

## ARTICLE IV: GENERAL PROVISIONS

### 400 Continued Use of Nonconforming Uses

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or land use shall not be:

**400.1** Changed to another nonconforming use.

**400.2** Reestablished after discontinuance for one year.

**400.3** Repaired, rebuilt, or altered after damage exceeding fifty percent of its replacement cost at the time of destruction. Reconstruction shall begin within six months after damage is incurred.

**400.4** Enlarged or altered in a manner which increases its nonconformity.

**400.5** Replaced by a nonconforming use of the same type (refers to mobile homes).

**Editor's note:** At the request of the city, an ordinance adopted Nov. 18, 1999 amended the above § 400(400.5) to read as herein set out.

**400.6** Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.  
(Ord. of 11-18-99)

### 401 Reserved. (removed 4-20-06)

**401.1** The date on which the nonconforming land use listed must cease shall be set forth on the Certificate of Occupancy for each, and if an extension is granted, the termination date of such extension shall be added to the Certificate of Occupancy.

TABLE INSET: Nonconformities	In Districts	To Be Discontinued Within	Extension Permitted
Automobile wrecking, junk, scrap or salvage yards	All but Heavy Industrial District	2 years	6 months
Automotive storage and sale lots, outdoor storage yards for lumber, building materials, and contractor's equipment	Residential	2 years	6 months
Fences, hedges and signs impeding vision at intersections	All	180 days	30 days
Off-site signs	All	5 years	1 year
Freestanding mailboxes, newspaper receptacles and other similar structures on private property	Historic Buildings District	90 days	30 days

Fluttering ribbons, banners and flags	All	90 days	30 days
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**402 Vision Clearance**

In all zoning districts established by this Ordinance, except the Core Commercial District and Intermediate Commercial District, no fence, wall, shrubbery, sign, sign structure, building or other obstruction to vision between the height of three feet and ten feet above finished street grade shall be located within the triangular area created by connecting points located on the property line a distance of ten feet and forty feet, respectively, from the corner of all intersections, including driveway intersections, as illustrated below:

**403 Ingress and Egress**

A plan for adequate and safe ingress and egress for all land uses shall be required.

**404 Flood Protection**

Any structure proposed to be located within a flood hazard area as indicated on the Flood Insurance Rate Map shall meet the requirements of the City of Georgetown Flood Damage Prevention Ordinance. (Ord. of 8-17-2000, §§ 1--4; Ord. of 1-16-2003; Ord. of 9-16-04)

**405 Amusement Machines**

No more than six amusement machines of any class as defined herein may be located and/or operated upon any premises within the City, except in the General Commercial and Intermediate Commercial zoning districts. Of the maximum number of machines allowed, no more than three may be Class III machines as defined in this Ordinance [article].

**406 Small Wind Energy Systems**

Small Wind Energy Systems are subject to the following requirements:

**406.1 Review Procedure** Small wind energy systems are an accessory use and permitted in HI, LI, and CP zoning districts. CP allows for educational or demonstration purposes only.

No small wind energy system shall be erected, constructed, or installed without a building permit.

All small wind energy system requests require a public hearing and approval by Planning Commission.

All applications for a small wind energy system must be submitted to and approved by the City Building & Planning Department and Electric Department.

**406.2 Conditions** Wind turbines as part of a small wind energy system shall not exceed seventy five (75) feet in height measured from the ground level to the tip of a wind generator blade when the tip is at its highest point.

The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.

The tower shall not be accessible to the public by ladder or step for a minimum of eight (8) feet above ground level.

All access doors to wind turbine towers and electrical equipment shall be locked

Warning signage shall be placed on wind turbine towers, electrical equipment and wind energy facility entrances.

Lighting on tower and blades will meet all FAA requirements

Isolation equipment must meet approval of the City Electric Department. Control logic must be in place to isolate turbine from electric system during loss of utility power.

Wind turbines must meet all NFPA70, IEEE, and UL Standards

All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower structure, rotor blades and turbine components.

Any wind energy system found to be unsafe by the local enforcement officer shall be repaired by the owner to meet federal, state and local safety standards or removed within six months.

Wind turbines shall be limited to one turbine per parcel. Multiple turbines may be located on one parcel in HI and LI if approved by Building & Planning and the Electric Department.

**406.3 Site Plan and Installation** Use existing roads to provide access to the facility site, or if new roads are needed, minimize the amount of land used for new roads and locate them so as to minimize adverse environmental impacts.

Clearing of natural vegetation shall be limited to what is necessary for construction, operation, and maintenance.

Electrical controls and control wiring and power lines shall be wireless or underground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network. All equipment shall be labeled and secured.

**406.4 Setbacks** Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library a distance no less than the greater of (a) two (2) times its total height or (b) one thousand (1,000) feet.

All wind power generating facilities shall be located at least 50 feet plus the height of the structure from roads and side and rear lot lines.

Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.5 times its total height, determined from the existing power line or telephone line.

**406.5 Nuisance** Individual wind turbine towers shall be located so that the level of noise produced by wind turbine operation shall not exceed 50 decibels measured at the site property line.

