

Article XII. General Provisions and Regulations

The regulations contained in this chapter are intended to clarify, supplement or modify the regulations set forth elsewhere in this ordinance.

157.182. USE OF LAND OR STRUCTURES

- A. **Conformity With Regulations.** No land or structure shall be used or occupied and no structure or portions thereof shall be constructed, erected, altered, enlarged, or moved, unless in conformity with all of the regulations specified for the district in which it is located.
- B. **Number of Permitted Dwellings Per Lot.** No more than one duplex or single-family detached dwelling shall be permitted on a lot of record; except as provided for in § 157.045 - *Accessory Apartments*.
- C. **Minimum Requirements Established.** The minimum lot area, yards, buffer areas, and open space required by the regulations for each lot, parcel or building existing at the time of the passage of this chapter shall not be encroached upon or reduced, or considered as required yards or open space for any other building. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter for the district in which they are created.

157.183. GRADING AND CLEARING

No lot shall be graded or disturbed prior to issuance of a zoning permit.

157.184. STREET FRONTAGE AND ACCESS REQUIRED

Each lot or parcel shall abut a public street and shall have direct deeded vehicular and pedestrian access to such street with the following exceptions:

- A. Any lot for which a residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on the easement.
- B. Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to city standards located on the permanent, recorded easement.

- C. A development site consisting of one or more legal lots of record which is developed under a coordinated, approved site specific plan and which is accessed solely by driveways shall only be required to abut a public street along some portion of the development site, the minimum distance of which shall be determined by the city to be adequate for public and emergency vehicle access but which shall not be less than 35 feet.
- D. A multi-family, townhouse, condominium, or industrial development site consisting of one or more legal lots of record which is developed under a coordinated, approved site specific plan may be permitted, on a case-by-case basis, to be served by a private street network and shall only be required to abut a public street along some portion of the development site, the minimum distance of which shall be determined by the city to be adequate for public and emergency vehicle access but which shall not be less than 35 feet.
- E. Lots created for utility facilities, including but not limited to water towers, electric and gas substations, telecommunication towers, and satellite receivers, may be created without frontage or deeded access as long as a legally enforceable access easement a minimum of 15 feet in width has been granted and documentation for such has been received by the City Planner at the time of final plat approval.

157.185. ONE PRINCIPAL BUILDING PER LOT; EXCEPTIONS

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings may be erected on a single lot as permitted by use and district regulations.

157.186. LOT SIZE

No building lot (development site), even though it may consist of one or more adjacent lots of record, shall be reduced in size such that the requirements of this ordinance cannot be met, or the performance standards for building design cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities or street or sidewalk right-of-way purposes.

157.187. BUILDING TYPE

- A. Manufactured housing shall not be used as permanent structures except where permitted in § 157.029(D) – *Table of Permitted Uses*.
- B. Modular buildings shall not be used as permanent structures unless such are placed on a permanent masonry foundation, have secured a certificate of occupancy, and meet all of the other design standards for buildings in the district in which they are located.

157.188. STANDARDS FOR CONSTRUCTION; DEVELOPER RESPONSIBILITY

Where standards and responsibility for infrastructure construction, including but not limited to streets, sidewalks, and landscaping, are specified in this ordinance the City of Camden standards, as set out in the Land Development Regulations for the city, shall control.

157.189. DRIVEWAYS

- A. No driveway or other point of access to the street shall be constructed, relocated, or altered unless the driveway has been approved by the City of Camden.
- B. For development projects composed of multiple buildings and lots, access to the pre-existing public street system shall be determined by the location of proposed intersecting streets, topography, and other general site characteristics. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area unless so approved by the city as part of the development project.

