Special Uses
<b>Article VII</b>	<b>Zoning District Regulations</b>
701	R-1 Low Density Residential District
702	R-2 Medium Density Residential Districts
703	R-3 High Density Residential District
704	Restricted Commercial District
705	Neighborhood Commercial Districts
706	General Commercial District
707	Light Industrial District
708	Conservation/Open Space District
709	Planned Development Districts
710	Multi-Family Minimum Lot Requirements
711	Downtown Business District
<b>Article VIII</b>	<b>Non-conforming Lots, Structures, and Uses</b>
801	Purpose
802	Non-Conforming Lots
803	Non-Conforming Structures and Uses
804	District Change
<b>Article IX</b>	<b>Zoning Board of Appeals</b>
901	Organization
902	Duties and Powers
903	Annual Report
904	Organizations, Meetings, and Rules of Procedure
905	Decisions of the ZBA
<b>Article X</b>	<b>Architectural Review Board</b>
1001	Organization
1002	Application Procedure
1003	Emergency Uses
1004	Pre-Design Conference
1005	ARB Meeting
1006	Application Requirements
1007	Purview of ARB Areas Defined
1008	Architectural Review Design Guidelines
<b>Article XI</b>	<b>Legal Status Provisions</b>
1101	Interpretation and Conflict
1102	Violation
1103	Penalty
1104	Validity
1105	Repeal of Conflicting Ordinances
1106	Effective Date
<b>Annex</b>	
A	Parking and Loading Space Requirements
B	Table of Land Uses
C	Table of Accessory Uses
D	Table of Minimum Standards

## **ARTICLE I - AUTHORITY, ENACTMENT, COMMISSION, AND PURPOSE (OF THE ZONING ORDINANCE): (As Amended April 13, 1999)**

### **SECTION 101 - AUTHORITY AND ENACTMENT**

In pursuance of Authority conferred by the Code of Laws of South Carolina, Title 6, Chapter 29 in accordance with the Comprehensive Planning Enabling Act of May 4, 1994, the Goose Creek City Council (hereinafter referred to as "Council"), hereby enacts into law, on this 10th day of October, 1995, establishing a Planning Commission (hereinafter referred to as "Commission"), and revisions to the following Articles and Sections, to include as part of this Zoning Ordinance all maps, codes, and regulations referred to herein. (The Zoning Ordinance was first adopted by Council on November 14, 1978, and revised on May 14, 1985.)

#### 101.1 Planning Commission Established.

There is hereby established a Planning Commission for the City of Goose Creek, which shall have the powers and duties as provided in S.C. Code Title 6, Chapter 29, 6-20-320, et seq.

#### 101.2 Composition of Commission.

The Planning Commission shall consist of seven (7) members appointed by the Mayor and City Council for terms of three (3) years, staggered so that one-third of the members shall have terms expiring in each year. Members shall serve until their successors are appointed and qualified. A vacancy in the membership of the Commission shall be filled for the unexpired term in the same manner as the original appointment. No member of the Planning Commission shall be the holder of an elected public office in the City of Goose Creek.

#### 101.3 Compensation.

Members of the Planning Commission shall regularly attend meetings and public hearings, and shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds pursuant to reimbursement policies and procedures for employees of the City of Goose Creek.

#### 101.4 Removal of Members.

Members of the Planning Commission may be removed at any time by Council for cause. The existence of cause shall be discussed by the Mayor and City Council in executive session as permitted by the Freedom of Information Act, S.C. Code 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of the Mayor and City Council, is deemed to adversely affect the public interest, including lack of attendance at meetings without just cause, has not maintained required qualifications, or has been found guilty of malfeasance or misconduct in office, may constitute cause.

#### 101.5 Organization and Rules of Procedures.

The Planning Commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code 6-29-360.

101.6 Public Hearings.

The Planning Commission shall hold all public hearings on amendments to the Zoning Ordinance and Map pursuant to S.C. Code 6-29-760 (A).

## **SECTION 102 - FUNCTIONS, POWERS, AND DUTIES OF THE COMMISSION**

In the discharge of its responsibilities, the Commission of the City of Goose Creek (hereinafter referred to as the "City") has the following functions, powers, and duties:

102.1 Identify community needs and advise the Council of their short and long range implications for the total development of the City.

102.2 Recommend achievable community goals as a basis for long range planning and development programs.

102.3 Prepare and revise periodically plans, programs, and policies that will aid the entire community in achieving its defined goals for the physical, social, and economic growth, development, and redevelopment of the City.

102.4 The plans and programs must be designed to promote public health, safety, morals, convenience, prosperity, or the general welfare, as well as, the efficiency and economy of the City.

102.5 Specific planning elements must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development and include recommended means of implementation.

102.6 The Commission, through its designated staff, may make, publish, and distribute maps, plans, reports, and recommendations relating to the plans and programs and the development of the City to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens.

102.7 The Commission and its designated staff, in the performance of its functions, may enter upon any land with consent of the property owner or after ten (10) days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the Commission shall be liable for any injury or damage to property resulting therefrom.

102.8 The Commission may serve as an appeals board on land development plans that have been disapproved by the Commission's designated staff.

102.9 The Commission shall authorize the naming or renaming of a street or road laid out within the City.



102.10 All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work.

102.11 In general, the Commission has the powers as may be necessary to enable it to perform its functions and promote the planning of the City.

102.12 Prepare and recommend for adoption to Council as a means for implementing the plans and programs in the City:

102.12.1 A Zoning Ordinance to include zoning district maps and appropriate revisions thereof.

102.12.2 Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted.

102.12.3 An Official Map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structure or changes in land use within the rights-of-way, building sites, or open spaces within the City.

102.12.4 A Landscape Ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures.

102.12.5 Policies or procedures to facilitate implementation of planning elements as set forth in Section 6-29-510 of the S.C. Code, as amended.

102.13 Interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies.

102.14 Submit an annual report to Council every year, summarizing its activities and achievements. The report shall include the identity of Commissioners and their respective meeting attendance record.

## **SECTION 103 - MEMBERSHIP AND APPOINTMENT**

The Commission shall be composed of seven (7) qualified electors of the City. Council will consider for appointment to the Commission only those persons who have demonstrated their professional expertise, civic interest, general knowledge of the City, independent judgment, interest in planning and zoning, concern for the future welfare of the total Community and its citizens, and availability to prepare for and attend meetings. It is the intent of Council that members shall, by reasons of diversity in their individual occupations, constitute a Commission which is broadly representative of the Community.

## **SECTION 104 - ORGANIZATION OF COMMISSION, MEETINGS**

The Commission shall hold an organizational meeting in November of each year, to elect a Chairman and Vice-Chairman from its membership whose terms shall be for one year. Also, a Secretary, who may be an officer or an employee of the Council or of the Commission, and such other officers as the Commission deems

necessary shall be elected, or assignment of staff personnel requested from the City Administrator.

## **SECTION 105 - RECORDS**

The Commission shall keep a record of its resolutions, findings, and determinations, which record must be a public record.

## **SECTION 106 - REFERRAL OF MATTERS TO COMMISSION; REPORTS**

The Council may provide for the reference of any matters or class of matters to the Commission, with the provision that final action on it may not be taken until the Commission has submitted a report on it or has had a reasonable period of time, as determined by the Council to submit a report.

## **SECTION 107 - PLANNING SESSION**

The Commission may be convened as a committee of the whole in the same manner as prescribed for calling a special meeting for the purpose of holding a planning session, provided that no official business shall be conducted thereat, and no quorum shall be required.

## **SECTION 108 - RULES OF PROCEDURES**

### 108.1 Organization.

#### 108.1.1 Rules.

These rules of procedure are adopted pursuant to S.C. Code 6-29-360 for the City of Goose Creek Planning Commission which consists of members appointed by City Council.

#### 108.1.2 Chairman.

The chairman shall be a voting member of the Commission and shall:

108.1.2.1 Call meetings of the Commission;

108.1.2.2 Decide all points of order;

108.1.2.3 Act as spokesperson for the Commission;

108.1.2.4 Sign documents for the Commission;

108.1.2.5 Transmit reports and recommendations to Council; and

108.1.2.6 Perform other duties approved by the Commission.

#### 108.1.3 Vice-Chairman.

The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

#### 108.1.4 Secretary (Non-voting Member.)

The secretary shall:

- 108.1.4.1 Provide and publish public hearing, and notice of meetings;
- 108.1.4.2 Preside at meetings and hearings;
- 108.1.4.3 Assist the chairman in preparation of agenda;
- 108.1.4.4 Keep minutes of meetings and hearings;
- 108.1.4.5 Maintain Commission records as public records;
- 108.1.4.6 Attend to Commission correspondence; and
- 108.1.4.7 Perform other duties normally carried out by a secretary.

## 108.2 Meetings.

### 108.2.1 Time and Place.

The Commission shall meet at the call of the chairman, and at such times as the chairman or Commission may determine. An annual schedule of regular meetings shall be adopted, published, and posted at City Hall in December of each year. Special meetings may also be called by the Chairman upon forty-eight (48) hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

### 108.2.2 Agenda.

A written agenda shall be furnished by the secretary to each member of the Commission and the news media, and shall be posted at least five (5) days prior to each regular meeting, and at least forty-eight (48) hours prior to a special meeting. Items may be added to, or removed from the agenda at a meeting by majority vote.

### 108.2.3 Quorum.

A quorum in all meetings shall be four (4) members. A quorum shall be present before any business is conducted other than rescheduling the meeting.

### 108.2.4 Rules of Order.

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

### 108.2.5 Voting.

Motions may be made by any member other than the presiding Official:

#### 108.2.5.1 A member must be present to vote.

#### 108.2.5.2 Each member shall vote on every question unless disqualified by law.

108.2.5.3 The disqualification shall be decided by the member affected, however, a member shall disqualify himself from voting whenever he has a personal or monetary interest in the property under discussion, or upon belief that he will be directly affected by the Commission's decision, or when any applicant / agent has sought to influence his vote (other than influences exerted during public hearings.)

108.2.5.4 The member shall announce the reason for disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

108.2.5.5 A motion to approve any matter before the Commission, whether requiring subsequent Council approval or not, shall require a majority vote of the members present.

108.2.5.6 Tie votes constitute a failure of the motion.

108.2.6 Conduct.

Except for public hearings, no person shall speak at a Commission meeting unless invited to do so by the Commission.

108.3 Public Hearings.

108.3. Notice.

The secretary shall give notices required by statute or ordinance for all public hearings conducted by the Commission, at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the City, and a sign shall be placed on the property in question, facing the thoroughfare serving the property, stating the present zoning classification and such other information deemed necessary in consideration of the proposed action. Members of the public desiring to be heard shall give written notice to the secretary prior to commencement of the hearing.

108.3.2 Procedure.

108.3.2.1 The public shall be advised of the procedures to be followed during the hearing, and the secretary shall advise the Commission of relevant communications received prior to hearing public comment of the matter.

108.3.2.2 The Commission, or Secretary, as directed, shall call each proposal in such order as to be in accord with the hearing time specified in the notice of public hearing.

108.3.2.3 The Chairman shall next call on the City staff for a factual summary and presentation relative to the proposal, and shall be afforded an opportunity to call to the Commission's attention any additional pertinent communications.

108.3.2.4 In matters brought before the Commission for public hearing which were initiated by an applicant, the applicant, his agent or attorney shall be heard first, followed by members of the public, those in support, followed by those in opposition.

108.3.2.5 In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission shall determine.

108.3.2.6 The applicant shall have the right to reply last.

108.3.2.7 The chairman may limit the time for each person who wishes to speak.

108.3.2.8 The chairman shall, when necessary, direct that all remarks shall be germane to the proposal. No rebuttal shall be permitted by either side, but the Commission may direct questions to any speaker in order to clarify statements and information presented. All questions shall be posed by members of the Commission.

108.3.2.9 The chairman shall then declare the public presentation or hearing closed, as to that proposal.

#### 108.4 Records.

##### 108.4.1 Minutes.

The secretary shall record all meetings and hearings of the Commission on tape which shall be preserved until final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

##### 108.4.2 Reports.

The secretary shall assist in the preparation and forwarding of all reports and recommendations of the Commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

##### 108.4.3 Attendance.

The minutes shall show the presence, absence, vote, or abstention of each member, with the reason for absence submitted by any member. The Commission shall recommend to the governing body the removal for cause of any member who is absent from three (3) consecutive meetings without adequate reason.

##### 108.4.4 Official Record.

The Official Record shall be these regulations and the meetings minutes, together with all findings, decisions, and other records of the Commission. All matters coming before the Commission shall be made part of the Official Record, such record to be available to the public for inspection at City Planning during normal working hours.

#### 108.5 Review Procedure.

##### 108.5.1 Application Procedure.

Every proposal submitted for Commission consideration shall be in the form required by the zoning administrator, to include filing fees when specified. Any information supporting a proposal or request for approval or denial, shall be submitted only in writing through the secretary, or publicly before the Commission. A proposal may be withdrawn effective on the date of receipt of written request by the secretary. No such request shall be valid after the mailing of notices, except on action of the Commission. Withdrawal at any stage of consideration terminates all consideration by the City, and files shall be closed. No refund of required filing fees shall be made.

##### 108.5.2 Zoning Amendments.

Reference Article III, Amendments to the existing Zoning Ordinance.

### 108.5.3 Review of Plats.

Plats submitted for review pursuant to land development regulations shall be reviewed by the Zoning Administrator who may approve for recording plats of existing lots of record, and subdivisions of land which meet all zoning requirements.

### 108.5.4 Comprehensive Plan.

All zoning and land development regulation amendments shall be reviewed first for conformity with the comprehensive plan. Conflicts with the comprehensive plan shall be noted in any report to City Council on a proposed amendment. The elements of the comprehensive plan shall be reviewed and updated on a schedule adopted by the Commission meeting the requirements of S.C. Code 6-29-510(E).

### 108.5.5 Street Naming and Numbering.

108.5.5.1 It shall be unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking, or in a deed or instrument without first getting the approval of the Commission. Any person violating this provision is guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

108.5.5.2 The Commission may, after reasonable notice through a newspaper having general circulation in the City, change the name of a street or road within the boundary of its territorial jurisdiction:

108.5.5.2.1 When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;

108.5.5.2.2 When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or

108.5.5.2.3 Upon any other good and just reason that may appear to the Commission.

108.5.5.3 On the name being changed, after reasonable opportunity for a public hearing, the Commission shall issue its certificate designating the change, which shall be recorded in the office of the Berkeley County Register of Mesne Conveyances, and the name change and certified shall be the legal name of the street or road.

### 108.6 Reconsideration.

The Commission may reconsider any review when so requested by City Council, or when an applicant brings to the attention of the Commission new facts, a mistake of fact in the original review, correction of clerical error, matters not the fault of the applicant which affect the result of the review, or upon receipt of written request from the original applicant stating how conditions have substantially changed in the community since prior consideration was given the proposal, thereby justifying earlier review.

### 108.7 Amendment.

These rules may be amended by the Commission by a majority vote of the members present at the public hearing when the matter was considered. Results of the proposed amendments shall be submitted to the Council for review and approval.

## **SECTION 109 - PURPOSE OF THE ZONING ORDINANCE**

109.1 To guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare, the City does, in accordance with the authority cited in Section 101 above, and in accordance with the following Articles and Sections, regulate the following:

109.1.1 The location, height, bulk, number of stories, and size of buildings and other structures.

109.1.2 The percentage of lot which may be occupied.

109.1.3 The sizes of yards, courts, and other open spaces.

109.1.4 The density and distribution of population.

109.1.5 The uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, and airports and approaches thereto.

109.1.6 Water supply, sanitation, protection against flood, public activities, and other purposes.

109.2 These regulations are made in accordance with the Comprehensive Plan, and are designed to:

109.2.1 Lessen congestion in the street.

109.2.2 Secure safety from fire, flood, panic, and other dangers.

109.2.3 Promote the public health and the general welfare.

109.2.4 Provide adequate light, air, and open space.

109.2.5 Prevent the overcrowding of land.

109.2.6 Avoid undue concentration of population.

109.2.7 Facilitate the creation of a convenient, attractive, and harmonious community.

109.2.8 Protect and preserve significant or natural scenic, historic, or ecologically sensitive areas.

109.2.9 Protect the unique, special or desired character of the commercial and light industrial districts, and uses.

109.2.10 Facilitate the adequate provision of transportation, police and fire protection, water, sewerage, schools, parks and other recreational facilities, affordable housing, and disaster evacuation.

109.2.11 Preserve and protect historic and architecturally valuable districts and neighborhoods, and other public requirements.

109.3 The regulations are made with, but not limited to:

109.3.1 The character of each area and its peculiar suitability for a particular use, with a view to promoting desirable living conditions, and the sustained stability of neighborhoods.

109.3.2 Protecting property against blight and depreciation.

109.3.3 Securing economy in governmental expenditures.

109.3.4 Conserving the value of land and buildings.

109.3.5 Encouraging the most appropriate use of land, buildings and structures, and to further the public welfare in any other regard specified by Council.

## **ARTICLE II - ESTABLISHMENT OF CONTROLS AND DEFINITIONS**

### **SECTION 201 - ADMINISTRATION**

All references in this Ordinance to the title of "Administrator" shall refer to the Zoning Administrator or other Official so designated. The Planning Commission is one body, the term "Commission" shall refer to said Commission, and the term "Council" shall refer to the City Council.

### **SECTION 202 - SHORT TITLE**

This Ordinance shall be cited as the Zoning Ordinance of Goose Creek, South Carolina; the zoning map is an inseparable part thereof. A master copy of both, known as the "Official Zoning Ordinance and Map" shall be maintained up-to-date in the City Offices.

### **SECTION 203 - INTERPRETATION AND PURPOSES**

The provisions contained herein, in their interpretation and application, shall be the minimum requirements adopted for the promotion of the public health, safety, and welfare. This Zoning Ordinance has been made in accordance with the Goose Creek Land Use Plan, for all purposes itemized in the Code of Laws citation in Article I, and in Sections 102 and 103, above.

### **SECTION 204 - DEFINITIONS OF WORDS AND TERMS**

For the purposes of this Ordinance, the following interpretations apply:

204.1 Words used in the present tense include the future tense.



204.2 The singular number includes the plural, and the plural includes the singular.

204.3 The word "person" includes a corporation, firm, company, partnership, association, organization, or public or private authority, as well as an individual.

204.4 The term "shall" is mandatory, and the term "may" is permissive.

204.5 The word "used" or "occupied" as applied to any land or building shall be interpreted to include the words "intended, arranged, or designed to be used or occupied".

204.6 The word "building" includes the word "structure", and the word "structure" includes the word "building".

204.7 The word "lot" includes the words "plot", "parcel", and "tract".

204.8 Terms not specifically defined herein shall have their customary dictionary definition:

204.8.1 Abandonment - A determination that a particular use (of a parcel of land, or of a structure) has been discontinued - whether with or without the intent to permanently abandon - for at least thirty (30) days. (Reference Section 803.3.)

204.8.2 Accessory - A use, building or structure customarily incidental and subordinate to, and detached from, the principal use, structure or building, and located on the same lot with the principal use, structure or building. (Reference Section 604.)

204.8.3 Adjoining Lot - Land immediately adjacent to the lot in question, including lots located immediately across streets, alleys, water courses of less than one hundred (100) feet in width, drainage easements and other rights-of-way.

204.8.4 Adult Uses - Uses including, but not limited to, Adult Book Store, Adult Entertainment Cabaret, Adult Massage Parlor, and Adult Motion Picture Theater:

204.8.4.1 Adult Book Store - An establishment having as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on the premises, and periodicals which are characterized by their emphasis on sexual subject matter.

204.8.4.2 Adult Entertainment Cabaret - A nightclub, theater or other establishment which features performances by topless dancers, strippers or similar entertainers where such performances are distinguished or characterized by sexual exploitation.

204.8.4.3 Adult Massage Parlor - Any place where any form of gratuity occurs in connection with sexual conduct as a result of a massage, or any other treatment or manipulation of the human body.

204.8.4.4 Adult Motion Picture Theater- A building or structure used regularly or routinely for presenting material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting sexual activity (or as characterized by the Motion Picture Code as "X Rated").

204.8.5 Alley - A permanent service way used primarily as a secondary means of access to the side or rear of abutting property or properties.

204.8.6 Alter - As applied to a building or structure, a change or rearrangement in the structural parts or in the external facilities or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; or the major renovation of a building interior when such renovation cost equals or exceeds 50% of the structure's market value.

204.8.7 Alterations of Building - Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, or floor joints; or the major renovation of a building interior when such renovation cost equals or exceeds 50% of the structure's market value.

204.8.8 Appeal - Process of examining a decision rendered by any person charged with the administration of this Ordinance, requested by anyone aggrieved by such decision. (Reference Section 902, et. seq.)

204.8.9 Area, Building - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

204.8.10 Area of Shallow Flooding - Areas of one percent per year chance of flooding between depths of one and three feet, and floodwater velocity less than fifteen feet per second; shown as AO zones on Flood Insurance Rate Maps. (Reference Section 502.)

204.8.11 Area of Special Flood Hazard - Areas of one percent per year chance of flooding to depths greater than three feet, with floodwater velocity greater than fifteen feet per second; shown as AO zones on Flood Insurance Rate Maps. (Reference Section 502.)

204.8.12 Area, Site - The total area within the property lines of a project, excluding external streets.

204.8.13 Automobile Service Station - (Includes gasoline or filling station) A place where gasoline stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, trucks, or boats, are offered for sale at retail directly to the public on the premises, and including minor accessories and services for motor vehicles and boats, but not including major motor vehicle or boat repairs or tire recapping; and including the washing of motor vehicles utilizing car washing equipment, such as chain conveyors and blowers. When the dispensing, sale, or offering for sale of motor fuels or oil is incidental to the conduct of business, the premises shall be classified as a commercial garage.

204.8.14 Automobile Wrecking Yard - An area outside of a building where vehicles are disassembled, dismantled, "junked" or "wrecked," or where motor vehicles not in operable condition, or used parts of motor vehicles, are stored.

204.8.15 Base Flood - That elevation established by Flood Insurance Rate Maps, or other competent authority, to which there is a one percent per year chance of flooding. (Reference Section 502.)

204.8.16 Basement - A portion of a building partly underground which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story unless the ceiling is six (6) feet or more above the grade.

204.8.17 Boarding House - (See also Tourist Home.) Any dwelling other than a hotel or motel, in which more than three persons either individually or as families, who are not members of the operator's family, are housed or lodged for hire with or without meals. A rooming house, or a "furnished room" house shall be deemed a boarding house.

204.8.18 Buffers - Spaces, structures, landforms, or vegetation, and/or combinations of these elements which are reserved or constructed between lots, districts, or uses.

204.8.18.1 Buffer Screen - A fence, wall, hedge or similar barrier placed close and parallel to a lot line or zoning district line for the purpose of visually separating one use of district from another. (Reference Section 506.)

204.8.18.2 Buffer Area - As determined by the Administrator, an area along a lot or district line reserved in natural vegetation, accompanied by buffer screens as required, to achieve physical and visual separation of districts or uses.

204.8.19 Building - Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "of part thereof."

204.8.20 Building Coverage - The proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross section of a building or buildings. Structures which are below the finished lot grade shall not be included in building coverage.

204.8.21 Building, Height of - As applied to a building, the vertical distance from grade to the highest finished roof surface. Height of a building in stories does not include basements and cellars, except as specifically provided otherwise.

204.8.22 Building Line - (Including the term "setback"). That line which represents the minimum distance, when measured at right angles, which a building or structure must be placed from a lot line or a street right-of-way or a street centerline in accordance with the terms of this Ordinance. (Reference ANNEX D.)

204.8.23 Building Permit - Permission to be obtained from the City prior to commencing any clearing of land, or any action to change the use of land or structures. (Reference Section 402.)

204.8.24 Building, Principal - (See also Use, Principal). A building or structure in which is conducted the main or principal use of the lot on which said building is situated.

204.8.25 Car Wash - (Also, self-service car washes). A building or portion thereof, where automobiles are washed with the use of a chain conveyor and blower or steam-cleaning device. Where car washing is the principal activity, the use is not deemed to be a public gasoline or gasoline service station.

204.8.26 Cellar - A portion of a building partly underground which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story.

204.8.27 Cessation - Ceasing to use, occupy, or inhabit land or structures. (Reference Section 803.7.)

204.8.28 City - City of Goose Creek, South Carolina.

204.8.29 Club, Lodge, Civic, or Fraternal Organization - An incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities (but not including shooting clubs) operated for the benefit of its members and not open to the general public.

204.8.30 Commercial - A use involving the sale or transfer of goods or services.

204.8.30.1 Commercial, Restricted - A commercial use involving the sale or rental of specific (or a specific category of) specialty goods or services in a retail floor or display area not to exceed 1,500 square feet.

204.8.30.2 Commercial, Unrestricted - A commercial use involving the sale or rental of a non-specific or varied category of goods or services, light industrial uses, manufacturing, warehousing, or the repair of large appliances, automobiles, machinery, or the like.

204.8.31 Conditional Use - A use not otherwise permitted in a district, and which would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, relation to the neighborhood, and subject to the conditions noted, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare of the City. (Reference Section 902.3.)

204.8.32 Condominium - A form of fee ownership of whole units or separate portions of multi-unit buildings, by statue (Code of Laws of S.C., 1976, Sections 27-31-10, et seq.) which provides the mechanics and facilities for formal filing and recording of a divided interest in real property, where the division is vertical as well as horizontal. Fee ownership of units in a multi-unit property includes joint ownership of the common areas. (Reference Sections 605.4.)

204.8.33 Conforming - Complying with all regulations of this Ordinance. (Reference Sections 801, et. seq.)

204.8.34 Court - An open unoccupied space bounded on two or more sides by the exterior walls of a building or exterior walls and lot lines. An inner court is enclosed on all sides by exterior walls or lot lines on which walls are allowable. An outer court is enclosed on not more than three (3) sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

204.8.35 Customary Home Occupation - An occupation, profession or trade customarily carried on by an occupant in a dwelling unit as a secondary use, which is clearly incidental to the dwelling unit's use for residential purposes, and which meets with the following conditions, and Sections 204.8.40 and 204.8.47:

204.8.35.1 The secondary use is carried on wholly within the principal building; attached garages may be used only for the storage of parts and materials. Ordinance No. 95-03 (March 14, 1995) amended to read:

204.8.35.2 The total percentage floor area dedicated to the secondary use, including attached garages for the storage of parts and materials, does not exceed twenty-five percent.

204.8.35.3 No activity is conducted outside, nor shall there be any outdoor storage, display, nor refuse area in the yard (s).

204.8.35.4 No signs are allowed, except in conformance with Section 505.4, nor shall merchandise or articles be displayed so as to be visible from outside the building.

204.8.35.5 No person, not residing in the residence, shall be employed.

204.8.35.6 No traffic shall be generated in an amount above that normally expected in a residential neighborhood.

204.8.35.7 No parking is allowed above that accommodated in residential off-street parking, not to encroach into required yards; additional off-street parking associated with the home occupation is limited to one commercially registered vehicle per residence.

204.8.35.8 There is no alteration whatsoever of the residential character of the building(s) and/or premises.

204.8.35.9 The occupation, profession, or trade is licensed by the City, and generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses. (Reference Section 604 and ANNEX C.)

204.8.36 Day Nursery - Any agency, institution, center, home nursery school, kindergarten, play school, or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days, one or more children not related to the persons providing such temporary custodial care.

204.8.37 Density - The number of dwelling units per Acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per net Acre; that is, per Acre of land devoted to residential use exclusive of land utilized for streets, alleys, drives, parks, playgrounds, school grounds, or other public uses. "gross residential acre", where used in this Ordinance, shall include all land within a specific parcel or lot. (Reference Section 710 and ANNEX D.)

204.8.38 Development Permit - See also Building Permit. As required in the pertinent PROCEDURES MANUAL, the City permits to proceed with the proposed development, after review by the Zoning Administrator. (Reference Section 403.)

204.8.39 Drive-In Establishment - A business where a customer is permitted or encouraged, either by the design of physical facilities or by service and/or parking procedures, to carry on his business, in the off-street parking area accessory to the business, while seated in his motor vehicle.

204.8.40 Dwelling - A building or portion of a building arranged or designed to provide living quarters for one or more families.

204.8.41 Dwelling, One-Family - A detached dwelling other than a mobile home designed for or occupied exclusively by one family.

204.8.42 Dwelling, Two-Family - A detached or semi-detached dwelling designed for or occupied exclusively by two families living independently of each other.

204.8.43 Dwelling, Group - A building or portion of a building occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking utilities are not provided for such resident persons or families. The term "Group Dwelling" includes the terms rooming house, fraternity house, or sorority house. A hotel, motel or tourist home shall not be deemed to be a group dwelling as herein defined.

204.8.44 Dwelling, Multi-Family - (Also, an apartment house). A dwelling designed for or occupied by three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. Each multi-family living unit constitutes a dwelling unit.

204.8.45 Dwelling, Townhouses - One of a series of three or more separate, attached one-family dwelling units, which: (1) may or may not have a common roof; (2) share at least one common wall; (3) are separate from each other by fire resistive party wall partitions extending at least from the lowest floor level to the roof; (4) townhouses may be developed as either condominiums or sold as individual lots of record.

204.8.46 Dwelling Unit - One or more rooms connected together and constituting a separate independent housekeeping establishment for use on a basis involving owner occupancy or rental or lease on a weekly, monthly, or longer basis, with provision for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.

204.8.47 Family - A family shall be defined to include the following groups of persons, and no others:

- a) Any number of persons related by blood or marriage and living and cooking together as a single housekeeping unit, plus not more than two (2) unrelated roomers, boarders, or domestic servants; or
- b) No more than three (3) unrelated persons living and cooking together as a single housekeeping unit.

204.8.48 Flood Hazard Area - Those areas as determined by the Federal Emergency Management Agency, or the U.S. Army Corps of Engineers, subject to periodic inundation by large floods which may reasonably be expected to cause damage or hazard of damage sufficient to justify protection therefrom. (Reference Section 502.)

204.8.49 Floodway - Ordinance 91-08 (September 10, 1991) Amended to read as follows: That are encompassing a streambed and the adjacent area along both banks, subject to inundation during periods of flooding. Floodway must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (Reference Section 502.)

204.8.50 Floor Area - The total number of square feet of floor space within the exterior walls of a building.

205.8.51 Frontage - All the property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way,

waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

204.8.52 Garage - A structure or any portion thereof in which one (1) or more automobiles are housed, kept, or repaired, not including exhibition or showrooms, or storage of cars for sale.

204.8.53 Garage, Private - An accessory building used for storage purposes only and which is provided primarily for the occupants of the premises on which such a garage is accessory, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on. Space may be rented for not more than two (2) vehicles of others than occupants of the building to which such garage is accessory.

204.8.54 Garage, Public - (Also, a commercial garage). Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles, but not used for the storage of dismantled or wrecked motor vehicles or parts.

204.8.55 Garage, Repair - The building and premises designed or used for purposes indicated under "automobile service station" and/or major repair, provided that body work and painting shall be conducted within fully-enclosed buildings, and provided further that self-propelled vehicles not in safe operating condition shall be stored in fully-enclosed areas consistent with applicable provisions of Articles V and VIII of this Ordinance. A repair garage shall not be operated as a customary home occupation.

204.8.56 Grade - The average elevation of the surfaces of the ground adjacent to the exterior walls of a building as officially established by City authorities.

204.8.57 Grade, Finished - The complete surfaces of lawns, walks and roads brought to grade as shown on official plans or designs relating thereto.

204.8.58 Hotel - (Includes motel, tourist courts, motor lodges, and auto courts). A building or buildings containing ten (10) or more rooms intended or designed to be used or which are used, rented, or hired out to be occupied for sleeping purposes by transient or permanent guests, and where only a general kitchen and dining room are provided within the principal building or in an accessory building ("Efficiencies" are considered to be dwelling units).

204.8.59 Junk or Salvage Yards - The use of any part of a lot, whether inside or outside of a building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles or machinery or equipment or parts thereof.

204.8.60 Landscaping - Aesthetic improvement, other than grass cover, of developed grounds, using natural trees to the maximum extent possible. As determined by the Administrator, landscaping may include buffer screening and erosion control measures. (Reference Section 504.)

204.8.61 Loading Space - A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks/supply vehicles. (Reference Section 507 and ANNEX A.)

204.8.62 Lot - A plot or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings permitted in this Ordinance and having its principal frontage upon a street or access approved by the Mayor and Council, and the customary accessories and open spaces belonging to the same. Unless clearly indicated otherwise, the word "lot", when used alone in this Ordinance, shall mean a "zoning lot" as herein defined.

204.8.63 Lot, Corner - A lot at the junction of and fronting on two or more streets at their intersection.

204.8.64 Lot, Double Frontage - A lot having a frontage on two streets, at a point other than at their intersection, as distinguished from a corner lot.

204.8.65 Lot, Depth of - A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

204.8.66 Lot, Interior - A lot other than a corner lot, having frontage on only one street other than an alley.

204.8.67 Lot Lines - Any lines dividing one lot from another.

204.8.68 Lot Width of - The distance between side lot lines as measured at the building line.

204.8.69 Lot, Zoning - A parcel of land occupied or to be occupied by a principal use or uses, yards, and open spaces, which are permitted or required under the provisions of this Ordinance having frontage on an officially accepted street; and having not less than the minimum area required by these regulations for a lot in the zoning district within which said parcel of land is located. A lot of record may or may not be a zoning lot.

204.8.70 Lot, of Record - An area designated as a separate and distinct parcel of land on a legally recorded deed as filed in the official records of the County Clerk of Court. (See ANNEX D for a summary of minimum size lots of record permitted for all districts).

204.8.71 Mobile Home - Article II, Section 204.8.71 is amended to read: A detached single family dwelling unit (including the term "manufactured home"), transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

204.8.72 Modular Home - A detached permanent dwelling unit of conventional floor plan, designed for long-term occupancy after transportation (as a unit, or as substantially complete sub-units) by truck, trailer, or train to a permanent foundation site, and subsequent completion of construction. This definition includes Manufactured Housing, other than Mobile Homes, as defined in 204.8.71 above.

204.8.73 Mobile Home Park - Premises where two or more mobile homes are parked for living or sleeping purposes, or where spaces are approved by the City and the S.C. Department of Health and Environmental Control and set aside or offered for



sale or rent for use by mobile homes, including any land, building, structure, or facility used by occupants of mobile homes or such premises. (Reference Sections 709 et. seq.)

204.8.74 Non-conforming Use - A building, structure or parcel of land lawfully occupied by a use that does not conform to the regulations of the zoning district in which it is situated, and existed prior to enactment of this Zoning Ordinance. (Reference Section 803.)

204.8.75 Nursing Home - A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick, injured, or mentally ill, and not including rest homes which are primarily nursing homes for persons of all age groups.

204.8.76 Occupancy Permit - Permit issued by the City after final inspection and approval, and prior to any use or occupancy of the land or structure. (Reference Section 405.)

204.8.77 Occupancy Permit, Temporary - Permission for temporary use or occupancy. (Reference Section 405.4.)

204.8.78 Open Space - An unoccupied space open to the sky on the same lot with the building and free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.

204.8.79 Outdoor Advertising - The use of signs directing public attention to any object, product, service or function that may be offered for sale, lease, or hire, or is otherwise offered to provide information, or to solicit support or compliance. Outdoor advertising shall include only those signs which are, in any way, visible to the public from a position outside the premises on which the sign is located.

204.8.80 Parking Lot, Off-Street - A paved area provided primarily for motor vehicle parking purposes, located entirely off a street or alley which affords ingress and egress for automobiles. (Reference Section 507.)

204.8.81 Parking Space, One-Car - The area required for parking one automobile, which in this Ordinance is held to be a minimum paved area of nine (9) feet wide and eighteen (18) feet long, not including passageways, aisles, drives, maneuvering areas and entryways. (Reference Section 507.3)

204.8.82 Permitted Use - Any use listed as a Use by Right in any given district. (Reference ANNEX B.)

204.8.83 Planned Developments - Allow flexibility in the grouping, placement, size and use of buildings on relatively large tracts of land. Planned developments provide for the mixing of building types and/or land uses and are usually characterized by a unified site design. Planned developments have a number of advantages over traditional lot-by-lot development, including: the mixing of building types or uses creating a more diversified community; combining often unusable yard space on individual lots into common open spaces; providing incentives to build low cost housing; lower street and utility cost resulting from reduced frontage; and allow

increased development densities while providing or keeping desired amenities. (Reference Section 709.)

204.8.84 Plat - A map, plan, or layout of a tract of land, or a section or subdivision of land, indicating the location and boundaries of individual properties, requiring City approval prior to recording with Berkeley County R.M.C.

204.8.85 Procedures Manual - A condensed listing of requirements enumerated in this Ordinance, pertaining to specific types of development. (Reference Section 403.)

204.8.86 Public Hearing - An assembly to receive the public sentiment regarding actions pursuant to this Ordinance.

204.8.87 Public Use - A building or property owned or occupied by a use which is open to all people without or with minimal restrictions or regard as to membership, and which is established for their common or general use and enjoyment. A church is a public use.

204.8.88 Retail Store - A business selling or renting goods or merchandise directly to the consumer for direct consumption or use. Any merchandise for rent must be merchandise permitted for sale in the respective district.

204.8.89 Rezoning/Zoning Amendments - Rezoning/Zoning Amendments are used to meet the evolving needs of the City. Rezoning changes the zone classification on a given parcel of land while amendments usually refer to changes in the Ordinance text. For example, the construction of a new road may provide access to areas well suited for commercial uses. Prior to the construction of the road, the area was zoned residential. For the owner to construct a commercial facility he must request a rezoning of the property. An example involving an amendment to the Ordinance text might be changing the definition of townhouses to include them either as multi-family or single family dwellings. This may significantly effect where and how townhouses are permitted. Rezonings, like the original enactment of the Ordinance, are legislative acts that must be passed by the City Council. (Reference Section 303.)

204.8.90 Semi-Public Use - A building or property owned or occupied by an organization, institution, or group of people which has written and adopted rules for membership which is used or enjoyed primarily by that group.

204.8.91 Satellite Dish Antenna - Any round, concave, "dish-shaped" antenna or other apparatus, either mobile or permanently mounted, intended for the reception of radio frequency signals or earth satellite signals.

204.8.92 Setback - See Building Line, 204.8.22 and ANNEX D.

204.8.93 Shopping/Commercial Center - Amended on August 29, 1989 to read as follows: "A business use of land which locates two or more separately licensed businesses on a common parcel or parcels sharing access."

204.8.94 Sign - A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or

business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property.

204.8.94.1 Sign, On-Premise - A sign that advertises activities, goods, products, etc., that is available within the building or on the lot where the sign is located.

204.8.94.2 Sign, Off-Premise - A sign that advertises activities, goods, products, etc., that is available elsewhere than within the building or on the lot where the sign is located (i.e., billboards, off-premise outdoor advertising, etc.).

204.8.94.3 Sign, Permanent - A sign which is permanently attached to a building, the ground, or other structures and which meets the structural and installation standards of the Standard Building Code and the electrical standards of the National Electric Code.

.3.1 Awning Sign - On or attached to a retractable shelter that is supported entirely from the exterior wall of a building.

.3.2 Canopy sign - On or attached to a permanent overhanging shelter which projects from the face of a building and is supported only partially by said building.

.3.3 Combination Wall/Roof Sign - A double faced, projecting wall sign which projects above the roofline of a building and which is wholly or partially supported by the building.

.3.4 Fascia Sign - Affixed in any manner to any exterior wall of a building and which projects not more than 18 inches and does not extend more than 6 inches above the parapet, eaves or building facade.

.3.5 Free-Standing Sign - Supported by one or more columns, uprights, or braces in the ground.

.3.6 Marquee Sign - On or attached to a permanent over-hanging shelter which projects from the face of a building and is entirely supported by said building.

.3.7 ORDINANCE 87-13 (October 14, 1987): ARTICLE II, SECTION 204 (Definitions of Word and Terms) at paragraph 204.8.94.3.7 amended to read: "Painted Wall Sign - Painted on any externally visible surface (wall or window) of a building which advertises a product or service."

.3.8 Projecting Wall Sign - A double-faced sign, mounted to the wall of a building, which projects out from that building for more than 18 inches.

.3.9 ORDINANCE 87-06 (February 10, 1987): ARTICLE II, SECTION 204.8.94.3.9 amended to read: "Roof Mount Sign - Erected on or above the roof line of a principal building and which is wholly supported by the building."

204.8.94.4 Temporary Signs - Not permanently attached to a building, the ground or other structures and which may not meet the structural and installation standards of the Standard Building Code or electrical standards of the National Electrical Code. Temporary signs include For Sale/Rent signs, contractor/builder/developer signs, and trailer type signs used to announce a new business. (Reference Section 505.3.1 c.)

.4.1 Banner & Pennant sign - Usually made of cloth or paper and suspended across streets, display lots, or building fronts.

.4.2 Bench Sign - Painted or attached to the backrest of a bench.

.4.3 Portable sign - Usually rests on the ground, on wheels or metal legs, and may be temporarily anchored by weights, stakes, or cables to the ground.

.4.4 Standard signs - Are "A" shaped structures and utilize copy on both sides, resting on the ground with no permanent attachment.

204.8.94.5 ORDINANCE 88-02 (March 8, 1988): ARTICLE II, SECTION 204.8.94.5  
Area of a sign - For free standing signs (exclusive of supports), cabinet signage (single or double faced), or signage prepared on material subsequently intended for attachment to supports or a building structure which is removable as one piece, or signage painted upon the building surface, the sign area is that area contained within a single continuous perimeter enclosing the extreme limits of the structure. Where two sides of a double-faced sign are not more than twenty-four (24) inches apart at the widest point, and display identical writing or other representation, the sign area shall be computed by measuring one face only. For signs designed of uniformly colored individual raised letters separately attached to a building wall or facade surface, the sign area shall be the sum of the areas of each individual letter as circumscribed by the outer limits of each letter, provided the spacing between letters does not exceed 1/2 the median height of letters used, and spacing of words does not exceed the height of the largest letter used.

204.8.95 Sign Permit - Permit required prior to erection of, or change in, any sign or sign structure in the City.

204.8.96 Story - That portion of a building included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

204.8.97 Story, Half - A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

204.8.98 Street - Any public or private thoroughfare, street, avenue, boulevard, way, or space, a minimum of fifty (50) feet right-of-way width, which affords the principal means of access to abutting properties.

204.8.99 Street Centerline - That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between, and parallel to the general direction of the outside right-of-way lines of such streets.

204.8.100 Street Line - The dividing line between a lot, tract, or parcel of land and contiguous street.

204.8.101 Structure - Anything constructed or erected which requires a fixed location on the ground, or which is attached to something having a fixed location on the ground, including but not limited to buildings, mobile homes, trailers, signs, satellite

dish antennas, billboards, backstops for athletic activities, swimming pools, walls and fences. The term "structure" shall be construed as if followed by the words "or part thereof."

204.8.102 Subdivision - A dividing of land for any purpose.

204.8.103 Temporary Use - Non-permanent land uses, including:

.8.103.1 Religious meetings in a tent or other temporary structure in GC, CO, LI districts, for a period not to exceed sixty (60) days.

.8.103.2 Open lot sale of Christmas trees in GC, NC, CO, and LI districts, for a period not to exceed forty-five (45) days.

.8.103.3 Real estate sales office, in any district, except full or near fully developed residential projects, for a period of one (1) year, provided no cooking or sleeping accommodations are maintained.

.8.103.4 Contractor's office (shed or trailer), or equipment shed, in any district, except full or near fully-developed residential projects, for a period of one (1) year, provided such office or shed is placed on the project property, and no sleeping or cooking accommodations are maintained except for the watchmen in the structure.

.8.103.5 Temporary uses which would have significant impact on the City, such as carnivals, circuses, promotions, etc., may be permitted only by City Council after duly determining that traffic congestion and neighborhood nuisance can be avoided.

.8.103.6 Temporary Occupancy Permits for .8.102.3 and .4 above may be renewed provided it is determined that said use is clearly of a temporary nature, will cause no traffic congestion, and will not create a nuisance to surrounding uses. (Reference Section 406.)

204.8.104 Tourist Homes - A dwelling in which sleeping accommodations in less than ten (10) rooms are provided or offered for the use of guests in return for compensation, and where meals may or may not be offered. Any dwelling in which such accommodations are offered in ten (10) or more rooms shall be deemed to be a "hotel" or "motel" as herein defined. The use of a dwelling as a tourist home shall not be considered an accessory use nor a customary home occupation.

204.8.105 Trailers - Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to: (1) provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation; (2) serve as a carrier of new or used goods, products or equipment; or (3) be used as a selling, advertising or display device. A trailer is not used as a residence (such as a mobile home), nor as additional classrooms to an educational facility.

204.8.106 Travel Trailer - A portable vehicular structure designed and primarily intended by its manufacturer as a temporary dwelling for travel, recreational and vacation uses, not exceeding eight (8) feet in body width nor exceeding 4,500 pounds gross weight, as factory equipped for the road.

204.8.107 Use, Principal - The main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended, or for which they may not be

used, occupied or maintained under this Ordinance. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this Ordinance shall be considered an accessory use.

204.8.108 Zoning Administrator - The Chief Administrative Officer of this Ordinance. (Reference Section 201 & 401.)

204.8.109 Zoning Appeals - Zoning appeals constitute a request for relief from the strict provisions of this Zoning Ordinance. Appeals generally deal with Ordinance interpretation. For example, if a developer disagrees about interpretation of the regulations, he may wish to have the Zoning Board of Appeals settle the issue. It is impossible to spell out everything in a Zoning Ordinance and from time to time interpretations as to intent must be made.

204.8.110 Zoning Permit - Synonymous with Building Permit (204.8.23), or Development Permit. (Reference Section 204.8.38.)

ORDINANCE 91-08 (September 10, 1991) Sections 204.8.111 to 204.8.130 have been added to read as follows:

204.8.111 Addition (to an existing building) - Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

204.8.112 Breakaway Wall - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

204.8.113 Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

204.8.114 Elevated Building - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

204.8.115 Existing Construction - Any structure for which the "start of construction" commenced before the effective date of this Ordinance, or standard based upon specific technical base flood elevation data which establishes the area of specific flood hazard. (Reference Section 502.)

204.8.116 Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters. (2) The unusual and rapid accumulation or runoff of surface waters from any source.

204.8.117 Flood Hazard Boundary Map (FHBM) - An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

204.8.118 Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the City.

204.8.119 Flood Insurance Study - The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

204.8.120 Floor - The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

204.8.121 Highest Adjacent Grade - The highest natural elevation of ground surface, prior to construction, next to the proposed walls of a building.

204.8.123 Mean Sea Level - The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD.)

204.8.124 National Geodetic Vertical Datum (NGVD) - As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

204.8.125 New Construction - Any structure for which the "start of construction": commenced after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

204.8.126 New Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.

204.8.127 Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

204.8.128 Substantial Improvement - Any combination of repairs, reconstruction, alteration, or improvements to a building, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purpose of this Ordinance, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Building Inspectors and which are solely necessary to assure safe living conditions.

204.8.129 Substantially Improved Existing Manufactured Home Parks or Subdivisions

- The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the market value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

204.8.130 Wetlands - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life and saturated soil conditions. Wetlands generally include swamps, marshes, and bogs.

204.8.131 Communication (Telecommunication) Towers - Including- but not limited to- a tower or other structure that supports communication equipment, either broadcasting or receiving. This definition does not include television reception antennas and satellite dishes, or amateur radio operators as licensed by the Federal Communication Commission.

204.8.132 Access Aisle - An accessible pedestrian space between elements, such as parking spaces, seating, and desks that provides clearances appropriate for use of the elements. (as amended September 10, 1996)

204.8.133 Commercial Facility - A privately owned, non-residential facility involved in commercial activity, such as a factory, warehouse, corporate office building, or other facility in which employment occurs. (as amended September 10, 1996)

204.8.134 Disability - A.) a physical or mental impairment substantially limits one or more of the major life activities of an individual; B.) a record of such impairment; C.) being regarded as having such an impairment. (as amended September 10, 1996)

204.8.135 Facility - All or any portion of buildings, structures, site improvements, complexes, equipment, roads, walks, parking lot, or other real or personal property located on a site giving access to buildings and accommodations in those buildings available for use by the public or employees. (as amended September 10, 1996)

204.8.136 Governmental Buildings - Shall include all buildings, structures, streets, sidewalks and access thereto used by the public or in which the physically disabled persons may be employed that are constructed, purchased, leased or rented in whole or in part by use of state, county, or municipal funds or funds of any political subdivision of the state; and, to the extent not required otherwise by federal law or regulations or not beyond the power of the state to regulate, all buildings and structures used by the public which are constructed, purchased, leased or rented in whole or in part by use of federal funds. (as amended September 10, 1996)

204.8.137 Public Buildings - Shall include all buildings, structures, streets, sidewalks, and access thereto used by the public or in which physically disabled persons may be employed that are constructed, purchased, leased or rented by the use of private funds, including rental apartment complexes of twenty (20) units or more and temporary lodging facilities of twenty (20) units or more, except that the provisions of this article shall apply to only five (5) percent of those units or a minimum of one (1) units, whichever is the greater, and provided, further, that that provisions of this article shall not apply to a private residence. (as amended September 10, 1996)



204.8.138 Public Use - Interior or exterior rooms or spaces that are made available to the general public. May be a building that is privately or publicly owned. (as amended September 10, 1996)

## **ARTICLE III - AMENDMENTS TO THIS ORDINANCE**

### **SECTION 301 - AUTHORITY**

This Ordinance, including the Official Zoning Map, and the rezoning of all properties may be amended from time to time by the Council as herein specified, but no amendment except cases related to annexation shall become effective unless it shall have been proposed by, or shall first have been submitted to the Commission for review and recommendations. All amendments shall be in conformance with the City's Comprehensive Plan. The Commission shall have thirty (30) days within which to submit its report. If the Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

In making its report, the Commission shall consider the following factors:

- a) The relationship of the request to the Comprehensive Plan.
- b) Whether the request violates or supports the Comprehensive Plan.
- c) Whether the use permitted by the proposed change would be appropriate in the area concerned, in terms of zoning, and general character of the neighborhoods.
- d) What effects, if any, the proposed change has on the property itself, as well as, on the surrounding properties.
- e) Whether adequate infrastructures exist or can be provided to serve the needs of the development likely to take place as a result of such change, and the consequence of such change.
- f) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- g) Recommendation of the Administrator and the City.
- h) Any other considerations the Commission deems appropriate.

