

**ORDINANCE NO. 21-05-25**

**BILL NO. 21-17, AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF §7.4, LIGHT INDUSTRIAL (LI) DISTRICT AND §7.5 HEAVY INDUSTRIAL (HI) DISTRICT OF THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE, AS AMENDED, TO ESTABLISH INTERNAL CONSISTENCY WITH RECENT AMENDMENTS.**

**WHEREAS**, Berkeley County Council adopted a Zoning and Development Standards Ordinance, including Official Zoning and Development Standards Maps, on April 26, 1999, pursuant to Title 6, Chapter 29, of the Code of Laws of South Carolina, 1976, as amended; and

**WHEREAS**, Berkeley County Council adopted such regulations for the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the County; and

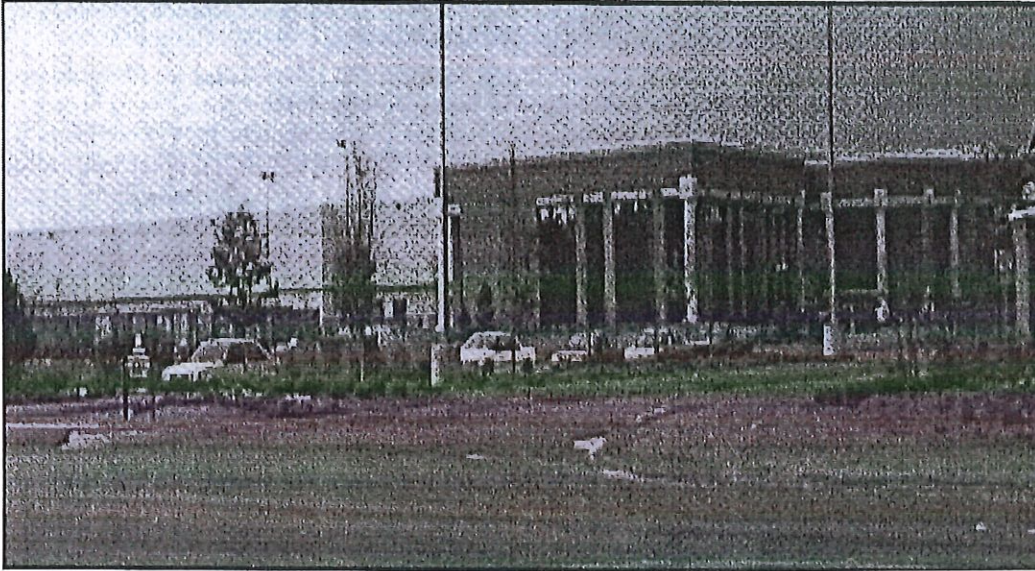
**WHEREAS**, the Berkeley County Council has determined that the following amendment herein is for the public good, the morals and the general welfare of the County of Berkeley and its citizens, and that it is consistent with the Berkeley County Comprehensive Plan;

**WHEREAS**, the Berkeley County Council has determined that the following amendments are necessary in order to respond to the changing needs of the County and its citizens and maintain internal consistency with recent amendments.

**NOW, THEREFORE, BE IT ORDAINED** that the Articles specified below of the Berkeley County Zoning and Development Standards Ordinance (as amended) are hereby amended and revised as follows:

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#### 7.4. - Light industrial district (LI).



##### 7.4.1. *Intent.*

##### A. This district is intended to:

1. Provide for areas within the county where commerce and/or light industrial uses and compatible uses may take place, including, but not limited to, product assemblage and repair, research and development, office/service facilities, and indoor storage/warehousing/manufacturing or finished parts or products, or other similar uses.
2. To reserve and protect sites suitable for commerce and/or light industrial development.

7.4.2. *Location.* This district shall be applied in the residential growth areas and office and light industry areas mapped on the future land use map in the comprehensive plan.

#### USES

##### 7.4.3. *Permitted uses.* The following uses are permitted within the LI light industrial district:

##### A. *Agricultural uses.*

1. Agriculture, crop.
2. Forestry.
3. Agriculture, sales and services.
4. Sale of products produced on-site.
5. Agriculture, storage.

##### B. *Commercial uses.*

1. Commercial, general services.
2. Commercial, lodging (hotel and motel).
3. Commercial, personal services.
4. Commercial, professional services.
5. Convenience retail and/or gas station.
6. Office.

7. Outdoor sales.
  8. Restaurant.
  9. Retail sales.
  10. Wholesale sales.
  11. Transportation (Truckstop)
- C. *Industrial uses.*
1. Transportation.
  2. Light manufacturing.
  3. Manufacturing services (construction).
  4. Manufacturing services (other).
- D. *Recreation and amusement uses.*
1. Commercial, indoor recreation.
  2. Commercial, outdoor recreation.
  3. Indoor recreation.
  4. Outdoor recreation, active.
  5. Outdoor recreation, passive.
  6. Resort/fish camp.
  7. Ecotourism.
  8. Golf course.
  9. Miniature golf.
- E. *Institutional uses.*
1. Assembly and worship.
  2. Cemetery.
  3. College and professional schools.
  4. Neighborhood and community schools.
  5. Commercial day care center.
  6. Protective care.
  7. Government office, public services, and local utilities.
- F. *Storage uses.*
1. Business storage (indoor storage).

