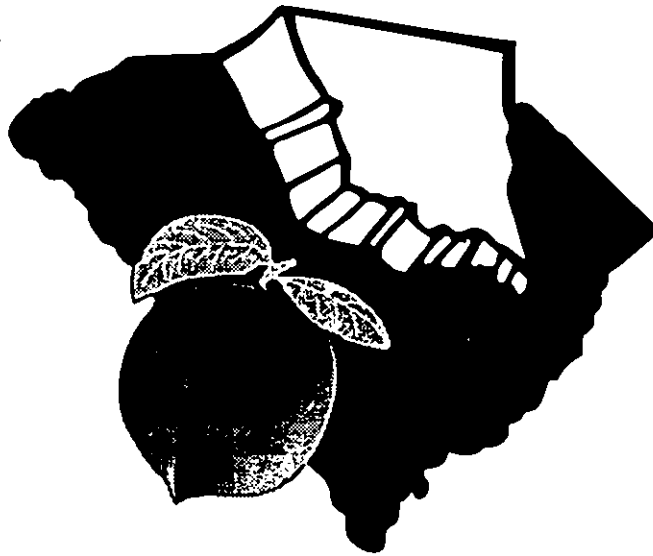


CHEROKEE COUNTY
UNIFORM
LAND DEVELOPMENT
REGULATIONS



Cherokee County
225 E. Floyd Baker Blvd.
Gaffney, SC 29340
(864) 487-2561

13. Land Development Regulations	891
Art. I. Authority and Jurisdiction	891
Art. II. General Provisions	891
Art. III. Subdivision Requirements	893
Art. IV. General Development Standards	894
Art. V. Development Standards for Specific Land Uses	905
Art. VI. Administration	910.3
Art. VII. Legal Status Provisions	918
Art. VIII. Definitions	919
Art. IX. Sexually Oriented Businesses	922.1
Appendix A	950.2
Appendix B	953
Appendix C	955

L

LAND DEVELOPMENT REGULATIONS

Administration

Appeals and variances	13-163
Applicability of other laws and regulations	13-158
Enforcement, violations and penalties	13-162
Land development	
Plan/site plan submittal requirements	13-156
Projects already approved or under construction	13-153
Nonconformities	13-159
Procedures for county acceptance of a street	13-157
Process	13-161
Recording of a plat	13-155
Subdivision submittal requirements	13-154
Subdivisions already approved or under construction	13-152
Surety instruments	13-161
Transfer or sale of lots	13-160

CODE INDEX

	Section
LAND DEVELOPMENT REGULATIONS (Cont'd.)	
Land development	
Plan/site plan submittal requirements.....	13-156
Projects already approved or under construction	13-153
Nonconformities.....	13-159
Procedures for county acceptance of a street	13-157
Process	13-151
Recording of a plat.....	13-155
Subdivision submittal requirements.....	13-154
Subdivisions already approved or under construction	13-152
Surety instruments.....	13-161
Transfer or sale of lots	13-160
Authority and jurisdiction	
Authority.....	13-1
Jurisdiction	13-2
Bufferyard.....	Ch. 13, App. A
Definitions	13-221
Development standards	
Construction standards	13-88
Drainage and storm water.....	13-83
Enumerated	13-81
Lot development	13-87
Natural gas	13-86
Streets and related improvements.....	13-82
Wastewater facilities	13-85
Water facilities	13-84
Fee schedule	App. A
Fence and wall requirements	Ch. 13, App. A
General Provisions	
Applicability	13-24
Findings.....	13-21
Purpose and intent	13-22
Short title.....	13-23
Legal status provisions	
Amendments	13-195
Conflict with other laws, ordinances, or regulations.....	13-192
Effective date of Articles I through VIII of this chapter...	13-196
Interpretation	13-191
Pending ordinance doctrine.....	13-197
Repeal of certain ordinances.....	13-194
Separability.....	13-193
Liability permit.....	Ch. 13, App. C
Sexually oriented businesses.....	13-231 et seq.
See: SEXUALLY ORIENTED BUSINESSES	
Specific land uses, development standards	
Commercial or office uses.....	13-124
Industrial uses	13-125
Mobile home parks	13-123
Multifamily housing	13-122

CHEROKEE COUNTY CODE

	Section
LAND DEVELOPMENT REGULATIONS (Cont'd)	
Standards of this article additional to general develop- ment standards	13-121
Communication towers	13-127
Townhomes and patio homes	13-126
Subdivision requirements	
Applicability	13-51
Flag lots	13-55
Minimum lot frontage	13-53
Minimum lot size	13-52
Utility and pipe installation permit	Ch. 13, App. B

Chapter 13

LAND DEVELOPMENT REGULATIONS*

- Art. I. Authority and Jurisdiction, §§ 13-1—13-20**
- Art. II. General Provisions, §§ 13-21—13-50**
- Art. III. Subdivision Requirements, §§ 13-51—13-80**
- Art. IV. General Development Standards, §§ 13-81—13-120**
- Art. V. Development Standards for Specific Land Uses, §§ 13-121—13-150**
- Art. VI. Administration, §§ 13-151—13-190**
- Art. VII. Legal Status Provisions, §§ 13-191—13-220**
- Art. VIII. Definitions, §§ 13-221—13-230**
- Art. IX. Sexually Oriented Businesses, §§ 13-231—13-256**
- Appendix A**
- Appendix B**
- Appendix C**

ARTICLE I. AUTHORITY AND JURISDICTION

Sec. 13-1. Authority.

These land development regulations are adopted under authority granted by S.C. Code 1976, §§ 6-29-710—6-29-960, 6-29-1110—6-29-1200 (otherwise known as Article 7 of the Comprehensive Planning Enabling Act of 1994, S.C. Code 1976, Tit. 6, Ch. 29).
(Ord. of 1-2-00, § 1.1)

Sec. 13-2. Jurisdiction.

These regulations shall apply to all land development projects within the unincorporated areas of Cherokee County as now or hereafter established.
(Ord. of 1-2-00, § 1.2)

Secs. 13-3—13-20. Reserved.

ARTICLE II. GENERAL PROVISIONS

Sec. 13-21. Findings.

As development continues to occur in unincorporated Cherokee County, many issues have been cited. These problems have been brought to the attention of the county council to be addressed in this chapter. Three (3) major areas of concern with regard to development are as follows:

- (1) *Road quality.* As a result of increased development, road quality has deteriorated or roads are not built to acceptable standards, leaving residents with poor access to and from their homes, as well as posing a threat to the public health and safety by limiting access to emergency vehicles.

***Editor's note—**With the permission of the county, the county land development regulations, adopted Jan. 2, 2000, have been included within this Code as a new Ch. 13.

Cross references—Buildings, construction and related activities, Ch. 2; county utilities and services, Ch. 8; planning and development, Ch. 17.

- (2) *Lot size.* Compact development is occurring on minimum sized lots, creating congestion and impacting infrastructure.
- (3) *Buffering of certain uses.* Certain development has occurred that is incompatible with adjacent uses. In some areas, these uses have impacted the quality of life for adjacent properties.

(Ord. of 1-2-00, § 2.1)

Sec. 13-22. Purpose and intent.

The purpose of this chapter is to protect and promote the public health, safety and general welfare of Cherokee County, South Carolina, by providing for the orderly development of land. These regulations are established for the following specific purposes, among others, as stated in the Comprehensive Planning Enabling Act of South Carolina (S.C. Code 1976, § 6-29-1120):

- (1) To encourage the development of an economically sound and stable county;
- (2) To assure the timely provision of required streets, utilities and other facilities and services to new land development;
- (3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
- (4) To assure the provision of needed public open space and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation and other public purposes; and
- (5) To assure, in general, the wise and timely development of new areas or redevelopment of areas in harmony with the county's adopted comprehensive plan.

(Ord. of 1-2-00, § 2.2)

Sec. 13-23. Short title.

This chapter shall be known and cited as the "Cherokee County Uniform Land Development Regulations Ordinance."

(Ord. of 1-2-00, § 2.3)

Sec. 13-24. Applicability.

The requirements contained in this chapter apply to land development in unincorporated Cherokee County, and include the changing of land characteristics through development, redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, commercial and industrial structures, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics (S.C. Code 1976, § 6-29-1110(1)).

(Ord. of 1-2-00, § 2.4)

Secs. 13-25—13-50. Reserved.

ARTICLE III. SUBDIVISION REQUIREMENTS**Sec. 13-51. Applicability.**

These requirements shall apply to any subdivision created, or any re-subdivision submitted, following the enactment of this chapter by the county council.

(Ord. of 1-2-00, Art. 3)

Sec. 13-52. Minimum lot size.

Lot size shall not include right-of-way. Lot area and width at the building line shall meet South Carolina Department of Health and Environmental Control or public utility provider requirements, based on such factors as topography or soil characteristics. At no time following the adoption of this chapter shall any lot be created that is less than one-half ($\frac{1}{2}$) acre in size, unless otherwise specified in this chapter.

(Ord. of 1-2-00, § 3.1)

Sec. 13-53. Minimum lot frontage.

All lots shall have a minimum of fifty (50) feet of road frontage on a public road right-of-way or other roadway complying with Cherokee County roadway specifications as set forth in section 13-82 et seq. of this Code.

(Ord. of 1-2-00, § 3.2; Ord. of 6-25-01(3))

Sec. 13-54. Reserved.

Editor's note—An ordinance of June 25, 2001, repealed § 13-54 in its entirety. Formerly, said section pertained to lot access as adopted by an ordinance of Jan. 2, 2000. See the Code Comparative Table.

Sec. 13-55. Flag lots.

Definition: Flag lots are defined as a tract of land or lot with a developable area connected to a road by a narrow strip of land (referred to as a pole) that includes a driveway.

- (a) **Regulations:** The flag section of the flag lot shall meet or exceed the minimum lot area requirements of the Cherokee County Land Development Regulations Ordinance as adopted by Cherokee County.
- (b) The front yard setback shall be measured from the front of the principal structure on the lot to the property line faced by the principal structure.
- (c) The rear setback for a flag lot shall be twenty-five (25) feet.
- (d) The driveway section, or pole, of the flag lot shall have a minimum width of fifty (50) feet at the point where it adjoins the public right-of-way or other road complying with the Cherokee County roadway specifications as set forth in section 13-82, et seq., of the Cherokee County Land Development Regulations.
- (e) Access driveways for flag lots shall be a minimum of fifty (50) feet in width.

contemplated. The permittee shall further agree to indemnify the county for any liability incurred, injury or damage sustained by reason of the past, present, or future existence of said encroachment.