### **SECTION 302 - POLICY ON REQUIREMENTS FOR CHANGE**

As a matter of policy, when the following needs arise that justify an action to amend these regulations or the map, and after the required review and report by the Commission (Section 303.3, below), the Council may undertake the necessary steps to amend the Zoning Ordinance:

- a) To correct a manifest error in the regulations or map.
- b) To recognize changes in technology, the style of living, or manner of doing business (in accordance with Section 109, Purpose).

- c) Where necessary to implement the Comprehensive Plan.
- d) Where good planning and zoning practice justify such action(s).
- e) To recognize substantial change, changing condition, or circumstances in a particular locality or area.

## **SECTION 303 - PROCEDURE FOR AMENDMENTS**

Requests to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

### 303.1 - Initiation of Amendments to the Ordinance

A proposed amendment to the Zoning Ordinance may be initiated by the Council, the Commission, or by application filed with the Zoning Administrator by owners of the subject property, provided, however, that once a decision has been made, action shall not be initiated for a zoning amendment affecting the same parcel of property or any part thereof, and requesting the same change in district classification, more often than once every twelve (12) months. Furthermore, when an application has been legally advertised for public hearing, it shall not be considered for an amendment affecting the same property for six (6) months from the date of withdrawal by the applicant, unless authorized by the Council. Council may waive the mandatory delay period and authorize the acceptance of a new application upon receipt of written request from the original applicant stating how conditions have substantially changed in the community since prior consideration was given the proposal, thereby justifying earlier review.

### 303.2 - Application Procedure for Amendments to the Ordinance

Amendment requests shall be submitted to the Administrator in letter form. Amendment requests, together with an application fee, plus any additional information the applicant feels to be pertinent, shall be filed with the Administrator. Such applications shall also include a description and / or statement of the present and proposed zoning regulation or district boundary to be changed, and the names, telephone numbers, and addresses of the owner(s) of the property, including the tax assessor's assigned number to the property. The application should be signed and dated, and should also include a narrative addressing the reasons for the requested amendment. Any communication purporting to be an application for an amendment shall be regarded as mere notice to seek relief until it is made in written form and is accompanied by the appropriate fee. In the special case of Planned Development, note the public hearing requirements of Section 709.3.2.

Application for amendments must be submitted, in proper form, at least thirty (30) working days prior to a Commission meeting in order to be heard at that meeting. The Commission normally meets the first Tuesday of the month.

Application fees as set by the Council, and filed with the Finance Director shall be forwarded by the Administrator to the City Clerk who shall supervise the application of same to the costs of advertising and other administrative expenses. Application fee is required to cover publication and other miscellaneous costs for said change. Application fees shall not be required of any employee of the City when acting in his official capacity.

### 303.3 - Commission and Council Review

- a) All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Commission.
- b) The Commission, at regular meetings, shall review the application and prepare a report, including its recommendation, for transmittal to the Council.
- c) All meetings of the Commission shall be open to the public. At a meeting, any party may appear in person, or by agent.
- d) No member of the Commission shall participate in a matter in which he or she has any pecuniary or special interest.
- e) The Commission and the Council shall have the option to defer action on any amendment(s) in order to gain additional facts, have reasonable time to consult with other governmental agencies, or to seek the resolution of any disputes surrounding the amendment(s).
- f) The recommendation of the Commission shall be advisory only, and shall not be binding on Council.
- g) Following action by the Commission, all papers and data pertinent to the application shall be transmitted to the Council for final action.
- h) The Council may then approve the application or amendment, may include specific modifications of the proposal or other specific regulations, or may deny the application. The approval of an application or an amendment by Council shall be based on two (2) readings, at least six (6) days apart.
- i) If the amendment is approved, the proposed development or application shall be required to be in accordance with all development rules and regulations of the City and other agencies, and shall conform with any time or priority limitations established by Council on beginning and completion of the development as a whole, or in specified stages. All related agreements, contracts, deed restrictions, or other instruments involved shall be approved by the City before development may proceed.

### 303.4 - Public Hearing on Proposed Amendment

Before enacting an amendment to this Ordinance, a public hearing shall be held thereon; at least fifteen (15) days notice of the time and place of which shall be published in a newspaper of general circulation in the municipality, and a sign (Reference 108.3) shall be placed on the property in question, facing the thoroughfare serving the property, stating the present zoning classification and such other information deemed necessary in consideration of the proposed action.

### 303.5 - Changes in the Ordinance

Following Commission review, public hearing consideration, and final action by the City Council, any necessary changes shall be made in the Zoning Ordinance and Map. A written record of the type and date of such change shall be maintained by the City Clerk. Until such change is made, no action by the Council on amendments to the Zoning Ordinance shall be considered official, unless the

Administrator fails to make the change within seven (7) days after formal action by Council. In the latter event, action by Council shall be considered official seven (7) days after the date of the action even if the Administrator has failed to make the appropriate changes.

## **ARTICLE IV - ADMINISTRATION AND ENFORCEMENT**

### **SECTION 401 - ENFORCEMENT OF ORDINANCE**

The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Administrator. These duties include:

- a) Interpreting the terms and provisions of this Ordinance.
- b) Receiving applications for appeals, zoning amendments, conditional uses, and variances.
- c) Processing applications for the Architectural Review Board.
- d) Accepting and examining all applications for construction including signs, land use, or reuse.
- e) Maintaining the current Official Zoning Ordinance and Map for public review.
- f) Ordering the discontinuance of illegal uses of land or work being done.
- g) Issuing citations, warnings, or notices where such violations exist.
- h) Attending court hearings and testifying concerning planning and zoning violations.
- i) Maintaining public records related to zoning.
- j) Investigating and resolving complaints.
- k) Inspecting premises. However, there shall be no right of entry into any building without the consent of the owner.
- l) Reviewing and approving plats and plans.
- m) Keeping records and files of any and all matters referred to the Administrator, and to executing any and all reports as the Council may require.
- n) Advising the Planning Commission on matters relating to the administration of the Zoning Ordinance, and
- o) Performing other duties deemed necessary to insure compliance with this Ordinance, or to prevent violation of its provisions.

It shall be the duty of all officers and employees of the City to assist the Administrator by reporting to him or her all new construction, all reconstruction, all changes in land use and all apparent violations of this Ordinance.

## **SECTION 402 - PERMIT REQUIRED / PENALTY**

### 402.1 - General

It shall be unlawful to initiate any development, or construction in any district, without an appropriate permit. Permits shall be conspicuously posted on premise while work is in progress.

### 402.2 - Development and Construction

It shall be unlawful to initiate any development, building construction, grading or clearing of land, or to commence the moving, occupying, changing, converting, enlarging, or the altering of any building or sign until the Administrator has approved the appropriate permit for such work. Reference Section 501.1, et. Seq.

It shall also be unlawful to change or implement previously approved development plans without first obtaining approval from the City.

### 402.3 - Penalty

If work, which in all respects would normally be permitted, is begun without the proper permit (s) having first been obtained, subsequent permit(s) shall be issued after payment of the required fee, plus a penalty equal to the fee. Work illegally begun in other respects shall be issued a "stop work order", and shall be subject to penalty as described in Section 1103.

Additional enforcement action may include the following:

- a) Revocation of any permit.
- b) The withholding of any related permits, plats, inspections, or other permissions, approvals, or privileges authorized by any City rules and regulations.

### 402.4 - Non-Conformity

Work initiated prior to this Ordinance may, or may not, be non-conforming. (Reference Section 803.6.)

## **SECTION 403 - APPLICATION FOR PERMITS**

Applications shall include a plan illustrating the shape, size, dimensions, and location of the lot, location and dimensions of existing and proposed buildings and structures, conditions existing on the lot and adjacent lots, general area of vegetative cover and buffers if applicable, the boundaries of Flood Hazard Areas (see Section 502 below), proposed dwelling units, office or commercial units, easements, setback lines or adjacent structures, off-street parking spaces, and all other information required to determine compliance with this Ordinance. A scaled plan is only necessary for new construction, commercial, and light industrial applications. Application, permit, and inspection procedures for specific types of construction are detailed in the respective PROCEDURES MANUAL, available from the Zoning Administrator.

403.1 - Zoning, Development, Building, or Occupancy Permit shall be issued upon determination by the Zoning Administrator that all provisions of this, and all other City Ordinances, are complied with, and any required fees are paid. The Zoning Administrator shall state reasons for refusal of a Permit in writing.

403.2 - Before commencing any actions described in Section 402 above, the required permit (or copy thereof) shall be placed conspicuously on the front property line therein described for the project duration, in a manner to protect it from weather.

403.3 - Permits and Certificates of Occupancy issued based on plans and applications approved by the City, and by other officers or agencies where additional approval is required, shall authorize only the use, arrangement, location, and construction set forth in such approved plans and applications, and no other use, arrangement, location, or construction shall be authorized unless such approvals have been obtained.

## **SECTION 404 - CONSTRUCTION PROCESS**

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and /or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

## **SECTION 405 - EXPIRATION OF PERMIT**

If the work described in any permit has not begun or has not been completed within six (6) months from the date of issuance thereof, the permit shall expire and the applicant shall have to reapply for another permit. It is expected that all new construction be completed within six (6) months.

In the case of new construction which may reasonably be expected to require more than six (6) months for completion, the City may specify a time limit in excess of six (6) months at the time of original issuance of the building permit on a case-by-case basis, and shall extend the time limit accordingly.

## **SECTION 406 - OCCUPANCY PERMIT**

Upon determination that the completed building, sign, or structure, or change in occupancy - as described in the authorizing permits - conforms to this Ordinance and all other City Ordinances, an Occupancy Permit will be issued by the Finance Director, at the direction of the Zoning Administrator.

406.1 - No buildings hereafter erected or structurally altered shall be used, occupied, or changed in use until an Occupancy Permit is issued stating that the building or intended use complies with this Ordinance.

406.2 - Occupancy Permits shall be required of all non-conforming uses, to be applied for within 12 months from the effective date of this Ordinance. After this time, Occupancy Permits will only be granted upon proof that the non-conforming use predated this Ordinance.

406.3 - Occupancy Permits shall be issued as part of the City Permit administrative process; issuance shall occur within 10 days of completion of final inspection by the Inspection Division.

406.4 - Temporary Occupancy Letter may be issued at the discretion of the Administrator in cases where the temporary occupancy represents no threat to the safety of the occupants, or to the general safety or welfare of the public. The time frame for temporary occupancy should first be agreed upon between the occupant and the City.

## **SECTION 407 - TEMPORARY USES**

The Zoning Administrator is authorized to issue Temporary Occupancy Permits for particular circumstances, or at the direction of other appropriate City Officials, and for certain temporary uses, as defined in Section 204.8.103.

## **ARTICLE V - GENERAL DEVELOPMENT PROVISIONS**

### **SECTION 501 - USE OF LAND OR BUILDINGS**

No land, building, or structure - including signs - shall be used or occupied, and no building or sign shall be constructed, altered or moved, unless in conformity with the regulations herein specified for the particular Zoning District. When proposed development lies adjacent to an established area of the City, the design, scale and location of structures or landscaping on the site shall enhance rather than detract from the character, value, and attractiveness of the established surroundings.

#### **501.1 - PRESERVATION OF NATURAL ENVIRONMENT**

The intent of this Section is to preserve the natural environment and existing trees to the maximum extent possible, prevent the unregulated clear-cutting of trees and natural vegetative cover, and provide for the inclusion of natural trees in the landscape requirements of this Ordinance.

501.1.2 - On undeveloped lots, parcels, tracts, and acreage in any District it shall be unlawful to fell any tree measuring four (4) inches in diameter (measured four and one half (4 1/2) feet above grade), or otherwise commence development, clearing, grading, filling or excavation until the Administrator has approved the appropriate permit. (Reference 402.3, Penalty and Section 1003.)

501.1.3 - The clear-cutting of trees and vegetative cover on any lot, parcel, tract or acreage in any District is specifically prohibited.

#### **501.1.4 - REMOVAL OF TREES IN PUBLIC RIGHTS-OF-WAY**

Ordinance 91-09 (September 10, 1991) added to read as follows: In all Zoning Districts, the removal or cutting of trees in public right-of-way (federal, state or local) shall not be permitted except by governmental entities or with the permission of governmental entities.

## **SECTION 502 - FLOOD HAZARD CONTROLS**

In any zoning district of the City of Goose Creek, development shall be in accordance with the current Berkeley County and City of Goose Creek Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), latest edition and revisions thereto, published by the Federal Emergency Management Agency/National Flood Insurance Program. The provisions below, applied to areas of special flood hazard (see 502.1.1 below), are intended to:

- a) Restrict or prohibit uses which could result in damaging increases in erosion or flood height/velocity, and restrict or prohibit all uses which are dangerous to safety, health, or property;
- b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Control the alteration of flood plains, stream channels, and protective barriers (natural or man-made) which are involved in the accommodation of flood waters;
- d) Control excavation, filling, grading, dredging, and other actions which may increase erosion and/or flood damage, and
- e) Prevent or regulate the construction of flood barriers which would unnaturally divert floodwaters or which may increase flood hazards to other lands.

### 502.1 - INTERPRETATION AND APPLICATION

These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restriction; however, where this Ordinance conflicts or overlays others, the more stringent restriction shall prevail.

502.1.1 - Areas of special flood hazard identified by the Federal Emergency Management Agency in its National Flood Insurance Act, dated August 1, 1968, as revised, are hereby adopted by reference and declared to be part of this Ordinance.

502.1.2 - The degree of flood protection afforded by this Ordinance is based on scientific and engineering considerations, but does not imply that land outside the areas of special flood hazard, or uses permitted within such area, will be free from flood or damage. Larger floods can and will occur on rare occasions. These regulations create no liability on the part of the City of Goose Creek, its officers, employees, or assigns, for any flood damages resulting from reliance on this Ordinance, or any administrative decisions lawfully made thereunder.

502.1.3 - These regulations shall be considered as minimum requirements, to be liberally construed in favor of the City, and deemed neither to limit nor repeal any other powers granted under State statutes.

### 502.2 - ADMINISTRATION



During the permit process described in ARTICLE IV above, the Zoning Administrator shall insure that all applications for activities in special flood hazard areas include such information as necessary to secure the protections intended by these regulations, such as:

- a) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- b) Elevation in relation to mean sea level of the proposed lowest floor (including basements) of all structures;
- c) Elevation in relation to mean sea level to which any non-residential structure will be flood proofed;
- d) Certification from a registered engineer or architect that the non-residential structure flood-proofing meets the criteria of Sections 502.3.1.2.2 and 502.3.5 below;
- e) Within twenty-one (21) days of establishing the lowest floor elevation on the site, or flood proofing the structure (whichever is applicable), it shall be the duty of the permit holder to submit as-built certifications conforming to the immediately preceding four points. Any work done during the twenty-one (21) day period prior to certification submission and Zoning Administrator approval shall be at the permit holders risk. Deficiencies noted in the submitted certification(s) shall be corrected by the permit holder, subject to Zoning Administrator approval, prior to further progression of work. Failure to submit required information or certification(s) shall be cause for issuance of a stop work order.

502.2.1 - The Zoning Administrator's responsibilities shall be as described in Article IV above, including, but not limited to:

.2.1.1 - Reviewing all development permits to assure that the permit requirements of this Ordinance have been satisfied;

.2.1.2 - Advising the permittee that additional Federal or State permits may be required, and if specific Federal or State permits are known, requiring that copies of said permits be maintained on file with the City development permit;

.2.1.3 - Notifying adjacent communities and the S.C. Water Resources Commission of any proposed alteration of a watercourse, and submitting evidence of such notification to the Federal Emergency management Agency;

.2.1.4 - Assuring that maintenance is provided within the altered or relocated watercourse so that the flood carrying capacity will remain undiminished;

.2.1.5 - Verifying and recording the lowest floor elevation of all new or substantially improved structures, and the elevation to which non-residential structures have been flood-proofed, in accordance with Section 502.2 above;

.2.1.6 - Obtaining certification from a registered Architect or Professional Engineer of the flood- proofing of a particular structure;

.2.1.7 - Determining the exact location of boundaries of areas of special flood hazard, and interpreting said boundaries in the event a mapped boundary appears to conflict with the actual field conditions;

.2.1.8 - Article V, Section 502.1.8 is amended to read: "Obtaining base flood elevation data and floodway data (where not provided as required in Section 502.2 above) to administer the provisions of Section 502.3 below;"

.2.1.9 - Maintaining all records pertaining to flood hazard control open for public inspection.

502.2.2 - The Zoning Board of Appeals, in carrying out its duties (see ARTICLE IX), may issue variances for construction activities in areas of special flood hazard, provided that:

.2.2.1 - It is determined that the variance is the minimum necessary, considering the flood hazard, to afford relief;

.2.2.2 - Good and sufficient cause has been shown;

.2.2.3 - It is determined that failure to grant the variance would result in exceptional hardship to the applicant;

.2.2.4 - It is determined that granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisance creation, fraud or victimization of the public, or conflict with any law or ordinance;

.2.2.5 - Any applicant to whom such variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation;

.2.2.6 - And, provided further, that the Board, in passing upon applications for variance, shall consider, in addition to relevant factors and all other requirements of this Ordinance, the following:

.2.2.6.1 - The danger that materials may be swept onto other lands to the injury of others;

.2.2.6.2 - The danger to life and property due to flooding or erosion damage;

.2.2.6.3 - The susceptibility of the structure and its contents to flood damage and the effect of such damage on the owner;

.2.2.6.4 - The importance of the services provided by the structure/facility to the community;

.2.2.6.5 - The necessity of the structure/facility to a waterfront location, where applicable;

.2.2.6.6 - The availability of alternative locations not subject to potential flood or erosion damage;

.2.2.6.7 - The compatibility of the proposed use with existing and anticipated development;

.2.2.6.8 - The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;

.2.2.6.9 - The safety of access for ordinary and emergency vehicles in times of flooding;

.2.2.6.10 - The anticipated height, velocity, duration, rate of rise and sediment transport of flood waters and the effect of wave action, and

.2.2.6.11 - The cost of providing governmental services during and after flooding conditions, including maintenance and reaper of public utilities (water, sewer, etc.) and streets.

502.2.2.7 - However, the Zoning board of Appeals may grant variances for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to items 2.2.1 through 2.2.6 above.

.2.2.7.1 - Upon consideration of all factors, the Board may attach such conditions to the granting of the variance as it deems necessary to further the purpose of this Ordinance;

.2.2.7.2 - Records of all appeal actions shall be maintained, and reported to the Federal Emergency Management Agency upon request, and

.2.2.7.3 - Ordinance 91-08 (September 10, 1991) added to read: Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

### 502.3 - FLOOD REDUCTION MEASURES

General provisions are required in all areas of special flood hazard, such as:

- a) Using only construction materials and utility equipment which is resistant to flood damage;
- b) Anchoring of all structures to prevent flotation, lateral movement or collapse;
- c) Applying construction methods and practices which minimize flood damage;
- d) Designing water systems to minimize or eliminate flood water infiltration into the system.
- e) Designing sanitary sewer systems to minimize or eliminate discharges into flood water, and infiltration of flood waters into the system;
- f) Locating on-site water disposal systems to avoid flood impairment or contamination from them during flooding periods;
- g) Ordinance 91-08 (September 10, 1991) to read as follows: complying with "new construction" standards in any alteration, repair reconstruction, etc. or any

structure which is in compliance with this Section. The following specific standards shall be complied with in each particular circumstance:

ORDINANCE 91-08 (SEPTEMBER 10, 1991) Deleted as follows:

ARTICLE V, SECTION 502.3.1 THROUGH SECTION 502.3.1.2.2 AS DELETED RELATIVE TO AO ZONES (AREAS OF SHALLOW FLOODING.)

SECTIONS 502.3.1.2.3 & .4 ADDED:

502.3.1.2.3 - Amend Article V, Section 502.3.1.2. by adding thereto Section 502.3.1.2.3 to read: "Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, and

502.3.1.2.4 - Amend Article V, Section 502.3.1 by adding Section 502.3.1.2.4 to read: "Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls:

- a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria;
- b) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- c) The bottom of all openings shall be no higher than one foot above grade; and,
- d) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- e) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;
- f) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator), and
- g) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms."

502.3.1.3 - ORDINANCE 91-08 (September 10,1991) amended to read as follows: Encroachments (including new construction, fill, substantial structural improvements, or other development) into a special flood hazard area (floodways) are prohibited unless certification by a licensed professional engineer demonstrates to the Zoning Administrator's satisfaction that the proposed action(s) will not result in any increase in flood levels during the occurrence of the flood discharge.

502.3.2 - Floodways, being extremely hazardous due to the velocity of flood waters, erosion potential, and flood-borne projectiles (debris), require the following standards:

.3.2.1 - Mobile homes are not allowed except in existing mobile home parks or mobile home subdivisions (see 502.3.3, 502.3.4, and 709.13 below);

.3.2.2 - Encroachments (including new construction, fill, substantial structural improvements, or other development) into the floodway are prohibited unless certification provided by a licensed professional engineer to the satisfaction of the Commission demonstrates that proposed action(s) shall not result in any increase in flood levels during the occurrence of the base flood discharge, and

.3.2.3 - If 502.3.2.2 above is satisfied, all subsequent action(s) shall comply with the remaining provisions of this Section (502.3).

502.3.3 - ORDINANCE 91-08 (September 10, 1991) amended to read as follows: Mobile homes are prohibited in floodways (see Section 502.3.2.1). All mobile homes shall be anchored to resist floatation, collapse, or lateral movement by:

.3.3.1 - Over-the-top ties are required at each of the mobile homes, with one additional tie at the intermediate location of homes less than fifty (50) feet in length, plus one more additional tie (per side) for homes over fifty (50) feet;

.3.3.2 - Frame ties are required at each corner of the home, plus four additional ties per side, at intermediate location, for homes over fifty feet in length;

.3.3.3 - All tie components must be capable of sustaining a force of 4,800 pounds;

.3.3.4 - Any addition to a mobile home must be anchored as listed herein, and

.3.3.5 - Any location proposed on pilings or fill shall comply with 502.3.4 below.

502.3.4 - Article V, Section 502.3.4 is amended to read: "All proposed mobile home parks and mobile home subdivisions shall be:"

.3.4.1 - Located on compacted fill or pilings such that the lowest floor elevation of the mobile home will be at or above the base flood elevation;

.3.4.2 - If located on pilings, lots shall be large enough to permit access steps, piling shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for pilings more than six feet above finished grade;

.3.4.3 - Site shall provide adequate surface drainage and access for tow/hauling vehicle, and

.3.4.4 - Ordinance 91-08 (September 10, 1991) Added to read as follows: In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of this Ordinance.

502.3.5 - Small streams in areas of special flood hazard where no floodways have been provided and no base flood data is available warrant the following:

.3.5.1 - No fill material, structure, or other encroachment shall be located within a distance of the stream equal to five times the width of the stream (at the top of the bank) or twenty feet on each side (from the top of the bank), whichever is greater, unless certification is provided by a registered professional engineer demonstrating that proposed encroachment(s) will cause no rise in flood levels during the occurrence of the base flood discharge;

.3.5.2 - New construction conforming to 502.3.7.1 above shall also comply with elevation and/or flood proofing requirements of 502.3.1.1 and/or 502.3.1.2 above;

502.3.6 - Subdivision proposals shall be consistent with the need to minimize flood damage and shall:

.3.6.1 - Have public utilities (water, sewer, gas, electricity, etc.) located and constructed in a manner to minimize flood damage and health hazard (see 502.3 above);

.3.6.2 - Have storm runoff drainage design to minimize erosion and flood hazard, and

.3.6.3 - Provide base flood elevation data from a registered professional engineer for review consideration in all developments of five Acres or fifty lots, or larger.

502.4 - ORDINANCE 91-08 (September 10, 1991) added to read as follows: Findings Of Fact:

502.4.1 - The flood hazard areas of the City of Goose Creek are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

502.4.2 - These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

502.5 - ORDINANCE 91-08 (September 10, 1991) Added to read as follows: OBJECTIVES. The objectives of this section are:

502.5.1 - To protect human life and health;

502.5.2 - To minimize expenditure of public money for costly flood control projects;

502.5.3 - To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

502.5.4 - To minimize prolonged business interruptions;

502.5.5 - To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in flood plains;

502.5.6 - To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and

502.5.7 - To insure that potential homebuyers are notified that property is in a flood area.

502.6 - ORDINANCE 91-08 (September 10, 1991) Added to read as follows:

In all areas of special flood hazard where base flood elevation data have been provided, the following provisions are required:

502.6.1 - Residential Construction. New Construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated to or above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with this Ordinance.

502.6.2 - Non-Residential Construction. New construction or substantial improvements of any commercial, light industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator as set forth in this Ordinance.

502.7 - ORDINANCE 91-08 (September 10, 1991) Added to read as follows: All recreational vehicles placed on sites must either:

502.7.1 - Be fully licensed and ready for highway use, or

502.7.2 - The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of this Ordinance.

502.7.3 - A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

## **SECTION 503 - DESIGN STANDARDS**

Attention to these standards is intended to further the goals expressed in Section 103, and assist developers in achieving maximum marketability and aesthetic value.

### 503.1 - ARCHITECTURAL CONFORMITY AND REVIEW

In any zoning district, subdivision, planned development, or other area of the City which has a majority of the zoning lots built upon, all subsequently permitted buildings must substantially conform to the architectural standards established by the majority of existing structures. By determination of the Zoning Administrator,

subsequent structures must conform as to architectural style, general design, square footage of living area (exclusive of garages and porches), external siding materials and overall treatments.

### 503.2 - EXTERIOR YARD PROVISIONS

503.2.1 - Yard depth shall be measured perpendicular to the lot line; for a curved or irregular lot line, depth shall be measured perpendicular to a straight line connecting the two lot corners. At least one yard shall have the full required depth, and no other yard on the lot shall have less than one half the required depth, except as provided in 503.2.2 below, and

503.2.2 - In lots between two non-intersecting streets, having one yard with a depth not in keeping with the prevailing yard depth pattern, the Zoning Administrator may approve a special minimum yard depth equal to the average yards of adjoining lots. If the City approves a plat with less than normal yard depth along on the two streets, such building set back line shall be the minimum yard depth for the lot(s).

### 503.3 - OTHER YARD PROVISIONS

503.3.1 - Depth of interior yards shall be measured perpendicular to the lot lines;

503.3.2 - Accessory buildings shall not be located in any minimum required exterior yards. Accessory buildings shall not be located closer than five (5) feet to any property boundary;

503.3.3 - Commercial, light industrial, and residential dish antennae shall meet all minimum setback requirements for their respective districts (reference Annex D, Table of Minimum Yards), and placed so as to present the least conspicuous visual appearance at the discretion of the Zoning Administrator:

.3.3.1- In commercial and light industrial districts, dish antennae may be permitted in rear yard or on rooftop only so as to present the least conspicuous visual appearance that allows the technical requirements of the dish antennae equipment to be met, and

.3.3.2 - Dish antennae of 18 inches in diameter or smaller may be roof-mounted on residences and shall not be visible from the roadway directly in front of the dwelling.

503.3.4 - Fences, poles, and other customary fixed yard accessories, (dish antennae excepted) and roof overhangs not over 36 inches, may be permitted in any minimum required yard, subject to height, safety, and visibility limitations, of the respective district, and

503.3.5 - Solar panels and associated fixtures shall be located to the rear of all residential structures whenever feasible, and if not, shall be mounted so as to be flush to the roof of the house.

### 503.4 - HEIGHT LIMITATIONS

Zoning District height regulations shall not apply to building fixtures usually required to be placed above the roof and not intended for habitation, for example: spires, water tanks, chimneys, etc.



### 503.5 - VISUAL CLEARANCE

No structure or object obstructing motorist vision between 3 and 10 feet above street grade shall be located in street corners according to the table and chart below. The line of vision (L.O.V.) when more restrictive than the building setback line, shall become the required setback line:

- a) Driveway or alley and street - 10 feet
- b) Minor streets - 25 feet
- c) Collector streets - 30 feet
- d) Major thoroughfares - 40 feet.

### 503.6 - PROPERTY ACCESS

503.6.1 - No building shall be placed on a lot not located on an existing publicly maintained paved street, or street shown on a City approved development plan, and

503.6.2 - Curbing and curb cuts shall comply with standards of the South Carolina Department of Highway and Public Transportation.

### 503.7 - MINIMUM DESIGN STANDARDS, SUBDIVISIONS, PLANNED DEVELOPMENTS, AND COMMERCIAL SITES

In addition to other provisions of this Ordinance, adopted Building Codes, etc., these supplemental minimum design standards apply in designing Planned developments, Subdivisions, and Commercial site:

503.7.1 - Curbs and Gutters (concrete) are required; the minimum standard to be eighteen (18) inch concrete roll;

503.7.2 - Drainage ditches (2:1 sidewall slope), with all spoil removed from shoulders, and all shoulders and sidewalls seeded. All ditches used as collectors for street run-off will be piped to the point they discharge into a drainage canal;

503.7.3 - ORDINANCE 88-01 (January 12, 1988) amended to read as follows: "Open space reservation for Parks, Playgrounds, or Recreation Areas shall be required in all residential subdivisions of twenty (20) building lots or more than five (5) acres, and in all high density residential developments (multi-family projects) in accordance with the approved policy and procedures as provided in the procedures manual for subdivisions and planned districts available from the Zoning Administrator";

503.7.4 - Minimum street rights-of-way shall be 50'; street paving: minimum width of twenty-four (24) feet (curb to curb), minimum base course, (six (6) inches R.O.C.) with a minimum surface (1 1/2: asphalt/4" reinforced concrete);

503.7.5 - ORDINANCE 87-06 (February 10, 1987) ARTICLE V, SECTION 503.7.3.5 Amended to read: "Sidewalks (concrete) shall be provided in a minimum width of forth-eight (48) inches and installed in accordance with the provisions of the appropriate "Procedures Manual" available from the Zoning Administrator";

503.7.6 - ORDINANCE 87-15 (November 24, 1987) amended to read: Street or security lighting is required in all subdivisions at a minimum ratio of one (1) light per six (6) residential lots, in all planned developments at a ratio of one (1) light per forty thousand (40,000) square feet of land area in the development, and for commercial sites at a ratio of one light per 2,000 square feet of leasable area. (Ordinance No. 95-02, March 14, 1995, as amended);

503.7.7 - Utilities shall provide all distribution systems underground, and

503.7.8 - Builders/developers shall place the assigned house/unit number (minimum height: 3") on or in close proximity to the structure's main entrance (uniformly on all units) as soon as practical.

### 503.8 - MINIMUM DESIGN STANDARDS, FACTORY MANUFACTURED HOUSING

In addition to all other provisions of this Ordinance, adopted Building Codes, and other regulations and policies of the City, any manufactured (modular) building - for either residential or commercial use - must meet the minimum standards listed herein for placement in any Zoning District of the City, excepting the Planned Development/Mobile Home District:

503.8.1 - License in South Carolina as a General Contractor, Home Builder, Plumber, or Electrician (as appropriate) is required of all modular structure set-up personnel.

503.8.2 - Metal chassis structures are prohibited as modular structures. No steel undercarriage or chassis which remains attached to the structure after on-site set-up, nor any metal in the primary or secondary floor or wall systems, is permitted.

503.8.3 - Southern Building Code Congress International seal and the SBCCI compliance report number must be affixed to each modular structure.

503.8.4 - Third party inspection, by an inspection agency duly certified by the S.C. Residential Home Builders Association, must be indicated by affixed seal.

503.8.5 - Unit must be approved for mortgage financing by the Veterans Administration (VA) and the Federal Housing Administration (FHA).

503.8.6 - Minimum foundation shall be a properly ventilated and drained continuous eight (8) inch block wall.

503.8.7 - Minimum first floor elevation shall be thirty-two (32) inches above finished grade, in any area not requiring a higher minimum finished first floor elevation under the provisions of Section 502, above.

### 503.9 - RECREATIONAL FACILITIES ADJACENT TO RESIDENTIAL USES

Outdoor recreational facilities adjacent to lots used for residential purposes shall comply with the following:

503.9.1 - No swimming pool, playground, ball field, or court, or miniature golf course shall be closer than fifty (50) feet from a residential lot line.

503.9.2 - No outdoor recreational facility lighting shall be installed closer than fifty (50) feet from a residential lot line.

503.9.3 - A solid wall or fence, or combination vegetative screen and wall or fence, may be required for screening of noise or light.

503.9.4 - Recreational uses in recreational zones shall have no commercial aspect, except:

- a) Fee for use of recreational facility, and
- b) Other activity directly related to the recreational use, when approved by the Zoning Administrator.

#### 503.10 - SWIMMING POOLS

An outdoor swimming pool is recognized as a potential attractive nuisance, whether privately, publicly, or commercially owned or operated.

503.10.1 - Water supply and sanitary facilities shall comply with local and S.C.D.H.E.C. regulations.

503.10.2 - Amended as of April 28, 1994, to read: Swimming pools may be located in a minimum yard space, however, they shall not be closer than five (5) feet from the rear or side lot lines, nor shall they be located in front yards. Swimming pools shall not be located in easements."

503.10.3 - Swimming pools as part of a multi-family development shall not be located within one hundred (100) feet of adjacent single-family or duplex residential communities, unless closer location, with buffering and screening, are provided suitable to the Zoning Administrator.

503.10.4 - The pool shall comply with the "Standard Swimming Pool Code" of the Southern Building Code Congress, except as to Schedule of Fees, which shall be posted in the office of the City Clerk.

503.10.5 - A wall or fence at least four (4) feet high, with self-locking gates, shall completely enclose the pool or surrounding yard.

503.10.6 - Lighting shall be so placed or shielded as to prevent direct rays being visible on adjacent properties.

503.10.7 - A public address system for the supervision and safety of swimmers shall be the only broadcast device permitted.

### **SECTION 504 - LANDSCAPING REQUIREMENTS**

For all commercial and light industrial uses, at least ten (10) percent of each lot shall be landscaped in a manner approved by the Zoning Administrator. For all residential uses, at least seven (7) percent of each lot shall be landscaped in a manner approved by the Zoning Administrator. This requirement pertains to all new commercial developments and existing building renovations which equal fifty (50) percent of the building's value. Landscaping not completed at the time of occupancy must be completed within forty-five (45) days under bond (see Section 405.4, above) after occupancy. (Ordinance No. 95-010, Amended as of August 8, 1995).

504.1 - The natural landscape character shall be preserved in every reasonable instance (See Section 402). Existing trees measuring four (4) inches in diameter and measured four and one half (4 1/2) feet above grade shall be incorporated in the landscaping plan where practically feasible.

504.2 - Landscaping shall be maintained so as to present a healthy, neat appearance, with dead vegetation promptly replaced.

## **SECTION 505 - SIGN REGULATIONS (as amended July 12, 2005 - Ordinance 05-008)**

It is the City's intent to reduce the proliferation of signs, reduce distractions and obstructions to motor vehicle operators and pedestrians that might lead to accidents or traffic congestion, enhance and preserve the natural scenic beauty or aesthetic features of highways, streets, and adjacent areas and beautify the community by removing obstructions to light, air, and open space.

### 505.1 - DEFINITIONS

Specific definitions of types of signs and related terminology is contained in SECTION 204.8.94 above.

### 505.2 - GENERAL PROVISIONS

All signs shall comply with the following:

505.2.1 - TRAFFIC - No advertising sign shall interfere with motorists' vision, nor simulate traffic control or emergency vehicle lighting.

505.2.2 - HAZARD AND DIRECTIONAL SIGNS - Signs less than four (4) square feet in area, consisting of arrows, name and colors of the business, graphics, or such words as "STEP", "FIRE", "ESCAPE", "DANGER", or similar symbols, shall not be included in computing maximum allowable sign area.

### 505.2.3 - ILLUMINATION

- a) No sign lighting is allowed which switches on and off intermittently, changes intensity and/or color, or otherwise creates an illusion of flashing or movement;
- b) All bare light bulbs, except bulbs less than fifteen (15) watts, shall be directed toward the face of the sign;
- c) Signs within fifty (50) feet of a residential district shall be shielded from casting glare into said district, and
- d) Signs within residential districts shall be shielded from casting illumination into residences within one-hundred (100) feet.

### 505.2.4 - HEIGHT, SETBACK, AND LOCATION

- a) A projecting wall sign shall project no more than five (5) feet from a building; have bottom ten (10) feet (minimum) above grade, and top twenty-five (25) feet

above grade or height of the building, whichever is lower; have no exposed guy wires;

- b) Free-standing signs, awning signs, canopy signs, marquee signs, and temporary signs shall have a minimum setback of ten (10) feet from the street curb, and shall not be installed within - nor project into the vertical plane of - the street right-of-way;
- c) Fascia signs may project no more than eighteen (18) inches from a wall, and extend no more than eighteen (18) inches above the parapet, eaves, or building facade;
- d) Roof mounted signs may project no more than ten (10) feet above the highest point of the roof or parapet.
- e) Combination roof/wall mounted signs must comply with points (a) and (d) above;
- f) No sign shall be attached to or obstruct any fire escape or opening intended as a fire fighting point of ingress or egress, interfere with any opening required for legal ventilation, or prevent free passage from one part of a roof to another, and
- g) Street furniture, such as benches, waste receptacles, fountains, etc. shall not be used for advertising purposes.
- h) When a sign extends over sidewalks, walkways, or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least eight (8) feet above the ground.

505.2.5 - CONSTRUCTION OF SIGNS - All permanent signs shall conform to International Building Code and National Electrical Code Requirements as to design, materials, support, installation, fixtures and wiring. Specifically, all permanent signs must be able to withstand a pressure of twenty-four (24) pounds per square foot, which is equivalent to one-hundred ten (110) miles per hour (mph) wind. The Administrator may require certification by an engineer when he/she is uncertain that the proposed method of construction is adequate.

### 505.3 - ADMINISTRATION AND ENFORCEMENT

505.3.1 - SIGN PERMIT REQUIRED - Except for signs described in Section 505.4.1, a permit must be obtained prior to placing a sign within the City limits.

- a) A new petition for a sign permit must be obtained if an owner wishes to alter a sign for which a permit has been issued;
- b) At the time of passage of this Ordinance, the existence of a permanent sign not conforming to these regulations constitutes a vested right; however, said sign shall not be replaced if removed or renovated at a cost over 50% of the sign replacement cost, except that it be replaced in conformity with these regulations, and
- c) A temporary sign (portable sign) shall be allowed only once, and only for 30 days, to advertise the establishment of a new business. In addition, temporary signs are only allowed if the business has a new owner, or has changed its business name. Relocation of a business shall not qualify the business owner for a

temporary sign. The temporary sign permit (protected from weather) shall be attached to the sign structure during its permitted use.

d) Pennants or bench signs are prohibited.

505.3.2 - PETITION FOR SIGN PERMIT - A petition for the permit required by this Section shall be filed with the Zoning Administrator, and prepared in the form required, to include a scale drawing of the proposed sign(s), a plat of the property the sign is to be located on or a rendering of subject building elevation, to illustrate proposed sign location(s).

505.3.3 - ACTION ON PETITION - The petition shall be promptly investigated by the Zoning Administrator, and action taken for approval or denial.

505.3.4 - SIGN PERMIT ISSUANCE, REFUSAL, OR APPEAL - If a sign is authorized as described in the petition, a sign permit will be issued. The permit expiration date of temporary sign permit will be indicated on the permit:

a) If not authorized as described in the petition, the petitioner will be promptly informed, and

b) Appeals of refused petition shall be made to the Zoning Board of Appeals.

505.3.5 - SIGN PERMIT RECORDS - A duplicate of the permit shall be attached to the petition and maintained on file in the City offices.

505.3.6 - ENFORCEMENT - Violation of these Sign Regulations shall be a misdemeanor, punishable as described in Section 505.3.8 and 1003 - Penalty:

a) ABANDONMENT - Obvious lack of maintenance or abandonment shall be reported to the property owner by the Administrator, with a request for sign removal within thirty (30) days. After thirty (30) days the City shall have the sign removed and the owner shall be responsible for expenses incurred.

b) APPEAL - Appeal of a decision by the Administrator that a sign has been abandoned shall be made to the Zoning Board of Appeals, who shall instruct the Administrator in writing of the disposition of the matter.

505.3.8 - FEES

a) Fees shall be paid upon filing a petition for a Sign Permit, in the amount established in the Fee Schedule on file in the City Clerk's office. Signs erected, or work begun, without obtaining a permit, shall be subject to penalty, as described in Section 402;

b) Signs in Section 505.4.1 below are exempt from fees, but shall conform in all other respects to these regulations, and

c) ORDINANCE 92-013 (as amended on December 8, 1992): A sign confiscated in violation of the City's sign ordinance may be reclaimed upon payment of a \$25.00 fee. Any sign confiscated by the City will not be kept more than thirty (30) days from the date the sign was confiscated.

505.4 - REGULATIONS BY ZONING DISTRICT

505.4.1 - RESIDENTIAL - Only the following signs are allowed in any residential district:

- a) One sign, no more than three (3) square feet in area, attached to a rod or post not more than five (5) feet high, or attached to the building, stating only the street number or occupants name, or both. Separate street numbers attached to the building shall not be included in computing sign area.
- b) One sign, bulletin board, or entrance marker not exceeding thirty-two (32) square feet in area for each church or institution, however, if building street frontage exceeds one-hundred (100) feet, up to three (3) signs may be placed, one sign per one-hundred (100) feet of frontage, or portion thereof.
- c) One "For Sale", "Sold", or "For Rent" sign not over eight (8) square feet in area, advertising the lot on which the sign is placed, for each licensed Realtor listing the property, to be removed within thirty (30) days after sale.
- d) One builder's or developer's sign not over twenty (20) square feet in area, on a lot where building is under construction, and one sign not over eight (8) square feet per subcontractor, all to be removed within thirty (30) days after project completion.
- e) Subdivision entrance sign (s), to be approved as part of Planning Commission's subdivision review procedure.

505.4.2 - MULTI-FAMILY, BUSINESS AND LIGHT INDUSTRIAL - Only the following signs are allowed:

- a) Ordinance 86-13 (March 11, 1986): ARTICLE V. SECTION 505.4.2 (a) amended to read: "a. Signs allowed in 505.4.1 above, or, for any lot or parcel of two (2) acres or larger and lots or parcels with a front footage exceeding 199 linear feet, one "For Sale", "Sold", or "For Rent" sign not over twenty (20) square feet in area, advertising that lot or parcel on which the sign is placed. All signs are to be removed within thirty (30) days after sale, rental, or lease."
- b) One freestanding sign no more than fifty (50) square feet in area, nor exceeding 20 feet height above grade. Ordinance 05-108 (November 8, 2005) amended to read: A business may substitute a free-standing sign for one (1) additional building sign provided that the cumulative square footage does not exceed the maximum allowable area pursuant to section 505.4.2 (d).
- c) Readerboard signs may be mounted onto the free-standing sign provided that the signs have been approved by the Architectural Review Board for aesthetic purposes, the signs are within the fifty (50) square feet limit, and are permanently attached as close to the free-standing sign as possible in order to provide a unified appearance.
- d) ARTICLE V, SECTION 505 (Sign Regulations) at paragraph 505.4.2(c) amended December 8, 1992 to read: "The size, area and numbers of all signs to be located in Commercial and Light Industrial Districts of the City shall be governed by the following table. This shall include any combinations of building, projecting wall, painted wall and/or window, roof mounted, marquee, or illuminated signs which are located interior to a business and visible from the exterior of a business establishment:

Distance from front property line to business front:	Business frontage multiplied by:	Total Area (sq. ft.) not to exceed:	Total Number of signs not to exceed:
0-99 feet	1	200	2
100-399 feet	1.5	300	3
400 ft. or more	2	400	4

NOTE: The intent of this section is to not have a sign dominating the overall size of the building. Any sign is subject to the aesthetic review of the Architectural Review Board.

- e) A shopping center may erect a maximum of two (2) freestanding signs with a maximum total area of 1.0 square foot per frontage foot, but not to exceed five-hundred (500) square feet per sign. Such freestanding sign(s) shall advertise the shopping center development, and are not considered in the requirements of (d) above. Businesses located in established shopping centers are not authorized to erect freestanding signs.
- f) Petroleum product pumps and dispensers shall be permitted to display only information required by law and the brand name and type of product being dispensed. Height of letters for price and information shall not exceed six (6) inches. Pump and dispenser signs shall not exceed ten (10) square feet in surface area per side, and shall not exceed the face of the pump. Pumps and dispenser signs shall not be counted in the maximum number of building signs for a business; however, the designs of the signs shall meet with the approval of the City Planner.
- g) Gasoline canopy signs shall be subject to the maximum size and number of building signs for each business except height-warning signs.
- h) Holiday decorations such as Christmas lights and ornaments may be installed with the exception that the decorations cannot flash, and decorations shall contain no commercial copy or commercial graphics.
- i) Permanent signs on windows or doors (interior or exterior, or a combination thereof) shall not exceed fifty (50) percent of the gross transparent area of any one window or door.
- j) Exterior vending machines, newspaper stands, telephone booths on the property shall not bear advertisements for said businesses, and shall advertise only the products or services available from those machines or booths.
- k) Informational signs are permitted provided that no such sign shall exceed six (6) square feet. Informational signs shall not count toward the maximum number of signs allowable or the maximum allowable sign area.
- l) Special Event Sign/Banner – a sign or banner, professional in appearance that is intended to inform the public of a special event. An applicant is limited to two (2) special event signs/banners during the calendar year and must obtain a permit from the Zoning Administrator. The sign or banner must be located on



the property on which the event is being held and be germane to that event. Special event signs/banners are restricted to businesses, churches, schools, and governmental entities and are subject to the following conditions:

1. Banners and special event signs do not include pennants, flags, or bench signs.
2. Only one (1) banner or special event sign is allowed for each business at any given time.
3. Banners and special event signs may be displayed up to a maximum of thirty (30) days and no more than twice per year. The frequency of displaying banners by local municipal government entity shall be subject to the permission of the City. Applicants shall indicate on the permit the number of days for banners to be displayed.
4. Banners and special event signs shall be properly secured and maintained at all times, and shall not interfere with pedestrian or vehicular movement. Banners shall not be strewn between buildings or utility poles.
5. Banners and special event signs may be used as temporary signs for the opening of a new business, or to promote special events. Banners shall be treated as temporary in nature, and shall not be perceived as permanent signs.
6. Banners and special event signs are exempt from Review by the Architectural Review Board.
7. The maximum size of a banner or special event sign shall be fifty (50) square feet.
8. The design, colors, and overall appearance of the banner or special event sign shall be subject to staff review and approval. Gaudy, distasteful or cluttered-looking banners shall not be permitted.
9. Street banners as proposed for the City as part of the strategy of the Downtown Business District shall not be subject to the requirements of this section.

n) **PAINTED WALL AND/OR WINDOW SIGNS** – Signs painted directly on an externally visible wall or window (including glass doors) to advertise the business in the building may be allowed only in the commercial and light industrial zoning districts, subject to Section 505.4.2 and upon approval by the Zoning Administrator. Painted wall or window signs may be allowed for the purpose of advertising nationally recognized trademarks or logos, or legitimate business names, but shall not display any other pictorial scenes, free-hand advertising creations, "sale" or pricing information. A permit for a painted wall or window sign shall be granted only upon presentation of a guarantee that such sign will be well-maintained, re-painted at intervals frequent enough to guarantee its professional appearance, and painted over or removed upon cessation of the business at that location.

**505.5 – LED (Light Emitting Diode) Signs:** LED signs are permitted within the City under the following restrictions:

- a) Permitted Locations: Schools, places of worship, and municipal complexes.
- b) Sign, Style, Height, Width, and Setback: The LED portion of the sign shall be integrated into a low profile monument sign with a brick or stone base. The sign

shall not exceed eight (8) feet in height and ten (10) feet in width, including the base and all brickwork. The sign shall be setback with a minimum of ten (10) feet from the front property line. The LED portion of the sign may display letters only, with a maximum of three lines of text. No characters are permitted.

c) LED Sign Area: The maximum area of the LED sign component shall not exceed forty (40) square feet or fifty (50) percent of the total sign area, whichever is less.

d) Color and Brightness Control: Message copy shall be limited to one (1) color - white or amber on a black background. The sign shall be equipped with photosensitive equipment which automatically adjusts to the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

e) Minimum Interval: The sign may only display one new message per hour.

f) Movement Restriction: The use of animation, flashing, scrolling, or blinking characters is prohibited.

505.6 - DISPLAY OF NATIONAL, STATE, AND ORGANIZATIONAL FLAGS. ADDED 11-25-87 Ordinance 87-16:

505.6.1 - Review, Approval, and Permitting

505.6.2 - Permit required. A permit shall be required for the installation of all flag poles or flag display devices.

505.6.3 - Location/Engineering Review. Applicant must submit with the permit application a scaled site plan giving the location of flagpole(s) and complete dimensional and installation engineering data.

505.6.4 - Clearance Certification. Applicant 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.

505.6.5 - Height of poles, types of flags, size flags and number of flags.

505.6.6 - The maximum height above grade for a ground mounted flagpole shall be thirty-five (35) feet or fifteen (15) feet above the highest point of the roof or parapet of the building for roof/wall mounted installations.

505.6.7 - United States National Flags, South Carolina State Flags, and approved organizational flags may be flown in accordance with accepted protocol, however, no flag may be flown except in conjunction with the national flag.

505.6.8 - No individual flag may exceed fifty (50) square feet in area.

505.6.9 - No more than three flags may be displayed from a single pole or device; no more than three flags may be displayed on a single site, lot, or parcel, whether on single or multiple poles.