7.4.4. *Accessory uses.* Accessory uses are permitted as a detached structure or use subordinate to the main building or classification that is used for purposes customarily incidental to the principal use. Accessory uses shall not exceed 65 percent of the size of the principal classification. Freight/cargo containers may be used as accessory storage uses within this classification with restrictions as defined below in sub-item C. (Storage), 1. (Business storage (indoor storage)).

The following uses are permitted as accessory uses within the LI light industrial district:

- A. *Commercial.*
1. Other necessary and customary uses determined by the zoning administrator to be appropriate, incidental and subordinate to the principal use of the property, subject to



compliance with any development and performance standards imposed by the planning department as a means of ensuring land use compatibility.

B. *Industrial.*

1. Maintenance shops and vehicle storage.
2. Residential uses which are incidental or accessory to a principal use or to another accessory use or which are for caretakers, security personnel, managers, or other persons whose physical proximity to a principal use or to a principal use or to another accessory use is reasonably required. (Examples of such accessory uses include, but are not limited to, caretaker cottages, temporary guest facilities, on-site residence for supervisory personnel, conference centers, and meeting rooms with overnight accommodations.)
3. Other necessary and customary uses determined by the zoning administrator to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any development and performance standards imposed by the planning department as a means of ensuring land use compatibility.

C. *Storage.*

1. Business storage (indoor storage). Freight/cargo containers may be permitted by the county for the storage of agricultural, industrial and business supplies, products and/or machinery. Freight/cargo containers used as accessory structures are limited to those parcels in size of two acres or more. The container must adhere to all necessary zoning and building codes.
2. Other necessary and customary uses determined by the zoning administrator to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any development and performance standards imposed by the planning department as a means of ensuring land use compatibility.

D. *Institutional and civic.*

1. Refreshment stands and food and beverage sales located in uses involving public assembly;
2. Cafeterias, dining halls, and similar food services when operated primarily for the convenience of employees, residents, clients, patients, or visitors to the principal use;
3. Gift shops, newsstands, and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients, or visitors to the principal use;
4. Recreation areas and facilities for the use of the employees;
5. Other necessary and customary uses determined by the zoning administrator to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any development and performance standards imposed by the planning department as a means of ensuring land use compatibility.

7.4.5. *Uses permitted with conditions.* The following uses are permitted as conditional uses within the LI light industrial district. All listed conditions shall be demonstrated prior to permit approval. See article 11 for the procedure for approval of conditional uses.

A. *Institutional uses.*

1. Family day care home.
  - a. All conditions and regulations found in article 11.5 shall be met prior to permit approval.

B. *Office and industrial uses.*

1. Commercial communication towers.
  - a. *List of conditionally approved uses.*
    1. Locating antennas on existing structures with modifications consistent with the conditions [in] article 11.7.

2. Locating antennas on existing towers with modifications consistent with the conditions [in] article 11.7.
  3. Locating new monopole, guyed, or lattice towers consistent with the conditions [in] article 11.7.
  - b. *District conditions.*
    1. Maximum height: 300 feet, unless a special exception permit is granted by the Berkeley County Zoning Board of Appeals.
    2. A tower and/or antenna mounted on an existing building, water tank, or structure other than a freestanding or guyed tower must not extend more than 20 feet above the highest part of the structure.
  - c. *General conditions.*
    1. All conditions and regulations found in article 11.7 shall be met prior to permit approval.
    2. Proposed communications equipment co-locating [collocating] on existing towers and structure without adding to their height shall not be subject to the requirements of this conditional use.
2. *Mining.*
- a. Site must be buffered in accordance with mine buffer as defined in section 17.7 and other applicable sections of the zoning ordinance.
  - b. Dust reduction measures must be employed to alleviate both on-site and off-site dust nuisance generated by the mine site's activities. These measures include, but are not limited to, one or more of the following:
    1. Stabilization of nonactive exposed soil and stockpiles through vegetation, mulching, chemical stabilizers, and/or stone/gravel layering.
    2. Utilization of stabilized roadways within the site.
    3. On-site speed limits to minimize disturbance.
    4. Application of water or other dust palliatives.
  - c. DHEC reclamation and regulations must be observed.
  - d. An emergency contact sign not to exceed four square feet with light reflective and minimum four inch letters that includes the name of the operator and an after hours phone number must erected at the entrance. The sign must be placed a minimum ten feet from the road right-of-way but no more than 25 feet from the road right-of-way, and must be appropriately maintained through out the operation of the mine site.
  - e. Must comply with Berkeley County Noise Ordinance and, for sites located within the MS4 area, the Berkeley County Stormwater Management Ordinance.
  - f. Mine sites with pit sizes greater than five acres and/or greater than 20 feet deep shall not operate within 400 feet of a public or private school, a public park or public recreation area (within the Francis Marion National Forest, includes only designated recreation areas), a residential use, a youth activity center, a public library, or a licensed child care facility.

For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the mine pit to the nearest eave of the premises of a religious institution, public or private school, youth activity center, public library, child care facility, or to a residential use, and to the nearest active portion of a public park or public recreation area (within the Francis Marion National Forest, includes only designated recreation areas).