157.190. NEGATIVE ACCESS EASEMENTS PROHIBITED

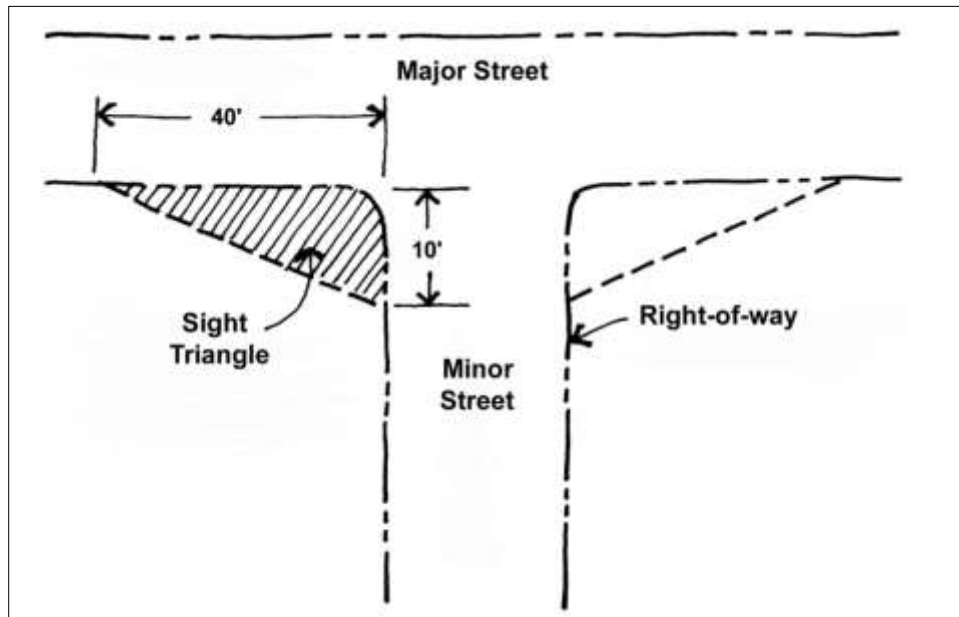
Private negative access easements in which no driveway or other vehicle or pedestrian access is permitted to a lot from an adjacent public street, shall be prohibited, except those easements required by the city to limit driveways on existing public streets.

157.191. VISIBILITY AT INTERSECTIONS; SIGHT TRIANGLE

No planting shall be placed or maintained and no fence, building, wall or other structure shall be constructed in such a manner as to obstruct visibility between a height of two and a half feet and 10 feet measured from the upper face of the nearest curb or pavement within any required sight triangle.

- A. **Street and railroad intersections.** Sight triangles shall be maintained at all street intersections and where streets intersect rail lines. These sight triangles shall be defined as a 10 x 40 foot triangle bounded on two sides by the edge of pavement or curb of the streets or railway and on the third side by a straight line connecting the endpoints of the other two sides.

Sight Triangle Diagram

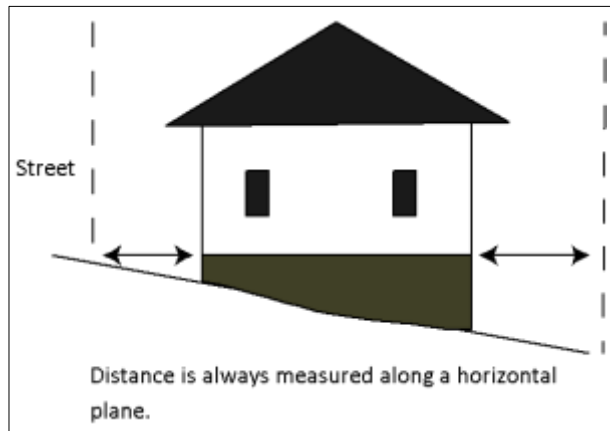


- B. **Driveways.** Sight triangles shall be maintained where driveways intersect streets. These sight triangles shall be defined as a 10 x 10 foot triangle bounded on one side by the edge of pavement or curb of the street, one side by the edge of driveway, and on the third side by a straight line connecting the endpoints of the other two sides. In the event that a driveway crosses a sidewalk, then the edge of sidewalk furthest from the street shall be used as a side in place of edge of pavement or curb.
- C. **Exceptions.** Properties located in the CBD shall not be required to meet the sight distance requirements.

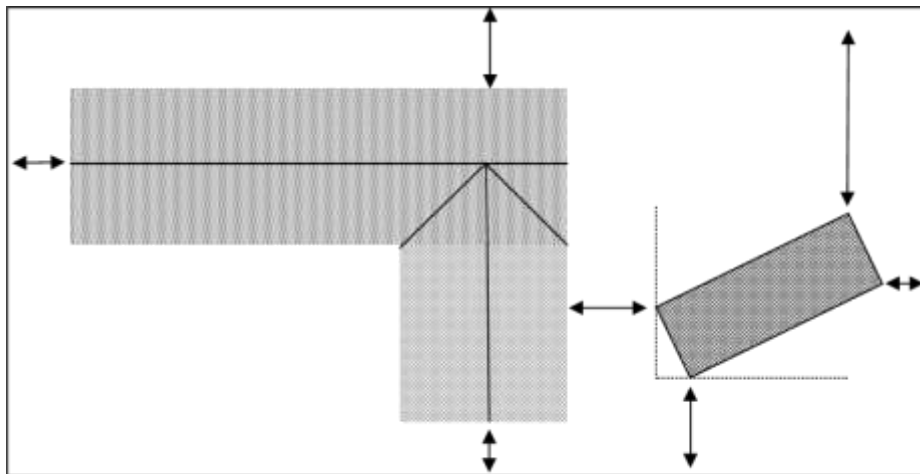
157.192. MEASUREMENTS

- A. **Distances.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. Measurements are also taken along the shortest distance between two points.