505.6.10 - Inclement Weather/Hours of Darkness Display.

505.6.11 - Flag displays intended to be flown during the hours of darkness must be appropriately lit in accordance with established protocol.

505.6.12 - Maintenance - All flags to be displayed must be maintained in a neat and clean condition, free of fading colors and/or frayed edges. Flags showing obvious signs of fading or wear will be immediately replaced.

505.6.13 - Illuminated signs located interior to a business and visible from the exterior of a business establishment shall be included as part of the total square footage of signage authorized by Section 505.4.2.

#### 505.7 - POLITICAL SIGNS AND POSTERS

Political signs and posters promoting the candidacy of a person or persons for elected public office may be erected or posted within the City of Goose Creek thirty (30) days prior to a general or special election. A candidate shall be limited to one (1) political sign per lot, and signs shall be self supporting. It shall be the responsibility of the candidate for public office, whose name or advertisement appears on such signs and posters, to remove the same within forty-eight (48) hours after the closing of the polls at the general or special election. Failure to remove the signs or posters constitutes a misdemeanor, and upon conviction shall be punishable by fine not to exceed five-hundred dollars or thirty (30) days of imprisonment. In no case shall political signs or posters be placed, erected or posted upon any public right of way, easement, tree or utility pole. Political signs shall be no larger than eight (8) square feet in residential areas, and thirty-two (32) square feet in commercial and light industrial areas. It is permissible for signage to appear on both sides of the sign.

#### 505.8 - INSTALLATION OF SIGNS IN WETLAND

ORDINANCE 91-09 (September 10, 1991) added read as follows: In all Zoning Districts, the installation of signs in wetlands shall not be permitted except by governmental entities or with the permission of governmental entities.

#### 505.9 - PROHIBITED SIGNS

Except as may be hereinafter specifically permitted, it shall be unlawful after the effective date of this Ordinance, or amendment thereto, for any person to erect, place or use within the City, any of the following signs in addition to the requirements of this ordinance:

- i. Off-premise signs
- ii. A sign which contains any moving, rotating, animated lights, visible moving or movable parts (with the exception of time and temperature signs), or giving the appearance of animation.
- iii. Stationary or abandoned vehicle signs. The parking in public view of any vehicle not in operation condition or lacking current registration shall be prohibited.
- iv. Any sign which emits a sound, odor, or visible matter.
- v. Signs using the words "stop," "danger" or any word, phrase, symbol, or character in a manner that misleads, confuses or distracts a vehicle driver.

- vi. Signs painted on or attached to trees, fences, rocks, or natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare.
- vii. Any sign towed behind a boat, raft, aircraft, helicopter, or recreational vehicle.
- viii. Any sign which exhibits statements, words or pictures of obscene or pornographic subjects.
- ix. Inflatable signs, including balloons.
- x. Streamers, ribbons, windblown propellers, strung light bulbs, pennants, bench or furniture signs.
- xi. Visible angle or other frames supporting projecting signs, roof and canopy signs, as well as chain supports are prohibited.

## **SECTION 506 - BUFFER AREAS AND SCREENS**

A buffer area and/or screen may be required within any District by this Ordinance or the Administrator along certain lot lines within any district, or along the boundaries separating districts, for the purpose of physical and visual separation, or for reducing noise, glare, or visual or other nuisance, and/or other undesirable effects which a particular use may have on adjacent lands.

506.1 - When a lot line of a commercial, light industrial, or multi-family use adjoins the lot line(s) of another residential use, the commercial, light industrial, or multi-family use developer shall provide use separation, along these guidelines:

506.1.1 - TYPE OF SCREEN - A buffer screen shall be of durable material, and compact so as to obscure the contents of the adjacent yard and otherwise reduce the undesirable effects of the adjacent use. It shall be of any substantially solid material approved by the Administrator. If vegetation is used it shall not be unsightly in any season.

506.1.2 - HEIGHT OF SCREEN - Unless otherwise required, all screens shall measure at least six feet above finished grade, or if composed of vegetation, the screen must grow to six feet within three (3) years. The requirement of Section 503.5, however, shall take precedence over these height requirements.

506.1.3 - MAINTENANCE OF SCREENS - Maintenance and repair of buffer screens is a responsibility of the owner of the property on which it is placed. Screens shall be maintained in good condition at all times, routinely trimmed, painted, and otherwise repaired. Areas surrounding the screen and between the screen and lot line shall be landscaped and maintained clear of debris and trash.

506.2 - In instances of incompatible uses, or instances of significant use intensity or density changes, a buffer area not less than fifteen (15) feet wide will be provided, with screening structures, land forms, and/or vegetation as prescribed by the Zoning Administrator Reference Section 204.8.18.

## **SECTION 507 - PARKING AND LOADING SPACE**

Paved off-street automobile parking shall hereafter be required in all Zoning Districts at the time of initial construction of any principal building, or when changes in a principal building require more parking. Off-street parking shall have direct access to a street and shall in all respects conform to this Ordinance.

### **507.1 - REQUIRED SPACE**

The number of off-street parking space, or loading space, shall be calculated on the basis of land use, or use of the principal building, as specified in Columns 2 and 3 of ANNEX A. For those uses not specifically identified in the ANNEX, required space shall be determined by the Zoning Administrator.

### **507.2 - APPLICATION OF PARKING REQUIREMENTS**

**507.2.1** - All required parking spaces shall be located on the same lot with the principal building or use, except as provided in Section 507.4.

**507.2.2** - In the case of mixed or joint use of a building or lot, the required spaces shall be equal to the sum of the spaces required for each use individually.

**507.2.3** - Uses not specifically listed in Annex A shall require parking spaces equal to a listed use of similar parking demand generation, as determined by the Administrator.

**507.2.4** - The total number of spaces required may be reduced up to ten (10) percent when such reduction is warranted by unusual circumstances, as determined by the Administrator.

**507.2.5** - The number of employees used for determining parking requirements shall be the average number on the shift of greatest employment.

**507.2.6** - If fractional numbers result from parking space computations, the next highest whole number (as to number of spaces required) shall be used.

### **507.3 - AREA AND PAVING REQUIRED FOR PARKING SPACES**

Each automobile parking space shall measure 9 feet x 18 feet minimum (162 s.f.), excluding any aisle or maneuvering space. Areas in public right-of-ways shall not be used in providing parking or maneuvering space; curb cuts shall be as specified in Section 503.6.2. Parking plans shall be submitted in the form of a scale drawing of the proposed parking and loading spaces, with landscaped areas and demonstrated conformance with these regulations. Approved parking spaces shall be paved.

### **507.4 - EXCEPTIONS TO OFF-STREET PARKING AREAS**

Required off-street parking for one and two family residences shall be located on the same lot as the principal building served. In unusual circumstances or hardships, however, the Commission may approve off-site parking for all other permitted areas provided the parking area is not more than 300 feet from the principal building or use served, and that the owner of the parking site relinquishes development rights of

the property until parking is provided elsewhere. Where such off-site parking is proposed, recorded covenants as to parking use and development rights shall be provided.

#### 507.5 - JOINT USE OFF-STREET PARKING AREAS

Two or more principal uses may utilize a common off-street area in compliance with Section 507.2.2 and 507.4. Total spaces required may be reduced by the Commission if a reduction is warranted by the particular grouping of uses.

#### 507.6 - OFF-STREET LOADING AREA REQUIRED

Areas suitable for loading and unloading motor vehicles in off-street locations, and specifically designated for this purpose, shall be required upon initial construction, alteration, or conversion of any building intended for commercial, industrial, or governmental purposes. Such off-street loading area shall have access to a public street and be provided as specified in ANNEX A, in addition to the preceding off-street parking requirements.

#### 507.7 - AREA REQUIRED PER LOADING SPACE

Each off-street loading space shall be at least 12 feet wide, 40 feet long, and 14 feet high, maintained clear of obstruction at all times.

#### 507.8 - LOCATION OF OFF-STREET LOADING AREAS

Off-street loading areas shall be located on the same lot as the structure served, and in no case counted as part of the off-street parking requirements.

#### 507.9 - ADEQUACY OF OFF-STREET LOADING AREA

Whether specified in this Ordinance or not, all uses shall provide off-street loading areas sufficient for their requirements such that no vehicle being loaded or unloaded shall stand in, nor project into, any public way.

#### 507.10 - FIRE LANES REQUIRED

Commercial or light industrial facilities which have a floor area greater than 7,000 square feet or whose setback is 100 feet or greater from the road right-of-way, are required to establish and maintain fire lanes in compliance with Section 3-2 of the State Fire Code. Fire lanes must be a minimum of 20 feet in width and be posted with signs which specifically state "NO PARKING - TOW AWAY ZONE". Parking violations which encroach into the designated fire lanes will be subject to Article 17 of the Code of Goose Creek. (Ordinance 90-16, September 11, 1990, as amended.)

#### 507.11 - PARKING REQUIREMENTS FOR THE DISABLED PERSON(S):

All governmental buildings, public buildings, commercial facilities, and places for public uses, including churches and private clubs, with the exception of single-family and two-family residences shall have parking spaces designated and signs posted in accordance with the following requirements:

- a) The international symbol of access to the physically disabled person(s) shall be permanently displayed (marked) on the ground for parking spaces that are reserved for such use. In addition, a sign bearing the international symbol of access to the physically disabled person(s) shall be posted facing each reserved

parking space for the disabled person(s). Examples of such signs included 1' X 1 1/2' in dimension, with the international symbol, and "reserved parking" clearing marked on the sign.

- b) Parking spaces shall measure thirteen (13) feet x eighteen (18) feet minimum (234 sq. ft.), including a five (5) feet minimum access aisle. Parking spaces for the disabled person(s) shall be near main building entrances. Parking spaces and passenger loading zones for the disabled person(s) shall be as follows:
- c) PARKING SPACES AND PASSENGER LOADING ZONES FOR THE DISABLED PERSON(S)

TOTAL SPACES OR ZONES	REQUIRED NUMBER TO BE RESERVED FOR THE DISABLED PERSONS(S)
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of Total
over 1,000	20 plus 1 for each 100 over 1,000

One (1) in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches (8 feet) wide minimum and shall be designated "van accessible". (as amended September 10, 1996.)

**SECTION 508 - MUNICIPAL IMPACT FEE**

508.1 - IMPACT FEE ORDINANCE

This ordinance shall be known as the Impact Fee Ordinance of the City of Goose Creek.

508.2 - INTENT AND PURPOSE

The intent of this Ordinance is:

- a) To assure wise and timely development of new areas by providing necessary capital facilities in accordance with existing and future needs;
- b) To promote desirable living conditions and sustained stability of neighborhoods by ensuring adequate service delivery, and
- c) To secure economy in government expenditures by assuring that new development pay its fair and equitable share of additional capital facility costs required by increased service demand generated by new growth.

508.3 - AUTHORITY

The provisions of these regulations, in their interpretation and application, are requirements adopted for the promotion of the public health, safety, welfare, and general convenience, pursuant to the police powers of municipalities granted by state legislation, including the Home Rule Act (Act No. 283 of 1975), construed in accordance with the provisions of Article VIII, Section 17 of the South Carolina Constitution, and Section 5-7-10, Code of Laws of South Carolina, 1976.

Furthermore, the provisions of this ordinance shall not be construed to limit the power of the City to adopt such ordinance pursuant to any other source of local authority, nor to utilize any other methods of powers otherwise available for accomplishing the purposes set forth herein, either in substitution or conjunction with this ordinance.

#### 508.4 - JURISDICTION

The regulations set forth shall apply to all land and improvements within the corporate limits of the City of Goose Creek, including any land and improvements hereinafter annexed to the City.

#### 508.5 - APPLICABILITY AND EXEMPTIONS

The provisions of this ordinance shall apply to all new construction for which a building permit is required except the following:

- a) Expansion of a residential dwelling unit where no additional units as defined by the zoning ordinance are created;
- b) The construction of residential accessory buildings or structures;
- c) Remodeling or rebuilding of any structure, provided there is no increase in square footage of non-residential structures (Ordinance No. 95-02, March 14, 1995, as amended);
- d) Construction of any public-purpose structure owned by Federal, State or local governments or any subdivision thereof; and
- e) Construction under any building permit issued prior to the effective date of this ordinance, and
- f) Any claim for the aforementioned exemptions must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

#### 508.6 - DEFINITIONS

When used in this ordinance, certain words and terms shall have the meaning as herein defined. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural includes the singular. Words used in the present tense include the future.

- a) Fee payer. A fee payer is any person who, after the effective date of this ordinance, seeks to develop land by applying for the issuance of a building permit;



- b) Residential Use. The residential use category shall correspond to those land areas so designated as residential on the City's official zoning map Sections 701-703 and Section 709. "Zoning District Regulations" of the Zoning Ordinance;
- c) Non-residential Use. The non-residential use shall correspond to those areas not designated as residential on the City's official zoning map and described in Sections 704-709 "Zoning District Regulations" of the Zoning Ordinance, and
- d) Dwelling Unit. The definition of dwelling unit used herein shall include the definitions for "Dwelling", Dwelling, One Family", "Dwelling, Two Family", "Dwelling, Group", "Dwelling, Multi-Family", "Dwelling, Townhouse", "Mobile Home", contained in Sections 204.8.40-204.8.46 and 204.8.71 or the City Zoning Ordinance.

508.7 - DETERMINATION OF FEES

- a) Impact fees shall be determined and reviewed at least annually in accordance with a detailed analysis of development within City limits, including an actual count of dwelling units as derived from building permit applications, the cost of any expanded or new capital facilities and equipment for police, fire, administration and sanitation services generated by such development and any revenues available to meet such costs. All changes or adjustments in the established schedule shall be determined by City Council and adopted by ordinance. Said changes shall apply only to construction for which building permits are issued after the effective date of such ordinance.
- b) The amount of the impact fee shall be determined using the following fee schedule of charges:

Residential Use -	
Sanitation	\$109.40
Fire & Safety	\$ 87.01
Police	\$ 51.17
Administration	\$ 38.57
	\$286.15 per dwelling unit
Non-residential Use -	
Administration	\$0.04
Fire & Safety	\$0.10
Police	\$0.19
	\$0.33 per square foot of floor area
(Ordinance No. 95-02, March 14, 1995, as amended.)	

- c) In the case of remodeling or rebuilding an existing non-residential structure, the impact fees shall be based on the net increase of floor area. (Ordinance No. 95-02, March 14, 1995, as amended.)

508.8 - COLLECTION OF FEES

- a) Impact fees calculated and due pursuant to this ordinance shall be collected by the City Finance Director prior to the issuance of a building permit for the proposed development.

- b) All impact fees shall be paid in cash unless the City Council specifically accepts an in-kind contribution of land or capital facilities for public use as designated in Section 508.13 of this ordinance.

#### 508.9 - IMPACT FEE CAPITAL IMPROVEMENTS TRUST FUND

An Impact Fee Capital Improvement Trust Fund is hereby created to administer impact fees collected.

#### 508.10 - USE OF FUNDS

- a) Upon receipt of impact fee payments, the City Finance Director shall deposit such funds in the appropriate account;
- b) Amounts in the capital improvements trust fund shall be used only for the purpose contained in the title of such fund;
- c) The City Finance Director shall keep and maintain adequate financial records for the account, which shall show the source and disbursement of all revenue, which shall account for all moneys received, and which shall insure the disbursement of funds from the account shall be used for the provisions of the projects specified by Council in the Capital Improvements Program, and
- d) Expenditures from the fund shall be specifically approved by the City Council and, excepting administrative costs, shall be limited to the expansion or acquisition of capital facilities or equipment made necessary by the new construction from which the fees were collected or for principal payments (including sinking fund payments) on bonds to expand or acquire such facilities or equipment.

#### 508.11 - CAPITAL IMPROVEMENTS PLAN

- a) City Council shall prepare and maintain a capital improvements program for the City of Goose Creek, and
- b) The overall City Capital Improvement Plan shall be reviewed and approved by the City Council at least annually during the budget review process.

#### 508.12 - CREDITS

- a) In lieu of all or part of the assessed impact fees, provided the assessed fee amount exceeds three thousand dollars (\$3,000), the Council may accept the offer by a fee payer to donate land, equipment or construct all or part of a capital project approved by Council;
- b) Assessment of the value of the proposed donation shall be determined by a qualified professional designated by Council and shall be paid for by the fee payer;
- c) Credit shall not be given for the construction of such local facilities required by zoning, subdivision or other City regulations and not included in the capital improvements program;
- d) Any claim for credit must be made prior to the time of application for a building permit. Any claim not so made shall be deemed waived;

- e) In no event shall the City provide a credit in an amount greater than the otherwise applicable impact fee, and
- f) Credits shall not be transferable from one project or development to another without the approval of Council.

#### 508.13 - REFUNDS

- a) The current owner of property on which an impact fee has been paid may apply for a refund of such fee after the City has failed to expend or encumber said funds on a public facility or capital equipment for the purpose of service such property within five (5) years from the date of payment of the impact fees;
- b) Requests for a refund under the conditions outlined in (a) above shall be made through the appeals process;
- c) A fee payer may apply for a refund if the building permit for which the impact fee has been paid has expired, provided construction has not begun;
- d) A petition for a refund under the conditions outlined in (c) above must be submitted in writing to the City Administrator or his designee within thirty (30) days of the expiration of the building permit for which the impact fees have been paid;
- e) Within thirty (30) days of the date of receipt for a petition for a refund resulting from the expiration of a building permit, the City Administrator, or his designee must provide the petitioner in writing, with the decision on the refund request. If a refund is due the petitioner, the City Administrator, or his designee, shall notify the City Finance Director and request that a refund be made to the petitioner, and
- f) In the event of a favorable ruling on behalf of the fee payer resulting from the appeals process in Section 508.15, a refund shall be provided to the fee payer in the amount so designated by Council.

#### 508.14 - APPEALS

- a) The following procedure shall apply to applicants requesting a refund as provided for in Section 508.13 Refunds (a) and (b): The applicant must file a written notice of appeal stating the reasons why the appeal is requested with the City Administrator or his designee within sixty (60) days following the closing date of the five (5) year time-frame as measured from the date impact fees were paid.
- b) A fee payer or current owner of property aggrieved by an administrative determination of the applicability or amount of assessed fees may appeal such determination to Council by filing a written notice of appeal stating the reasons why an appeal is requested with the City Administrator or his designee within thirty (30) days following the date of the administrative decision upon which the appeal is based.
- c) All appeals, whether for a refund due or an appeal of an administrative determination shall be reviewed by council within (30) days after receipt of the notice of appeal at a regular or special meeting of which the applicant has been given written notice.

- d) At such appeal review, all parties shall have the right to be represented by counsel and to present testimony and evidence and to cross-examine witnesses. The proceedings shall be transcribed by City Council.
- e) Council shall, by majority vote of members present, render a written decision based on findings of fact and application of the standards herein which shall be service upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service.
- f) In the event that the appeal is requested prior to the payment of impact fees, the building permit shall not be issued until said appeal has been decided, or payment of the fees has been made.

#### 508.15 - LIBERAL CONSTRUCTION

The provisions of this ordinance shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

### **ARTICLE VI - ZONING DISTRICTS AND BOUNDARIES, SPECIAL AND ACCESSORY USES**

#### **SECTION 601 - ESTABLISHMENT OF DISTRICTS AND MAP**

To accomplish the purposes set forth in Section 203, the City of Goose Creek is hereby divided into the zoning districts described below and illustrated on the Zoning Map attached hereto. Regardless of the existence of copies of the Zoning Map, including the copy(ies) attached hereto, the Official Zoning Map, signed by the Mayor, and located in the City Offices, shall be the final authority on the zoning status of buildings and land and water areas of Goose Creek.

For the purposes of these regulations, the City of Goose Creek is hereby classified according to these ten (10) districts:

R-1	Low -density Residential District
R-2	Medium-density Residential District
R-3	High-density Residential District
RC	Restricted Commercial District
NC	Neighborhood Commercial District
GC	General Commercial
L-1	Light Industrial District
CO	Conservation and Open Space
PD	Planned Development
PD/MH	Planned Development - Mobile Home

## **SECTION 602 - INTERPRETATION OF DISTRICT BOUNDARIES**

In dispelling uncertainties with respect to zoning district boundaries on the map, the following shall apply:

602.1 - Where district boundaries are indicated as approximately following the centerlines of street or highway rights-of-way lines, such centerlines shall be construed to be such boundaries.

602.2 - Where district boundaries are indicated as approximately following incorporated area lines, such city limit lines shall be constructed to be said boundaries.

602.3 - Where district boundaries are so indicated that they appear to follow property lines, said lot lines shall be construed as the district boundaries.

602.4 - Where district boundaries are so indicated as to appear parallel to center lines or right-of-way lines of streets or highways, said parallel lines shall be construed as the district boundaries, at such distance as is interpreted from the zoning map scale.

602.5 - Where a district boundary follows a railroad line, said boundary shall be construed as the line midway between the main tracks of the railroad line.

602.6 - Where a district boundary follows a stream or water body, said boundary shall be construed as the limits of the city's jurisdiction, unless otherwise indicated.

602.7 - Where a district boundary line divides a parcel of land, the regulations for the unrestricted portion of the parcel shall extend not more than thirty (30) feet into the more restricted portion, provided the parcel of land has street frontage in the unrestricted district.

## **SECTION 603 - CHANGE OF CITY BOUNDARIES**

In the event of changes in the City Limits removing lands from the City, the district boundaries shall be construed as moving with the City Limits. In the event of annexation of new lands, such areas shall be considered to be in the CO district until otherwise rezoned in accordance with these regulations, or when otherwise approved by City Council prior to a referendum of annexation. All changes shall be recorded on the Zoning Map. Non-conforming uses in newly annexed areas shall cease according to the schedule in Section 803.7.

## **SECTION 604 - ACCESSORY USES**

604.1 - Any use may be established as an accessory use to any permitted principal use in any zoning district provided that such accessory use:

604.1.1 - Is customarily incident to, maintained and operated as part of the principal use, and

604.1.2 - Does not impair the use or enjoyment of nearby property (nor create hazard) in greater degree than the associated principal use, and

604.1.3 - Does not create levels of noise, odor, lighting, vibration, dust, pollution, or traffic hindrance in greater degree than the associated principal use, and

604.1.4 - Complies with the size, location, and appearance standards below:

604.1.5 - Is not used in residential districts for commercial purposes, specifically as rental or lease property.

#### 604.2 - SIZE OF ACCESSORY BUILDINGS

604.2.1 - Shall not be larger than twelve (12) feet, length and/or width if the structure is pre-manufactured;

604.2.2 - Accessory structures shall meet the following criteria to accommodate the variety of lot sizes, building design and community aesthetics:

- a) Accessory buildings on residential lots whose area is less than 8,000 square feet shall not occupy more than 676 square feet or be larger than fifty percent (50%) of the floor area of the principal building on the zoning lot, whichever is less. m (Ordinance No. 95-02, March 14, 1995, as amended.)
- b) Accessory buildings on residential lots whose area is greater than 8,000 square feet but less than 10,000 square feet shall not occupy more than 832 square feet or be larger than 50 percent (50%) of the floor area of the principal building on the zoning lot, whichever is less. (Ordinance No. 95-02, March 14, 1995, as amended.)
- c) Accessory buildings on residential lots whose area is greater than 10,000 square feet shall not occupy more than 1,000 square feet or be larger than fifty percent (50) of the floor area of the principal building on the zoning lot, whichever is less. (Ordinance No. 95-02, March 14, 1995, as amended.)
- d) Accessory buildings which serve mobile or modular homes shall not exceed fifty percent (50%) of the floor area of the principal structure. (Ordinance No. 95-02, March 14, 1995, as amended.)
- e) Carports which are attached to, or share a roof with an accessory building will not be counted in the square footage of the accessory building, but must remain open on three sides and extend no further than 20 feet from the side of the building. All carports are subject to setback requirements as specified in Section 604.3.

604.2.3 - Accessory buildings which serve a single story principal structures are limited to 15 feet in height, and those accessory buildings serving structures which are two stories or greater are limited to 27 feet in height.

#### 604.3 - LOCATION OF ACCESSORY BUILDINGS

604.3.1 - Shall not be closer than five (5) feet to a side or rear lot line, except in the case of a corner lot, the more restrictive of these two (2) rules applies:

.3.1.1 - Accessory building shall not be closer to the side street than the side building line of the principal building, or

.3.1.2 - Accessory building shall not be closer to the side street than the front building line of the adjacent principal building which faces the side street.

#### 604.4 - ACCESSORY BUILDING APPEARANCE

604.4.1 - Shall be constructed of similar materials as the principal building, or finished in a similar fashion, so as to present a complimentary appearance;

604.4.2 - Shall not detract from the principal building, nor disturb the quality of the neighborhood appearance, by displaying unpainted, bright metal, or garish contrasting surfaces.

604.4.3 - Pre-manufactured accessory or storage buildings displaying an unfinished bright metal exterior are prohibited. Shipping containers or truck bodies are prohibited from any use except in LI Districts, except as approved for temporary use.

#### 604.5 - ACCESSORY USES

Are illustrated in ANNEX C. Uses not specifically identified in ANNEX C, are subject to the approval of the Zoning Administrator.

#### 604.6 - Portable Storage Systems:

Ordinance 04-008 (July 20, 2004) added to read as follows:

Portable Storage Systems are mobile mini-storage units that are allowed in residential districts using the specific criteria as enumerated within this ordinance. Unit sizes cannot exceed twenty (20) feet in length. The use of a unit is limited to one (1) per structure for a maximum of fourteen (14) days. A unit is allowed at the same structure after a period of thirty (30) days. A unit may not block access or egress to a principal structure and must meet side and rear setback requirements for the residential district in which it is located.

### **SECTION 605 - SPECIAL USES**

605.1 - Home Occupation(s), as defined in Section 204.8.35 may be permitted in any residential zoning district.

605.2 - Mobile Home established after the enactment of this Ordinance shall be located only in PD-MH Zoning Districts, in compliance with Section 709.13 of these regulations. Pre-existing mobile homes are non-conforming, and shall comply with Section 803.7, or made to conform to Section 709.

605.3 - Excavation of topsoil in any residential district for removal and sale is prohibited.

605.4 - Condominium ownership may be used on any style of construction, subject to zoning district regulations, City of Goose Creek fire and acoustical standards, and the Southern Standard Building Code. Prior to the approval of any condominium project, the legal declaration establishing the ownership association shall be submitted to the Planning Commission for review and approval by the City Attorney, according to the Horizontal Property Act (Code of Laws of S.C., 1976, Section 27-31-10, et. seq.), and provisions of this Ordinance. All such declarations shall require the

association to provide architectural control and exterior building maintenance services.

605.5 - Adult uses, including - but not limited to - those defined in Section 204.5.4, may be allowed in General Commercial Zoning Districts, subject to the provisions of Section 605.5 above, and the following:

605.5.1 - Proposed location is not within 1,500 feet from the property line of a church, public or private school, public or private recreation, area, properties zoned to allow residential uses, or properties with existing residential structures.

605.5.2 - Proposed location is not within 1,500 feet of another Adult Use, or an establishment that sells alcoholic beverages.

605.5.3 - For the purposes of this Section, distances shall be measured in a straight line between the nearest portion of the proposed Adult Use lot and the nearest property line of a church, school, recreation area, or property zoned to allow residential use, or property with an existing residential use.

605.6 - Conditional uses, by type of land use, per Zoning District, are illustrated in ANNEX B (Reference 902.3). Determination of uses not specifically identified as permitted or conditional shall be referred to the Planning Commission for approval or identification of additional controls. Amended March 13, 1990 to read as follows:

605.6.1 - Parking of implements, trailers and/or equipment used for commercial, light industrial, farm or construction purposes, in residential districts, is limited to one (1) such implement, trailer or piece of equipment per residence, and such implement, trailer and/or equipment can weigh no more than five thousand (5,000) pounds;

605.6.2 - Vehicles with a gross weight in excess of ten thousand (10,000) pounds, and used for commercial, light industrial, farm or construction purposes are prohibited from parking in residential districts when not actively involved in commerce. It is not, however, the intent of this section to prohibit the parking of such vehicle, by the resident, for use on this property on a temporary basis. For the purposes of this section, gross weight shall have the same meaning as set forth in Section 56-3-20(19) and Section 53-5-360 of the Code of Laws of South Carolina, 1976, as amended, and as set out on vehicle registration information issued by the Division of Motor Vehicles (DMV) of the South Carolina Department of Highways and Public Transportation, and

605.6.3 - The total number of implements, trailers, equipment and/or vehicles as set out in 605.7.1 and 605.7.2 above, is limited to one (1).

This ordinance shall become effective ninety (90) calendar days from the date of adoption of this Ordinance, to be June 11, 1990.

605.7 - ORDINANCE 96-002 (as amended on February 13, 1996). Communication towers shall be reviewed as conditional uses subject to the provisions of Section 902.3 below, and the following as outlined in Annex B, with the exception that the City of Goose Creek shall be exempt from these regulations:

605.7.1 - A minimum of fifty (50) feet setback from any residential district and use, plus two (2) feet setback per one (1) foot of tower height, as measured from the



base of the tower. In the case of a tower or structure on a building, the additional setback shall be measured from the base of the building;

605.7.2 - For the purposes of this Section, distance shall be measured in a straight line between the nearest portion of the proposed communication tower lot and the nearest property line of a property zoned to allow residential use, or property with an existing residential use;

605.7.3 - The proposed structure shall not endanger the health and safety of residents, employees or travelers, including, but not limited to, the likelihood of failure of such structures;

605.7.4 - The proposed tower is located in an area where it will not substantially detract from the aesthetics and neighborhood character or impair the use of neighboring properties;

605.7.5 - The proposed tower is not located within 1,000 feet of another tower;

605.7.6 - The proposed user has attempted to co-located on existing towers and structures especially on any publicly owned and/ or operated building, facility, or land, and is willing to allow other users to co-locate on the proposed tower in the future, subject to engineering capabilities of the tower. At the time of permit application, satisfactory evidence shall be submitted that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers;

605.7.7 - Towers located on existing buildings and structures are preferable to the construction of new towers;

605.7.8 - Towers located in commercial areas shall not exceed a height of 150 feet and towers located in light industrial areas shall not exceed a height of 300 feet. Towers shall be constructed for future co-location opportunity subject to engineering capabilities of that design;

605.7.9 - To the extent possible, all new towers proposed for upgrades with new equipment shall employ techniques to hide the towers;

605.7.10 - All towers which have been abandoned as defined in Section 803.3 (Abandonment of Use) shall be removed within 120 days of the date it is taken out of service;

605.7.11 - A site plan, elevation drawing(s), photographs and construction documents with an engineer's stamp and other appropriate documentation shall be submitted with the request for conditional use which provide the following information:

.7.11.1 - Site plan must include the location of tower(s), guy anchors (if any), transmission building and other accessory uses, parking access, fences and adjacent land use. Landscaping and required buffering shall also be shown;

.7.11.2 - Elevation drawings shall clearly show the design of the tower and materials to be used;

.7.11.3 - Photographs shall show the proposed site and the immediate area. Submittal of other detailed information, such as topography and aerial view, which supports the request are encouraged at the option of the applicant;

605.7.12 - Landscaping and fencing. Landscaping and fencing are to be provided as follows:

.7.12.1 - An eight (8) foot high fence shall be provided around the tower and any associated building;

.7.12.2 - Around the base of the tower, outside of the fencing, a buffer screen shall be provided subject to the provisions of Section 506.1.1 - 506.1.3. Landscaping shall be required in accordance with Section 504 (Landscaping Requirements);

.7.12.3 - Towers and structures shall be illuminated only to the extent required by applicable federal and state statute or regulation;

.7.12.4 - No signage is permitted except as is required by applicable state or federal law, rule or regulation; signs for the purpose of identification, warning, emergency function or contact may be placed as required by standard industry practice;

.7.12.5 - Communication towers and structures located in a commercial and light industrial districts shall be subject to the review and approval by the Architectural Review Board, and

.7.12.6 - Communication towers and structures shall be earth tone colors, except as otherwise required by applicable federal or state statute or regulation.

## **ARTICLE VII - ZONING DISTRICT REGULATIONS**

The zoning district use regulations are established to group together those uses which are reasonably compatible with one another, according to their normal characteristics of operation, and in connection with their uses - to permit such other uses as are customarily incidental to the principal use (See Section 604). Construction, maintenance, remodeling, room additions, and repairs shall be permitted and performed as described herein, and in the appropriate PROCEDURES MANUAL, available from the Zoning Administrator. These regulations shall apply uniformly throughout each Zoning District, as described below:

### **SECTION 701 - R-1 LOW-DENSITY RESIDENTIAL DISTRICT**

#### 701.1 - PURPOSE

701.1.1 - To encourage the formation and continuation of quiet, stable, low-density living environments for single-family homes lots of no less than 10,000 square feet area;

701.1.2 - To discourage unwarranted and blighting encroachments by disallowing uses which would interfere with the above;

701.1.3 - To discourage all uses which would generate traffic on minor streets other than that required to serve residences on those streets, and

701.1.4 - To encourage the discontinuance of non-conforming uses.

701.2 - PERMITTED USES

A building or premise may be used for the purpose illustrated in ANNEX B.

701.3 - LOT, YARD, HEIGHT, AND COVERAGE

These requirements are illustrated in ANNEX D.

701.4 - ACCESSORY USES

Accessory uses as defined in Section 204.8.2, are permitted as illustrated in ANNEX C.

701.5 - CONDITIONAL USES

Conditional uses, as defined in Section 204.8.31, may be permitted as illustrated in ANNEX B.

**SECTION 702 - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

702.1 - PURPOSE

702.1.1 - To encourage the formation and continuation of quiet, stable, medium-density living environments for single family homes on lots of no less than 8,000 square feet area, and

702.1.2 - Additionally, those purposes listed in Sections 701.1.2. through 701.1.4.

702.2 - PERMITTED USES

A building or premise may be used for the purposes illustrated in ANNEX B.

702.3 - LOT, YARD, HEIGHT, AND COVERAGE

These requirements are illustrated in ANNEX D.

702.4 - ACCESSORY USES

Accessory uses, as defined in Section 204.8.2, are permitted as illustrated in ANNEX B.

702.5 - CONDITIONAL USES

Conditional uses as defined in Section 204.8.31, may be permitted as illustrated in ANNEX B.

**SECTION 703 - R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

703.1 - PURPOSE

703.1.1 - To provide areas suited for a variety of housing types, including single-family, duplexes, townhouses, rooming/boarding houses, garden and high-density apartments, on lots in accordance density specifications of ANNEX D, and

703.1.2 - Additionally, those purposes listed in Sections 701.1.2 through 701.1.4.

703.2 - PERMITTED USES

Building or premise may be used for the purposes illustrated in ANNEX B.

703.3 - LOT, YARD, HEIGHT, AND COVERAGE

These requirements are illustrated in ANNEX D.

703.4 - ACCESSORY USES

Accessory uses, as defined in Section 204.8.2, are permitted as illustrated in ANNEX C.

703.5 - CONDITIONAL USES

Conditional uses, as defined in Section 204.8.31, may be permitted as illustrated in ANNEX B.

**SECTION 704 - RESTRICTED COMMERCIAL DISTRICT**

704.1 - PURPOSE

704.1.1 - To develop and reserve a quiet, uncongested office-type environment primarily for business and professional firms, (reference Section 204.8.30.1);

704.1.2 - To discourage encroachment by unrestricted commercial or wholesale businesses, industries, or other uses adversely affecting the specialized district character;

704.1.3 - To discourage business uses which require outside display of merchandise, equipment, or materials (particularly miscellaneous goods, used items, or items not packaged or generally presenting a neat uniform appearance), except as allowed in the Zoning Permit, or approved by the Zoning Administrator, and

704.1.4 - To encourage the discontinuance of non-conforming areas.

704.2 - PERMITTED USES

A building or premise may be used for the purposes illustrated in ANNEX B, to include restricted commercial uses, as defined in Section 204.8.30.1.

704.3 - LOT, YARD, HEIGHT, AND COVERAGE

These requirements are illustrated in ANNEX D.

704.4 - ACCESSORY USES

Accessory uses, as defined in Section 204.8.2, are permitted as illustrated in ANNEX C.

#### 704.5 - CONDITIONAL USES

As defined in Section 204.8.31, these uses may be permitted as illustrated in ANNEX B.

### **SECTION 705 - NEIGHBORHOOD COMMERCIAL DISTRICTS**

#### 705.1 - PURPOSE

705.1.1 - To develop and reserve restricted commercial area for the convenience of nearby residential areas.

705.1.2 - To avoid commercial strip development by limiting business floor area to 5,000 square feet or less, and any one NC district to one (1) Acre.

705.1.3 - To discourage business uses which require outside display of merchandise, equipment, or materials (particularly miscellaneous goods, used items, or items not packaged or generally presenting a neat, uniform appearance), except as allowed in the Zoning Permit, or approved by the Zoning Administrator.

705.1.4 - To avoid traffic congestion associated with commercial strip developments.

705.1.5 - Additionally, the purposes listed in Section 704.1.2 and 704.1.3.

#### 705.2 - PERMITTED USES

A building or premise may be used for the purposes illustrated in ANNEX B.

#### 705.3 - LOT, YARD, HEIGHT, AND COVERAGE

These requirements are illustrated in ANNEX D.

#### 705.4 - ACCESSORY USES

Accessory uses, as defined in Section 204.8.2, are permitted as illustrated in ANNEX C.

#### 705.5 - CONDITIONAL USES

As defined in Section 204.8.31, these uses may be permitted as illustrated in ANNEX B.

### **SECTION 706 - GENERAL COMMERCIAL DISTRICT**

#### 706.1 - PURPOSE

706.1.1 - To encourage the formation and continuation of an economically sound, unified business district;

706.1.2 - To encourage the location of business, financial, service, and professional enterprises in such close proximity as to be mutually beneficial, and convenient to their respective markets;

706.1.3 - Additionally, the purposes listed in Sections 704.1.2, 704.1.3, and 705.1.3, and

706.1.4 - To discourage business uses which require outside display of merchandise, equipment, or materials, (particularly miscellaneous goods, used items, items not packaged or generally presenting a neat, uniform appearance), except as allowed in the Zoning Permit, or approved by the Zoning Administrator.

#### 706.2 - PERMITTED USES

A building or premise may be used for the purposes illustrated in ANNEX B.

#### 706.3 - LOT, YARD, HEIGHT, AND COVERAGE

These requirements are illustrated in ANNEX D.

#### 706.4 - ACCESSORY USES

Accessory uses, as defined in Section 204.8.2, are permitted as illustrated in ANNEX C.

#### 706.5 - CONDITIONAL USES

As defined in Section 204.8.31, these used may be permitted as illustrated in ANNEX B.

##### 706.5.1 - OPERATIONAL REQUIREMENTS

Warehouses and mini-warehouses. To establish safety and inspection authority of commercial warehouses and rental storage space (mini-warehouses) the following specific controls are established:

706.5.1.1 - Owner/operator/lessor of rental warehouse storage space shall have on file with the City Clerk a copy of the rental/lease agreement used for the rental of space;

706.5.1.2 - All rental/lease agreements will authorize appropriate City personnel to inspect space and contents at reasonable hours when accompanied by owner/operator/lessor's representative;

706.5.1.3 - Owner/operator/lessor will maintain a master key lock system on all rental spaces, or maintain a duplicate key to locks securing all rental space.

### **SECTION 707 - LIGHT INDUSTRIAL DISTRICT**

#### 707.1 - PURPOSE

707.1.1 - To develop and reserve areas for light industrial uses which involve manufacturing, processing, or assembly operation and/or open yard sales or storage

of materials or equipment which would not be compatible in other Commercial Districts;

707.1.2 - To reserve undeveloped areas suitable for such future uses, and

707.1.3 - Additionally, the purposes listed in Section 704.1.3.

707.2 - PERMITTED USES

A building or premise may be used for the purposes illustrated in ANNEX B.

707.3 - LOT, YARD, HEIGHT, AND COVERAGE

These requirements are illustrated in ANNEX D.

707.4 - ACCESSORY USES

Accessory uses, as defined in Section 204.8.2, are permitted as illustrated in ANNEX C.

707.5 - CONDITIONAL USES

As defined in Section 204.8.31, these uses may be permitted as illustrated in ANNEX B, as indicated for warehousing in 706.5.1.

## **SECTION 708 - CONSERVATION/OPEN SPACE DISTRICT**

708.1 - PURPOSE

708.1.1 - To preserve specific areas within Goose Creek for recreation associated uses, and prohibiting undesirable development.

708.1.2 - To establish specific areas as separation buffers between uses, as deemed necessary by the Commission.

708.2 - PERMITTED USES

ORDINANCE 86-12 (March 11, 1986) ARTICLE VII, SECTION 708.2 amended by adding the following:

"Areas zoned Conservation/Open Space (CO) as a result of annexation may continue in use as established at the time of annexation (to include rural residential homes sites, family farms, the keeping and non-commercial raising of domestic or farm animals/fowl) until such time as the property use is changed or significantly intensified in use, proposed for subdivision into additional tracts, lots or parcels, or sold for redevelopment. Reference Section 603."

708.3 - LOT, YARD, HEIGHT, AND COVERAGE

These requirements are illustrated in ANNEX D.

708.4 - ACCESSORY USES

Accessory uses, as defined in Section 204.8.2, are permitted as illustrated in ANNEX C.

#### 708.5 - CONDITIONAL USES

As defined in Section 204.8.31, these uses may be permitted as illustrated in ANNEX B.

### **SECTION 709 - PLANNED DEVELOPMENT DISTRICTS**

#### 709.1 - PURPOSES

709.1.1 - To offer developers the benefits of efficiency, economy and flexibility by encouraging unified development of relatively large sites (see Section 204.8.83).

709.1.2 - To derive for the City the advantages of on-site compatibility of uses, improved appearance, optimum utilities provision, and better traffic access and circulation planning.

709.1.3 - To establish review and approval procedures for Planned Developments (PD) and Planned Developments-Mobile Home (PD-MH), in addition to the requirements of the appropriate PROCEDURES MANUAL, available from the Zoning Administrator.

#### 709.2 - PERMITTED USAGE, AREA, HEIGHT, AND OTHER REQUIREMENTS

709.2.1 - To be determined by the review procedures set forth below, to prevail over conflicting requirements elsewhere in this Ordinance, excepting those relative to fire protection and hazard prevention.

709.2.2 - To be re-zoned PD, or PD-MH, one or more of the following must pertain:

.2.2.1 - More than one principal land use or development density is proposed on a tract under single or joint/multiple ownership or management;

.2.2.2 - Proposed principal land uses would not otherwise be permitted for development on the same or adjacent parcel(s) by this Ordinance, and

.2.2.3 - Exceptions of this Ordinance (as to setbacks, dimensions, or other variations to standards) would be required to accommodate the proposed use.

709.2.3 - Specific requirements for qualifying as a PD must be satisfied as follows:

.2.3.1 - The proposed development must contain at least 3 Acres for PD re-zoning and 5 Acres for PD-MH re-zoning;

.2.3.2 - The proposed development must measure at least 450 feet between any 2 opposite property boundaries, and adjoin (or have direct access to) a major thoroughfare;

.2.3.3 - If not in one ownership or management, the application must be filed jointly on behalf of all owners affected, and



.2.3.4 - A suitable proposed site plan, prepared according to the PROCEDURES MANUAL (see 709.4 below) must be reviewed and approved by the Commission. Final approval for re-zoning as a PD rests with City Council, after their review of the detail plan.

#### 709.3 - FILING OF A REQUEST FOR REZONING AS A PD

Such filing shall constitute a request to amend this Ordinance and shall meet all requirements of this Section, in addition to the following:

709.3.1 - Five (5) copies of the Preliminary Site Plan shall be submitted to the Commission;

709.3.2 - Prior to making a recommendation to Council, the Commission shall study the proposal, and hold a public hearing;

709.3.3 - Approval by City Council constitutes creation of the PD;

709.3.4 - Following approval by City Council, a boundary survey plat shall be prepared, and filed with the Zoning Administrator until the Final Plat is prepared;

709.3.5 - The Zoning Administrator shall implement City inspections to insure compliance with the approved development plan. If in the opinion of the Administrator, the development varies from the approved development plan, he may revoke permit(s) and cause the developer to seek an official amendment to the approved development plan, via the Commission, and

709.3.6 - A PD may be subdivided into smaller lots of record (as in a Condominium project) after the Zoning Administrator certifies that the completed PD is 100% developed, in complete satisfaction of the approved development plan.

#### 709.4 - PROPOSED SITE PLAN

The proposed site plan to accompany a PD re-zoning request shall show all information required in the appropriate PROCEDURES MANUAL, available from the Zoning Administrator:

709.4.1 - The Zoning Administrator may approve changes in the Final Plat if:

(a) The number of building/dwelling units and/or floor area is unchanged, or smaller;

(b) Open space is relatively the same location and area, or greater;

(c) Floor area and/or building stories is unchanged, or smaller, and

(d) Building relocation (minor displacement only) or other minor detail changes may be approved by the Zoning Administrator; other more substantial changes must be brought before the Commission in accordance with Section 709, and

709.4.2 - Thoroughfares follow approximately the same course, with control devices unchanged.

#### 709.5 - REVIEW STANDARDS

The Commission shall review plans for Planned Development Districts for consistency with the Land Use Plan; specifically, the proposed PD shall address the following:

709.5.1 - Provisions shall be made for appropriate relationships between uses around the boundaries and within the proposed district, and indicate measures to ensure protection of all property from adverse affect;

709.5.2 - Development shall conform to the purposes referred to in Section 203;

709.5.3 - Amended on August 29, 1988 to read as follows: "Proposed average lot area per dwelling unit, exclusive of streets may not be less than the minimum defined lot size of 6,500 sq. ft. for an R-3 district, except through approval of the commission, which will make its determination on a situational basis, then, no lot will be considered which is less than 4,800 sq. ft. All lot developments will be consistent with surrounding district requirements", and

709.5.4 - Access to all developed property shall insure fire protection ingress/egress.

#### 709.6 - OFF-STREET PARKING AND LOADING

Space shall be provided as specified in Section 507.

#### 709.7 - CONSTRUCTION DELAY

If construction is not begun within one year of the Council approval date, the District and all zoning regulations shall revert to that in effect prior to such approval as a PD.

#### 709.8 - AMENDMENTS AND ADDITIONS

Substantial changes in an approved plan, or to boundaries of a District are subject to the same procedure and regulations pertaining to a new application. The Administrator may approve minor changes which do not alter nor affect a recorded plat, nor affect the general intent of an approved plan, in accordance with Section 709.4.1.

#### 709.9 - DEED RESTRICTIONS

The Commission may require filing of deed restrictions enforceable by law for at least twenty (20) years from the date of filing.

#### 709.10 - FINAL PLAT REQUIREMENTS

A final plat, approved by the City of Goose Creek, shall be recorded in the Berkeley County R.M.C. Office. Final plat shall show all features required on the preliminary site plan, and comply with all regulations governing subdivision approval. A plat of development shall be recorded whether land is subdivided or not.

709.10.1 - Within 30 days following 100% development certification of the development, the applicant shall submit a Final Plat to the Zoning Administrator for approval;

709.10.2 - The Final Plat, submitted in 2 copies, shall be reviewed by the Zoning Administrator, for compliance with the Preliminary Site Plan approved by Council, and

709.10.3 - A copy of the recorded Final Plat shall be returned to the Zoning Administrator for maintenance in the City records.

#### 709.11 - VIOLATIONS

Violation of any provision of a PD plan, as approved under these provisions, constitutes a violation of this Ordinance, subject to fines as described in Sections 402 and 1003.

#### 709.12 - PLANNED DEVELOPMENT (PD) DISTRICTS/GENERAL PROVISIONS

The Planned Development intent is to permit development of projects which combine land uses according to a carefully designed unit development concept. The developer is encouraged to contact the Zoning Administrator and initiate dialogue early in his planning, and to obtain a copy of the appropriate PROCEDURES MANUAL (Reference Section 204.8.85), which contains specific guidelines, in addition to the following:

709.12.1 - Permitted uses may include any use or combination of uses considered by the Commission to be appropriate in the specific proposed area, subject to Council approval. A listing of permitted uses within a particular PD district shall be adopted as part of the regulations pertaining to that district.

#### 709.12.2 - Design criteria:

.12.2.1 - Overall site design shall be harmonious in terms of landscaping, size of structures, street patterns and use relationships;

.12.2.2 - Residential density, parking and loading requirements shall be based on the standards of relevant Sections of this Ordinance, subject to Commission review and Council approval;

.12.2.3 - Section 506 shall be the minimum standard for separation of potentially detrimental adjacent land uses. Additionally, consideration as to space separation of different uses (commercial/residential) shall be a design factor. All separations and buffers shall be an integral part of the PD design;

.12.2.4 - Signs, lighting, swimming pools, and other components of the PD design shall generally follow the requirements of relevant sections of this Ordinance, as approved by Council, and

.12.2.5 - Section 503.7 applies.

#### 709.13 - PD - MOBILE HOME DISTRICTS

The intent of the PD-MH District is to permit the development of mobile home communities as a desirable, environmentally pleasing alternate to traditional detached single-family housing:

709.13.1 - Permitted uses shall be limited to:

.13.1.1 - Mobile home, either standard or double-width units;

.13.1.2 - Accessory structures customarily incidental to mobile homes, such as storage buildings and carports/garages;

.13.1.3 - Signs, as specified in Section 505, and

.13.1.4 - Associated retail and service establishments, as recommended by the Commission and approved by Council.

709.13.2 - Design criteria:

.13.2.1 - Design criteria for PD-MH shall be the general PD criteria listed in 709.12 above, in conjunction with the appropriate PROCEDURES MANUAL, available for the Zoning Administrator, plus the following:

.13.2.2 - Average density shall not exceed eight (8) mobile homes, or combination of homes and common use buildings, per net Acre, exclusive of other uses which may be approved;

.13.2.3 - All mobile homes shall be situated on a built-up foundation, with integral tie-down, plumbing connection, electrical hook-up, and screened enclosure around the towing connection, so that the installed housing unit presents a substantial, and in no light, transient, living environment appearance;

.13.2.4 - Design of the development shall permit ingress and egress of the units without disrupting the residential character nor creating undue mechanical/construction distraction.