A mining operation lawfully operating as a conforming use is not rendered a nonconforming use by the location of a religious institution, public or private school, public park or recreation area (within the Francis Marion National Forest, includes only designated recreation areas), a residential use, youth activity center, public library, or child care facility subsequent to the grant or renewal of a mining permit.

- g. Mine sites with pit sizes greater than five acres and/or greater than 20 feet deep where surface water features remain or a depressed area is created, a final grading plan matched to the proposed end use, as specified in the DHEC reclamation plan, shall be submitted. The final grading plan shall demonstrate that sufficient land is to remain unexcavated or that the excavation will be done in a manner permitting the development to conform to this chapter's regulations without any variances.

C. *Storage uses.*

1. Storage facility (miniwarehouse).

a. *District conditions.*

- 1. Facility shall meet all landscaping standards.
- 2. Open storage shall meet the requirements for outdoor storage.

b. *General conditions.*

- 1. All conditions and regulations found in article 11.8 shall be met prior to permit approval.
- 2. Outdoor storage (primary use).
  - a. *Screening.* Open storage shall be enclosed by a continuous visual screen provided and maintained as well as buffering requirements found in article 17. The continuous screen shall be wood, brick, masonry, or chain link with opaque slats and not less than eight feet in height and shall not exceed 12 feet in height.
  - b. *Materials stored.* Materials stored in the open shall not be permanently stacked higher than the required screen.
  - c. No outdoor storage activity shall create a nuisance or unduly disrupt the allowed uses of other property. Vehicle transportation associated with the activity shall be considered when evaluating this criterion with respect to residential areas.
  - d. All outdoor storage activities must have a designated manager; and said manager must be sufficiently bonded to ensure that, in case of abandonment, the site will be rehabilitated and restored, and that all permit conditions regarding the final disposition of the site will be fulfilled.
  - e. For all outdoor storage activities that are subject to permitting by the S.C. Department of Health and Environmental Control (DHEC), information supplied to DHEC under the permit process may be used for the required submission to Berkeley County; provided, however, that where these criteria request information in addition to that provided to DHEC, such additional information must be provided in full. A DHEC permit does not constitute full compliance with the provisions of the Berkeley County zoning and development standards ordinance.
  - f. *Required information.* The applicant shall provide the zoning administrator with information as specified below. The zoning administrator shall confer with other county officials as appropriate, and within 60 days of submission of a complete application, shall either approve the conditional use or deny the

permit application. Both permit denials and conditions shall be based upon these criteria and the information required of the applicant.

1. Applicant: name, address, phone number.
  2. If the applicant will not actually manage the activities on-site, provide the manager's name, address, and phone number
  3. Is the applicant or manager bonded? If so, provide details.
  4. What are the proposed activities? Where are they proposed to occur? List the substances that are proposed for storage or disposal. Indicate which, if any, of these substances has been designated as a hazardous material or is required to be disclosed pursuant to the provisions of the Superfund Amendments and Reauthorization Act (SARA), title III (Public Law 99-499, 199 Stat. 1613 (1986)).
  5. Provide a site map. If certain areas of the site are to be used for storage/disposal of hazardous substances and/or substances required to be disclosed pursuant to SARA, title II (supra), show such areas on the site map.
  6. Provide a detailed, step-by-step description of the proposed activities. Describe the methods for ensuring that all stored/disposed substances will not create objectionable sanitary, aesthetic, or other nuisance conditions. If applicable, describe the methods and procedures for dealing with spills of liquid materials.
  7. Indicate hours of operation for activities on-site.
  8. Indicate the type and extent of outdoor lighting that will be used, and the duration of such lighting (e.g., 24 hours, will end at midnight, etc.)
  9. Indicate the type, extent, and duration of machinery noise that will be associated with activities on-site.
  10. Specify the extent and type of vegetative buffering to be used to protect adjoining properties.
  11. Specify the distance of the site from the nearest property zoned specifically for residential use (R1, R1-MM, R2, R3, R4, R5, R1-R, R2-R, R15, AG, Flex1).
  12. Submit a drainage plan that meets the requirements of Berkeley County Drainage Ordinance No. 89-4-9, as amended.
  13. Indicate what roads and transportation corridors will be used to support the proposed activities, and indicate the types of vehicles, estimated numbers of vehicles and trips, and times of day that traffic can be expected to be generated.
3. Outdoor storage (accessory use).
- a. Permitted as an accessory use which shall be defined as a detached structure or use subordinate to the main building or use classification that is used for purposes customarily incidental to the principal use.
  - b. Outdoor storage activity shall not exceed 50 percent of the total land area of the principle use and does not include the storage of junked and/or salvaged vehicles/materials otherwise known as junk or salvage yards.
  - c. Screening. Open storage shall be enclosed by a continuous visual screen provided and maintained as well as buffering requirements found in article 17. The continuous screen

shall be a solid wall or fence constructed of wood, brick, or masonry and not less than eight feet in height and shall not exceed eight feet in height.