- (2) The county and its employees shall not be held responsible or liable for injury or damage that may occur to facilities covered by the permit or to any connection thereto by reason of highway maintenance and construction activities or highway contractor or permittee operations. During the initial installation and construction of [and] during any miscellaneous operation, the applicant shall at all times maintain such flaggers, signs, lights, barricades, and other safety devices, as it deemed necessary to properly guide and protect traffic upon the highway, and to warn and safeguard the public against injury or damage. As a minimum, the permittee must comply with the SCMUTCD. The permittee shall provide a watchman, as required, to maintain said signs, lights, barricades, and other safety devices, during non-work hours, and shall provide the county with the telephone number so that he may be contacted if needed.
- (3) The permittee shall conduct his operations so there will be a minimum of interference with or interruption of traffic upon and along the highway. This applies to both the initial construction and continuing maintenance and operation of facilities. Except in emergencies, there shall not be a lane closure until a satisfactory plan for handling traffic has been approved by county. The county reserves the right to prohibit any work that may interfere with traffic movement during time peak traffic flow. The county reserves the right to inspect the work of the permittee to ensure compliance with the permit.
- (4) Where numerous permits are anticipated by one (1) applicant, the director may allow a permittee to furnish a bond on a periodic basis to cover all permits issued to the permittee during the period specified in the bond. The periodic bond shall be in an amount recommended by the public works director.

(Ord. of 1-2-00, App. B)

APPENDIX C

LIABILITY PERMIT

Any person, company, agency, or other entity engaging in any activity for which it is determined to have potential for damaging county roads and right-of-way shall be required to obtain a liability permit prior to engaging in said activity within the public right-of-way. Such activities shall be determined by resolution of the county council.

An application and surety bond shall be submitted to the public works director for review and approval. Following approval, the county shall retain one (1) copy of the permit and the applicant shall retain one (1).

The public works director shall set the amount of the surety bond.

(Ord. of 1-2-00, App. C)

FEES

APPENDIX A
FEE SCHEDULE*
UNIFORM FEE SCHEDULE

Section 1. Authority of Council.

Cherokee County reserves the right to alter or amend the fee schedule set forth hereinafter from time to time as it may deem appropriate.

(Ord. of 6-25-01(6))

Section 2. Building permits.

VALUATION

FEE

\$1,000.00 AND LESS

No fee, unless inspection required (electrical, mechanical, etc.) in which case a minimum \$15.00 fee for each inspection shall be charged.

\$1,000.00 to \$50,000.00

\$15.00 for first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof.

\$50,001.00 to \$100,000.00

\$260.00 for first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof.

\$100,001.00 to \$500,000.00

\$460.00 for first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof.

\$500,001.00 and up

\$1,660.00 for first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

(Ord. of 6-25-01(6))

Section 3. Moving fee.

For the moving of any building or structure, the fee shall be one hundred dollars (\$100.00).

(Ord. of 6-25-01(6))

Section 4. Demolition fee.

For the demolition of any building or structure, the fee shall be fifty dollars (\$50.00). This section does not apply to those dwelling or structures demolished pursuant to [section] 6-112 of the Cherokee County Code of Ordinances.

(Ord. of 6-25-01(6))

***Editor's note**—An ordinance of June 25, 2001, did not specifically amend the Code; hence, inclusion as Appendix A Fee Schedule was at the editor's discretion.

Cross references—Buildings; construction and related activities, Ch. 6; Land development regulations, Ch. 13; Planning and development, Ch. 17.

Section 5. Penalties for Sections 2 through 4.

Where work for which a permit is required is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed.

(Ord. of 6-25-01(6))

Section 6. Plan-checking fees.

When the valuation of the proposed construction exceeds one thousand dollars (\$1,000.00) and a plan is required to be submitted by the authority having jurisdiction, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half (1/2) of the building permit fee as set forth. Such plan-checking fee is in addition to the building permit fee.

(Ord. of 6-25-01(6))

Section 7. Land use fees.

The following fees shall be charged at the time the subdivision plat is submitted for review and shall be charged separately for each recurring preliminary plat presented to the designated ordinance administrator.

(A) Preliminary plat review (approval of road design and layout).

- 1. Fifty dollars (\$50.00) plus three dollars (\$3.00) per lot, up to a maximum of four hundred dollars (\$400.00).

(B) Final plat review (approval for recording).

- 1. 2—10 lots \$50.00
- 2. 11 or more lots 75.00

(Ord. of 6-25-01(6))

Section 8. Land development project fee.

One hundred dollar (\$100.00) Application along with fee shall be made to the designated ordinance administrator before work is commenced to all newly proposed multi-family, mobile home park, industrial, office, or commercial projects.

(Ord. of 6-25-01(6))

Section 9. Land-use variance application fee.

Twenty-five dollar (\$25.00) application along with fee shall be submitted in order to have the matter referred to the appropriate commission or review board for hearing.

Section 10. Board of adjustment and appeals application fee.

Twenty-five dollar (\$25.00) application along with fee shall be submitted to have the matter referred to the board of adjustment and appeals for hearing.

(Ord. of 6-25-01(6))

Section 11. Communication tower permit fee.

Ten thousand dollar (\$10,000.00) fee shall be due prior to the issuance of the building permit for newly constructed communication towers.

(Ord. of 6-25-01(6))

Section 12. Manufactured homes.

A. License fees	\$5.00
B. Set-up fees for inspections, which includes but is not limited to electrical, mechanical, and plumbing inspections	200.00

(Ord. of 6-25-01(6))

Section 13. Sexually oriented business.

A. Business permit:	
application fee	\$50.00
annual permit	200.00
B. Employee permit:	
application fee	25.00
annual renewal	25.00
C. Temporary employee permit	25.00

(Ord. of 6-25-01(6))

- (f) A maximum of two (2) driveway sections, or poles, may intersect at a public right-of-way or other road complying with the Cherokee County roadway specifications as set forth in section 13-82, et seq., of the Cherokee County Land Development Regulations, within one hundred (100) feet of each other.
- (g) The total number of access driveways or entrances for any single flag lot parcel shall not exceed two (2).

(Ord. of 6-25-01(4))

Secs. 13-56—13-80. Reserved.

ARTICLE IV. GENERAL DEVELOPMENT STANDARDS

Sec. 13-81. Enumerated.

General development standards include the following sections:

- (1) Streets and related improvements.
- (2) Drainage and stormwater.
- (3) Water facilities.
- (4) Wastewater facilities.
- (5) Natural gas.
- (6) Lot development.
- (7) Construction standards.

(Ord. of 1-2-00, Art. IV)

Sec. 13-82. Streets and related improvements.

The following requirements shall apply to any public road in the county.

(1) *General standards.*

a. *Adoption of existing roads.* The right-of-way adopted by the county encompassing an existing road shall meet the following specifications:

1. Rights-of-way widths are as follows:

Primary roads and farm-to-market roads*	66 feet
Collector roads	50 feet
Local roads and all other roads with ditches	50 feet
Local roads all other roads with curb and gutter	25 feet

* (Roads must also meet South Carolina Department of Transportation width requirements.)

- 1) The road must be bounded by two (2) or more property owners who are not of the same household; and

- 2) The road must not be a dead end street unless the street shall have a cul-de-sac with a minimum fifty-foot radius.
2. If a newly adopted right-of-way contains structures, fences, or other obstructions, the individual property owner from whom the right-of-way was obtained shall be responsible for removing all such obstructions, prior to the adoption of the road by the county.
3. The county will maintain existing drainage ditches within the road right-of-way.
4. The county shall maintain the current existing road condition of a newly adopted road following acceptance into the county road system. The road condition categories are:
 - i. Graded dirt road.
 - ii. Gravel road.
 - iii. Paved road.
5. The county reserves the right to widen and improve the roadway when at any time it is determined by the county council that traffic or safety conditions warrant such improvement.
6. The procedure for adoption into the county road system is as follows:
 - i. Any citizen may initiate the process for having a road adopted into the county road system by filing a road adoption petition with the county public works department;

- ii. For a road to be adopted, all property owners abutting the road shall submit a right-of-way form conveying land to the county;
 - iii. An inspection must be made to determine road condition, to identify drainage problems, to ensure that all right-of-way forms are filed, and to verify title of land. Such inspection shall be performed by the county public works department;
 - iv. The county council shall adopt only roads that meet the requirements of this chapter. Adoption of any road meeting these requirements into the county road system shall be at the discretion of the county council.
- b. *Continuation of adjoining road system.* The proposed road layout shall extend existing roads on a logical course at a width that meets the minimum required in section 13-82(h). A minimum ten (10) to one (1) taper section shall be used to transition from one width to another.
- c. *Road system coordination.*
1. The road system of a new subdivision or land development project shall be coordinated with existing, proposed, and anticipated roads outside the project or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding roads").
 2. Roads shall intersect with surrounding collector or arterial roads at safe and convenient locations and shall connect with surrounding roads where necessary to permit the convenient movement of traffic between residential neighborhoods by emergency service vehicles or for other sufficient reasons.
 3. Whenever connections to surrounding roads are required by this section, the road right-of-way shall be extended and the street developed to the property line of the developed property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected.
 4. In addition, temporary turnarounds shall be required to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Such temporary turnarounds shall have a minimum right-of-way diameter of seventy-five (75) feet.
 5. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of one thousand (1,000) feet shall be created unless no other practicable alternative is available.
- d. *Maintenance of existing roads.*
1. The county shall maintain all county roads in a safe manner in accordance with the road condition category at which it is developed or adopted into the

county road system. The county reserves the right to widen or improve road conditions when at any time it is determined by county council that traffic or safety conditions warrant such conditions.

