

# DRAFT

## Exhibit 13.1: Table of Permitted Uses

08.24.05 (REVISED 10.16.2013)

### Purpose and Intent:

Principal uses and Accessory uses are the uses permitted in each Zoning District. These are shown in Table 3A, "Authorized Uses in Zoning Districts." The intent is to allow and regulate uses which are deemed compatible with the purpose of that district, with or without conditions; or to restrict uses. This exhibit is not intended to affect the continued use of land for previously approved purposes. Nothing in the following matrix of permitted uses shall supersede other requirements of the Development Agreement.

Use regulations are "Conditions of Use." These conditions are requirements, which must be met to comply with the Zoning Ordinance.

The three classifications of use are "Permitted", "Conditional", and "Special Exception" as defined below:

1. Permitted Use.

Permitted use is the Principal Use or Accessory Use allowed in a Zoning District. It is a use of right. By way of example, single family detached dwelling units are permitted in all residential zoning districts, R-1, R-2, and R-3. However, multi-family residential units are only permitted in the R-2 and R-3 Zoning Districts.

2. Conditional Use.

Conditional uses are uses that are permitted within a Zoning District only when the identified conditions for that particular use have been met and the zoning permit application approved by the Planning Director. Conditions for each use are specified starting on page 11 of Exhibit 13.1.

3. Special Exception.

Special Exceptions may only be granted by the Board of Zoning Appeals. These are uses which are generally compatible with the permitted land uses in a Zoning District, but which require specific review of the location of the site and the design, configuration and operation of the proposed use, as well as the possibility of imposition of conditions in order to ensure the compatibility of the use at a particular location within the Zoning District. Section 12A-507 provides a complete description and requirements for "Special Exceptions."

Where no classification of use is shown (a blank cell), that use is prohibited in the zoning district.

Table 3A. Authorized Uses in Zoning Districts  
P = Permitted Use C= Conditional Use S = Special Exception

USE CATEGORY	PRINCIPAL USES	ZONING DISTRICTS											Conditional Use Reference	
		R-1	R-2	R-3	C	U	PR	FV PD	CSQ PD					
<b>RESIDENTIAL</b> <sup>1)</sup>														
	Single-Family Detached	P	P	P	P								P	
	Single-Family Attached, also known as Townhouses or Rowhouses		P	P	P								P	
	Duplex		P	P	P								P	
	Multi-Family, including Townhouses or Flats		P	P	P								P	
	Apartments		P	P	P								P	
	Membership lodgings <sup>2)</sup>	P	P	P	P								P	
	Dwelling Groups	P	P	P	P								P	
	Senior Housing, including Independent Living, Assisted Living and Nursing Home Care												P	
<b>CIVIC / INSTITUTIONAL</b>														
<b>COURTS AND PUBLIC SAFETY</b>														
	Court of Law													
	Safety Services, including Emergency Medical or Ambulance Service, Fire Protection, or Police Protection				P	P							P	
<b>EDUCATIONAL SERVICES</b>														
	Day Care				P								P	
	Pre-school or Educational Nursery				C								P	1
	Personal Improvement Education, including Golf or Fine Arts Schools				P								P	
<b>HEALTH CARE SERVICES</b>														
	Physicians' and Dentists' Offices and Dental Services				P								P	
	Medical Clinics-Outpatient Services												P	
	Health Care Laboratories, including Medical Diagnostics or Dental Laboratories												P	
<b>MUSEUMS, HISTORICAL SITES AND SIMILAR INSTITUTIONS</b>														
	Historical Sites	C	C	C	P					P	P		C	2
	Libraries or Archives				P								P	
	Museums or Art Galleries				P								P	
	Nature Exhibitions									P	P		P	
	Botanical Gardens or Arboretums				P					P	P		P	
<b>POSTAL SERVICE</b>														
	Postal Service, United States				P								P	
<b>RECREATION AND ENTERTAINMENT</b>														
	Community Recreation, including Sports Activities, Playgrounds and Athletic Areas, or Swimming Areas (beaches and pools)	P	P	P	P					P	P		P	
	Golf Courses or Country Clubs	P	P	P	P					P	P		P	
	Parks	P	P	P	P					P	P		P	
	Motion Picture and Live Theaters									P	P		P	
	Recreation or Vacation Camps				P					P	P		P	
	Recreational Equipment Storage				P	P				P	P		P	
	Public and Sports Assembly				P					P	P		P	