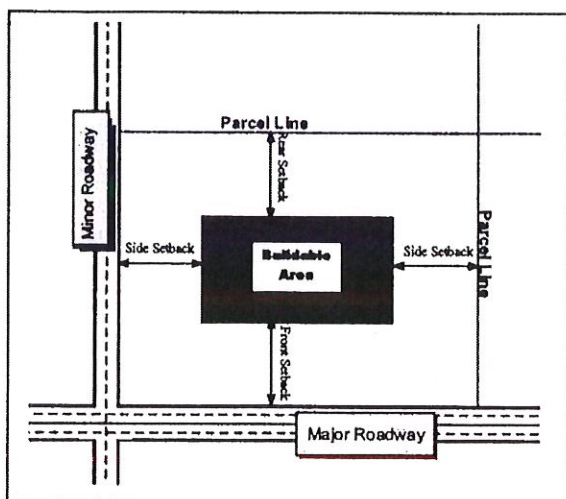
- d. Materials stored. Materials stored in the open shall not be stacked higher than the required screen.
4. Freight/cargo container yards (primary or accessory uses).
  - a. Primary or accessory use shall have a minimum lot size of five acres.
  - b. Open storage of containers shall meet the requirements for outdoor storage found in this article.

7.4.6. *Special exceptions.* (Reserved)

7.4.7. *Prohibited uses.* The following uses are prohibited within the LI light industrial district.

1. Mobile home park.
2. Sexually oriented business.
3. All uses not listed as permitted are prohibited.

## LOT AND BUILDING STANDARDS



7.4.8. *Lot requirements.*

- A. Minimum lot size: Two acres.
- B. Minimum lot frontage:
  1. Standard lot: 20 feet.
  2. Corner lot: 40 feet.

7.4.9. *Minimum yard requirements.* The minimum setbacks shall be:

- A. Front yard: 30 feet minimum.
- B. Side yard: 15 feet minimum.
- C. Rear yard: 30 feet minimum.
- D. Accessory structures are permitted in the rear and side yards only with minimum of ten-foot setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed in the front yard and/or that portion of the yard that fronts a



second street frontage of the property, the front yard setback and/or the setback from the second street frontage property line for the accessory structure is the required front setback and/or second street frontage setback for the primary structure, as applicable.

- E. Second street frontage: 30 feet minimum.
- F. Open drainage ditch and/or stormwater pond easement lines (excluding swales): 30 feet minimum.
- G. Ingress/egress easements: The minimum distance stated above for front, side, or rear.

7.4.10. *Unit separation.* The minimum distance between structures shall be:

- A. Side to side: 15 feet minimum.
- B. Front to front or rear: 15 feet minimum.
- C. Rear to rear: 15 feet minimum.

7.4.11. *Building requirements.*

- A. Impervious coverage: 80 percent maximum. Based on gross acreage of a parcel, provided that this requirement will be superseded by specific development guidelines contained in Berkeley County Drainage Ordinance No. 89-4-9, as amended.

Where a development consists of a number of contiguous or adjoining structures, this requirement shall apply to the development as a whole, not to the individual structures or lots.

- B. Building height within the light industrial district will be governed by the current adopted building codes of Berkeley County. After the height limitations are reviewed, the building and/or zoning official may impose additional restrictions. During the required planning and code review the official will give consideration to the structure design and the county's abilities to gain adequate access for firefighting personnel and that such building is designed or is equipped to provide adequate protection against the dangers of fire, and/or that such building is served by an internal fire service organization.

The height limits contained in the airport overlay district, as regulated by article 10, may apply additional height limitations to a specific piece of property.

## SITE STANDARDS

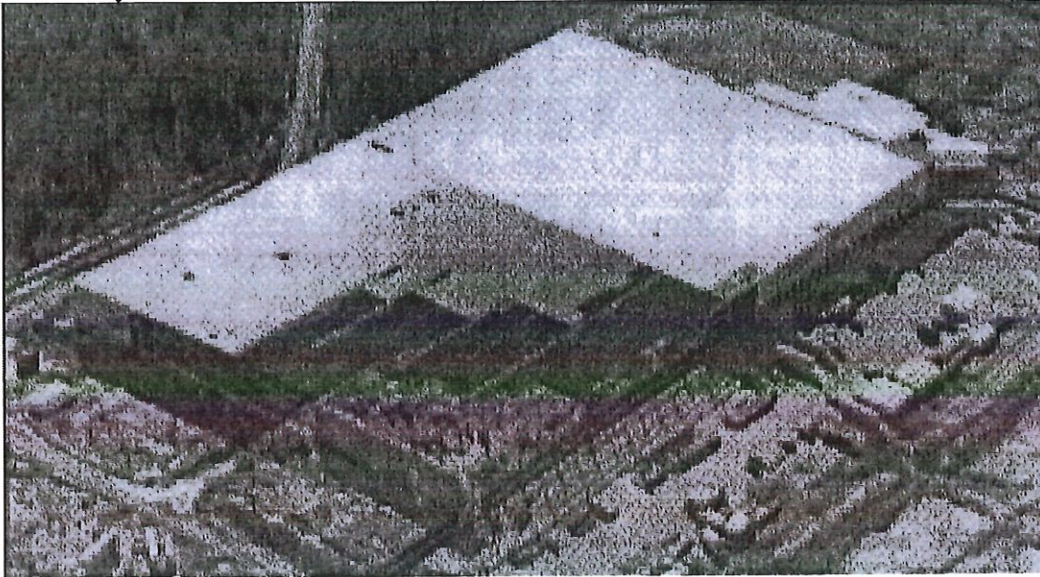
7.4.12. *Parking standards.* All uses within this district shall conform to the standards outlined in article 15: Off-Street Parking Requirements.