.13.2.5 - Spacing of units shall insure privacy, normal and emergency access, light, air and human circulation, and off-street parking. To these ends the following pertain:

.2.5.1 - All mobile homes shall be at least twenty (20) feet from all streets and property boundaries, nor shall any structure be located in any legal easement or right-of-way;

.2.5.2 - Twenty-five (25) feet shall be the minimum distance between mobile homes and other structures -- accessory buildings to the particular mobile homes not considered;

.2.5.3 - Twelve (12) feet shall separate all mobile homes from any buffer area, screen, or fence separating the development, or parts of the development, from different land uses;

.2.5.4 - Each mobile home development shall have a minimum of five (5) percent of the total land area reserved and improved as common recreation space;

.2.5.5 - Two (2) off-street parking spaces shall be provided per mobile home. Both shall be paved; one may be in a common area(s) accessible to several units;

.2.5.6 - Mobile home lots shall be clearly delineated by iron pin corners, or other readily identifiable markers;

.2.5.7 - Section 506 shall be the minimum standard for separation of adjacent dissimilar land uses, as referred to in Section 709.12.2.3. above;

.2.5.8 - Streets shall be designed and constructed to specifications of the S.C. Department of Highways and Public Transportation;

.2.5.9 - Street lighting shall be provided at standard residential street illumination levels;

.2.5.10 - Public or community water and/or sewerage shall be used, according to standards of the City, the County Water and Sanitation Authority, or the S.C. Department of Health and Environmental Control;

.2.5.11 - Water and sewer connections shall be plumbed as part of each unit foundation, according to standards specified by the City Inspection Division. All service lines shall be protected from frost damage and exposure to vehicular and pedestrian traffic;

.2.5.12 - All electrical and other traditionally overhead utilities shall be provided underground, and

.2.5.13 - Electrical sub-stations, gas tanks, or other community utility installations shall be properly buffered and screened so as to enhance, rather than detract from the development.

**SECTION 710 - MULTI-FAMILY MINIMUM LOT REQUIREMENTS**

In addition to pertinent requirements elsewhere in this Ordinance, multi-family construction shall allow minimum land area per dwelling unit, according to the following table:

TYPE OF UNIT	NUMBER OF STORIES			
	ONE	TWO	THREE	FOUR
Efficiency	2,700	2,000	1,800	1,550
1 Bedroom	3,000	2,250	2,050	1,800
2 Bedroom	3,400	2,700	2,450	2,100
3 Bedroom	3,950	3,250	2,950	2,500
4 or more Bedroom	4,500	3,650	3,300	2,800

**SECTION 711 - DOWNTOWN BUSINESS DISTRICT (Added June 8, 2004 - Ordinance 04-007) See DESIGN GUIDELINES FOR THE OVERLAY ZONING DISTRICT**

711.2.3 - Applicability (as amended November 9, 2004 - Ordinance 04-017)

For projects located on **Main Street** all of the provisions of these guidelines shall apply. Within the remainder of the Overlay District all of the provisions of these guidelines shall apply with the exception of Section 9 (Signage), where Section 505 of the City of Goose Creek Zoning Ordinance, in its current and amended form at time of application shall prevail.

## **ARTICLE VIII - NON CONFORMING LOTS, STRUCTURE, AND USES**

### **SECTION 801 - PURPOSE**

The eventual elimination - in an expeditious manner - of existing uses and structures not conforming to the provisions of this Ordinance is recognized as being as much a subject of this Ordinance's intent (see Section 203) as is the prevention of new uses or structures that would violate this Ordinance. The intent is also to effect the elimination of non-conforming uses or structures in a manner that avoids unreasonable invasion of established property rights.

### **SECTION 802 - NON-CONFORMING LOTS**

802.1 - Continuance of non-conforming lots may be allowed if property boundaries are unchanged and proposed structures are in conformity with the requirements of the respective zoning district.

802.2 - Discontinuance of non-conforming lots shall be effected if the lot is combined (with another lot), subdivided, or resubdivided - for any purpose - to be made conforming. Full compliance as a conforming lot shall thereafter be required.

### **SECTION 803 - NON-CONFORMING STRUCTURES AND USES**

Buildings or uses legally existing on the effective date of this Ordinance, not conforming to the provisions thereof, are declared non-conforming and detrimental to the purposes of this Ordinance.

803.1 - Continuance of existing uses which are non-conforming may be continued except as specified below, unless the use or structure was established in violation of the Zoning Ordinance previously in effect and has not since been brought into conformance, and

803.2 - Repairs, alterations, and maintenance of a nonstructural nature may be made to a non-conforming structure as authorized by the Administrator to maintain its sound condition.

#### 803.3 - ABANDONMENT OF USE

803.3.1 - DEFINITION - When discontinued temporarily or permanently, with or without intent to abandon, a use shall be deemed to have been abandoned;

803.3.2 - PERIOD OF ABANDONMENT FOR A BUILDING, TRAILER, MOBILE HOME, OR STRUCTURE shall be thirty (30) days, and any subsequent use to be established in the structure shall comply with this Ordinance, and

803.3.3 - PERIOD OF ABANDONMENT FOR A USE OF LAND shall be thirty (30) days, and any subsequent use of the land shall comply with this Ordinance.

#### 803.4 - RESTORATION OF DAMAGED STRUCTURES

803.4.1 - A non-conforming building damaged more than fifty (50) percent of its fair market value by fire, flood, wind, explosion, earthquake, riot, war, or other calamity shall not be restored and used as before such occurrence;

803.4.2 - The percentage of damage shall be determined by dividing the cost of restoring to the condition immediately prior to the occurrence by the market value of the structure (excluding land cost) immediately prior to the occurrence;

803.4.3 - The structure may be restored if damaged less than fifty (50) percent of its replacement cost, provided restoration is begun within six months, and completed within one year of the date of the destructive occurrence, and

803.4.4 - The above prohibition and limitation on restoration may be modified by the Commission for duplex or multi-family dwellings in a Residential Zoning District, or to buildings non-conforming only on the basis of yard or height requirements.

#### 803.5 - EXTENSION

A non-conforming use of land or a building shall not be intensified, nor shall it be extended or displaced to occupy additional or other land or floor area beyond such area used or occupied as of the effective date of this Ordinance.

#### 803.6 - CONSTRUCTION APPROVED PRIOR TO ORDINANCE

If a building permit has been issued, and construction proceeded to complete the ground story, including the second tier of beams, within 6 months of permit date, such that the entire building shall be complete within one year of the effective date of this Ordinance, such building shall be deemed non-conforming, with no change from original plans required, except that it shall otherwise comply with these regulations.

#### 803.7 - CESSATION (as amended July 12, 2005 - Ordinance 05-008)

Non-Conforming uses of land shall be discontinued. All non-conforming signs shall comply with the following:

(a) No non-conforming sign may be altered so as to extend its useful life, expanded or relocated, except in compliance with this Ordinance. A non-conforming sign shall not be modified or repaired in any way but may be maintained only by painting or refinishing the sign face or sign structure so as to keep the appearance of the sign as approved when the permit was issued.

(b) Any modification or repair to a non-conforming sign shall render the prior permit void and shall result in the classification of such a sign as an illegal sign.

803.7.1 - Hedges and structures not conforming to Section 503.5 shall be removed or altered to comply within six (6) months;

803.7.2 - Auto wrecking, salvage and junk yards, auto sales and storage yards for building materials, contractor's equipment, and other open uses of land shall comply or relocate with 36 months;

803.7.3 - A non-conforming building in a residential district may be continued for a period of reasonable length to allow amortization of the investment, as determined by the Asset Cost Recovery System regulations of the Internal Revenue Service:

- a) Construction prior to 1981 - amortization period to be the owner's depreciation schedule, as filed with the IRS, not to exceed 30 years.
- b) Construction in or after 1981 - 15 years, or owner's IRS amortization schedule, whichever is greater.

803.7.4 - All uses non-conforming by reasons of non-compliance with performance standards of Article V (landscaping, yard depth, etc.), shall comply therewith within six months;

803.7.5 - In cases of non-conformance due to insufficient automobile parking, buildings may not be altered, nor may additional facilities be provided within, until parking accommodations satisfy the requirements of Section 507, and

803.7.6 - Notice shall be sent from the Administrator by certified mail to all non-conforming uses, stating wherein they do not conform to this Ordinance, and stating the date by which they must comply or cease to exist, such date to be measured from the effective date of this Ordinance, and observed whether the notice is sent by the Administrator, or received by the affected owner.

## **SECTION 804 - DISTRICT CHANGE**

Should the boundaries of a Zoning District be changed so as to transfer property from one District to another of a different classification, land or uses may thereby become non-conforming and subject to the above regulations.

## **ARTICLE IX - ZONING BOARD OF APPEALS (As amended April 13, 1999)**

### **SECTION 901 - ORGANIZATION**

The Zoning Board of Appeals shall organize itself as follows:

#### 901.1 CREATION

There is hereby created a Zoning Board of Appeals (hereinafter referred to as the "ZBA") to be composed of seven (7) members appointed by the Mayor and City Council (hereinafter referred to as "the Council"), City of Goose Creek. The Council will consider for appointment to the ZBA only those persons who reside in the City, and have demonstrated their civic interest, general knowledge of the City, independent judgment, and availability to prepare for and attend meetings. It is the intent of the Council that members shall, by reason of diversity in their individual occupations, constitute a ZBA which is broadly representative of the Community.

#### 901.2 TERMS OF OFFICE

The members of the ZBA shall be identified by place numbers one (1) through seven (7). The four (4) odd-numbered places shall expire on December 31 of each odd-numbered year, with the three (3) even-numbered places to expire on December



31 of each even-numbered year. Vacancies shall be filled for unexpired terms; ZBA members may be appointed to succeed themselves. All terms shall be for three (3) years, except those initially appointed to the ZBA whose terms expire on December 31st of the first odd or even numbered year as stated above. Newly appointed members shall be installed at the first regularly scheduled ZBA meeting after their appointment. No member shall be the holder of an elected public office in the City while serving on the ZBA.

### 901.3 VACANCY

Vacancies shall be filled for the unexpired terms; ZBA members may be appointed to succeed themselves. A vacancy in a term of office shall occur whenever the Council finds that a member has resigned, not maintained required qualifications, has not attended properly called meetings without just cause, or has been found guilty of malfeasance or misconduct in office.

## **SECTION 902 - DUTIES AND POWERS**

902.1 - To hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance;

902.2 - To hear and decide appeals for variance from the requirements of this Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the ZBA makes and explains in writing the following findings, and that all of the following factors shall be met. The following are provisions of Section 6-29-800 of the 1994 Code of Laws of South Carolina, as amended:

902.2.1 - There are extraordinary and exceptional conditions pertaining to the particular piece of property;

902.2.2 - These conditions do not generally apply to other property in the vicinity;

902.2.3 - Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

902.2.4 - The authorization of a variance shall not be of substantial detriment to adjacent property or to the public good, and the character of the district shall not be harmed by the granting of the variance;

902.2.5 - The ZBA may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;

902.2.6 - In granting a variance, the ZBA may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the ZBA may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare, and

902.2.7 - The ZBA shall not grant use variances. A use variance involves the establishment of a use not otherwise permitted in a zoning district, or extends physically a nonconforming land use, or changes the zoning district boundaries shown on the official zoning map.

902.3 - To permit conditional uses subject to the terms and conditions for the uses as set forth below (Reference Section 204.8.31). Conditional uses may be allowed after determination by the ZBA of additional controls required, and after the holding of a public hearing. A listed conditional use (ANNEX B) is eligible for location within the subject zoning district, if all of the following conditions can be clearly demonstrated to exist:

902.3.1 - Setbacks, buffers, fences, or planting strips protect adjacent properties from adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors;

902.3.2 - Vehicular traffic flow would not increase and pedestrian movement would not be diminished or endangered;

902.3.3 - Off-street parking and loading, and ingress/egress points of proposed uses will be adequate as to location, capacity, and design;

902.3.4 - Property values, general character, and welfare of nearby areas will not be deteriorated;

902.3.5 - The proposed use shall be in accordance with the purpose and intent of the City's Comprehensive Plan, Zoning Ordinance, and other rules and regulations;

902.3.6 - The proposed use shall be compatible with the existing neighborhood character, and be consistent with the character and purpose of the applicable zoning district;

902.3.7 - The proposed use shall not adversely affect surrounding land use, as measured in terms of its physical size, intensity of use, visual impact, and proximity to other structures;

902.3.8 - The proposed use complies with all applicable development standards of the City;

902.3.9 - The proposed use is not detrimental to the public health, safety or general welfare of the City and its citizens;

902.3.10 - The proposed use shall not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, of the vehicular movement, of noise or fumes, or of the type of physical activity;

902.3.11 - The proposed use shall not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site;

902.3.12 - The proposed use shall not create glare from vehicular and stationary lights, and the extent to which such lights will be visible from the adjacent zoning districts;

902.3.13 - The proposed use shall not destroy, create a loss, or cause damage to natural, scenic or historic feature of significant importance;

902.3.14 - In the consideration of a conditional use, the ZBA shall not grant permission based on the circumstances of the applicant, or on unnecessary hardship;

902.3.15 - The ZBA reserves the right to revoke any conditional use permit that it has issued if it determines that the applicant or operator has failed to maintain and conduct the use in accordance with the conditions imposed on the conditional use. The ZBA shall give the applicant written notice of its intent to revoke the conditional use permit, and, if within ten (10) calendar days of receipt of the notice the applicant submits a request for a hearing to the Secretary, the ZBA shall schedule a public hearing, and provide the applicant with the opportunity to be heard prior to deciding whether to revoke the permit;

902.3.16 - The provisions for revocation of conditional use permits shall not be deemed to preclude any other legal remedy with respect to violation of the provision of the Zoning Ordinance or other rules and regulations of the City, and

902.3.17 - In approving a conditional use, the Commission may impose such conditions and restrictions as in its opinion will accomplish the intent of this Ordinance.

902.4 - In exercising the above powers, the ZBA may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. The ZBA, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

## **SECTION 903 - ANNUAL REPORT**

The ZBA shall submit an annual report to Council every year, summarizing its activities and achievements. The report shall include the identity of ZBA members and their respective meeting attendance record.

## **SECTION 904 - ORGANIZATION, MEETINGS, AND RULES OF PROCEDURE**

### 904.1 - ORGANIZATION

#### 904.1.1 RULES

The rules of procedures are adopted pursuant to South Carolina Codes 6-29-790.

#### 904.1.2 OFFICERS

The officers of the ZBA shall be a Chairperson and a Vice-Chairperson elected for one (1) year term before the end of each calendar year. The ZBA shall appoint a member of the staff of the City as Secretary (non-voting member) of the ZBA.

### 904.1.3 CHAIRPERSON

The Chairperson shall be a voting member of the ZBA and shall have the following duties:

- a) Call meetings of the ZBA;
- b) Preside at meetings and hearings, and swear in witnesses;
- c) Act as spokesperson for the ZBA;
- d) Sign documents for the ZBA;
- e) Have orders of the ZBA served on parties, and in case of contempt may certify such fact to the circuit court having jurisdiction; and
- f) Perform other duties approved by the ZBA.

### 904.1.4 VICE-CHAIRPERSON

The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability, or disqualification of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, the acting Chairperson shall be elected by the members present.

### 904.1.5 SECRETARY

The duties of the Secretary shall be as follows:

- a) Provide and publish notice of appeals and meetings;
- b) Assist the Chairperson in preparation of agenda;
- c) Keep recordings and minutes of meetings and hearings showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact;
- d) See that property involved in appeals and variances or special exceptions is properly posted;
- e) Keep records of ZBA examinations and other official actions;
- f) Maintain ZBA records as public records;
- g) Serve ZBA decisions on parties;
- h) Attend to ZBA correspondences; and
- i) Perform other duties normally carried out by a secretary.

## 904.2 - MEETINGS

### 904.2.1 TIME AND PLACE

All scheduled meetings shall be open to the public, and conducted in accordance with State law; parties in interest may appear personally or by agent. ZBA meetings shall be held at 7:00 P.M., in the Goose Creek Public Works Complex, located at 200 Brandywine Boulevard, unless otherwise announced. Special meetings may be held on the call of the Chairperson upon twenty-four (24) hours notice, at such other times as the ZBA may determine, posted and delivered to all members and the local news media, and designate the time and place of its meetings.

#### 904.2.2 AGENDA

A written agenda shall be furnished by the Secretary to each member of the ZBA and to the news media, and shall be posted at least five (5) days prior to each meeting and at least twenty-four (24) hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by a majority vote.

#### 904.2.3 QUORUM AND COMPENSATION

A majority of the members (4) of the ZBA shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. The members shall regularly attend meetings and public hearings of the ZBA and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

#### 904.2.4 RULES OF ORDER

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedures.

#### 904.2.5 CONFLICT OF INTERESTS

Any member of the ZBA who shall have a direct or indirect interest in any property which is the subject matter of or affected by, a decision of the ZBA shall be disqualified from participating in the discussion, decision or proceedings of the ZBA in connection therewith.

#### 904.2.6 MOTIONS

Motions may be made by any member other than the presiding Official. A motion to approve any matter before the ZBA shall require a majority vote of the members present. Tie votes shall constitute a failure of the motion.

### 904.3 - APPEALS PROCEDURES

#### 904.3.1 INTERPRETATION REQUEST

A request for interpretation of regulations, an appeal for variance from development controls, or a request for conditional use approval may be taken by an aggrieved person or by an officer, department, or board and commission of the City affected by a decision of the Zoning Administrator.

#### 904.3.2 FORM OF APPEAL

Appeals from administrative decisions, applications for variances, and applications for conditional uses shall be filed with the Secretary. The ZBA may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal. An applicant filed by an agent shall be accompanied by written designation of the agent signed by the applicant or party in interest. A non-refundable filing fee as set forth by City Council and registered with the City Clerk shall accompany an appeal. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the ZBA, and shall not be reviewed or scheduled for hearings until brought to completion.

#### 904.3.3 TIME FOR APPEAL

An appeal from an administrative decision shall be filed within fifteen (15) days after actual notice of the decision by delivery of the approved appeal form to the Secretary of the ZBA who shall notify the official appealed from. The ZBA shall maintain for review all papers constituting the record upon which the action appeal from was taken.

#### 904.3.4 CALENDAR

Appeals and applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the ZBA for good cause shown.

#### 904.3.5 WITHDRAWAL OF APPEAL

An appeal or application may be withdrawn by written notice delivered to the Secretary prior to action by the ZBA, but no appeal shall be withdrawn after posting of hearing notice and prior to ZBA action thereon without formal consent of the ZBA. An appeal from an administrative decision which is withdrawn may not be refiled after the fifteen (15) day time for appeal has expired. Withdrawn applications for variances and conditional uses may be refiled after six (6) months, and shall be placed on the calendar according to the date refiled.

#### 904.3.6 CONTINUANCES

The hearing of an appeal or application may be continued one (1) time by the ZBA for good causes shown.

#### 904.3.7 PUBLIC HEARING ON APPEALS, CONDITIONAL USES AND PROPOSED AMENDMENT

Notice of public hearing shall be given in the official paper of the City not less than fifteen (15) days before such hearing is held, and signs 3' x 4' shall be conspicuously posted on or adjacent to the property affected, with at least one (1) such sign being visible from each public thoroughfare that abuts the property, as well as, due notice to the parties in interest. The notice shall contain a description of each matter to be heard, and identify the applicant and property affected. (Reference Section 303.4.)

#### 904.3.8 STAY OF PROCEEDINGS

An appeal shall stay all proceedings of the action appealed from unless the ZBA concurs by reason of facts that a stay would cause imminent peril to life or

property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the ZBA or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

#### 904.3.9 EXERCISE OF POWER

In exercising the powers of the ZBA, the ZBA may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly, or in part, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. The ZBA, in the execution of the duties for which appointed, may subpoena witnesses, and in case of contempt, may certify such fact to the circuit court having jurisdiction.

#### 904.4 - HEARING PROCEDURE

##### 904.4.1 GENERAL

The ZBA shall fix a reasonable time for the hearing of an appeal or an approval, give public notice thereof, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. The ZBA may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of the applicant. Evidence supporting the grant or denial of an appeal shall be submitted only to the ZBA in public meeting.

##### 904.4.2 WITNESSES

Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least ten (10) days prior to a hearing and signed by the Chairperson. The ZBA may call its own witnesses when deemed appropriate.

##### 904.4.3 CROSS-EXAMINATION

No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses shall not be allowed.

##### 904.4.4 EVIDENCE

Relevant documents, photographs, maps, drawings, etc., shall be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay shall be received. The Chairperson shall rule on all evidentiary matters. Evidence shall be placed in the record with an objection noted.

##### 904.4.5 CONDUCT OF HEARING

The normal order of hearing, subject to modification by the Chairperson, shall be:

- a) Statement of matter to be heard (Chairperson or Secretary);
- b) Presentation by applicant (5-minute limit);

- c) Presentation by official appealed (5-minute limit);
- d) Presentation by opponents (5-minute limit);
- e) Rebuttal by applicant (3-minute limit);
- f) Unsworn public comment when appropriate;
- g) The ZBA may question participants at any point in the hearing;
- h) Matters in which additional time is granted may be moved to the end of the agenda.

#### 904.4.6 DISQUALIFICATION

- a) A member shall disqualify himself or herself from voting whenever he or she has a personal or monetary interest in the property under appeal, or will be directly affected by the decision of the ZBA.
- b) A member shall also disqualify himself or herself from voting whenever any applicant, or his agent, has sought to influence the member's vote on the appeal, other than in the public hearing.

#### 904.4.7 DISPOSITION

The ZBA may deliberate and make final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted and voting shall be in public. In case of a tie vote, the application is considered denied.

#### 904.4.8 FORM OF ORDER

An order shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

#### 904.4.9 SERVICE OF ORDER

The Secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the Chairperson.

#### 904.4.10 REHEARING

The ZBA may grant a rehearing of an application which has been dismissed or denied upon written request filed with the Secretary within fifteen (15) days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

#### 904.5 - RECORDS



#### 904.5.1 MINUTES

The Secretary shall record all minutes and hearings of the ZBA on tape which shall be preserved until final action is taken on all matters presented. The Secretary shall prepare minutes of each meeting for approval by the ZBA at the next regular meeting. Minutes shall be maintained as public records.

#### 904.5.2 ORDERS AND DOCUMENTS

The Secretary shall assist in the preparation and service of all orders of the ZBA in appropriate form. Copies of all notices, correspondences, documentary evidences, orders and forms shall be maintained as public records.

#### 904.6 AMENDMENT

These rules may be amended at any regular meeting of the ZBA by majority vote of the members of the ZBA present at least seven (7) days after the written amendment is delivered to all members and submitted as recommendation to the Council for approval. (Reference Section 904.3.7.)

### **SECTION 905 - DECISIONS OF THE ZBA**

#### 905.1 - DECISIONS AND VOTING

905.1.1 - Every decision of the ZBA shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings. All final decisions and orders of the ZBA must be in writing and be permanently filed in the office of the ZBA as public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the ZBA which must be delivered to parties of interest by certified mail. The enumerated conditions required to exist on any matter upon which the ZBA is authorized to pass under these regulations shall be construed as limitations on power of the ZBA to act.

905.1.2 - Nothing herein contained shall be construed to empower the ZBA to change the terms of these regulations, or to effect changes in the zoning districts. The powers of the ZBA shall be so applied that the terms of these regulations will be strictly enforced.

905.1.3 - The majority vote of the ZBA members present shall be necessary to approve any application upon which it is required to pass under these regulations or to effect any variance in said regulations.

#### 905.2 - APPROVAL OF REQUEST

905.2.1 - In approving any request the ZBA may designate such conditions in connection therewith in order to secure substantially the objectives of the regulation or provision to which such request is granted and to provide adequately for the maintenance of the integrity and character of the Zoning District in which such permit is granted.

905.2.2 - When necessary the ZBA may require guarantees, in such form as it deems proper, to ensure that conditions designated in connection therewith are being or will be complied with. Where any condition under which a request has been granted

appears to have been violated, the ZBA may hold a public hearing thereon to determine whether or not the permit therefore granted shall be terminated.

905.2.3 - Upon approval of an application for the appeal, the applicant shall apply for occupancy or construction permits within sixty (60) days after the ZBA's decision unless a greater time is requested in the application and is authorized by the ZBA. Any approval may be granted one (1) emergency extension of sixty (60) days on written request filed with the ZBA before expiration of the original approval. Failure of the applicant to apply for occupancy or construction permits within the authorized time period shall void the right to secure such permits except upon the filing of a new application or appeal.

### 905.3 - DENIAL OF REQUEST

No appeal or application that has been denied shall be further considered by the ZBA unless:

905.3.1 - The new plans materially change the nature of the request, or

905.3.2 - The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the ZBA so as to support an allegation of changed condition.

### 905.4 - APPEAL OF ZBA ACTION

Any person or persons, any taxpayer, or any Officer, Department, Commission or Board of the City, jointly or separately, aggrieved by any decision of the ZBA, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within thirty (30) days after the decision of the ZBA is mailed.

### 905.5 - PLANNING SESSION

The ZBA may be convened as a committee of the whole in the same manner as prescribed for calling a special meeting for the purpose of holding a planning session, provided that no official business shall be conducted there at and no quorum shall be required.

## **ARTICLE X - ARCHITECTURAL REVIEW BOARD**

### **SECTION 1001 - ORGANIZATION**

The Architectural Review Board shall organize itself as follows:

#### 1001.1 - CREATION

There is hereby created an Architectural Review Board (hereinafter referred to as the "ARB") to be composed of seven (7) members appointed by the Mayor and City Council (hereinafter referred to as "the Council"), City of Goose Creek. The Council will consider for appointment to the ARB only those persons who reside in the City and have demonstrated their civic interest, general knowledge of the City, independent judgment, and availability to prepare for and attend meetings. Members shall also

have a demonstrated interest in, and/or competence and knowledge of, architecture, landscape architecture, and urban design. It is the intent of City Council that members shall, by reason of diversity in their individual occupations, constitute an ARB which is broadly representative of the Community.

#### 1001.2 - TERMS OF OFFICE

The members of the ARB shall be identified by place numbers one (1) through seven (7). The four (4) odd-numbered places shall expire on December 31st of each odd-numbered year, with the three (3) even-numbered to expire on December 31 of each even-numbered year. Vacancies shall be filled for unexpired terms; ARB members may be appointed to succeed themselves. All terms shall be for two (2) years, except those initially appointed to the ARB whose terms expire on December 31st of the first odd or even numbered year as stated above. Newly appointed members shall be installed at the first regularly scheduled ARB meeting after their appointment. No member shall be the holder of an elected public office in the City while serving on the ARB.

#### 1001.3 - VACANCY

A vacancy in a term of office shall occur whenever Council finds that a member has resigned, not maintained required qualifications, has not attended properly called meetings without just cause, or has been found guilty of malfeasance or misconduct in office.

#### 1001.4 INTENT AND PURPOSES

The intent and purposes of the ARB are as follows:

- a) To protect and provide for the unique, special, and desired character of the commercial and light industrial districts and uses inside the City of Goose Creek, in terms of positive visual and aesthetic appearances of these districts and uses including their respective roadways;
- b) The above intent and purpose can be achieved through positive site design, superior architectural standards, attractive streetscape improvements, adequate provision of landscape elements, and harmonious combinations of signage along both sides of the roadways and streetscapes of the City of Goose Creek;
- c) To discourage piecemeal development and create unity along the commercial and light industrial districts and uses of the City;
- d) To foster civic beauty;
- e) To encourage designs which produce a desirable relationship between individual buildings, the circulation system and adjacent areas; and to permit a flexible, high quality response of development to a variety of land uses and activities.;
- f) To assure respect for the character, integrity, and quality of the built and natural environments of the City, and
- g) It is not the intent of the City to stifle innovative architecture.

#### 1001.5 - DUTIES AND POWERS

All new developments proposed within the commercial and light industrial districts and uses of the City shall be subject to the procedures, standards, and guidelines specified in the following sections, in addition to those standards pertaining to the particular zoning district in which the development occurs. This will be accomplished through evaluation of proposed developments by the ARB which shall review the character, and appearance of the proposed developments in a positive manner. It is the purpose of such review to determine, in a cooperative fashion with the developer (hereinafter referred to as the "applicant"), whether the proposed plan meets the guidelines and other standards as specified.

1001.5.1 CRITERIA FOR MODIFICATIONS / CHANGES TO BE REVIEWED BY THE ARB:  
(As amended April 13, 1999)

If any of the criteria below applies, ARB approval is required:

- a) Modifications and / or changes in excess of ten (10) percent of the property value of a parcel of property shall be reviewed by the ARB, but this shall be fifty (50) percent for structures that predate the existence of the Architectural Review Design Ordinance adopted April 20, 1993.
- b) Substantial architectural change in the structure(s).
- c) All color changes.
- d) All changes in signs.
- e) Change in appearance of structure(s).

1001.5.2 ANNUAL REPORT

The ARB shall submit an annual report to Council each year, summarizing its activities and achievements. The report shall include the identity of ARB members and their respective meeting attendance record.

1001.6 - ORGANIZATION AND RULES OF PROCEDURES

1001.6.1 RULES

The rules of procedures are adopted pursuant to South Carolina Codes 6-29-790.

1001.6.2 OFFICERS:

The officers of the ARB shall be a Chairman and a Vice-Chairman elected for one (1) year term before the end of each calendar year. The ARB shall appoint a member of the staff of the City as secretary (non-voting member) of the ARB.

1001.6.3 CHAIRMAN

The Chairman shall be a voting member of the ARB and shall have the following duties:

- a) Call meetings of the ARB;

- b) Presides at meetings and hearings, and swear in witnesses;
- c) Act as spokesperson for the ARB.
- d) Sign documents for the ARB;
- e) Have order of the ARB served on parties, and in case of contempt may certify such fact to the circuit court having jurisdiction, and
- f) Perform other duties approved by the ARB.

#### 1001.6.4 VICE-CHAIRMAN

The Vice-Chairman shall exercise the duties of the Chairman in the absence, disability, or disqualification of the Chairman. In the absence of the Chairman and Vice-Chairman, the acting Chairman shall be elected by the members present.

#### 1001.6.5 SECRETARY

The duties of the Secretary shall be as follows:

- a) Provide and publish notice of appeals, and meetings;
- b) Assist the Chairman in preparation of agenda;
- c) Keep recordings and minutes of meetings and hearings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact;
- d) Keep records of ARB examinations and other official actions;
- e) Maintain ARB records as public records;
- f) Attend to ARB correspondences, and
- g) Perform other duties normally carried out by a secretary.

#### 1001.6.6 MEETINGS

##### .6.6.1 TIME AND PLACE:

All regularly scheduled meetings shall be open to the public, and conducted in accordance with State law; parties in interest may appear personally or by agent. Regular meetings shall be held each month on the third Monday, at 6:30 P.M., in the Goose Creek Public Works Complex, located at 200 Brandywine Boulevard, unless otherwise announced. Special meetings may be held on the call of the Chairman upon twenty-four (24) hours notice, at such other times as the ARB may determine, posted and delivered to all members and the local news media, and designate the time and place of its meetings. Deadlines for ARB meetings occur at least fourteen (14) days prior to meeting dates. An annual schedule of regular meetings shall be adopted, published, and posted at City Hall in December of each year.

##### .6.6.2 AGENDA

A written agenda shall be furnished by the Secretary to each member of the ARB and to the news media, and shall be posted at least five (5) days prior to each regular meeting. Items may be removed from the agenda or postponed at a meeting by a majority vote.

#### .6.6.3 QUORUM AND COMPENSATION

A majority of the members (4) of the ARB shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting. The members shall regularly attend meetings and public hearings of the ARB and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

#### .6.6.4 RULES OF ORDER

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedures.

#### .6.6.5 CONFLICT OF INTERESTS

Any member of the ARB who shall have a direct or indirect interest in any property which is the subject matter of or affected by, a decision of the ARB shall be disqualified from participating in the discussion, decision or proceedings of the ARB in connection therewith.

#### .6.6.6 MOTIONS

Motions may be made by any member other than the presiding Official. A motion to approve any matter before the ARB shall require a majority vote of the members present. Tie votes shall constitute a failure of the motion.

#### 1001.6.7 APPEALS PROCEDURES

##### .6.7.1 FORM OF APPEAL

The ARB shall hold public hearings regarding appeals from administrative decisions of the City, and appeals of the Zoning Administrator or other appropriate administrative official when there is an alleged error in any order, requirement, determination, or decision by such officials pertaining to matters related to the Architectural Review Design requirements and standards. Such appeals shall be filed on forms approved by the ARB and provided to applicants by the Secretary. The ARB may require additional information deemed necessary. The failure to submit adequate information may be grounds for dismissal. An applicant filed by agent shall be accompanied by written designation of the agent signed by the applicant or party in interest. A non-refundable filing fee as set forth by City Council and registered with the City Clerk shall accompany an appeal. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the ARB, and shall not be reviewed or scheduled for hearings until brought to completion.

##### .6.7.2 TIME FOR APPEAL

An appeal must be filed within fifteen (15) days after the decision has been rendered, by filing with the ARB a notice of appeal specifying the grounds thereof. The

ARB shall maintain for review all papers constituting the record upon which the action appeal from was taken.

#### .6.7.3 CALENDAR

Appeals and applications shall be marked with the date of receipt and placed on the hearing calendar in the order in which received. Appeals shall be heard in the order on the calendar unless otherwise set by the ARB for good cause shown.

#### .6.7.4 WITHDRAWN OF APPEAL

An appeal or application may be withdrawn by written notice delivered to the Secretary prior to action by the ARB, but no appeal shall be withdrawn after posting of hearing notice and prior to ARB action thereon without formal consent of the ARB. An appeal from an administrative decision which is withdrawn may not be filed after the fifteen (15) day time for appeal has expired. Withdrawn applications may be refiled after six (6) months and shall be placed on the calendar according to the date refiled.

#### .6.7.5 CONTINUANCES

The hearing of an appeal or application may be continued one (1) time by the ARB for good cause shown.

#### .6.7.6 NOTICE OF PUBLIC HEARING ON APPEALS AND PROPOSED AMENDMENTS

Notice of public hearing shall be given in the official paper of the City not less than fifteen (15) days before such hearing is held and signs 3' x 4' shall be conspicuously posted on or adjacent to the property affected, with at least one (1) such sign being visible from each public thoroughfare that abuts the property, as well as, due notice to the parties in interest. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.

#### .6.7.7 STAY OF PROCEEDINGS

An appeal shall stay all proceedings of the action appealed from unless the ARB concurs by reason of facts that a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the ARB or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

#### .6.7.8 EXERCISE OF POWER:

In exercising the powers of the ARB, the ARB may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. The ARB, in the execution of the duties for which appointed, may subpoena witnesses, and in case of contempt, may certify such fact to the circuit court having jurisdiction.

#### 1001.6.8 HEARING PROCEDURE

##### .6.8.1 GENERAL

The ARB shall fix a reasonable time for the hearing of an appeal, give public notice thereof, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. The ARB may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of an applicant. Evidence supporting the grant or denial of an appeal shall be submitted only to the ARB in public meeting.

#### .6.8.2 WITNESSES

Parties in interest may present testimony under oath. Witnesses may be compelled to attend by subpoena requested at least ten (10) days prior to a hearing and signed by the Chairman. The ARB may call its own witnesses when deemed appropriate.

#### .6.8.3 CROSS-EXAMINATION

No party shall have the right to cross-examine witnesses; however, the opportunity to examine opposing witnesses may be freely extended when conducted in an orderly manner. Intimidation of witnesses shall not be allowed.

#### .6.8.4 EVIDENCE

Relevant documents, photographs, maps, drawings, etc., shall be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative or hearsay shall be received. The Chairman shall rule on all evidentiary matters. Evidence shall be placed in the record with an objection noted.

The normal order of hearing, subject to modification by the Chairman, shall be:

- a) Statement of matter to be heard (Chairman or Secretary);
- b) Presentation by applicant (5-minute limit);
- c) Presentation by official appealed (5-minute limit);
- d) Presentation by opponents (5-minutes limit);
- e) Rebuttal by applicant (3-minute limit);
- f) Unsworn public comment when appropriate;
- g) The ARB may question participants at any point in the hearing, and
- h) Matters in which additional time is granted may be moved to the end of the agenda.

#### .6.8.5 DISQUALIFICATION FROM VOTING

A member shall disqualify himself or herself from voting whenever he or she has a personal or monetary interest in the property or business under appeal, or will be directly affected by the decision of the ARB. A member shall also disqualify himself or herself from voting whenever any applicant, or his agent, has sought to influence the member's vote on the appeal, other than in the public hearing.



#### .6.8.6 DISPOSITION

The ARB may deliberate and make final disposition of a matter by majority vote of members present at the hearing and qualified to vote; provided that not less than a quorum are qualified to vote. The vote may be taken at the same or a subsequent meeting. A member may not vote on a matter which the member has not heard. Deliberations shall be conducted and voting shall be in public. In case of a tie vote, the application is considered denied.

#### .6.8.7 FORM OR ORDER

An order shall be issued disposing of a matter by granting or denying relief with such conditions as may be deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

#### .6.8.8 SERVICE OF ORDER

The secretary shall deliver a copy of an order to each party in interest by certified mail immediately upon execution of the order by the Chairman.

#### .6.8.9 REHEARING

The ARB may grant a rehearing of an application which has been dismissed or denied upon written request filed with the Secretary within fifteen (15) days after delivery of the order accompanied by new evidence which could not reasonably have been presented at the hearing, or evidence of a clerical error or mutual mistake of fact affecting the outcome.

#### .6.8.10 RECORDS

##### .8.10.1 MINUTES

The Secretary shall record all minutes and hearings of the ARB on tape which shall be preserved until final action is taken on all matters presented. The Secretary shall prepare minutes of each meeting for approval by the ARB at the next regular meeting. Minutes shall be maintained as public records.

##### .8.10.2 ORDERS AND DOCUMENTS

The Secretary shall assist in the preparation and service of all orders of the ARB in appropriate form. Copies of all notices, correspondences, documentary evidences, orders, and forms shall be maintained as public records.

#### 1001.6.8.11 AMENDMENT

These rules may be amended at any regular meeting of the ARB by majority vote of the members of the ARB present at the public hearing when the matter was considered. Results of the proposed amendments shall be submitted to City Council for review and approval. Reference 1001.6.8.6 NOTICE OF PUBLIC HEARING ON APPEALS AND PROPOSED AMENDMENT

#### 1001.6.8.12 APPEAL OF BOARD ACTION

Any person or persons, any taxpayer, or any officer, department, board or commission of the City, jointly or separately, aggrieved by any decision of the ARB, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of such illegality. Such petition shall be presented to the court within thirty (30) days after the decision of the ARB is mailed.

#### 1001.6.9 PLANNING SESSION

The ARB may be convened as a committee of the whole in the same manner as prescribed for calling a special meeting for the purpose of holding a planning session, provided that no official business shall be conducted there at and no quorum shall be required.

### **SECTION 1002 - APPLICATION PROCEDURE**

Every proposal submitted for ARB consideration shall be in the form required by the City, to include filing fees when specified. Any additional information may be required at the discretion of the ARB.

All applications shall include schematic drawings and designs conforming to the application requirements and all other information required to determine compliance with this Ordinance. Application permit, and inspection procedures for specific types of construction are detailed in the respective PROCEDURES MANUAL, available from City staff.

### **SECTION 1003 - EMERGENCY USES**

City staff may be authorized to issue emergency permits for situations that require immediate attention in order to prevent further damages. In such situations, permanent permits shall be reviewed by the ARB, and appropriate actions shall be taken by the ARB at its next meeting.

### **SECTION 1004 - PRE-DESIGN CONFERENCE**

The applicant is recommended to attend a pre-design conference with City staff prior to submitting an application to the ARB. The applicant shall submit his or her proposal in accordance with Application Requirements, when applicable. (See Procedures Manual for Architectural Design Standards.) All service providers and other appropriate agencies may be invited to attend the pre-design conference. After the pre-design conference has been held, the proposal will be submitted to the ARB for review.

### **SECTION 1005 - ARB MEETING**

ARB meeting and consideration requires submission of schematic designs and drawings including all requirements as outlined in Application Requirements. Material specifications and typical construction details shall accompany this submittal. Three (3) sets of blueprints are required. The use of illustrative site plans and three-dimensional site models are encouraged. All drawing models are encouraged. Drawings and designs submitted to the ARB shall meet the requirements of the Architectural Registration Code of Laws of South Carolina, when applicable. City staff

has the authority to remove any incomplete applications prior to the agenda being mailed to the ARB.

## **SECTION 1006 - APPLICATION REQUIREMENTS**

### 1006.1 - SCHEMATIC DESIGN DRAWINGS

The applicant is required to submit schematic design drawings showing the following information for new development:

- a) Proposed site plan - the proposed site plan shall include the following:
- b) The name of the project; the name(s) of engineers, architects, etc.;
- c) The boundaries and dimensions of the proposed site or lot;
- d) Locations and dimensions of the principal and any accessory buildings with distances from property boundaries indicated;
- e) Location, number, and size of all proposed parking spaces, including handicapped parking, if appropriate;
- f) Location of adjacent streets with center lines indicated; location of proposed curb cuts, driveways and access ways;
- g) Location of all setbacks, easements and rights-of-way, both existing and proposed;
- h) Location of areas to be landscaped and buffer screens as required;
- i) Demolition of existing site features if applicable;
- j) Location of proposed site features such as driveways, walls, gates, location and size of mechanical equipment, etc.;
- k) Boundaries of Flood Hazard Areas;
- l) Site plans shall include drainage plan, landscape plan, site lighting plan, road plan, parking plan, utilities plans, soil report (if required), and
- m) The numbers of proposed site plans shall be adequate for all applicable reviewing agencies, and shall be determined by City staff.

### 1006.2 - PHOTOGRAPHS

Photographs shall include a general view of the street showing the building site and adjacent properties (streetscapes and buildings.)

### 1006.3 - BUILDING PLANS

Building plans shall depict the arrangement of all floor plans, roof plans, building elevations, and building sections. First floor plan shall show the relationship between the first floor and the site.

#### 1006.4 - BUILDING ELEVATIONS AND TYPICAL BUILDING SECTION

Building elevations and typical building section shall show design of all elevations; vertical dimensions; existing grade; proposed grade; finish floor elevations; roof slopes; mechanical vents and equipment; location and type of outdoor lighting fixtures; design and location of signage; and proposed material selections including walls, roofs, chimney flues, gutters and downspouts, porches and railings.

#### 1006.5 - MATERIALS SPECIFICATION OUTLINE

Materials specification outline shall show samples, brochures, colors, and/or photographs of all exterior materials, finishes and fixtures.

#### 1006.6 - CONTEXTUAL MODEL

Contextual model shall show new building in existing environment if required by the ARB.

#### 1006.7 - TYPICAL CONSTRUCTION DETAILS

Typical construction details shall show footprints, general configurations, and typical wall sections.

### **SECTION 1007 - PURVIEW OF ARB AREAS DEFINED**

The ARB shall have purview over commercial and light industrial uses other than residential (single-family, duplex, and two-family dwellings, multi-family dwellings, apartments including garden apartments, townhouses, patio homes and the like.)

The ARB's review of commercial and light industrial road corridors shall be directed toward the views of the roads and the views from the roads. The ARB recognizes that the failure to address land-use and development patterns adjacent to roadways has often resulted in visual blight and premature functional obsolescence of road facilities. In reviewing design plans, the ARB shall distinguish between two (2) characteristics of a roadway:

- a) The fairly uniform linear boundaries of a road (extending from building facade to building facade), and
- b) Its larger, more irregularly shaped "zone of influence" (extending into the building's perimeter, rear yard areas, and beyond.)

### **SECTION 1008 - ARCHITECTURAL REVIEW DESIGN GUIDELINES**

The ARB shall exercise the following guidelines in reviewing proposed developments according to five (5) major elements: site element, architectural element, streetscape element, landscape element, and sign element.

Any development shall adhere to the definitions and terms of all of the City's Zoning Ordinance and other City codes and ordinances.

#### 1008.1 - SITE ELEMENT

### 1008.1.1 - INTENT

Site design is the process of arranging buildings, open spaces and other improvements such as planting, walkways and roads on the land. Site design is an art concerned with shaping useful and enjoyable outdoor spaces while working carefully with the existing landscape and community character.

The quality of site design is the most important measure of a project's impact on the community. Projects must demonstrate sensitivity to the natural setting and must contribute to community design goals. In analyzing a specific site, the following steps should be followed:

- a) Respect for neighboring properties;
- b) Views to and outlooks from the site;
- c) Assets and special problems, and
- d) Existing natural features.

### 1008.1.2 - DESIGN PRINCIPLES

The following are design principles that are meant to generate best management practices and coordinated approaches to the design, location, and planning of various public and private improvements:

- a) Where it is reasonably practical, proposed site improvements (including all structures, features, and amenities) shall not impede scenic views, special vistas, and
- b) Areas whose physical site conditions make them unsuitable for development shall be set aside as conservation areas or as open space. (Reference Annex D).

### 1008.1.3 - DESIGN STANDARDS AND GUIDELINES

Site development inside the City of Goose Creek shall incorporate the following basic elements and characteristics. These design standards and guidelines are general in nature, however, it is not the intent of the ARB to exclude other elements if they are compatible with the general character described:

- a) Visually, commercial and light industrial uses shall have a sense of organizational structure so as to avoid confusion that may reflect poorly on the City as a community that does not care about its appearance;
- b) Site improvements shall integrate the architectural forms and the open spaces around them so to enhance the quality of the environment, including such factors as parking arrangements, landscaping, street furniture, etc. Projects that contain other attributes that improve the functional and visual enjoyment of the properties of the City are strongly encouraged;
- c) Wooded sites shall be developed with careful consideration for the site's natural characteristics. When portions of the woods must be developed, wooded perimeters or the most desirable natural site features shall be protected to retain the visual character of the site;

- d) Isolated pockets of existing trees shall be protected, and used to enhance the site's visual impact, and
- e) On wooded sites, buildings shall be carefully situated to take advantage of the shade, and the pleasing views provided by trees. (Reference Section 501.)

#### 1008.2 - ARCHITECTURAL ELEMENT

##### 1008.2.1 - INTENT

The intent of this element is to define an architectural vocabulary that will provide a measure of continuity to the City's commercial and light industrial uses. While some basic and consistent architectural principles are defined, variety and individual expression within this framework are encouraged. The City desires a character of architecture that will reflect the City's history, natural landscape, and climate.

Architectural character is formed by the basic elements of a building and the manner in which they are combined. There is opportunity for variety within any given character, achieved by the way the basic elements are interpreted and the degree of contemporary or traditional values incorporated.

##### 1008.2.2 - DESIGN PRINCIPLES

The following are design principles that are meant to generate desirable relationships between structures and their environments:

- a) Building additions shall be designed to reflect existing buildings in scale, materials, window treatment, and color. A change in scale may require a transitional design element between the addition and the existing building, and
- b) In a schematic design, adjacent structures, site design, and site densities of the adjacent areas should be incorporated in the design process. If adjacent buildings are of different architectural styles, scales, height, spacing, bulk, proportion, detail, material, and color, site and building compatibility of the proposed development may be achieved through materials, plant variations, screens, and sight breaks.

##### 1008.2.3 - DESIGN STANDARDS AND GUIDELINES

Structures inside the City of Goose Creek shall incorporate the following basic elements and characteristics. These characteristics are general in nature, however, it is not the intent of ARB to exclude other elements that are compatible with the general characteristics described herein:

##### .2.3.1 - ARCHITECTURAL THEME

The following architectural theme is preferred:

- a) Simple, strong building forms of light-colored walls (wood, stucco, textured brick) highlighted and accented with details are preferred;
- b) The architectural design, color, and material of a proposed structure shall conform to community standards of good taste and design;

- c) Proposed structures shall contribute to the image of the City as a unique place of visual character, integrity, and quality;
- d) Proposed structures of inferior or obtrusive architectural design and / or material composition shall not be permitted, and
- e) If several storefronts are located in one building, they shall be unified in design treatment of windows, door openings, materials, and colors.

#### .2.3.2 - BUILDING FACADE

- a) Long, monotonous facade design, including, but not limited to, those characterized by unrelieved repetition of shape or form, or by unbroken extension of line (blank wall), shall not be preferred;
- b) Architecturally articulated facade helps to break up blank walls, while landscaping helps to soften walls, and
- c) Avoid linear monotony and massive bulky appearance, and achieve the small-scale city atmosphere characteristic of the City of Goose Creek.

#### .2.3.3 - BUILDING DESIGN

##### .2.3.3.1 - SCALE AND PROPORTION

The height, width, and general proportions of a building shall conform with or be better than other buildings in the area. The scale and massing of a structure shall be a primary consideration. The scale of the project shall not overwhelm any adjacent buildings. Through changing the roofline and varying the height, the perceived height of a project can be reduced.

##### .2.3.3.2 - VERTICAL AND HORIZONTAL EMPHASIS

The vertical and horizontal appearance of a structure is created by its proportions, scales, doors, and window openings.

##### .2.3.3.3 - WINDOWS AND DOORS

The patterns of placement, proportions, and materials of windows and doors shall be considered. Shutters shall be sized to match windows. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged. Two-story buildings need special attention to the design of windows to produce a consistent human scale.

##### .2.3.3.4 - ROOF FORM

The design line created by the shape thereof shall constitute the roof form. All roofs shall have appropriate overhangs. Rooflines shall vary to avoid monotonous effect of a single long building. Roofs shall be visually less dominant than the walls. Roofs shall aid in scaling down a structure and provide shadow relief. Wood shakes or shingles (unless treated for fire resistance), high contrast color, bright colored glazed tiles, or highly reflective surfaces, corrugated or sheet metals, roll-roof, built-up tar and gravel, plastic, fiberglass, or mansard roofing materials are not permitted. Roof design

shall minimize the negative impact of roof protrusions by grouping plumbing, vents, ducts, and other utility structures together.