USE CATEGORY	PRINCIPAL USES	ZONING DISTRICTS											Conditional Use Reference	
		R-1	R-2	R-3	C	U	PR	FV PD	CSQ PD					
<b>INFORMATION INDUSTRIES</b>														
	Advertising Services (not including advertising signs)													
	News Syndicate Services													
	Radio and Television Broadcasting Studios (only)				C	P					P			3
	Data Processing Services													
<b>OFFICES</b>														
	Real Estate Sales and Services <sup>6)</sup>						P							
	Administrative or Business Office, including Bookkeeping Services, Couriers, Insurance Offices, Personnel Offices, Secretarial Services or Travel Arrangement or Ticketing Services						P							
	Government Offices						P							
	Legal and other Professional Services, including Accounting, Tax Preparation, Architectural, or Engineering						P	P						
	<b>Residential, Commercial Construction Offices (No Material Storage)</b>													
<b>OTHER NONRESIDENTIAL DEVELOPMENT</b>														
	Communications Towers	S	S	S	S	S	P					S		4
	Convention Center or Visitors Bureaus						P							
<b>REPAIR AND MAINTENANCE SERVICES</b>														
	Repair Service, Consumer, including Appliance, Shoe, Watch, Furniture, Jewelry, or Musical Instrument Repair Shops						P							
	Vehicle Service, Limited, including Automotive Oil Change or Lubrication Shops, or Car Washes (enclosed area only)						P							
<b>RETAIL SALES</b>														
	Non-store Retailers													
	Direct Selling Establishments													
	Electronic Shopping or Mail-Order Houses													
	Building Materials or Garden Equipment and Supplies Retailers						P							
	Hardware Stores						P							
	Home Improvement Centers						P							
	Garden Supplies Centers or Nursery and Greenhouse Retail Centers						P							
	Paint, Varnish, Glass, or Wallpaper Stores						P							
	Food Sales, including Grocery Stores, Meat Markets or Butchers, Retail Bakeries, or Candy Shops						P							
	Liquor, Beer, or Wine Sales						P							
	Retail Sales or Services, General						P							
	Antique Stores						P							
	Department Store or Limited Price Variety Stores						P							
	Art, Hobby, Musical Instrument, Toy, or Related Products Stores						P							
	Sporting Goods or Bicycle retail and rental						P							
	Book, Stationary, Newspaper, or Magazine retail						P							
	Cameras or Photographic Supplies Stores						P							



Notations for Exhibit 13.1: Table of Permitted Uses

- 1) Residential uses may be permitted on a commercial tract as part of a mixed use development specifically approved by the Town, as provided in ¶ 13.B.5.
- 2) Membership lodgings permitted on Parcels 12A, 12B, 13, 16, 22, 23, 41, 43 and 60.
- 3) Private Clubs permitted on parcels 12A, 12B, 13, 16, 41, 43 and 60.
- 4) Water treatment facilities/purification permitted on parcels 15 and 16.
- 5) Above ground water storage tanks permitted only on parcels 15, 30 and 43.
- 6) Model home real estate sales shall be considered a temporary use with a duration not to exceed 18 months from date of occupancy in R-1, R-2 and R-3 districts.



## **CONDITIONS OF USE**

### 1. Educational Services.

- A. Educational Services are those services offered for the exclusive use of residents, on island employees and guests of Kiawah for instruction and care of their dependent children. The following conditions must be met for an Educational Services Use:
- (1) Proof of application for the facilities license from the South Carolina Department of Social Services where appropriate;
  - (2) Outdoor play is only allowed between the hours of 8 a.m. and 6 p.m.; (3) Play areas within 50 feet of a residential Zoning District shall be buffered pursuant to Section 12A-402;
  - (4) Off street parking requirements contained within this Ordinance are met and are buffered in accordance with Section 12A-405;
  - (5) Site plans for ingress/egress, loading/unloading and the location of the parking areas are approved by the Planning Director; and
  - (6) Proposed outdoor lighting of the facility does not negatively impact neighboring properties or the beachfront.

