

STATE OF SOUTH CAROLINA)
)
COUNTY OF MCCORMICK)

ORDINANCE 22-20

FILED
GWENDOLYN D. CHILES
2023 AUG 18 P 3:09

AN ORDINANCE AMENDING THE MCCORMICK COUNTY ZONING ORDINANCE BY REVISING TABLE 2.2.2.1 PERMITTED TEMPORARY USES AND STRUCTURES AND REVISING SECTION 2.5 AIRPORT PROTECTIVE AREAS.

WHEREAS, the McCormick County Planning Commission has held several workshops and meetings concerning proposed revisions to Table 2.2.2.1 Temporary Uses and Structures and Section 2.5 Airport Protective Areas of the McCormick County Zoning Ordinance; and

WHEREAS, at the June 1, 2023, regular meeting of the McCormick County Planning Commission, the Planning Commission approved a motion to send a proposed revised Table 2.2.2.1 and revised Airport Protective Zone Ordinance prepared by MaesAwyr, LLC to the McCormick County Council for consideration; and

WHEREAS, the McCormick County Council has reviewed and studied the proposed revisions to the McCormick County Zoning Ordinance recommended by the Planning Commission and has held a public hearing to receive comment concerning these proposed revisions; and

WHEREAS, the McCormick County Council adopts this Ordinance 22-20 to make these changes to the McCormick County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the County Council of McCormick County, South Carolina as follows:

Section 1: McCormick County Council does hereby adopt the revisions to Table 2.2.2.1 as attached hereto and incorporates these revisions into the McCormick County Zoning Ordinance.

Section 2: McCormick County Council does hereby adopt the revisions to Section 2.5 as attached hereto and incorporates these revisions into the McCormick County Zoning Ordinance.

Section 3: This Ordinance shall become effective upon adoption after three (3) readings and any required public hearing.

APPROVED AND ADOPTED this 15th day of August 2023.

MCCORMICK COUNTY COUNCIL

By: Charles Jennings
Charles Jennings, Chairman

ATTEST:

Crystal B. Barnes
Crystal B. Barnes, Clerk to Council

1st Reading:	June 20, 2023
2nd Reading:	July 18, 2023
Public Hearing	August 15, 2023
3rd Reading:	August 15, 2023

REVISION TO THE EXISTING TEMPORARY USES TABLE

Table 2.2.2-1 Permitted Temporary Uses and Structures										
T = Temporary Permitted Use -- = Prohibited Use Maximum Events per Year / Days per Event (Duration Column)										
Temporary Use	Duration (Maximum Events per Year/Days per Event)	Zoning Districts								
		Rural and Residential		All Other Districts						
		FA	SF	LC	CC	MU	SI	OP	AD	
Amusement Enterprises	1 / 21	--	--	--	T	--	--	--	T ³	
Commercial Outdoor Sales Event	4 / 7	--	--	T	T	T	--	--	T ³	
Contractors' Office (Temporary)	N/A ¹	T	T	T	T	T	T	T	T ⁴	
Fireworks Stand	2 / 45	T	--	T	T	T	--	--	T ⁵	
Food Truck	365 / 1	--	--	T	T	T	T	T	T ⁴	
Outdoor Circus, Carnival, Exhibition, or Show	2 / 30	--	--	--	T	--	--	--	T ³	
Real Estate Office in a Construction Trailer or Temporary Modular Unit	N/A ¹	T	T	T	T	T	T	T	T ⁴	
Real Estate Office in a Model Home	N/A ¹	T	T	--	--	T	--	--	T ³	
Sidewalk Vendor	3 / 45	--	--	T	T	T	--	--	T ⁴	
Temporary Residence in Mobile Home or RV During Construction of New Home ²	N/A ¹	T	T	--	--	--	--	--	T ⁴	
Yard Sales	3/3	T	T	--	--	T	--	--	T ⁴	

¹These uses do not have a time limit, but the use must be ceased and removed from the property within 60 days after the Certificate of Occupancy is issued for the final principal structure (i.e. last home in development, last office building, single-family residence).

²The only occupied allowance shall be on a property where a permanent residence is being constructed. For purposes of this section, a permit for the permanent residence must be valid. The mobile home or RV must be unoccupied within thirty (30) days of final occupancy issuance on the permanent residence.

^{3,4,5} Temporary use is not permitted if it constitutes a hazard to flight, including but not limited to tall physical objects, glare, dust, or other visual or electric interference to a pilot and aircraft, and uses that may attract hazardous wildlife.