#### .2.3.3.5 - ARCHITECTURAL FEATURES AND DETAILS

- a) Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, towers, skylights, arches, verandahs, patios and loggias are encouraged;
- b) All features and details shall be in proportion with the buildings;
- c) Use of metal, fiberglass, or plastic awnings are not permitted, and
- d) The structural lines of a building and its materials shall be retained at the storefront level - for instance, brick piers and columns shall be carried down to street level.

#### .2.3.3.6 - MATERIALS

##### .3.6.1 - EXTERIOR MATERIALS

The building materials of a project shall be durable, have low maintenance, be of the same or higher quality as surrounding developments, and not adversely impact adjacent uses. The following is a list of building materials whose use is preferred: cement plaster (stucco) over masonry or wood frame, brick, native stone, vinyl siding, treated wood siding, ceramic accent tile, exposed timber beams and columns, concrete and concrete masonry with textured surfaces and integral color, including split face block.

##### .3.6.2 - WALL AND FENCE MATERIAL

- a) Fences and walls are used to provide security, visual privacy and/or define a space. The impact of a fence or wall on the surrounding neighborhood is determined by its size, type, layout, and character. Fences and walls shall be minimized along public streets;
- b) Walls and fences shall be designed to be compatible with the surrounding landscape and architectural concept, and
- c) Vinyl siding, stone, stucco, natural or painted, stained or weathered wood siding, textured concrete, wrought iron, cement plaster over framing, cement masonry with cement plaster finish, or brick in soft colors and fine textures are strongly preferred. Unpainted, bright metal, reflective, bright or garish colors, or garish contrasting surfaces are prohibited.

##### .3.3.7 - COLOR COMBINATIONS

The use of unusual shapes, color, and other characteristics that cause all buildings to call excessive attention to themselves and create a jarring disharmony shall not be permitted. Colors shall be harmonious, and only compatible accents shall be used.

Building colors shall be earth tones - browns, beiges, grays, or soft colors, etc. Accent or complementary colors, harmonizing with the main color, may be used for trim or awnings.



Color combinations of paints or stains shall be complimentary to the proposed structure(s), or be better than any existing structure(s) and the adjacent environment. In general, no more than three (3) different colors per building shall be permitted. Semi-transparent stains are required for application on natural wood finishes. Color and texture for architectural finishes shall be selected to provide visual unity.

#### .3.3.8 - FOUNDATION WALL

Continuous foundation walls are required on all structure(s), preferably of stone-faced, exposed aggregate concrete, vinyl, stucco, or brick.

#### .3.3.9 - BUILDING HEIGHT

The maximum height of structures shall be in accordance with Annex D, Table of Minimum Standards. The height of a building shall be measured as the vertical distance from grade to the highest point of the roof. The apparent height of a development can be reduced through building setbacks, varying the roofline, and the height of a building.

#### .3.3.10 - BUILDING MAINTENANCE

The exterior of buildings shall be maintained so as to avoid any blighting effects on neighboring properties. Exterior building maintenance shall include, but not be limited to, painting, re-painting, and protection with approved coating where necessary, for the purpose of aesthetics, neat appearance, and sound preservation.

### 1008.3 - STREETScape ELEMENT

#### 1008.3.1 - INTENT

The intent of this element is to recognize that streetscape improvements which include those architectural or functional facilities or structures that occur on site but are not part of the building encourage and facilitate human interaction with the environment. Examples include, but are not limited to: decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, bollards and fences.

#### 1008.3.2 - DESIGN PRINCIPLE

These improvements shall be designed to be consistent with all standards and guidelines listed in Attachment D, and shall be reviewed for aesthetic functionality and compatibility with the character of the City of Goose Creek.

#### 1008.3.3 - DESIGN STANDARDS AND GUIDELINES

The City of Goose Creek has established design standards and guidelines relative to streetscape improvements in the following items: service loading/storage areas; trash and refuse collection areas; utilities lines; parking areas; parking decks; walkways; site lighting; satellite dishes and communication antennas; site furniture; and other mechanical equipment. The design standards and guidelines listed above do not preclude the City from reviewing other items of interest not mentioned herein.

#### .3.3.1 SERVICE LOADING / STORAGE AREA

- a) Service / storage areas shall be oriented away from public right-of-way, and screened, when practical;
- b) Outdoor storage and / or display of equipment and material are strongly discouraged, except on a temporary basis. This section shall not apply to businesses that have a majority of their merchandise stored and displayed in the open environment (examples include, but are not limited to, automobiles, lumber, truck car rentals), and
- c) Parked vehicles used as storage for any purpose shall not be permitted for commercial and light industrial uses.

#### .3.3.2 TRASH AND REFUSE COLLECTION AREAS

- a) All refuse areas shall be screened on three (3) sides with a six (6) foot fence or wall and shall be finished with landscaping at the base of the fence or wall (reference landscape element);
- b) Trash collection areas shall not be the visual focal point of a parking area, and
- c) Refuse areas shall not be located within the front yard setback or street frontages of corner lots.

#### .3.3.3 UTILITIES LINES

- a) All utility lines such as electric, telephone, CATV, or similar lines serving individual sites as well as all utility lines necessary within the property shall be placed underground, and
- b) All junction and access boxes shall be screened with appropriate landscaping (reference landscape element.) All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.

#### .3.3.4 PARKING AREAS

- a) Parking areas shall be paved, surface treated parking areas are not permitted. (Reference Section 507);
- b) Parking lots shall not spoil views from neighboring properties or from streets;
- c) Parking lot configuration and location shall harmonize with site conditions - including topography, drainage patterns, and natural amenities. Flat, open areas on the site shall be the first choice for parking to minimize disruption to site contours and vegetation;
- d) In an optimum parking arrangement, there shall be no more than ten (10) spaces in any continuous area without visual separation (such as landscaping or buffering);
- e) Bicycle racks and internal pedestrian system are preferred when applicable;
- f) In some cases, parking structures offer a solution that provides required parking while reducing the unsightliness of large parking areas;

- g) All developments shall provide permanent off-street parking space at minimum in the amount specified in Annex A (Table of Parking and Loading Space Requirements of the City's Zoning Ordinance);
- h) All parking area lighting shall be hooded or directed to the extent practical to shield the light source from direct view from adjacent properties and streets. The maximum allowable height of such lighting shall be thirty (30) feet;
- i) The design shall use natural changes in site grade levels to make horizontal pedestrian connections between parking structures and the buildings they serve. This technique minimizes the need for multiple flights of stairs to and from parked cars, and
- j) Lighting on parking structures shall be adequate to provide security to the area, however, it shall not be intrusive onto adjacent properties.

#### .3.3.5 INTERNAL PEDESTRIAN CIRCULATION: WALKWAYS

- a) Streets and pedestrian walks can be set apart from each other by contrasting paving materials, special plantings, and lighting effects, and
- b) Ease of pedestrian access between proposed developments and adjacent developments is strongly preferred, as are pedestrian-oriented developments.

#### .3.3.6 SITE LIGHTING

The goal of these guidelines is to allow outside lighting for the functional and aesthetics of the commercial and light industrial districts and uses:

- a) Site lighting shall be from a concealed light source fixture;
- b) Lighting shall enhance the overall aesthetics of the site. Exterior lighting shall be architecturally integrated with the building's style, material, and color;
- c) Site lighting shall be compatible with neighboring lighting systems or better;
- d) All parking lot lighting shall be integrated with landscaping;
- e) Fixtures shall be compatible with the architectural character of the buildings served;
- f) Wood fixtures and fixtures, and
- g) If metal poles are used, they shall be black, dark gray, dark brown or earth tone. Planting at the base of poles is preferred.

#### .3.3.7 OUTSIDE DISPLAY OF MERCHANDISE

The outdoor display of merchandise that creates a cluttering, disorganized, or haphazard appearance is not permitted. The total area allocated for outdoor display of merchandise shall be included within the lot coverage of principal and accessory buildings as specified in the City's Zoning Ordinance, Annex D, Table of Minimum Standards.

### .3.3.8 SITE FURNITURE

Site furniture elements shall be compatible in form, colors, materials, and finish. Style shall be coordinated with that of the existing or proposed site architecture.

### .3.3.9 OTHER MECHANICAL EQUIPMENT

- a) To minimize the impact of mechanical equipment on the appearance of the building and community, mechanical equipment on buildings shall be located away from the front of the building facades as much as possible. Mechanical equipment attached to the side or roof of a building, including heating vents, shall be kept as low as possible and covered or painted to blend with the environment, and
- b) Mechanical equipment on the ground shall be screened with a fence or plant materials or housed in a structure that is in harmony with the surroundings.

## 1008.4 - LANDSCAPE ELEMENT

### 1008.4.1 - INTENT

The City of Goose Creek is renowned for its foliage and greenery amidst rapid residential and commercial growth. To maintain its scenic vistas and to foster orderly development, the City has adopted a Tree Trust Plan to replenish trees and greenery along all major and secondary road corridors. The intent and purpose of the landscape element of this Ordinance is to compliment the Tree Trust Plan and to achieve the following goals:

- a) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and storm water runoff retardation, while at the same time aid in noise, glare and heat abatement;
- b) To encourage the preservation of existing trees and vegetation;
- c) To assist in providing adequate air and light, and in preventing overcrowding of land;
- d) To provide visual buffering and enhance the beautification of the City, and
- e) To reduce the visibility of paved areas from adjacent properties and streets.

### 1008.4.2 - DESIGN PRINCIPLES

The following are design principles for the landscape element:

- a) Landscape design and planning shall be integrated with the overall project design concept and shall not be considered as merely an after thought. Toward this end, proposed landscaping shall be evaluated in relation to existing natural landscape, and to developed and proposed landscaping, including the landscape elements existing on adjacent properties and street rights-of-way, and in relation to buildings existing or proposed;

- b) The existing natural landscape character shall be preserved whenever possible. As an example of this, in an area containing a stand of trees, the developer shall preserve as many of these trees as possible and further landscape in a complementary manner, rather than destroy the existing trees and replant with a type of vegetation foreign to the immediate natural environment;
- c) All landscape areas shall provide an attractive transition to adjoining properties, and
- d) Landscape design principles for specific activities:

Design using trees as a means of landscaping:

- (i) Tree masses are a valuable means of defining outdoor spaces and visually linking a site development to the larger community landscape;
- (ii) Planting can help "anchor" a building to its site, define boundaries between public and private spaces, and create transitions between new development and older buildings;
- (iii) Trees arranged in clusters and grouping give form and definition to open spaces on the site, creating opportunities for focus and a sense of scale to larger site areas;
- (iv) Trees planted in rows along roads, and in site boundaries are preferred, except not in road right-of-way. (Reference Master Tree Plans for major thoroughfares), and
- (v) Diameters of trees shall be at a minimum of 2.5 inch caliper.

Design for roadway and road edge planting:

- 1) The natural grouping of trees in clusters reduces the traditional rigid alignment;
- 2) Limited use of shrubs in plantings with trees and ground covers, and
- 3) Naturalized plant arrangements as opposed to stylized.

Planting in open spaces near buildings and in courtyards, terraces, plazas, and other outdoor spaces for human activity shall:

- A) Create shade for the comfort of pedestrians - trees with canopy branches are important;
- B) Provide visual variety in the form of flowers and foliage texture, and
- C) Reflect the local landscape theme of simplicity in design.

Landscape for parking lot:

- I. Create shade over the majority of paved surface by the use of canopy trees. Tree canopies soften the visual impact of parking areas and relieve them from heat build-up;

- II. Use coarsely textured groundcovers which will serve as both shrubs and ground cover;
- III. Create minimal tree litter for ease of maintenance, and
- IV. To provide a canopy, a planted island or break at least 5 feet wide with at least one (1) tree and two (2) shrubberies, or two (2) trees shall be installed for every ten (10) spaces of parking area.

Landscape for large open spaces. Large open spaces shall be preserved, when possible, by clustering development:

- (i) Minimal use of shrubbery, maximize use of trees, and
- (ii) Minimal use of highly ornamental plants.

Landscape for building foundations:

- 1) Where building foundations are visible from the public street or from adjacent uses, foundation landscaping is preferred, and
- 2) Landscaping of this area shall compliment the building elevations, connect the building to the site and increase continuity.

Landscape for retention areas:

- A. Plant materials shall be compatible with the use;
- B. The slopes of these areas shall be regulated, and
- C. Large areas for retention shall be designed, eliminating small unusable areas.

#### 1008.4.3 DESIGN STANDARDS AND GUIDELINES

A comprehensive landscaping plan for each individual lot or parcel located within commercial and light industrial uses and districts is required based on the following design standards and guidelines:

- a) Landscaping is required on all proposed projects, and shall conform with the landscaping and buffering requirements (reference Section 504 and 506);
- b) The landscaping plans for the proposed development shall provide visually harmonious and compatible settings for structures on the development, with adjacent properties, and shall blend with the surrounding natural landscape. Natural appearing landscape forms are strongly preferred;
- c) The City of Goose Creek encourages the planting of trees as an integral part of the landscape design of a development. Tree planting shall be at least ten (10) percent of the landscape design of a project;
- d) It is up to the discretion of the applicant to combine different types of landscaping methods in his or her proposal provided that at least ten (10) percent of the development is devoted to landscaping, and

- e) The City encourages green color foliage and spring flowers as the landscaping themes of our Commercial and Light Industrial areas.

1008.4.3.1 - LANDSCAPING OR ARCHITECTURAL TREATMENT OF FREE-STANDING SIGNS

All freestanding signs shall be landscaped or installed on a wood, stone, or other base structure that is at least two (2) feet high.

1008.4.3.2 - FENCING AS LANDSCAPING MECHANISM

- a) Topography - Long, solid fences shall contain offsets or other architectural treatments to break up the appearance of a continuous mass.
- b) Planting -
- (i) Any fence design shall include detailed plans for planting;
  - (ii) Simplicity is important to any successful planting scheme. A well-balanced mixture of materials is preferable to a wide but unrelated variety of plants, and
  - (iii) Shrubbery and trees all can be used in fence plantings. Vertical lines of trees help to break the often monotonous horizontal line of a fence.

1008.5 - SIGN ELEMENT

1008.5.1 - INTENT

The intent of the sign element is to regulate commercial signage such that the following purposes shall be achieved:

- a) To communicate the location of a business or a development;
- b) To provide a visual relationship of what goods or services are provided;
- c) To provide orientation;
- d) To convey an image, and
- e) To protect the City from the adverse impact of unnecessarily large or excessive number of signs.

It is not the intent of the ARB to approve poorly designed or maintained signs that have a detrimental impact on the visual and physical environment due to the following reasons:

- I. They may create hazardous vehicular and pedestrian traffic;
- II. They often decrease property value;
- III. They may conceal and confuse neighboring signs;
- IV. They degrade the visual quality of the City, and

- V. Attractive, coordinated, well-designed signs on the other hand, have a beneficial impact.

#### 1008.5.2 - DESIGN PRINCIPLES

The following are design principles for the sign element:

- a) The location, character, and size of the signage shall be compatible with the architectural features of the buildings, and the character of the neighborhood, and be consistent with the aesthetic and economic vitality of the City such that the cumulative effect of similar signage in the area shall not result in a visual blight or pollution;
- b) An integrated sign system shall be required for all business complexes, shopping centers, and all businesses that share a common parcel of property or building. The establishment of integrated sign systems for existing developments is strongly encouraged. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture, and establishment of unity of design for the development. Individual signs shall be reviewed for conformance with such sign systems, whether newly established or existing and substantially in compliance with this Ordinance. The owner of the property is responsible for allocating all signs on the lot, and
- c) Materials, colors, and shapes of proposed signs shall be compatible with the related buildings. Size and proportions shall not be a dominant feature of the proposed site and shall be judged by sizes and proportions of signs on adjacent and nearby properties which are compatible with the City and substantially conform with this Ordinance.

#### 1008.5.3 - DESIGN STANDARDS AND GUIDELINES

The following are the design standards and guideline on the sign element:

Freestanding signs shall be spaced at minimum two hundred (200) feet intervals along each public way which views the premises.

All signs shall meet SBCCI codes.

Prohibited Signs - Except as may be hereinafter specifically permitted, it shall be unlawful after the effective date of this Ordinance, or amendment thereto, for any person to erect, place or use within the City, any of the following signs in addition to the requirements of this Ordinance:

- a) Swinging signs, paper, cloth, or plastic sheet signs;
- b) A sign which contains any moving, rotating, animated lights, visible moving or movable parts (with the exception of time and temperature signs), or giving the appearance of animation;
- c) Stationary or abandoned vehicle signs. The parking in public view of any vehicle not in operating condition or lacking current registration shall be prohibited;
- d) Any sign which emits a sound, odor, or visible matter.



- e) Any sign and/or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic direction/safety sign;
- f) Signs using the words "stop", "danger" or any other word, phrase, symbol, or character in a manner that misleads, confuses, or distracts a vehicle driver;
- g) Signs painted on or attached to trees, fenceposts, rocks or other natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare (snipe signs);
- h) Any sign on or towed behind a boat, raft, aircraft, helicopter or a recreational vehicle;
- i) Any sign which exhibits statements, words or pictures of obscene or pornographic subjects;
- j) Inflatable signs;
- k) Streamers, windblown propellers, strung light bulbs, beacons, banners, pennants, bench or furniture signs, and
- l) Visible angle or other frames supporting projecting signs, roof and canopy signs, as well as chain supports are prohibited.

Guidelines on Determining the Most Suitable Sign System:

- a) Study the building or the building facade;
- b) Study the building front in relation to adjacent properties -
  - I. When the architectural details of a building does not determine the shape of the sign, choose simple shapes. Circles, rectangles, and ovals are considered to be most effective for visual communication;
  - II. If a business has a vehicular orientation, the sign needs to be in the more traditional location on the building or street front above the parked cars or shoppers. However, if a business has a pedestrian orientation, the sign needs to be at eye level. Door and window graphics are very effective means of communicating with passers-by. Pedestrian oriented signs do not have to be very large, because they only have to be read from a distance of eight (8) to ten (10) feet.

Style, size, spacing and weight play a major part in providing effective signage - Style - The style of the sign shall be chosen based on the readability and image of the type. Capital letters are more easily recognized than lower case letters. The coherence in a sign is improved by limiting the number of different letter types used. Other features relative to the style of signs are:

- a) The various parts of a sign shall be compatible, and
- b) Any multifaced sign shall have the same name and same message on all use faces.

Size - "The bigger the better" does not work in sign design. Letters shall be subordinate to the background area.

Spacing - Crowding of letters, words, or lines are not preferred, unless for a specific effect.

Guidelines on Colors - The colors selected for a sign shall relate to the colors that are present in the building facade or in the surrounding environment.

Guidelines on Textures - The materials shall not affect legibility.

Wall Signs:

- a) If a building consists of more than two (2) stories, building signs shall not be located higher than the second story or twenty-four (24) feet, whichever is less, and
- b) Wall signs shall not cover up or interrupt major architectural features.

Drop Awnings - Drop awnings may be erected and displayed in compliance with the total square footage of signage authorized by Section 505.4.2 provided that:

- a) When such drop awning is let down to its fullest extent, no metal bar or other solid or hollow framing shall be less than eight (8) feet above the ground or sidewalk, and
- b) A flexible fabric may hang twelve (12) inches below the horizontal bar supporting the awning, but in no case shall the skirt be less than seven (7) feet above the ground or sidewalk at the lowest point.

Work With Your Neighbors:

- a) Working with neighbors when designing signs can greatly enhance both the visual and economic environment, and
- b) The visual continuity achieved in our commercial and light industrial districts and uses is evidence to the public of a spirit of cooperation in the business community.

## **ARTICLE XI - LEGAL STATUS PROVISIONS**

### **SECTION 1101 - INTERPRETATION AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be minimum requirements necessary to uphold the purposes stated in Section 203. This Ordinance is not intended to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires more open space than required by other resolutions, ordinances, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. When the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

### **SECTION 1102 - VIOLATION**

If any building is erected, constructed, reconstructed, altered, repaired, or converted, or any building, sign, structure or land is used in violation of this Ordinance, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to such violation.

**SECTION 1103 - PENALTY, ORDINANCE 93-005 (August 30, 1993) amended to read as follows:**

It shall be unlawful to construct, reconstruct, alter, change the use of or occupy any land, building, sign or other structure without first obtaining the appropriate permit from the Zoning Administrator; the Zoning Administrator shall not issue any permit unless in compliance with the requirements of this Ordinance and of any ordinance or resolution adopted pursuant to it. A violation of any ordinance or resolution adopted pursuant to the provisions of this act is hereby declared to be a misdemeanor under the laws of the State and, upon conviction thereof, an offender shall be liable to a fine of not more than five hundred dollars (\$500), or imprisoned not exceeding thirty (30) days. In case any building, sign, or structure is or is proposed to be constructed, reconstructed, altered, converted or maintained, or any building, sign, structure or land is or is proposed to be used in violation of this Ordinance, the Zoning Administrator or any adjacent or neighboring property owner who would be especially damaged by such violation, may in addition to other remedies institute injunction, mandamus, or other appropriate proceedings to prevent such unlawful construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.

**SECTION 1104 - VALIDITY**

Should any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance be judged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any other part of provision thereof, other than the part so decided to be invalid or unconstitutional.

**SECTION 1105 - REPEAL OF CONFLICTING ORDINANCES**

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

**SECTION 1106 - EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the date of its adoption by the City Council of the City of Goose Creek; see Section 101, page 1.

**ANNEX A:****TABLE OF PARKING AND LOADING SPACE REQUIREMENTS**

	<b>REQUIRED SPACES</b>	<b>ADDT'L REQUIREMENTS</b>
<b>RESIDENTIAL</b>		
Single Family Dwelling	2 spaces	
Duplex/Two Family Dwelling	4 spaces	
Multi-family Dwelling	2 spaces per unit	
Mobile Home in Mobile Home Park	2 spaces	+ 1 space per employee
Mobile Home Park	2 spaces per lot/space	+ 1 space per employee
Rooming/Boarding House	1 space per sleeping room	+ 1 space per 2 employees
Group Dwelling	1 space per 2 bedrooms	
Nursing Home/Sanitarium	1 space per 5 patient beds	+ 1 space per each 2 employees on largest shift
<b>RELIGIOUS</b>		
Churches & Places of worship	1 space per 5 fixed seats in the main assembly hall	Or, 1 space per classroom, whichever is greater
<b>EDUCATIONAL</b>		
Public/Private school, trade or business school, or college	greater of: 1 space per 4 seats in assembly hall, or 5 spaces per classroom	+ 1 space per employee
Library, Museum, Art Gallery Arts, Crafts, or Dance Studio	10 spaces	+ 1 space per employee
Nursery or pre-school/day-care	1 space per classroom (5 space minimum)	+ 1 space per employee
Places of public assembly	1 space per 100 sq. ft. in main assembly hall	
<b>RECREATIONAL</b>		
Country Club, Tennis Club, Swim Club, Golf Course	1 space per 5 members	+ 1 space per each 2 employee
Private recreation facility	1 space per 5 members	+ 1 space per employee
Club, Fraternity, Sorority, Lodge or Union Hall	1 space per active member	
Places of public assembly	1space per 100 square feet in main assembly hall	

	<b>REQUIRED SPACES</b>	<b>ADDT'L REQUIREMENTS</b>
<b>RECREATIONAL (cont.)</b>		
**Recreation and Community Center	minimum of 1 space per 200 square feet of floor area	
<b>OFFICE</b>		
Public or private office building	1 space per 300 square feet of floor area (4 spaces minimum)*	
Advertising agency, realty office, insurance office	1 space per 300 square feet of floor area (4 spaces minimum)*	
Radio/Television station or studio	1 space per 500 square feet of floor area (4 spaces minimum)*	+1 space per employee
<b>COMMERCIAL</b>		
Bank, Savings & Loan assoc. or similar lending institutions	1 space per 200 square feet of floor area *	
Service or repair establishment, not otherwise mentioned	1 space per 250 square feet of floor area excluding storage *	
Retail business not otherwise mentioned	1 space per 200 square feet of floor area excluding storage (3 space min.)*	+ 1 space per employee
Theatre, night club, and similar places of assembly	1 space per each 4 seating accommodations	+ 1 space per each 3 employees on largest shift
Automobile service stations	1 space per employee (5 space minimum)	+ 1 space per each grease rack and wash rack
Motel, hotel, tourist home	1 space per sleeping room or suite	+ 1 space per each 3 empl.
Furniture, appliance, equipment, automotive, boat sales and the like	1 space per 300 square feet retail floor area (3 min.)	Except that auto sales and service have 10 space min.
Bowling alley or center	5 spaces per lane	
Funeral Home or Mortuary	1 space per 50 sq. ft. of floor area minus work & storage areas *	
Planned shopping center	5 spaces per 1, 000 sq. ft. of leaseable area *	
Sit down restaurant	1 space per each 4 seats	+ 1 space per employee on the largest shift

	REQUIRED SPACES	ADDT'L REQUIREMENTS
<b>COMMERCIAL (cont.)</b>		
Drive-in restaurant	1 space per 35 sq. ft. of bldg. area *	+ 1 space per employee on largest shift
Take-out restaurant	1 space per 100 sq. ft. of bldg. area *	+ 1 space per employee on the largest shift
Hospital or extended care medical facility	1 space per every 5 patient beds	+ 1 space per each 2 regular employees on the largest shift
Common carrier transportation and/or passenger terminal	1 space per 100 sq. ft. of waiting room (10 space min.)	+ 1 space per employee on the largest shift
Other uses not otherwise specifically mentioned	Established by the Zoning Administrator	Established by the Zoning Administrator
Manufacturing, processing, bulk warehousing, brick/block/coal yard, lumber mill	1 space for each 2 employees on the largest shift (5 spaces minimum)	+ 1 space for each vehicle operating from the premises
Transportation terminal for heavy vehicles, commercial freight distribution and transfer	1 space for each employee (5 spaces minimum)	+ 1 space for each vehicle operating from the premises

**\*\* NOTE: Amended as of February 14, 1995. Ordinance Number 95-01**

**\* NOTE: Amended as of March 14, 1995, Ordinance No. 95-02**

**TABLE OF OFF-STREET LOADING SPACE REQUIREMENTS**

TYPE OF USES	TOTAL FLOOR AREA (Sq. Ft.)	SPACES REQUIRED
Commercial, retail and personal Service establishments	0 - 1,999	None
	2,000 - 24,999	One (1)
	For each add'l 25,000	One (1) additional
Wholesale, manufacturing, governmental, and institutional (including places of public assembly), hospital, educational institution, recreational facility, business service, terminal or similar business uses	0 - 24,999	None
	25,000 - 49,999	One (1)
	50,000 - 99,999	Two (2)
	100,000 - 249,999	Three (3)
	250,000 - 999,999	Four (4)
	1,000,000 or more	Five (5)
Funeral Home Or Mortuary	0 - 2,499	None
	2,500 - 3,999	One (1)
	4,000 - 5,999	Two (2)
	For each add'l 10,000	One (1) additional
Offices and Office Buildings	0 - 4,999	None
	5,000 - 9,999	One (1)
	10,000 - 20,000	One (1) additional
	For each add'l 50,000	One (1) additional

**ANNEX B:****TABLE OF LAND USES**

+ - PERMITTED\*; ? - CONDITIONAL\*\*; x - PROHIBITED; ( ) - NOTES

	R-1	R-2	R-3	RC	NC	GC	LI	CO	PD	PD/MH
<b>RESIDENTIAL***</b>										
Accessory uses (Section 604 & ANNEX C/D)	+	+	+	+	+	+	+	+	(1)	(1)
Any publicly-owned facility or building or land, provided no vehicles are stored overnight except at police/fire stations and sub-stations	?	?	?	+	+	+	+	+	(1)	(1)
Customary Home Occupations (Section 204.8.35)	+	+	+	+	+	+	x	x	(1)	(1)
Detached Single Family Dwelling	+	+	+	+	+	x	x	+	(1)	(1)
Duplex and Two Family Dwellings	x	x	+	+	+	x	x	x	(1)	(1)
Group Dwelling (Section 204.8.43)	x	x	x	x	+	?	x	x	(1)	(1)
Multi-Family Dwellings, Apartments Including Garden Apartments, Townhouses, Patio Homes and the Like	x	x	?	+	?	?	x	x	(1)	(1)
Nursing Home or Public/Private Care Home, but not an establishment administering outpatient or medical treatment for fees	x	x	+	+	+	?	x	x	(1)	(1)
Motel, Hotel, or Tourist home	x	x	x	?	+	+	x	x	(1)	(1)
Temporary uses (Section 406) Zoning Administrator approval required	+	+	+	+	+	+	+	+	+	+
Watchman or caretakers dwelling located on the premises with the permitted use and occupied by a company employee	?	?	+	+	+	+	+	?	(1)	(1)
<b>RELIGIOUS***</b>										
Accessory uses (Section 604 & ANNEX C/D)	+	+	+	+	+	+	+	+	(1)	(1)
Cemetery (Permanent barrier/screening wall required)	?	?	?	?	?	?	?	?	(1)	(1)
Places of worship located on major thoroughfares or collector streets subject to zone set-back minimum standards	N/A	N/A	N/A	+	+	?	?	x	(1)	(1)
Places of worship with no structure or parking within fifty (50) feet of property lines and located on major or collector streets	+	+	+	N/A	N/A	N/A	N/A	x	(1)	(1)





	R-1	R-2	R-3	RC	NC	GC	LI	CO	PD	PD/MH
<b>OFFICE***</b>										
Accessory uses (Section 604 & ANNEX C/D)	+	+	+	+	+	+	+	+	(1)	(1)
Advertising agency, realty office, insurance office	x	x	x	+	+	+	x	x	(1)	(1)
Any publicly owned building, facility or land provided no vehicles are stored overnight except at police/fire station and sub-station	?	?	?	+	+	+	+	+	(1)	(1)
Governmental, business, professional, or general purpose office excluding storage, repair, or rental of equipment on premises	x	x		+	+	+	+	x	(1)	(1)
Radio/television station or studio (excluding transmission towers)	x	x	x	+	+	+	x	x	(1)	(1)
Temporary uses (section 406) Zoning Administrator approval required	+	+	+	+	+	+	+	+	+	+
<b>COMMERCIAL***</b>										
Accessory uses (section 604 & ANNEX C/D)	+	+	+	+	+	+	+	+	(1)	(1)
Any public building, facility or land	?	?	?	?	+(2)	+	+	+	(1)	(1)
Automobile, boat, mobile home, and recreational vehicle sales, service, and repair	x	x	x	x	x	+	+	x	(1)	(1)
Automotive/equipment repair garage offering major repairs, body and fender repairs and painting	x	x	x	x	x	+	+	x	(1)	(1)
Automotive service station with pumps/fuel storage tanks set-back at least 20 feet from boundaries and no major repairs/body-fender repairs	x	x	x	x	+	+	+	x	(1)	(1)
Barber/beauty shop, tailor, seamstress, jeweler or watch repair, upholsterer or general repair excluding autos and machinery	x	x	x	+	+	+	x	x	(1)	(1)
Combination commercial/residential structure not over 4 stories, provided no dwellings on 1st floor and all dwellings have street access	x	x	x	? (3)	+(3)	+(3)	x	x	(1)	(1)
Commercial farm, orchard or nursery with retail and/or wholesale sales are made on the premises	x	x	x	x	?	+	+	+	(1)	(1)
Commercial laundry/dry cleaning plant facility	x	x	x	x	x	+	+	x	(1)	(1)
Common carrier transportation terminal/passenger facility	x	x	x	x	+	+	+	x	(1)	(1)

	R-1	R-2	R-3	RC	NC	GC	LI	CO	PD	PD/MH
<b>COMMERCIAL*** (cont)</b>										
Duplicating or letter service, printing shop or plant, secretarial or telephone answering service	x	x	x	+	+	+	x	x	(1)	(1)
Emergency medical care facility/hospital	x	x	? (4)	+	+	+	+	x	(1)	(1)
Enterprise rendering a personal or business service, or restricted retail activity (Section 204.8.30.1) in a specific product category	x	x	x	+(5)	+	+	x	x	(1)	(1)
Funeral home or mortuary (excluding crematorium)	x	x	x	x	+	+	x	x	(1)	(1)
Funeral home or mortuary with crematorium	x	x	x	x	x	+	+	x	(1)	(1)
Gaming, gambling, or video gambling activities, devices, operations as principal use (bingo, casinos, coin-operated amusement devices, poker, video gambling parlors, video poker rooms, etc.) with no structure or parking within fifty (50) feet of all property lines, and proposed location is not within 300 feet from the property line of a child care center, and other uses as stated in Section 605.6.1	x	x	x	x	x	x	+	x	x	x
Gaming, gambling, or video gambling activities, devices, operations as accessory use (bingo, casinos, coin-operated amusement devices, poker, video gambling parlors, video poker rooms, etc.)	x	x	x	x	x	+	+	x	x	x
Gasoline/fuel sales outlet with or without sales of accessories, sundries, notions, and snacks	x	x	x	x	+	+	+	x	(1)	(1)
Implement, heavy machinery, heavy truck sales, service and repair	x	x	x	x	x	+	+	x	(1)	(1)
Laundry/dry cleaner for processing items delivered to the premises by retail customers only	x	x	x	+	+	+	x	x	(1)	(1)
Medical, dental, chiropractic office; orthopedic or prosthetic laboratory; clinic or laboratory	x	x	x	+	+	+	x	x	(1)	(1)
Nursing home or extended care facility offering outpatient or medical services for a fee	x	x	x	+	+	+	x	x	(1)	(1)
Other enterprises (grocery, home furnishings, hardware, banking, meat/fish/poultry shop) having less than 5000 sq. ft. floor area	x	x	x	x	+(6)	+	x	x	(1)	(1)

	R-1	R-2	R-3	RC	NC	GC	LI	CO	PD	PD/MH
<b>COMMERCIAL *** (cont.)</b>										
Pet shop with all animals housed within the principal building and no noise or odor is perceptible beyond the property boundaries	x	x	x	x	+	+	x	x	(1)	(1)
Pet or animal boarding kennel - pet shop requirements apply	x	x	x	x	x	+	+	x	(1)	(1)
Prescriptionist, tobacconist, florist, news stand, gift shop/ boutique	x	x	x	+	+	+	x	x	(1)	(1)
Radio/television station or studio with transmission tower on the premises	x	x	x	x	x	+	+	x	(1)	(1)
Unrestricted commercial activities such as super-markets, department stores, variety stores, drug stores, building supply, restaurants (sit down/drive-in), clubs/bars allowing on premises consumption	x	x	x	x	x	+	x	x	(1)	(1)
Temporary uses (section 406) Zoning Administrator approval required)	+	+	+	+	+	+	+	+	+	+
Veterinary clinic/animal hospital without boarding facilities	x	x	x	+	+	+	x	x	(1)	(1)
Veterinary clinic/animal hospital with boarding facilities (all animals must be housed in the principal bldg - see pet shop)	x	x	x	x	+	+	+	x	(1)	(1)
Warehousing, mini-warehouses (Ref. Sec. 706.5.1)	x	x	x	x	x	+	+	x	(1)	(1)
<b>LIGHT INDUSTRIAL ***</b>										
Accessory uses (section 604 & ANNEX C/D)	+	+	+	+	+	+	+	+	(1)	(1)
Any publicly owned and/or operated building, facility or land	x	x	x	?	?	+	+	+	(1)	(1)
Communication towers	x	x	x	?	?	?	?	x	(1)	(1)
Light industrial uses (manufacturing, open yard storage of materials and/or display of equipment, bulk warehousing)	x	x	x	x	x	x	+	x	(1)	(1)
Natural resource production (excavation of mineral deposits)	x	x	x	x	x	?	+	?	(1)	(1)
Public utility sub-station installed in compliance with buffer and screening requirements and fenced to control access	+	+	+	+	+	+	+	+	(1)	(1)

	R-1	R-2	R-3	RC	NC	GC	LI	CO	PD	PD/MH
<b>LIGHT INDUSTRIAL *** (cont.)</b>										
Radio/television transmission towers	x	x	x	x	x	x	+	x	(1)	(1)
Railroad facilities, yards, sidings for storage of cars/ engines, and maintenance facilities	x	x	x	x	x	x	+	x	(1)	(1)
Railroad rights-of-way, excluding all facilities other than those required for track operations	+	+	+	+	+	+	+	+	(1)	(1)
Sanitary landfills	x	x	x	x	x	x	+	?	(1)	(1)
Temporary uses (section 406) Zoning Administrator approval required	+	+	+	+	+	+	+	+	+	+
Transportation terminal for heavy trucks, commercial freight transfer and distribution center	x	x	x	x	x	?	+	x	(1)	(1)

**\*\*CONDITIONAL USES ARE SUBJECT TO PLANNING COMMISSION APPROVAL (SECTION 605.5).**

**NOTES:**

- (1) COMMISSION SUBJECT TO THE APPROVAL OF CITY COUNCIL (SECTION 709.12.1)
- (2) RESTRICTED NATURE OF THE ZONE.
- (3) STREET ACCESS.
- (4) URGENT CARE MEDICAL FACILITIES MUST BE ON MAJOR THOROUGHFARES.
- (5) SALE OF BEER, WINE, OR ALCOHOLIC LIQUORS PROHIBITED.
- (6) ON PREMISES CONSUMPTION OF BEER, WINE, AND ALCOHOLIC LIQUORS PROHIBITED.

**ANNEX C:****TABLE OF ACCESSORY USES**

<b>ACCESSORY LAND USE</b>	<b>RES.</b>	<b>RELIG.</b>	<b>EDUC.</b>	<b>RECRE.</b>	<b>OFF.</b>	<b>COMM.</b>	<b>LI. INDUS.</b>
CHILDREN'S PLAYHOUSE AND PLAY EQUIPMENT	(2)	+	+	+			
COMPLETELY ENCLOSED BUILDING FOR STORAGE OF SUPPLIES, STOCK, OR MERCHANDISE		+	+	+	+	+	
GASOLINE OR FUEL OIL STORAGE TANK, SPECIFIC SET-BACK REQUIREMENTS APPLY	(1)	(1)	(1)	+	(1)	+	+
LAUNDROMAT IN MULTI-FAMILY DEVELOPMENT FOR THE EXCLUSIVE USE OF TENANTS	+				+	+	
MANUFACTURING OR REPAIR FACILITY IN COMPLIANCE WITH SECTION 604.1.4						+	+
NON-COMMERCIAL FLOWER, ORNAMENTAL SHRUB OR VEGETABLE GARDEN, GREENHOUSE, OR SLAT HOUSE NOT OVER EIGHT (8) FEET HIGH	(2)	+	+	+	+		
NON-COMMERCIAL PARKING FOR OWNERS, TENANTS, GUESTS, MEMBERS, CUSTOMERS, CLIENTS, AND EMPLOYEES. (LIMITED TO ONE COMMERCIALY LICENSED VEHICLE PER FAMILY IN RESIDENTIAL USES)	+	+	+	+	+	+	+
NATURAL OR MAN-MADE DISASTER SHELTER	(2)	+	+	+	+	+	+
PARSONAGE, PASTORIUM, OR PARISH HOUSE	+	+					
RELIGIOUS EDUCATION BUILDING/CLASSROOMS		+	+				
PRIVATE SWIMMING POOL, BATH HOUSE, TENNIS COURT, AND PRIVATE RECREATIONAL FACILITY FOR TENANTS OF PRINCIPAL BUILDINGS	(2)	+	+	+	+	+	+
PRIVATE KENNEL FOR NO MORE THAN 6 DOGS AND/OR CATS (4)	(2)						
REFUSE CONTAINERS (DUMPSTERS) IN MULTI-FAMILY, COMMERCIAL, LIGHT INDUSTRIAL, OR RECREATIONAL APPL.	(3)	(3)	(3)	(3)	(3)	(3)	(3)
SHED OR TOOL ROOM FOR GROUNDS MAINTENANCE TOOLS AND EQUIPMENT; SATELLITE DISH ANTENNA	(2)	(2)	(2)	(2)	(2)	(2)	(2)

**NOTES;**

(1) FUEL OIL STORAGE FOR ON-SITE HEATING SYSTEMS.

(2) ACCESSORY BUILDINGS/USES ARE SUBJECT TO SECTION 604, ET. SEQ.

**ANNEX D:**  
CITY OF GOOSE CREEK ZONING DISTRICTS

ZONING DISTRICTS	AREA	WIDTH	DEPTH	FRONT	MINIMUM YARDS SIDE MINIMUM/TOTAL	REAR	HEIGHT FT/ STORIES	O/O COVERAGE	ACCESSORY BUILDINGS/ USES
R-1 LOW-DENSITY RESIDENTIAL	10,000	70	100	30	10/25	25	35/2.5	40% (1) (2)	SEC 604 & ANNEX C
R-2 MEDIUM- DENSITY RESIDENTIAL	8,000	60	100	25	8/20	20	35/2.5	40% (1) (2)	SEC 604 & ANNEX C
R-3 HIGH-DENSITY RESIDENTIAL									SEC 604 & ANNEX C
SINGLE FAMILY	6,500	60	80	20	7/15	20	35/2.5	40% (1) (2)	
DUPLEX	8,000	65	80	20	7/15	20	35/2.5	40% (1) (2)	
MULTI-FAMILY	SEC. 710	70	80	30 (3)	15/35 (3)	25 (3)	50/4.0	40% (1) (2)	
RC RESTRICTED COMMERCIAL	5,000	50	70	20 (3)	7/15 (3)	20 (3)	40/3.0	40% (1) (2)	SEC 604 & ANNEX C
NC NEIGHBORHOOD COMMERCIAL	15,000 (4)	65	70	25 (3)	8/20 (3)	20 (3)	35/2.5	40% (1)	SEC 604 & ANNEX C
GC GENERAL COMMERCIAL	10,000	70	100	20 (3)	10/20 (3)	20 (3)	50/4.0	40% (1) (2)	SEC 604 & ANNEX C
CO CONSERVATION-OPEN SPACE	Variable	Variable	Variable	SITE/USE DEPENDENT			35/2.5	30%	SEC 604 & ANNEX C
LI LIGHT INDUSTRIAL	2 Acres	200	200	50 (3)	20/40 (3)	30 (3)	50/4.0	50%	SEC 604 & ANNEX C

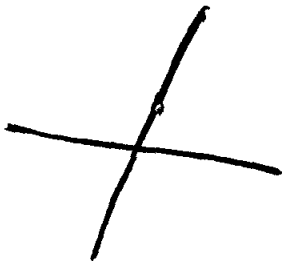
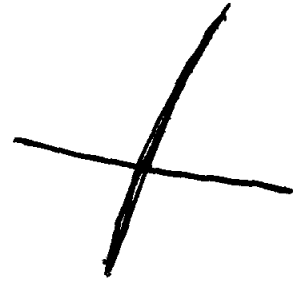
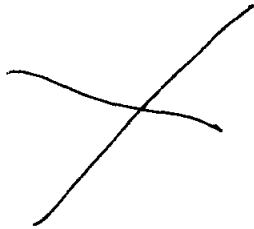
**ANNEX D CONTINUED**

ZONING DISTRICTS	AREA	WIDTH	DEPTH	FRONT	MINIMUM YARDS SIDE MINIMUM/TOTAL	REAR	HEIGHT FT/ STORIES	O/O COVERAGE	ACCESSORY BUILDINGS/ USES
PD PLANNED DISTRICT	3 Acres								
PD-MH PLANNED DIST. MOBILE HOME	5 Acres								

REQUIREMENTS FOR PLANNED DISTRICTS ARE SITE AND SITUATION DEPENDENT AND ARE SPECIFIED BY THE ZONING ADMINISTRATOR AND THE PLANNING AND ZONING COMMISSION, AS APPROPRIATE, AND MUST BE APPROVED BY CITY COUNCIL AS AN AMENDMENT TO THE ZONING ORDINANCE. (SEE THE APPROPRIATE PROCEDURES MANUAL FOR MORE INFORMATION.)

**NOTES:**

- (1) PERCENTAGE OF LOT COVERAGE BY BOTH PRINCIPAL AND ACCESSORY USES/BUILDINGS.
- (2) IF ENCLOSED PARKING IS PROVIDED, COVERAGE MAY BE 50%.
- (3) ALL MINIMUM YARD DIMENSIONS SHALL BE INCREASED BY TWO (2) FEET FOR EACH STORY ABOVE THE SECOND
- (4) MAXIMUM AREA IN NC ZONE IS ONE (1) ACRE, MAXIMUM UNIT FLOOR AREA IS 5,000 SQUARE FEET.



**SECTION 711 DOWNTOWN DEVELOPMENT AREA  
DESIGN GUIDELINES FOR THE OVERLAY ZONING DISTRICT  
CITY OF GOOSE CREEK, SOUTH CAROLINA**





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**EXECUTIVE SUMMARY**

The purpose of the Overlay District shall be to advance the public health, safety and general welfare of the citizens of Goose Creek. Further, this ordinance serves as a tool to help secure for the citizens of the City of Goose Creek the social and economic advantages resulting from an orderly, planned use of land resources and the development of a healthy, pedestrian friendly, dynamic center for the Goose Creek area.

It is the purpose and intent of this ordinance that an established body has power of review and right to deny or approve architecture, site, signage, streetscape and landscape plans for proposed projects within the Downtown Development District. This oversight is based on a set of specific requirements included within the ordinance.

The ordinance addresses the architectural vocabulary of the downtown area and the requirements for architectural design including building masses, rhythm, height, elevations, entries, windows, awning and canopies, building materials, roofs, and color. The ordinance also addresses issues such as the screening of mechanical and refuses areas and the requirements for franchise architecture.

These guidelines are intended to promote creativity while maintaining a standard of quality; they are not intended to appear constricting or limiting. Each major architectural element is addressed in specific subsections.

The ordinance stipulates requirements for site planning elements such as setbacks, ingress and egress, sidewalks, parking requirements, and stormwater management.

The ordinance also outlines requirements for furnishing and other site elements such as lighting, benches, outdoor dining furnishings, trash receptacles, kiosks, bicycle racks, newspaper and vending machines, fences and walls, drinking fountains, fountains and water features, bollards, public art, memorials, transportation shelters, tree grates and guards, and public open space.

The ordinance also provides requirements for signage including materials, sizes and quantities allowed, and lighting.

The ordinance provides requirements for landscaping including street trees, parking lot trees, shrubs and groundcover, seasonal plantings, lawns, irrigation and their maintenance.

# TABLE OF CONTENTS

<b>1 GENERAL PROVISIONS</b>			<b>7 LIGHTING</b>		
1.1	Short Title	1	7.1	Submittals	11
1.2	Purpose	1	7.2	Parking Lot Lighting	11
1.3	Jurisdiction	1	7.3	Street Lighting	12
1.4	General Goals	1	7.4	Street Lighting (Interior)	12
1.5	The Downtown Master Plan	1	7.5	Lighting of Buildings/Structures	12
<b>2 ESTABLISHMENT OF AN OVERLAY ZONING DISTRICT</b>			7.6	Lighting of Signs	12
2.1	District Boundaries	1	7.7	Building-Mounted Lighting	12
2.2	Intended Use of the Guidelines	2	7.8	Landscape Lighting	13
2.3	Applicability	2	<b>8 SITE FEATURES</b>		
2.4	Revisions and Updates of the Plan	2	8.1	Benches	13
<b>3 ARCHITECTURAL REVIEW BOARD</b>			8.2	Outdoor Dining	13
3.1	Purpose and Intent	2	8.3	Trash Receptacles	13
3.2	Role of the Architectural Review Board (ARB)	2	8.4	Kiosks	14
3.3	Establishment of an ARB for the Overlay District	2	8.5	Bicycle Racks	14
<b>4 SUBMITTAL PROCESS</b>			8.6	Newspaper and Vending Machines	14
4.1	Submittal Requirements	2	8.7	Fences and Walls	14
4.2	Pre-Application	2	8.8	Drinking Fountains	14
4.3	Preliminary or Sketch Plan Review	2	8.9	Fountains	15
4.4	Final Submittal	3	8.10	Bollards	15
4.5	Staff Review	3	8.11	Public Art	15
4.6	ARB Review	3	8.12	Flags and Banners	15
4.7	Applicable Fees and Deadlines	3	8.13	Memorials, Sculptures, Plaques, Monuments	16
4.8	Approvals, Rejections, and Deferrals	3	8.14	Transportation Shelters	16
4.9	Right to Appeal	3	8.15	Tree Grates and Guards	16
4.10	Non-Compliance	4	8.16	Pavement Markings	16
<b>5 ARCHITECTURE</b>			8.17	Public Open Space	17
5.1	Mass	4	<b>9 SIGNAGE</b>		
5.2	Rhythm	4	9.1	Materials	17
5.3	Height	5	9.2	Sizes	17
5.4	Elevations	5	9.3	Quantities Allowed	17
5.5	Rear and Side Elevations	5	9.4	Lighting of Signs	18
5.6	Storefront Entrances	5	9.5	Temporary Signs and Banners	18
5.7	Doors and Windows	6	9.6	Street Signs	19
5.8	Awnings and Canopies	7	9.7	Historical Markers	19
5.9	Building Materials	7	9.8	Prohibited Signs in Overlay District	19
5.10	Roofs and Roofing Material	7	9.9	Sign Maintenance and Removal	20
5.11	Color	8	<b>10 LANDSCAPING</b>		
5.12	Rooftop Mechanical Screening	8	10.1	Street Trees	20
5.13	Refuse Storage and Services	8	10.2	Parking Lot Trees	21
5.14	Corporate and Franchise Architecture	8	10.3	Shrubs and Groundcover	21
5.15	Antennas and Satellite Dishes	8	10.4	Seasonal Planting	22
5.17	Security Bars and Roll Down Grilles	8	10.5	Lawns	22
<b>6 SITE PLANNING</b>			10.6	Irrigation	22
6.1	Setbacks	8	10.7	Maintenance	23
6.2	Ingress and Egress	9	<b>APPENDIX</b>		
6.3	Sidewalks	9	A.1	Vicinity Map	25
6.4	Cross Walks	9	A.2	Overlay District	26
6.5	Parking Requirements	9	A.3	Current Master Plan	27
6.6	Off-Street Parking	10	A.4	Recommended Furnishings	28
6.7	On-Street Parking	11			
6.8	Service and Loading Areas	11			
6.9	Refuse Areas	11			
6.10	Utilities	11			
6.11	Stormwater Management	11			

## 1. GENERAL PROVISIONS

### 1.1 SHORT TITLE

This ordinance shall be known and may be referred to as the Design Guidelines for the Overlay Zoning District for the Downtown Development Area of the City of Goose Creek, South Carolina.