Measurement along Horizontal Plane



Measurement - Shortest Distance between Two Points



Measurement is taken from the shortest distance between two points.

B. Measuring Sign and Structure Height.

1. Measuring building height. Procedures for the measurement of building height are provided in § 157.084(B).
2. Measuring height of signs and other structures. The height of other structures such as signs, flag poles and fences is the vertical distance from the ground level immediately under the structure to the top of a structure, excluding exempted portions. When chimneys and other objects are allowed to exceed the base height of the zone by a set amount, that set amount is measured to the top of these objects.

157.193. NONCONFORMITIES

Any parcel of land, use of land, easement, building or structure lawfully existing on the date of any text change in this ordinance, the time of annexation into the City's jurisdiction, or on the date of a zoning map change that does not conform to the use or dimensional requirements of the district in which it is located may be continued and maintained in accordance with the provisions of this section and other applicable provisions of this ordinance. Nonconformities may continue, but the provisions of this section are designed to curtail substantial investment in nonconformities and to bring about their eventual conformity or elimination.

A. Nonconforming lots.

1. Vacant lots. Vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds for Kershaw County, which fail to comply with the minimum area or other dimensional requirements of the districts in which they are located, may be used for any of the uses permitted in the district in which it is located, provided that:
 - a. Where the lot area is not more than 20 percent below the minimum specified in this ordinance, and other dimensional requirements are otherwise complied with, the Zoning Administrator is authorized to issue a certificate of zoning compliance.
 - b. Where the lot area is more than 20 percent below the minimum specified in this ordinance, or other dimensional requirements cannot be met, the Board of Zoning Appeals may, in its discretion, approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.
2. Recombination of nonconforming vacant lots. When the owner of a nonconforming vacant lot also owns land adjacent to the nonconforming lot, and the adjacent land or portion thereof can be combined with the nonconforming vacant lot to create a conforming lot or a more conforming lot (without creating other nonconformities), such owner shall, before selling or beginning any construction thereon, so combine the nonconforming lot and the adjacent land to create such lot.
3. Nonconforming occupied lots. Nonconforming lots occupied by buildings or structures that fail to comply with the dimensional requirements for the district in which they are located may continue to be used, provided the specific nonconformity is not increased.

B. Nonconforming uses.

1. Nonconforming uses of land or structures may continue only in accordance with the provisions of this section.
2. A nonconforming use shall not be expanded. Expansion shall include an intensification of use, a physical expansion that results in increased capacity or activity associated with the use, an extension of the hours of operation or number of days of activity, and any similar change in activity or location.
3. A nonconforming use shall not be moved from one location on a site to another location on the same site unless the property owner can demonstrate to the satisfaction of the City Planner that the relocation of the use will not increase the impacts of such use on the public, will not adversely affect adjacent properties, and will not have the effect of making the nonconformity more permanent.
4. A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is changed to a conforming use, a nonconforming use shall not be re-established.
5. Where a nonconforming use is discontinued or abandoned for a period of 180 days, then the use shall not be re-established or resumed and any subsequent use of the land or structure shall conform to the requirements of these regulations.
6. No structural changes shall be made in any structure occupied by a nonconforming use except as follows:
 - a. Those structural changes ordered by an authorized official in order to insure the safety of the structure shall be permitted.
 - b. Maintenance and repairs to keep a structure in sound condition shall be permitted.
 - c. Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.
 - d. An existing nonconforming residential structure may be enlarged or altered provided that no additional dwelling units result therefrom. Any such enlargement or alterations shall be in compliance with all yard requirements of the district and/or use.

- e. The structure and its accompanying use may be moved to another location on the lot so long as the structure meets all applicable requirements of the district.
- f. Expansion of a nonconforming use of a building or structure into portions of the structure that, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use is permissible.