The applicant shall mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

**406.6 Environmental and Visual** Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility. Advertising displays includes, but is not limited to, signs, banners, flag streamers, or other decorative items that are either temporary or permanent.

Wind turbines shall be painted a non-reflective, non-obtrusive color.

The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

Appropriate landscaping and/or fencing shall be provided to screen accessory structures and grade level equipment. A six foot high, black vinyl, fence with a locking portal may be required around the facility's tower base if deemed necessary by the Building & Planning Department.

The turbine shall not significantly impair a scenic vista or scenic corridor as identified in the City's comprehensive plan or other published source.

**406.7 Abandonment** If any small wind energy system is not operated for a continuous period of 12 months, the Building and Planning Department will notify the landowner by registered mail and provide 45 days for a response.

If the owner fails to respond to the notification from the Building and Planning Department, the owner shall remove the small wind energy system at the owner's expense within six (6) months of the date of notification.

**406.8 Violation** It is unlawful to erect, construct, install, or operate a small wind energy system that is not in compliance with this ordinance.

**406.9 Insurance** Proof of current liability insurance, issued by an insurance company licensed to do business in the state, protecting the licensee and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the encroachment permit. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the city. The policy shall be a minimum required amount, or higher if deemed necessary by the city's Risk Manager.

#### **407 Horse Drawn Carriage Tours**

Horse Drawn Carriage Tours are subject to the following requirements:

**407.1 Permits** No person shall engage in the business of transporting persons in a horse drawn carriage without first having obtained a permit from the Building and Planning Department and a Business License as required in Chapter XIV, Sections 14-53 and 14-56, of The City of Georgetown Code of Ordinances.

**407.2 Fees** The permit fee for a Horse Drawn Carriage Permit shall be Fifty Dollars (\$50.00) annually.

**407.3 Application** Applications for Horse Drawn Carriage Permits shall be submitted to and approved by the Building and Planning Department.

**407.4 Public Property Owned by the City of Georgetown**

Horse shall not be housed or kept on public property owned by the City of Georgetown. Loading and unloading of passengers shall not be on public property owned by the City of Georgetown

**407.5 Route and hours of operation** Applicant must provide a map of the proposed routes, including loading zones, prior to issuance of a permit. Applicants must also submit proposed hours of operation prior to issuance of a permit. Any change to the permitted route and hours of operations must be submitted to and approved by the Building and Planning Department. All requirements set forth in Chapter XIV, Section 14-555, of the City of Georgetown Code of Ordinances must be met prior to issuance of a permit.

**407.6 Insurance** No Horse Drawn Carriage Permit shall be valid until a Certificate of an insurance company authorized to transact business in the City of Georgetown, stating that the horse and carriage to which the permit applies is properly insured. Such certificate shall state the name and address of the owner of the horse and carriage, the name of the company to which the permit is issued, the amount and character of the insurance, and a statement that the insurance policy is applicable to passengers lawfully riding in the carriage, others traveling on the way and owners of property on or near the way and said policy shall state that it cannot be revoked or amended without ten (10) days written notice to the Building and Planning Department. The firm, group or individual must provide an indemnification statement releasing the city of any liability associated with the ownership or operation of a horse-drawn vehicle. All other requirements in Article XIV, Section 14-59, of The City of Georgetown Code of Ordinances shall be met prior to issuance of a permit.

**407.7 Suspension or Revocation** The Building Official may suspend, revoke or modify a Horse Drawn Carriage Permit at any time if in his opinion any section of these rules and regulations has been violated, or if in his opinion any such regulation or bylaw of the City of Georgetown has been violated by the holder of a Horse Drawn Carriage Permit. A permit holder shall be notified in writing of any suspensions, revocation or modification stating the specific reason or reasons for the suspension, revocation or modification.

**407.8 Transfer or Sale of Permit Prohibited** No Horse Drawn Carriage Permit shall be sold, assigned or transferred. Any sale, assignment or transfer of said permit shall automatically terminate said permit.

**407.9 Advertisements Prohibited** No advertisements or announcements of any description, other than the name, address and telephone number of the permit holder, shall appear on a Horse Drawn Carriage operated for hire in the Town. This section does not prohibit the posting of rates as required in Section 6 of these rules and regulations.

**407.10 Soliciting Passengers** No Horse Drawn Carriage operator shall by means of signal or outcry solicit passengers or business.

**407.11 Board of Health Requirements** Any person holding a permit for a horse drawn carriage must at all times comply with rules and regulations of the Department of Health and Environmental Control (DHEC) which pertain to such operations including stabling of horses.

**407.12 Condition Of Horses** In the event it becomes necessary for the City of Georgetown to engage the services of a licensed veterinarian to investigate conditions of the horse or horses used in conjunction with a permit for a horse drawn carriage. All veterinarian fees shall be the responsibility of the permit holder.

**407.13 Offensive Odors** Permit holders shall at all times maintains their horse drawn carriage in a clean and sanitary condition and free from all offensive odors. Operators of horse drawn carriages shall at all times provide for proper disposal and sanitation of manure and urine from their horses as set forth in Chapter XIV, Section 14-57, of the City of Georgetown Code of Ordinances.