### 1.2 PURPOSE

- a) The purpose of the Overlay Zoning District shall be to advance the public health, safety and general welfare of the citizens of Goose Creek.
- b) Further, this ordinance serves as a tool to help secure for the citizens of the city of Goose Creek the social and economic advantages resulting from an orderly, planned use of land resources.
- c) In addition, it serves as a tool to provide definite, measurable guidelines for the development and redevelopment of Goose Creek's downtown as a primary focal point of community interaction.
- d) Furthermore, this overlay ordinance shall serve to encourage well planned approaches, gateways and corridors into the City through appropriately designed commercial sites, innovative housing opportunities and creative application of open space in Downtown Goose Creek.
- e) Moreover, it serves as a way of providing the sense of arrival for Goose Creek residents to a City with a traditional downtown, thereby providing a "one stop" area for people to live, work, shop and participate in cultural, entertainment and community activities in close proximity to one another.
- f) Finally, this ordinance serves as a tool to guide, control and regulate the future growth, development and redevelopment of the city in accordance with the plan, there is adopted and established an official Overlay Zoning District for the city of Goose Creek.

### 1.3 JURISDICTION

Except as otherwise provided herein, this ordinance shall not interfere with or annul any other ordinance, rule, regulation or permit, provided that, unless specifically excepted, where this ordinance is more stringent, it shall control. The Planning Commission and the City Council of Goose Creek have jurisdiction over all properties within the District.

### 1.4 GENERAL GOALS

The general goal to be accomplished by the creation of this Downtown Development Area is to create, redevelop, guide, and protect the City's downtown area for the benefit of the citizenry of Goose Creek. It is a presumption of this plan that a strong, active, economically viable, and physically attractive downtown will enhance the quality of life of the residents and visitors of Goose Creek.

### 1.5 THE DOWNTOWN MASTER PLAN

The Downtown Master Plan as approved and/or amended by the City Council of Goose Creek shall be an instrument of these guidelines and will serve as a tool to be used in determining the physical arrangement of elements within the Downtown Development Area. The Master Plan is included in this document in the appendix (A.3).

## 2. ESTABLISHMENT OF AN OVERLAY ZONING DISTRICT

### 2.1 DISTRICT BOUNDARIES

Within the boundaries of the Downtown Development Area, regardless of Zoning Category, all properties, parcels, facilities, and developments shall be included in the Overlay District and as such as bound to the rules and regulations of the District. This Overlay District does not change or amend any other requirements of the Zoning Ordinance except where the requirements of the District are more stringent. The City recognizes that the downtown boundaries are not static and may change over time.

### 3. GOOSE CREEK DESIGN GUIDELINES

## 2.2 INTENDED USE OF THE GUIDELINES

It is the intent and purpose of these guidelines to establish levels of quality and character as well as outlining procedures necessary for the efficient processing of planning and development applications and requests. This Overlay District does not change or amend any other requirements of the Zoning Ordinance except where the requirements of the District are more stringent.

## 2.3 APPLICABILITY

This ordinance shall apply to all projects, both private and public within the District Boundaries regardless of type of development, costs, funding sources, and scope. Within the boundaries of the Downtown Development Area, regardless of Zoning Category, all properties, parcels, facilities, and developments shall be included in the Overlay District and as such as bound to the rules and regulations of the District.

## 2.4 REVISIONS AND UPDATES OF THE PLAN

It is recommended that the Planning Commission and City Council review and update the Master Plan every five (5) years. This review should include an analysis of work to date, adjustments for current trends and economic factors and inclusion of executed projects. Revisions and updates may be considered at any time at the discretion of City Council or the Planning Commission as advisory to City Council.

# 3 ARCHITECTURAL REVIEW BOARD

## 3.1 PURPOSE AND INTENT

It is the purpose and intent of this ordinance that an established body has power of review and right to deny or approve architecture, site, signage, streetscape and landscape plans for proposed projects within the Downtown Development Area.

## 3.2 ROLE OF THE ARCHITECTURAL REVIEW BOARD (ARB)

All projects within the Downtown Development Area are subject to review and approval by the Architectural Review Board of the City of Goose Creek prior to the issuance of Building Permits.

## 3.3 ESTABLISHMENT OF AN ARB FOR THE OVERLAY DISTRICT

If for any reason the ARB is dissolved, either permanently or temporarily, the City reserves the right to create an Architectural Review Board specifically for the purpose of reviewing development plans for projects within the Overlay District.

# 4 SUBMITTAL PROCESS

## 4.1 SUBMITTAL REQUIREMENTS

Applicants shall comply with Section 1006 of the Zoning Ordinance. Site and architecture must be combined into one (1) submittal. The City will not review site and architecture separately.

## 4.2 PRE-APPLICATION

Prior to making an application, concerned parties including the Owner and/or the Owner's representatives shall meet with staff from the City of Goose Creek to discuss the project's scope and goals and review the requirements of the Overlay District. No applications shall be accepted until this meeting has occurred.

## 4.3 PRELIMINARY OR SKETCH PLAN REVIEW

- a) Applicants shall comply with Section 1006.1 and shall meet with staff to review the Sketch Plan prior to being put on the agenda for the ARB.
- b) It is strongly recommended that applicants comply with comments made by Staff prior to making a submittal to the ARB.

- c) Applicants may, at their own discretion, request a preliminary or sketch plan review from the ARB in addition to the Staff Review. This meeting will not result in any approvals but the ARB can provide comments to help guide the applicant toward their Final Submittal.
- d) In this case, it is strongly recommended that the applicant comply with ARB comments prior to making a Final submittal.

#### 4.4 FINAL SUBMITTAL

Final submittals shall comply with Section 1006. Any project found to have an incomplete submittal for Final Review will not be included in the agenda.

#### 4.5 STAFF REVIEW

Staff reviews are courtesy review only and will not grant approval or denial of a project. However, the comments from staff should be given significant consideration before moving forward to review by the ARB.

#### 4.6 ARB REVIEW

The ARB shall review site plans and architectural plans as one (1) submittal only. Site plans and architectural plans are never to be reviewed separately. The ARB may review sketch plans or preliminary plans if requested by the Applicant, although these are courtesy reviews only and will not result in approval or denial. The ARB maintains the right to approve, deny or defer applications at the Final Submittal.

#### 4.7 APPLICABLE FEES AND DEADLINES

The City reserves the right to impose fees for all submittals and reviews. A copy of current application fees is available from the City of Goose Creek. Submittal deadlines and meeting dates shall be scheduled on a regular basis. However, special meetings may be called at the discretion of the City. A schedule of current, known deadlines and meeting dates is available from the City of Goose Creek.

#### 4.8 APPROVALS, REJECTIONS, AND DEFERRALS

- a) The ARB reserves the right to grant approvals, rejections or deferrals of all applications.
- b) Approval may be granted if the project is deemed to meet the technical, aesthetic, and philosophical goals of the City for the Downtown Development Area.
- c) Projects may be denied or rejected if they fail to meet the technical, aesthetic, or philosophical goals of the City for the Downtown Development Area.
- d) If a project is rejected, the ARB will provide written comments outlining the reasons for the rejection.
- e) Upon denial, the applicant must start the process over from the Pre-Application stage, including all required meetings, fees and applications.
- f) Projects may be deferred until the next meeting if there are minor concerns or revisions that can be addressed at the Staff level or through comments from the ARB.
- g) Deferrals will result in no additional fees.

#### 4.9 RIGHT TO APPEAL

Upon denial, applicants may file an appeal for a rehearing with the ARB in accordance with Section 1001 of the Zoning Ordinance, or appeal to Circuit Court.

4.10 NON-COMPLIANCE

If an applicant has an incomplete submittal, in the opinion of the Staff or the ARB, or if the applicant refuses to consider comments and suggestions from the Staff or the ARB, the Staff or the ARB may remove the applicant from the agenda. In that case, the applicant must reapply, including the payment of all required fees.

5 ARCHITECTURE

5.1 MASS

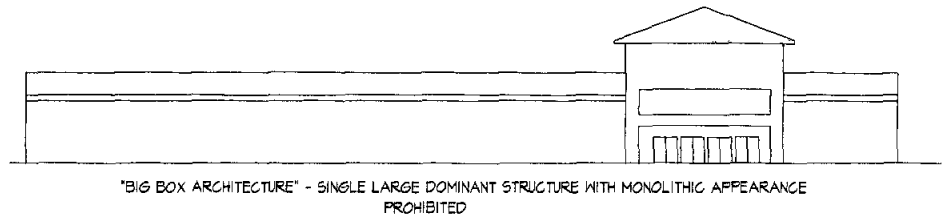
Mass is the relationship between the height and width of a building and the nature of its roofline. Consistent massing helps to provide a streetscape with a sense of unity. A typical Main Street is comprised of long narrow buildings, approximately 20'-40' wide. This consistency produces an organizing effect although, to the pedestrian, the façade or storefront is where the organization will be determined. Massing of buildings can also emphasize corners and entrances and help to create interesting skylines.

Recommended:

- Corners of building, particularly at intersections, should be treated to facilitate pedestrian movement and to enhance main intersections.
- Use of recesses, projections, articulated structural bays, pilasters and step-backs in the main façade to break down a large mass, provide shelter and design articulation.

Prohibited:

- Irregular footprints or complex shapes, which disturb the continuous streetscape.
- "Big box" architecture – single large dominant structures with monolithic appearance.



5.2 RHYTHM

Street front rhythm on the facades of buildings is important to establish a visually comprehensible urban environment. Building elements used to establish horizontal and vertical rhythm are columns, window placements, doors, awnings, building materials, use of colors, paving patterns, trees and lighting fixtures. Careful organization of these elements should add interest to the building elevations.

The design of a new building or a substantial enlargement or improvement of an existing building should take into consideration the massing, rhythm, and architectural elements of adjacent buildings. Horizontal elements such as cornice line and window height should complement and accentuate the adjacent buildings.



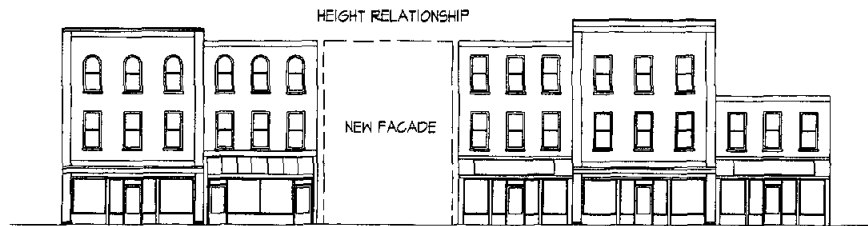
Recommended:

- Conflicting discernable rhythms should be avoided. All rhythm, whether through materials, landscaping, or storefronts should work in harmony. Several rhythms should be used to avoid monotony.
- Rhythm should be considered in all elevations and the roof, not just the front façade.

### 5.3 HEIGHT

A three- (3) story height limit will create a sense of enclosure of the streetscape and help to increase the activity in the area by providing office or residential use above the first floor.

Buildings in the Main Street Area shall be 2-3 stories.



Any single story building should have the massing and height of a 2-story building.

### 5.4 ELEVATIONS

The building elevations define the character of the streetscape, provide pedestrian scale and add to the vitality of the area. Careful design of the elevations and examination of the following recommendations is extremely important.

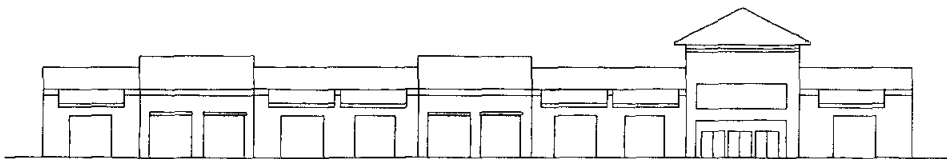
#### Recommended:

Exterior details that provide visual interest and texture to the building, such as:

- Reveals and offsets that create shadow lines and break up large flat monotonous surfaces. Cornice detailing.
- Enhanced shadow lines around openings by recessing window frames 2" minimum from face of building.
- Architectural details that enrich the building's character.
- Differentiate the ground floor level by use of storefront entrances (See 5.6), variation of building materials, cornices, signage, and details.
- Residential development should be designed to ensure privacy through effective window placement, soundproofing, landscaping and location of outdoor living areas (e.g. balconies, porches, patios, etc.).
- Fire escapes, exterior stairs, elevator shafts should be designed as an integral part of the building, not as separate elements on the exterior.

#### Prohibited:

- Large monolithic buildings with few details.
- Long expanses of blank exterior façade (solid wall) at ground level without fenestration or detail.



USE OF RECESSES, PROJECTIONS, ARTICULATED STRUCTURAL BAYS, PILASTERS AND STEPBACKS IN THE MAIN FACADE TO BREAK DOWN MONOLITHIC STRUCTURE  
ENCOURAGED

### 5.5 REAR AND SIDE ELEVATIONS

Rear elevations of buildings that are exposed to parking lots and provide an alternate "front-door" should be aesthetically similar to the primary elevation. All sides of the building should exhibit design continuity.

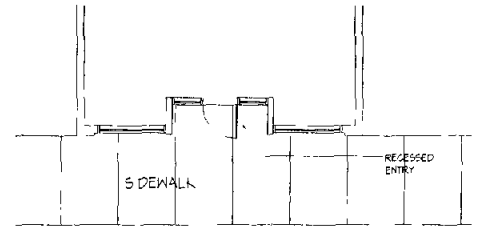
### 5.6 STOREFRONT ENTRANCES

The storefront is the basic unit that typically makes up a "main street" in a downtown environment. A storefront is defined as the first story space. Its purpose is to facilitate the sale of goods and services to the passing pedestrian. Therefore, transparency is extremely important to allow for maximum visibility. The storefront also provides natural ventilation and light into a



typically long narrow space.

A recessed entry provides shelter in inclement weather, and a safer exit by providing a door swing space. Primary entrances should be oriented to the street and clearly recognizable. Continuous storefronts with frequent entries along the main street create an active pedestrian oriented environment.



**Recommended:**

- Traditional storefront design with large areas of glazing with minimal mullions.
- 75% glazing at the first floor level.
- For larger buildings with multiple storefronts, use similar colors and graphics to unify the elevation.
- Recessed entry area.
- Clear, untinted glazing.
- Create a focus or sense of entry; clearly define location of the front door.
- Glazed Entrance doors

**Prohibited:**

- Long distances between entrances and
- Opaque glazing
- Reflecting glazing.

## 5.7 DOORS AND WINDOWS

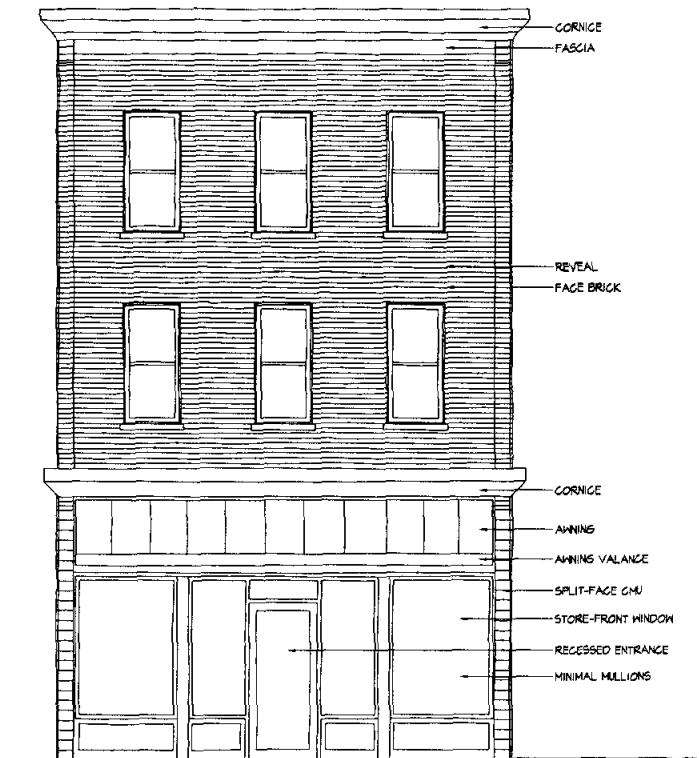
Fenestration in buildings not only provides access, ventilation and light, their placement, size and shape add to the overall appearance. The ground floor window guidelines are addressed under 5.6 Storefront. Upper floor windows should be evenly spaced with a wall to window area ration of 2:1 (min.).

**Recommended:**

- For divided lights, mullions must project from glazing on both sides of glazing.
- Windows and openings shall be consistent with the architectural style.
- Primary entrance doors in the Main Street Area should be fully glazed.
- Consistent spacing of similar shaped windows with trim and other decorative molding.
- Width of window should not exceed the height.

**Prohibited:**

- Vinyl, snap-in mullions.
- Reflective, opaque or tinted glazing.
- Vertical or horizontal blinds at first floor level on Main Street Area.
- Solid doors without glass.
- Residential doors in commercial buildings.
- Loading or service doors shall not be visible from the primary entrance.
- Oddly shaped windows.
- Random placement of windows.



### 5.8 AWNINGS AND CANOPIES

For the comfort of the pedestrian, the use of awnings and canopies are encouraged. Shelter at the entrance of a building provides protection from the sun and rain, and helps to define pedestrian scale along a streetscape. Awnings also provide a place for signage or graphics; the only area allowed for this use is the vertical face or valance portion of the awning.

#### Recommended:

- Canvas awnings.
- Traditional wedge shapes.
- Awnings and canopies consistent with the architectural style of the building.
- Awnings or canopies used only on top of windows, doors or openings.
- Awnings should serve as an accent to the building's design but should not be the dominant architectural feature.
- Awning frames or support should be of painted or coated metal or other non-corroding material.
- Awnings should have a single color or two-color stripes.

#### Prohibited:

- Metal or vinyl awnings.
- Rounded shapes.
- Backlit awnings or canopies.
- Awnings or canopies used as a continuous band around building.
- Fixed sidewalk supports that can interfere with pedestrian circulation.

### 5.9 BUILDING MATERIALS

Building materials suggests the quality of our environment and promotes a comfortable feeling. Inexpensive building materials create a temporary feeling to the city's inhabitants. Building materials selected should be durable, attractive, low-maintenance and have natural color. A defined palette of materials will unify the streetscape and encourage the perception of performance.

#### Recommended:

- Natural materials – wood, brick, terra cotta, unpolished stone (cast or cut).
- Decorative Concrete Block – textured with integral color.
- Stucco (cement plaster) – decorative.

#### Prohibited:

- Vinyl or aluminum siding.
- Dryvit.
- Exposed concrete masonry units.
- Reflective materials that cause glare.
- Materials that artificially simulate natural materials.
- Diagonal siding.
- Exaggerated swirled stucco.

### 5.10 ROOFS AND ROOFING MATERIAL

Along with providing building protection, the roof is also a basic architectural element that defines the character of the space it protects and represents. The roof shape should be compatible with the building architecture.

#### Recommended:

- Flat roof.
- Dormers and eyebrow windows.
- Standing seam metal.
- Parapets used on the Main Street Area to mask roof slopes.
- Use varying roof levels and forms on large structures to decrease mass and create diversity.
- Decorative cornices and eaves.

Prohibited:

- Asphalt shingles.
- Mansard roof.
- Unusually steep slope roofs – “A” frames.

## 5.11 COLOR

A defined, limited palette of harmonious color helps to determine character and unify an area.

Recommended:

- Natural, light, muted neutral tones.
- Saturated and bright hues only used in small areas as accents.

Prohibited:

- Dark colors that eliminate shadow patterns.
- Intense and/or fluorescent colors.

## 5.12 ROOFTOP MECHANICAL SCREENING

Mechanical equipment must be screened from view at all sides in a manner that is architecturally compatible with the building. Screen wall materials should be low maintenance and durable.

## 5.13 REUSE STORAGE AND SERVICES

All exterior trash receptacles shall be sufficient in size to accommodate the trash generated. All trash containers shall be screened from view on all four (4) sides, and shall remain closed except when in use. The screening materials shall be architecturally compatible with its corresponding building. Trash areas shall be located for convenience of trash collection and away from major streets. Landscaping, along with screen walls is encouraged. Keep loading areas clear from pedestrian and vehicular traffic.

Utility meters should be screened as well.

## 5.14 CORPORATE AND FRANCHISE ARCHITECTURE

Typically, franchise architecture is generic design, buildings used in multiple locations without consideration for a specific site or climate. It is the intent of these guidelines to create buildings that are sensitive to their environment. While franchise merchants are not discouraged, prototypical design must be carefully modified to represent the character of the urban context.

## 5.15 ANTENNAS AND SATELLITE DISHES

Satellite dishes, antennas, connecting cables and wiring are considered unsightly and should be kept from view of the pedestrian. Screening of these devices should conform to 5.12 Rooftop Mechanical Screening. No satellite dishes or antennas will be permitted on the face of the building.

## 5.17 SECURITY BARS AND ROLL DOWN GRILLS

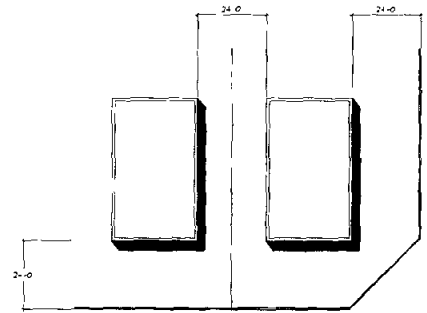
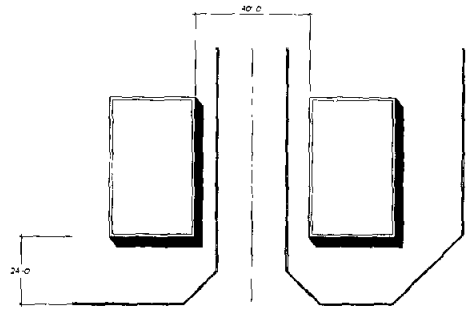
The use of these security features establishes a negative environment for pedestrians and will be reviewed on a case-by-case basis. When allowed, they must not be visible during opening hours.

## 6 SITE PLANNING

## 6.1 SETBACKS

- a) Front setbacks and side setbacks on corners in the Main Street Area shall be 0'-0" from the Right of Way, except for areas designed for outdoor dining.
- b) Side Setbacks for interior lots in the Main Street Area shall be 0'-0".

- c) Mid-block alleys shall have a minimum width of 10'-0".
- d) Outdoor dining areas are subject to approval by the ARB.
- e) Main street shall have a right-of-way of 66'.
- f) Front and side setbacks on corners in the Downtown Area shall be 24' from the face of curb or edge of paving.
- g) Setbacks between buildings in the Downtown Area shall be 40'-0" if a drive is located between the buildings and 24'-0" if no drive is present.



#### 6.2 INGRESS AND EGRESS

- a) Wherever possible, ingress and egress between various uses shall be shared, in an attempt to minimize curb cuts. The City encourages adjacent landowners to enter into agreements providing access easements to accomplish this goal.
- b) In some cases, the City may ease other requirements where shared access is utilized. In all cases, ingress and egress should be designed to provide a safe flow of traffic and shall consider the safety and convenience of the pedestrian.
- c) All ingress and egress plans are subject to the approval of the ARB.

#### 6.3 SIDEWALKS

Sidewalks on private property shall be designed to accommodate the safe, convenient flow of pedestrians. The minimum sidewalk width for any application is 5'-0". Sidewalks must meet all current codes and requirements. The pedestrian flow on sidewalks shall not be obstructed with street furniture, vending equipment, menu boards or other elements.

#### 6.4 CROSS WALKS

Crosswalks shall be utilized in all situations where a sidewalk crosses a street or other curb cut, such as driveways or service areas. Crosswalks shall be provided for each building egress or for every 125 feet of building which fronts a part of the parking area. Pedestrian crossing areas in parking lots shall be constructed of surface pavers, such as brick, stone blocks, interlocking brick pavers, stamped concrete or other materials as may be approved by the City. Materials shall form a smooth surface but contrast visually and texturally with asphalt. For parking lots of less than fifty (50) cars, the City may accept paint or similar markings.

#### 6.5 PARKING REQUIREMENTS

- a) Parking requirements within the Downtown Development Area shall not be applied as per the underlying zoning for each specific land use. The parking requirements for the underlying zoning serve as a guide only and are not the minimum requirements for any particular use.
- b) Shared parking between various uses is assumed to be in effect for all uses and off-street parking provided is subject to approval by the ARB. Applicants are encouraged to minimize the land set-aside for parking and also encouraged to develop integrated parking lot layouts with adjacent landowners.
- c) All parking areas within the Downtown Development Area shall be considered Public Parking regardless of ownership. That is, businesses or landowners shall not impose restrictions on the use of a parking area. All parking areas shall be considered shared parking with other uses and properties.

- d) The City reserves the right to create a Downtown Parking Fund for the purpose of acquiring land, construction public parking areas and providing for their maintenance. The City further reserves the right to impose impact assessments from Applicants with a portion of the assessment going toward this fund.
- e) No parking shall be required for new uses to be located in existing structures, or when existing structures are remodeled.
- f) No parking shall be required for residential uses.
- g) No parking, either long-term or short-term, shall be required for the first seven thousand five hundred (7,500) square feet of retail sales and service use on lots in other areas.
- h) No parking shall be required for the first two thousand five hundred (2,500) square feet of any nonresidential use that is not a retail sales and service use.
- i) No parking shall be required when an existing structure is expanded by up to two thousand five hundred (2,500) square feet or less, provided that this exemption may be used only once by any individual structure.
- j) No parking shall be required for any gross floor area in human service or childcare use.
- k) Required parking may be provided on the lot, and/or within eight hundred (800) feet of the property on which the use is located.
- l) If parking is provided on a lot other than the lot of the use for which it is required, the owner of the parking spaces shall be responsible for notifying the City should the use of the lot for the required parking cease. In this event, the principal use must be discontinued, other parking meeting the requirements of this code must be provided within thirty (30) days, or a variance must be applied within fifteen (15) days, and subsequently granted. A covenant between the owner of the parking spaces, the owner or operator of the principal use, and the City of Goose Creek stating the responsibilities of the parties shall be executed.
- m) In lieu of providing required long-term parking, payment may be made to the Downtown Parking Fund as approved by the City of Goose Creek.
- n) Corner parking lots, parking adjacent to street rights-of-way or parking lots that are visible to the street should be avoided. Where parking is adjacent to a street, a landscape screening / planting strip at a minimum of six (6) feet in width is recommended.
- o) The City of Goose Creek reserves the right to develop city-owned parking lots or structures and may set the hours of operation, fees and permit schedules.

#### 6.6 OFF-STREET PARKING

- a) Off-street parking shall be convenient in location and layout with an emphasis on the needs of the pedestrian.
- b) Off-street parking may utilize ninety- (90) degree, angled, or parallel parking layouts. Dimensions of parking shall be as per current industry standards. Design of parking areas shall be subject to approval by the ARB.
- c) The design elements of paving, curbs, green space, planting, fencing, lighting and cars should be arranged with thought for the aesthetics, the users, and the surroundings.
- d) The flow of pedestrians for lots of over one hundred (100) cars shall be channeled through a clear hierarchy of routes that bring pedestrians to central walkways. Reinforce this hierarchy through the design of planting and lighting.

## 6.7 ON-STREET PARKING

The City shall provide on-street parking as deemed practical and necessary along Main Street and other streets. Availability of on-street parking shall be a consideration in determining the needs for off-street parking for uses within the district.

## 6.8 SERVICE AND LOADING AREAS

All service areas and loading areas shall be located to minimize their visual impact on the adjacent streets and properties. All service and loading areas shall be screened with permanent features that relate architecturally to the primary use.

## 6.9 REFUSE AREAS

- a) All refuse areas shall be located to minimize their visual impact on the adjacent streets and properties. All refuse areas shall be screened with permanent features that relate architecturally to the primary use. Where possible, adjacent land uses should share refuse area enclosures.
- b) Dumpsters and compactors should be located in service areas or screened with 6'-0" high fence or wall to minimize visual impact.
- c) Provide adequate circulation and maneuvering space to provide truck access. Provide heavy duty paving as needed in the dumpster/compactor area.

## 6.10 UTILITIES

- a) Utility equipment such as backflow preventers, telephone pedestals, and electrical transforms shall be located to minimize their visual impact on the street and surrounding properties.
- b) Where possible, these elements shall be screened with permanent features or planting.
- c) Electrical transformers and telephone pedestals shall be located in service areas or screened with landscaping, wall or fences to minimize visual impact.
- d) Do not locate transformers or pedestals in significant pedestrian or plaza areas or near building entries.

## 6.11 STORMWATER MANAGEMENT

Stormwater detention/retention shall not be required for individual sites within the Downtown Development Area. However, grading shall be done in such a way that it does not promote excessive run-off or erosion.

## 7 LIGHTING

### 7.1 SUBMITTALS

Lighting serves two purposes: to illuminate and provide security. Lighting plans and fixture cut-sheets are required as part of the submittal for Final Approval from the ARB. No required standards for furnishings shall apply or be enforced within the Downtown Development area. All lighting is subject to approval by the ARB. However, one or more examples of 'recommended' types shall be provided for each section to serve as a guide.

### 7.2 PARKING LOT LIGHTING

Parking lot lighting shall not be obtrusive in appearance during the daytime; provide adequate lighting without significant glare; not interfere with tree canopies. Lighting and support structures shall be placed so that they do not present hazards to pedestrians or vehicles. When lighting pathways, peripheral lighting of surrounding areas should be considered.

#### Recommended:

- Cut-off or shoebox fixtures in a dark color such as black or bronze.

Prohibited:

- Low-pressure sodium luminaries shall not be allowed.

## 7.3 STREET LIGHTING

Street lighting on peripheral streets shall not be obtrusive in appearance during the daytime; provide adequate lighting without significant flare; and not interfere with tree canopies.

Recommended:

- Cut-off or shoebox fixtures in a dark color such as black or bronze.

Prohibited:

- Low-pressure sodium luminaries shall not be allowed.

## 7.4 STREET LIGHTING (INTERIOR)

Street lighting on interior streets shall not be obtrusive in appearance during the daytime; provide adequate lighting without significant glare; provide a more pedestrian scale; and not interfere with tree canopies.

Recommended:

- Decorative fixtures with a pole height not to exceed 16'-0", (12'-0" is optimal) in a dark color – black or bronze are preferred.

Prohibited:

- Low-pressure sodium luminaries shall not be allowed.

## 7.5 LIGHTING OF BUILDINGS/STRUCTURES

Recommended:

- Buildings or structures, if lighted, shall be lighted with externally mounted fixtures equipped with adequate shields or baffles to prevent significant glare or hot spots. Up lighting, or accent lighting for the purpose of illuminating buildings and other physical site features is encouraged.

Prohibited:

- Low-pressure sodium luminaries shall not be allowed.

## 7.6 LIGHTING OF SIGNS

Recommended:

- Signs shall be lighted with externally mounted fixtures equipped with adequate shields or baffles to prevent significant glare or hot spots.

Prohibited:

- Low-pressure sodium luminaries shall not be allowed.
- Backlit signs are not allowed. (See section on signage).

## 7.7 BUILDING-MOUNTED LIGHTING

Recommended:

- Light fixtures mounted on buildings shall either be non-obtrusive fixtures or complimentary to the overall design of the building.

Prohibited:

- Low-pressure sodium luminaries shall not be allowed.

## 7.8 LANDSCAPE LIGHTING

### Recommended:

- Whether ground-mounted or tree-mounted, landscape lighting shall be designed to prevent significant glare or hot spots.

### Prohibited:

- Low-pressure sodium luminaries shall not be allowed.

## 8 SITE FEATURES

### 8.1 BENCHES

- Benches should be located to provide opportunities for a variety of activities from waiting or resting to reading or socialization. Bench location should be integrated into the overall design and recognize the convenience and comfort of the user. Do not locate benches and trash receptacles immediately adjacent to each other due to concerns of odors and insects.
- The location of benches should not impede pedestrian or vehicular circulation or critical sight lines or where benches would be in conflict with landscape maintenance equipment or emergency vehicle access.
- Benches should be durable enough to withstand the rigors of a public location. Metal is preferred. Wood can be used in some situations. Plastic is not recommended.

### Recommended:

Scarborough manufactured by Landscape Forms, Inc, 431 Lawndale Ave., Kalamazoo, MI 49048, 269-381-3455 fax and 800-430-6209 phone or No. 2118-6 TimberForm® Restoration Bench with Armrests manufactured by Columbia Cascade Company, 1975 SW Fifth Avenue, Portland, OR 97201-5293 U.S.A.

### 8.2 OUTDOOR DINING

Outdoor dining furnishings shall be attractive, commercial-grade, durable, weather-resistant, low-maintenance furnishings in a design that is complimentary with the building and function that they serve.

### 8.3 TRASH RECEPTACLES

- Trash receptacle locations should be integrated into the overall design of a space and recognize the convenience and safety of the user.
- Do not locate benches and trash receptacles immediately adjacent to each other. Locate trash receptacles in areas such as near building entries and intersections of two (2) walkways.
- Due to possible odors and insects, do not locate trash receptacles immediately within an area where people will gather or linger.
- The location of trash receptacles should not impede pedestrian or vehicular circulation or critical sight lines or where trash receptacles would be in conflict with landscape maintenance equipment or emergency vehicle access.

Recommended: Victor Stanley Ironsides® Series 42 36-gallon trash receptacles, with standards spun-steel lids and "Black" baked-on polyester powder finish.

### 8.4 KIOSKS

- The placement of information kiosks should be near the intersection of two (2) walkways or in other areas where there is a high concentration of pedestrian traffic. Information Kiosk locations should be integrated into the overall design of a space and recognize the convenience of the user.



- b) For one-sided kiosks, the structure should be placed in a groundcover or shrub bed within 1'-0" of the edge of paving. For multi-sided kiosks, a minimum of 6'-0" should surround all sides of the information kiosk.
- c) The location of information kiosks should not impede pedestrian or vehicular circulation or critical sight lines or where information kiosks would be in conflict with landscape maintenance equipment or emergency vehicle access.
- d) At this time, there is no standard design for information kiosks. Materials should be durable, low maintenance and vandal resistant.

#### 8.5 BICYCLE RACKS

- a) Bicycle racks should be located near the entry to all major buildings. There are two (2) standard bicycle racks that are to be used based on anticipated frequency of use and the overall design of a space.
- b) Bicycle racks location should be integrated into the overall design and recognize the convenience and comfort of the user.
- c) The location of bicycle racks should not impede pedestrian or vehicular circulation or critical sight lines or where bicycle racks would be in conflict with landscape maintenance equipment or emergency vehicle access.

#### Recommended:

Columbia Cascade Company Timberform® No. 2172-P Bollard CycLoops, or Columbia Cascade Timberform® No. 2175-8 Super Cycloops Bicycle Rack, either with "Black" finish.

#### 8.6 NEWSPAPER AND VENDING MACHINES

Newspaper and vending machines shall not impede pedestrian flow or sight lines and shall not be located within 10'-0" from the face of curb of any street. Wherever possible, newspaper-vending equipment should be grouped together.

#### 8.7 FENCES AND WALLS

Fences and walls are used to provide security, visual privacy and / or define a space.

- a) Barrier fences may be constructed of black, vinyl coated, chain link fence with black posts, rails, and connectors. The mesh shall be 2"x2" with the top salvaged. Height will be based on the requirements of the situation.
- b) Screen fences shall be constructed of wood using board on board siding and finished with transparent, warm gray stain. The height, in most cases, shall be 6'-0" or taller, where needed.
- c) Fences in highly visible areas shall be "blended" with shrub and tree planting.
- d) Walls shall be constructed in a manner and of materials, which are complimentary and visually compatible with their surroundings.
- e) The design of all fences and walls is subject to approval by the ARB.
- f) Long uninterrupted lengths of fence or walls should be designed in such a way as to minimize monotony.
- g) All walls and fences shall be well-maintained.

#### 8.8 DRINKING FOUNTAINS

- a) Drinking fountain locations should be integrated into the overall design of a space and recognize the convenience of the user.

- b) Do not locate drinking fountains and trash receptacles immediately adjacent to each other. Locate drinking fountains in areas such as near building entries and intersections of two (2) walkways.
- c) The location of drinking fountains should not impede pedestrian or vehicular circulation or critical sight lines or where drinking fountains would be in conflict with landscape maintenance equipment or emergency vehicle access.

Recommended:

Haws Model 3377 drinking fountain, barrier free and with Black powder coat finish.

#### 8.9 FOUNTAINS

Fountains and water features are to be utilized only with extreme caution and forethought. If a fountain or water feature is included, its design should reflect a strong concern for being safe, vandal-resistant, and low-maintenance. Interiors of fountains should be either tiled or plastered and fixtures should be recessed in the wall or floor of the structure. Equipment should be located in a recessed, locked vault.

#### 8.10 BOLLARDS

Bollards are used to control vehicular traffic or as pedestrian or bicycle control elements. Bollards must be removable if emergency or service vehicles require access.

Recommended:

Spring City Electrical Manufacturing Co. Model BLEF50, 36-inch high bollard with "Black" finish.

#### 8.11 PUBLIC ART

- a) Public art is a very important ingredient in any downtown setting. Public art and monuments promote social gathering and interaction and significantly contribute to place making.
- b) Because of its importance in the life of the community, public art should be thoughtfully placed and executed.
- c) Placement of all art or memorials should be related to its immediate surroundings. Public art should not be placed where it impedes pedestrian movement.
- d) Public art should be vandal-resistant and not require on-going, significant maintenance needs.
- e) Public art must be appropriately scaled for the space.
- f) Public art must be placed in a manner that is integral to the overall design of a space. Materials, construction, and method of installation must be durable and vandal resistant.
- g) The method of installation should not present any unusual maintenance requirements such as painting or weeding.
- h) Public art should be appropriately and discreetly lighted.
- i) Public art should not advertise individual businesses or trademarks unless they serve a specific or significant purpose.
- j) All public art shall be subject to the approval of the ARB.
- k) The City of Goose Creek reserves the right to set up a Downtown Public Arts Fund, and to require up to one (1) percent of a building's valuation for public art. Individuals and businesses are also encouraged to donate funds to the Downtown Public Arts Fund of the City.

#### 8.12 FLAGS AND BANNERS

Where regulations for the use of flags and banners is in conflict with Section 505 of the Goose Creek Zoning Ordinance, this standard shall prevail.

Banners, pennants and flags must comply with the following standards:

- a) The maximum allowable area of banners, pennants, and flags is one (1) square foot (SF) per linear foot (LF) of building frontage on a public street or parking lot.
- b) No more than three (3) different forms of banners, pennants or flags may be used on a site.
- c) Banners, pennants, and flags may only be used on the site which they serve to advertise.
- d) Banners, pennants, or flags shall not cover more than fifty (50) percent of the total window area of a building.
- e) The use of pennants, flags, or banners shall be at the discretion of the City and the ARB.
- f) Temporary banners, pennants and flags shall compliment the site and permanent signs.
- g) All banners shall be well-maintained or replaced.

#### 8.13 MEMORIALS

The guidelines for memorials shall follow those of Public Art (6.30). However, all memorials within the Downtown Development area shall be constructed only after approval from the Planning Commission, the ARB and City Council.

#### 8.14 TRANSPORTATION SHELTERS

- a) Shelters or benches may be located in the public right-of-way, as approved by the City of Goose Creek, for the convenience of those waiting for mass transit.
- b) The design of benches or shelters shall be subject to approval by the ARB and shall be sited in such a way that they do not impede vehicular or pedestrian flow or sight lines. Benches and shelters shall not have any advertising, either temporary or permanent, as part of their design. However, they may contain postings from the City of Goose Creek intended to communicate information for the public good.
- c) Seating areas at Transportation Shelters should be in areas where shade is provided.

#### 8.15 TREE GRATES AND GUARDS

- a) Tree grates are generally discouraged except in areas of very high pedestrian traffic. In the event that tree grates are utilized, they shall comply with ADA guidelines. Openings shall not be larger than ½", and ¼" openings are preferable.
- b) For the overall health and viability of the trees, grates shall be as large as practical. The minimum size for tree grates is 60" square.
- c) Where possible, utilize rectangular tree grates in sizes of 48" x 96" or larger. The use of tree grates is subject to approval by the ARB.

Recommended:

Ironsmith Del Sol M6032 (60" square) or Olympian M6016 (60" square) or M9626 (48" x 96") in cast gray iron.

- d) Tree guards shall be utilized where necessary to protect trees in areas of very high pedestrian traffic or in loading/service areas. The purpose of tree guards is to provide maximum coverage around tree, providing protection from even small objects.

Recommended:

Ironsmith M3, made with 3 horizontal pieces ¼" x 1 ½" flatbar and 12 vertical pieces of ¼" x 1" flatbar.

## 8.16 PAVEMENT MARKINGS

All decorative pavement marking designs are subject to the approval of the ARB.

## 8.17 PUBLIC OPEN SPACE

Public areas such as parks, squares, plazas, and courtyards should be located to provide focal points for downtown Goose Creek.

- a) All public open space furnishings are subject to the approval of the ARB.
- b) The City of Goose Creek reserves the right to set up a Downtown Public Park Fund. Individuals and businesses are encouraged to donate funds to the Downtown Public Park Fund of the City.

## 9 SIGNAGE

Signage provides orientation, attracts pedestrians, contributes to the street character and indicates commercial activity within.

## 9.1 MATERIALS

- a) Sign materials must be durable and weatherproof. In downtown areas, sign materials should take cues from the construction materials and architectural style of the building on which they are displayed. For this reason, natural materials such as wood and metal are appropriate.
- b) Wood signs should use only high-quality exterior grade wood with suitable grade finishes. Internally lit plastic signs are out of context with the character of the downtown area and shall not be used. However, internally lit individual letters (with plastic translucent face) may be used.
- d) When used, interchangeable lettering shall be incorporated into the overall signage in terms of design, materials and colors, and is computed into the maximum signage allowed.

## 9.2 SIZES

- a) The total sign area for the face of any building, however allocated among sign types (flat wall, projecting, freestanding, awning, window, and/or marquee), shall be computed on the ratio of one (1) square foot of sign for each lineal foot of building face not to exceed seventy-five (75) square feet, except that no sign attached to a building face shall exceed thirty (30) square feet in area.
- b) Projecting or freestanding signs shall have no more than two (2) sides and shall have a maximum size per side of nine (9) square feet for building faces with fewer than thirty (30) lineal feet of frontage, and a maximum of fifteen (15) square feet per sign face for building faces with thirty (30) or more lineal feet of frontage.
- c) The total area of window signs, including those advertising sales, in any one window shall not exceed twenty (20) percent of the area of the window.
- d) The total area of window signs shall be included in determining the total area of signs erected or displayed.
- e) In the absence of a building, the total sign area shall not exceed nine (9) square feet per side.
- f) All decorative trademarks and logos, including barber poles, shall be computed in the overall signage allowed per business.

## 9.3 QUANTITIES ALLOWED

- a) Two (2) signs shall be allowed per building face, with not more than one (1) projecting, freestanding or marquee sign allowed per face.
- b) More than one (1) projecting sign may be hung per bracket, provided other requirements relating to height are met.
- c) A uniform signage package should be designed for a building housing three (3) or more businesses.
- d) Maximum three (3) signs per storefront.
- e) Unlit, interior signs that say "open" or "closed" shall not be computed in the maximum number of signs allowed per storefront.

## 9.4 LIGHTING OF SIGNS

- a) Only external illumination of exterior signs is permitted.
- b) The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to the surrounding area.
- c) No sign shall have blinking, flashing, or fluttering lights or any other illumination device that has a changing light intensity, brightness, or color. Beacon lights shall not be permitted.
- d) No colored lights or neon signs shall be used for exterior signage.
- e) Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators or motor vehicles on public thoroughfares.
- f) No exposed reflective bulbs, strobe light, or incandescent lamp that exceeds fifteen (15) watts shall be used on the exterior surface or any sign so as to expose the face of the bulb, light, or lamp to any public street or adjacent property.

## 9.5 TEMPORARY SIGNS AND BANNERS

Temporary signs shall be non-illuminated and limited to the following types:

- a) Construction signs, which identify the architects, engineers, contractors, and other individuals of firms involved with construction. Such signs shall be removed upon issuance of a certificate of occupancy. The maximum area of such signs shall be twenty (20) square feet each, and no more than one (1) sign shall be permitted for each street frontage.
- b) Real estate signs, advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. The maximum sign area shall be eight (8) square feet each for residential uses and twenty (20) square feet each for non-residential uses.
- c) Political campaign signs announcing the candidates seeking public political office and other information pertinent thereto. These signs shall be removed within two (2) days after the occurrence of the event to which they pertain.
- d) Signs advertising only the name, time, and place of any bona fide fair, festival, bazaar, or similar event, when conducted by a public agency or for the benefit of any civic, fraternal, religious, or charitable cause; provided that all such signs shall be removed within twenty-four (24) hours after the last day of the event to which they pertain. The maximum sign area shall be thirty-two (32) square feet.
- e) Building-mounted grand opening signs, not exceeding thirty (30) square feet shall be permitted provided that such sign or signs shall not be displayed for more than thirty (30) days. A sign permit shall be required.

- f) Seasonal or holiday decorations except those seasonal banners not exceeding ten (10) square feet in area shall be allowed. Such banners shall not display the name of the business or shopping center, nor the words "open," "sale," "vacancy," or other similar words or phrases related to the business activity on the premises. These decorations shall be removed within seven (7) days after the holiday or seasonal event. For Christmas holiday decorations, the period of display is limited to the Friday preceding Thanksgiving Day to six (6) days after New Year's Day.
- g) Change of business name banners/hoods/covers over existing building-mounted and freestanding signs shall be allowed, while new signs are being manufactured, provided that such sign or signs shall not be displayed for more than eight (8) weeks and shall not exceed the permitted sign area for that site.
- h) Special exhibition signs. A building used primarily as a museum or art gallery shall be permitted to erect a building-mounted banner announcing special exhibitions, special shows, or special displays in process within the building if a sign permit is obtained and the following conditions are met:
  - 1) Wall-mounted decorative flags, each shall not exceed fifteen (15) square feet in area.
  - 2) Decorative flags shall display only the logo of a business or a decorative design related to the business and shall not display the words or phrases related to business activity on the premises.
  - 3) A national, state, or local government flag shall also be limited to fifteen (15) square feet, one (1) per building.
  - 4) All flags shall not project above the highest point of the roof of the building, nor shall it be attached to or mounted on top of a roof.
  - 5) The area of the decorative flags shall be deducted from the building-mounted sign area allowed.

#### 9.6 STREET SIGNS

The City of Goose Creek shall provide all street signs. No other street signs shall be used.

#### 9.7 HISTORICAL MARKERS

Historic markers are to be used only with the approval of City Council.

#### 9.8 PROHIBITED SIGNS IN OVERLAY DISTRICT

- a) Signs that contain or are imitations of "warning," or similar words, and that are so located as to be visible and similar to official traffic signs or signals or contain the words "stop," "go slow," "caution," "danger," applicable to operators of motor vehicles on a public street. Signs that are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as traffic control devices or that hide from view any traffic or street sign or signal.
- b) Signs that visually interfere with traffic.
- c) Flashing or animated signs.
- d) Signs that advertise any activity, business, product, or service no longer conducted on the premises upon which such sign is located.
- e) Signs that move in any manner or have a moving part.
- g) Signs that contain or consist of banners (except under Section 8.8 k Temporary Signs), posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices and festoons. These devices, when not part of any sign, are similarly prohibited, unless they are permitted specifically by other legislation.
- h) Any sign, except official notices and advertisements, which is nailed, tacked, posted, or in any other manner attached to any utility pole or structure or supporting wire, cable, or pipe or to any tree on any street or sidewalk or to public

property of any description.

- i) Separate signs attached to a freestanding sign or its supporting structure, advertising services such as, but not limited to, automobile travel clubs and credit cards.
- j) Any sign that is attached to or mounted on a roof or projects above the plane of the building façade. This shall include decorative roofs such as mansard roofs.
- k) Moored balloons or other floating signs that are tethered to the ground or to a structure.
- l) Time and temperature signs consisting of flashing or intermittent lights or an intermittent display that are indirectly illuminated.
- m) Any permanent or temporary sign affixed to, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed. Excluded from this section are vehicles/equipment in operating condition, currently registered and licensed to operate on public streets with a valid inspection sticker, and actively used in the daily function of the business to which such signs relate; vehicles/equipment engaged in active construction projects; vehicle/equipment offered for rent to the general public and stored on-premises.
- n) Sandwich board signs.
- o) Freestanding signs that have side-by-side or double decker panels that are not harmonious with one another in design, material or colors.
- p) Signs that obscure architectural details of a building.
- q) Signs that interfere with landscaping or trees.
- r) LED (light-emitting diode) signs.

#### 9.9 SIGN MAINTINANCE AND REMOVAL

All signs shall be kept in good condition and repair. Reference 505.3.7. Supporting shell of a sign without the sign message shall be promptly removed.

### 10 LANDSCAPING

#### 10.1 STREET TREES

- a) Preferred street tree spaces shall be rectangular and measure a minimum of 4' x 10', the long dimension being parallel to the curb.
- b) Street tree spaces may be enclosed by one of the following methods: (1) overlapping metal hoops, (2) posts with chains spanning between, or (3) raised granite or precast concrete curb.
- c) Flush curbs are permitted if installed in conjunction with either (1) or (2). Custom-designed guards may be considered subject to the approval of the ARB. All metal tree space guards shall be at least 4" in height but not taller than 12". All stone or concrete tree guards shall be at least 4" in height but not taller than 6". All metal elements of the tree space guards shall be painted black.
- d) Street tree spaces shall be planted with evergreen groundcover plant and shall be planted in sufficient quantity to grow

in and be maintained in a healthy condition over the entire area of the tree space.