³ Temporary use is permitted within Airport District Zones B2, D, and E and prohibited in Zones A, B1, and C.

⁴ Temporary use is permitted with Airport District Zones B1, B2, C, D, and E and prohibited in Zone A.

⁵ Temporary use is permitted within Airport District Zone E only and prohibited in Zones A, B1, B2, C, and D.

2.5: Airport Environs Overlay District (AD)

This Section amends and replaces the *Ordinance to Limit the Height of Structures and Establish Land Use Controls for the Protection of the Citizens of McCormick County and the Public Utilizing the McCormick County Airport NO. 91-01* adopted on June 24, 1991.

2.5.1: Intent

Airport Environs Overlay District (AD) is designed to ensure land uses compatibility with airport operations and for the protection of public health, safety, and general welfare. The area designated in the vicinity of the McCormick County Airport is shown on the map entitled “McCormick County Airport Environs Compatibility Zones Map.” Pursuant to the provisions and authority of the South Carolina Code of Laws §55-9-260, McCormick County recognizes the following:

1. The McCormick County Airport is acknowledged as an essential public transportation facility for the local community.
2. The establishment of obstructions to air navigation is a public nuisance and poses a potential concern to aircraft operating from and to the surrounding communities served by McCormick County Airport.
3. There shall be no creation of obstructions to air navigation that endangers public health, safety, and welfare or impacts an individual's quality of life nor prevents the safe movement of aircraft at the McCormick County Airport.
4. For the protection of public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation of airport obstructions affecting the safe and efficient use of navigable airspace.
5. The development of obstructions to airport operations should be prevented through legal enactment and enforcement of laws and regulations.
6. The prevention of new obstructions and the elimination, removal, alteration, and/or mitigation, or marking and lighting of existing obstructions, are considered to be a public purpose for which McCormick County may raise and expend public funds, incidental to the operation of airports, to acquire property interest.

2.5.2: General

Airport: McCormick County Airport located in McCormick County, South Carolina.

Airport Environs Overlay District (AD): A defined geographic area beneath McCormick County Airport's airspace, the limits and dimensions of which are defined in this Section and are shown on the McCormick County Airport Environs Compatibility Zones Map.

Airport Elevation: An established elevation of the highest point on the usable landing area, according to the FAA Master Record.

Airport Obstruction: Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

Avigation Easement: Ownership of the right of imposition upon such property of overflight, excessive noise, vibration, smoke, dust, vapors, and particulates due to aircraft operation to and from the airport, including the right to remove airport obstructions on said property.

CFR: Code of Federal Regulations.

FAA: Federal Aviation Administration.

Fair Disclosure Statement: Required notification stating property proximity to the airport that should be attached to the agreement in case of a property sale or rent and recorded and attached to the deed and/or plat.

Height: For the purpose of determining the height limits in all zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Height Limitations: No structure or tree shall be erected, altered, allowed to grow, or maintained in any airport surface zone with a height in excess of the height established for such zone. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

Landing Area: The area of the airport used for the landing, taking off, or taxiing of aircraft.

Land Use Compatibility: The use of land adjacent to the McCormick County Airport that does not endanger the health, safety, or welfare of the owners' occupants or users of the land.

Non-precision Instrument Runway: A runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance.

Obstruction: Any existing or proposed object, terrain, or structure construction or alteration that exceeds the federal obstruction standards contained in 14 CFR Part 77, subpart C. The term includes:

- (a) Any object of natural growth or terrain;
- (b) Permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or
- (c) Alteration of any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.

Person: A firm, association, organization, partnership corporation, trust, and company, as well as an individual.

Permitted Use: The associated land use groups are at a level of intensity or density or location which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft overflying the proposed use.

Prohibited Use: The associated land use groups are at a level of intensity, density, or location that presents a significant risk to the safety of persons on the ground or to persons in aircraft overflying the proposed use.

Property Owners: Those listed as owners of property on the records of the McCormick County Tax Assessor.

Runway: Any existing or planned paved surface or turf-covered area of the airport specifically designated and used or planned to be used for the landing and/or taking off of aircraft.

Runway End: An existing physical end of the runway, having a defined coordinate and elevation.

Slope: An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

Structure: A constructed or installed object, including, but without limitations, buildings, towers, smokestacks, earth formations, and overhead transmission lines.

Use: The principal activity or function that takes place or is intended to occur on a parcel.