C. Nonconforming structures.

1. A nonconforming structure, devoted to a use permitted in the zoning district in which it is located, may continue only in accordance with the provisions of this section.
2. Normal repair and maintenance may be performed to allow the continuation of a nonconforming structure.
3. Any nonconforming structure may be enlarged if the expansion does not increase the nonconformity.
4. Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.
5. A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.
6. A nonconforming structure, destroyed or damaged so that more than forty percent of the value of such structure remains, may be repaired or restored if:
 - a. A building permit for the repair or restoration is issued within six months of the date of the damage and remains valid until the repairs or restoration are complete.
 - b. The structure conforms to the standards of the regulations for the zoning district in which it is located; however, if the structure is used for the same purpose as before the destruction, the new structure may be rebuilt using the same materials.
 - c. The total amount of space devoted to a nonconforming use is not increased and the degree of nonconformity in the structure is not increased.

7. If the zoning administrator determines the building or structure has been damaged to such an extent that the repair costs will exceed 60 percent of the fair market value of the damaged building or structure immediately before the damage was incurred, future use of the building and site shall conform to the regulations of the district in which it is located. However, any building or structure listed on the National Register of Historic Places or any building certified as a state historic building may be rebuilt or restored to its original dimensions or the dimensions of the building or structure before such damage occurred, provided such restoration conforms to the Secretary of Interior Standards for Rehabilitation. For the purposes of this section, the extent of damage or destruction shall be determined by comparing the estimated cost of repair or restoration with the current assessed tax value.
8. A nonconforming structure shall not be replaced with another nonconforming structure regardless of the degree of nonconformity.
9. Nonconforming signs.
 - a. Nonconforming signs, if present anywhere on the site, shall be removed prior to issuance of a change of use permit, issuance of a grading permit, or commencement of new construction on the site.
 - a. Nonconforming signs shall be brought into compliance with the requirements of this section whenever one or more of the following occurs:
 - 1) The name of the business is changed;
 - 2) The occupancy classification of the business is changed; or
 - 3) The cost of renovation or repair of the building or sign exceeds 50 percent of its replacement cost.

D. Nonconforming feature.

A nonconforming feature is a physical characteristic that was lawfully established (or for which a vested right had been established) before the effective date of this Article or a subsequent amendment thereto, but does not conform to the applicable standards set forth in §157.193(C) or §157.193(E). Nonconforming features include, but are not limited to physical characteristics of development that exceed allowable maximum standards (e.g. impervious surface and height), and those that lack or fall short of required minimum standards (e.g. sight triangle, off-street parking and loading spaces buffer width and lighting standards).

Nonconforming features may be continued subject to the following limitations:

1. No action shall be taken which increases the degree or extent of the nonconforming feature. Any enlargement, extension, structural alteration, parking changes, and other changes to lot design and access shall conform to all current requirements of this Article.
2. For development existing (or for which a vested right had been established) before the effective date of this ordinance, as amended, nonconforming features created by a change in regulations may continue to exist, and structures with such nonconforming features may be reconstructed if demolished or destroyed.

E. Additional requirement for nonconforming accessory uses and structures.

No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, discontinuance, damage, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.

F. Additional requirements for manufactured home parks.

1. Nonconforming manufactured home parks may not be expanded or increased in size which shall include adding spaces to the park;
2. When a site at a nonconforming manufactured home park is vacated, another manufactured home may not be placed on that site;

G. Changes of tenancy and/or ownership.

There may be a change in tenancy or ownership of an existing nonconforming use or structure provided there is no change in the nature or character of such nonconforming use or structure except as provided herein and all other applicable requirements of this ordinance are met (e.g., parking, screening, landscaping, etc.).

157.194. LOW IMPACT DESIGN REQUIRED

In order to balance growth needs with environmental protection, reduce municipal infrastructure and utility maintenance costs (streets, curbs, gutters, sidewalks, storm sewer), reduce storm water management costs, preserve the integrity of ecological and biological systems, protect water quality by reducing sediment, nutrient, and toxic loads to water bodies, and to preserve trees and natural vegetation, low impact design is required for all non-residential projects and all residential projects containing more than ten dwelling units. All projects shall meet the following criteria.