2. **Liability permits.** Any person, company, agency, or other entity engaging in any activity for which it is determined to have potential for damaging county roads and rights-of-way shall be required to obtain a liability permit prior to engaging in said activity within the public right-of-way. Such activities shall be determined by resolution of the county council. The county reserves the right to establish a fee for these permits.
 3. Any person who causes damage to a county road, ditch, or drainage facility or who deposits any debris on a road right-of-way shall be held liable and shall be required to make proper repairs or remove said debris.
 4. Any repairs to a county road or drainage facility required through the liability permit or due to individual negligence shall be inspected and approved by the county road foreman prior to the release of the individual's responsibility to the county. Inspection and approval of both the road base and surface paving shall be obtained.
- e. **Halfroads.** Half roads are prohibited. Whenever a road is planned adjacent to the project's property boundary, the entire road right-of-way shall be included.
- f. **Road names.**
1. In accordance with state law, the planning commission is responsible for approving street names in unincorporated Cherokee County and shall coordinate with the county's E-911 department in its decision-making.
 2. A proposed road that is obviously in alignment with or an extension of an existing named road shall bear the name of the existing road.
 3. Except for the above, in no case shall the name of a proposed road duplicate or be phonetically similar to an existing road name, irrespective of the use of suffix (road, avenue, boulevard, drive, place, court, lane, etc.).
 4. It shall be unlawful for any person in laying out any new road to name such road on any plat or plan or in any deed or instrument, without first obtaining the approval of the designated ordinance administrator. Such approval may be a component of the plat approval.
 5. A person laying out a street is guilty of a misdemeanor if he shows an unapproved street name on a deed or instrument of transfer.
 6. After a fifteen-day notice in a newspaper of general circulation in the county (S.C. Code 1976, § 6-29-1200(c)), the planning commission may change the name of an existing street or road within unincorporated Cherokee County.
 7. The planning commission can make a change to a street or road name when one (1) of the following occurs:
 - i. There is duplication of names which tends to confuse the public or persons delivering mail, orders or messages;

- ii. A change may simplify markings or giving directions to persons looking for an address and any other good and just reason that may appear to the commission.
- 8. After such public hearing, if the planning commission issues a certificate designating the change, the clerk of court records it, then the changed and certified name becomes the legal name of the street (S.C. Code 1976, § 6-29-1200).
- 9. A petitioner for a road name change must submit a written application, along with a fee established by county council to cover the cost of the public hearing advertisements and the cost of new signage.
- g. *Posting of address.* Each lot with a house shall have its address posted on the house and at its driveway.
- h. *Street signs.* Street signs shall be installed at all intersections within a subdivision or land development project. The location and design shall be subject to the county E911 ordinance, as amended.
- (2) *Road design.* The following requirements shall be met for the development of any new road by the county or for any privately developed road internal to a multifamily housing project, mobile home park, commercial or office project, or industrial project. Also, the county shall only accept subdivision streets into the county road system that meet the requirements included herein. In general, geometric criteria for road design shall be in accordance with standards of the state department of transportation. Said standards are those contained in the latest edition of "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation Officials. All roads, as noted in this paragraph, shall be designed in accordance with the following standards.
 - a. *Right-of-way.*
 - 1. *Standard streets.* Minimum right-of-way and pavement width shall be as follows:

<i>Road Type</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>
Roads and drives* (curb and gutter)	25'	20'
Roads and drives* (swale/ditch)	50'	20'
Local (curb and gutter)	25'	20'
Local (swale/ditch)	50'	20'
Collector	50'	24'
Primary/Farm-to-Market/Arterial Roads	66'	24'

* Roads and drives include privately developed roads internal to multifamily housing projects, mobile home parks, commercial or office projects, or industrial projects.

4

Additional right-of-way or pavement width will be provided as determined necessary by the public works department for high density residential or nonresidential land development projects, or portions thereof.

2. *Cul-de-sacs.*

- i. Cul-de-sacs shall have a turnaround with one hundred (100) feet minimum diameter to right-of-way line. Dead-end streets without turnarounds are prohibited.
- ii. Cul-de-sacs shall have a sixty-foot minimum diameter to pavement edge.

3. *Variance to right-of-way width requirements.* The county council shall have the authority to develop and adopt, by ordinance, a variance policy to adjust the minimum requirement for the width of the right-of-way for new roads developed by the county, existing roads adopted by the county, and subdivision roads to be dedicated to the county. The variance policy shall be based on the existence of an unusual circumstance, which would make strict adherence to the minimum requirements unreasonable.

b. *Road intersections.*

1. Roads shall be designed to intersect as nearly as possible at right angles but no less than seventy-five (75) degrees. Minimum radius of curb or pavement edge at intersections shall be at least twenty (20) feet at intersections with local roads and twenty-five (25) feet at intersections with all other roads.
2. Proposed intersections on one side of a road shall coincide with existing or proposed intersections on the opposite side. Minimum centerline offset for intersections on opposite sides of a road shall be one hundred fifty (150) feet. No two (2) roads shall intersect on the same side of a road at a centerline separation distance of less than four hundred (400) feet.

c. *Road grade.* Except as specified herein, the minimum and maximum road grade shall be one (1) percent and twelve (12) percent respectively. For short stretches of roadway for which unique topographical features makes the construction of a twelve (12) percent road grade infeasible, the public works director shall be authorized to allow a portion of the road to be constructed at a grade to not exceed fifteen (15) percent, provided that the increased road grade does not pose a substantial threat to the public safety. Before allowing such an exception, the public works director shall notify and seek comment from the county fire marshal and the superintendent of the county public school system regarding access to fire trucks and school buses.

(3) *Road construction.* In general, all public roads shall be constructed in accordance with the state department of transportation's "Standard Specifications for Highway Construction" (latest edition) as it relates to earthwork, bases/sub-bases, paved surfaces, etc. In addition, all privately developed roads or drives internal to a multifamily

housing development, mobile home park, commercial or office project, or any industrial project must meet the following road construction requirements. The following requirements for roads include:

a. *Paved road requirements.*

1. The county shall only accept subdivision streets into the county road system that meet the requirements of section 13-82(3) and are paved.
2. Paved road surfaces are required for all privately developed roads or drives internal to a multifamily housing development, mobile home park, commercial or office project, or any industrial projects, meeting the requirements of section 13-82(3).
3. New roads developed by the county, if paved, shall meet the requirements of section 13-82(3).
4. The surface paving shall have not less than a two and one-half (2½) percent crown.
5. Roadway specifications.

Roadway Specifications		
Local* or collector roads	Sub-grade	Compacted to 95% maximum dry density
	Base	8-inch crusher run stone
	Topping	ASTM Type 3
Arterial roads	Sub-grade	Compacted to 95% maximum dry density
	Base	6-inch crusher run stone
	Binder	2-inch "B" binder with tack coat
	Topping	ASTM Type 3

* Local roads shall include subdivision streets.

** Pavement design requirements for subdivisions and land development activities shall be in accordance with sound engineering principles as outlined in procedures adopted by the American Association of State Highway and Transportation Officials; or the Portland Cement Institute; or the Asphalt Institute. All designs shall be subject to review and approval by the county designated ordinance administrator. However, in no case shall the paving standard be less than the standard required for new land development projects.

b. *Road and right-of-way maintenance.*

1. *Responsibility.* The developer is responsible for maintaining slopes and all areas along newly developed roads until the road rights-of-way are adopted by the county. Maintenance of slopes shall include seeding in order to prevent soil erosion.
2. *Lawn maintenance within right-of-way.* Individual property owners are responsible for maintaining lawns within the portions of the right-of-way that form part of a yard.

3. *Road maintenance signs.* Where land development project roads are not to be dedicated to the state or county for public maintenance, the developer shall install and maintain signs at the beginning of the private land development project roads that state "State/County Maintenance Ends."
- c. *Ditches, swales and drainage.*
1. Road swales and channels. All roadway ditches and channels shall be designed to contain, at minimum, a peak flow from a fifty-year frequency storm. All roadway ditches and channels shall be designed so that the velocity of flow expected from a fifty-year frequency storm shall not exceed the permissible velocities for the type of lining used. Riprap shall be placed for stops in road drainage swales as instructed by the public works director. Swales shall be stabilized against erosion by grassing for year-round growth. Road swales shall be installed at a maximum depth of three (3) feet and be designed to enable mowing by adjoining property owners.
 2. [Roads shall be designed with] swales and six-foot wide shoulders (12:1 slope) in the right-of-way, subject to the following provisions:
 - i. Road grade shall meet the requirements of the South Carolina Land Resources Commission.
 - ii. Side ditches shall be used, constructed along both sides of the road. Each ditch shall be located sixteen (16) feet from the center of the road.
 - iii. If curbs and gutters are used, such shall be located contiguously to both edges of the pavement.
- (4) *Utility and pipe installation within a road right-of-way.* This policy is established to regulate the location, manner, installation and adjustment of utility and or pipe facilities on the county road system and also the issuance of permits for such work, in the interest of the public safety and of protection, utilization, and future development of the roadways.
- a. *Authorization.* No person or entity shall enter upon the rights-of-way of any county road or structure to construct, alter, or relocate any utility installation without issuance of a liability permit (as specified in section 13-82(1)d.2.).
 - b. *Permit required.*
 1. The applicant shall submit a permit application with a detailed plan (drawing and text) to the county public works department for review and approval outlining the location and manner of installation. In addition, measures shall be taken to address the safe and free flow of highway traffic, structural integrity of the roadway or highway structure, highway maintenance, appearance of the highway, and the integrity of the utility facility and shall be described in the plan. The applicant shall also submit plans to return the road base and road surface to county standards and shall reconstruct the damaged road to county standards.

turally complimentary and appropriate with regard to an existing structure or immediate environment in which the communication tower is located. Examples include, without limitation, church steeples, bell towers, flag poles, and similar structures.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivisions which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record (S.C. Code 1976, § 6-29-1110(2)).

Surveyor. A registered land surveyor in good standing with the state board of registration for professional engineers and land surveyors. The terms "practice of land surveying," "land surveying," "the preparation or submission of plats," or other related terms within the meaning and intent of this chapter shall include measuring and locating lines, angles, elevations, natural and manmade features in the air, on the surface of the earth, with underground workings, or on the beds or bodies of water for the purpose of determining areas and volumes, for the monumenting or marking of property boundaries and for the platting and laying out of lands and subdivisions thereof, including the topographic alignment and grades of streets and for the preparation of maps, plats and property descriptions that represent the surveys. Also "land surveyor".

Townhome (town house). A structure, or grouping of structures, each of which contains two (2) or more residential dwelling units. The ground under each dwelling unit, as well as surrounding yards, are individually platted and transferred as unique, separate, and individual lots. This definition does not preclude some areas under common ownership within the townhome complex.

Transfer or sale of lots. Any agreement to sell or negotiate to sell land(s) to be developed by reference to, or exhibition of, or by other use of a plat of subdivision of such land.

Utilities. Utilities shall consist of any and all utility services to a land development, including water, electricity, telephone, cable television, gas, and sanitary sewerage, whether such utilities are supplied by a private individual, private company, or a governmental entity.

Yard. A space on the same lot with a principal building that is open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.

- (1) *Yard (front).* A yard situated between the front building line and the front lot line extending the full width of the lot.
- (2) *Yard (rear).* A yard situated between the rear building line and the rear lot line extending the full width of the lot.

(3) *Yard (side)*. A yard between side building line and a side lot line extending from the front yard to the rear yard.
(Ord. of 1-2-00, Art. VIII; Ord. of 10-16-00, § 5.6)

Secs. 13-222—13-230. Reserved.