Utility Runway: A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway: A runway intended solely for aircraft operation using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

2.5.3: Airport Protection Surfaces

A. 14 CFR Part 77 Surfaces: 14 CFR Part 77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, establishes areas around each airport where a height review by the Federal Aviation Administration (FAA) is required. Height concerns are evaluated for land uses within the following surface areas as a basis for compatibility:

Approach Surface. The approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the runway's primary surface. The length of the approach surface ranges from 5,000 to 50,000 feet, and the inner width from 1,250 to 16,000 feet, varying upon the approach type. The approach slope of a runway is a ratio of 20:1, 34:1, or 50:1, depending on the approach type.

Transitional Surface. The transitional surface extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each foot vertically (7:1) from the sides of the primary and approach surfaces. Transitional surfaces extend to the point at which they intercept the horizontal surface at the height of 150 feet above the established airport elevation.

Horizontal Surface. The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs. The arc radius is 5,000 feet for all utility or visual runways and 10,000 feet for all other runways.

Conical Surface. The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every foot vertically (20:1) for a horizontal distance of 4,000 feet.

B. Other Surfaces: Departure surface is applied for runways providing instrument departure operations. The inner and outer widths of the departure surface are 1,000 feet and 7,512 feet, respectively, with a 40:1 slope extending to a horizontal distance of 6,152 feet. Objects, structures, or natural vegetation penetrating the departure surface may affect the departure procedures at an airport and, therefore, should be protected for each runway end.

C. Runway Protection Zone (RPZ): Runway Protection Zones are the areas at each end of the runway that have a critical need for protection from incompatible land uses. It is desirable to clear all objects from the RPZ, per the criteria noted in FAA AC 150/5190-13B, *Airport Land Use Comparability Planning*, although some uses are permitted, provided they do not attract wildlife, are outside of the runway Object Free Area (OFA), and do not interfere with navigational aids.

If an airport does not own or control the entire RPZ where it has been determined to be impracticable to purchase the property, then the AC's RPZ land use standards should be consulted to determine the appropriate recommendation status for the portion not owned by the airport. If residential buildings are currently located within an RPZ, the airport should attempt to fully acquire the property. However, if this option is impractical, the airport sponsor should consider the acquisition of an avigation easement to provide control over the RPZ area.

2.5.4: Land Use Restrictions and Limitations

The following Airport Land Use Zones are created and established in the Airport Environs Overlay District and are shown in Airport Environs Overlay and Compatibility Zones Map dated March 24, 2023. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

1. **Zone A.** Zone A is the Runway Protection Zone (RPZ) which is the area off the end of the runway end designed to provide a clear area free of aboveground obstructions and structures and to enhance the protection of people and property on the ground.

Zone A is subject at all times to the height restrictions and shall contain no buildings, temporary structures, exposed transmission lines, or other similar aboveground land use structural obstacles. It shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon.

2. **Zone B1.** Zone B1 is a portion of the area underneath the Approach Surface to where each approach surface is 150 feet of height above their respective runway end elevations, not including Zone A.
3. **Zone B2.** Zone B2 is a portion of the area underneath the Approach Surface, from the outer edge of Zone B1 to the end of the Approach Surface, or 10,000 feet from the inner edge of the Approach Surface, whichever it reaches first.

The following uses are specifically prohibited in Zones B1 and B2: churches, hospitals, schools, theaters, stadiums, and other places of frequent public or semi-public assembly.

4. **Zone C.** Zone C is an area formed by offsetting the primary surface edge outward by 1,050 feet and extending each of its ends to its respective runway end's Approach Surface, or extended and squared off at the outer edge of Zone B1, whichever that extension reaches first.
5. **Zone D.** Zone D is an area underneath the Transitional and Horizontal Surfaces not part of Zones A, B1, B2, or C.
6. **Zone E.** Zone E is identical in area, dimensions, and location to the area underneath the Conical Surface. It is the outermost zone of the overlay areas and has the least number of land use limitation considerations.