### 2. Museums, Historical Sites and Similar Institutions.

- A. Historical Sites within residential areas shall be restricted to the hours between 7 a.m. and 8 p.m.
- B. Historical Sites, libraries, archives, museums, and/or art galleries shall be completely housed within the principal use.
- C. Nature Exhibitions.
- (1) Where nature exhibitions are of public ownership or listed in the National Registry of Natural Landmarks or registered as a Heritage Site with the South Carolina Heritage Trust in accordance with the provisions of Act #600 of the 1976 Acts and Joint Resolutions, either in public or private ownership, accessory uses to acquire maintenance revenue are permitted.
  - (2) Accessory uses are limited to the retail sale of gifts, novelties, souvenirs, and food services. Accessory structures so used shall not exceed 10 percent in size of the principal structures when the nature exhibit is housed, or 1200 square feet for each acre when the nature exhibit is not enclosed.

- (3) Parking requirements for each accessory use, in addition to the parking requirements for the principal use, shall comply with the parking requirements in Exhibit 13.4.
  - (4) Signs advertising accessory uses shall be located on the premises and not visible from a public road.
- D. Botanical Gardens and/or arboretums shall be housed completely on the grounds of the principal use.

3. Information Industries.

A. Advertising Services.

- (1) All advertising associated with this use shall be contained within the structure and not visible, except for any permitted sign, on the exterior of the structure.

B. Radio and Television Broadcasting Studios.

- (1) All radio or television broadcast studios shall be located within a structure. No mobile radio or television broadcast stations are permitted as a permanent use. Temporary use permits may be granted if applicant complies with temporary use permit requirements.

4. Other Non-Residential Development.

Communications Towers.

(1) Co-Location Exemption.

Proposed communications equipment co-locating on existing towers and structures without adding to their height shall require only a Zoning Permit and shall not be subject to the requirements of this section.

(2) Stealth Exemption.

If the proposed tower utilizes an appropriate alternative design (as determined by the Zoning Administrator) which allows it to better blend with the surrounding environment or if the communications equipment will be placed on a tall structure housing another use without adding to its height, the proposed tower or tall structure need only meet standard zoning setback, buffer, and landscaping requirements. Setback requirements from residential structures as detailed in Section 12A-302 (13)(A)(3)(b) of the Zoning Permit Submittal Requirements subsection shall not apply.

(3) Zoning Permit Submittal Requirements.

Applications for Zoning Permits for Communications Towers shall complete the Site Plan Review process as provided in Section 12A-508. The applicant is required to attend a pre-application meeting and the application must contain the following items:

- (a) Site Plan.
  - (i) The site plan must be drawn to an engineer's scale, showing the location of the tower guy anchors (if any), existing or proposed buildings and structures or improvements, including parking, driveways or access roads, fences, and protected and Grand Trees affected by the proposed construction. If there are no Grand Trees affected, a surveyor's statement on the Site Plan must be shown. Adjacent land uses shall also be noted on the site plan, with precise measurements noted between the proposed tower and any residential structures on surrounding properties.
  - (ii) The site plan must show a vegetated buffer, either existing or installed, that provides an effective screen from public rights-of-way and adjacent property owners and across view corridors. If a buffer is to be installed, its placement on the site will vary in order to provide the most effective screening from public view. Required materials will be based on installation of a 25-foot buffer around the fenced area.
  - (iii) The height and typical design of the tower, elevation, materials and color sample.
- (b) The tower must be located no closer to a residential structure than a distance equal to one and a half (1.5) feet for each foot in height of the proposed tower plus fifty (50) feet as measured from the center of the proposed tower. At a minimum, there must be a one hundred-fifty (150) foot distance between the proposed tower and a residential structure.
- (c) A six (6) foot non-climbable fence must be placed around the tower (except for those designed in a manner compatible with Section 12A-302(13)(A)(2), Stealth Exemption) and any associated building. Guy wires may be fenced separately.
- (d) The proposed tower must be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties (the fall zone shall be determined by an engineer certified by the State of South Carolina in a letter which includes the engineer's signature and seal).