7.4.13. *Bufferyard standards.* All uses within this district shall conform to the standards outlined in article 17: Bufferyards.

7.4.14. *Single-Site Development (Site) Plan.* A Single-Site Development (Site) Plan, prepared and submitted in accordance with the processes and requirements established in Chapter 59, *The Land Development and Subdivision Regulations of Berkeley County*, is required to be reviewed and, and upon demonstrated conformance to all applicable standards, approved prior to commencement of development and/or redevelopment activities. The plan shall also include, at a minimum, the following information.

- A. The *Single-Site Development (Site) Plan* shall also demonstrate conformance to applicable conditional use standards contained herein or specified in Article 11.
- B. The *Single-Site Development (Site) Plan* shall accompany any necessary supporting documentation or materials required for submittal, review, and/or approval per Chapter 59.

## 7.5. - Heavy industrial district (HI).



### 7.5.1. *Intent.*

#### A. This district is intended to:

1. Provide for areas within the county where heavy industrial uses and compatible uses may take place, including, but not limited to, the mechanical or chemical transformation of organic or inorganic substances into new products.
2. To reserve and protect sites suitable for heavy industrial development.

7.5.2. *Location.* This district shall be applied in the industry areas mapped on the future land use map in the comprehensive plan.

### USES

7.5.3. *Permitted uses.* The following uses are permitted within the HI heavy industrial district:

#### A. *Agricultural uses.*

1. Agriculture, crop.
2. Agriculture, home animal production.
3. Boarding facilities.
4. Forestry.
5. Agriculture, sales and services.
6. Sale of products produced on-site.
7. Agriculture, storage.

#### B. *Commercial uses.*

1. Commercial, general services.
2. Commercial, transportation (truckstop).
3. Wholesale sales.

#### C. *Industrial uses.*

1. Transportation.



2. Light manufacturing.
  3. Heavy manufacturing.
  4. Manufacturing services (construction).
  5. Manufacturing services (other).
  6. Mining/resource extraction.
- D. *Recreation and amusement uses.*
1. Commercial, indoor recreation.
  2. Commercial, outdoor recreation.
  3. Indoor recreation.
  4. Outdoor recreation, active.
  5. Outdoor recreation, passive.
  6. Resort/fish camp.
  7. Ecotourism.
  8. Golf course.
  9. Miniature golf.
- E. *Institutional uses.*
1. Assembly and worship.
  2. Cemetery.
  3. College and professional schools.
  4. Neighborhood and community schools.
  5. Protective care.
  6. Government office, public services, and local utilities.
- F. *Storage uses.*
1. Business storage (indoor storage).
  2. Boat storage facility (indoor).

7.5.4. *Accessory uses.* Accessory uses are permitted as a detached structure or use subordinate to the main building or classification that is used for purposes customarily incidental to the principal use. Accessory uses shall not exceed 65 percent of the size of the principal classification. Freight/cargo containers may be used as accessory storage uses within this classification with restrictions as defined below in sub-item C. (Storage), 1. (Business storage (indoor storage)).

The following uses are permitted as accessory uses within the HI heavy industrial district:

- A. *Commercial.*
1. Office.
  2. Other necessary and customary uses determined by the zoning administrator to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any development and performance standards imposed by the planning department as a means of ensuring land use compatibility.
- B. *Industrial.*
1. Maintenance shops and vehicle storage.

2. Residential uses which are incidental or accessory to a principal use or to another accessory use or which are for caretakers, security personnel, managers, or other persons whose physical proximity to a principal use or to a principal use or to another accessory use is reasonably required. (Examples of such accessory uses include, but are not limited to, caretaker cottages, temporary guest facilities, on-site residence for supervisory personnel, conference centers, and meeting rooms with overnight accommodations.)
3. Other necessary and customary uses determined by the zoning administrator to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any development and performance standards imposed by the planning department as a means of ensuring land use compatibility.

C. *Storage.*

1. Business storage (indoor storage). Freight/cargo containers may be permitted by the county for the storage of agricultural, industrial and business supplies, products and/or machinery. Freight/cargo containers used as accessory structures are limited to those parcels in size of five acres or more. The container must adhere to all necessary zoning and building codes.
2. Other necessary and customary uses determined by the zoning administrator to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any development and performance standards imposed by the planning department as a means of ensuring land use compatibility.

D. *Institutional and civic.*

1. Commercial day care center;
2. Refreshment stands and food and beverage sales located in uses involving public assembly;
3. Cafeterias, dining halls, and similar food services when operated primarily for the convenience of employees, residents, clients, patients, or visitors to the principal use;
4. Gift shops, newsstands, and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients, or visitors to the principal use;
5. Recreation areas and facilities for the use of the employees;
6. Other necessary and customary uses determined by the zoning administrator to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any development and performance standards imposed by the planning department as a means of ensuring land use compatibility.