Dimensions for Airport Environs Overlay District after the instrument approach is established is shown in Table 2.5.4-1 below:

Table 2.5.4-1 Airport Land Use Zones Dimensions

Zone	Inner Width	Outer Width	Length	Height or Slope
A (Runway Protection Zone)	500'	700'	1,000'	Not applicable
B1 (Approach Surface)	500'	1,265'	5,100'	34:1
B2 (Approach Surface)	1,265'	2,000'	4,900'	34:1
C width (Transitional Surface)	sides of the primary surface and sides of the approach surfaces	1,050'		7:1
D radius (Horizontal Surface)	begins at edge of transitional surface	10,000'		150' above runway (excludes Approach Surface/Zone B1, B2)
E radius (Conical Surface)	begins at edge of horizontal surface	4,000'		20:1

2.5.5: Land Use Limitations

Applicable land use limitations are established for each Airport Land Use Zone to prevent incompatible land uses in Airport Environs Overlay District. These restrictions allow to protect people and property on the ground, limit population and build density in the runway approach areas, create sufficient open space, restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the McCormick County Airport, and minimize injury to the occupants of aircraft involved in accidents. Land use limitations within the Airport Environs Overlay District that includes Zones A, B1, B2, C, D, and E, shown in Table 2.5.5-1 below, shall apply to those portions of the parcel contained within the underlying zones as indicated on McCormick County Airport Environs Compatibility Zones Map.

Table 2.5.5-1: Land Use Limitations

McCormick County Airport Environs Overlay District Zones							
Land Use Limitation for Zones A, B1, B2, C, D, E *							
Use Category		Zone A	Zone B1	Zone B2	Zone C	Zone D	Zone E
Agricultural and Residential							
Agricultural and Animal-Related	Animal Production & Support	--	L 2,3	P	--	P	P
	Animal Boarding or Shelter	--	L 3	L 5	--	P	P
	Crop Production	L 1,2	P	P	L 1,2	P	P
	Farmer's Market or Fruit / Vegetable Stand	--	L 2,3	L 2,5	--	P	P
	Hunting, Fishing, and Game Preserve (Commercial)	--	--	L 2	--	P	P
	Pet Care Service (without outdoor kennels)	--	L 2,3	L 5	--	P	P
	Pet Care Service (with outdoor kennels)	--	L 2,3	L 5	--	P	P
	Veterinarian Office or Hospital, Large Animal	--	L 3	L 5	--	P	P
	Veterinarian Office or Hospital, Small Animal	--	L 3	L 5	--	P	P
Household Living	Duplex	--	--	L 4,7	--	L 2,6,7	P
	Multifamily Dwelling	--	--	--	--	L 2,6,7	P
	Single-Family Attached Dwelling	--	--	--	--	L 2,6,7	P
	Single-Family Detached Dwelling	--	L 3,7,8	L 4,7	L 3,7,8	L 7	P
	Manufactured Home Park	--	--	--	--	L 2,6,7	P
	Manufactured Home	--	--	L 4,7	--	L 2,6,7	P
	Modular Home	--	L 3,7,8	L 4,7	L 3,7,8	L 2,6,7	P
	Recreational Vehicle	--	--	L 4	--	P	P
	Recreational Vehicle Park	--	--	--	--	P	P
	Second Residential Structure	--	--	L 3,7	--	L 7	P
	Tiny Home	--	L 3,7,8	L 4,7	L 3,7,8	L 2,6,7	P
	Family Care Home	--	--	--	--	L 2,6,7	P
	Residential Care Facility	--	--	--	--	L 2,6,7	P
	All Other Group Living Uses	--	--	--	--	L 2,6,7	P
Institutional and Civic							
Community Amenities	All Community Amenities	--	--	--	--	L 1,2	P
Day Care	All Day Care Uses	--	--	--	--	L 1,2	P
Educational Facilities	School, Public or Private, Elementary or Secondary	--	--	--	--	L 1,2	P