**407.14 Noise** Carriages used in a horse drawn carriage operation shall be operated only with rubber or similar material inserted wheels and no bells, gongs or other sound producing devices shall be used on or about any horse drawn carriage. Horses shall be provided with shoes which will provide maximum safety for the horse and produce no unnecessary noise.

**407.15 Loading Zones** All Passenger loading and unloading and Clean up of Loading zones must met the requirements as set forth in Chapter XIV, Section 14-54 and 14.54.1, of the City of Georgetown Code of Ordinances.

**407.16 Standing of Horse Drawn Carriage** No operator of a Horse Drawn Carriage shall stand such Horse Drawn Carriage in a designated motor vehicle parking space at any time. Standing of a Horse Drawn Carriage in a prohibited motor vehicle area, such as a no parking zone, yellow zone, taxi stand, bus stops, but excluding pedestrian walk area, is permitted provided such Horse Drawn Carriage is attended by the operator.

**407.17 Horse Care** All horses used for the purpose of pulling carriages must be tested by the city to ascertain their compatibility for such task. The test will determine the horses' reactions to loud noises, sudden movements and other occurrences likely to be encountered on public streets.

Horses used for the purpose of pulling carriages must be treated with care and respect. The provisions of Chapter 3, animals and fowl, of the Code of Ordinances of the City of Georgetown shall apply to all horses. In addition, the city may obtain the services of a veterinarian, at the owner's expense, to examine and treat any horse exhibiting signs of illness, mistreatment or discontent. All horses' feet shall be clad in rubber-coated shoes to reduce the likelihood of damage to public streets.

When the outside temperature reaches ninety-five (95) degrees Fahrenheit, all tour operators using live animals to pull a carriage shall cease operation and move the animal to a shaded location until the temperature falls below the ninety-five (95) degree Fahrenheit mark. The city shall provide a thermometer located at City Hall that is readily visible. Furthermore, carriage operators are encouraged to monitor their animal's body temperature and utilize cooling methods such as water soaking or sponging to reduce heat related stress on the animal.

Bed and Breakfast Inns are subject to the following requirements:

**408.1** Bed and breakfast inns in any district may have a total of one sign (other than approved directional signs) whose size may not exceed ten square feet, and whose design must be approved in advance by the Board of Architectural Review if the structure is located within the Historic Buildings District.

**408.2 Parking Areas** (excluding driveways and handicapped stalls) for bed and breakfast inns shall not be surfaced with any impervious material such as concrete or asphalt. All required parking must be accommodated entirely on-site and must meet the design criteria under Section 402 of this Ordinance. Stacking of parking spaces shall not be allowed.

**408.3** Bed and breakfast inns shall be subject to all of the parking and landscaping provisions of Section 402.5 of this Ordinance.

**408.4** Bed and breakfast inns are conditionally allowed in the R-1, R-2, R-3, R-4, NC, and CC Zoning Districts. A complete site plan must be submitted to the Zoning Administrator. Such plan shall detail the building location, parking layout, landscaping/buffer requirements, if applicable, and proposed number of rental units.

**409 Access to vessels containing gambling devices prohibited**

No property, real or personal, within the corporate limits of the City of Georgetown may be used either directly or indirectly to embark or disembark passengers on a vessel containing gambling devices. The term gambling device means any device which, when operated, may deliver as the result of application of an element of chance, any money or property, or by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property (Ord. of 1-17-2002)

**410 Tractor Trailers, Commercial Vehicles, and Buses**

No tractor trailer, commercial vehicle, or bus may be left unattended. Furthermore, no tractor trailer, commercial vehicle, or bus may be left unattended in on-street parking spaces without a commercial pass and approval from the Zoning Administrator. Tractor trailers, commercial vehicles and buses shall not be used as on-site storage. Delivery trucks are allowed to park for the purpose of unloading and/or loading only.

**411 Water Towers**

Water Towers are subject to the following requirements:

**411.1** A site plan is reviewed and approved by the Zoning Administrator; and

**411.2** The Zoning Administrator shall establish required setbacks.

**412 Substations**

Substations are subject to the following requirements:

**412.1** A site plan is reviewed and approved by the Zoning Administrator;

**412.2** There are buffers planted or erected along the side and rear property lines; and

**412.3** The Zoning Administrator shall establish required setbacks.

**413 Nursing Homes**

Nursing Homes are subject to the following requirements:

**413.1** A site plan is reviewed and approved by the Zoning Administrator;

**413.2** There are buffers planted or erected along the side and rear property lines; and

**413.3** The Zoning Administrator shall determine the traffic impacts of the proposed conditional use.

**414 Schools offering general education**

Schools are subject to the following requirements:

**414.1** A site plan is reviewed and approved by the Zoning Administrator;

**414.2** There are buffers planted or erected along the side and rear property lines;

**414.3** The Zoning Administrator shall determine the traffic impacts of the proposed conditional use; and

**412.4** The Zoning Administrator shall establish required setbacks.

**415 Multi-Family Dwellings** (amended 11-15-07)

Multi-family dwellings are subject to the following requirements:

**415.1 Buffer Requirements/Green space requirements.** For the prevention of noise, improving of visual character and generally more pleasing environment, adequate landscaping and screening shall be required for all multi-family developments within the district. For developments containing 2 acres or more a minimum 20 foot exterior landscaping buffer shall be required around the entire development where the development is adjacent to properties and or public right of ways. For developments less than 2 acres, a minimum 10 foot exterior landscaped buffer shall be required around entire development where the development is adjacent to properties and or public right of ways. Twenty percent (20%) Green Space or Open Space is required.