ARTICLE IX. SEXUALLY ORIENTED BUSINESSES*

Sec. 13-231. Purpose and findings.

(a) *Purpose*. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Cherokee County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented business within the unincorporated areas of Cherokee

NOTE: Contact the Building Inspection Office for a copy of this ordinance.





*Cross reference—Businesses, Ch. 7.



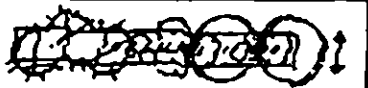
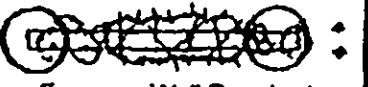
Bufferyards

APPENDIX A

**BUFFERYARD 1: MULTIFAMILY RESIDENTIAL/MOBILE HOME PARK/TOWNHOMES/
PATIO HOMES DEVELOPED ADJACENT TO SINGLE-FAMILY RESIDENTIAL, AGRICUL-
TURAL, UNDEVELOPED USES, OR NATIONAL OR STATE PARKS**

Required Plants Per 100' of Length

2	Canopy Trees	
4	Understory Trees	
4	Evergreens/Conifers	
4	Shrubs	
<hr/>		
14	Total	





Percentage of Required Plant Material		Buffer Yard Width
25%	<p>Proposed Use</p>  <p>Adjacent Use</p>	30 feet
50%		20 feet
75%	 <p>Fence or Wall Required</p>	10 feet
100%	 <p>Fence or Wall Required</p>	5 feet

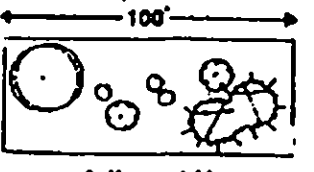
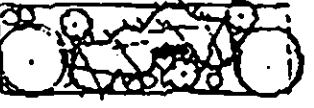

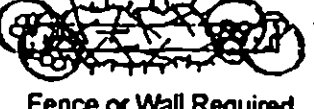
BUFFERYARD 1

(Ord. of 1-2-00, App. A; Ord. of 3-20-00, § 1)

BUFFERYARD 2: OFFICE/COMMERCIAL USES ADJACENT TO SINGLE-FAMILY RESIDENTIAL, AGRICULTURAL, UNDEVELOPED USES, OR NATIONAL OR STATE PARKS





Required Plants Per 100' of Length



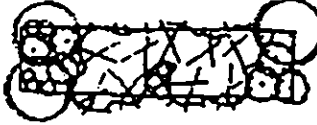

-
- 4 Canopy Trees 
 - 6 Understory Trees 
 - 8 Evergreen/Conifers 
 - 10 Shrubs 
-
- 28 Total

Percentage of Required Plant Material		Buffer Yard Width
25%	<p style="text-align: center;">Proposed Use</p>  <p style="text-align: center;">Adjacent Use</p>	40 feet
50%		30 feet
75%	 <p style="text-align: center;">Fence or Wall Required</p>	20 feet
100%	 <p style="text-align: center;">Fence or Wall Required</p>	10 feet

BUFFERYARD 3: INDUSTRIAL USES ADJACENT TO SINGLE-FAMILY RESIDENTIAL, AGRICULTURAL, UNDEVELOPED USES, OR NATIONAL OR STATE PARKS

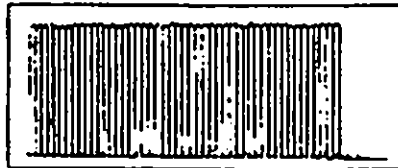
Required Plants Per 100' of Length

- | | | |
|-------|---------------------|-----------------------------------------------------------------------------------|
| 4 | Canopy Trees |  |
| 8 | Understory Trees |  |
| 12 | Evergreens/Conifers |  |
| 12 | Shrubs |  |
| <hr/> | | |
| 36 | Total | |

Percentage of Required Plant Material		Buffer Yard Width
25%	<p>Proposed Use</p>  <p>Adjacent Use</p>	50 feet
50%	 <p>Fence or Wall Required</p>	40 feet
75%	 <p>Fence or Wall Required</p>	25 feet
100%	 <p>Fence or Wall Required</p>	15 feet

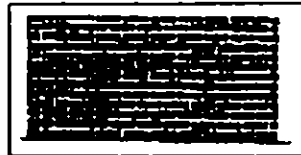
FENCE AND WALL REQUIREMENTS

- All fences and walls must have a finished side facing outward, with the interior side finish as the owner deems appropriate.
- Residential lots greater than one (1) acre in size shall be exempt from fence and wall requirements.
- Fences shall be between six (6) and eight (8) feet, measured from the finished right-of-way grade. Fence materials shall consist of opaque materials, including wood stockade (non-perishable supports). Other opaque materials are subject to review and approval by the designated ordinance administrator.



Fence Example

- Walls shall be between six (6) and eight (8) feet, measured from the finished right-of-way grade. Wall materials shall consist of masonry wall (poured concrete, stucco, concrete block, brick, etc.). Other opaque materials are subject to review and approval by the designated ordinance administrator.



Wall Example

- Berms. The designated ordinance administrator may approve berms, in lieu of the required fence or wall.
(Ord. of 1-2-00, App. A)

APPENDIX B

UTILITY AND PIPE INSTALLATION PERMIT

(a) *General.*

- (1) A permit of use of right-of-way letter must be issued by the department before any utility is installed or any other work is performed on county right-of-way. This applies to both aerial and underground installations, except as noted in this policy.

- (2) A permit shall be required for trenching within the county road right-of-way that is longitudinal to the right-of-way and is two (2) inches or greater in width.

(b) *Application.*

- (1) The application shall contain a concise description of the work to be performed along with a drawing showing a north arrow, the pavement width, the right-of-way lines, and the location of the work to be performed as referenced to the edge of the pavement, the right-of-way line, and a nearby intersecting road.
- (2) Two copies of the permit and drawings shall be submitted.

(c) *Processing.*

- (1) The application shall be submitted to the public works director for review and approval. Following approval, one (1) copy of the drawing and permit shall be retained by the county and one (1) shall be retained by the applicant.
- (2) Where new utilities are to be placed on the right-of-way of a road under construction, a permit is needed and the contractor must concur with placement of the utility if the utility company wants to place the utility prior to final acceptance of the roadway by the county.

(d) *Activities not requiring encroachment permits.*

- (1) *Overhead installation.* A permit will not be required for aerial service connections from an existing distribution line on county right-of-way unless it is anticipated that there will be an interference with the normal flow of vehicular traffic on or along the highway or a new pole is to be placed on the county's right-of-way.
- (2) *Underground installation.* A permit will not be required for a service connection from a distribution line on county right-of-way where there is to be no excavation closer than five (5) feet to the paved roadway. If the installation will involve undue interference with the normal flow of vehicular traffic, drainage facilities or appurtenances are affected, or a roadway crossing is involved, a permit will be necessary.
- (3) *Maintenance.* A permit will not be required for normal maintenance such as replacing existing poles, cables, pedestals, markers, etc. unless such repairs will entail alterations of normal traffic flow.

(e) *Accommodations.* The accommodation of utilities by permit or service connections as outlined above, shall be in conformance with the provision as set forth in this policy for the accommodation of utilities on highway right-of-way.

(f) *Liabilities and controls.*

- (1) The permittee shall agree, and bind his heirs, successors and assigns, to assume any and all liability the county might otherwise have in connection with accidents, injuries to persons, or damage to property (including the highway) that may be caused by the construction, maintenance, use of, as well as moving or removing of the encroachment

2. The county road and bridges department shall maintain copies of utility installation permits.
 3. Any necessary permits, including the accommodation of utilities on highway right-of-way and environmental controls, shall be the responsibility of the applicant.
- c. *Sound engineering principles and economic factors.* In all cases, full consideration shall be given to measures reflecting sound engineering principles and economic factors necessary to preserve and protect the integrity and visual quality of the highway, its maintenance, efficiency, and the safety of highway traffic. All construction and maintenance operations shall be planned with full regard to safety and to keep traffic interference to an absolute minimum.
 - d. *Traffic controls.* Traffic controls shall conform to the "South Carolina Manual on Uniform Traffic Control Devices for Streets and Highways." Construction shall comply with the current edition of the "South Carolina S.C. DOT Standard Specifications for Highway Construction."
 - e. *Utility relocation.* Utility relocation or adjustments performed in conjunction with road projects in the county shall be coordinated to produce a more efficient design and to minimize construction costs and delays for the utility, consumer, road contractor, and road user.
 - f. *Utility facilities.* Utility facilities shall be located to minimize need for later adjustments to accommodate future highway improvements and to permit servicing such lines with minimal interference to highway traffic.
 - g. *Longitudinal installations.* Longitudinal installations shall be located parallel and as close as practical to the right-of-way line so as to provide a safe environment for traffic operation and to preserve space for future highway improvements or other utility installation. Where irregular shaped portions of the right-of-way extend beyond the normal right-of-way limits, variations in the location from the right-of-way line shall be allowed as necessary to maintain a reasonably uniform alignment for longitudinal overhead and underground installations.
 - h. *Utility line crossings.* To the extent feasible, utility line crossings of the road shall cross on a line generally perpendicular to the highway alignment.
 - i. *Horizontal and vertical considerations.* The horizontal and vertical location of utility lines within the highway right-of-way limits shall conform to the clear roadside policies applicable for the system, type of highway, and specific conditions for the particular highway section involved. The location of above ground utility facilities shall be consistent with the clearances applicable to all roadside obstacles for the type of highway involved.
 - j. *Right-of-way installation standards.*
 1. The utility shall be responsible for the design of the utility facility to be installed within the highway rights-of-way or attached to a highway structure. The county shall be responsible for review and approval of the utility's proposal.