	University or College	--	--	--	--	L 1,2	P
	All Other Educational Facilities	--	--	--	--	L 1,2	P
Government Facilities	Correctional Institution	--	--	--	--	L 1,2	P
	All Other Government Facilities	--	--	--	--	L 1,2	P
Medical Facilities	Medical and Dental Office	--	--	--	--	L 1,2	P
	All Other Medical Facilities	--	--	--	--	L 1,2	P
Parks and Open Areas	Cemeteries & Mausoleums	--	P	P	--	P	P
	Country Club and Golf Course	--	--	P	--	P	P
	Zoo	--	--	--	--	L 6	L6
Passenger Terminals	Airport	n/a	n/a	n/a	n/a	n/a	n/a
	Park-and-Ride Facility/Transit Terminals	--	--	P	L 5	P	P
	All Other Passenger Terminals	--	--	P	L 5	P	P
Public Assembly	Club, Private	--	--	--	--	L 1,2	P
	Convention Center / Visitors Bureau	--	--	--	--	L 1,2	P
	All Other Public Assembly Uses	--	--	--	--	L 1,2	P
Social Service	All Social Service Uses	--	--	--	--	L 1,2	P
Utilities	Solar Farm	--	--	--	--	L 2	L 2
	Amateur Radio Antenna	--	--	--	--	L 2	L 2
	Wireless Telecommunications Tower	--	--	--	--	--	L 1,2
	All Other Major Utilities	--	--	--	--	L2	L2
	All Minor Utilities	L 1,2	L 2	L 2	L 2	L 2	L 2
Commercial							
Entertainment, Indoor	Amusement Arcade	--	--	L 2,5	--	L 6	P
	Bar, Tavern, Nightclub	--	--	L 2,5	--	L 6	P
	Microbrewery, Microwinery, Microdistillery, Microcidery	--	L 3	L 2,5	L 4	L 6	P
	Reception Facility	--	--	L 5	--	L 6	P
	Tattoo Parlor, Body Piercing	--	--	L 5	--	P	P
	All Other Indoor Entertainment, excluding Sexually-Oriented Businesses	--	--	L 5	--	L 6	P
Entertainment, Outdoor	Amusement Park	--	--	--	--	L 6	P
	Automotive, Motorcycle, ATV, or Go-Cart Race and Testing Tracks	--	--	L 5	--	L 6	P
	Drive-In Theater	--	--	--	--	L 6	P
	Gun Club/Skeet Range	--	--	P	--	P	P
	All Other Outdoor Entertainment	--	--	L 5	--	L 6	P

Offices	Contractor's Office (without outdoor storage)	--	L 3	L 5	L 4	P	P
	Contractor's Office (with outdoor storage)		L 2,3	L 2,5	L 4	P	P
	Financial Institution	--	--	L 5	--	L 6	P
	All Other Office Uses	--	L 3	L 5	L 4	P	P
Overnight Accommodations	Bed & Breakfast Inn	--	--	L 4	--	L 6	P
	All Other Overnight Accommodations	--	--	L 4	--	L 6	P
Parking, Commercial	Truck, Tractor Trailer, or Bus Storage (does not include inoperable vehicles)	--	--	L 5	P	L 6	P
	All Other Commercial Parking Uses (does not include inoperable vehicles)	--	--	L 5	P	L 6	P
Retail, Repair, Sales, and Service Uses	Flea Market	--	L 2,3	L 2,5	--	P	P
	Funeral Home	--	--	L 5	--	L 6	P
	Crematorium	--	--	--	--	L 2	L 2
	Lawn and Garden Supply (without outdoor display or storage)	--	--	L 5	--	L 6	P
	Lawn and Garden Supply (with outdoor display or storage)	--	--	L 5	--	L 6	P
	Liquor Sales (ABC Store)	--	--	L 5	--	P	P
	Pawnshop	--	--	L 5	--	P	P
	Tobacco Store or Vaping Shop	--	--	L 5	--	P	P
	All Other Retail Sales and Service	--	--	L 5	--	P	P
Restaurants	Restaurant, Limited-Service (delivery, carryout, drive-thru)	--	--	L 5	--	P	P
	All Other Restaurants Uses	--	--	L 5	--	L 6	P
Sexually-Oriented Business	All Sexually-Oriented Businesses	--	--	L 5	--	L 6	P
Vehicle Sales and Service Uses	Automobile ¹ Repair, Major	--	L 3	L 5	L 4	P	P
	Automobile ¹ Repair, Minor	--	L 3	L 5	L 4	P	P
	Automobile ¹ Towing and Temporary Storage	--	--	L 5	--	P	P
	Car Wash	--	L 3	L 5	L 4	P	P
	Fuel Sales	--	--	P	--	P	P
	Manufactured / Modular Home, Office, and Storage Building Sales, Commercial	--	--	L 5	--	P	P
	Truck Stop, Travel Plaza	--	--	--	--	P	P
	Vehicle ¹ and Heavy Equipment Sales and Rental	--	--	L 5	--	P	P
Industrial							