**415.2 Building Separation** Each structure shall be a minimum of fifteen (15) feet from any other structure within the development.

**415.3 Density** To avoid concentration and overcrowding of land and to preserve open space and quality of life the density shall be calculated as follows. Net acre shall be calculated by the units per acre excluding the streets, rights of ways, dedicated easements, wetlands, and ponds.

**415.301 R-3 Zoning District** Multi-family dwelling units shall have a density of no more than 6 dwelling units per net acre. The net density is calculated by the dwelling units per acre excluding the streets, rights of ways, dedicated easements, wetlands, and ponds. (amended 11-15-07)

**415.302 R-4 Zoning District.** Multi-family dwelling units shall have a density of no more than 10 units per net acre. The net density is calculated by the dwelling units per acre excluding the streets, rights of ways, dedicated easements, wetlands, and ponds. (amended 11-15-07)



**415.4 Parking:** Onsite parking shall be required at two spaces per dwelling unit. Recreation centers/amenities center shall be based on square footage of building as provided for in this ordinance.

**416 Day Care and Mini-day Care Centers**

Day Care and Mini-day care centers are subject to the following requirements:

**416.1** Such uses shall be located on arterial or collector streets as shown on the City of Georgetown Major Thoroughfare Plan;

**416.2** The boundary of a parcel or lot containing such use shall be separated from the boundary of any parcel or lot containing a mini day care center by not less than three hundred feet;

**416.3** A site plan shall be reviewed and approved by the Zoning Administrator at a meeting in which all property owners within one hundred feet of the subject property have been notified by mail. The site plan shall show the following:

- a. Building location, driveways, parking spaces, play area, fencing, landscaping, property lines, etc.;
- b. No structured area for active play or play structures shall be located in the front yard or within ten feet of the side or rear lot line. Outdoor play areas shall be screened with not less than a six-foot-high sight-obscuring fence, wall, or hedge;
- c. The site shall be landscaped in a manner compatible with adjacent residences; and
- d. No structure or decorative alteration that will alter the residential character of an existing residential structure shall be allowed. Any new or remodeled structure shall be designed to be compatible with the residential character of the surrounding neighborhood;

**416.4** Daycare providers in the R4 district shall only be assembled in buildings that were previously of commercial use; never having been a residential dwelling.

**417 Adult Mini-day Care**

Adult Mini-day care centers are subject to the following requirements:

**417.1** The boundary of a parcel or lot containing such use shall be separated from the boundary of any parcel or lot containing an adult mini day care center by not less than three hundred feet;

**417.2** A site plan shall be reviewed and approved by the Zoning Administrator at a meeting in which all property owners within one hundred feet of the subject property have been notified by mail. The site plan shall show the following:

- a. Building location, driveways, parking spaces, outdoor activity area, fencing, landscaping, property lines, etc.;
- b. Outdoor activity areas shall be screened with not less than a six-foot-high, sight-obscuring fence, wall, or hedge; and,
- c. No structure or decorative alteration that will alter the residential character or an existing residential structure shall be allowed. Any new or remodeled structure shall be designed to be compatible with the residential character of the surrounding neighborhood.

#### **418 Other Uses as Indicated in Use Chart**

The following uses require site plan review and approval by the Zoning Administrator. A buffer strip may be provided, if necessary.

- a. Church
- b. Park
- c. Lodge
- d. Free Standing ATM
- e. Eleemosynary Club
- f. Fire Station
- g. Barber Shop
- h. Beauty Shop
- i. Museum
- j. Hospital
- k. Police Office
- l. Public Assembly Hall
- m. Post Office
- n. Utility Installation
- o. Recycling Material Recovery Centers
- p. Library\*
- q. Courthouse\*
- r. Taxi Stand\*

\*The Zoning Administrator shall determine the traffic impacts of the conditional use

#### **419 Manufactured Homes**

Manufactured Homes are subject to the following requirements:

**419.1** No more than one manufactured home shall be located on a given lot;

**419.2** Such uses shall be occupied as permanent dwellings; and,

**419.3** All towing devices, wheels, axles, and hitches must be removed.

**419.4** Structures must be placed on a foundation consisting of footings and piers which meet the requirements of the Manufacturers Installation Manual or Section 19-425.39 of the South Carolina Manufactured Housing Board.

**419.5** Permanent landing and steps with handrails are required at all exterior doorways,

**419.6** Skirting or a curtain wall, not pierced except for required ventilation and access doors must be installed and must consist of brick masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.