2. All utility installations on, over, or under highway rights-of-way or highway structures, shall be of durable material designed for long service life expectancy and relatively free from routine servicing and maintenance.
3. Utility installation on, over, and/or under the rights-of-way of county roadways and utility attachments to highway structures shall, as a minimum, meet the following requirements:
 - i. Electric power and communication facilities shall conform to the currently applicable National Electric Safety Code.
 - ii. Water lines shall conform to the currently applicable specifications of the American Water Works Association.
 - iii. Pressure pipelines shall conform with the currently applicable section of The Standard Code for Pressure Piping of the American National Standards Institutes; Title 49 CFR, Parts 191, 192, and 195; and applicable industry codes, including current issues of: Power Piping, Petroleum Refinery Piping, Liquid Petroleum Transportation Piping Systems, and Gas Transmission and Distribution Piping Systems.
 - iv. Liquid petroleum pipelines shall conform to the currently applicable recommended practice of the American Petroleum Institute for pipeline crossings under railroads and highways.
 - v. Any pipeline carrying hazardous material shall conform to the rules and regulations of the U.S. Department of Transportation governing the transportation of such materials.
- k. *Ground-mounted utility facilities.* Ground-mounted utility facilities shall be of a design compatible with the visual quality of the specific highway section being traversed.
- l. *New installations or adjustments of existing utility lines.* On new installations or adjustments of existing utility lines, provisions shall be made for known or planned expansion of the utility facilities, giving particular attention to those located underground or attached to highway structures. They must be planned so as to minimize hazards and interference with highway traffic when additional overhead or underground lines are installed at some future date.
- m. *Underground installations.* Underground installations shall be designed so that the facility can be located without disturbing the roadway structure. If necessary, locator lines will be placed in conjunction with the utility line.
- n. *Water line repair in right-of-way.* In the specific case of a water line located within a county road right-of-way needing immediate repair, a utility installation permit shall be obtained within one (1) business day from the time the repair work begins. The road that is damaged shall be repaired to county standards.
- o. *Future improvements.*
 1. Should an improvement or relocation to a county road at some future date necessitate the movement of utility lines, the utility shall be responsible for relocating lines.

2. The provisions of this chapter shall apply to the installation or improvement of any utility lines installed subsequent to the adoption of this chapter.

- p. *Driveway pipes/aprons.* The installation of driveway pipes and paved aprons is the responsibility of the property owner or developer of a subdivision or a land development project. Driveway pipes and aprons shall be installed by the property owner or developer to the standards that are in effect in the county at the time the driveway is to be constructed. A county liability permit shall be obtained for such installation. In addition to any other standards, the standard for driveway length shall be twenty-four (24) feet.

Driveway pipe and apron installation shall be the responsibility of the property owner unless such responsibility is assigned to the subdivider or developer through the contract to sell. Nothing in this chapter shall be construed as to assign the county any liability or responsibility with respect to any dispute or legal action between the property owner and the subdivider or developer concerning the installation of the driveway pipe and apron.

(Ord. of 1-2-00, § 4.1; Ord. of 3-20-00, § 2; Ord. of 8-8-00, § 1; Ord. of 6-25-01(5))

Sec. 13-83. Drainage and storm water.

(a) In accordance with S.C. Code 1976, § 6-29-1130.A, no land development plan, including subdivision plats, shall be approved unless all land intended for use as building sites can be used safely for building purposes without danger from a flood or other inundation.

(b) The requirements of this section shall be deemed to have been met for any land development project for which there is an approved stormwater management and sediment control plan from the South Carolina Department of Health and Environmental Control in accordance with S.C. Code 1976, Tit. 48, Ch. 14, relating to erosion and sediment control and stormwater management and South Carolina Department of Health and Environmental Control Regulations section 72-305 relating to stormwater management, erosion and sedimentation management. For projects requiring a South Carolina Department of Health and Environmental Control stormwater management permit, the submission of a copy of such permit shall qualify as compliance with this provision. For projects that require only a stormwater management plan be submitted to South Carolina Department of Health and Environmental Control, the submission of a copy of that plan shall qualify as compliance with this provision.

(Ord. of 1-2-00, § 4.2)

Sec. 13-84. Water facilities.

If public water is to be provided to a subdivision or land development project, approval of the water distribution system is at the discretion of the Town of Blacksburg or the rural water district charged with serving the area. If the subdivision or land development project is to be served by wells, approval of wells shall be at the discretion of South Carolina Department of Health and Environmental Control.

(Ord. of 1-2-00, § 4.3)

Sec. 13-85. Wastewater facilities.

If public sewer is to be provided to a subdivision or land development project, approval of the wastewater collection system is at the discretion of the Town of Blacksburg or the Gaffney Board of Public Works. If the subdivision or land development project is to be served by septic tank(s), approval of septic tanks shall be at the discretion of South Carolina Department of Health and Environmental Control.

(Ord. of 1-2-00, § 4.4)

Sec. 13-86. Natural gas.

When gas lines are located in a road right-of-way, where possible, such lines shall be located outside the portion of the road to be surfaced to prevent having to cut into the paved surface to serve abutting properties.

(Ord. of 1-2-00, § 4.5)

Sec. 13-87. Lot development.

(a) Unless otherwise stated in Article V, Development Standards for Specific Uses, the minimum building setback line for a primary structure shall be at least twenty (20) feet from the front property lines on lots abutting local roads and thirty-five (35) feet from the front property line on lots abutting collector, arterial, or primary roads. Corner lot setbacks shall be at least ten (10) feet from the side road. Provision shall be made for a side yard setback of ten (10) feet from each side property line, and a rear yard setback twenty-five (25) feet from the rear property line on each lot.

(b) Unless otherwise stated in Article V, Development Standards for Specific Uses, accessory structures shall maintain the same front and side setbacks as required by primary structures; however, the minimum rear setback shall be eight (8) feet.

(Ord. of 1-2-00, § 4.6)

Sec. 13-88. Construction standards.

(a) The county has adopted the Southern Standard Building Code. This code shall apply to the construction of all structures and buildings that come under its scope and jurisdiction.

(b) Any mobile home or manufactured housing unit brought into the county, or relocated within the county, subsequent to the enactment of this chapter shall bear a stamp from the U.S. Department of Housing and Urban Development signifying that the unit meets all HUD standards (1976). In addition, mobile homes shall be placed on a permanent foundation (in accordance with S.C. Code 1976, Tit. 40, Ch. 29 and section 19-425 of the S.C. Code of Regulations), underpinned, and a solid masonry or vinyl type skirting shall be installed within ninety (90) days from the receipt of the building permit for the mobile home or manufactured housing unit.

(Ord. of 1-2-00, § 4.7)

Secs. 13-89—13-120. Reserved.

ARTICLE V. DEVELOPMENT STANDARDS FOR SPECIFIC LAND USES**Sec. 13-121. Standards of this article additional to general development standards.**

The standards in this article are in addition to the General Development Standards in Article IV.

(Ord. of 1-2-00, Art. V)

Sec. 13-122. Multifamily housing.

(a) *Parcel size.* Multifamily projects shall be located on a parcel that is at least one-half ($\frac{1}{2}$) acre in size.

(b) *Building lines.*

(1) *Primary structures.* The minimum setbacks are as follows:

Front yard:	20 feet - abutting local roads
	35 feet - abutting collector, arterial or primary roads
Corner lot:	10 feet from the side road
Side yard:	10 feet from each side property line
Rear yard:	25 feet from the rear property line on each lot

(2) *Accessory structures.* Accessory structures shall maintain the same front and side setbacks as required by primary structures; however, the minimum rear setback shall be eight (8) feet.

(3) *Buffer requirements.* In addition to any applicable requirements as stated above, buffer requirements shall apply for any multifamily development. In an effort to protect adjacent single-family residential areas from potential impacts due to a proposed multifamily development project, extra depth in parcels adjacent to an existing or

potential residential development and a permanently landscaped buffer strip shall be required. Buffer types, including walls and fences, are specified in Appendix A of this chapter.

(Ord. of 1-2-00, § 5.1)

Sec. 13-123. Mobile home parks.

(a) *Parcel size.* Mobile home parks shall be located on a parcel that is at least three (3) acres in size.

(b) *Density.* Mobile home parks shall have a maximum density of two (2) manufactured housing units per acre.

(c) *Building lines.*

(1) *Permanent primary structures in a mobile home park.* The minimum setbacks [for permanent primary structures in a mobile home park] are as follows:

Front yard:	20 feet - abutting local road
	35 feet - abutting collector, arterial or primary roads
Corner lot:	10 feet from the side road
Side yard:	10 feet from each side property line
Rear yard:	25 feet from the rear property line on each lot

(2) *Mobile homes located in mobile home parks.* Mobile homes located in mobile home parks shall maintain the same front and rear setbacks as required by permanent primary structures (external boundaries of park). In addition, the minimum distance between mobile homes, as well as between mobile homes and any permanent structures, shall be twenty-five (25) feet on any side.

(3) *Accessory structures.* Accessory structures shall maintain the same front and side setbacks as required by primary structures; however, the minimum rear setback shall be eight (8) feet.

(d) *Buffer requirements.* In addition to any applicable requirements as stated above, buffer requirements shall apply for any mobile home park development project. In an effort to protect adjacent single family residential areas from potential impacts due to a proposed mobile home park project, extra depth in parcels adjacent to an existing or potential residential development and a permanently landscaped buffer strip shall be required. Buffer types, including walls and fences, are specified in Appendix A of this chapter.

(Ord. of 1-2-00, § 5.2)

Sec. 13-124. Commercial or office uses.

(a) *Parcel size.* Commercial and office uses shall be located on parcels of at least one-half ($\frac{1}{2}$) acre in size.

(b) *Building lines.*(1) *Primary structures.* The minimum setbacks are as follows:

Front yard:	25 feet - abutting local roads
	40 feet - abutting collector, arterial or primary roads
Corner lot:	15 feet from the side road
Side yard:	15 feet from each side property line
Rear yard:	25 feet from the rear property line on each lot

(2) *Accessory structures.* Accessory structures shall maintain the same front and side setbacks as required by primary structures; however, the minimum rear setback shall be ten (10) feet.(3) *Buffer requirements.* In addition to any applicable requirements as stated above, buffer requirements shall apply for any commercial development project. In an effort to protect adjacent single-family residential areas from potential impacts due to a proposed commercial land development project, extra depth in parcels adjacent to an existing or potential residential development and a permanently landscaped buffer strip shall be required. Buffer types, including walls and fences, are specified in Appendix A of this chapter.

(Ord. of 1-2-00, § 5.3)

Sec. 13-125. Industrial uses.(a) *Parcel size.* Industrial projects shall be located on parcels of at least one-half ($\frac{1}{2}$) acre in size.(b) *Roads and drives.* All roads and drives within the interior of an industrial development shall be paved.(c) *Public utilities.* Public utilities, including, water, sewer, and storm water drainage shall be required for all parcels, except where topography or other conditions are such as to make their installation impractical.(d) *Building lines.*(1) *Primary structures.* The minimum setbacks are as follows:

Front yard:	25 feet - abutting local roads
	40 feet - abutting collector, arterial or primary roads
Corner lot:	15 feet from the side road
Side yard:	15 feet from each side property line
Rear yard:	30 feet from the rear property line on each lot

(2) *Accessory structures.* Accessory structures shall maintain the same front and side setbacks as required by primary structures; however, the minimum rear setback shall be ten (10) feet.