7.5.5. *Uses permitted with conditions.* The following uses are permitted as conditional uses within the HI heavy industrial district. All listed conditions shall be demonstrated prior to permit approval. See article 11 for the procedure for approval of conditional uses.

A. *Agricultural uses.*

1. Agriculture, intensive animal production.
  - a. All conditions and regulations found in article 11.3 shall be met prior to permit approval.

B. *Institutional uses.*

1. Family day care, home.
  - a. All conditions and regulations found in article 11.6 shall be met prior to permit approval.

C. *Office and industrial uses.*

1. Commercial communication towers.
  - a. *List of conditionally approved uses.*



1. Locating antennas on existing structures with modifications consistent with the conditions [in] article 11.7.
  2. Locating antennas on existing towers with modifications consistent with the conditions [in] article 11.7.
  3. Locating new monopole, guyed, or lattice towers consistent with the conditions [in] article 11.7.
- b. *District conditions.*
1. Maximum height: 300 feet, unless a special exception permit is granted by the Berkeley County Zoning Board of Appeals.
  2. A tower and/or antenna mounted on an existing building, water tank, or structure other than a freestanding or guyed tower must not extend more than 20 feet above the highest part of the structure.
- c. *General conditions.*
1. All conditions and regulations found in article 11.7 shall be met prior to permit approval.
  2. Proposed communications equipment co-locating [collocating] on existing towers and structure without adding to their height shall not be subject to the the requirements of this conditional use.
2. *Mining.*
- a. Site must be buffered in accordance with mine buffer as defined in section 17.7 and other applicable sections of the zoning ordinance.
  - b. Dust reduction measures must be employed to alleviate both on-site and off-site dust nuisance generated by the mine site's activities. These measures include, but are not limited to, one or more of the following:
    1. Stabilization of nonactive exposed soil and stockpiles through vegetation, mulching, chemical stabilizer, and/or stone/gravel layering.
    2. Utilization of stabilized roadways within the site.
    3. On-site speed limits to minimize disturbance.
    4. Application of water or other dust palliatives.
  - c. DHEC reclamation and regulations must be observed.
  - d. An emergency contact sign not to exceed four square feet with light reflective and minimum four inch letters that includes the name of the operator and an after hours phone number must erected at the entrance. The sign must be placed a minimum ten feet from the road right-of-way but no more than 25 feet from the road right-of-way, and must be appropriately maintained through out the operation of the mine site.
  - e. Must comply with Berkeley County Noise Ordinance, for sites located within the MS4 area, the Berkeley County Stormwater Management Ordinance.
  - f. Mine sites with pit sizes greater than five acres and/or greater than 20 feet deep shall not operate within 300 feet of: a public or private school, a public park or public recreation area (within the Francis Marion National Forest, includes only designated recreation areas), a residential use, a youth activity center, a public library, a licensed child care facility.

For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the mine pit to the nearest eave of the premises of a religious institution, public or private school, youth

activity center, public library, child care facility, or to a residential use, and to the nearest active portion of a public park or public recreation area (within the Francis Marion National Forest, includes only designated recreation areas).

A mining operation lawfully operating as a conforming use is not rendered a nonconforming use by the location of a public or private school, public park or recreation area (within the Francis Marion National Forest, includes only designated recreation areas), a residential use, youth activity center, public library, or child care facility subsequent to the grant or renewal of a mining permit.

- g. Mine sites with pit sizes greater than five acres and/or greater than 20 feet deep where surface water features remain or a depressed area is created, a final grading plan matched to the proposed end use, as specified in the DHEC reclamation plan, shall be submitted. The final grading plan shall demonstrate that sufficient land is to remain unexcavated or that the excavation will be done in a manner permitting the development to conform to this chapter's regulations without any variances.

D. *Storage uses.*

1. Storage facility (miniwarehouse).

a. *District conditions.*

- 1. Facility shall meet all landscaping standards.
- 2. Open storage shall meet the requirements for outdoor storage.

b. *General conditions.*

- 1. All conditions and regulations found in article 11.8 shall be met prior to permit approval.
- 2. Outdoor storage (primary use).
  - a. *Screening.* Open storage shall be enclosed by a continuous visual screen provided and maintained as well as buffering requirements found in article 17. The continuous screen shall be wood, brick, or masonry, or chain link with opaque slats and not less than eight feet in height and shall not exceed 12 feet in height.
  - b. *Materials stored.* Materials stored in the open shall not be permanently stacked higher than the required screen.
  - c. No outdoor storage activity shall create a nuisance or unduly disrupt the allowed uses of other property. Vehicle transportation associated with the activity shall be considered when evaluating this criterion with respect to residential areas.
  - d. All outdoor storage activities must have a designated manager; and said manager must be sufficiently bonded to ensure that, in case of abandonment, the site will be rehabilitated and restored, and that all permit conditions regarding the final disposition of the site will be fulfilled.
  - e. For all outdoor storage activities that are subject to permitting by the S.C. Department of Health and Environmental Control (DHEC), information supplied to DHEC under the permit process may be used for the required submission to Berkeley County; provided, however, that where these criteria request information in addition to that provided to DHEC, such additional information must be provided in full. A DHEC permit does not constitute full compliance with the provisions of the Berkeley County zoning and development standards ordinance.