**419.7 Existing Manufactured Homes in the R5 Zoning District.** Any mobile home or manufactured home, as those terms are defined in Art. III, 334, 335 of the Zoning Ordinance, that is located within any R5 District may be subsequently replaced with a new manufactured home provided the replacement is permitted within **six months** from the date of removal of the existing unit. A new manufactured home is defined as one that is purchased from a dealer and has never been titled before. (Ord. of 3-20-14)

**419.8 Mobile Homes** All mobile homes as defined in Art. III, 335 must meet Chapter 79 under Code Section 40-29-10 of the SC Code of Regulations. This regulation includes 79-43 "Used Manufactured Home Minimum Habitability Requirements." Any home moved onto a lot must be inspected and approved before a permit is issued. In addition, the home must meet zoning requirements for setbacks outlined in Article VII and compliant with 419.1-419.6 requirements for manufactured homes. (Ord. of 3-20-14)

#### **420 Duplexes**

Duplexes are subject to the following requirements:

**420.1 Density** To avoid concentration and overcrowding of land and to preserve open space and quality of life the density shall be calculated as follows. Net acre shall be calculated by the units per acre excluding the streets, rights of ways, dedicated easements, wetlands, and ponds.

**420.101 R-3 Zoning District** Duplex dwelling units shall have a density of no more than 6 dwelling units per net acre. The net density is calculated by the dwelling units per acre excluding the streets, rights of ways, dedicated easements, wetlands, and ponds. (amended 11-15-07)

**420.102 R-4 Zoning District.** Duplex dwelling units shall have a density of no more than 10 units per net acre. The net density is calculated by the dwelling units per acre excluding the streets, rights of ways, dedicated easements, wetlands, and ponds. (amended 11-15-07)

**420.2 Building Separation** Each structure shall be a minimum of fifteen (15) feet from any other structure within the development.

**420.3 Parking** Onsite parking shall be required at two spaces per dwelling unit. Recreation centers/amenities center shall be based on square footage of building as provided for in this ordinance.

**421 Funeral Homes; Fraternal Organizations; Clubs not operated for profit; and, Offices (doctors, lawyers, dentists, architects, engineers, surveyors, real estate agencies, insurance agencies, and offices for pharmaceutical consulting services)**

The above listed uses are subject to the following requirements:

**421.1** Existing buildings may be utilized provided that the provisions of this Ordinance are met as closely as possible and that:

**421.2** A site plan is reviewed and approved by the Zoning Administrator.

#### **422 Multi-family Dwelling or Group Dwelling in CC**

Multi-family Dwelling Units or Group Dwelling in CC is subject to the following requirements:

**422.1** Such uses shall be allowed on upper floors in combination with permitted commercial and office uses or on separate lots or parcels (Upper floor shall mean the first finished floor at least nine (9) feet above grade);

**422.2** Such uses shall meet the requirements for off-street parking as determined by the Zoning Administrator.

#### **423 Uses Located Over Water**

Uses located over water are subject to the following requirements:

**423.1** Such uses be limited to those retail and service functions that can directly attribute increased sales and service volumes to a waterfront location (e.g. restaurants, marine radio repair shops, etc.);

**423.2** Such use shall not generate unusual vehicular parking demands;

**423.3** Such use shall not involve major repairs (engine overhaul, hull scraping or painting, etc.), servicing and refueling of boats, or processing of any kind;

**423.4** Such use shall not include the storage for commercial boats that utilize nets and/or long lines or boats used for industrial purposes such as dredges and barges;

**423.5** Such use shall not be utilized for long-term residency, unless waste disposal is provided by the boat owner;

**423.6** Any first floor deck or structure which extends over water shall be connected to the boardwalk by a walkway to provide public access during normal business hours. Construction shall utilize pilings in order to minimize the need for filling; and

**423.7** Finger pier and deck construction shall comply with the applicable local, state and federal standards and regulations.

#### **424 Marine-related Storage Yard**

Marine-related Storage Yards are subject to the following requirements:

**424.1** No storage yard shall be located closer than thirty feet to any street right-of-way, or rear or side property line when such line serves as a boundary for residentially zoned property; and,

**424.2** Adequate buffer strips are established and maintained between the storage yard and any street right-of-way and any property line serving as a boundary for residentially zoned property.

#### **425 Bakery**

Bakeries are subject to the following requirements:

**425.1** All good baked on the premises must be sold only at retail on the premises.

#### **426 Convenience Commercial Establishments**

Convenience commercial establishments are subject to the following requirements:

**426.1** Convenience commercial establishments such as grocery stores, drug stores, shoe repair shops and gift shops, provided that:

**426.2** Such uses are limited to 2,000 square feet of gross floor area; and

**426.3** No alcoholic beverages are sold.

**427 Publicly Owned and Operated Buildings, Facilities, or Land**

Publicly owned and operated buildings, facilities, or land include as branch libraries, recycling drop-off sites and recreation centers. These uses are subject to the following requirements:

**427.1** The locations of such use is reviewed and approved by the Zoning Administrator.

**428 Communication Towers**

Communications towers subject to the following Requirements:

**428.1** The height of the proposed tower does not exceed 200 feet measured from grade;

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

**428.3** The proposed tower and associated improvements meet applicable zoning district and applicable landscaping and tree protection requirements;

**428.4** The applicant has attempted to collocate on existing communication towers, building, or other structures and the applicant is willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure, frequency considerations, and proper compensation from the additional user;

**428.5** The proposed tower is only illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency;

**428.6** The proposed tower and associated structures are appropriately secured by means of walls, fences or other devices; and,

709.2017 The proposed tower does not include signage of any nature on any portion of the tower, except for any necessary informational or warning signs related to the safe operation of the tower.