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- A.** Post-development discharge rates shall not exceed pre-development discharge rates from any development site. Engineering detail and documentation including a stormwater plan for the site shall be required at the time of application as specified in § 157.211(D) – *Permits*, which provides evidence that this requirement has been met.
- B.** Site design shall minimize impervious surface and alteration of natural vegetation and topography.
1. Clearing and re-grading on a development site shall be minimized.
 2. Clearing shall be done in phases to minimize the amount of bare ground at any one time.
 3. New streets, whether dedicated to the public or private internal drives serving multiple tenants on a single parcel, shall be designed in such a way as to minimize the total amount of impervious surface.
 4. Curb and guttering that directs the first inch of rainfall to an offsite stormwater conveyance shall be prohibited unless such conveyance is designed to discharge to an adjacent bioretention island or detention pond that has been approved by the city.
 5. Shared parking shall be used whenever possible.
 6. Open space areas set aside in residential cluster developments may be used for onsite treatment of stormwater.
- C.** Landscape design shall integrate natural features into the footprint of each parcel under development and ensure that water resources are protected.
1. Riparian buffer required. A minimum of 50 foot undisturbed vegetated buffer is required along all perennial streams and around all other water bodies as follows.
 - a. Exceptions. Ephemeral streams, ditches, and manmade ponds and lakes located outside of natural drainage ways shall not be subject to the provisions of this subsection.
 - b. Measurement. The buffer shall be measured landward from the top of bank of streams and the mean high water line of all other water bodies.
 - c. Permitted uses. The following uses shall be permitted by right in all riparian buffers.

- (1) Natural or pervious footpaths no more than four feet in width providing a homeowner direct access to the stream or water body.
 - (2) Passive recreational and educational uses that require limited areas of disturbance and minimal impervious surfaces including non-motorized recreational and greenway trails constructed of natural or pervious surfaces located no closer than 25 feet from the stream or water body within existing or planned public or private easements, approved as part of a site specific development plan.
 - (3) Buffer planting that does not require grubbing or grading of more than 100 square feet or the removal of natural cover for more than 48 hours.
 - (4) Streambank stabilization including live staking and other natural planting techniques to control erosion.
 - (5) Maintenance of plant materials as needed, including pruning, trimming and removal of dead or dying plant materials, per applicable requirements as provided in § 157.137 – *Landscaping Standards* and § 157.141 – *Tree Conservation*.
- d. Prohibited uses. Any use not expressly permitted by § 157.194(C)(1)(c) shall be prohibited.
- e. Protection during development and construction. Existing vegetation in riparian buffers shall be protected during all development and construction activities per the requirements of § 157.137(C) – *Existing Vegetation* and § 157.141 – *Tree Conservation*.
2. No stormwater shall be directly discharged into a jurisdictional wetland without onsite pretreatment.
- D. To the maximum extent practicable, natural and vegetated stormwater management systems such as swales, rain gardens, constructed wetlands, and bioretention cells shall be used to manage stormwater and comply with federal and local stormwater regulations.
1. Low impact development design guidelines created by and available through SCDHEC shall serve as the minimum design standards for the City of Camden.
 2. Roof top runoff shall be directed to rain gardens, bioretention areas, or cisterns, or may be allowed to sheet flow to any acceptable onsite stormwater treatment area.
 3. Onsite curb and guttering shall be designed to direct stormwater to acceptable onsite treatment areas and shall not allow stormwater to sheet flow off of the site.

- E. The type and design of low impact techniques proposed and built shall be approved by the City Planner and meet the intent and standards of the South Carolina Department of Health and Environmental Control best management practices as detailed in the latest edition of the Best Management Practices Handbook.

157.195. RESIDENTIAL CLUSTERING PERMITTED

To encourage open space and conservation areas, cluster subdivisions are permitted in all zoning districts permitting single-family residential uses in accordance with the following zoning criteria:

- A. Residential subdivisions are permitted to cluster lots and to reduce lot sizes in order to compensate for the minimum open space requirements established herein; however, density shall not be permitted to increase for the development site as a whole.
- B. For lots along the exterior boundary of a cluster subdivision, setbacks for yards adjacent to such exterior boundaries shall be not less than two times the setbacks required for the district in which the subdivision is proposed to be located.
- C. Permanent open space conserved as part of the cluster subdivision shall be designed to serve one of the stated purposes for cluster subdivisions or shall be so arranged as to mitigate the impacts of clustering on adjoining properties and shall meet all requirements for open space as stated in § 157.140.
- D. The minimum lot size and interior lot setbacks may not be reduced to less than 50 percent of the minimum lot size and setbacks for the district in which the cluster subdivision is located.

157.196. AFFORDABLE HOUSING

- A. **Purpose.** The purposes of providing incentives for the inclusion of affordable housing in new or substantially enlarged residential developments are:
 - 1. To provide affordable housing as a portion of certain new development within the community;
 - 2. To implement the affordable housing goals, policies, and objectives contained in the City of Camden’s comprehensive plan;

3. To ensure the opportunity of affordable housing for employees of businesses that are located in or will be located in the community; and
4. To maintain a balanced community that provides housing for people of all income levels.

