

## **ARTICLE V. GENERAL PROVISIONS**

### **Section 5.1 General Conformity with Regulations Required**

The regulations set forth in this Article serve to clarify, supplement and/or modify the other regulations of this Ordinance. The regulations set forth for each zoning district are the minimum requirements necessary to carry out this Ordinance. These regulations apply to all of the unincorporated land within the County of Dorchester and serve as the minimum standards for all clearing, building, development, structures or alterations of these lands.

### **Section 5.2 Prohibitions**

No building, structure, or land shall hereafter be used, modified, altered or developed, and no building, structure or part thereof shall be erected, reconstructed, converted, enlarged, moved or structurally altered, unless in conformity with the provisions set forth in this Ordinance provided that proposed development activities approved in accord with the provisions of applicable ordinances at the time of approval are exempt as listed in Section 5.3 below.

### **Section 5.3 Exemptions from Conformity to Regulations**

#### **5.3.1 Land**

Development in subdivisions for which a Preliminary Plan has been approved by the Dorchester County Planning Commission prior to the effective date of this Ordinance in accordance with the provisions of the Dorchester County Subdivision Ordinance at the time of such approval shall be exempt from the requirements of this Ordinance provided, however, that:

- (a) if the installation of improvements has not substantially begun or if a Final Plat of all or a portion of the subdivision has not been submitted for approval within one (1) year of the date of Preliminary Plan approval, this exception shall be deemed void, and the provisions set forth in this Ordinance shall apply in full; and
- (b) an extension of the time period for compliance with Article XVIII of this ordinance by the Dorchester County Planning Commission shall not extend the period during which this exception is available.

### **5.3.2 Structures**

Any structure for which zoning and building permits have been issued prior to the effective date of this Ordinance shall be exempt from the requirements of this Ordinance. All structures for which an application has been received prior to the effective date of this ordinance must be complete and approved prior to October 1, 2004 to be exempted from this ordinance.

### **5.3.3 Uses**

Any use of land or a structure for which a zoning permit has been issued prior to the effective date of this Ordinance shall be exempt from the requirements of this Ordinance. All uses for which an application has been received prior to the effective date of this ordinance must be complete and approved prior to October 1, 2004 to be exempted from this ordinance.

### **5.3.4 Existing Variances**

Any variance lawfully approved prior to the effective date of this Ordinance, or amendment thereof, shall be deemed to be and continue to be valid after the adoption of this Ordinance.

### **5.3.5 Height Limits**

No building or structure shall exceed the height limit specified for the zoning district in which it is located. Except in special areas in which the requirements of Article XI will apply, the height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, observation towers, chimneys, ham radio towers, masts and aerials. These structures are required to meet the regulations and height limitations set forth by the Federal Aviation Administration and the Federal Communications Commission.

### **5.3.6 Utility Companies**

The following utility uses are exempt from the provisions of this Ordinance: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment when used for the purpose of distributing service to individual customers, but not including substations, transmission lines or trunk lines located on or above the surface of the ground, for the distribution of to consumers of telephone, cable television or other communications, electricity, gas or water or for the collection of sewage or surface water.

**Section 5.4 Methods of Measurement for Lots, Yards and Related Terms**

**5.4.1 Width Measurements for Regular Lots**

The width of a regular lot shall be determined by the measurement across the rear of the required front yard. Lot width shall be measured only along continuous frontage facing one street. Yards and street lines shall be measured along the arc of the curve for curvilinear yards and street lines.

**5.4.2 Determination of the Front Yard for Regular Lots**

- (a) For regular interior lots, the front shall be construed to be the portion nearest the street.
  - 1. In instances where a lot was subdivided off an easement, the front yard shall be construed to be the portion nearest the easement providing access. On a case by case basis, the Zoning Administrator may determine the location of the front yard depending on site conditions such as, but not limited to, lot size, structure location, wetlands, orientation of lot and/or home.
- (b) For regular corner lots, the front shall be construed as the shorter boundary fronting the street. If the lot has equal frontage on two or more streets, the front of the lot shall be determined by the prevailing building pattern, or the prevailing lot pattern if a building pattern had not been established.