Heavy Industrial	All Heavy Industrial Uses	--	--	L 5	--	L 6	P
Light Industrial	Small Scale Manufacturing	--	L 3	L 5	L 4	L 6	P
	Micromanufacturing	--	L 3	L 5	L 4	L 6	P
	Scientific Research & Development Services	--	L 3	L 5	L 4	L 6	P
	All Other Light Industrial Uses	--	L 3	L 5	L 4	L 6	P
Resource Extraction	All Resource Extraction Uses	--	--	L 1,2	--	L 1,2	L 1,2
Self-Service Storage	All Self-Service Storage Uses	--	L 3	L 5	L 2	P	P
Warehousing and Storage	All Warehousing and Storage Uses (not self-storage)	--	L 3	L 5	L 4	L 6	P
Waste Related Service	Landfill	--	--	--	--	--	--
	Junkyard/Salvage Yard (including vehicles)	--	--	--	--	--	--
	All Other Waste Related Service	--	--	--	--	--	--
Wholesale Trade	Building Material Supply (with outdoor storage)	--	L 3	L 5	--	P	P
	Farm Products Sales, Bulk	--	--	L 5	--	P	P
	Farm Supply Product Sales (with outdoor storage)	--	--	L 5	--	P	P
	Florist and Nursery Supply, (with outdoor storage)	--	--	L 5	--	P	P
	All Other Wholesale Trade (without outdoor storage)	--	L 3	L 5	L 4	L 6	P
Accessory Uses							
Permanent Accessory Uses and Structures ²	Swimming Pools and Tennis Courts	--	--	L 5	--	P	P
	Solid Waste Storage Areas	--	--	--	--	--	--
	Home Occupations	--	L 3	L 3	L 3	P	P
	Portable On-Site Storage	--	L 1,2	L 1,2	L 1,2	P	P
	Clothing Donation Drop Boxes	--	L 1,2	L 1,2	L 1,2	P	P
	Short-Term Rentals	--	--	L 4	--	L 6	P
	Food Truck Courts	--	--	--	--	L 6	P
Temporary Accessory Uses and Structures ²	Amusement Enterprises	--	--	L 1,2	--	L 1,2	L 1,2
	Commercial Outdoor Sales Event	--	--	L 1,2	--	L 1,2	L 1,2
	Contractors' Office (Temporary)	--	L 1,2	L 1,2	L 1,2	L 1,2	L 1,2
	Fireworks Stand	--	--	--	--	--	L 1,2
	Food Truck	--	L 1,2	L 1,2	L 1,2	L 1,2	L 1,2
	Outdoor Circus, Carnival, Exhibition, or Show	--	--	L 1,2	--	L 1,2	L 1,2
	Real Estate Office in a Construction Trailer or Temporary Modular Unit	--	L 1,2	L 1,2	L 1,2	L 1,2	L 1,2

	Real Estate Office in a Model Home	--	--	L 1,2	--	L 1,2	L 1,2
	Sidewalk Vendor	--	L 1,2	L 1,2	L 1,2	L 1,2	L 1,2
	Temporary Residence in Mobile Home or RV During Construction of New Home ³	--	L 1,2	L 1,2	L 1,2	L 1,2	L 1,2
	Yard Sales	--	L 1,2	L 1,2	L 1,2	L 1,2	L 1,2
* Reference McCormick County Airport Environs Compatibility Zones Map for location of zones ¹Automobiles and Vehicles shall also include boats, RVs, golf carts, and other motorized or battery-operated forms of transportation. ²All Accessory Uses and Structures shall follow the standards in Section 2.2. ³The only occupied allowance shall be on a property where a permanent residence is being constructed. For purposes of this Section, a permit for the permanent residence must be valid. The mobile home or RV must be unoccupied within thirty (30) days of final occupancy issuance on the permanent residence.							

Table Key
<u>(P) Permitted Use:</u> The associated land use categories are at a level of intensity, density, or location not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft overflying the proposed use.
<u>(L) Limited Use:</u> The associated land use groups are at a level of intensity, density, or location not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use, contingent upon attainment of conditions presented: 1 - Allowed only if the use does not interfere with normal airport operations, to be determined by McCormick County Economic Development Department 2 - Prohibits uses that constitute a hazard to flight, including but not limited to tall physical objects, glare, dust, or other visual or electric interference to a pilot and aircraft, and uses that may attract hazardous wildlife. 3 - Use intensity restricted to 5 or less persons per acre. 4 - Use intensity restricted to 15 or less persons per acre; or equivalent per household. 5 - Use intensity restricted to 25 or less persons per acre in structures/buildings; and 50 or less persons per acre outdoors. 6 - Use intensity restricted to 100 or less persons per acre. 7 - Residential land uses permitted, with Fair Disclosure Statement required. 8 - No more than one dwelling unit per acre.
<u>(--) Prohibited Use:</u> The associated land use categories are at a level of intensity, density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft overflying the proposed use.