**428.7** Applications shall include the following information:

**428.701** A scaled site plan showing the location of the tower(s), guy anchors (if any), buildings and other structures or improvements, parking, driveways, fences, and protected and protect trees affected by the proposed improvements. Adjacent land uses shall also be noted on the site plan.

**428.702** The height and typical design of the tower, typical materials to be used, color, and lighting shall be shown on elevation drawings.

709.20183 Documentation indicating that collocation on existing towers or buildings in the vicinity of the proposed tower was attempted by the applicant but found to be unfeasible, with reasons noted.

**428.703** Other information as requested by staff to allow adequate review of approval criteria.

**429 Dog Pound**

Dog pounds require a larger landscape buffer area.

**430 Drive-in Theaters**

Drive-in theaters, subject to the following requirements:

**430.1** No part of the theater screen, projection booth, or other building shall be located closer than five hundred feet to any property line. No parking space shall be located closer than one hundred feet to any residential district; and,

**430.2** The theater screen shall not face an arterial or collector street.

**431 Storage Yards**

Storage yards, excluding the storage of noxious matter but including junk yards, motor vehicle junk yards and salvage yards are subject to the following requirements:

**431.1** Any adverse effects of such uses do not create a nuisance beyond the premises;

**431.2** No material shall be placed in any storage yard in such a manner that it is capable of being transferred out of the storage area by wind, water or other causes. All paper, rags, cloth and other fibers and articles involving the same, except during loading and unloading shall be within fully enclosed buildings;

**431.3** No storage yard shall be located closer than thirty feet to any street right-of-way, or rear and side property line when such line serves as a boundary for property zoned in a non industrial manner; and,

**431.4** Adequate buffer strips are established and maintained in accordance with Section 510. The Board of Zoning Appeals may modify the buffer strip requirements in situations where abundant buffering exists in the form of vegetation and/or terrain. The board may also approve an alternative method of buffering when planting is not practical.

**431.5** In order to lessen the adverse effect on adjoining property, reduce windblown trash and create a more healthful environment, all junk yard material and activities not within a fully enclosed building shall not be located nearer than sixty feet to any street line and shall be surrounded by a buffer strip which may be modified by the Board of Zoning Appeals in situations where abundant buffering exists in the form of vegetation and/or terrain or when other suitable planting is proposed. The Board of Zoning Appeals may also approve an alternate method of buffering when planting is not practical; and,

**432 Sexually Oriented Business**

Sexually oriented businesses are subject to the following requirements:

**432.1** Such uses shall not be located closer than eight hundred feet from any residentially zoned property or any house of worship, day care center, school, public park, public library, cemetery, city limit line, or any motion picture establishment that shows "G" or "PG" rated movies to the general public on a regular basis;

**432.2** Such uses shall not be located closer than one thousand feet from any other sexually oriented business, provided that this shall not apply to any establishment that does not provide adult entertainment more than two times per calendar year. Measurements of distance of separation shall be in a straight line from the closest points of the buildings in which the adult uses are located;

**432.3** The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be direct line of sight from the managers' station; and

**432.4** Signs for such uses shall contain no photographs, silhouettes, drawings or other pictorial representations of any manner and shall only contain one or more of the following phrases: "Adult bookstore"; "adult movie theatre" (may also contain "movie titles posted on premises"); "adult cabaret"; adult entertainment"; or "adult model studio". In addition, signs shall comply with all other requirements for this district.

### **433 Industrial Processing Plant**

Industrial and processing plants provided that such uses shall not be injurious or obnoxious to surrounding development.

### **434 Landfill**

Landfills are required to have a ten-foot minimum width landscaped buffers shall be established around the perimeter of the site.

### **435 Treatment Plant**

Treatment plant sites must be suitably screened with a vegetative buffer.

### **436 Gas Service Station**

Gasoline service stations are subject to the following requirements:

**436.1** All pumps are set back at least twenty-five (25) feet from any street right-of-way;

**436.2** All supporting structures for gas canopies will be set back at least twenty five (25) feet from any street right-of-way. In no event shall a canopy extend beyond the property line over the right-of-way or any other separate parcel.

**436.3** Any Convenient Store or Restaurant must meet parking space requirements as designated in Article XVII, Parking Requirements.

**436.4** Storage and/or service areas are separated from adjoining properties by a buffer strip, fence or wall at least seven (8) feet in height; and,

**436.5** Wrecked or disabled vehicles with current license plates may not be parked in more than 25 % of minimum required designated customer parking spaces or in parking spaces designated for convenience store and/or restaurant

**437 Manufactured Home Sales Lots and Offices**

Manufactured home sales lots and offices provided any display area for used mobile homes shall not be visible from any public right-of-way.