**5.4.3 Yards Adjacent to a Street**

- (a) Regular lots shall have front yards of at least the depth required for the district across the entire frontage of the lot.
- (b) Other required yards adjacent to streets shall be provided across or along the entire portion of the lot adjacent to the street.
- (c) Street lines should be used for the measurement of required yards adjacent to streets. Where the lot line adjacent to the street is straight, required yards shall be measured from such line, extended the case of rounded corners. On convex or concave lots, if applicable, front, side and rear yards, shall be parallel to or concentric with the street line.
- (d) The depth of required yards adjacent to streets shall be measured perpendicular or radially to such straight lines.

**5.4.4 Yards on Double Frontage Lots**

On double front lots the minimum front yard setback established for the district in which such lot is located shall be provided on each street. Double frontage lot

setbacks apply on any lot wherein the structure is to be situated diagonally (approximately 45 degrees + or -) with respect to two intersecting lot lines, both of which are roadway frontages.

#### **5.4.5 Yards on Corner Lots**

Corner lots shall be deemed to have no rear yards, only two (2) front yards that are adjacent to the street and two (2) side yards. The driveway to a house represents the front yard and the second front yard setback is 15 feet. If two (2) different side yards are required in a district, the larger available yard shall apply.

#### **5.4.6 Side Yards on Regular Lots**

Side yards on regular lots are defined as running from the required front yard line to the required rear yard line. On regular through lots, the required side yard shall run from the required front yard line to the second required front yard line. On corner lots, the required side yards shall run from the point where side yard lines intersect to the required front yard lines.

#### **5.4.7 Rear Yards on Regular Lots**

Rear yards provided on interior regular lots shall be at least the depth required for the district, and shall run across the full width of the lot at the rear.

#### **5.4.8 Setbacks from Designated Corridors**

Setbacks and required bufferyards shall be measured from the future right-of-way established for specifically-designated streets and highways in the County's CIP and shown on the attached [Exhibit A](#) which shall constitute the official map of proposed future locations of public streets and highways.

- (A) In cases where a permit has been refused pursuant to this Section, an appeal may be filed by affected property owners in accordance with S.C. Code Ann. Sec. 6-7-1270.
- (B) S.C. Code Ann. Sec. 6-7-1280 shall govern the procedure for a property owner to apply for an exemption.

### **Section 5.5 Reduction in Minimum Yard Requirements based on Error in Building Location**

Notwithstanding any other provision of this Ordinance, the Zoning Administrator shall have the authority, as qualified below, to approve a reduction in minimum yard requirements in the case of any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected. Such a reduction may be approved in accordance with the following provisions:

**5.5.1** The Zoning Administrator determines that:

- (a) The error does not exceed ten (10) percent of the measurement that is involved; and
- (b) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the building subsequent to the issuance of a Building Permit, if such was required; and
- (c) Such reduction will not impair the purpose and intent of this Ordinance; and
- (d) It will not be detrimental to the use and enjoyment of other property in the immediate vicinity; and
- (e) It will not create an unsafe condition with respect to both other property and public streets; and
- (f) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- (g) The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulation.

**5.5.2** In approving such a reduction under the provision of this Section, the Zoning Administrator shall allow only a reduction necessary to provide reasonable relief and, as deemed available, may prescribe such conditions, to include landscaping and screening measures to assure compliance with the intent of this Ordinance.

**5.5.3** Upon the approval of a reduction for a particular building in accordance with the provision of this Section, the same shall be deemed to be a lawful building.

**5.5.4** The Zoning Administrator shall have no power to waive or modify the standards necessary for approval as specified in this Section.

**5.5.5** If there is an error greater than ten (10) percent of the measurement that is involved, the property owners may seek a variance from the Board of Zoning Appeals.

**Section 5.6 Nonconformities**

To avoid undue hardship, the lawful use of any structure, land use or lot which can be shown to have lawfully existed prior to the effective date of this Ordinance, or any structure, land use or lot which has become nonconforming as a result of the adoption of this Ordinance, may be continued in accordance with the terms of this subsection.

**5.6.1 Non-conforming land uses** are declared by this Ordinance to be incompatible with permitted uses in the districts involved. The lawful use of any structure or lot which can be shown to have lawfully existed prior to the effective date of this Ordinance, may be continued even though such use does not conform with the provisions of this Ordinance.

**5.6.1.2 Discontinuation of Nonconforming Use.** If a nonconforming use is discontinued or abandoned for a continuous period of more than two (2) years, including any period of discontinuation before the effective date of this Ordinance, then that use shall not be renewed or reestablished and any subsequent use of the lot or structure shall conform to the regulations of this Ordinance.