(3) If a lot(s) is unusually designed, building lines must be designated on the plat.

(e) *Buffer requirements.* In addition to any applicable requirements as stated above, buffer requirements shall apply for any industrial development project. In an effort to protect adjacent single family residential areas from potential impacts due to a proposed industrial land development project, extra depth in parcels adjacent to an existing or potential residential development and a permanently landscaped buffer strip shall be required. Buffer types, including walls and fences, are specified in Appendix A of this chapter. (Ord. of 1-2-00, § 5.4)

Sec. 13-126. Townhomes and patio homes.

Due to the unique features and impacts of townhomes and patio homes, they are established as a conditional use development project. Unlike single-family dwelling units or mobile homes, townhomes and patio homes are constructed in accordance with safety standards that are applied to multifamily housing. As a result, in certain locations, it is safe and in the general interest of the public to permit these types of housing units on lots that are less than one-half (1/2) acre in size. However, because this type of housing is of a greater density than single family or mobile home development, special requirements are included to ensure that the development of these units does not pose a threat to the public health, safety, or welfare of the community, as well as to ensure that such development does not impose deleterious impacts upon surrounding properties.

(1) *Standards for conditional townhome and patio home development projects.* Townhome and patio home developments shall meet the following standards.

- a. Townhome and patio home projects shall have a minimum of one and five-tenths (1.5) acres. This applies to the entire project, not individual lots.
- b. The one-half-acre minimum lot size, as established in sections 13-52 and 13-87, shall not apply to individual lots within a townhome or patio home development. However, for a townhome project, the overall density shall not exceed ten (10) units per acre. For a patio home project, the minimum lot size for a lot that will be conveyed as a dwelling parcel shall be seven thousand (7,000) square feet. If there are to be any parcels that are to be conveyed to a homeowners association, such parcels shall not be subject to the minimum lot size requirement.
- c. The following setbacks for dwellings and other principal buildings shall apply to individual lots within a townhome or patio home development:

Front:	20 feet
Rear:	25 feet
Side:	0 feet or 10 feet (unless the structure is built on the side property line, the minimum side setback shall be 10 feet).

Accessory structures shall not be permitted in the front or side yard. They shall be permitted in rear yards, with a minimum setback of eight (8) feet.

- d. Not more than eight (8) townhomes may be joined together in a single structure.

- e. Public utilities, including, water and sewer shall be required for all townhome and patio home developments.
- f. Townhome and patio home developments shall have the same street and road requirements as are applied to multifamily housing in sections 31-82(2) and 31-82(3), of this chapter.
- g. Each unit within a development must be provided with two (2) paved parking spaces (which may be covered or in a garage) or a paved driveway that is large enough to park two (2) automobiles. Access to driveways and parking spaces shall be from interior subdivision roads or local roads only.
- h. In establishing a townhome or patio home development, the developer shall prepare and file papers for the establishment of a homeowners association to maintain common areas of the development.
- i. Townhome and patio home developments will include a buffer along the exterior of the development, constructed and maintained in compliance with Appendix A of this chapter. The buffer shall be located on an individually platted parcel to be conveyed to a homeowners association.
- j. Townhome and patio home developments may (but are not required to) include a club house, recreation center, swimming pool, tennis courts, open field, or similar amenities for the use of residents. If such amenities are included, they shall be located on platted lots that are to be conveyed to the homeowners association. Provisions for the management of these amenities shall be included in the documentation creating the homeowners association.
- k. Townhome and patio home projects shall be approved as an overall plan, showing all buildings, drives, buffer, and other applicable project requirements.
- l. Because of the conditional nature of townhome and patio home developments, the approval of a subdivision plat shall be by the county citizens planning commission, not by administrative staff. Consideration of approval shall be preceded by a public hearing, which shall be advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to the date of the hearing.
- m. Approval of a townhome and patio home development shall be based upon both a determination of the planning commission that the minimum requirements of this chapter are met and that the proposed development is compatible with the surrounding development. Factors of compatibility shall include overall density, the expected performance of the buffer in separating uses of differing intensity, and traffic generation. The meeting of minimum requirements on the part of the applicant does not obligate the planning commission to approve a proposal if the planning commission finds that the development is incompatible with surrounding uses.
- n. An application for a townhome or patio home conditional use development project shall include all information as required for subdivision submittal, as specified in

section 13-154, all information required for land development/site plan submittal, as specified in section 13-156 of this chapter, as well as the following additional information:

1. The plat shall include a notation that it is approved for townhome or patio home development only and that usage of any lot within the subdivision shall be limited to townhomes or patio homes.
2. A copy of the documentation to establish a homeowners association.
3. A notation on the plat of all parcels that are to be conveyed to the homeowners association.
4. Detailed notation on the design and composition of the buffer.

If information provided is not adequate for the planning commission to determine that the proposal meets all requirements with this chapter, or if the information is inadequate for the planning commission to determine that the proposed development will be compatible with surrounding uses, planning commission shall reject the proposal. Nothing in this clause shall prohibit the planning commission from postponing action, upon mutual agreement with the applicant, to allow the applicant to modify the plan or provide additional information.

(Ord. of 1-2-00, § 5.5)

Sec. 13-127. Communication towers.

To reduce the impacts of communication towers on neighboring land use activities, to provide separation between communication towers and residential land uses, and to encourage the co-location of towers when technically feasible, the following regulations are established:

- (1) *Demonstration of needs.* No new communication tower may be constructed unless the applicant provides written certification that the proposed antenna cannot be located on existing towers, buildings, or other structures within a one thousand two hundred (1,200) foot radius of the proposed tower location.
- (2) *Setbacks.* Any tower constructed subsequent to the enactment of this section shall be set back from all property lines a distance equal to the height of the tower, except as modified below:
 - a. No communication tower shall be located within one thousand (1,000) feet of an existing tower.
 - b. The following setbacks shall apply to any tower located;
 - On or within one thousand (1,000) feet of the nearest point of any parcel located in any platted subdivision containing twenty-five (25) or more lots;
 - On or within one thousand (1,000) feet of any parcel containing a multi-family housing development or mobile home park containing twenty-five (25) or more dwelling units.
 1. For towers which are no greater than two hundred (200) feet in height from the ground, the setback shall be two (2) times the height of the tower.

2. For towers which are greater than two hundred (200) feet in height from the ground, the setback shall be three (3) times the height of the tower.

For the purposes of this section, a platted subdivision shall be any subdivision that has been accepted and recorded by the Cherokee County Clerk of Court.

- c. In order to encourage tower locations in commercial and industrial areas, if a proposed tower location is on property that is not subject to the requirements of paragraph a. above, and is on property which has been listed on the Cherokee County Assessor's tax rolls for the previous year as commercial or industrial, the required setback shall be at least thirty (30) feet. In addition, no tower shall be located within a distance, equal to, or less than, its height from a residential dwelling unit, school, church or similar place of worship, stadium, park or playground.
 - d. All guy wires shall be located within the setback area.
- (3) *Fencing and landscaping.* Access to the tower shall be controlled through the construction and maintenance of a continuous and solid wood, brick, or treated masonry fence, or through the construction of a continuous link fence of at least eight (8) feet in height to surround the base of the structure. The fence may include a gate to provide authorized access.

In addition, a row of evergreen shrubs capable of forming a continuous hedge of at least five (5) feet in height (at the time of installation) shall be provided around the perimeter of the fence, except that the hedge is not required adjacent to the access gate.
 - (4) *Accommodation of tower co-location.* All towers shall be constructed so as to accommodate at least one (1) additional communication antenna below the primary antenna, which shall be made available to other users on a commercially reasonable basis.
 - (5) *Stealth towers.* Paragraphs (1) through (5) above shall not apply to stealth towers, provided that the antenna does not extend more than twenty (20) feet higher than the structure upon which it is attached.
 - (6) *Prohibition of advertising.* No advertising of any type shall be attached to a communication tower.
 - (7) *Removal of obsolete towers.* Any communication tower, whether constructed prior or subsequent to the adoption of this ordinance, shall be removed within one hundred twenty (120) days of the date such tower ceases to be used for its intended purposes.
 - (8) *Airport and aeronautical safety.*
 - a. With the exception of towers used for aeronautical purposes, communication towers shall not penetrate any imaginary surface, as described in Chapter 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77, as amended, associated with the existing or proposed runways at any publicly

owned airport, regardless as to whether said airport is located in Cherokee County. All communication towers located within the first twelve thousand (12,000) feet of the approach surface of an existing or proposed runway, or within the horizontal surface associated with such a runway as described in FAR Part 77 shall be lighted. Such towers shall be illuminated by strobe lights during daylight and twilight hours and red lights during evening hours. Prior to the issuance of a building permit, applicants shall provide documentation that the proposed communication tower has been reviewed and approved by the Federal Aviation Administration, if required in accordance with FAR Part 77.

- b. All communication towers shall be lighted in accordance with the most recent amendment of the Federal Aviation Administration Circular 70-7460, "Obstruction Marking and Lighting."

(9) *Site plan requirements.* In addition to the site plan requirements as specified in section 13-156 of this chapter, the following information shall be included on any land development plan submitted for a communication tower:

- a. The height of the proposed tower;
- b. Guy anchors;
- c. The distance from all guy anchors to the closest property line; and
- d. Any proposed fences or landscaped areas.

These additional site plan requirements (a.—d.) do not apply to stealth towers. For stealth structures, the applicant is required only to submit the proposed height of the antenna from the ground, as well as the height above the structure upon which it is to be attached.

(10) *Permit requirements.* Subsequent to the adoption of this section, no communication tower shall be constructed within the unincorporated portions of Cherokee County unless a communication tower permit shall have first been issued by the designated ordinance administrator.

Permit issuance shall be subject to the requirements and provisions of this section, as well as upon approval of a land development project site plan, as described herein.

The permit fee for construction of a communication tower or stealth tower shall be ten thousand (\$10,000.00) dollars.

(Ord. of 10-16-00, § 5.6)

Secs. 13-128—13-150. Reserved.

ARTICLE VI. ADMINISTRATION

Sec. 13-151. Process.

Approval of a subdivision or land development plan by the designated ordinance administrator is a pre-requisite to recording a subdivision plat or site development. The county council shall select the designated ordinance administrator.

(Ord. of 1-2-00, § 6.1)

Sec. 13-152. Subdivisions already approved or under construction.

(a) Individual lots and subdivisions that are recorded prior to the adoption of this chapter are valid, legal lots of record.