- e) Seasonal plantings shall be permitted only if these plantings are in sufficient quantity to grow in and cover the entire area of the tree space, and are maintained in a healthy condition with an attractive appearance.
- f) Digging within tree spaces is generally prohibited, to protect the roots of existing trees.
- g) Substitution of metal tree grates in heavy pedestrian traffic areas shall be considered subject to approval by the ARB.
- h) Plant materials, particularly canopy trees, should be selected from varieties which are well adapted to the local climate and soils, resistant to pests and diseases, long-lived, and free of excessive litter and other maintenance problems.
- i) Every effort should be made to preserve existing trees at or above four (4) inches in caliper.

#### 10.2 PARKING LOT TREES

- a) The lot should be clearly separated from adjacent uses such as roads and sidewalks. A planted strip a minimum of 6'-0" in width with street trees will delineate the edge and also provides shade for pedestrians. Safety and visual access shall be maintained by specifying tree limbs at a 6' minimum height and shrubs or fence to a maximum 3'-6" height.
- b) A balance of green planted space to paving will provide diversity, seasonal interest, and shade. Fewer large islands will sustain healthier trees than more numerous very small islands. Trees will have a greater impact than shrubs, which may be hidden behind cars.
- c) In all parking lots, trees shall be planted at an overall rate of one (1) tree per eight (8) cars. Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows or parking spaces in a manner such that no parking space is located more than 60' from a parking lot tree.
- d) Parking lots shall provide a minimum ten (10) percent net area of landscaping on the interior or exterior of parking lots.
- e) Planting areas and islands shall be not less than 8' in width and shall include a minimum of 150 square feet of open planting area for ornamental trees and 300 square feet for canopy trees.
- f) Planting areas and islands shall have a minimum prepared depth of 18". All landscaped areas shall be protected from vehicular encroachment by concrete curb and gutter. Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings.

#### 10.3 SHRUBS AND GROUND COVER

- a) Where shrubs and groundcovers are used, their use should reflect a design aesthetic that is commercial, not residential. Planting design will consist predominantly of mass plantings of shrubs and groundcovers in arrangements that are simple in geometry and form, do not require significant maintenances, and are appropriate in scale for their specific context.
- b) The appropriate use of vegetation in the built environment is a major influence on the quality of human life in a healthy environment. Trees, shrubs, and herbaceous plant material filter pollutants in the air and water, mitigate wind and solar heat gain, stabilize soil to prevent or reduce erosion, and provide an aesthetic counterpoint to the built environment. These attributes are essential to balancing the effects of humans on the land.



- c) Furthermore, the native plant communities of a region provide some of the strongest cues to the unique identity of a place. The various landscapes of downtown are important in maintaining the human scale of the area. Planting design should reflect the nature of the place, the requirements of maintenance and the general aesthetic of downtown.

#### 10.4 SEASONAL PLANTING

Seasonal plantings (annual and perennials) are encouraged as they bring color to the downtown area and show a higher level of care. The same principles of design that apply for shrubs and groundcovers apply for seasonal plantings.

#### 10.5 LAWNS

Lawn areas utilized in buffers and open space areas shall be used sparingly and groundcovers and mulched areas are preferred. However, where lawn areas are used, they shall be kept reasonably free of weeds and disease and shall be well maintained according to standard horticultural practices.

#### 10.6 IRRIGATION

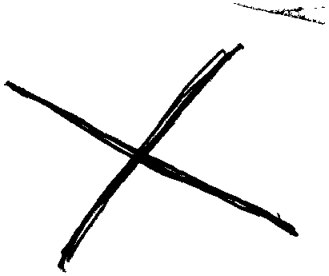
- a) Preserved trees, shrubs, and native plant communities shall not be required to be irrigated, unless directed by the City.
- b) Drip irrigation systems shall be installed in areas plated with trees, shrubs, perennials, and groundcovers.
- c) Turfgrass areas shall be irrigated on a different zone than trees, shrubs, perennials, and groundcovers.
- d) Moisture sensor and/or rain gauge equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall.
- e) No significant irrigation overthrow shall be permitted onto impervious surfaces.
- f) A watering schedule shall be submitted as part of the landscape plan. The schedule shall indicate the different irrigation zones and the frequency and amount of irrigation.
- g) The following are standard requirements of the Irrigation Plan:
  - 1) A detailed plan with the location of all irrigation components, i.e., controller, heads, back-flow preventer, valves, electrical lines, mainlines and secondary lines with their size and type.
  - 2) Legend containing graphic symbols of the irrigation components.
  - 3) Location of all existing and proposed structures and utilities, with the location of all sleeves, including sizes and types.

#### 10.7 MAINTENANCE

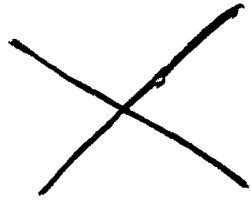
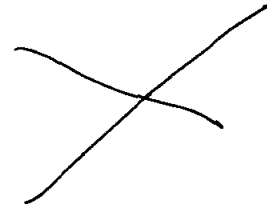
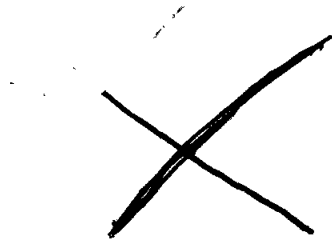
The property owner or their agents shall maintain all landscapes. Some guidelines for landscape maintenance follow:

- a) Tree root zones may become compacted due to pedestrian and/or vehicular traffic. In this case, trees shall be aerated at least once annually. Additionally, a deep root irrigator/feeder may be utilized to provide water, nutrients, and oxygen to the trees. Apply at the drip-line at least every 4' entering the ground 12"-18". It is recommended that this be done every two (2) years.
- b) Trees generally require fertilization annually.
- c) Use 2"-4" of organic material at least 4' in diameter around the trunk. Add mulch as required but do not allow mulch to pile up around the trunk of the tree.

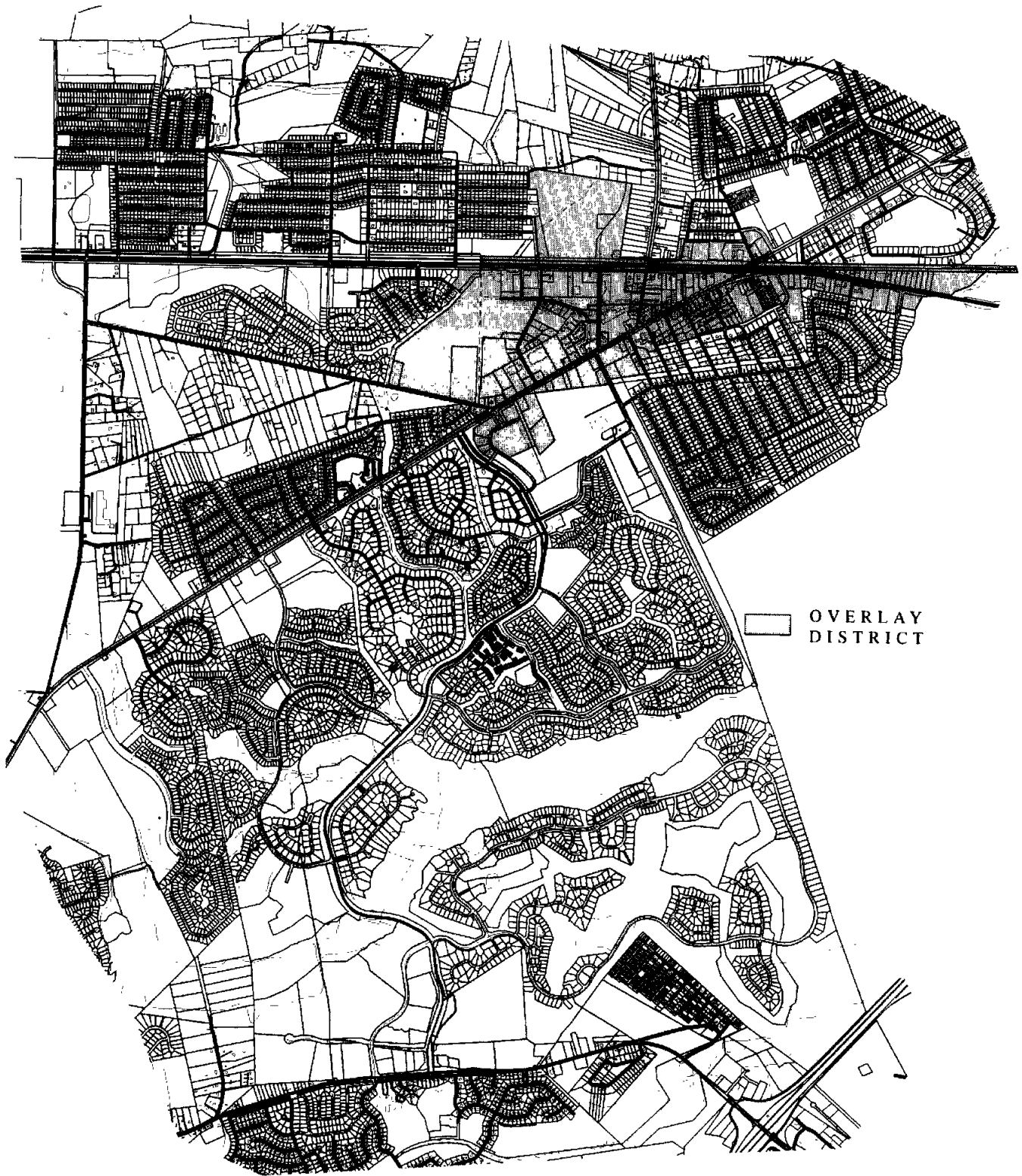
- d) Prune to reduce foliage density, to remove dead or broken limbs, and to correct structural problems (crossed branching, etc.).
- e) Remove all staking and guying as soon as trees can support themselves. Timing varies by species and plant age; however a general rule is twelve (12) months after planting.
- f) Most shrubs and groundcovers require supplemental feeding annually. The types of fertilizers as well as time of application vary. Base these decisions on standard horticultural practices.
- g) Mulch all shrub beds with 2"-4" of organic material such as pine straw or shredded hardwood. Do not use bark chips. Add additional mulch as needed to maintain the desired depth.
- h) Prune shrubs only to remove dead or diseased branches or to improve shape and structure. Do not prune shrubs into unnatural geometric shapes. Hedges are labor intensive. Formal, clipped hedges should be kept to an absolute minimum. Avoid gouging and clipping hedges too closely as it is unsightly and harms the plant.
- i) Lawn areas may require aeration due to high pedestrian traffic. Do not fertilize new lawn areas until the area has been mown at least three (3) times. This should allow an area sufficient time to become established prior to fertilization. Lawn areas should be mowed as required to maintain aesthetic appeal and vigor.



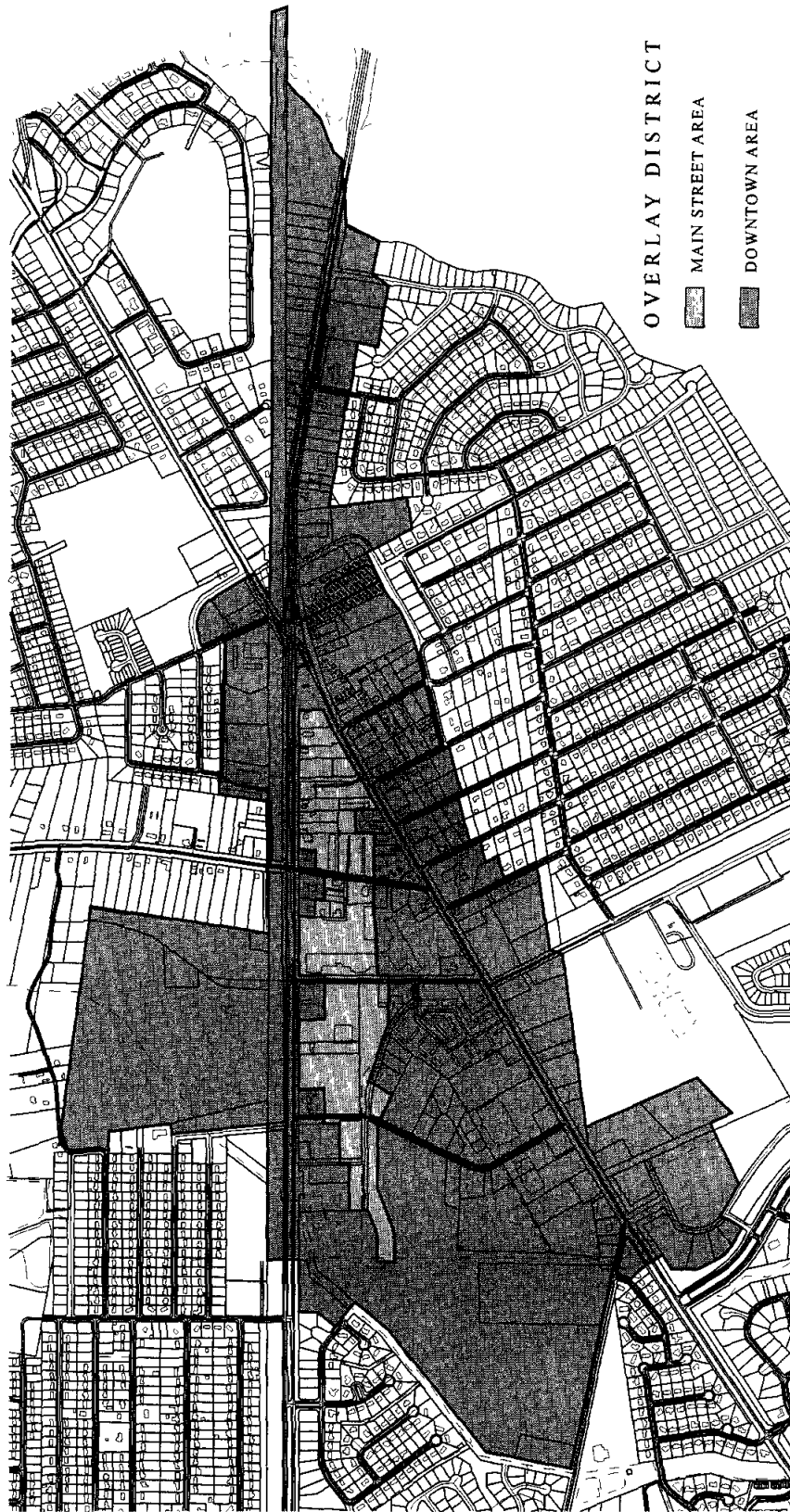
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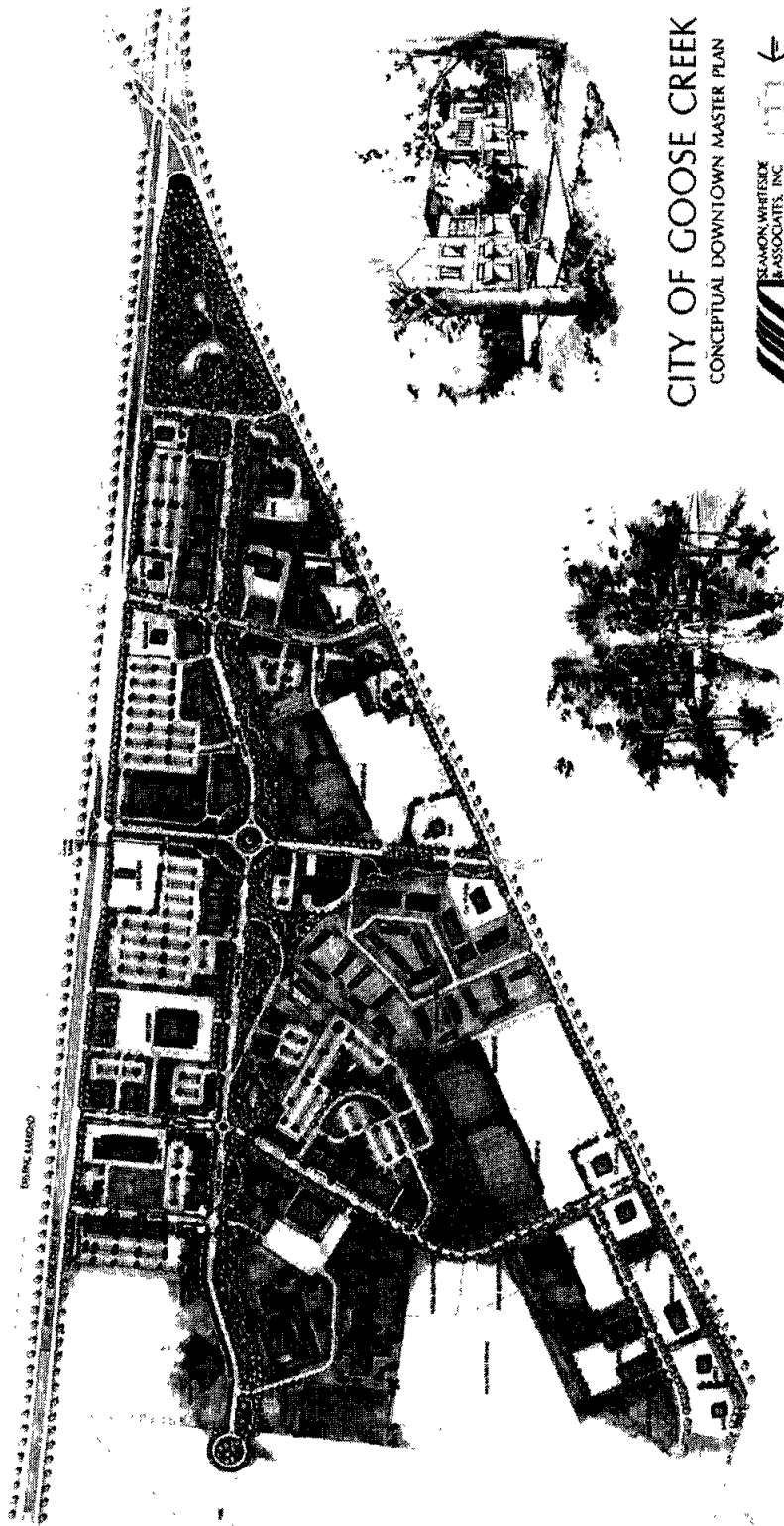
**APPENDIX**  
A.1 VICINITY MAP  
A.2 OVERLAY ZONE  
A.3 CURRENT MASTERPLAN  
A.4 RECOMMENDED FURNISHINGS



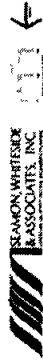
A.2 OVERLAY ZONE



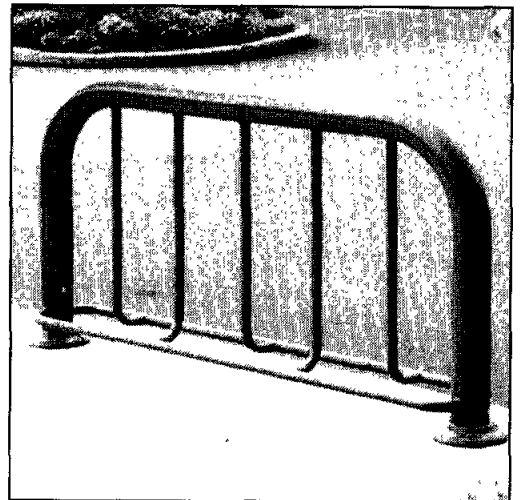
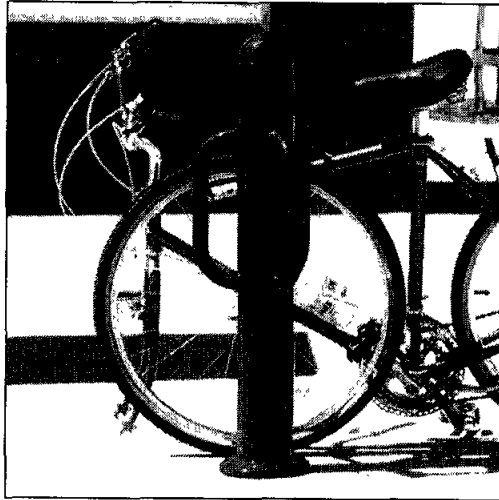
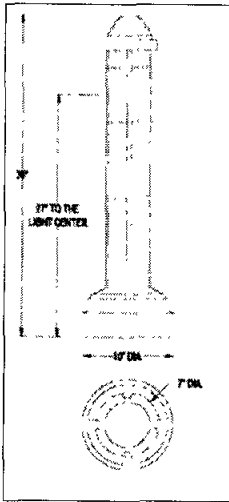
A 3 CURRENT MASTER PLAN



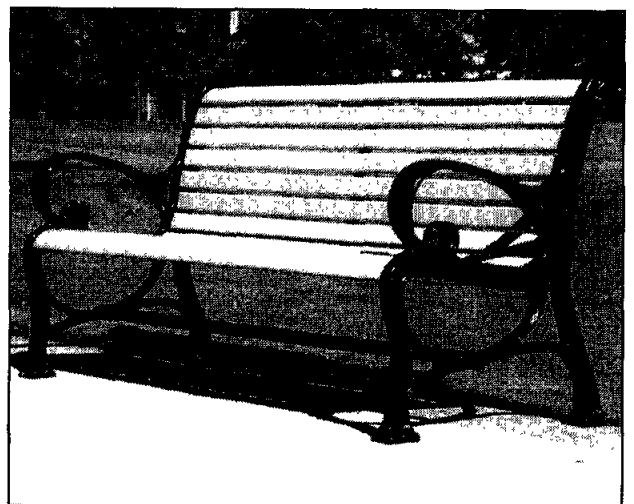
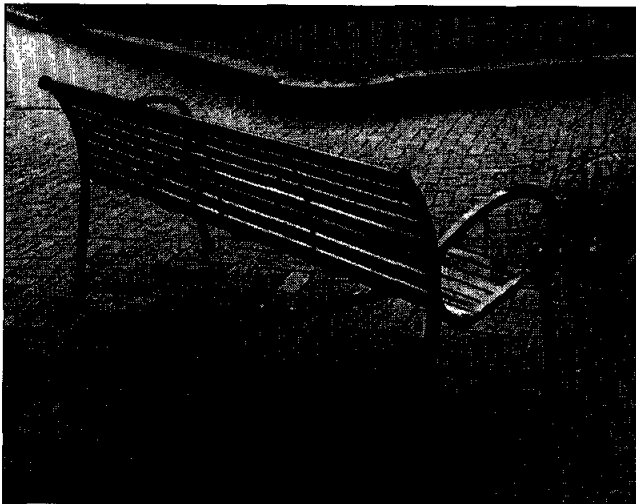
CITY OF GOOSE CREEK  
CONCEPTUAL DOWNTOWN MASTER PLAN



A.4 RECOMMENDED FURNISHINGS

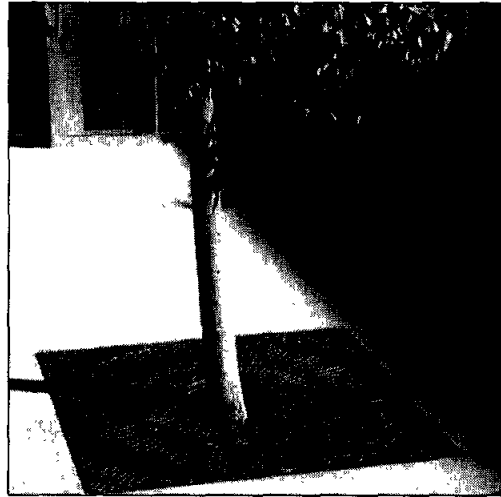


BOLLARDS AND BICYCLE RACKS



BENCHES

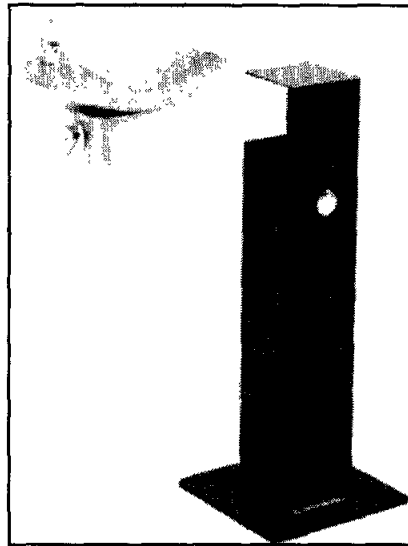
A.1 RECOMMENDED FURNISHINGS (CONT.)



TREE GRATES AND GUARDS



TRASH RECEPTACLE

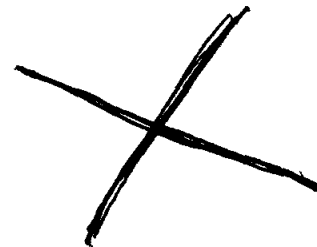
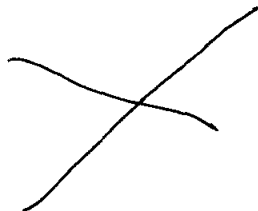
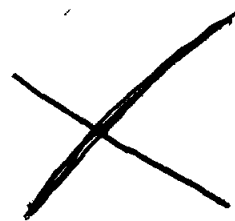
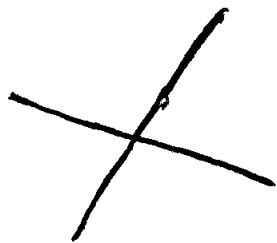


FOUNTAIN



APPENDIX 3

CITY OF GOOSE CREEK  
ZONING PROCEDURES





# **PROCEDURES MANUAL**

## **SUBDIVISIONS**

### **AND**

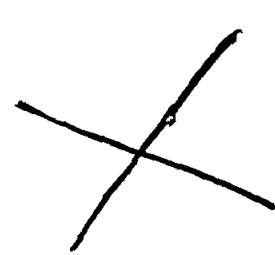
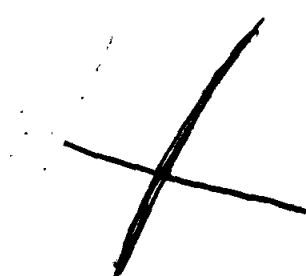
## **PLANNED DISTRICTS**

## TABLE OF CONTENTS

SECTION I – PURPOSE .....	3
SECTION II – SCOPE .....	3
SECTION III – TYPES OF PERMITS .....	3
SECTION IV – DEFINITIONS .....	3
SECTION V – APPLICATION/APPROVAL PROCEDURE .....	6
Preliminary Planning Interview .....	6
Proposed Site Development Plan .... ..	7
Interim Planning Conference .....	7
External Review and Approvals .....	8
Sewage.....	8
Streets .....	8
Curb Cuts.....	8
Drainage .....	8
Water .....	8
Lighting .....	9
Development Permits .....	9
SECTION VI – SIGNAGE .....	9
SECTION VII – INTERIM PLAN APPROVAL.....	9
SECTION VIII – BUSINESS LICENSE REQUIREMENTS .....	10
SECTION IX – FINAL INSPECTIONS .....	10
SECTION X – FINAL PLAT APPROVAL .....	10
ANNEX A – ZONING ORDINANCE EXTRACTS .....	11
Zoning Amendments .....	11
Permit Applications ... ..	15
Occupancy Permits... ..	16
Preservation of Natural Environment .....	17
Flood Control Measures.....	18
Architectural Conformity.....	25
Visual Clearance.....	27
Minimum Design Standards .....	27
Swimming Pools .....	29
Landscaping Requirements .....	29
Sign Regulations.....	30
Sign Regulations by Zoning District .....	32
Buffer Areas and Screens.... ..	35
Parking and Loading Spaces .....	36
Location/Appearance of Accessory Buildings .....	39
Planned Districts.....	43
Filing Procedures .....	44
General Provisions.....	46
Planned District – Mobile Home .....	47
Minimum Lot Requirements: Multi-Family .....	49
Table of Parking/Loading Space Requirements .....	50
Table of Accessory Uses .....	61
Table of Minimum Standards (Set-Backs).....	63

### TABLE OF CONTENTS (cont.)

Recreation Land Set-Aside Policy.....	65
Sidewalk Standards ..	70
Lighting Policy and Specifications ....	73
Use of Non-Regulation Street Signs .....	??



## SUBDIVISIONS AND PLANNED DISTRICTS

- I. **PURPOSE:** The purpose of this manual is to aid developers and builders in the proper procedures for subdivision and planned district development in the City of Goose Creek. The intent is to eliminate confusion and lost time caused by incomplete applications and plans.
- II. **SCOPE:** This procedure applies to all developers, contractors, builders, their agents, engineers and architects that desire to develop land within the corporate limits of the City of Goose Creek.

### THE ZONING ADMINISTRATOR WILL NOT ACCEPT INCOMPLETE SUBMISSIONS.

#### III. TYPES OF PERMITS REQUIRED:

- A. Typical types of permits required for projects in the City:
  1. Zoning Permit (letter ) – no fee.
  2. Development Permit (letter) – no fee.
  3. Building Permit – fee.
  4. Electrical Permit – fee.
  5. Plumbing Permit – fee.
  6. Encroachment permit – See Section V, Paragraph B,4,c
  7. Occupancy Permit (certificate) – no fee.

#### IV. DEFINITIONS:

- A. **Accessory Building(s):** A building customarily incidental and subordinate to and detached from the principal building and located on the same lot. Examples of accessory buildings are detached garages, storage buildings, workshops, etc. There are specific zoning regulations pertaining to the placement, size, and use of accessory buildings. A building permit is required for the construction of all accessory buildings in all zoning districts; however, in some instances the fee is waived.
- B. **Applicant:** Any person, company, firm, corporation or agency that applies for a permit to construct or substantially alter a building for commercial use (including multi-unit residential buildings).
- C. **Area of Shallow Flooding:** Areas of one percent per year chance of flooding between depths of one and three feet, and floodwater velocity less than fifteen feet per second; shown as AO zones on Flood Insurance Rate Maps. Reference Section 502 (Page 18).
- D. **Area of Special Flood Hazard:** Areas of one percent per year chance of flooding to depths greater than three feet, with floodwater velocity greater than fifteen feet per second; shown as A Zones on Flood Insurance Rate Maps. Reference Section 502 (Page 18).

- E. **Base Flood:** That elevation established by Flood Insurance Rate Maps, or other competent authority, to which there is one percent per year change of flooding. Reference Section 502 (Page 18).
- F. **Buffers:** Spaces, structures, landforms, or vegetation, and/or combinations of these elements which are reserved or constructed between lots, districts or uses.
- G. **Buffer Screen:** A fence, wall, hedge or similar barrier placed close and parallel to a lot line or zoning district line for the purpose of visually separating one use or district from another. Reference Section 506 (Page 35).
- H. **Buffer Area:** As determined by the Administrator, an area along a lot or district line reserved in natural vegetation, accompanied by buffer screens as required, to achieve physical and visual separation of districts or uses. Reference Section 506 (Page 35).
- I. **Building Codes:** The following building codes, as amended, are adopted for use by the City of Goose Creek:
- a. International Building Code, 2000 Edition excluding Section 103, but including all appendices.
  - b. International Plumbing Code, 2000 Edition
  - c. International Fuel Gas Code, 2000 Edition
  - d. International Mechanical Code, 2000 Edition
  - e. International Residential Code, 2000 Edition
  - h. International Fire Code, 2000 Edition
  - i. National Electric Code, 1999 Edition
  - j. Flood Damage Prevention Regulations
- J. **Building Permit:** A permit is issued by the City upon recommendation of the Inspection Division and Zoning Administrator permitting the construction of any building or structure, or significant alteration of, modifications of, or addition to any existing building or structure in the City of Goose Creek. Building permit applications are available in City Hall. (Submit in duplicate). All buildings, structures, or accessory buildings must be permitted individually. There is a fee charged for building permits, and interim and final inspections are required.
- K. **Condominium:** A form of fee ownership of whole units or separate portions of multi-unit buildings, by statute (Code of Laws of S.C., 1976, et seq.) which provides the mechanics and facilities for formal filing and recording of a divided interest in real property, where the division is vertical as well as horizontal. Fee ownership of units in a multi-unit property includes joint ownership of the common areas. Reference Section 605.4 (Page 41).
- L. **Density:** The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use exclusive of land utilized for streets, alleys, drives, parks, playgrounds, school grounds, or other public uses. "Gross Residential Acre", where used shall include all land within a specific parcel or lot. Reference Section 710 (Page 49).

- M. Detailed Plans: Detailed plans consist of a scaled site plan and all appurtenant plans required for review and approval by the City of Goose Creek and other required agencies. The detailed plans include, but are not limited to, the site plan, drainage plan, landscaping plan, architectural plan, mechanical plan, plumbing plan, electrical plan, structural plan, general specifications, signage plan, and soil report if required by the Inspection Division.
- N. Development Permit: A permit issued by the Zoning Administrator which is required before clearing, excavation, or other site preparation may begin. In subdivision and planned district development, development permits will be issued for initiation of construction of each major support system required in the development (streets, sewage, water drainage).
- O. Electrical Permit: A permit issued by the Business License/Permit Clerk upon recommendation of the Inspection Division permitting the installation of electrical wiring and apparatus in new and existing structures in the City of Goose Creek. A fee is charged for electrical permits and interim/final inspections are required. Permit application forms are available at City Hall.
- P. Landscaping: Aesthetic improvement, other than grass cover, of developed grounds, using natural trees to the maximum extent possible. As determined by the Administrator, landscaping may include buffer screening and erosion control measures. Reference Section 504 (Page 29).
- Q. Planned Districts: Allow flexibility in the grouping, placement, size and use of buildings on relatively large tracts of land. Planned developments provide for the mixing of building types and/or land uses and are usually characterized by a unified site design. Planned developments have a number of advantages over traditional lot-by-lot development, including; the mixing of building types or uses creating a more diversified community; combining often unusable yard space on individual lots into common open spaces; providing incentives to build low cost housing; lower street and utility cost resulting from reduced frontage; and allow increased development densities while providing or keeping desired amenities. Reference Section 709 (Page 43).
- R. Plat: A map, plan or layout of a tract of land, or a section or subdivision of land, indicating the location and boundaries of individual properties, requiring City approval prior to recording with Berkeley County R.M.C. All plats must be appropriately sealed.
- S. Plumbing Permit: A permit issued by the Business License/Permit Clerk upon recommendation of the Inspection Division permitting the installation of water/gas lines and sewer/drainage pipes in the City of Goose Creek. A fee is charged for plumbing permits and interim/final inspections are required.
- T. Proposed Site Plan: A scale drawing or drawings depicting the information outlined in Section V, of this manual. The proposed site plan(s) is the preliminary plan needed for the planning conferences and for zoning permit determinations. All plans must be appropriately sealed.

- U. Scale: Scale for site plans of commercial applications will be 1" = 20' or less on sites of 2 acres or less. More than 2 acres use 1" = 30', more than 5 acres use 1" = 50', and more than 10 acres use 1" = 100'. Scale for building plans shall be in accordance with accepted architectural standards.
- V. Temporary Use:
1. Real estate sales office, in any district, except full or near fully-developed residential projects, for a period of one (1) year, provided no cooking or sleeping accommodations are maintained. Permit is required.
  2. Contractor's office (shed or trailer), or equipment shed, in any district, except full or near fully-developed residential projects, for a period of one (1) year, provided such office or shed is placed on the project property, and no sleeping or cooking accommodations are maintained except for the watchmen in the structure. A permit from the Zoning Administrator is required.
- W. Variance: A variance is an official exception to regulations or policy granted an applicant by the Zoning Board of Appeals. There is a non-refundable fee of \$60.00 required for an application, and a public hearing is required. Requests are made by letter to the Zoning Administrator.
- X. Zoning Permit: A permit issued in letter form by the Zoning Administrator indicating that the appropriate zoning classification exists for the proposed subdivision or planned district.

V. APPLICATION/APPROVAL PROCEDURE:

A. Preliminary Planning Interview

1. Before the proposed development plans are finished, the applicant should prepare a proposed sketch plan for review with the Zoning Administrator for compliance with the zoning ordinance requirements, development standards, etc. If the intended use is appropriate to the zoning district, a zoning permit will be issued. If the area is not zoned appropriately, the applicant may petition the Planning Commission for rezoning for one principal use or as a planned district, as appropriate. After the preliminary planning interview is concluded, proposed development plans will be prepared.

NOTE: IF REZONING IS REQUIRED, A CONCEPTUAL DEVELOPMENT PLAN (8 COPIES) WILL BE PROVIDED TO THE CITY PLANNER FOR PRESENTATION TO THE PLANNING COMMISSION FOR PUBLIC HEARING. IF THE REZONING IS ACCEPTED, THE RECOMMENDATION WILL BE FORWARDED TO CITY COUNCIL FOR APPROVAL. WHEN THE REZONING IS APPROVED BY CITY COUNCIL, THE ZONING PERMIT WILL BE ISSUED.



2. If zoning is appropriate, the applicant will prepare the proposed site plan reflecting any changes required from the preliminary interview, and will provide the Zoning Administrator with twelve (12) copies of the proposed development plan for use by participants at the Interim Planning Conference.
  - a. Proposed development plan: the proposed development plan must include the following:
    - 1) The name of the project: the name(s) of engineers, architects, etc.
    - 2) The boundaries and dimensions of the proposed development. (See scale requirements – Page 6).
    - 3) For subdivisions: Location and dimensions of all lots with a lot size schedule (in square feet) provided on the plan sheet. For planned districts: Those requirements for subdivisions plus the location, size, type and number of dwellings or office units indicated.
    - 4) For subdivisions: The location (with centerlines and curve data) of all streets; proposed street names (the Planning Commission reserves the right to name all subdivisions and streets); location of all proposed street attachments to existing public rights-of-way. For planned districts: as above plus all parking areas and required parking spaces.
    - 5) Location of all existing easements and rights-of-way, and all proposed easements and rights-of-way.
    - 6) Location and dimensions of all areas to be reserved for parks, recreation.
    - 7) Location and dimensions of all buffer zones, screens, buffer areas and landscaping.
    - 8) Location and “design typicals” for required sidewalks. See Page 72 for specification/installation criteria.
    - 9) Location of all existing and proposed utility service lines (by type). The City of Goose Creek requires all pipe transmitted utilities be placed on the street side and cable utilities to be placed on the rear of lots. All utilities will be placed underground.
    - 10) Topographic contours (maximum 2-foot interval).

#### B. Interim Planning Conference

1. For subdivisions and planned districts, an interim planning conference will be scheduled by the Zoning Administrator with representatives of all utility services, Berkeley County planning and engineering departments, the South Carolina Department of Transportation, etc. The twelve (12) copies of the amended site plan will be distributed for review by the participants at the planning conference approximately ten (10) days before the conference.

2. Participants at the conference will be asked to note any changes, additions, comments or recommendations on their copy of the proposed site plan. These noted changes will be returned to applicant's engineers/architects at the conference.
3. After the interim planning conference, the applicant will prepare the detail development plans, including detailed drainage, sewage, water, landscape, streets and lighting plans. While planning is focused on the total development plan, the project may be developed in phases.
4. External Review and Approvals
  - a. Sewage. Sewage collection and distribution plans must be reviewed by the Berkeley County Water and Sanitation Authority (572-4400) and by the S.C. Department of Health and Environmental Control. BCW&SA will assist with the DHEC review. BCW&SA approval must be reported to the City by letter. A copy of the DHEC permit must also be provided when received.
  - b. Streets design, layout and specifications. Any streets proposed for future dedication for public authority for maintenance must be approved by the Berkeley County Engineer (723-3800, ext. 4098) in accordance with Berkeley County subdivision regulations and SCDHPT criteria. Approval of design and specifications must be reported to the City in writing.
  - c. Street access, curb cuts, etc. All street access and attachments to public rights-of-way must be approved by an encroachment permit issued by the SCDOT. Encroachment permits are applied for through the Moncks Corner Office (723-9541). Documentation of application for and expected approval of encroachment permits must be reported to the City in writing. Copies of all approved encroachment permits must be supplied to the City when received.
  - d. Drainage, soil erosion and sediment control. The site drainage, soil erosion and sediment control plans must be reviewed and approved by the Administrator of the Berkeley County Planning Commission (723-3800) in accordance with the Berkeley County subdivision regulations. Any required S.C. Coastal Council review will be coordinated by the Administrator of the Berkeley County Planning Commission and approval of drainage plans, etc. will not be reported to the City until Coastal Council review is complete and any required plan amendments have been reviewed. Drainage, soil erosion and sediment control plan approval must be reported to the City in writing. ✓
  - e. Water. Water distribution plans will be developed in coordination with the Director of the City of Goose Creek Department of Public Works (824-2200) and by the S.C. Department of Health and

Environmental Control, as required. Approval of the water distribution plans will be reported to the City Planner in writing. The City of Goose Creek reserves the right to install all water distribution and fire suppression apparatus at the applicant's expense.

- f. Street Lighting. Applicant will coordinate the development of the street lighting plan with the service planner of Berkeley Electric Cooperative (572-5454, ext. 8446). Plans must be approved by the City Zoning Administrator for compliance with development standards (See Page 25).
- g. Cable transmitted utilities: ALL CABLE TRANSMITTED UTILITIES WILL BE PROVIDED UNDERGROUND AND PLACED IN EASEMENTS ON REAR LOT LINES. It is assumed the availability and final coordination has been made for electrical, phone and cable TV.

#### C. DEVELOPMENT PERMITS:

Development permits for each specific activity (clearing and grubbing, streets and encroachments, sewage system, water system, drainage) will be issued as reviews and approvals are received by the City.

#### VI. SIGNAGE

- A. All signage in the City is controlled by the sign regulations. Applicants and their contractors should check the provisions beginning on Page 30 before erecting any signs on site. Subdivision or named development signs may be approved as part of the general site plans or by separate permit. No signs are permitted in public, or proposed public rights-of-way.

#### VII. INTERIM PLAN APPROVAL

When all external reviews and approvals are received by the City, the City Planner will approve a clearly identified "Interim Plat" for recording for financial or mortgage purposes.

**NOTE: IT IS UNLAWFUL (STATE LAW) TO SELL, PRESENT FOR SALE, LEASE, OR OTHERWISE CONVEY ANY PROPERTY BEFORE A FINAL APPROVED PLAT IS PLACED ON RECORD. THE CITY WILL APPROVE A FINAL "AS BUILT" PLAN WHEN ALL FINAL INSPECTIONS ARE COMPLETE AND LETTERS OF ACCEPTANCE FOR STREETS, DRAINAGE, AND SEWER ARE RECEIVED OR EVIDENCE OF APPROPRIATE BONDING FOR COMPLETION IS PROVIDED.**

VIII. BUSINESS LICENSE REQUIREMENTS

1. All contractors, subcontractors, builders, firms or persons hired for work on a subdivision or planned district development project must secure a City of Goose Creek business license before beginning work.
2. A copy of the appropriate State of South Carolina license to perform such work (general contractor, utility contractor, etc.) must accompany the application for business license.

IX. FINAL INSPECTIONS

1. Appropriate Berkeley County officials (sewer, streets, drainage) will inspect the completed support systems and report the approval to the City of Goose Creek.
2. In circumstances where support systems are not totally completed, however, building or construction could commence without injury to the general welfare, the completion of such unfinished systems may be placed under bond to the appropriate Berkeley County authority in accordance with established Berkeley County bonding policies and practices.

X. FINAL PLAT APPROVAL

The City of Goose Creek will approve a final "as built" plat for recording when all final inspections are complete, approved by the appropriate agency, or placed under proper bond, and such approvals or bond arrangements are communicated, in writing, to the City of Goose Creek.



# **PROCEDURES MANUAL**

## **SINGLE FAMILY**

## **RESIDENTIAL CONSTRUCTION**

## SINGLE FAMILY RESIDENTIAL CONSTRUCTION

### Application Procedures – Permits – Inspections

- I. **PURPOSE:** The purpose of this manual is to aid contractors, builders and citizens in the proper procedures for residential construction in the City of Goose Creek. The intent is to eliminate confusion and lost time caused by incomplete applications and plans. The included form letters are provided for applicant's use to expedite the external approval of plans.
- II. **SCOPE:** This procedure applies to all citizens, contractors, builders, their agents, engineers and architects that desire to construct or substantially alter a structure for single family use within the corporate limits of the City of Goose Creek.

### **THE ZONING ADMINISTRATOR WILL NOT ACCEPT INCOMPLETE SUBMISSIONS!**

#### III. TYPES OF PERMITS REQUIRED:

##### A. Typical types of permits required for projects in the City:

1. Zoning Permit (letter) – no fee.
2. Development Permit (letter) – no fee.
3. Building Permit – fee.
4. Electrical Permit – fee.
5. Plumbing Permit – fee.
6. Encroachment Permit – See Section V,C,2
7. Occupancy Permit (Certificate) – no fee.

#### IV. DEFINITIONS:

- A. **Applicant:** Any person, company, firm, corporation or agency that applies for a permit to construct or substantially alter a building for residential use.
- B. **Accessory Building(s):** A building customarily incidental and subordinate to and detached from the principal building and located on the same lot. Examples of accessory buildings are detached garages, storage buildings, workshops, etc. There are specific zoning regulations pertaining to the placement, size, and use of accessory buildings. A building permit is required for the construction of all accessory buildings in all zoning districts. However, in some instances, the fee is waived.
- C. **Building Codes:** The following building codes, as amended, are adopted for use by the City of Goose Creek:
  1. International Building Code, 2000 Edition, excluding Section 103, but including all appendices.
  2. International Plumbing Code, 2000 Edition
  3. International Gas Code, 2000 Edition
  4. International Mechanical Code, 2000 Edition
  5. International Residential Code, 2000 Edition

6. International Fire Code, 2000 Edition
  7. National Electric Code, 1999 Edition
  8. Flood Damage Prevention Regulations
- D. **Building Permit:** A permit issued by the Business License/Permits Clerk upon recommendation of the Inspection Division and Zoning Administrator permitting the construction of any building or structure, or significant alteration of, modifications of or addition to any existing building or structure in the City of Goose Creek. Building permits are applied for using the standard permit application (Sample – Page 22) available at City Hall. There is a fee charged for building permits, and interim and final inspections are required.
- E. **Detailed Plans:** Detailed plans consist of a scaled site plan and all appurtenant plans required for review and approval by the City of Goose Creek and other required agencies. The detailed plans include, but are not limited to, the site plan, architectural plan, mechanical plan, plumbing plan, electrical plan, structural plan, general specifications, and soil report if required by the Inspection Division.
- F. **Development Permit:** A permit issued in letter form by the Zoning Administrator to an applicant. A development permit is required before clearing, excavating, or filling may begin on site.
- THE DEVELOPMENT PERMIT IS NOT A BUILDING PERMIT AND DOES NOT AUTHORIZE FOUNDATION OR BUILDING CONSTRUCTION.**
- G. **Electrical Permit:** A permit issued by the Business License/Permits Clerk upon recommendation in the Inspection Division permitting the installation of electrical wiring and apparatus in new and existing structures in the City of Goose Creek. A fee is charged for electrical permits and interim/final inspections are required. The standard permit application form (Page 22) is used to apply for electrical permits.
- H. **Maintenance:** Maintenance is defined as any work associated with the upkeep of property, such as painting or servicing of household appliance systems (hot water heater, heating and cooling systems, etc.). There are special permit and fee provisions for property owners. Check with the License and Permit section in City Hall.
- I. **Mechanical Permit:** A mechanical permit is issued by the City allowing the installation, addition, replacement or repair of heating, cooling or refrigeration equipment. The standard permit application form is used to apply.
- J. **Occupancy Permit:** A permit issued by the Business License/Permits Clerk on recommendation of the Inspection Division to the applicant in certificate form. An occupancy permit is required before any building, or portion thereof, may be occupied by an owner or tenant.

- K. **Plumbing Permit:** A permit issued by the Business License/Permits Clerk upon recommendation of the Inspection Division permitting the installation of water/gas lines and sewer/ drainage pipes and other plumbing apparatus in a new or existing structure in the City of Goose Creek. A fee is charged for plumbing permits and inter/final inspections are required. The standard permit application form is used to apply for electrical permits.
- L. **Proposed Site Plan:** The proposed site plan is a scale drawing or drawings depicting the information outlined in Section V of this manual. The proposed site plan(s) is the preliminary plan used to secure a zoning permit.
- M. **Repair:** For the purpose of this procedure, repair is defined as the substantial alteration or replacement of damaged or deteriorated materials or household appliance systems such as roofs, fences, hot water tanks, heating/cooling systems.
- N. **Scale:** Scale for site plans of residential applications will be 1" = 20' or less. Scale for building plans shall be in accordance with accepted architectural standards.
- O. **Variance:** A variance is an official exception to regulations or policy granted an applicant by the Zoning Board of Appeals. There is a fee required for an application for variance, and a public hearing is required. Requests are made by letter to the Zoning Board of Appeals.
- P. **Zoning Permit:** A permit issued in letter form to the applicant by the Zoning Administrator of the City of Goose Creek. A Zoning Permit signifies approval of the proposed use and agreement in principle with the submitted site plan. The zoning permit does not authorize clearing, excavating, filling or construction on the proposed site. The Zoning Permit will include any special requirements or conditions required by the Planning Commission, or the Zoning Administrator.
- V. **APPROVAL PROCEDURE (Single Family Residential Buildings)**
- A. **Preliminary Planning Conference**
1. Submit a scaled proposed site plan(s) to the Zoning Administrator for review for compliance with the City's Zoning Ordinance and other pertinent regulations and requirements. The site plan includes:
    - a. The location of site; the name(s) of engineers, architects, etc.
    - b. The boundaries and dimensions of the proposed site or lot.
    - c. Locations and dimensions of proposed and/or existing principal and accessory buildings with distances from property boundaries indicated.
    - d. Location and size of all proposed off-street parking.
    - e. Location of adjacent streets with center lines indicated; locations of proposed curb cuts, driveways and access ways, as appropriate.
    - f. Location of all easements and rights of way, both existing and proposed.