B. Density Incentives. The following incentives may be applied for and pursued by the developer of a multi-family housing development that includes more than 10 housing units.

1. One additional fair market value dwelling unit may be added for every one affordable dwelling unit included in a housing development.
2. In no case shall the overall development density, including dwelling units added through density incentives, exceed a factor of 1.25 of the by-right development density as determined by the zoning district in which the development is located.

C. Compliance. An affordable housing development shall comply with the following criteria:

1. Affordable housing units in an Affordable Housing Development shall be mixed with, and not clustered together or segregated in any way from, market-rate units.
2. If the Affordable Housing Development Agreement contains a phasing plan, the phasing plan shall provide for the proportional development of affordable housing units concurrently with the market-rate units. No phasing plan shall provide that the affordable housing units built are the last units in an Affordable Housing Development.
3. The exterior appearance of affordable housing units in an Affordable Housing Development shall be made similar to market-rate units by the provision of exterior building materials and finishes substantially the same in type and quality.

D. Affordable Housing Development Agreement.

1. Prior to the issuance of a building permit for any units in an Affordable Housing Development or any development in which an affordable housing incentive is requested, the applicant shall have entered into an Affordable Housing Development Agreement with the City of Camden. The development agreement shall set forth the commitments and obligations of the City of Camden and the applicant.

2. The applicant shall execute any and all documents deemed necessary by the City of Camden in a form to be established by the City Attorney, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including requirements for income qualification for tenants of for-rent units) to ensure the continued affordability of the affordable housing units in accordance with the provision of these incentives. These shall include, but are not limited to the following assurances:
 - a. The affordable housing units shall be leased to and occupied by eligible households.
 - b. The affordable housing units shall be leased at rent levels affordable to eligible households for a period of 30 years from the date of the initial certificate of occupancy.
 - c. Subleasing of affordable housing units shall not be permitted without the express written consent of the City Planner.

157.197. MURALS

- A. **Purpose.** The purpose of this section shall be to provide for the regulation of the location and installation of murals within the limits of the city.
- B. **General Provisions.** No person shall install, construct, paint or modify any mural without prior approval of City Council. City Council shall have the sole authority to approve a mural pursuant to the procedure set forth herein.
- C. **Specifications.**
 1. Murals may only be approved in the CBD and GBD zoning districts.
 2. The owner of record of the building on which a proposed mural is to be placed shall, in writing, consent to the placement of the mural on the property, agree to maintain the mural and consent to restore the wall or façade upon which the mural is placed to its prior existing condition if the mural is not properly maintained.
 3. Upon removal or failure to maintain a mural, the owner shall paint the entire surface with quality exterior paint guaranteed by the manufacturer to last a period of at least 10 years.

4. Neither the subject nor location of a mural shall constitute a significant traffic hazard, endanger public health or safety, or be detrimental to the use and enjoyment of other property in the immediate vicinity of the proposed mural.
5. Artificial lighting shall not be used to illuminate a mural.

D. Mural Application and Review.

1. No person shall install, construct, paint or modify a mural without first submitting an application and obtaining approval of City Council.
2. An application for a mural shall contain the following minimum information:
 - a. Five copies of a color sketch of the proposed mural drawn to scale.
 - b. Five copies of a sketch drawn to scale of the proposed building to be covered by the mural.
 - c. A written description of the type of paint to be used and expected life span and maintenance plan for the mural.
3. Application Submittal and Review.
 - a. Applications shall be submitted to the Zoning Administrator with an application fee in the amount of \$150.00. The Zoning Administrator will review the application for completeness only. Incomplete applications will be returned to the applicant with comments indicating deficiencies.
 - b. Upon receipt of a completed application, City Council shall hold a public hearing on the proposed mural prior to voting to approve or deny the application. Notice of the time and place of the hearing shall be published in a newspaper of general circulation in the area at least 15 days prior to the public hearing.
 - c. Within 30 days following the public hearing, City Council shall vote to approve or deny the application, failing in which the application shall be deemed to be approved.
 - d. Regular maintenance of a mural shall not require an application fee or public hearing.

4. Appeal. Any person having a substantial interest in the decision of the City Council may appeal from a decision of Council to the Circuit Court in and for the county by filing with the Clerk of Court a petition in writing setting forth plainly, fully and distinctly why the decision is contrary to law. The appeal must be filed within 30 days of the decision of City Council.