(b) Should a subdivision exist where improvements are in progress but the subdivision is not yet recorded, such project shall be allowed to continue as long as any permits (required as part of the installation of improvements), obtained prior to the adoption of this chapter remain valid. Once the issued permits have expired, the project shall meet all applicable requirements of this chapter.

(Ord. of 1-2-00, § 6.2)

Sec. 13-153. Land development projects already approved or under construction.

The completion of existing land development projects where applicable county building permits have been issued prior to the enactment of these regulations shall be allowed to continue as long as all building permits remain valid. Once the issued permits have expired, the project shall meet all applicable requirements of this chapter.

(Ord. of 1-2-00, § 6.3)

Sec. 13-154. Subdivision submittal requirements.

All applications to create or modify a subdivision shall contain the information required by this section and submitted to the county designated ordinance administrator.

- (1) A complete application form, as provided by the designated ordinance administrator, and approved by the county council.
- (2) Ownership information; statement of ownership. If the applicant represents the property owner, a notarized affidavit letter is required from the owner to authorize the request.
- (3) A warranty deed showing every individual person or entity having legal and/or equitable ownership interest in the property upon which the application is sought.
- (4) Legal description and boundary survey. The survey must bear the seal of a registered land surveyor to certify that the survey was completed in compliance with all applicable state regulations and survey standards. This requirement shall not apply if the subdivision meets the criteria for the exception, as stated in subsection (6) of this section.
- (5) Subdivision plat drawing. The subdivision plat must, at a minimum, include the following information:
 - a. Proposed lot boundaries;
 - b. Existing roads within or abutting the proposed subdivision;
 - c. Existing community driveways, if any;
 - d. Existing utilities lines, transformers, pump stations, or similar facilities;
 - e. Existing easements;
 - f. Proposed roads, if any, consistent with section 13-82. Inspection and approval of the roadbed, surface paving, driveway pipes, and stormwater runoff management shall be obtained from the county public works department prior to final approval and adoption into the county road system by the county council;
 - g. The means of access to each lot, either through a public road, private road, or easement;
 - h. Floodplain, as shown on the most current FEMA (Federal Emergency Management Agency) Army Corps of Engineers maps available in the county; and

- i. The subdivision plat must be drawn to scale and must bear the seal of a registered land surveyor to certify that the plan was completed in compliance with all applicable state regulations and survey standards. The county council shall have the authority to approve standards for plat requirements as recommended by the designated ordinance administrator.

This requirement shall not apply if the subdivision meets the criteria for the exception, as stated in subsection (6) of this section.

(6) Exceptions to subdivision survey and plat drawing requirements.

- a. If the subdivision results in the establishment of no more than five (5) total lots and no portion of the subdivision has been a portion of a subdivision created within the previous twenty-four (24) months, then the boundary survey, as required in subsection (4) of this section, and the subdivision plat drawing, as required in subsection (5) of this section shall not be required.

Instead, the applicant shall have the option of submitting a scaled drawing of the proposed subdivision, which must include the following information.

1. Existing and proposed lot boundaries;
 2. Existing roads within or abutting the proposed subdivision;
 3. Existing community driveways;
 4. Existing easements;
 5. The means of access to each lot, either through a public road, private road, or easement;
 6. A notation shall be included on the plat to state whether a registered land surveyor prepared the plat. If the plat is prepared by a registered land surveyor in accordance with all applicable state regulations and survey standards, then the plat shall bear the seal of the surveyor who prepared it.
 7. Nothing in this section is to be construed as relieving the applicant of compliance with any regulations for recording subdivisions as applied by the county clerk of court.
- b. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority (S.C. Code 1976, § 6-29-1110(2)(a)).
 - c. The division of land into parcels of five (5) acres or more where no new street is involved and plats of these exceptions must be received as information by the designated ordinance administrator which shall indicate that fact on the plats (S.C. Code 1976, § 6-29-1110(2)(b)).
 - d. The combination or recombination of entire lots of record where no new street or change in existing streets is involved (S.C. Code 1976, § 6-29-1110(2)(c)).

- (7) Fees. Applicable fees shall be paid at the time of submittal. Such fees shall be as approved by the county council.

(Ord. of 1-2-00, § 6.4)

Sec. 13-155. Recording of a plat.

No person shall submit a subdivision plat to the clerk of court unless the designated ordinance administrator has approved it as meeting the requirements of this chapter (S.C. Code 1976, § 6-29-1150.B).

(Ord. of 1-2-00, § 6.5)

Sec. 13-156. Land development plan/site plan submittal requirements.

All applications to create or modify a land development project, pursuant to Article V of this chapter, shall contain the information required by this section and submitted to the county designated ordinance administrator. This information is not required for the subdivision of property, but shall be required to obtain a building permit for a land development project, as defined herein.

- (1) A complete application form, as provided by the designated ordinance administrator, and approved by the county council.
- (2) Ownership information; statement of ownership. If the applicant represents the property owner, a notarized affidavit letter is required from the owner to authorize the request.
- (3) A warranty deed showing every individual person or entity having legal and/or equitable ownership interest in the property upon which the application is sought.
- (4) Boundary survey. The survey must bear the seal of a registered land surveyor to certify that the survey was completed in compliance with all applicable state regulations and survey standards.
- (5) Site plan drawing. The site plan must, at a minimum, include the following information:
 - a. Location map;
 - b. Existing lot boundaries;
 - c. Existing roads within or abutting the proposed project;
 - d. All driveways and roadways proposed for the site;
 - e. Existing utilities lines, transformers, pump stations, or similar facilities, (if any);
 - f. Existing easements, (if any);
 - g. Proposed buildings and structures;
 - h. Proposed parking areas, driveways and sidewalks, (if any);
 - i. Setback lines;
 - j. Buffer yard details, consistent with Appendix A of this chapter;

- k. Drainage features and conceptual stormwater management systems, (as required under S.C. Code 1976, Tit. 48, Ch. 14, relating to erosion and sediment control and South Carolina Department of Health and Environmental Control Regulations sections 72-101 through 72-440, relating to the permit application and approval process). Attachment of the South Carolina Department of Health and Environmental Control permit or the stormwater management and sedimentation control plan filed with South Carolina Department of Health and Environmental Control fulfills this requirement.
 - l. Floodplain, as shown on the most current FEMA (Federal Emergency Management Agency) Army Corps of Engineers maps available in the county.
 - m. The site plan must be drawn to scale and must bear the seal of a registered land surveyor to certify compliance with all applicable state regulations and standards. The county council shall have the authority to approve standards for site plan requirements as recommended by the designated ordinance administrator.
- (Ord. of 1-2-00, § 6.6)

Sec. 13-157. Procedures for county acceptance of a street.

The procedure for the acceptance of a street by the county council is as follows:

- (1) For a road to be adopted, all property owners abutting the road shall submit a right-of-way form conveying land to the county.
 - (2) Inspections and approvals. Inspection and approval of the roadbed, surface paving, driveway pipes, and stormwater runoff management shall be obtained from the county department of public works prior to final approval and adoption into the county road system by the county council.
 - (3) All of the applicable road standards of section 13-82 must be met.
- (Ord. of 1-2-00, § 6.7)

Sec. 13-158. Applicability of other laws and regulations.

Approval by the designated ordinance administrator implies compliance with this chapter only. Nothing in this chapter relieves any property owner or developer of any applicable laws or regulations of any federal or state agency or utility.

(Ord. of 1-2-00, § 6.8)

Sec. 13-159. Nonconformities.

(a) *Substandard lots of record.* Any lot created prior to the enactment of this chapter, whether individually, or as a part of a subdivision, that does not conform to the one-half ($\frac{1}{2}$) acre dimensional requirements of this chapter may nonetheless be used as a building site. If undeveloped at the time of enactment of this chapter, the development of any such lot shall be restricted to only one (1) principal building or mobile home. The designated ordinance administrator shall determine appropriate setbacks and buffer requirements for the use of

such lots. If developed at the time of enactment of this chapter, any buildings or activities may be continued, modified, rebuilt, or reestablished after discontinuance. However, the total area of all existing buildings or structures cannot be increased. Also, if reconstruction or the alteration of a building is sought, the designated ordinance administrator may establish reasonable setbacks and buffer requirements.

Any legally substandard lot of record must be identifiable by an official recording date at the clerk of court's office to be considered legally nonconforming.

(b) *Nonconforming buildings or uses.* Nonconforming buildings or uses are buildings or land use activities that were established prior to the enactment of this chapter and that do not meet one (1) or more requirement(s) of this chapter. To avoid undue hardship, the lawful use of any building or activity present at the time of enactment of this chapter may be continued even though such use does not conform to the provisions of this chapter. However, except for nonconformities that apply to the substandard lots of record provision above, a nonconforming building or activity shall not be;

- (1) Changed to a different nonconforming use;
- (2) Reused or re-occupied after discontinuance of use or occupancy for a period exceeding twelve (12) consecutive months;
- (3) Re-established, re-occupied, or replaced with the same or similar building or land use after physical removal or re-location from its site (except that a mobile home which is removed may be replaced by another mobile home within ninety (90) days of removal; also any structure that is significantly damaged or destroyed through fire, flood, wind, or similar natural disaster may be rebuilt), or
- (4) Enlarged or altered in a manner that increases the nonconformity. Alterations and modifications that do not increase the degree of nonconformity are permitted, as are routine maintenance and repair.

(Ord. of 1-2-00, § 6.9)

Sec. 13-160. Transfer or sale of lots.

Any transfer or sale of parcel(s), before such subdivision plat has been approved by the designated ordinance administrator, and recorded by the county clerk of court shall be considered a violation of this chapter and punishable as provided herein. The description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transfer shall not exempt the transaction from these penalties. The county may enjoin such transfer or sale or agreement by appropriate action (S.C. Code 1976, § 6-29-1190).

(Ord. of 1-2-00, § 6.10)

Sec. 13-161. Surety instruments.

In lieu of the completion of the physical development and installation of the required improvements of Article IV prior to the recording of the plat, the county council shall require

security, in the form of a surety bond, in an amount and with conditions satisfactory to it, to guarantee the actual construction and installation of such improvements and utilities within a period specified by the council.

(Ord. of 1-2-00, § 6.11)

Sec. 13-162. Enforcement, violations and penalties.

(a) *Enforcement.* The county shall enforce the following, as applicable, to ensure that all subdivisions and land development projects (new or revised) meet the requirements of this chapter.

- (1) *Recording.* Subdivisions or other land development projects not properly approved are not permitted to be filed or recorded.
- (2) *Building permit.* Building permits shall not be issued until the plan or plat bears the stamp of approval and is properly signed by the designated ordinance administrator (S.C. Code 1976, § 6-29-1140).
- (3) *Bond.* A surety bond shall be posted by the developer to cover the costs for the county to install the required improvements (S.C. Code 1976, § 6-29-1180).