2.5.6: Other Land Use Requirements

Property sales within Airport Land Use Zones A, B1, B2, and C require a seller to notify a potential buyer before closing about the proximity to the Airport. Fair Disclosure Statement must be recorded and attached to the deed and/or plat. Rental agreements for the properties within the abovementioned zones should include Fair Disclosure Statement as an attachment. Fair Disclosure Statement should state:

“This subject property and, if applicable, a residential structure considered for purchase or rental located at [insert physical address] is located in Airport Environs Overlay District within 2 miles of the McCormick County Airport. Information regarding McCormick County Airport can be received from the McCormick County Economic Development Department upon request.”

2.5.7: Special Permit Requirements

A. In addition to the permit process prescribed in Chapter 4: Administration, upon receipt of a permit application for the areas located in Airport Environs Overlay District and prior to placing the request on the Planning Commission meeting agenda, the County Planning & Zoning Department should notify and receive approvals from the following parties:

1. McCormick County Economic Development
2. South Carolina Aeronautics Commission (SCAC) as per South Carolina Code of Laws, Title 55. On behalf of the permit applicant, the County Planning & Zoning Department submits information about the proposed activity to SCAC for review. When the review process is complete, SCAC issues a finding, which is sent back to the Planning & Zoning Department who can either issue or deny the permit.
3. Federal Aviation Administration as per 14 CFR Part 77, §77.9 or in successor federal regulations. An FAA form 7460-1, Notice of Proposed Construction or Alteration, must be filed to trigger an FAA review of impacts to airspace near the Airport. If the FAA determines an adverse effect on the Airport’s airspace may occur, including but not limited to increased instrument procedural minima, the FAA decision should serve as governing height limitation for such structure.

B. No permit for a use inconsistent with the provisions of this Section shall be granted unless a variance has been approved in accordance with Section 4.4.5 Variances.

C. No permit of any type shall be issued for any development subject to Airport Environs Overlay District areas underlying Airport Land Use Zone A and Zone B1 until McCormick County has an opportunity to be awarded an aviation easement by the property owner(s) in a form prescribed by the McCormick County Administrator, and as recorded in a form acceptable to McCormick County.

D. Any future alterations increasing structure height shall be coordinated with and approved by McCormick County Planning and Zoning.

2.5.8: Nonconformities – Regulations Not Retroactive

This Section shall not be construed to require the alteration of any lot or removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the adoption date of this Section or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction or intended use of any property or structure for which the construction or alteration was started or for which a building permit was acquired prior to the adoption date of this Section.

Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is required to allow the installation, operation, and maintenance thereon of such markers and lights as shall be

deemed necessary by the FAA, South Carolina Aeronautics Commission, and McCormick County to indicate to the operators of aircraft in the vicinity of the Airport the presence of such obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of McCormick County in accordance with FAA Advisory Circular 70-7460-1M, *Obstruction Marking or Lighting*, or successor advisory circulars, for further guidance.

2.5.9: Special Legal Provisions

A. Enforcement: Section 2.5 may be enforced by any one or more of the remedies authorized by the South Carolina Code of Laws, Title 55, Sections 55-9-250, 55-9-260, 55-9-280, 55-9-300, 55-9-320, 55-9-330 and 55-9-360.

B. Variance and Exceptions (South Carolina Code of Laws § 55-9-340): Variance and Exceptions (South Carolina Code of Laws § 55-9-340): Any person desiring to erect, alter, or increase the height of any structure, object, or to permit the growth of any natural vegetation, or otherwise use their property in violation with any section of this Section, may apply to the McCormick County Planning & Zoning and Building Departments for a variance from such regulation. No application for a variance to the requirements of this Section may be considered by these departments unless a copy of the application has been submitted to the County Administrator, SCAC, and Airport Commission (if applicable) for an opinion as to the aeronautical effects of the variance. Any request for a variance to the height restrictions and limitations portions of this Section shall be accompanied by a finding from the FAA regarding the impact the variance may have on the safe, efficient use of the airport and its airspace. Issuance of a variance shall not set precedence, and each case shall be reviewed independently of others.

C. Conflicting Regulations: Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulations applicable to the same area, whether the conflict is with respect to height or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