- f. *Required information.* The applicant shall provide the zoning administrator with information as specified below. The zoning administrator shall confer with other county officials as appropriate, and within 60 days of submission of a complete application, shall either approve the conditional use or deny the permit application. Both permit denials and conditions shall be based upon these criteria and the information required of the applicant.
1. Applicant: name, address, phone number.
  2. If the applicant will not actually manage the activities on-site, provide the manager's name, address, and phone number
  3. Is the applicant or manager bonded? If so, provide details.
  4. What are the proposed activities? Where are they proposed to occur? List the substances that are proposed for storage or disposal. Indicate which, if any, of these substances has been designated as a hazardous material or is required to be disclosed pursuant to the provisions of the Superfund Amendments and Reauthorization Act (SARA), title III (Public Law 99-499, 199 Stat. 1613 (1986)).
  5. Provide a site map. If certain areas of the site are to be used for storage/disposal of hazardous substances and/or substances required to be disclosed pursuant to SARA, title II (supra), show such areas on the site map.
  6. Provide a detailed, step-by-step description of the proposed activities. Describe the methods for ensuring that all stored/disposed substances will not create objectionable sanitary, aesthetic, or other nuisance conditions. If applicable, describe the methods and procedures for dealing with spills of liquid materials.
  7. Indicate hours of operation for activities on-site.
  8. Indicate the type and extent of outdoor lighting that will be used, and the duration of such lighting (e.g., 24 hours, will end at midnight, etc.)
  9. Indicate the type, extent, and duration of machinery noise that will be associated with activities on-site.
  10. Specify the extent and type of vegetative buffering to be used to protect adjoining properties.
  11. Specify the distance of the site from the nearest property zoned specifically for residential use (R1, R1-MM, R2, R3, R4, R5, R1-R, R2-R, R15, Flex1).
  12. Submit a drainage plan that meets the requirements of Berkeley County Drainage Ordinance No. 89-4-9, as amended.
  13. Indicate what roads and transportation corridors will be used to support the proposed activities, and indicate the types of vehicles, estimated numbers of vehicles and trips, and times of day that traffic can be expected to be generated.
3. Outdoor storage (accessory use).
- a. Permitted as an accessory use.
  - b. Outdoor storage activity shall not exceed 50 percent of the total land use.
  - c. *Screening.* Open storage shall be enclosed by a continuous visual screen provided and maintained as well as buffering requirements found in article 17. The continuous screen

shall be a solid wall or fence constructed of wood, brick, or masonry and not less than eight feet in height and shall not exceed eight feet in height.

- d. *Materials stored.* Materials stored in the open shall not be permanently stacked higher than the required screen.
- 4. Freight/cargo container yards (primary or accessory uses).
  - a. Primary or accessory use shall have a minimum lot size of five acres.
  - b. Open storage of containers shall meet the requirements for outdoor storage found in this article.

E. *Industrial.*

- 1. Waste disposal facilities. Waste disposal facilities are those sites utilized for the disposal of solid waste as well as those sites utilized for industrial disposal of industrial byproducts. May be referred to as landfills. Waste facilities constructed after the effective date of this ordinance are subject to the conditions listed below.
  - a. *District conditions.*
    - 1. All commercial waste disposal facilities shall comply with the "Berkeley County and Dorchester County Solid Waste Management Plan 1993-2013" and the "Berkeley County Water and Sanitation Authority 2000 Update to Solid Waste Management Plan."
    - 2. All industrial waste disposal facilities shall be lined with materials permitted by SCDHEC as appropriate for the specific waste disposal site.
    - 3. All industrial waste disposal facilities shall be limited in size to 50 percent of the size of the principal classification.
    - 4. All waste disposal facilities shall be no higher than permitted by SCDHEC.
    - 5. All industrial waste disposal facilities shall be formally permitted by the applicable state and/or federal regulatory agency.
    - 6. All industrial waste disposal facilities shall be registered with the county as a permitted conditional use per this article.

7.5.6. *Special exceptions.* The following uses are permitted as special exception uses within the HI heavy industrial district. See article 11 for the procedure for approval of special exception uses.

A. *Commercial uses.*

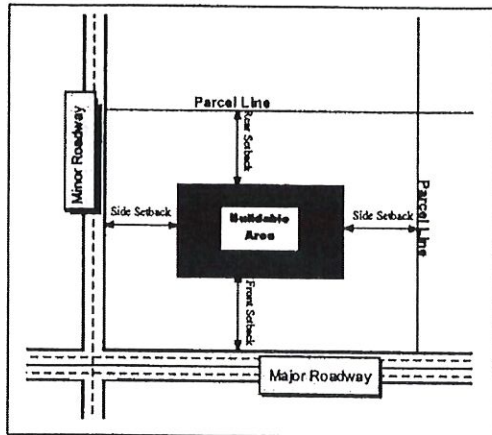
- 1. Sexually oriented business.
  - a. All conditions and regulations found in article 11.4 shall be met prior to permit approval.

7.5.7. *Prohibited uses.* The following uses are prohibited within the HI heavy industrial district.

- 1. Mobile home park.
- 2. All uses not listed as permitted are prohibited.