(b) *Violations.* The designated ordinance administrator has the authority to determine whether a property owner/developer/subdivider is in violation of county land development regulations. Any violation of this chapter shall be a misdemeanor and, upon conviction, is punished in the discretion of the court. No transfer of title shall be permitted for any lot(s) created subsequent to enactment of this chapter unless approved first by the county. The clerk of court must record the approved plan or plat. A transfer violating this provision is a misdemeanor. If convicted, the court decides the punishment. A description by metes and bounds in the instrument or transfer or other document used in the transfer process does not exempt the transaction from these penalties (S.C. Code 1976, § 6-29-1140).

(Ord. of 1-2-00, § 6.12)

Sec. 13-163. Appeals and variances.

(a) *Appeals.* Any person who believes that he is aggrieved by an error made by an administrative official of the county in the enforcement of this chapter shall have the right to appeal any order, requirement, decision, or determination issued by an administrative official to the appropriate appeals body, as established by the county council.

- (1) Appeals related to Article III of this chapter and sections 13-82, 13-83, 13-84, 13-85, 13-86, and 13-152 shall be directed to the county citizens planning commission.
- (2) Appeals related to sections 13-87, 13-88, all of Article V of this chapter, and sections 13-153, 13-159, and 13-197 shall be directed to the county code enforcement board of appeals.

- (3) Appeals shall be submitted to the designated administrator of this chapter. Appeals shall be submitted on a form as approved by the designated ordinance administrator and must be filed within thirty (30) days from the date that the appealing party has received notice of the action from which the appeal is taken.
- (4) An appeal shall stay all legal proceedings in furtherance of the action appealed, unless the designated ordinance administrator determines that a stay would cause imminent peril to life and property.
- (5) In considering an appeal, the appropriate appeals board, as cited in subsections (a)(1) and (2) of this section, shall conduct a public hearing on the matter, with public notice advertised in a newspaper of general circulation in the community at least fifteen (15) days prior to the hearing date.
- (6) In rendering a decision on the appeal, the board may affirm, reverse, or modify the order, requirement, decision, or determination issued by the administrative officer.
- (7) All final decisions on orders and decisions of the board must be in writing and must be permanently filed with the clerk to council.
- (8) Any person who may have substantial interest in a decision of either the county citizens planning commission or the county compliance board of appeals with regard to a petition for appeal may appeal a decision to the circuit court within thirty (30) days of the date that the decision of the appeals board is made public.

(b) *Variances.* When a property owner can show that any provision of these regulations would cause unnecessary hardship because of topographical or other physical conditions unique to the site and in the opinion of the county code enforcement board of appeals that a departure may be made without destroying the intent of such provisions, such board may approve a variance. Any variance that is approved is required to be entered in writing by the board of appeals along with the reason for which such departure was justified.

In order to issue a variance, the board must find that all of the following conditions are met.

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property.
 - (2) The extraordinary and exceptional conditions do not generally apply to other properties in the vicinity.
 - (3) Because of the conditions present, the strict application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
- (Ord. of 1-2-00, § 6.13)

Secs. 13-164—13-190. Reserved.

ARTICLE VII. LEGAL STATUS PROVISIONS**Sec. 13-191. Interpretation.**

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public.

(Ord. of 1-2-00, § 7.1)

Sec. 13-192. Conflict with other laws, ordinances, or regulations.

Nothing in this chapter shall override any state law or regulation. Whenever the requirements made under authority of these regulations impose higher standards than are required in any statute or local ordinance or regulation, provisions of the regulations shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by these regulations, the provisions of such statute or local ordinance or regulations shall apply.

(Ord. of 1-2-00, § 7.2)

Sec. 13-193. Separability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole, or any other part thereof, other than the part so declared to be unconstitutional or invalid.

(Ord. of 1-2-00, § 7.3)

Sec. 13-194. Repeal of certain ordinances.

The following ordinances or parts of ordinances in conflict with any of the provisions of this chapter are hereby repealed upon enactment of this chapter:

- (1) Chapter 19, Roads and Bridges, of the Cherokee County Code of Ordinances.

(Ord. of 1-2-00, § 7.4)

Editor's note—The Roads and Bridges Ordinance is included in its entirety in Article IV of this chapter.

Sec. 13-195. Amendments.

The county may adopt and amend land development regulations by ordinance following a public hearing. Such hearing must be advertised by publishing a notice at least fifteen (15) days prior to the hearing, including time and place of such hearing, in a general circulation newspaper in the community (S.C. Code 1976, § 6-29-1130(b)).

(Ord. of 1-2-00, § 7.5)

Sec. 13-196. Effective date of Articles I through VIII of this chapter.

While it is desired that the intent of the regulations included in Articles I through VIII of this chapter be enacted immediately, to allow for the establishment of administrative

procedures and public education or ordinance requirements, these regulations shall take effect on and after July 1, 2000. During the period subsequent to the adoption of Articles I through VIII of this chapter by the county council and its effective date, Articles I through VIII of the chapter shall be considered pending.

(Ord. of 1-2-00, § 7.6)

Sec. 13-197. Pending ordinance doctrine.

After approval of Articles I through VIII of this chapter upon third reading of the county council, but prior to the effective date as set forth in section 13-196, the designated ordinance administrator shall not approve any land development project or issue any permit for a use that is contrary to or inconsistent with the regulations included within Articles I through VIII of this chapter.

(Ord. of 1-2-00, § 7.7)

Secs. 13-198—13-220. Reserved.

ARTICLE VIII. DEFINITIONS

Sec. 13-221. Definitions.

When used in this chapter, the following words and terms shall have the meanings indicated. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the content, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

Communication tower means a tower of greater than sixty (60) feet in height which supports communication (broadcast or receiving) equipment utilized by commercial, governmental, or other public or quasi-public users, including amateur radio operators, as licensed by the Federal Communications Commission. This definition does not include private home use of satellite dishes or television antennas.

County code enforcement board of appeals. Pursuant to S.C. Code 1976, § 6-29-780, the board is established as the board of zoning appeals. Powers and required findings of the board of appeals is consistent with S.C. Code 1976, § 6-29-800.

Developer. An individual, partnership or corporation (or agent therefor) that undertakes the activities covered by these regulations.

Land development project. The changing of land characteristics through development, redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, commercial and industrial structures, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Lot. A single parcel or tract of contiguous land intended as a unit for transfer of ownership, or for building development, or both.

- (1) *Area.* The total gross area of the lot including easements.
- (2) *Corner.* A lot with frontage on each of two (2) intersecting roads located at the point of intersection.
- (3) *Depth.* The mean horizontal distance between the front and rear lot lines.
- (4) *Double frontage lot.* A parcel having frontage on two (2) or more roads, which is not located at any intersection of such roads.

Lot width. The horizontal distance between the side lot lines at the building setback line measured parallel with the front lot line or in the case of a curvilinear road measured parallel to the chord of the arc between the intersection of the side lot lines and the road right-of-way line.

Manufactured housing. Factory-built, single-family structure that meet the National Manufactured Home Construction and Safety Standards Act (42 USC § 5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code. Includes mobile homes, modular homes, and system homes, consistent with the National Manufactured Home Construction and Safety Standards Act of 1976, but does not include travel trailers and/or recreational vehicles.

Manufactured housing subdivision. A parcel of land that has been planned, developed and improved, for sale or transfer, to receive the placement of mobile homes for non-transient use. For the purposes of this chapter, manufactured housing subdivisions shall be subject to the same regulations as single-family residential subdivisions.

Mobile home. Manufactured housing.

Mobile home park. A tract or parcel of land containing four (4) or more mobile homes or spaces for mobile homes that are rented or leased as a residential unit. See *Manufactured housing*.

Mobile/manufactured home permit. A document or certificate issued by the county authorizing the placement, alteration, or moving of a mobile home or manufactured home.

Multifamily development project. A development project which includes four (4) or more residential units on one (1) tract or parcel of land. A multifamily development project may include either four (4) or more dwellings constructed in one (1) building, or dwelling units constructed in separate buildings. Multifamily development projects include both:

- (1) Condominium complexes, in which individual units are privately owned but grounds are retained in common ownership; and
- (2) Apartments, in which all units and grounds are held by a single owner and are rented or leased to residents.

Multifamily housing. Multifamily development project.

Open space site. A tract of land provided in residential subdivisions, apartment complexes and mobile home parks to meet the local recreational needs and desires of residents. Such tracts shall include play areas, small parks, natural woods and areas of unusual scenic beauty.

Patio home. A single-family, free-standing, site-built residential dwelling designed and constructed with a small deck or patio at the rear of the home, the elimination of operational and/or translucent windows on one side of the home for privacy, and narrow lot designs in order for the construction of small enclosed courtyards, if desired, in the rear of each dwelling. The ground under each dwelling, as well as the surrounding yards, are individually platted and owned on a fee simple basis by the owner of the individual dwelling unit.

Planning commission. The county citizens' planning commission.

Plat. A map or drawing that is an accurate graphical representation of a developer's plan for a subdivision.

Private road. A road is private unless its right-of-way has been dedicated to and accepted by the state or the county council.

Public road. This means, relates to, and includes the entire right-of-way of roads, avenues, boulevards, highways, freeways, lanes, courts, thoroughfares, collectors, local roads, cul-de-sacs and other ways considered public and both dedicated to and accepted by the state or the county council.

- (1) *Primary road.* A street of exceptional continuity, either existing or proposed, that is intended to carry the greater portion of through traffic from one area to another.
- (2) *Arterial road.* A major road that serves as an avenue for circulation into, out of, or around the county. Also "farm-to-market road."
- (3) *Collector road.* A road that has the primary purpose of intersecting traffic from intersecting local roads and handling movements to the nearest arterial road. A secondary function is to provide direct access to abutting properties.
- (4) *Local road.* A road that has the primary purpose of providing access to abutting properties. Also "subdivision road."

Sanitary sewer. A constructed conduit connected with or as a sewer system for the carrying of liquids and solids other than storm waters to a sanitary treatment facility.

Setback line. The line indicating the minimum distance permitted between the road right-of-way line and any building, or any projections thereof, other than steps, eaves, chimneys, bay windows, and fire escapes.

Septic systems. A system for the treatment and disposal of domestic sewage by means of a septic tank and soil absorption systems.

Stealth tower means a communication tower designated and installed in a manner such that the antenna, supporting apparatus and associated structures are aesthetically and architecturally