**438 IC (Intermediate Commercial) District Provision**

Uses specified under this provision shall comply with GC District requirements in Article VIII: Area, Yard, and Height Requirements

**439 Campgrounds**

Campgrounds are subject to the following requirements:

**439.1** Parcels shall be a minimum of ten (10) acres,

**439.2** Applicant must submit a development plan according to Sec. 300 (300.1-300.6) of the City of Georgetown Land Development Regulations to be approved by the Zoning Administrator,

**439.3** A minimum 50-foot landscape buffer shall be installed on all sides along with a minimum lot width of 300 feet for this site. Buffer shall contain the minimum number of plantings outlined in Article XIII, Section 1308 of this ordinance. Existing vegetation may count toward or replace this requirement,

**439.4** If the area is forested at the time of development, trees shall be left between all campsites. Clear cutting of the site is prohibited,

**439.5** The site must contain the following amenities as a minimum: restrooms or other approved waste disposal method, showers, electricity, water, and parking. Campers that provide self-contained utilities meet the provisions of this section,

**439.6** Individual camping site requirements: Individual site shall have a minimum distance of fifteen (15) feet between sites and a minimum site width of thirty-five (35) feet,

**439.7** Maximum length of stay on a particular site shall not exceed ninety (90) days, and,

**439.8** Accessory use: If a camp store is proposed as part of the campground, it shall be limited to 3,000 square feet without a drive-thru. Additional parking spaces are required based on Article XI of this Ordinance.

**440 Excavation for Development**

**Permit Required.** All applications for Excavation for Development are subject to a Land Development Permit issued by the Zoning Administrator. (ref. Sec. 1402)

Excavation for Development ("excavation" defined in Sec. 371) is subject to the following requirements:

**440.1** Only sand, clay, coquina, topsoil, trees, and/or shrubs shall be excavated,

**440.2** Excavation must be contained on a site of contiguous land of fifteen (15) or more acres,

**440.3** Total allowable excavation area shall not exceed 60% of the developable land and/or zoning area,



**440.4** Applicant must submit an operational narrative stating date of startup, operation hours, estimated duration of use, equipment to be used, and traffic routes showing entrance/exit onto a major thoroughfare,

**440.5** Applicant must submit a development plan to be approved by the Zoning Administrator showing the following:

- Surveyed plat of the property in accordance with the City of Georgetown Land Development Regulations,

- Exact area where excavation will occur,

- A natural vegetative buffer to adjoining properties, roadways, and drainage areas of at least fifty (50) feet,

- Wetlands, water bodies, and areas subject to flooding; and,

- Proposed safety fencing and/or gates around excavation area.

**440.6** Must submit a reclamation plan including statement of planned rehabilitation, methods of accomplishment, phasing, and timing to be approved by the Zoning Administrator. No permit under this section shall be approved if any portion of the reclamation plan includes a landfill,

**440.7** Must submit valid copies and follow current guidelines for all required State (DHEC) and/or Federal (ACE) permits, and

**440.8** Must submit a drainage and erosion control plan.

#### **441 Short-Term Vacation Rentals**

Short-term vacation rentals are subject to the following requirements:

**441.1** Intent; purpose.

It is the purpose of this section to protect the public health, safety and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term vacation units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the city's neighborhoods.

**441.2** Definitions; general provisions.

*Business license* - is a document executed by a short-term vacation owner certifying that the short-term vacation unit complies with applicable zoning, building, health and safety code provisions. No person shall allow occupancy or possession of any short-term vacation rental unit if the premises is in violation of any applicable zoning, building, health and safety code provisions.

*Short-term vacation rental* - means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed thirty (30) consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group living, hotel/motel, or other lodging uses.

*Short-term vacation rental agent* - means a natural person designated by the owner of a short-term vacation rental on the short-term vacation rental business license application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within the city for purposes of transacting business.

*Short-term vacation rental occupants* - means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a dwelling unit for lodging for a period of time not to exceed thirty (30) consecutive days.

**441.3 Short-term vacation rental business license.**

No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as short-term vacation rental, as defined in Section 441.2, without first obtaining a business license from the Revenues Manager and complying with the regulations contained in this section. No business license issued under this section may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

**441.4 Application for short-term vacation rental business license.**

(a) Applicants for a short-term vacation rental business license shall submit, on an annual basis, an application for a short-term vacation rental business license to the Revenues Manager of the City of Georgetown. The business license application shall be furnished by the Revenues Manager or Zoning Administrator and accompanied by a non-refundable application fee as set forth in the City's business license fee ordinance. Such application should include:

1. The name, address, telephone number and/or email address of the owner(s) of record of the dwelling unit for which a license is sought. If such owner is not a natural person, the application shall identify all partners, officers and/or directors of any such entity, including personal contacts information;
2. The address of the unit to be used as a short-term vacation rental;
3. The name, address, telephone number and/or email address of the short-term vacation rental agent, which shall constitute his or her 24-hour contact information;
4. The owner's signature of sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements;
5. The owner's agreement to use his or her best efforts to assure that use of the premises by short-term vacation rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and
6. Any other information that this chapter requires the owner to provide to the city as part of an application for a short-term vacation rental business license. The Zoning Administrator or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.