- (e) For the purposes of co-location review and review of efforts at siting a tower on the same lot near an existing tower, the applicant shall submit satisfactory written evidence such as correspondence, agreements, contracts, etc., that alternative towers, buildings, or other tall 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, providing a location free of interference from other communication towers, or available at the prevailing market rate (as determined by staff communication with persons doing business within the industry). Additionally, the applicant shall make every effort to build the proposed tower in such a manner as may allow other telecommunication users to co-locate.
- (f) Proposed towers may not be located within one thousand (1,000) feet of the center of an existing tower unless the applicant certifies that the existing tower does not meet the applicant's structural specifications and the applicant's technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate. In the event of the above situation, the clustering of new towers on the same parcel near existing towers is encouraged.
- (g) The proposed tower shall only be illuminated as required by the Federal Communications Commission or Federal Aviation Administration. Nighttime strobe lighting shall not be incorporated unless required by the Federal Communications Commission or Federal Aviation Administration.
- (h) The proposed tower must not include signs of any nature on any portion of the tower. This requirement does not apply if the communications equipment is placed in a manner complying with Section 12A-302(13)(A)(2), Stealth Exemption.
- (i) A copy of the tower's search ring.
- (j) To assure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower over 100 feet and a performance bond for the amount of anticipated removal costs shall be posted for each tower over 150 feet.
- (k) Any other information as requested by staff to allow adequate review of approval criteria, including a line of sight analysis showing potential visual and aesthetic impacts. For instance, the staff may request photographs with the tower superimposed to assess visual impact. Additionally, the FAA study number for the proposed tower may be required.

- (4) In granting a Zoning Permit for a communications tower, the Planning Director shall find the following:
  - (a) That the location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, or roads which have been officially designated as scenic roads.
  - (b) If a completely new tower is necessary, written proof of the applicant's attempts at co-location and siting a tower on the same lot near an existing tower were proven not feasible or practical.
  - (c) That the applicant has pursued any available publicly owned sites and privately owned sites occupied by a compatible use, and if not utilized, that these sites are unsuitable for operation of the facility under applicable communications regulations and the applicant's technical design requirements.
  - (d) Provide documentation that a 25-foot buffer outside the perimeter of the tower base fenced areas exists or will be installed. The landscape plan or existing vegetation shall provide an opaque screen from public rights-of-way and adjacent property owners.
  - (e) In instances in which a proposed communications tower is viewed by the Planning Director as having a substantially negative impact on a surrounding area or adjoining property, the Planning Director shall have the discretion to deny a Zoning Permit for the communications tower. This denial must be made in writing with reasons specifically stated to the applicant. Appeals may be filed with the Board of Zoning Appeals in accordance with the procedures of this Ordinance.
- (5) Third Party Evaluations.
  - (a) The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.
  - (b) An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of the consultant and expert evaluation and consultation to the Town in connection with the review of any application including the construction and modification of the site, once permitted. The initial deposit shall be \$8,500.00. The placement of the \$8,500.00 with the Town shall precede the pre-application meeting. The Town will maintain a separate escrow account for all such funds. The Town's consultants/experts shall invoice the Town for its services in reviewing the application, including

the construction and modification of the site, once permitted. If at any time during the process this escrow account has a balance less than \$2,500.00, the applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least \$5,000.00. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

- (c) The total amount of the funds needed as set forth in subsection (b) of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

(6) Tower Abandonment.

A tower that is not used for communication purposes for more than 120 days (with no new application on file for any communication user) is presumed to be out of service and the owner of such tower must notify the staff and remove the tower within 50 days. Towers which are not maintained by the owner according to the Town Building Code shall be removed by the owner within 60 days. To assure the removal of towers which do not meet requirements for continued use or proper maintenance, a statement of financial responsibility shall be submitted for each tower over 100 feet and a performance bond for the amount of anticipated removal costs shall be posted for each tower over 150 feet. Removal costs shall be charged to the tower owner.