### **5.6.2 Nonconforming Lots of Record**

In any zoning district, where a lot of record at the effective date of adoption of this Ordinance does not contain sufficient land area or dimensions to meet the requirements of the district in which is located, such lot may be used as a building site for any use that is a permitted use in the zoning district which the lot is located provided that all structures on these lots must conform to the minimum front and side yard requirements set forth in this Ordinance for the district in which the lot is located, and further, that any permitted use serviced by a private septic tank system shall meet minimum SC Department of Health and Environmental Control (DHEC) regulations.

**5.6.2.1 Boundary Line Adjustments.** Boundary line adjustments may be permitted between nonconforming lots, (or between a conforming and nonconforming lot), provided that the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustments.

**5.6.2.2 Highway Realignment or Condemnation.** Any lot, which by reason of realignment of a Federal or State highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by this Ordinance, shall be considered a nonconforming lot of record subject to the provisions set forth in this Ordinance; and any lawful use or structure existing at the time of such realignment or condemnation proceedings which would thereafter no longer be permitted under the terms of this Ordinance shall be considered a nonconforming use or structure as that term is used in this Ordinance.

### **5.6.3 Repair or Reconstruction of Nonconforming Structures**

Nonconforming structures may be repaired, rebuilt, or altered after damage, provided that the structure is placed on the foundation or building footprint of the old structure. Where damage does not exceed fifty (50%) percent of total physical replacement cost, including labor and material cost only at the time the building

permit is issued for the repair or reconstruction, reconstruction must begin within six (6) months after the damage is incurred. The provisions of this subsection shall not apply to any bonafide residence. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order or permission of such official.

**5.7 Hiring of Professionals to Assist in Evaluation of Development Projects;  
Establishment of Fees and Development Review Fee Account**

Applications for (a) Subdivision / Development, Preliminary / Construction only Plan Review, Subdivision / Development Final Plan Review, (b) Planned Development District, (c) Zoning Map Amendment / Overlay, (d) Exempt Plat, (e) Sign Permit / Variance, (f) Special Exception, (g) Administrative Appeal and (h) Development Agreements may require professional evaluations by individuals with special architectural, engineering, legal, environmental, construction, soil, hydrological, chemical and other professional expertise. The Assistant County Administrator of Community Services or Director of Planning and Zoning shall determine the scope of services and shall solicit and receive cost estimates therefore. In such event, the Assistant County Administrator of Community Services or Director of Planning and Zoning shall be entitled to employ such professionals and pay their fees and costs from the applicant's Development Review Fee Account on deposit with the County; provided however, (1) prior to the employment by the Assistant County Administrator of Community Services or Director of Planning and Zoning of any such professional, the professional shall give his, hers or its certification that he, she or it is not currently employed, is not under contract, and will not undertake any work on a project which will or may require a building permit to be issued by Dorchester County; and (2) the Assistant County Administrator of Community Services or Director of Planning and Zoning shall not agree to incur professional fees and costs for a development review in excess of the uncommitted balance in the applicant's Development Review Fee Account.

**5.7.1 Zoning Permits; Procedures**

No building, structure, or tract of land within the zoned area of the County shall be used, constructed, or developed until the verification of conformance with zoning has been completed. The Director of Growth Management may require that a request for a zoning permit include information and exhibits as he deems necessary to determine the proposed development of the property complied with this ordinance. He shall have a reasonable time to consult with other government agencies and request additional information and data to evaluate the applications.

**5.7.2 Fees and Development Review Fee Account**

A table of fees shall be established by County Council from time to time and shall be assessed at the time zoning verification is completed or variance or application for special exception to be reviewed for compliance with the provisions of this Zoning Ordinance. This fee shall be paid to Dorchester County upon the filing of an application for such zoning verification, overlay zone, variance or special exception. This fee is intended to defray the customary cost of the time the Dorchester County Planning Staff and County Attorney together with expenses of the Planning Commission and Board of Zoning Appeals for processing, evaluating



and acting upon the application for such permit, overlay district, variance or special exception. Until amended, the following fees are imposed:

**DEVELOPMENT REVIEW FEES**

**Subdivision Plan Review**

Exempt Plats	\$20.00
Minor Subdivisions	\$35.00/lot
Major Subdivisions	\$500.00 + \$35/lot
Commercial Subdivisions	\$50.00/lot