- g. Location of all existing utility service (by type) lines on or adjacent to the property.
  - h. Location of proposed utility service line routings (by type). ALL CABLE TRANSMITTED UTILITIES WILL BE PLACED UNDERGROUND.
2. The site plan will be reviewed for compliance with the zoning ordinance and other pertinent regulations. If there are no substantial changes required or variances requested, the Zoning Administrator will issue a zoning permit to indicate agreement in principle and initiate the detail planning process.

NOTE: If variance(s) is required, the proper procedure is outlined in the Zoning Ordinance. The Zoning Administrator will assist in the preparation of the necessary documents.

## B. DETAIL PLANNING PHASE

After review of the preliminary plans, final plans will be developed.

- 1. Detail Plans must include:
  - a. All information required for the initial site plan as amended by the Zoning Administrator or action of the Zoning Board of Appeals.
  - b. Plans for the building, to include:
    - (1) Architectural Plan
    - (2) Mechanical Plan
    - (3) Plumbing Plan
    - (4) Electrical Plan
    - (5) Structural Plan
    - (6) General Specifications
    - (7) Soil Report (if requested by the Inspection Division)

NOTE: As soon as detail building plans are complete, two copies of the completed building plans should be submitted to the Zoning Administrator to initiate the Code Compliance Review by the Inspection Division.

## C. EXTERNAL VERIFICATIONS REQUIRED (New Residential Construction)

- 1. Availability of sewer service must be verified in writing by the Berkeley County Water and Sanitation Authority (572-4400).
- 2. Street access, curb cuts, etc.
  - a. If driveway attachment to a public street is required, street access, curb cuts, encroachments, etc. must be approved by the State Department of Highways and Public Transportation in Moncks Corner (899-3111) and documented in writing.

- b. If in a new developing subdivision and streets not yet dedicated, no encroachment permit is required.
- 3. The availability and acceptability of the water tap arrangements must be approved by the City of Goose Creek Department of Public Works. Contact 824-2200.
- 4. INFILL DEVELOPMENT ONLY (scattered sites – or subdivisions over five years old). The acceptability and adaptability of site drainage provisions must be approved in writing by the Berkeley County Planning Commission. Please contact the Berkeley County Engineering Department at 723-3800, ext. 4098.

CAUTION: IT IS ASSUMED THAT THE AVAILABILITY OF OTHER UTILITY SERVICES (ELECTRIC, GAS, TELEPHONE) HAVE BEEN VERIFIED BY APPLICANT AND NECESSARY ARRANGEMENTS HAVE BEEN MADE.

D. CONSTRUCTION PHASE

- 1. When the applicant has all external approvals in hand, detail site and building plans (if not previously submitted) are returned to the Zoning Administrator with the permit application. If final review and approval is expected to take more than several days, the applicant will be given a development permit (see definition).
- 2. When review and approval of the detail plans is complete, the necessary building permit(s) will be issued by the Business License/Permits Clerk.

NOTE: CONTRACTORS LICENSE REQUIRED. THE APPLICANT MUST SUBMIT A COPY OF THEIR CURRENT STATE OF SOUTH CAROLINA HOMEBUILDERS OR GENERAL CONTRACTORS LICENSE, OR A COPY OF THE CURRENT LICENSE OF THE CONTRACTOR HIRED FOR THE PROJECT.

NOTE: CITY BUSINESS LICENSE REQUIRED. ALL CONTRACTORS, SUB-CONTRACTORS OR OTHER FIRMS OR PERSONS HIRED FOR WORK ON THE PROJECT ARE REQUIRED TO HAVE A CITY OF GOOSE CREEK BUSINESS LICENSE. APPLICATIONS ARE AVAILABLE AT CITY HALL.

FOR MAJOR BUILDERS: EXPRESS PERMITTING PROGRAM. TO SPEED THE PERMITTING AND LICENSE PROCESS FOR MAJOR BUILDERS AND REDUCE THE ADMINISTRATIVE BURDEN, THE CITY HAS ESTABLISHED AN EXPRESS PERMITTING PROGRAM. DETAILS AND PROCEDURES FOR THIS PROGRAM ARE AVAILABLE FROM THE LICENSE AND PERMIT CLERK AT CITY HALL (797-6220, Ext. 100).

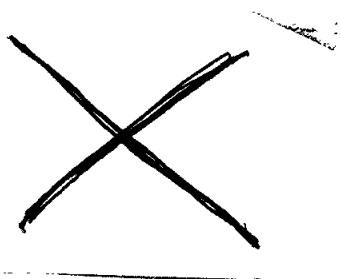
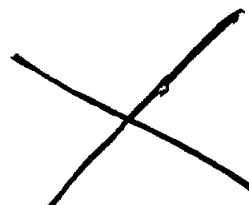
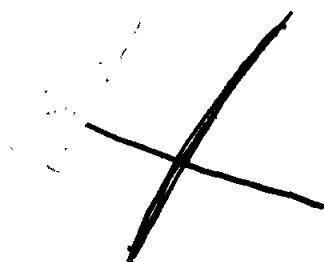
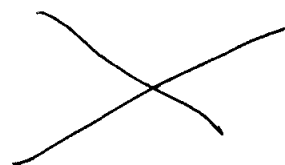
3. Interim Inspections

- a. Foundations and footings
- b. Framing
- c. Electrical (rough and final)
- d. Plumbing (rough and final)
- e. Mechanical (rough and final/run test)

4. Final Inspection

The structure must pass a final inspection of the Inspection Division. Upon recommendation of the Inspection Division, the Business License/Permits Clerk will issue an occupancy permit (see Definition).

# SIDEWALK SPECIFICATIONS



MICHAEL J. HEITZLER  
A. 198MEMO

TO: Fire Chief

FROM: City Administrator

SUBJECT: Inspection of Sidewalk Construction/Installation

DATE: April 18, 1989

Recently, the City has experienced problems with construction/installation of sidewalks which are required in all new residential developments pursuant to the Zoning Ordinance. The specific problems being encountered are (1) improper or poor construction, and (2) sidewalks constructed below grade which result in drainage problems.

Effective this date, the Inspection Division of the Fire Department is assigned the collateral duty of inspecting and approving the construction of all sidewalks in the residential districts of the City as required by the Zoning Ordinance; a copy of the City's standard for sidewalk construction and installation has been attached for your information and use. By transmittal of this memo the Division is directed to prepare inspection procedures, rules and regulations for submittal for approval at the earliest possible date.

If you should have any questions or need additional information please do not hesitate to contact me.

A handwritten signature in cursive script that reads "Dennis C. Harmon".

Dennis C. Harmon  
City Administrator

DCH/bkn

cc: ✓ Director of Streets and Sanitation  
City Planner

A handwritten signature in cursive script, possibly reading "Rec'd" or similar, with some illegible characters below it.

## **DEVELOPMENT PROVISIONS SIDEWALKS (Interior Subdivision)**

**PURPOSE:** To establish uniform standards for provision, by the developer, of sidewalks developing interior subdivision of the City of Goose Creek.

**SCOPE:** These minimum standards apply, as written, to all residential subdivision in the City of Goose Creek unless specific relief or amendments are authorized by the Planning and Zoning Commission.

**SPECIFICATIONS:**

- A. Width: The minimum finished width shall be 48".
- B. Depth: The minimum depth shall be 3 $\frac{5}{8}$ ".
- C. Materials: Concrete of minimum bearing capacity of 2,500# P.S.I.
- D. Grade: Sidewalks will be poured on level grade.
- E. Finish: Sidewalks will be broom finished across the width with troweled edges and cross-scoring at 4' intervals.
- F. Sidewalks must be installed at a height at least level with the top of the roadway curb.

**PLANS REQUIRED:**

- A. Sidewalks will be clearly indicated on the development plans consistent with one of the placement options below.
- B. Sidewalk depths, specifications, and finish criteria will be provided among the "typicals" section of the development plans.
- C. Sidewalks will be provided on both sides of the street and around the end of cul-de-sacs.

**PLACEMENT OPTIONS:**

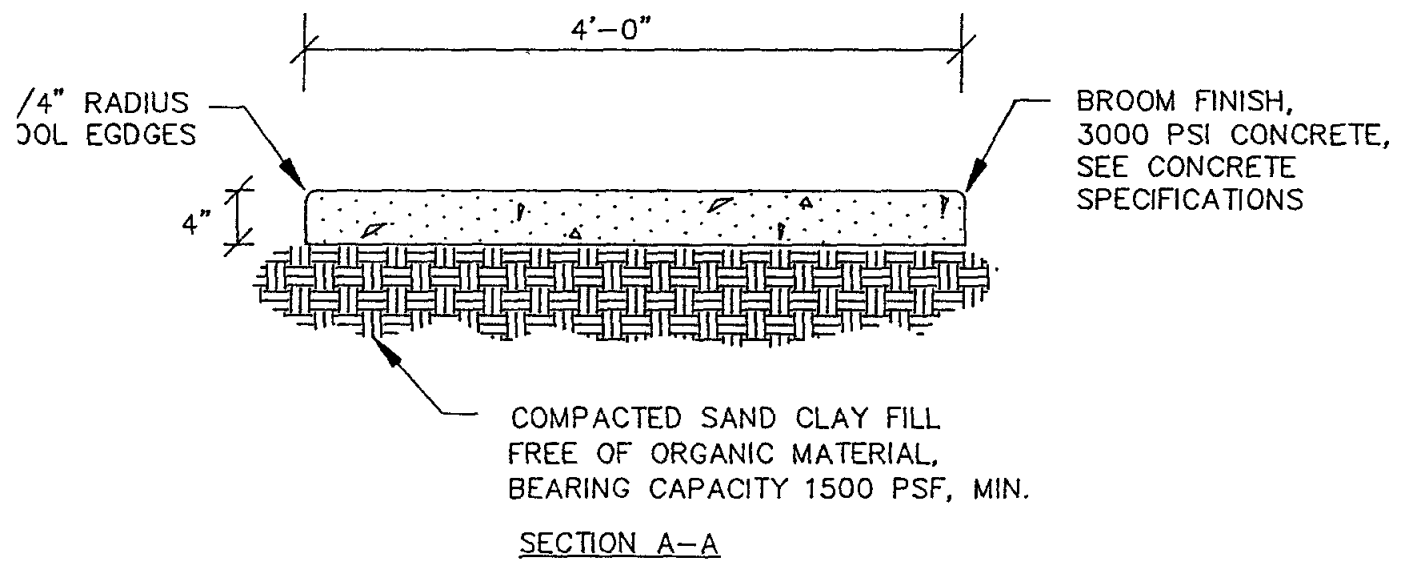
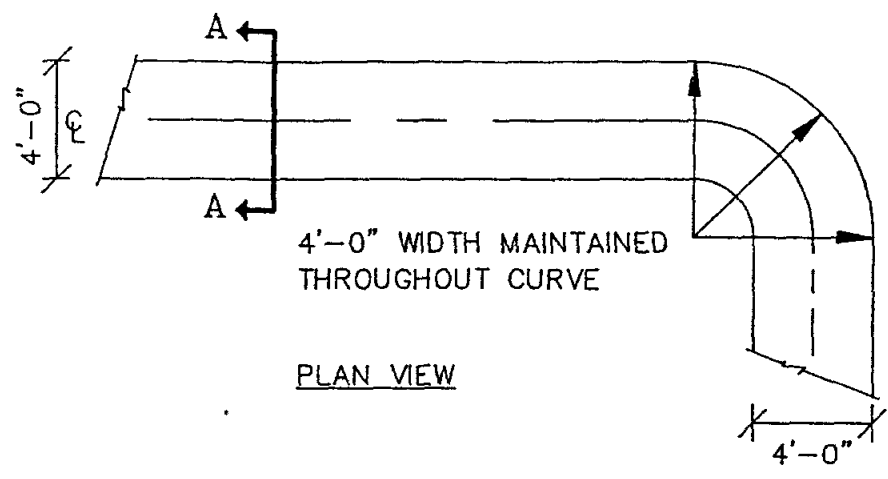
- Option A: Sidewalks may be placed at the back of curb, using the curb as one side of form. Expansion materials between the sidewalk and curb are not required except at street intersections. Option A should be chosen under extenuating circumstances as approved by the City.
- Option B: Sidewalks may be placed with the street side 3' from the back of curb with the building side being 7' from the back of curb. Expansion joint materials will be provided at street intersections. If Option B is selected, the developer must grade and sow grass in the curbside planting strip. Option B is definitely the preferred option.

**TIMING:**

- A. Sidewalks will be installed when the driveway is poured for each house.
- B. Corner lots will require sidewalks on each street frontage.
- C. When 80% of the buildable lots in a subdivision have been sold or built upon, the developer must provide the sidewalks on the undeveloped lots, or place the construction of the remaining sidewalks under bond to the City of Goose Creek.

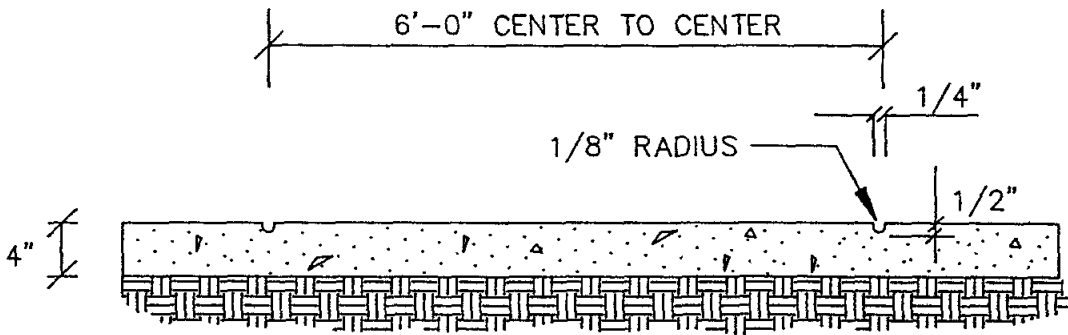
NOTES:

- 1 DRAINAGE SHALL NOT FLOW ACROSS SIDEWALK
- 2 NO VISIBLE HONEYCOMB ALLOWED ON SIDES
- 3 CONTROL JOINTS 6'-0" ON CENTER
- 4 1/2" EXPANSION JOINTS 30'-0" ON CENTER

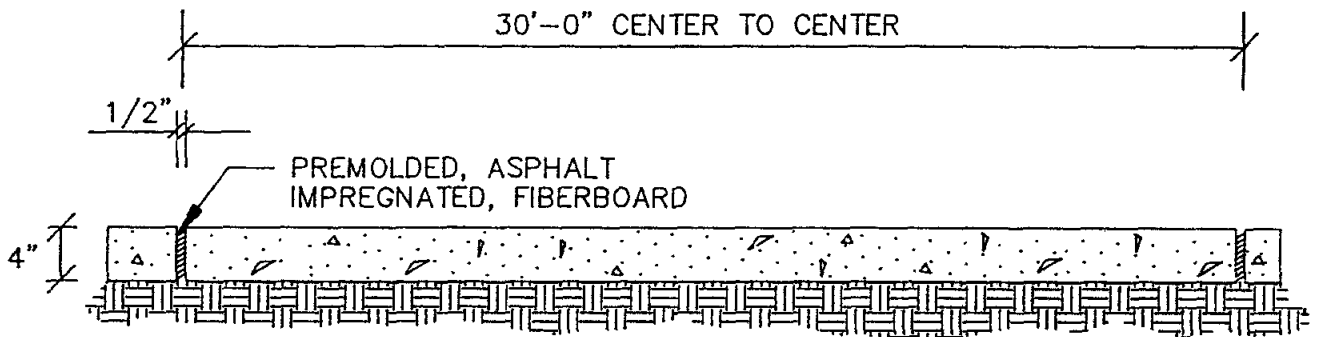


SIDEWALK DETAILS

NOT TO SCALE



CONTROL JOINTS



EXPANSION JOINTS

SIDEWALK DETAILS, JOINTS

NOT TO SCALE





# **PROCEDURES MANUAL**

## **COMMERCIAL SITES AND BUILDINGS**

## TABLE OF CONTENTS

SECTION I – PURPOSE .....	2
SECTION II – SCOPE .....	2
SECTION III – TYPES OF PERMITS REQUIRED .....	2
SECTION IV – DEFINITIONS .....	2
SECTION V – APPLICATION/APPROVAL PROCEDURE.....	4
Preliminary Planning Interview .....	4
Proposed Site Plan .....	4
Interim Planning Conference .....	5
Building Plans Submission.....	5
External Review and Approvals .....	6
Sewage.....	6
Streets .....	6
Curb Cuts.....	6
Drainage .....	6
Water .....	6
SECTION VI – SIGNAGE .....	7
SECTION VII – CONSTRUCTION PHASE .....	7
Temporary Power .....	7
Interim inspections.....	7
Final Inspection.....	7
Landscape Bonds .....	8
ANNEX A – ZONING ORDINANCE EXTRACTS .....	9
Permit Applications .....	9
Occupancy Permits.....	10
Architectural Conformity.....	11
Visual Clearance.....	12
Minimum Design Standards .....	12
Swimming Pools .....	14
Landscaping Requirements.....	15
Sign Regulations.....	15
Sign Regulations by Zoning District.....	18
Buffer Areas and Screens .....	21
Parking and Loading Spaces .....	21
Location of Accessory Buildings.....	25
Preservation of Natural Environment.....	28
Multi-family Minimum Lot Requirements.....	29
Table of Parking/Loading Space Requirements .....	30
Table of Accessory Uses .....	34
Table of Minimum Standards (Set-Backs).....	35
APPENDIX 1	
ZONING ORDINANCE AMENDMENTS .....	
APPENDIX 2	
TEMPORARY SIGN PERMIT APPLICATION (sample).....	
PERMANENT SIGN PERMIT APPLICATION (sample) .....	
STANDARD BUILDING PERMIT APPLICATION (sample).....	
PERMIT FEE SCHEDULES (bldg,elec,plumb,mech).....	

## COMMERCIAL SITES AND BUILDINGS

- I. **PURPOSE:** The purpose of this manual is to aid developers and builders in the proper procedures for commercial construction in the City of Goose Creek. The intent is to eliminate confusion and lost time caused by incomplete applications and plans. The included form letters are provided for applicant's use to expedite the external approval of plans.
- II. **SCOPE:** This procedure applies to all developers, contractors, builders, their agents, engineers and architects that desire to construct or substantially alter a structure for commercial use (including multi-unit residential buildings) within the corporate limits of the City of Goose Creek.

### **THE ZONING ADMINISTRATOR WILL NOT ACCEPT INCOMPLETE SUBMISSIONS!**

#### III. TYPES OF PERMITS REQUIRED:

- A. Typical types of permits required for projects in the City:
  1. Zoning Permit (letter) – no fee.
  2. Development Permit (letter) – no fee.
  3. Building Permit – fee.
  4. Electrical Permit – fee.
  5. Plumbing Permit – fee.
  6. Encroachment Permit – See Section V, Paragraph C,4,c
  7. Occupancy Permit (Certificate) – no fee.

#### IV. DEFINITIONS:

- A. **Accessory Building(s):** A building customarily incidental and subordinate to and detached from the principal building and located on the same lot. Examples of accessory buildings are detached garages, storage buildings, workshops, etc. There are specific zoning regulations pertaining to the placement, size, and use of accessory buildings. A building permit is required for the construction of all accessory buildings in all zoning districts. However, in some instances, the fee is waived.
- B. **Applicant:** Any person, company, firm, corporation or agency that applies for a permit to construct or substantially alter a building for commercial use (including multi-unit residential buildings).
- C. **Building Codes:** The following building codes, as amended, are adopted for use by the City of Goose Creek:
  - a. International Building Code, 2000 Edition excluding Section 103, but including all appendices.
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  - c. International Fuel Gas Code, 2000 Edition
  - d. International Mechanical Code, 2000 Edition
  - e. International Residential Code, 2000 Edition

- f. International Fire Code, 2000 Edition
  - g. National Electric Code, 1999 Edition
  - h. Flood Damage Prevention Regulations.
- D. **Building Permit:** A permit is issued by the City upon recommendation of the Inspection Division and Zoning Administrator permitting the construction of any building or structure, or significant alteration of, modifications of or addition to any existing building or structure in the City of Goose Creek. Building permits are applied for using application form provided at City Hall. On commercial projects, all buildings, structures, or accessory buildings must be permitted individually. Multi-family projects may be permitted as multiple structure projects. There is a fee charged for building permits, and interim and final inspections are required.
- E. **Detailed Plans:** Detailed plans consist of a scaled site plan and all appurtenant plans required for review and approval by the City of Goose Creek and other required agencies. The detailed plans include, but are not limited to, the site plan, drainage plan, landscaping plan, architectural plan, mechanical plan, plumbing plan, electrical plan, structural plan, general specifications, and soil report if required by the Inspection Division.
- F. **Development Permit:** A permit issued in letter form by the Zoning Administrator to an applicant. A development permit is required before clearing, excavating, filling or construction may begin on any construction site. **THE DEVELOPMENT PERMIT IS NOT A BUILDING PERMIT AND DOES NOT AUTHORIZE FOUNDATION OR BUILDING CONSTRUCTION.**
- G. **Electrical Permit:** A permit issued by the Business License/Permits Clerk upon recommendation in the Inspection Division permitting the installation of electrical wiring and apparatus in new and existing structures in the City of Goose Creek. A fee is charged for electrical permits and interim/final inspections are required. The standard permit application form is available at City Hall.
- H. **Mechanical Permit:** A mechanical permit is issued by the City allowing the installation, addition, replacement or repair of heating, cooling or refrigeration equipment. Permit applications are available at City Hall.
- I. **Occupancy Permit:** A permit issued by the Inspection Division of the City of Goose Creek to the applicant in certificate form. An occupancy permit is required before any building, or portion thereof, may be occupied by an owner or tenant.
- J. **Plumbing Permit:** A permit issued by the Business License/Permits Clerk upon recommendation of the Inspection Division permitting the installation of water/gas lines and sewer/ drainage pipes and other plumbing apparatus in a new or existing structure in the City of Goose Creek. A fee is charged for plumbing permits and inter/final inspections are required. The standard permit application form is available at City Hall.

- K. **Proposed Site Plan:** The proposed site plan is a scale drawing or drawings depicting the information outlined in Section IV of this manual. The proposed site plan(s) is the preliminary plan needed for the planning conference and for zoning permit determinations.
- L. **Scale:** Scale for site plans of commercial applications will be 1" = 20' or less on sites of 2 acres or less. More than 2 acres use 1" = 30', and more than 5 acres use 1" = 50'. Scale for building plans shall be in accordance with accepted architectural standards.
- M. **Variance:** A variance is an official exception to regulations or policy granted an applicant by the Zoning Board of Appeals. There is a fee required for an application, and a public hearing is required. Requests are made by letter to the Zoning Board of Appeals.

## V. APPLICATION/APPROVAL PROCEDURE

### A. Preliminary Planning Conference

- 1. Before any plans are finalized, the applicant should prepare a proposed site plan for the review with the Zoning Administrator for compliance with the zoning ordinance requirements, development standards, etc. If the intended use is appropriate to the zoning district, a zoning permit will be issued.
  - a. **Proposed site plan:** The proposed site plan must include the following:
    - (1) The name of the project; the name(s) of engineers, architects, etc.
    - (2) The boundaries and dimensions of the proposed site or lot.
    - (3) Locations and dimensions of principal and any accessory buildings with distances from property boundaries indicated.
    - (4) Location, number and size of all proposed parking spaces, including handicapped parking, if appropriate.
    - (5) Location of adjacent streets with center lines indicated; locations of proposed curb cuts, driveways and access ways, as appropriate.
    - (6) Location of all easements and rights of way, both existing and proposed.
    - (7) Location of areas to be landscaped (10% of total site square footage) and buffer screens as required.
    - (8) Location of all existing utility service (by type) lines on or adjacent to the property.
    - (9) Location of proposed utility service line routings (by type).  
**CABLE TRANSMITTED UTILITIES WILL BE PLACED UNDERGROUND.**

2. For smaller projects, the preliminary interview will be sufficient to initiate the review/approval process outlined in Paragraph C below. For larger projects the applicant will adjust the proposed site plan to reflect any changes required from the preliminary interview and will provide the Zoning Administrator with twelve (12) copies of the amended proposed site plan for use by participants at the Interim Planning Conference.

**B. Interim Planning Conference**

1. For multiple building-multiple tenant projects, shopping/office complex, etc., an interim planning conference will be scheduled by the Zoning Administrator with representatives of all utility services, Berkeley County planning and engineering departments, the South Carolina Department of Transportation, etc. The twelve (12) copies of the amended site plan will be distributed for review by the participants at the planning conference approximately ten (10) days before the conference.
2. Participants at the conference will be asked to note any changes, additions, comments or recommendations on their copy of the proposed site plan. These noted changes will be returned to applicant's engineers/architects at the conference.
3. After the plans have been revised, the proposed project will be submitted to the Architectural Review Board for approval. For Board approval process, meetings schedule and the architectural review design guidelines, contact City Planning at 797-6220, Ext. 116 or 118.

**C. Building Plan Submission – Development Permit – External Review**

**NOTICE: VARIANCE PROCEDURE – IF THE NEED FOR VARIANCE(S) IS IDENTIFIED IN THE PLANNING PHASE, THE ZONING ADMINISTRATOR WILL ASSIST THE APPLICANT IN MAKING PROPER APPLICATION.**

1. After the planning conference, the site plan is amended as required, and drainage, landscape, lighting and signage plans are developed. These various plans will be provided as separate sheets in the final plans package. However, the respective data maybe superimposed on the final site plan with appropriate schedules attached.
2. Building Plans Submission. After the final site plan is developed,. The building plans and specifications should be submitted to the Zoning Administrator for review by the Inspection Division. A complete plans submission package will include the following:
  - a. Architectural Plan
  - b. Electrical Plan
  - c. Drainage Plan
  - d. Landscape Plan
  - e. Mechanical Plan
  - f. Plumbing Plan
  - g. Site Plan
  - h. Site Lighting Plan
  - i. Structural Plan

- j. Utilities Plan
  - k. General Specifications
  - l. Soil Report (if required)
3. Development Permit Issued
- a. While building plans are being reviewed and final external plan review are in progress, at the applicant's request, a development permit (see definition) may be issued. Applicant requesting a development permit proceeds at his own risk, until all final reviews and approvals are complete.
  - b. Applicant needs to note the tree removal and clearing provisions outlined in Annex A, Zoning Ordinance extracts on Page 9.
4. External Review and Approvals
- a. Sewage. Sewage collection and distribution plans must be reviewed by the Berkeley County Water and Sanitation Authority (572-4400). Approval is reported to the Zoning Administrator in writing.
  - b. Streets. If there are streets proposed for future dedication to public authority, street design plans must be reviewed by the Berkeley County Engineer (723-2800, Ext. 4098). Approval is reported to the Zoning Administrator in writing.
  - c. Street access, curb cuts, etc. All street accesses, curb cuts must be secured by an encroachment permit issued by the S.C. Department of Transportation. Encroachment permits are applied for at the SCHDOT office in Moncks Corner (723-9541). A copy of the application, noted as filed, must be provided to the Zoning Administrator. A copy of the approved permit should be provided when received.
  - d. Drainage, soil erosion and sediment control. The site drainage plan and soil erosion and sediment control plans must be approved by the Berkeley County Planning Commission (723-3800) in accordance with appropriate Berkeley County regulations. Approval is reported to the Zoning Administrator in writing. If S.C. Coastal Council review is required, the administrator of Berkeley County Planning Commission will direct the applicant accordingly.
  - e. Water. Water distribution and metering arrangements must be approved by the City Department of Public Works (824-2200). Approval is reported to the Zoning Administrator in writing.
  - f. OTHER UTILITIES SERVICES. IT IS ASSUMED THAT THE AVAILABILITY OF OTHER UTILITY SERVICES (ELECTRIC, GAS, TELEPHONE, ETC.) HAVE BEEN VERIFIED BY THE APPLICANT AND NECESSARY ARRANGEMENTS HAVE BEEN MADE.

D. Final Approval – Building Permit(s)

1. Return all review approvals, a completed building permit application, and one (1) complete set of plans (including building plans) to the Zoning Administrator. Upon approval of the building plans by the Inspection Division, the building permit will be approved for issue.
2. CONTRACTORS LICENSE REQUIRED: THE BUILDING PERMIT APPLICATION MUST BE ACCOMPANIED BY A COPY OF THE APPLICANT'S CURRENT STATE OF SOUTH CAROLINA CONTRACTORS LICENSE OF STATE OF SOUTH CAROLINA RESIDENTIAL HOME BUILDERS LICENSE, AS APPROPRIATE, OR A COPY OF THE APPROPRIATE LICENSE OF THE PERSON OR FIRM HIRED FOR THE PROJECT.
3. BUSINESS LICENSE REQUIRED: ALL CONTRACTORS, SUB-CONTRACTORS OR OTHER PERSONS HIRED FOR WORK ON COMMERCIAL PROJECTS ARE REQUIRED TO HAVE A CITY OF GOOSE CREEK BUSINESS LICENSE. APPLICATIONS ARE AVAILABLE AT CITY HALL.

VI. SIGNAGE

- A. ALL signage in the City is controlled by the sign regulations. Applicants and their contractors should check the provisions on Page 15 before erecting any signs on site. For signs requiring a fee paid permit, the appropriate sign permit applications are provided on Page 17 for temporary signs and Page 18 for permanent signs.

VII. CONSTRUCTION PHASE

A. Temporary Power

1. Temporary power letters are available from the license and permit section in City Hall and will be issued with the building permit.

- B. Interim Inspections. The building codes require certain interim inspections of the construction process. Schedule inspections with the Inspection Division (863-5212) at least twenty-four (24) hours before the expected requirement. The Interim Inspections required are:

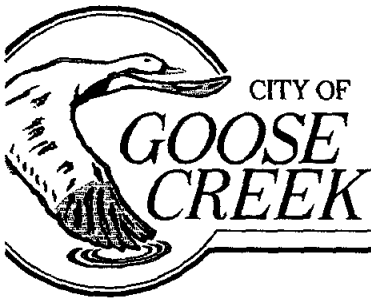
1. Foundation and footings
2. Framing
3. Electrical (rough wire & final)
4. Plumbing (rough in & final)
5. Mechanical (rough in & final)

C. Final inspection

1. Upon final inspection of the electrical wiring, a permanent power letter will be issued to Berkeley Electric Cooperative.



2. The structure and all subsystems must pass a final inspection before an occupancy permit will be issued.
3. Landscaping. If required landscaping, buffers, screens, etc. are not complete at the time occupancy permits are desired, the applicant may place the landscaping, etc. under bond to the City at 150 percent of the estimated completion (See Annex A, Page 9) and receive a temporary occupancy letter from the Zoning Administrator.



# **PROCEDURES MANUAL**

## **ACCESSORY BUILDINGS, ADDITIONS, REPAIR, MAINTENANCE AND REMODELING**

**ACCESSORY BUILDINGS AND ROOM ADDITIONS  
MAINTENANCE, REMODELING, REPAIR**

- I. **PURPOSE:** The purpose of this manual is to aid citizen homeowners in the proper procedures and permit requirements for accessory buildings, additions to existing structures, remodeling of existing structures, and the maintenance/repair of homes in the City of Goose Creek.
- II. **SCOPE:** This procedure applies to all homeowners, contractors, builders, their agents, engineers and architects that desire to add an accessory building on any site, remodel, modify or add to any structure in the City, or make substantial repairs of a structural nature.

III. **DEFINITIONS:**

- A. **Applicant:** Any person, company, firm, corporation or agency that applies for a permit to construct or substantially alter a building for residential use.
- B. **Accessory Building(s):** A building customarily incidental and subordinate to and detached from the principal building and located on the same lot. Examples of accessory buildings are detached garages, storage buildings, workshops, etc. There are specific zoning regulations pertaining to the placements, size, and use of accessory buildings (see Page 8 and 9). A building permit is required for the construction of all accessory buildings in all zoning districts.

**NOTE: THERE ARE SPECIFIC ZONING REGULATIONS CONCERNING THE USE OF PRE-MANUFACTURED ACCESSORY BUILDINGS. PLEASE REVIEW PAGE 8 AND 9 OF THIS MANUAL.**

- C. **Building Codes:** The following building codes, as amended are adopted for use by the City of Goose Creek:
1. International Building Code, 2000 Edition, excluding Section 103, but including all appendices.
  2. International Plumbing Code, 2000 Edition
  3. International Fuel Gas Code, 2000 Edition
  4. International Mechanical Code, 2000 Edition
  5. International Fire Code, 2000 Edition
  6. National Electric Code, 1999 Edition
  7. Flood Damage Prevention Regulations
  8. International Residential Code, 2000 Edition
- D. **Building Permit:** A permit issued by the Business License/Permits Clerk upon recommendation of the Inspection Division and Zoning Administrator permitting the construction of any building or structure, or significant alteration of, modifications of, addition to any existing building or structure in the City of Goose Creek. For sample application, see Page 28.

- E. **Electrical Permit:** A permit issued by the Business License/Permits Clerk permitting the installation or extension of electrical wiring and apparatus in new and existing structures. A fee is charged for electrical permits and inspections are required. A sample application is found on Page 28.
- F. **Maintenance:** Maintenance is defined as any work associated with the upkeep of property, such as painting or servicing of household appliance systems (hot water tank, heating/cooling systems, etc.). There is no permit required for maintenance if the total cost of the project does not exceed \$1,000 and the work is performed by the property owner. If the work is to be done by anyone for a fee, appropriate permits, licenses, and inspections are required.
- G. **Mechanical Permit:** A mechanical permit is issued by the Business License/Permits Clerk allowing the installation, addition, replacement or repair of heating, cooling, or refrigeration equipment. The standard application (Page 12) is used to apply.
- H. **Occupancy Permit:** A permit is issued by the Business License/Permits Clerk after final inspection by the Inspection Division. An occupancy permit is required for any permitted work (room additions, etc.) which will be routinely occupied by the resident.
- I. **Plumbing Permit:** A permit issued by the Business License/Permits Clerk upon recommendation of the Inspection Division permitting the installation of water/gas lines and sewer/drainage pipes and other plumbing apparatus in a new or existing structure in the City of Goose Creek. A fee is charged for plumbing permits and interim/final inspections are required. The standard permit application form (Page 28) is used for electrical permits.
- J. **Proposed Site Plan:** A scale drawing showing the relationship between any principal building, the intended construction, and the property boundaries.
- K. **Remodeling:** The interior rebuilding or changing of walls, doors, windows, wall covering (excluding wallpaper, etc.), or structural components of the building.
- L. **Repair:** For the purpose of this procedure, repair is defined as the substantial alteration or replacement of damaged or deteriorated materials or household appliance systems such as roofs, fences, hot water tanks, heating/cooling systems. A permit is required for repair work. However, if the total cost of the completed project does not exceed \$1,000 and the work is performed by the property owner, the permit fee is waived. If the work is to be done by anyone for a fee, permits, licenses and all inspections are required.
- M. **Scale:** Scale for site plans of residential applications will be 1" = 20' or less. Scale for any required building plans shall be in accordance with accepted architectural standards.
- N. **Variance:** A variance is an official exception to regulations or policy granted an applicant by the Zoning Board of Appeals. There is a fee required for an application for variance, and a public hearing is required. Requests are made by letter to the Zoning Administrator.

- O. Zoning Permit: A permit issued in letter form to the applicant by the Zoning Administrator of the City of Goose Creek. A Zoning Permit signifies approval of the proposed use and agreement in principle with the submitted site plan. The zoning permit does not authorize clearing, excavating, filling or construction on the proposed site. The Zoning Permit will include any special requirements or conditions required by City ordinance.

#### IV. APPROVAL/PERMIT PROCEDURE

##### A. Planning Conference

All applicants are encouraged to review their intentions with the Zoning Administrator for compliance with the zoning regulations before having final plans prepared.

##### B. Zoning Permit

If it is determined from the planning conference that all requirements of the Zoning Ordinance will be met, the Zoning Administrator may issue a zoning permit, or review and approve the final plans and permit application.

##### C. Variance Procedure

If a variance to the zoning regulations is required, the applicant may apply for such relief before the Zoning Board of Appeals. The proper procedure for seeking a variance is outlined in the Zoning Ordinance (Article IX).

##### D. Permit Application and Plans Review

If no variance is necessary, applicant submits the permit application (Page 28) with a site plan and any other plans required.

#### SPECIAL PROVISIONS:

##### 1. Accessory Buildings

- a. Site Built. A building permit is required for all site constructed accessory buildings. If the building, regardless of cost, is to be built by someone for hire, a permit with fee is required; the builder must get a City business license; and all code required inspections must be made.
- b. Pre-manufacture. No permit is required for a pre-manufactured accessory building. However, there are specific zoning regulations governing their use. See Pages 8 and 9 for specific information.
- c. Set-backs. All accessory uses must be a minimum of five (5) feet from all property lines. Swimming pools must also be outside of any easements.

## 2. Building Additions/Remodeling

- a. All building additions, whether horizontal or vertical, must have a building permit and all code inspections must be performed.
- b. Any addition that alters the existing exterior dimensions of any principal or accessory building requires the submission of a scaled site plan and approval of the Zoning Administrator before any application for a building permit will be approved.
- c. Interior remodeling projects require appropriate permits and code inspections of structure, electrical, plumbing, and mechanical apparatus.

## 3. Electrical/Plumbing Permits

For all plumbing or electrical extensions in room additions/remodeling projects/accessory buildings, appropriate permits are required and all code inspections must be made. If the work is done by someone for hire, all license, permit and inspection requirements apply.

## 4. Maintenance and Repair

- a. Permits may be required for some maintenance/repair projects, and there exist certain instances where fees and/or permits may be waived. Generally, permit and fee requirements are waived under the following conditions:
  - (1) The project is clearly maintenance or repair.
  - (2) The total cost of the completed project does not exceed \$1,000.
  - (3) All work on the project is done by the property owner and no contract or compensated assistance is used.

**NOTE: CHECK WITH CITY HALL TO DETERMINE THE STATUS OF YOUR PROJECT.**

**NOTE: IF ANY PERSON, COMPANY, FIRM, CONTRACTOR IS HIRED FOR WORK ON THE REPAIR OR MAINTENANCE PROJECT, THEY MUST POSSESS A CURRENT CITY OF GOOSE CREEK BUSINESS LICENSE. ALL PERMITS AND FEES ARE REQUIRED REGARDLESS OF THE COST OF THE PROJECT, AND ALL INSPECTIONS REQUIRED BY THE BUILDING CODES MUST BE PERFORMED.**

## 5. Swimming Pools

All swimming pool installations (above or underground) must be permitted. Specific attention must be paid to location of utility service lines and a letter from Berkeley Electric Cooperative certifying clearance from electrical service is required before a permit will be issued.

## PROCEDURES

### SWIMMING POOLS

#### A. GENERAL

1. All above or in-ground pools (18" in depth or greater) require a permit from the City of Goose Creek.
2. All swimming pools must be completely enclosed by a fence (minimum 4' in height) with self-locking gates, or the yard area in which the pool is located must be so enclosed.
3. All swimming pool installations and adjacent decks, cabanas, etc. must be located a minimum of five (5) feet from the property boundaries. Swimming pools must not be located inside any easements.

#### B. PERMIT PROCEDURES

1. Proper permit application must be filed with the City of Goose Creek and fee paid prior to installation.
2. All permit applications must be accompanied by:
  - a. Scaled site plan showing location of pool, distance from property boundaries, etc.
  - b. Letter from Berkeley Electric Cooperative certifying property clearance from overhead and underground electrical service or distribution lines.
3. Inground pools: Structural and engineering plans as identified in the International Building Code, 2000 Edition, excluding Section 103, but including all appendices are required.

#### C. INSPECTIONS

1. All swimming pool installations must be inspected (including wiring and plumbing) prior to being placed in use.
2. Upon inspection and approval of the Building Official, the Business License/Permits Clerk will issue an occupancy permit for the swimming pool.

## STANDARDS FOR TENTS AND OTHER TEMPORARY STRUCTURES

Temporary structures, defined for these purposes as, "any structure or building not intended for permanent use or habitation which will be specifically used for commercial or promotional purposes", and which may have a significant impact on the City, as it pertains to changes in traffic patterns, increased traffic flow or may be construed as a public nuisance, must be approved by City Council, as per Section 204.8.103 of the Zoning Ordinance. In many cases, however, such temporary uses for smaller scale commercial pursuits as defined in Section 204.8.103, may be approved by the Zoning Administrator, as delineated in Section 406 of the Zoning Ordinance, and for that purpose, the following administrative guidelines are provided.

Temporary Occupancy Permits for temporary structures may be issued for a period not to exceed 30 days. They must run concurrently with, and be dependent upon, the validity of the applicant's business license.

- (A) Applicants will be provided with a copy of these guidelines at the time of application. If it is determined that Council approval is necessary, the applicant will be informed as soon as possible, and asked to submit a request to Council in writing at least ten (10) days prior to the next regularly scheduled council meeting, stating the type of structure to be erected, location and size of commercial parcel upon which it is to be erected, nature of the business, type of temporary signage requested and period of time the temporary structure will be employed.
- (B) Tents and other temporary structure used in promotions or sales of any nature may only be erected on parcels of land which are zoned commercial, and have the owner of that property's approval in writing.
- (C) Tents must comply with International Fire Code, Chapter 24, "Tents and Other Membrane Structures" which states:
  - "(a) Before a temporary permit is granted, the owner or agent shall file with the building official a certificate executed by an acceptable testing laboratory, certifying that the tent, decorative materials and tarpaulins meet the requirements for fire resistance prescribed in the National Fire Protection Association (NFPA), Chapter 102 Standards for Grandstands, Folding and Telescopic Seating, Tents and Membrane Structures, and that such fire-resistance is effective for the period specified by the permit.
  - (b) Tent Exits – Tent exits, aisles, seating, etc., shall conform with the requirements for places of assembly. All exits shall be kept free and clear of obstructions while the tent is occupied by the public.
  - (c) Grounds within and adjacent to tents shall be cleared of all grass, underbrush or similar fire hazards."



(D) All temporary structures erected in the City must be inspected by the Fire Inspector weekly or more often if deemed necessary. Violations of the Fire and Safety code must result in revocation of the Temporary Occupancy Permit and all business transactions at that location must cease upon the order of the Fire Inspector if not corrected within 24 hours.

(E) The applicant shall provide the Zoning Administrator with all requests for temporary signage at the time of application. At no time will any other signage be allowed. Temporary signage must comply with the existing sign ordinances.

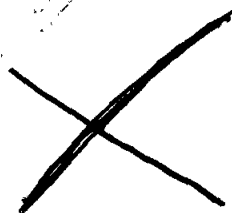
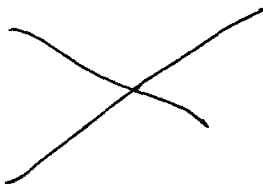
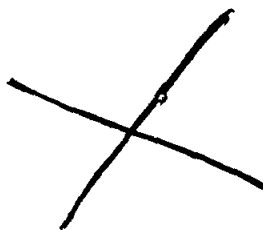
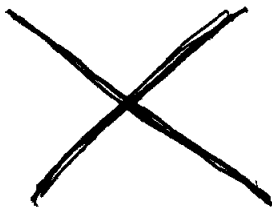
(F) In accordance with DHEC regulation R61-56, Section III:

“Each dwelling unit, building, business or other structure occupied for more than two (2) hours per day shall be provided with approved facilities for the treatment and disposal of sewage. For businesses or facilities not otherwise producing sewage, such as, but not limited to, photo shops in shopping center parking lots, firework stands, etc., “provide” shall mean accessible to the occupants.”

“...persons erecting temporary structures shall be responsible for and insure adequate sanitary conditions are maintained at the site.

The Zoning Administrator will advise the City Administrator of any change in status of temporary structures located in the City. All applications for renewal or extension of the initial thirty (30) day period must be approved by the City Administrator.

APPENDIX 4  
CITY OF GOOSE CREEK  
IMPACT FEES



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**City of Goose Creek - Impact Fees**

Residential

<i>Fee Schedule</i>	<i>Sanitation</i>	\$ 109.40
	<i>Fire</i>	\$ 87.01
	<i>Police</i>	\$ 51.17
	<i>Administration</i>	\$ 38.57
	<i>Total</i>	\$ 286.15 <i>Per Dwelling Unit</i>

<u><i>Number of Dwelling Units</i></u>		<u><i>Impact Fee</i></u>	<u><i>Residential Impact Fee</i></u>
X	x	\$ 286.15	

Non-Residential

<i>Fee Schedule</i>	<i>Fire</i>	\$ 0.10
	<i>Police</i>	\$ 0.19
	<i>Administration</i>	\$ 0.04
	<i>Total</i>	\$ 0.33 <i>Per Square Foot of Gross Floor Area</i>

<u><i>Number of Dwelling Units</i></u>		<u><i>Impact Fee</i></u>	<u><i>Non-Residential Impact Fee</i></u>
X	x	\$ 286.15	

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**Section 508.08 - Collection of Fees:**

Impact fees calculated and due pursuant to this ordinance shall be collected by the Finance Director prior to the issuance of a building permit of the proposed development.

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**City of Goose Creek - Other Fees**

<u>Use/Square Foot</u>	<u>Cost of Construction</u>	<u>Fee</u>
<b>Building</b>		
	\$1,000 and less	No fee unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
	\$1,000 - \$50,000	\$15 for the first \$1,000 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.
<b>SF x 59.00</b>	\$50,000 - \$100,000	\$260.00 for 1st \$50,000, plus \$4.00 each additional thousand or fraction thereof, to and including \$100,000.
	\$100,000 - \$500,000	\$460.00 for 1st \$100,000 plus \$3.00 each additional thousand or fraction thereof to and including \$500,000.
	\$500,000 and up	\$1,660.00 for 1st \$500,000 plus \$2.00 each additional thousand or fraction thereof.
<b>To Move a Building or Structure</b>		\$100.00
<b>Demolition of a Building or Structure</b>		
	0 up to 100,000 cu. Ft.	\$50.00
	100,000 cu. Ft. and over	\$0.50/1,000 cu. Ft.
<b>Plan Review Fee</b>	Proposed construction exceeds \$1,000 and plans required	Equal to 1/2 the building permit fee
<b>Electrical</b>		
	200 amp service	\$35.00
	every amp above 200 amps	\$0.15
	temp. power (pole/meter)	\$10.00
<i>The above fees shall apply to any upgrading work undertaken as well as new service.</i>		
<b>Express Permit Business License Fee</b>		
	Residential only	\$200.00

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City of Goose Creek - Other Fees, cont.

<u>Use/Square Foot</u>	<u>Cost of Construction</u>	<u>Fee</u>
<b>Mechanical</b>		
	Permit issue fee	\$10.00
	Fee for inspecting heating, ventilating, ductwork, air conditioning and refrigeration systems.	\$10.00 for the first \$1,000, or fraction thereof, of the valuation of the installation plus \$2.00 for each additional \$1,000 or fraction thereof.
	Fee for inspecting repairs, alterations and addition to an existing system.	\$5.00 plus \$2.00 for each \$1,000 or fraction thereof.
	Fee for inspecting boilers (based upon Btu input):	
	33,000 Btu (1BHp) to 165 (5BHp)	\$5.00
	165,001 Btu (5BHp) to 330,000 (10BHp)	\$10.00
	330,001 Btu (10BHp) to 1,165,000 (52BHp)	\$15.00
	1,165,001 Btu (52BHp) to 3,300,000 (98BHp)	\$25.00
	over 3,300,000 Btu (98BHp)	\$35.00
(Note: 1 KJ = 1.055 Btu, 1 BHp = 33,475 Btu.)		
<b>Plumbing</b>		
	Less than \$100.00	No fee. \$5.00 per required inspection
	\$101 - \$1,000	\$10.00
	\$1,001 - \$2,500	\$30.00
SF x 2.3	\$2,501 - \$4,000	\$50.00
	\$4,001 - \$5,500	\$70.00
	\$5,501 - \$7,000	\$90.00
	\$7,001 - up	\$110.00
<b>Gas</b>		
	Permit issue fee plus	\$5.00
	Inspection: Piping 1 to 4 outlets	\$5.00
	More than 4 outlets	\$1.00
	Inspection: Burners, furnace CH/CAC	\$5.00 (1st unit); each additional unit \$1.00
	Inspection: vented wall furnace, H2O heater	\$2.50 (1st unit); each additional unit \$1.00
<b>Swimming Pool</b>		
	Public Pool	\$40.00
	Private Pool (multi-family)	\$25.00
	Private Pool (single family)	\$15.00
	Wire	\$10.00

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City of Goose Creek - Other Fees, cont.

<u>Use</u>	<u>Fee</u>
<b>Water Service</b>	
Impact Fee	\$1,050 per REU*
Availability Charge	None
Demand Charge (Basic Service)	\$5.05/month (I/S), \$10.10/month (O/S)
Usage Charge	\$1.86/1 k gal (I/S), \$3.72/1 k (O/S)
Late Charge	15% of Unpaid Balance
Administrative Fee (Delinquent)	\$15.00 if Balance is >\$10.00
Reconnect Fee (Delinquent)	None
Reconnect Fee After Hours (Delinquent)	\$30.00 per occurrence
Origination Fee	\$25.00 per occurrence
Transfer Fees	\$25.00 per occurrence
Return Check Charge (NSF)	\$20.00/NSFC + \$25.00 per Turn Off NSFC
Temporary Service Fee	\$50.00 per Service per occurrence
Return Trip Charges	\$25.00 per Return Trip
Tap Fee	\$500.00 (I/S), \$1,000 (O/S)
Hydrant Maintenance Fee	\$1.00/month/unit (O/S)
Backflow Certification	\$50.00 per device + repair costs
Deposits	\$50.00 per Service
Repair Charges	Cost, based on parts + reasonable mark up + labor

\*REU = Residential Equivalent Units

## Commercial Considerations:

REU (Residential Equivalent Units) = 6100

Size of meter