(b) Attached to and concurrent with submission of the business license application described in this section, the owner shall provide:

1. A written exemplar agreement, which shall consist of the form of document to be executed between the owner and occupant(s) and which shall contain the following provisions:
  - a. The occupant(s)' agreement, to abide by all of the requirements of this section, any other City of Georgetown ordinances, state and federal law and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;

- b. The occupant(s)' acknowledgement that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in Georgetown County's Noise Ordinance (Section 13.8-2);
  - c. The occupant(s)' acknowledgement and agreement that they shall conform to the regulations stated in the City of Georgetown Zoning Ordinance, Article XI: Off-Street Parking.
  - d. The occupant(s)' acknowledgement and agreement that they shall conform to the regulations stated in the 2015 International Property Maintenance Code on Overcrowding and Bedroom requirements (IPMC 404.4 & 404.5); and
  - e. The occupant(s)' acknowledgement and agreement that violation of the agreement or this section may result in immediate termination of the agreement and eviction from the short-term vacation rental unit by the owner or agent, as well as the potential liability for payments of fines levied by the city.
2. Proof of the owner's current ownership of the short-term vacation rental unit;
  3. Proof of property and liability insurance; and
  4. A written certification from the short-term vacation rental agent that he or she agrees to perform the duties specified in Section 441.5(b).

#### **441.5 Short-term vacation rental agent.**

(a) The owner of a short-term vacation rental shall designate a short-term vacation rental agent on its application for a short-term vacation rental license. A property owner may serve as the short-term vacation rental agent. Alternatively, the owner may designate a natural person as his or her agent who is over age eighteen (18).

(b) The duties of the short-term vacation rental agent are to:

1. Be reasonably available to handle any problems arising from use of the short-term vacation rental unit;
2. Appear on the premises of any short-term vacation rental unit within one (1) hour following notification from the city of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short-term vacation rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the City of Georgetown Code of Ordinances and/or Zoning Ordinance or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol or use of illegal drugs. Failure of the agent to timely appear to two or more complaints regarding violations may be grounds for penalties as set forth in the section. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;
3. Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
4. Monitor the short-term vacation rental unit for compliance with this section.

(c) An owner may change his or her designation of a short-term vacation rental agent temporarily or permanently; however there shall only be one such agent for a property at any given time. To change the designated agent, the owner shall notify the Zoning Administrator in writing of the new agent's identity, together with all information regarding such person as required by the applicable provisions of this section (441).

#### **441.6 Grant or denial of application.**

Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this section, or

otherwise fails to demonstrate the ability to comply with local, state or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.

**441.7 Short-term vacation rental units.**

(a) A copy of the short-term vacation rental business license shall be posted within the unit and include all of the following information:

1. The name and address of the short-term vacation rental owner and/or agent;
2. The business license number;
3. The maximum number of occupants allowed in the rental unit;
4. License effective and expiration date; and

(b) Short-term vacation rental units shall be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, building, health and safety code provisions.

**441.8 Short-term vacation regulation procedure.**

(a) To ensure the continued application of the intent and purpose of this section, the Zoning Administrator of the city shall notify the owner of a short-term vacation rental unit of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term vacation rental unit occupant results in a citation for a code violation or other legal infraction.

(b) The Zoning Administrator shall maintain in each short-term vacation rental location file a record of all code violation charges, founded accusations and convictions occurring at or relating to a short-term vacation rental unit. When a property owner has accumulated three (3) code violations for a particular property within a period of twelve (12) consecutive months, any pending certificates or applications shall be rejected or suspended for a period of twelve (12) consecutive months.

(c) If a short-term vacation rental unit owner has been cited and found to be in violation of any zoning, building, health or life safety code provision, the owner must demonstrate compliance with the applicable code prior to being eligible to receive a short-term vacation rental certificate.

(d) Citations for code violations and any other violation of the city code may be heard by the Zoning Administrator or Code Enforcer of the City of Georgetown.

(e) Violations of this section are subject to fines that can be found in the official records on file with the City Clerk, which shall not be waived or reduced and which may be combined with any other legal remedy available to the City.

(f) A person aggrieved by the city's decision to revoke, suspend or deny a short-term vacation rental certificate may appeal the decision to the Board of Zoning Appeals (BZA). The appeal must be filed with the Zoning Administrator in writing, within thirty (30) calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. Timely filing of an appeal shall state the revocation, suspension or denial pending a decision by the BZA.

(g) The Board of Zoning Appeals shall consider the appeal within thirty (30) days after receipt by the zoning administrator of a request unless otherwise agreed in writing by the city and aggrieved party. All interested parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The BZA shall render a determination, which will constitute a final ruling on the application.

(h) Nothing in this section shall limit the city from enforcement of its code, state or federal law by any other legal remedy available to the city. Nothing in this section shall be construed to limit or supplant the power of any city inspector, deputy marshal or other duly empowered code official under the city's ordinances, rules and regulations and the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

**441.9 Taxes.**

Short-term vacation rental unit owners are subject to state sales tax, city hospitality and accommodation taxes, business license fees and are liable for payment thereof as established by state law and the city code. The city may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.

(Amended Ord. of 5-17-12) (Ord. of 3-20-14) (Ord. Sec. 439 & 440 of 3-19-15) (Ord. Sec. 441 of 6-15-17)