(up to three reviews. After 3rd Review, a \$250 rereview fee applies for

**Site Plan Review** each submittal)

Commercial/Office/Industrial w/ building	\$250.00 + \$0.06/gross sf (+ \$500 if in a TOD)
Commercial/Office/Industrial w/o building	\$1,000.00
Institutional	\$250.00 + \$0.03/gross sf
Multi-Family	\$500.00 + \$35/unit
Zoning Permit for exempt accessory structures/decks	\$30.00
Cottage Industry	\$50.00
Outdoor Storage Yard	\$1,000.00
Outdoor Event Venue	\$500.00
Cluster Yield Plans	\$500.00
Mineral Resource Extraction	\$1,000.00

**Planned Development Districts**

Concept Plan Review	\$250.00
Master Plan Review	
Residential	\$1,000 + \$1.00/unit
Commercial/Office/Industrial	\$1,000 + \$.10/gross sf
Amendment	\$100.00
Rezoning	\$1,000 + \$1.00/lot
Street Name Change	\$85.00
Land Development Waiver Requests	\$50.00

**ZONING REVIEW FEES**

**Rezoning**

Up to 2 Lots	\$250.00
Each additional lot	\$25.00
Raw Acreage	\$250.00 + \$10.00/acre
Zoning Text Amendment (Minor)	\$250.00
Zoning Text Amendment (Major)	\$500.00

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Future Land Use Map Amendment	\$500.00
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**Board of Zoning Appeals**

Administrative Appeals	\$250.00
Special Exceptions	\$250.00
Variances	\$250.00

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**PLANNING & ZONING DOCUMENTS**

Basic Zoning/Daycare Letter	\$20
Advanced Zoning letter	\$50
Zoning Administrator Determination	\$100
Copy of Zoning & Land Development Standards Ordinance	\$50.00
Copy of Dorchester County Comprehensive Plan	\$35.00

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**PERMITS**

**Land Disturbance Permit**

Residential (mobile homes only)	n/c
Non-Residential	\$100.00
Temporary Use Permit	\$100.00
Special Event Permit	\$100.00

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**DEVELOPMENT AGREEMENTS**

Deposit

First 500 acres	\$10.00/acre
Acreage in excess of 500 acres, up to 1,000 acres	\$5.00/acre
Acreage in excess of 1,000 acres, up to 2,000 acres	\$2.00/acre
Acreage in excess of 2,000 acres	\$1.00/acre

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Plus time and materials for outside professional review (all direct costs to be paid by the applicant)

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**FEE-IN-LIEU**

Fee in Lieu of Planting Trees Required for Mitigation	\$200.00/caliper-inch
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**5.7.3** The Assistant County Administrator of Community Services or Director of Planning and Zoning, with the assistance of the Business Services Director or their designee, shall establish a trust account to be called the Development Review Fee Account Fund. The Development Review Fee Account Fund is established for the purpose of recovering the actual expense incurred by the County for professional assistance in processing and reviewing applications pertaining to development activity in the County. Upon receipt of an application, the Assistant County Administrator of Community Services or Director of Planning and Zoning shall make a preliminary determination of the professionals, if any, which may be required to assist the Assistant County Administrator of Community Services or

Director of Planning and Zoning in their evaluation of the project and the anticipated cost of such services. Prior to commencement of evaluation of the application, the applicant shall deposit with the Assistant County Administrator of Community Services or Director of Planning and Zoning the amount estimated by him for development review fees for professionals. These funds shall be placed in the Development Review Fee Account established herein in the name of the applicant and shall be used by the Assistant County Administrator of Community Services or Director of Planning and Zoning to pay the fees and costs of such professionals. In the event the Assistant County Administrator of Community Services or Director of Planning and Zoning determines that because of a substantial amendment to the application, other changes in the scope of work, a determination that a need exists for additional professional consultants, or if the original estimate does not adequately cover all professional fees and expenses, he shall notify the applicant and the applicant shall deposit with the Assistant County Administrator of Community Services or Director of Planning and Zoning additional funds to replenish the Development Review Fee Account. Upon final determination of the application for a zoning permit, overlay zone, or special exception, the Assistant County Administrator of Community Services or Director of Planning and Zoning shall make an accounting to the applicant and remit to him or her any balance in the account without interest.