## LOT AND BUILDING STANDARDS





7.5.8. *Lot requirements.*

- A. Minimum lot size: Five acres.
- B. Minimum lot frontage:
  - 1. Standard lot: 20 feet.
  - 2. Corner lot: 40 feet

7.5.9. *Minimum yard requirements.* The minimum setbacks shall be:

- A. Front yard: 40 feet minimum.
- B. Side yard: 20 feet minimum.
- C. Rear yard: 40 feet minimum.
- D. Accessory structures are permitted in the rear and side yards only with minimum of ten-foot setbacks from the side and rear property lines or ingress/egress easements, whichever is greater. If the accessory structure is placed the front yard and/or in that portion of the yard that fronts a second street frontage of the property, the front yard setback and/or the setback from the second street frontage property line for the accessory structure is the required front setback and/or second street frontage setback for the primary structure, as applicable.
- E. Second street frontage: 30 feet minimum.
- F. Open drainage ditch and/or stormwater pond easement lines (excluding swales): 30 feet minimum.
- G. Ingress/egress easements: The minimum distance stated above for front, side, or rear.

7.5.10. *Unit separation.* The minimum distance between structures shall be:

- A. Side to side: 15 feet minimum.
- B. Front to front or rear: 15 feet minimum.
- C. Rear to rear: 15 feet minimum.

7.5.11. *Building requirements.*

- A. Impervious coverage: 80 percent maximum. Based on gross acreage of a parcel, provided that this requirement will be superseded by specific development guidelines contained in Berkeley County Drainage Ordinance No. 89-4-9, as amended.

Where a development consists of a number of contiguous or adjoining structures, this requirement shall apply to the development as a whole, not to the individual structures or lots.

- B. Building height within the heavy industrial district will be governed by the current adopted building codes of Berkeley County. After the height limitations are reviewed, the building and/or zoning official may impose additional restrictions. During the required planning and code review the official will give consideration to the structure design and the county's abilities to gain adequate access for firefighting personnel and that such building is designed or is equipped to provide adequate protection against the dangers of fire, and/or that such building is served by an internal fire service organization.

The height limits contained in the airport overlay district, as regulated by article 10, may apply additional height limitations to a specific piece of property.

- C. Antennas, chimneys, flues, vents or other similar structures may extend up to five feet above the maximum specified height. Church spires, bell towers, flagpoles, and like architectural features may extend over the specified height limit by 50 percent of the height limit, but shall not have habitable spaces above the maximum height limit.

## SITE STANDARDS

7.5.12. *Parking standards.* All uses within this district shall conform to the standards outlined in article 15: Off-Street Parking Requirements.

7.5.13. *Bufferyard standards.* All uses within this district shall conform to the standards outlined in article 17: Bufferyards.

7.5.14. *Single-Site Development (Site) Plan.* A Single-Site Development (Site) Plan, prepared and submitted in accordance with the processes and requirements established in Chapter 59, *The Land Development and Subdivision Regulations of Berkeley County*, is required to be reviewed and, and upon demonstrated conformance to all applicable standards, approved prior to commencement of development and/or redevelopment activities. The plan shall also include, at a minimum, the following information.

- A. The *Single-Site Development (Site) Plan* shall also demonstrate conformance to applicable conditional use standards contained herein or specified in Article 11.
- B. The *Single-Site Development (Site) Plan* shall accompany any necessary supporting documentation or materials required for submittal, review, and/or approval per Chapter 59.

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21-05-25


**ADOPTED** this 24th day of May, 2021.

**BERKELEY COUNTY, SOUTH CAROLINA**


[SEAL]

  
\_\_\_\_\_  
John P. Cribb, Supervisor  
Berkeley County Council

Attest:

  
Shelley R. Forest  
Interim Clerk to Council

Approved as to form:

  
John O. Williams, II  
County Attorney

First Reading: March 22, 2021  
Second Reading: April 26, 2021  
Public Hearing: May 24, 2021  
Third Reading: May 24, 2021

21-05-25

MEMBERS OF COUNTY COUNCIL



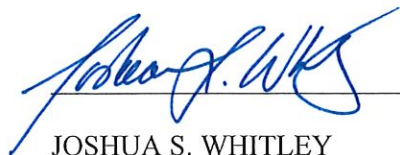
THOMAS D. OWENS

Voting Aye



BRANDON COX

Voting Aye



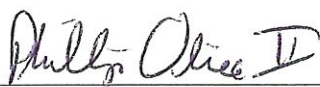
JOSHUA S. WHITLEY

Voting Aye



JACK H. SCHURLKNIGHT

Voting Aye



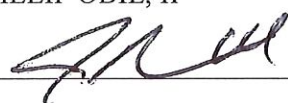
PHILLIP OBIE, II

Voting Aye



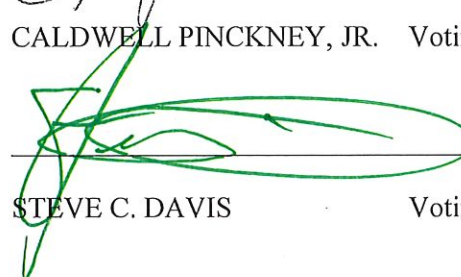
CALDWELL PINCKNEY, JR.

Voting Aye



JOE T. NEWELL

Voting Aye



STEVE C. DAVIS

Voting Aye